

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, June 1, 2022

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3 P.M. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian  
Vice Chairman: Blair Foley  
David Dunnavant  
James E. Boughton  
Clay Brooker  
Chris Mitchell  
Robert Mulhere  
Mario Valle (excused)  
Norman Gentry  
Marco Espinar  
Laura Spurgeon-DeJohn (excused)  
Jeremy Sterk  
Jeff Curl  
John English  
Mark McLean

ALSO PRESENT: Lorraine Lantz, Deputy Department Head, Transportation Planning  
Ken Kovensky, Director, Operations & Regulatory Management  
Mike Bosi, Director, Planning & Zoning  
Matt McLean, Director, Public Utilities Division  
Eric Johnson, LDC Planning Manager  
Richard Henderlong, Principal Planner  
Mark Templeton, Principal Planner, Planning Review  
Patricia Mill, Operations Analyst/Staff Liaison

**1. Call to Order - Chairman**

**Chairman Varian** called the meeting to order at 3 p.m. A quorum consisting of 11 members was convened; one member arrived later.

**2. Approval of Agenda**

*Mr. Espinar moved to approve the agenda. It was seconded by Mr. Curl. The motion was carried unanimously, 11-0.*

**3. Approval of Minutes**

**DSAC Meeting – May 4, 2022**

*Mr. Dunnivant made a motion to approve the May 4, 2022, meeting minutes. It was seconded by Mr. McLean. The motion was carried unanimously, 11-0.*

**4. Public Speakers**

(None)

**5. Staff Announcements/Updates**

**a. Development Review Division – [Jaime Cook ]**

(None)

**b. Code Enforcement Division – [Mike Ossorio, Director]**

**Mr. Ossorio** reported that:

- They have a retention issue and lost a supervisor and an investigator this week.
- The numbers are down to 545, the lowest in years.
- We hope to hire three people next week, do more interviews and get to the base level.
- We're compressed from four areas to three to better understand the quality of service to the community.

*[Mr. Sterk joined the meeting at 3:03 p.m.]*

- There is new Special Magistrate this month, Patrick Neal; Brenda Garretson retired.
- Lien searches are above reproach.

**c. Public Utilities Department [Matt McLean, Director]**

**Mr. McLean** provided updates on the website, staffing and other issues. He reported that:

- The National Association of Counties recognized a joint effort by GMD and Public Utilities for doing the utility conveyance, moving it down to one step. That was thanks to DSAC, DSAC-LDR and the County Attorney's Office.
- We've caught up with the level of service, deviations and utility permits; service timeframes on those numbers have gone down significantly because we've used outsourcing.
- We've been hiring and filled a field senior project manager position in the Utility Planning Team; Drew Cody will be starting Monday. He's an internal candidate from Public Utilities, with a strong background in analytics, analysis and intelligence, so he's a good fit to help out with the updating standards initiatives we've had to put on the back burner.
- We backfilled a tech-support specialist.

- We hired an operations coordinator who is going to start on June 20 and will get involved with DSAC for utility coordination efforts in development.
- We had nine openings, filled four and need five more.
- We want to ultimately eliminate outsourcing as a means of maintaining level of service.
- We have a lot of backlog on Utility Standard Manual updates relative to product approvals and are waiting until we fill all positions on the Utility Planning Team.
- We have a couple more to go, a principal project manager position, and will then be full again.
- We're doing our best to keep up.

**d. Growth Management Dept. Transportation Engineering Division – [Lorraine Lantz, Deputy Department Head]**

**Ms. Lantz** provided an update on the Collier Boulevard widening project bridge location study:

- We're going to the Board of County Commissioners on June 28, with a recommendation to put the bridge at 27th.
- Right now, there's a bridge at 25th, going from Collier Blvd to 39<sup>th</sup>, and that bridge will become obsolete after the widening.
- We did a study to determine where a location would be. Access management-wise, we could not have it at 27 or 25th anymore, so it became Golden Gate Parkway and 27th or 29th.
- We had a public involvement meeting with about 100 people, who gave comments.
- An overwhelming number wanted it where there's a signal, so a lot wanted it at Golden Gate Parkway because of the signal.
- We did a warrant study for a traffic signal and 27th warrants a signal, so the bridge will be located at 27th with the signal.

**Mr. Mulhere** asked how far that was from Golden Gate.

**Ms. Lantz** said she didn't have the exact number, but it's about 40 feet short of being exactly where the access management code is, so it was within the area.

**e. Collier County Fire Review – [Shar Beddow, Deputy Fire Marshal]**

(None)

**f. North Collier Fire Review – [Daniel Zunzunegui, Deputy Director]**

**Mr. Zunzunegui** outlined the May monthly Fire Review Statistics and provided updates:

- There was a four-day turnaround time for both planning and building review.
- 820 reviews were conducted last month, with 777 in Building Permits and 43 in Development Review.
- There are 206 active permits in the queue. Although it keeps filling up, staff is doing a tremendous job getting everything out in time.
- A new code cycle took effect, with a grab-bar requirement that was tied into means of egress. The State Fire Marshal rescinded those requirements effective April 26.
- There were a few apartment multifamily complexes where it was no longer enforced and we reached out others and the CBIA to say it's no longer a requirement.
- Senate Bill 1140 passed and takes effect July 1. That involves fire-alarm system projects, small projects like monitoring permits or an existing system renovation with

20 devices/appliances or less. If it meets that definition, there's a simplified permitting process, so it's almost over-the-counter or self-issuing and we would provide an onsite inspection.

- We've been working closely with GMD staff to do portal upgrades for that permit.
- If we go onsite and find more work was done, they'd fail inspection and would have to reapply for a conventional alarm permit.

**A discussion ensued and the following points were made:**

- The new law involves horn strobes, heats, etc.
- If the panel is being replaced, this doesn't apply if it's a self-communicator, monitoring takeover, initiating device or notification appliance.
- We worked with GMD to come up with what information will be provided during the onsite inspection.
- There will be no plan review for those permits; the goal is to make them self-issuing.
- It's a PRFR, a fire permit; it doesn't come in as a PRBD.
- You must be a licensed contractor, an independent third party who handles it.
- Another new requirement, a Mass-Notification Risk Analysis, exceeds fire concerns and involves public safety with a high occupancy load; it's typically a quality assessment added into the engineering review, if it's required.
- The Mass Notification Risk Analysis is more holistic and involves a public safety emergency; they need to ensure it's submitted, conducted credibly by someone qualified and put into the public record.

**g. Operations & Regulatory Management Division – [Ken Kovensky, Director]**

**Mr. Kovensky** outlined the May monthly activity report and provided updates:

- Over 5,300 permits were processed.
- Staff came in over the holiday weekend to work on the backlog and got it down to 200-plus in the queue.
- We're currently working on last Friday, so we are pretty caught up.
- The Business Center manager, Kirsten, is doing a great job managing staff here and in four satellite offices by setting up a rotation schedule to enable staff to get acclimated to satellite offices.
- We're also cross-training for in-person permits and EPR permits, as well as routing.
- We've worked through the backlog in our zoning front desk and cleared all the inventory for anyone who wants callbacks.
- Callbacks were in the 200-call range and we're down to cleaning it out almost daily, so we're caught up.
- Calls coming into the Building Department were a little lower the past month or two, but still around 6,500.
- Abandoned calls dropped to a little over 200.
- We're still losing staff, but keep hiring.
- We lost another Contractor Licensing Code Enforcement Investigator, who is taking a job with the City of Naples for more money; he's replacing somebody who also used to work here.
- We're down to two out of the five full-time Contractor Licensing Investigators and have one KeyStaff temporary investigator, so we've got that position posted.

- The finance staff also has been depleted. We have four budget analysts. Two have been on FMLA or out of the office sick, and a third just resigned to take a promotion in another department.
- We're still down a couple of IT positions, an applications analyst and a GIS tech. We lost a long-standing employee of 15-plus years in operations. We're interviewing this week.
- CityView: We're looking at some of our internal processing and trying to streamline a few things, especially in the routing area where we're trying to automate items so we don't look at the same permit more than we need to and doing double reviews. We're trying to eliminate that.

**Mr. Mulhere** said the County website has improved since we last talked about the conversion. It's easier now to get to the zoning maps. But a measuring tool disappeared. He used it daily and asked if it could be reinstalled.

**Mr. Kovensky** said he'd look into it.

**Mr. Boughton** asked where he thinks we'll be in a year on construction level and workloads, whether they'll level off. The market is crazy with subcontractors and pricing. There's no guarantee that your current project, assuming you don't have any change orders, is going to end up where it is. That, plus inflation and interest rates, he doesn't believe it can continue this way. We're in for an adjustment in a year regarding demand for construction.

**Mr. Kovensky** said it's been pretty steady over the last several months, but has dropped off from the same period last year, which was explosive. The general consensus is they expect it to level off in six to nine months.

**Mr. Boughton** said he's seen things he's never seen in the 40 years he's been in construction, such as a subcontractor hands him a change order and tells him to take it or leave it, although there's no more scope.

**Chairman Varian** said we're all seeing it.

**Mr. Boughton** said we can't go on like that. It's uncharted waters.

**Chairman Varian** said fixed-price contracts, unless it's going to be done within the next 30 days and then 30 days after that, you can't get one.

**Mr. Boughton** said trusses are now nine months out.

**Chairman Varian** said longer, a year.

**Mr. Kovensky** said the County is seeing the same thing with County building projects, delays and backordered materials.

**Chairman Varian** asked about contractor licensing renewals. He has still not heard about his uploaded information. This is the certified renewal year. He uploaded his state certification information two months ago and there's been no movement.

**Mr. Kovensky** said the process is that we're about to mail out notices in July, so you're ahead of the game. He will check to see if staff knows it's there. It's not on their radar right now.

**h. Zoning Division – [Mike Bosi, Director]**

**Mr. Bosi** provided a report on staffing and other issues:

- One vacancy hasn't been filled, a senior planner at a level where we normally have better success in terms of being able to bring someone into GMD.
- In the past three months, we've filled principal planner and other positions.
- There's a steady request for pre-application meetings for rezones and GMP amendments.
- We expect a reshuffling in terms of the amount of business activity, which probably can't be sustained moving forward.
- The last of the housing amendments requested by the Board of County Commissioners will go before them on June 26.
- June will be a very busy month, with two Growth Management Plan petitions and rezone requests sponsored by Mr. Mulhere and his team.
- Agents are seeing a big push now to get some projects done before the election due to the known versus the unknown, so after the break, we expect to have a busy fall.
- Town of Big Cypress and another SRA (Stewardship Receiving Area), Brightwater, will be coming up for the Planning Commission and BCC.
- More entitlements continue to roll through relating to SDPs and plats, which will eventually get to your level.
- Pricing seems disconnected from reality. The market ebb and flow affects purchasing power and the willingness to execute second-home purchases and the demographics we service.
- The supply and demand imbalance here is solid, whether it's additional multifamily or single-family units, and we haven't caught up with the continued demand placed on this County due to the migration here.
- We're starting to see pricing start to adjust at the lower end of the market.
- When we do see a reshuffling or a downturn, it probably won't last long because there's a lot of product that didn't come out of the ground. We started to catch up and now we've got supply-chain issues of not being able to get construction materials.
- The rebound will probably be quick, but hopefully steady.

**6. New Business**

**a. LDC Amendment – PL20210000766 Off-site Boat Storage in C-4**  
[PowerPoint presentation by Ellen Summers, Senior Planner, Hole Montes]

**Mr. Johnson** said this is a privately initiated LDC amendment that went before the subcommittee last week and recommended approval based on several conditions of approval, some of which have been incorporated into the document you received by email. There's a staff presentation and the petitioner would like to make a presentation.

There are two voting conflicts. Mr. Mulhere and Mr. McLean will be abstaining.

**Ms. Summers** said they're proposing an off-site boat storage amendment to the Land Development Code in Section 50502, supplemental standards for marinas, and due to the last DSAC-LDR subcommittee meeting, also updating LDC Section 20303, Commercial Zoning Districts. She reported that:

- The client has a property on Newport Drive and Tamiami Trail in the Port of the Islands.
- In 2017, we requested a Zoning Verification Letter seeking clarification on whether this use is consistent with the C-4 District.
- We were instructed to move forward with a Comparable-Use Determination.
- Based on an interpretation at that time, which has since changed, we were deemed inconsistent and could not have offsite boat storage due to the Manatee Protection Plan.
- Now, years later, because it's not on water frontage, it's not deemed a marina and the Manatee Protection Plan doesn't apply.
- We initially applied for this privately initiated LDC amendment in 2021 and have met with staff several times and gone through many iterations of this LDC amendment.
- The subject site is directly adjacent to and about 360 feet away from an existing public boat-ramp facility; there's also a marina there.
- The idea is to allow for additional off-site boat storage at the subject site that would utilize the public boat-ramp facility; there are few conditions that would allow this.
- The red area is commercial C-4 zoning, the blue is Residential Districts and the green is Agricultural/Conservation Districts.
- This site is about 450 feet away RMF 12 Zoning District.
- Because we are proposing to allow this use within the C-4 District, we had to amend the C-4 Zoning District to identify this as a Conditional Use limited to the Port of the Islands.
- We have added our amendment to the supplemental standards for marinas and are now adding this title to off-site boatyards. A-H lists the additional standards for marinas, as well as the Manatee Protection Plan and we are adding a new subsection specifically for this use, which would be related to off-site boatyards, the storage of boats, boat trailers, trailer vessels and other related vehicles.
- It must be in connection with a marina or a public boat-ramp facility.
- This use will be permitted on a non-contiguous lot from such marina or public boat ramp facility.
- It will be required to adhere to Site Development Plan requirements and has an additional list of standards.
- The off-site boatyard must be within the C-4 Zoning District and will be required to go through a Conditional-Use Process and to the Board of Zoning Appeals, not a hearing examiner.
- A Neighborhood Information Meeting is required, with mailed notices and newspaper advertisements for the Conditional-Use Process.
- In addition to the existing mail notice requirements for the NIM, staff requires notices to be sent out within 1,000 feet of this non-contiguous boat storage lot.
- They must be sent out to all residential units relying on the roadway that separates the boat storage lot and marina and/or the public boat-ramp facility.
- The NIM will only be held between November and April, ensuring seasonal residents can attend.

- We are required to notify the County Manager or designee that we are having a NIM for a use that will be reliant on the public boat ramp facility.
- This off-site boat storage lot can be located no farther than 660 feet, measured from property line to property line, from the marina or public boat ramp; the SDP will identify that distance during a review.
- The off-site boat storage lot shall be located no closer than 100 feet from a residentially zoned parcel, excluding the Residential Tourist District, which allows marinas as a conditional use.
- If there is a residential PUD that has a residential tract, that would be excluded. That off-site lot would not be allowed to be within 100 feet.
- For the offsite boat storage lot, if it is separated by a roadway, that roadway cannot be a collector, an arterial roadway or any other roadway classification greater than that; those are roadways identified in the traffic circulation element of the GMP.
- There is a much smaller zoned building height requirement for these structures associated with this specific use that was recommended by the DSAC-LDR.
- That ensures that the maximum zoned height of 35 feet will be included for those principal and accessory structures related to the off-site boat storage use.
- There is a minimum setback of 20 feet, and 25 feet from a public roadway.
- There are additional screening and landscape buffering requirements. If this site has any outdoor storage, it shall be screened by an opaque wall or fence, not to exceed 8 feet in height, except for where the necessary ingress and egress is located.
- That wall shall be located between the storage location and the required landscape buffers.
- In addition to the landscaping and buffer requirements of LDC Section 40600, we are increasing the required height for trees at time of installation. They are typically 10 feet and will now be 16 feet.
- The tree height shall be installed at 25 feet on center.
- A required hedge must be 60 inches at time of installation.
- Another DSAC-LDR recommendation was to address lighting. All exterior light shall be shielded so it won't spill upon adjoining properties or beyond the property lines.
- This provision is to ensure this is not construed as any type of salvage, junkyard or any other type of facility where it would be more unsightly.

**Mr. Curl** said we heard last week that this may apply to this site and two or three others. Is that correct?

**Ms. Summers** said previously, yes, but with the changes since we last met, staff requested that this be applicable only to Port of the Islands.

**Mr. Curl** asked why they were going through a code amendment instead of a PUD.

**Mr. Mulhere** said he was recusing himself but wanted to explain that this was too small for a PUD. This is the direction we received and may seem like overkill.

**Mr. Curl** agreed.

**Mr. Mulhere** said the BCC is very concerned with changing land use without proper notification and in an LDC amendment there is no property owner notification, except in certain circumstances. There



was a recent highly public issue involving a food truck park on Isles of Capri. Property owners felt they weren't properly notified. That's because it was done through a zoning verification or comparable-use process. There are a few other recent examples of cases where people didn't feel they were notified. Staff said that was a deal breaker and were concerned. So instead of making it an allowable use, we suggested a conditional use. Then we'd have to notify people and hold a NIM, which we held three years ago.

This property is zoned C-4 and it's highly unlikely you're going to get typical C-4 uses at Port of the Islands because the population doesn't warrant supporting that. There are a lot of boaters, boating demand and a boat ramp there. Most people who would use this are trailering vessels down U.S. 41, so there's a benefit. The County's Comp Plan says the County should maximize the opportunity for the public to access navigable waters, the Gulf of Mexico. This does that.

We have a lot of restrictions that we might not otherwise have had in terms of notification. My client doesn't have a problem doing that notification. We committed to that. We also committed to the landscape buffer when we held a NIM and they asked for an enhanced buffer. It wasn't quite as enhanced as this buffer, but we already had committed to that.

**A discussion ensued and the following points were made:**

- Staff didn't agree with DSAC-LDR's recommendation on height.
- DSAC-LDR's idea was if you were going to have a 35-foot rack, measure from the ground to 35 feet. Now if you put a boat on the rack with Garmins, antennas, etc., it exceeds that height and enforcement would be ridiculous.
- This is for a specific site, for surface storage.
- DSAC-LDR didn't support the language after "inclusive of the boats, boat trailers, vessels ..."
- DSAC-LDR supported a sentence that said, "the zoned building height of all principal and accessory structures associated with the use ..."

**Vice Chairman Foley** noted that the subcommittee discussed this for a long time and asked Mr. Johnson to go over the subcommittee's recommendations versus staff's changes to provide the rationale behind them.

**Mr. Johnson** said we determined that it would affect two different properties, one owned by the petitioner and the one to the south, which is owned by Collier County. He noted that:

- This property has been zoned C-4 since 1982 and the petitioner's property is slightly over 2 acres.
- The County owns the public boat ramp that this amendment is being connected to; we didn't want to muddy the waters and call it a boat-launching facility.
- When staff analyzed this amendment, one of the first things they did was to look at the purpose and intent of the C-4 Zoning District because, as a privately-initiated amendment, we have to ultimately give a recommendation.
- If the recommendation is contrary to that of the petitioner, we can agree to disagree and move on.
- Staff's analysis first started with investigating the purpose and intent (highlighted text).
- The C-4 zoning district accepts automobile sales, marine vessels and the renting or leasing of equipment.
- A chart shows several boating-related uses, with boatyards highlighted, and you can see it's permitted by right in the C-5 and Industrial Zoning District, and conditionally in the VR Zoning District.

- Marinas, including boatyards, are listed as “permitted by right” in the C-3, C-4 and C-5 Zoning Districts and conditionally in the RT, the VR and the CF. That’s important to know because we want to base an evaluation and, ultimately, a recommendation on the uses.
- It’s a recent change to code and as proposed, the petitioner is amending Chapter 20303, Section D, adding a conditional use; it’s important to recognize how that fits in from a zoning perspective with respect to principal uses.
- The parcel owned by the petitioner has a self-imposed 35-foot building height maximum, which differentiates it between the C-3 and the C-2 Zoning Districts.
- Marinas are allowed as permitted-by-right into C-3, and that allows a height up to 50 feet, so this is lower than the C-3 Zoning District.
- Table 3 shows how the LDC amendment compares with respect to the setbacks and the C-4 Zoning District.
- The minimum front yard setback is 25 feet and the LDC amendment proposes 25 feet, so that’s the same.
- The side and rear setbacks are 20 feet, which is greater than 15 feet; staff thinks that’s a great idea.
- Privately initiated LDC amendments don’t require mail notification to affected property owners.
- The last time staff brought privately-initiated amendments through the public hearing process, the Planning Commission asked that in both applications, the Land Development Code amendment be processed at the same time as the Conditional-Use Application.
- Staff agreed with the petitioner that it would have changed from a permitted-by-right use to a conditional use. Conditional uses normally require a 500-foot mail notification area for a NIM. Staff and the petitioner collaborated and determined that 1,000 feet is a good idea. That switch is the same for intent to convert golf courses, a 1,000-foot mail notification area for the NIM, including all residential units relying on the amendment, the homes on Newport Drive.
- There’s a total of about 318 residential properties along Newport Drive and 56% of are not homesteaded, which means they’re rented out or seasonal. Unless they’re on our stakeholder list, they have no idea about this amendment.
- Having this kind of knowledge helps staff make better and more informed decisions.
- The applicant agreed to have the NIM for the CU during the time when seasonal residents are here.
- Staff has to look out and protect the health, safety and welfare of the residents and affected property owners, so a NIM from November through April 1 was a good idea; that was in conflict with the DSAC-LDR recommendation.
- DSAC-LDR struck out three of staff’s recommendations/conditions of approval. Those were highlighted in a memo you received Friday.
- The petitioner and staff agreed to enhance landscaping and taller trees.
- The subcommittee voted to remove the requirement for the second row of trees, so we wanted to make sure there was adequate buffering for the structures, boats and items stored onsite, etc., so we brought it back to the petitioner at 16 feet and they agreed.
- There is a 7-8-foot wall where there’s storage and above that would be the canopy of a shade tree.
- Shade trees would not be centered 30 feet on center, but 25 feet on center, so the narrower tree spacing helps the buffer.
- The concern about the 35-foot zone height for everything that was inclusive was to basically screen out boats being stored onsite where they aren’t allowed there today; the petitioner agreed.
- Residents live in this community and this is the first sight they’ll see when they enter the community and the last thing they’d see as they exit; petitioner agrees with that.

**Mr. Mulhere** said they didn't agree with the height language, 35 feet for the boat and everything on the boat, but agreed to other conditions.

**Mr. French** said we're talking about a boat-storage area where boats are on trailers. There is no passage of ingress or egress, nor is there a facility available to offload and load boats without a trailer involved here, so you don't have rocket launchers, Garmins, etc., on a boat. It's a storage facility that's allowing for marine storage on trailers, so we're not going to have forklifts on County roads, nor do we have a facility. They're utilizing a County park to do this, and they're still going to have to go through an agreement with County park officials to get boats licensed to be able to utilize this facility. This is a neighborhood park that offers boat launches.

**A discussion ensued and the following points were made:**

- This conditional use must go through a public hearing, with an opportunity to add restrictions.
- If it exceeds 35 feet, it would require a separate Conditional-Use Application.
- This must go through the Planning Commission and BCC and ensures neighbors and Parks & Rec get a say.
- If it were to be 75-foot tall, enclosed and air conditioned, it's allowed in the C-4 Zoning District, which allows the use as a Conditional-Use, motor freight, transportation and warehousing; SIC 4225 is air conditioned and mini- and self-storage warehousing only; it requires Conditional-Use approval and would have to be classified under that use.

**Mr. Johnson** said we recommend that DSAC approve this with the NIM occurring between November 1 and April 1; the mailed notice would be 1,000 feet; applications relying on a public boat ramp shall notify the County manager of the application and the NIM with a mailed letter of intent.

*[Mr. Dunnivant left the meeting at 4:05 p.m.]*

**Mr. Johnson** listed the DSAC-LDR recommendations and details about this site:

- Eliminate the proposed term "boat launching facilities" from the title of LDC Section 50502 and replace it with either "off-site boatyards" or "marinas and off-site boatyards." Staff did that.
- Eliminate the "inclusive of boats" text in LDC section 50502 G-5; staff is not in agreement.
- Clarify LDC Section 50502 G-7. The subcommittee asked that the wall/fence be located on the inside of the required vegetation – landward, not the street side; that was our attempt to meet that condition.
- Rewrite LDC Section 50502 G-8. The subcommittee recommended eliminating the requirement for a double row of trees in favor of a single row, 25 feet on center instead of 30 feet on center.
- The subcommittee recommended including a 60-inch-high hedge outside the fencing and the hedge shall be 10 to 15 gallons, depending on the Type-B Buffer requirements in the LDC.
- This site would require a Type-D Buffer along its north property line, a Type-D Buffer along its east property line, a Type-A Buffer along the west and a Type-A on the south.
- When the subcommittee recommended eliminating the second row of trees, we reasoned that we still want to ensure there's adequate buffering, so we requested that it be increased from 14 feet to 16 feet.
- Space is reduced from 30 feet on center to 25 feet on center and any hedges that are required would be installed at 60 inches.
- The wall or fence shall be located between the outdoor storage and the landscaping required within the buffers.

- Lighting on the premises shall be shielded so as to not spill upon adjoining properties or beyond property lines; staff agreed.
- Everything else in the LDC amendment shall remain as proposed by the applicant and exclude all three of staff's recommendations about the NIM dates, one-mile notification area and Letter of No Objection.

**Mr. Boughton** asked if the 660 feet was greater than current code or does it not exist?

**Mr. Johnson** said there's no code requirement for it right now, so to draw a connection between the off-site boat storage and public boat ramp or marina with a boat ramp, there had to be a number.

**Mr. Bosi** said the reality is that he couldn't develop this outdoor boat storage facility as the code exists. That's why he's proposing this. He has a property that's within 660 feet, so that's why staff arrived upon that number, to activate the allowance of an outdoor boat storage facility on this parcel.

**Mr. Mulhere** said 660 feet is a reasonable number.

**Mr. Brooker** said he wanted to reiterate the subcommittee's concern that it would be easier to enforce if it's 35 feet; they thought the one-mile notice was overkill; and requiring the NIM to occur between November and April opens the door to applying that to other applications and would cause delays.

**Mr. Sterk** asked what could be built there now.

**Mr. Mulhere** said retail, boat sails, boat storage.

***Mr. Brooker recommend approval with the following changes: 35 feet to the top of the structure; a 1,000-foot notice requirement; no limitations on the date for the NIM. It was seconded by Vice Chairman Foley. It passed unanimously, 10-0; Mr. McLean and Mr. Mulhere abstained.***

**Mr. McLean** said as a point of clarification for the future, when we recuse ourselves from voting on projects, we should completely recuse. If you abstain and participate, that's a no vote. The reason he recused is because he has 55 condos going in next door and we will be objecting to it.

**Mr. Mulhere** said he believed he could participate in the discussion and then abstain from the vote.

**Mr. Brooker** said Mr. McLean is quoting Robert's Rules of Order, which is not state law.

**Mr. McLean** said he opted to completely abstain from the discussion and vote.

**Mr. Espinar** said he's been on this Committee for 25 years and we've always been able to participate and then abstain from the vote.

**Mr. McLean** said he was concerned, especially at the subcommittee level, of swaying the vote. He could have participated and voted no but left during the subcommittee discussion.

**Mr. Mulhere** said the County could impose more stringent rules about conflict of interest, if they wanted to.

**Chairman Varian** said they've allowed members to participate in discussions so the committee could have the benefit of their expertise.

**Mr. Mulhere** said we've agreed to all the staff conditions, so he wasn't influencing anyone.

**Mr. McLean** said he just wanted to ensure he wasn't influencing the vote.

**Chairman Varian** said we could ask the County Attorney's Office to provide an opinion on that.

**Mr. French** said he and Bob have been working on this for a while. This is a unique property and he appreciates Bob's involvement in the discussion here because he and Bob have put a lot of thought into this. We know the hurdles that are going to be crossed for the property owner and think it's a very active property owner who really does see the benefit. He resides in the area and he's invested in the area. He owns the commercial marina in the area.

The population is not going to sustain a grocery store or gas station, so we don't necessarily know the highest and best use for this, but don't think this is a bad thing to ask for. Bob was able to show there is a spirit of cooperation here between the landowner and staff. It's not that we were overreaching here, it's based on what we were seeing with the activity of the Board, so we don't want to add to an already tough job. We've had numerous hours of conversation with Tanya Williams from Public Services to discuss how this could work and how they could be good neighbors. This is unique.

## 7. Old Business

**Mr. French** said the Committee asked great questions today. We don't know what the market is going to bear. He's watching like everyone else and would like to say nine months or 18 months. During the first recession we went through, where was Lorenzo Walker? What did they do? They cut off all the training, other than what Theo Exel at Conditioned Air, continued to fund for AC repair and AC training. Concrete masonry and others all went away because there was no demand. Everyone was shifting careers, so we're fighting for staff between industry and government and also between governments for this licensed staff that we desperately need in order to build these structures, in order to develop. There's a reduction in workforce that's inherent, that's been built in that now we saw a peak 10 years later.

Commodities are going to catch up, and when they do, the demand is going to drop because interest rates are far too high for anyone to invest in. Affordable housing is always going to be something we're going to be speaking about and he encourages the Affordable Housing Advisory Committee to start participating in these meetings, to show up and have conversations with DSAC because without DSAC at the table, it doesn't get built.

That differentiation of opinion shouldn't divide you because your industry is employed by that mission, and in order to do it, you must make the numbers right. There are some changes coming. We're hoping to see the BCC select a County Manager, so things settle down. There's a plan in motion to bring back the Conference of Planning and Affordable Housing policy and Economic Development back in this building, where they used to be and belonged, but were taken out by a former administration. We're encouraged by this because it ties right into your industry. We're hoping to bring that to you within the next six to eight months or a year.

**8. Committee Member Comments**

DSAC members agreed to skip the July meeting for summer break.

**9. Adjourn**

**Future Meeting Dates:**

**Aug. 3, 2022, 3 p.m.**

**Sept. 7, 2022, 3 p.m.**

**Oct. 5, 2022, 3 p.m.**

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:35 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE**



\_\_\_\_\_  
Chairman, William Varian

These minutes were approved by the Committee/Chairman on 8/3/22, as presented (choose one)  , or as amended \_\_\_\_\_.