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

Naples, Florida, January 19, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee-LDR Subcommittee, 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: Clay Brooker
Robert Mulhere
Mark McLean (excused)
Jeff Curl
Blair Foley (excused)

ALSO PRESENT: Richard Henderlong, Principal Planner
Sean Kingston, Senior Planner
Jaime Cook, Director, Development Review
Andrew Youngblood, Operations Analyst
Cormac Giblin, Planning Manager, Development Review
Jacob LaRow, Manager, Housing and Grant Development
Rachel Hansen, Senior Planner
Christine Fisher, Johnson Engineering
Laura DeJohn, Johnson Engineering
John "Jake" Harney, Habitat for Humanity of Collier County

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.

1. Call to Order - Chairman

Chairman Brooker called the meeting to order at 3:01 p.m. A quorum consisting of three members was convened.

2. Approval of Agenda

Mr. Curl moved to approve the agenda. Second by Mr. Mulhere. Carried unanimously, 3-0.

3. Old Business

a. LDC Amendments

i. PL20200001291-Community Housing Plan Initiatives 2 through 5

Mr. Henderlong told committee members that Eric Johnson, Principal Planner, usually handles this, but is unable to be here today, so Christine Fisher from Johnson Engineering will be presenting and going over the changes. Committee members saw the amendment last year, in June 2021. The County Attorney also made many changes. This meeting is to review all the changes.

Ms. Fisher: In 2017, the ULI concluded that Collier County had a housing affordability problem and recommended six core strategies. Later that year, the Board accepted the Community Housing Plan and authorized staff to begin implementation. The LDC amendments that you see implement several of those initiatives, 2 through 5, from the CHP.

- Initiative 2 streamlining conversion of commercial to residential zoning when approving, providing affordable housing.
- Initiative 3 is increasing activity centers from the density and activity centers from 16 to 25 dwelling units an acre when providing affordable housing.
- Initiative 4 was a creation of strategic opportunity sites (SOS). SOS as a subdistrict within the GMP for mixed use and density of up to 25 dwelling units to an acre when integrated with non-residential land uses with a high degree of employment opportunities.
- Initiative 5 is to increase density along bus transit corridors or transportation, transit-oriented development.

A draft was presented to this subcommittee on June 15th, 2021, and the subcommittee recommended removing the word "inner" from the definition of "transit core" and applying the provisions for mixed-use development to the C4 and C5 districts, in addition to 1 through 3. These revisions are included in this draft.

At the direction of the County Attorney's Office, staff was asked to make three additional revisions, primarily within LDC Section 2.07.00, but they affect other areas, as well. The first changed the verification-certification process from pricing only, which was an established housing price or rent affordability threshold, to income verification to be consistent with other housing programs. This also affected the program title, so it's now the Mixed-Income Housing Program for Housing That is Affordable.

The second requested revision revised the commitment timeframe, which originally was set for 10 years. They wanted it to be revised to 30 years to align with the tax-credit financing, which is the

primary financing tool for affordable housing. Most true income-restricted housing always requires a subsidy.

The third change was removing the requirement that the program applicants be employed within Collier County since that would be too difficult for the county to monitor for compliance and because of the change to income, rather than employment, qualification.

Regarding the LDC section that the subcommittee requested to be removed from the definition of transit core, that's on page 3. The definition is the area within one-quarter mile radius around the transit stop, shelter or station, and it's measured as a radial distance from the perimeter of the building or structure footprint of the transit stop, shelter or station.

Chairman Brooker said they'd seen much of this but asked if the Mixed-Income Housing Program was all new.

Ms. Fisher said it was not new language, just a new name and it's now income-verified. Before, it was a fixed-price point. The language was then modified within the 2.07 section.

Mr. Curl asked why the Collier County residency requirement was removed if the county is trying to encourage housing in rapid-transit or mass-transit situations. That seems like it's at odds.

Ms. Fisher said it wasn't a residency requirement. It was employment within Collier County and the County Attorney's Office was concerned that monitoring that would be too difficult.

Mr. Curl still contended that was at odds, allowing them to increase density along the corridor. He said residents should be encouraged to use CAT. He called it two separate things.

Ms. Fisher said she understood and mentioned the discussion that took place with the County Attorney's Office, and that ultimately, the monitoring aspect of the provision was the big concern for the County Attorney's Office, because they feared the County wouldn't be able to verify it.

Mr. Curl asked what other methods then are used, for example, to decrease parking allotments per dwelling unit, to encourage occupants to use buses. His perception was that the provisions were just a token, and that the message to developers is to simply request higher density if sites are located along a CAT route.

Ms. Fisher responded by saying there are numerous requirements.

Mr. Curl cited concern because the employment requirement, asking that they be employed within the county, was removed.

Ms. Fisher said there is no TOD transportation-oriented development provision. It's whatever density a developer can do based on zoning, so this provides an additional layer of having the ability to go up to 25 dwelling units an acre. However, a developer must provide something to back it up and it's a tiered bonus system, so a developer has to do many on the different levels of affordability. There are design standards involved and they must do a Planned-Unit Development, which would be in the agreement.

Mr. Henderlong informed the Committee that are changes in rewording to LDC section 2.07.02 Program Criteria.

Ms. Fisher said that section, on page 14, involved rewording for verification of income for program eligibility. It was reorganized, separating out the commitment from the verification and certification.

Mr. Henderlong noted that 2, 3, 4, and 5 were modified or reworded.

Mr. Curl asked if anyone else provided input or was it just the County Attorney who took a broad stroke at revisions.

Ms. Fisher said other staff members also provided revisions and everything was reviewed. She pointed out a change that occurred since the last meeting: Staff added a minimum size to Table 2. The building dimensional standards for principal uses in the base zoning districts have now been added for the C-1 through C-5 Zoning Districts, and the sizes are consistent with the minimum sizes that are required in the RMF-12 and RMF-16 zoning districts.

Mr. Henderlong mentioned it was a new table.

Mr. Curl noted that below the table, he can see that you can have 10 feet between structures. If I'm 75 feet tall, I only need 10 feet between structures, is that correct? He called it "absolutely massive."

Mr. Henderlong read from that section in the June document, which the subcommittee reviewed, and noted that language was there then, and it was 10 feet for a commercial zoning project.

Mr. Mulhere said what might help would be to say, "or as otherwise may be required by the Florida Fire Prevention Code." He believed there were requirements under that code that require a greater separation.

Audience: That involves C-3 only.

Mr. Mulhere said it would probably be okay because the minimum Fire Prevention Code would apply.

Chairman Brooker suggested changing the footnote so that it only applies to the C-3 zoning district.

Mr. Curl asked to clarify the meaning of the existing "A" minimum distance between buildings depicted in Table 2.

Mr. Cormac Giblin stated "A" equals 50% of the sum of the heights of the buildings, but not less than 15 feet.

Mr. Mulhere inquired about LDC section 4.02.40 A.4. in footnote #1 under Table 2, page 19. He did not have a problem with the minimum distance separation at 10 feet for 50-foot height as a single-family home is 7.5 feet and mostly 40-feet tall.

Mr. Curl commented about the lack of screening with the proposed provisions in LDC section 4.02.40 A.4.b. A Type B buffer won't do anything for a building of that height in terms of screening. Shopping

centers have a more stringent buffer requirement. Trees are upgraded based on their square footage. He didn't see any required landscaping upgrades to these dense projects.

Mr. Mulhere asked about the required buffers along common boundaries abutting single-family dwelling units and if it matters whether it is attached or detached single-family.

Mr.Mulhere said in a Type B buffer of 15 feet, it requires a 5-foot hedge and trees, 25 feet on center, but does not require a wall. He recommended a 6-foot prefabricated or masonry wall be required when adjacent to a single family dwelling.

Ms. Fisher noted that the setback increases according to the building height.

Mr. Mulhere said he understood not wanting to increase costs to incentivize affordable housing, but said something more substantial should be considered, in terms of planting something that provides a greater degree of opacity. A larger hedge could be required.

Mr. Curl suggested taller trees and cited 14-foot-tall trees that are required in shopping centers.

Mr. Mulhere suggested consulting Mark Templeton. Instead of an expensive wall, he suggested something more substantial in terms of the plantings.

Mr. Curl discussed the June 2021 version of the LDC amendment and commented that he did not want to eliminate trees from the core of the project but those would be dispersed to the perimeter.

Mr. Mulhere suggested larger trees (25 feet on center) or larger shrubs size, so that you get more growth.

Mr. Curl said landscaping is the cheapest thing you can add to any of these projects because masonry walls are expensive. To add it as a buffer, it will protect single-family homes.

Ms. Fisher said these apply only to commercial districts that are now getting and allow residential. This will make for more compatibility.

Chairman Brooker said he was getting confused by the order of discussion.

Mr. Henderlong said "we go page, by page" over the changes, which is a better approach.

Chairman Brooker said the document would be easier to read if the new changes were in a different color than blue. It is difficult to know what the committee members saw in June and what the County attorney did.

Mr. Henderlong said we could highlight changes in yellow.

Ms. Fisher said she wasn't involved with the original, so she doesn't know what has evolved with the changes. She could explain the County attorney's changes.

Mr. Mulhere questioned why, on page 4, everywhere throughout the document, the singular word "dwelling" is used when it says, for example, single family attached, multi-family or townhouses."

But, is it really limited to multi-family, single-family attached, or town-houses? Or are they just examples? He suggested that it be changed to conform with the defined term in the LDC: to "dwelling units."

Chairman Brooker asked to review the top of page 4, line 3, the density rating system. How does this tie into LDC Section 2.05.01? He questioned whether, on page 12, LDC section 2.05.01, Density Standards and Housing Types, is identical to the density ratings system in the Growth Management Plan? When referring to density ratings system, what are we referring to on line 3? Is it the FLUE? Upon reading, a person would not know what the density rating system is. Consider saying as set forth in the growth management plan or provided in FLUE.

Mr. Henderlong said it starts on page 14, LDC Section 2.07.01 footnote 2.

Chairman Brooker said upon reading, a person would not know what the density rating system is on page 4. Consider saying "set forth as provided in the Growth Management Plan or in the FLUE."

Mr. Mulhere, on page 14, section 2.07.01 A. states the intent is to provide a mix of housing for the use of density bonuses. He questioned would a project that only provides "Gap-income levels" or "moderate income levels" meet the definition of housing affordability.

Ms. Fisher said developers wouldn't be able to maximize their potential, using this program, unless they were providing a mix of income levels. It was acknowledged that a mix is using any one of the income levels and the program would not be used unless there is a mix.

Chairman Brooker commented that the text, on line 25 page 14, is unclear and confusing when terms are capitalized but not defined and then sometime uncapitalized, such as Housing that is Affordable. It occurs throughout the amendment and when it is bolded it would refer to a particular definition.

Ms. Fisher said it is the housing affordable program itself and it can relate back to sections such as Housing that is Affordable in section 4.02.40.

Chairman Booker questioned, on line 1 of page 15, if everyone understood the acronym "DO" and is it a defined term.

Mr. Henderlong put up on the screen the definition and Mr. Mulhere said it was okay or change it to read the full term.

Mr. Mulhere asked Jake Harney, from Habitat for Humanity, whether the county really wants to incentivize affordable owner-occupied housing, which he called the "kiss of death." (He agreed it works well for rentals.) He also asked how they lived with a 30-year restriction.

Mr. Harney said all their projects in progress today are "by right" and they're not asking for density bonuses on any of them. Currently, there are building four units per acre in Immokalee and six in Naples.

Mr. Mulhere said that was a long time for ownership product to be restricted. He noted that they'd talked about a lower restriction to incentivize, unless it's someone familiar with federal tax-incentive programs. A lower number should be considered.

Mr. Giblin said No. 4 says you can sell any time you want, but it restricts your equity. The 30-year restriction on a "for-sale" product is a deed restriction. If you sell three years later, you just won't make as much profit. On the ownership side, you are allowed 5 percent (profit) per year.

Mr. Mulhere called it an insane period of time, but he was okay with it. He doubted anyone would make much selling, except now, when housing prices are high.

Chairman Brooker asked if applicability of specific design criteria within the C-1 through C-5 zoning districts and now whether Section C applies only to the C-4 and C-5 zoning districts. Is that by design and intentional?

Ms. Fisher said it was. I applies to the C-1, C-2 and C-3 zoning districts, applicability.

Chairman Brooker mentioned, line 10 of page 18, it no longer applies to the C-1, C-2 or C-3 zoning districts, just the C-4 and C-5 zoning districts. Then C.3.b talks about the C-1, C-2 and C-3 zoning districts. Was he reading it wrong? Is it intentional?

Ms. Fisher said B is the applicability for C-1,C-2 and C-3.

Chairman Brooker further questioned the applicability of the provisions of the Commercial Mixed-Use Design Criteria of LDC section 4.02.38 C.

Mr. Mulhere agreed something was missing there.

Ms. Fisher agreed No. 2 was missing and it didn't change. She said they'll look at it again.

Mr. Mulhere noted that focus on affordable housing goes in waves due to the increase in property values and the significant lack of affordability. He appreciated the work everyone was doing and said he wasn't trying to be critical but wants to make it right

Ms. Fisher said they would review the committee's recommendations and comments and make some adjustments.

Ms. Fisher said the GMP still needs to be approved first.

Chairman Brooker noted the subcommittee changes would come back to DSAC.

[During the meeting, Mr. Henderlong typed all suggestions into the document for review and approval.]

Mr. Mulhere made a motion to forward the amendments and subcommittee changes to the full DSAC, with a recommendation to review and approve the changes the subcommittee suggested, most of which are for clarification, and to look at requiring a vegetative buffer when a mixed-use

project or residential project, in commercial, is adjacent to a single-family development. Mr. Curl seconded it. The motion carried unanimously, 3-0.

Chairman Brooker requested that staff include the concerns and comments of the DSAC-LDR and whether or how they were incorporated into the amendment.

Mr. Mulhere recommended including the entire sections of the existing LDC and proposed text sections (for ease of reading) for when it is reviewed by the CCPC and BCC. For clarity, staff agreed to add the existing LDC section's text.

4. New Business

a. LDC Amendments

i. PL20210001560 – Golden Gate Estates Lot Divisions

Mr. Henderlong gave an overhead presentation on the amendment to LDC section 4.03.06 Golden Gate Estates Lot Division and Appendix B, Typical Street Sections and Right-of-Way Design Standards. The subcommittee went through those amendments and suggested additional changes.

[Mr. Henderlong typed the clarifications and changes into the document to send for DSAC's review.]

He noted that this amendment shall clarify and require an access driveway with improvements to other lots, when vacant Golden Gate Estates' platted tracts that are not located on an existing roadway are subdivided into lots for connection to an existing roadway frontage lot. Staff identified 44-plus vacant lots, tracts that are 6.75 acres or larger, that could be subdivided into three or more lots. Over the past 30 years, the County has approved various minor subdivisions with differing improvement requirements, and by this amendment shall exempt these tracts of land from the construction plan and final subdivision plat, i.e., the PPL process, where there are no required subdivision improvements. Four examples are illustrated in the packet, Exhibit A.

Additionally, for Golden Gate Estate tracts of land that are subdivided from the front of the tract into additional lots that are behind the abutting front lot of an existing right-of-way, the amendment would require an access, utility and drainage easement, a 20-foot, dust-free driveway, and cul-de-sac or turnaround improvement. This is a new design for the dust-free gravel driveway relative to the Golden Gate access easement and is added in LDC Section, Appendix B.

Staff is recommending approval of the amendment, with the yellow highlighted changes recommended by the County Attorney's Office.

Mr. Mulhere said any particular project could not exceed 20 acres and asked about easement drainage access and the 20-foot dustless surface. Is it crushed rock?

Mr. Henderlong said it was Size 3 gravel. They could use Size 4 or higher, but staff thought Size 3 was fine. The easement is 30-feet wide.

Mr. Mulhere noted that the changes will make it a lot easier and less expensive to subdivide to three or four without having to put a road in.

Mr. Henderlong noted that they've done 19 over the years administratively with the full construction plans and plat. This will allow the County Manager to proceed with a minor plat approval.

Chairman Brooker asked if it was appropriate to say this would reduce the cost to property owners.

Mr. Henderlong said that was correct, that it was described that way in the narrative.

Chairman Brooker asked for clarification. So, as it reads now, when platted Golden Gate Estate tracts are subdivided into three or more lots from front-to-back and are not on an existing right-of-way, I assume it means one or more of those newly created lots are not on an existing right-of-way.

Mr. Henderlong said none of the lots can be on an existing right-of-way. If you have a tract on existing, or three tracts that are on existing rights-of-way, you can't subdivide it and you've got the right-of-way. So the front lot has to be on an existing right-of-way and the other tracts are behind it.

Mr. Mulhere said you can't subdivide it using this process, but everybody has access.

Mr. Henderlong said he could clarify that the front lot is not on an existing right-of-way.

Chairman Brooker said it needs to be clearer. It could say "one or more of such lots do not front on an existing right-of-way." He also suggested adding: "The owner or subdivider of such tracts shall be responsible for providing access to *all lots by constructing …*"

Mr. Mulhere made a motion to recommend approval of the amendments, with the subcommittee's suggested changes. Mr. Curl seconded it. The motion carried unanimously, 3-0.

b. Confirm Remaining 2022 meeting dates:

i. March 9, 2022
ii. June 15, 2022
iii. September 21, 2022
iv. December 14, 2022

Mr. Henderlong asked committee members to notify him by email if they have conflicts.

5. Public Comments

None

6. Adjourn

There being no further business for the good of the County, the meeting was adjourned by the order of the chair at 3:59 P.M.

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COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE

Chairman Clay Brooker

These minutes were approved by the subcommittee/chairman on APRIL 6, 2022, (check one) as presented X, or as amended _____.