

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, September 7, 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 (excused)  
Mario Valle  
Norman Gentry (excused)  
Marco Espinar  
Laura Spurgeon-DeJohn  
Jeremy Sterk  
Jeff Curl  
John English  
Mark McLean

ALSO PRESENT: Jaime Cook, Director, Development Review  
Michael Ossorio, Director, Code Enforcement  
Anthony Stoltz, Principal Project Manager, Public Utilities Division  
Lorraine Lantz, Principal Planner, GMD Transportation  
Ken Kovensky, Director, Operations & Regulatory Management  
Jamie French, Deputy Department Head, GMD  
Mike Bosi, Director, Planning & Zoning  
Michelle Mosca, Principal Planner, Comprehensive Planning  
Rich Long, Director, Building Department  
Eric Johnson, LDC Planning Manager  
Richard Henderlong, Principal Planner  
Patricia Mill, Senior 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; two arrived later.

**2. Approval of Agenda**

*Mr. Curl moved to approve the agenda, as amended. It was seconded by Vice Chairman Foley. The motion was carried unanimously, 11-0.*

**3. Approval of Minutes**

**DSAC Meeting – August 3, 2022**

**Mr. Valle** noted that he would be voting on the minutes but would abstain from the portion involving medical marijuana dispensaries.

*Mr. Dunnivant made a motion to approve the August 3, 2022, meeting minutes. It was seconded by Mr. Curl. The motion was carried unanimously, 11-0; Mr. Valle abstained from the medical marijuana dispensaries portion.*

**4. Public Speakers**

(None)

**Chairman Varian** noted that they'd wait for the item the speaker was interested in to allow her to speak.

**5. Staff Announcements/Updates**

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

**Ms. Cook** reported that:

- We have filled the environmental manager position. The candidate came to us from the state Department of Health in Orlando. Her name is Sarah Harrington.

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

**Mr. Ossorio** provided monthly statistics from July 22-August 21 and also reported that:

- We had an influx of employees coming and going, which, unfortunately, has been the theme for the last couple of months.
- Our numbers indicate that we have leveled off at our 12-month plateau average, which is about 695 cases and 2,500 inspections, so we're back to our 12-month average.
- We still have two people in training and we have one job posting that we've had posted for several weeks.
- Noise Ordinance: We trained three certified noise specialists last month and signed off on their qualifications. That brings the level of rotation up to five.
- We're doing a weed-nuisance abatement on Livingston Road, from Golden Gate Parkway to Immokalee Road. It's massive. Some weeds are about 5 feet high. If you get any complaints, tell them we have a huge task force on Livingston Road who will be there for about a month or two trying to get that cleaned up.
- On our central location, we finally got a court order from a judge to board up a nuisance abatement house, a drug house on Seagrape Avenue at Commissioner Taylor's request.

*[Mr. Espinar joined the meeting at 3:04 p.m.]*

- The CRA has a 17-acre parcel in Bayshore that was one of the biggest homeless camps we had last month, and we took care of that.
- The feedback we solicited from industry, consumers and homeowners for this month went down a bit in knowledge. There may have been one or two people who were disgruntled, so knowledge was at 72%, courteousness was at 92% and professionalism was at 85%.
- We had 72 cases in front of the Code Enforcement Board, which is significant. Of those, 69 were within the county and three were in the City of Naples.

**Chairman Varian** asked about the charts on short-term rentals. Does that have to do with the new rules that were put in place? You listed about 3% in cases by category, but there's no description of what the category is.

**Mr. Ossorio** said we hardly ever get complaints on short-term rentals. Usually, those are lumped together as noise or a litter, trash or nuisance complaint. That might relate to the ordinance and getting registered. We work on complaints, so we don't actively look. We're more reactive than proactive. However, that indicates the number of people who called in for service since being registered, not a nuisance or noise complaint. If it's a call, it's usually after 10 p.m. and that's when the Sheriff gets involved and when the noise ordinance kicks in versus the meter, which is usually during the day or involves music.

**Vice Chairman Foley** asked him to elaborate on the Livingston Road work.

**Mr. Ossorio** said there's been a lot of rain soaking in there, so they're working with the Transportation Division. We have two full-time people who will be there for several weeks notifying property owners. Some properties might be FPL, Grey Oaks or an abutting location. We try to be more proactive with weeds and trash, especially with major highways, such as Golden Gate Parkway and Airport Road. Livingston has been hit hard with rain, so we need to do something different due to five-foot weeds. We need to do better on that.

**c. Public Utilities Department [Anthony Stoltz, Principal Project Manager]**

**Mr. Stoltz** reported that:

- Level of service reports for Letters of Availability, Utility Deviations and FDEP permits are included in the agenda packet.
- When reviewing some PUD rezoning applications, we found that the proposed new uses indicated in the Statement of Utility Provisions do not always appear to be in sync with the use scenarios evaluated in the Traffic-Impact Statement. Sometimes the scenarios evaluated in the Traffic-Impact Statement could result in potentially larger flow demand than the scenario being utilized to calculate flow demand in a Statement of Utility Provisions. What we're interested in is the potential worst-case, new-flow demand that could occur beyond what is already allowed by the existing PUD and that the information presented throughout the submittal documents is consistent.

**d. GMD Transportation Engineering Division – [Lorraine Lantz, Principal Planner]**

**Ms. Lantz** reported that:

- The kickoff for the Vanderbilt Beach Road extension project will be held at the IFAS Center by the county fairgrounds from 5-7 p.m. September 15.
- The groundbreaking ceremony will be held on the following week, at 11 a.m. September 20 at St. Agnes Church. That project will be moving forward. It's a three-month process for construction.

**Mr. Curl** said there's a warning light or flashing light that has been flashing for a long time at Everglades and Randall boulevards. When is that going to be activated?

**Ms. Lantz** said there's a standard process for how long it has to be flashing before it becomes active. She'll look into it.

**Mr. Curl** said he's bringing it up because there are school buses on the road now and there's a lot more stop and go on the road and it's not an active light.

**Ms. Lantz** said she'll find out and provide the answers to Trish (Mill) and she can distribute that information to the DSAC.

**e. Collier County Fire Review – [Shar Beddow, Deputy Fire Marshal]**  
(None)

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

**Mr. Zunzunegui** detailed June and July Fire Review Statistics and provided updates:

- We had a five-day turnaround time for both building and planning reviews.
- We conducted 831 reviews as a team in August and 800 of those were building and 31 were planning.

*[Ms. Spurgeon-DeJohn joined the meeting at 3:11 p.m.]*

- There's a breakdown on some of the correction reviews and how many are coming through, so he wanted to compare those numbers to volume. About 25 plans came back to the team for a second correction, which is a third review. It's the second time we're looking at correction comments, and four came in for a third correction. So about 96% of plans are getting approved on the first or second submittal.
- Our team spends a lot of time talking to the industry, to contractors, architects, engineers and other design professionals. Recently we've been logging the time to try to quantify how much time we spend working with customers. For August, they spent over 65 hours in meetings and conference calls. They only log interactions over 15 minutes that involve correction-type issues or some help in advance. That's quite a bit of time, so that time is well spent and is making a difference in ensuring that we get plans to completion, construction is started and we help customers.
- There are 214 permits in the queue assigned to our team of six and they're getting those out as timely as possible.
- We recently published a new policy on existing panels fire-alarm systems. We run into this when panels are being changed out because they go bad or there's an elevator recall requirement and they need to upgrade a panel. We're looking at that now as a district. Before, it was more case-by-case, but more of a uniform guideline that as long as there's a like-for-like replacement or it's a replacement in-kind that's compatible with an existing system, it's not going to require a complete upgrade for the building. That's going to be helpful to the industry.

**Chairman Varian** said the industry would probably thank you for taking that time on those phone calls, instead of rerouting. Ten to 15 years ago, we would have to go through resubmittals and wait for comments and then go for the resubmittal, so we really appreciate that time that you put toward that.

**Mr. Zunzunegui** said if they ever get to a pain point and need more help, a meeting or collaboration, please contact them so they can make that happen.

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

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

- About 5,200 permits were applied for last month, which is consistent with the last six months.
- We're averaging just over 5,000 permits, which is similar to last year, except for a four-month bump in spring.
- About 200 permits are in the queue now.
- By the end of today, we'll be working on September 6, yesterday's permits.
- We have a strong contingent of people who come in over the weekend to work overtime and get the backlog down, so we're managing backlogs.
- The Call Center last month handled about 6,300 calls, with less than 300 abandoned, a good number.
- We have 34 vacancies now in our department.
- In the Operations Regulatory Management Division, we have nine positions open, with five currently posted. Two are going through interviews this week and two are pending. Of those, a senior budget analyst will start next Monday. That position has been vacant for quite some time. The other pending position is our revenue supervisor, which was Evelyn Trimino, who had been there for several years. She was promoted to a CityView support position as an applications analyst, so we've been looking to fill that for a couple of months. A candidate accepted and is going through the process.
- We've filled several positions. Trish Mill was promoted to senior operations analyst. We hired Jess Bonilla as an operations analyst and she'll be working in our group and possibly supporting the DSAC. We hired Tommy Thompson as one of our three permitting supervisors, a position vacated by Sonie Clarke-Boyle, who'd been here six or seven years. She was one of many people who left the department, specifically our division, and went to HR. We lost five people to HR in the last several months. Kevin Summers, who is now handling some Zoom meetings, was promoted to Manager of Technical Systems Operations and he'll be continuing to support our internal help desk, as well as Zoom-related items.
- We have a couple of other assignments where we're looking at shifting some people and assignments across-the-board.
- A code investigator and an operations coordinator who filled a spot in our GIS group started this week.
- We've been in the process of contractor licensing renewals over the last several months. We have processed 2,400 state licenses and about 1,140 local licenses out of 9,000 renewal notices we sent out. That breaks down to about 6,000 state licenses. We've done slightly over one-third of those and about one-third of the 3,000 local licenses.
- The need for and reliance on addressing checklists can be streamlined, so we have looked at the process and whether it makes sense. Jason Regula, Manager of Technical Assistance Operations, will tell you what we've been doing.

**Mr. Regula** reported the following:

- It's a quick and easy change.
- We're removing the e-mail process, so the checklist will be submitted with the petition, just like you normally would, and then you'll go through the normal process.
- We'll send out a notification between now and when he ends it on September 30.
- There's no need to e-mail it to us ahead of time. We'll bring that process inside CityView. That will optimize the process instead of touching these checklists so many times to review them. Because it gets submitted with the petition, we have an obligation to review it, so we end up looking at them more than once and sometimes again later.

- We're also removing a requirement: There were several applications that we identified that were not required per the Administrative Code, so those applications are getting updated by Development Review & Zoning and will no longer be required.

**Mr. Curl** asked, You're removing address checklists from that requirement?

**Mr. Regula** said it never should have been a requirement. Somehow, it slipped into the submittal items and requirements within CityView, but in our analysis, it was a requirement for the Administrative Code.

**A board member** asked which were being removed.

**Mr. Regula** said the agricultural clearing notification, the agricultural clearing permit, the alternative architectural design, the conditional-use extension, the development-order amendment and the non-conforming use change.

**Mr. McLean** asked if there was an update on the Chief Building Official.

**Mr. French** said he'll be addressing that.

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

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

- We are hitting the fall season and the Board of County Commissioners is back in session and we have a crush of Land-Use Petitions that are now hitting the CCPC and BCC. On September 15, we have seven petitions. It stems from the length of time it's taken us to get the Isles of Capri petition approved. We spent seven hours on the first and probably spent over four hours. We're not sure how many more petitions we'll be able to push, which complicates things because on October 6, we're hearing Bright Shores SRA, the mental health facility on Golden Gate Parkway and other petitions. He and Jamie just came back from the County Manager's Office briefing of the county, where they presented the 2022 Annual Update Inventory Report CIEE, which for the first five years is about \$1.6 million worth of improvements across all divisions and departments. That's coming up.
- We are probably going to have to coordinate with the Planning Commission for an overflow day, an additional day, to get enough on the agenda to move them forward and we're also coordinating with the County Manager's Office, which is a little sensitive to how many land-use petitions the Board of County Commissioners will tolerate within one day and how much can it accommodate.
- We had a quiet summer, but all the petitions start flooding in fall and we're going to have to deal with that.
- Two items have been added to the September 13 Board hearing. One is to require commercially zoned properties adjacent to residential properties to notify adjacent properties if an SDP or an SDP amendment is requested on that commercial property, and another item is proposing a moratorium on self-storage facilities on the East Trail. We proposed this four years ago as part of the East Trail Development Plan.

**Mr. Mitchell** asked what the limits were for the corridor on the East Trail.

**Mr. Bosi** said it was from Price Street and U.S. 41. Michele Mosca could answer that.

**Ms. Mosca** said it was from Palm Drive down U.S. 41 to Port of the Islands. The core area is Palm Drive to U.S. 41.

**Mr. Mitchell** asked what happens if there's an open conditional-use application on a property to do that.

**Mr. Bosi** said if you've got a conditional-use application in process, you can go forward on that conditional use. You won't be able to apply for an SDP and you're not going to be able to apply for a building permit because it's all DOs. It's what the moratorium references, so you can go through the conditional-use, get approved and wait for the moratorium. Michele put together a schedule that tentatively completes the East Naples Community Development Plan in late June 2023, so that would be the anticipated end.

**Mr. Mitchell** asked if the intent is to enact a moratorium or to discuss a moratorium.

**Mr. Bosi** said it's to discuss a moratorium to see if they can gain enough support for a moratorium to direct the County Attorney's Office to advertise and bring back a moratorium.

**Mr. French** said this was initiated at the commissioner level. Staff has had limited visibility on this one. This was not staff initiated, nor did we work on this.

**Mr. Mitchell** asked if the BCC understands this is market-driven. That whole corridor is market driven.

**Mr. French** said this isn't being handled by Growth Management. We consulted with the Manager's Office today only because one of the promises he's continued to make is that he'd give the DSAC visibility on anything coming up. She was in agreement with it, but it'll be a publicly advertised meeting on Tuesday, so we're neither encouraging you nor persuading you, but this is on the agenda, which goes to print this evening.

**Mr. Mitchell** asked if there was a set time.

**Mr. French** said he'd told them all he knew.

**A discussion ensued about SDP notices and the following points were made:**

- The SDP amendment on the agenda involves abutting properties, touching the boundaries of the property line.
- The County Attorney's staff will return the item to the DSAC based on the BCC recommendation.
- This would involve an SDP or SDP amendment, such as a pre-existing gas station that's changing a canopy or adding a new logo, or adding a stairwell to a building, which would require an SDP amendment. Those things would be considered *de minimus*.
- If it's a non-conforming use, all neighboring property owners would have to be notified.
- The community has made it clear it wants information fed to them, not made available to them. All this information is already available.
- GMD was notified about this yesterday afternoon when it was added to the agenda.

**Mr. French** provided some updates:

- He wanted to thank Jason and Ken because when he returned to the GMD last year, addressing was always something he had concerns about, but didn't have an opinion on how it was done. The direction from our office was do everything you can to not necessarily eliminate it because we recognize the importance of the process for the Tax Collector, first responders and the Property Appraiser. But we wanted to make every effort possible to automate that because we've automated so many other things and spent so much money on CityView, so why not automate this?
- We're fortunate in this community to have the depth of knowledge we have. It's a continuing struggle to keep up with industry demands and we're appreciative of the staff who gives up their personal time to work overtime or get paid straight time to get work done on weekends.
- We're in the negotiation process for the Building Official. There is a dollar figure in mind for this candidate, who he won't name. We have the support of the County Manager's Office.

- There were two very good candidates, one better than the other if you look at them differently as far as qualifications, licensing and community engagement. One is from Schaumburg, Illinois, and the other is Fred Clum (interim chief building official), who many of you have worked with.
- This has identified the need for a Deputy Building Official, so he and Rich wrote a job description, which was sent to all directors to review, and the job description has been submitted. We're trying to create that position. It does not mean he'll be asking for another FTE if it's approved. They can reclassify a vacant FTE position. We've got over 30 vacant positions.
- This may help us reconsider the candidate we didn't select to see if there's interest.
- Rather than just a single incumbent, we should have multiple incumbents in that job in case there's a vacation, a tragedy or illness, so a licensed person will always be there.
- The Deputy Building Official will be paid accordingly based on the job description and license requirements, so it doesn't put you or the community at risk.

**Chairman Varian** thanked him for inviting him to participate in the interviews.

**Mr. French** said the CBIA, Fire Districts and others also participated. We wanted the feedback.

**Mr. French** continued with his updates:

- Jake LaRow, from the Housing Department, has joined us and will be heading the Economic Development & Housing Policy division, which used to be within this building.
- We're bringing back comprehensive planning and resiliency because there is a relationship there for long-range planning and much of the resiliency efforts we're seeing, especially with the AUIR piece for stormwater economic development, housing, as well as infrastructure needs. We have a candidate in mind. The job was posted for a about a month, there was an extremely light candidate pool and we weren't blown away by anyone, so we're looking at someone internally on an interim basis. We're working on that with Trish through HR.

**Mr. Brooker** said to remember that if you're giving notice to a residential property owner who lives next door to a commercial property owner, that residential property owner bought their property knowing they would be next door to a commercial property.

## 6. New Business

### a. LDC Landscape Code Amendments [Jeff Curl]

**Mr. Curl** said we just kept finding more and more inconsistencies in the code, so the request is to get it back down to the subcommittee level, review it, tighten it up and send it back to the DSAC.

**Chairman Varian** asked for a consensus (they agreed).

**Mr. Curl** asked if anyone could sign up for the Subcommittee. We're having a problem with a quorum on the DSAC-LDR.

**Mr. Johnson** noted that the meetings are usually quarterly, but they've had more special meetings lately to try to accommodate LDC amendments.

**Mr. Mitchell** asked for the definition of a quorum on the DSAC-LDR.

**Mr. Johnson** said it was three out of five. The next meeting is September 21. We get a lot of work done and recognize that you're all volunteers.



**Mr. McLean** said the meetings last for hours. The problem is that DSAC-LDR meets on Wednesdays and he's on the Design Review Board in Naples then, which is a conflict, because the city's schedule was wrong.

**Mr. Johnson** noted there are a lot of conflicts, but they need to ensure this room or another is available and they need five or more business days so they can send a press release. He suggested they vote on the LDC code amendment.

***Vice Chairman Foley made a motion to send the LDC Code Amendments back to the DSAC-LDR Subcommittee. Second by Mr. English. The motion passed unanimously, 11-0.***

**A discussion ensued over the DSAC-LDR's need for more members:**

- Sometimes there are conflicts of interest and members can't vote on an item.
- It's rare that the meetings last over two hours.
- The September 21 meeting will be 2 p.m., not the usual 3 p.m. start time.
- A DSAC member could show up to a Subcommittee meeting.
- They could choose backups or all DSAC members could be backups.
- The Subcommittee meetings are very important.
- They could meet on the third Tuesday so it's fresh in their minds before the DSAC meeting.
- Members prefer a time later in the day.
- They could consider an alternate location for a meeting room.
- Trish could alert them if there won't be a quorum for a meeting or if someone has a conflict and can't vote on an item, so there wouldn't be a quorum.
- Backup members who show up beyond the five Subcommittee members would be non-voting members but could participate in the discussion.
- The DSAC vote is the one that matters and goes to the Planning Commission and BCC.
- They can work with the County Attorney's Office to ensure there's no conflict.
- Members would be interested in participating in the Subcommittee if an item involving their expertise is being discussed; they'd like to be notified about that.

**b. Building Recertification Inspection Program [Rich Long]**

**Mr. Long** said the County Attorney's Office put together a draft ordinance that mirrors state statute requirements and identifies Code Enforcement as being the enforcement arm in the event of non-compliance by a community. It covers the ability to ask for extensions. We're working on putting some initial information on our website and hope to get that done by this week.

Ken's group is working on where it's going on CityView, whether it's going to be done through the portal. We created an e-mail address, in case the portal is not up and running. Once an executive summary is put together and it goes through the BCC, then we'll start putting it into place.

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

- The County is required to send a notice to HOAs, saying your building is due for an inspection within this fiscal year.
- Under the statute, an HOA has 180 days after that to send the county a Phase 1 report.
- If they ignore that, we need something in place, so we'll send another notice to say their time has expired and ask if they need an extension.
- If they don't respond, Code Enforcement would open a case and go through their process.
- Code Enforcement's only duty is to say the HOA did not provide a report. The Code Enforcement case would reference that.
- The report will be reviewed by staff.

- The state statute lays out what's required in the report.
- The report must be completed by a licensed architect or engineer.
- This item will go before the BCC in October.

**c. Neighborhood Information Meeting (NIM) potential improvements [Mike Bosi]**

**Chairman Varian** noted that they have a public speaker for this item.

**Mr. Bosi** said the executive summary he provided the Board of County Commissioners shows five base components as potential options to incorporate into the Neighborhood Information Meeting. He reported that:

- This stems from the Neighborhood Information Meeting that was held at Paradise Coast Sports Complex that couldn't move forward.
- The Board of County Commissioners was concerned with extending rules of decorum that apply to the BCC and Planning Commission to a public meeting that's required by the county and presented by applicants.
- One option was to allow an applicant to hold two Neighborhood Information Meetings, one in person and one remote, which allows you to have much better control over how people interact and how the meeting flows.
- One concern related to the Collier-Vanderbilt project was that the public never got to hear the specifics of the project from the applicant because one meeting was canceled because there were too many people in the facility and the second was canceled because some attendees refused to allow speakers to talk.
- We're proposing an option to require standard language about rules of decorum within the public notice and advertising of NIMS.
- Another petition the County Attorney's Office has on the September 13 agenda is an update to a 1975 resolution that deals with public decorum at Board of County Commissioners meetings. It would give more specificity to when the BCC can ask people to leave, and if that doesn't work, to have them be removed from the premises.
- This request would extend the rules of decorum to advisory boards, so the Planning Commission and the DSAC would have the same opportunity if people were problematic.
- Another option would be to require security details at NIMs. That's when the DSSAC would want to provide input. The majority of NIMs go well, so is it fair to make a requirement for all NIMs to have security or would it be only for NIMs where opposition is anticipated? That's a hard decision and there are pros and cons.
- Another rule would be to require that all speakers state their names and addresses. That's hard to enforce but at the NIMs, we reiterate to the crowd that when you get up to speak, please state your name and address. Sometimes the public complies and sometimes the public doesn't want to comply.
- We are contemplating incorporating these suggestions into the Administrative Code that deals with the Neighborhood Information Meeting conduct.
- We also were contacted earlier by (the public speaker) Ms. Emblidge, who indicated she had suggestions for modifications to the Neighborhood Information Meetings.
- We also wanted to hear what suggestions the DSAC has based on conditions we're facing.

**Chairman Varian** asked the speaker to come to the podium.

**Margaret Emblidge** said she recently joined Agnoli, Barber & Brundage Inc. as planning director. She knows a few DSAC members from years ago and she's been around for about 30 years in the industry. She stated that:

- We recently conducted a Neighborhood Information Meeting and the number of property owners who had to be notified was out of this world. The cost was over \$1,000 or more when you add staff time and the cost of mailings, etc., so we looked at other options.
- She recently worked for Hendry County as its Planning and Community Development director for 7½ years and we engaged in a transportation land-use study and contacted the property owners surrounding the Everglades Airport to say we were conducting a study. We used postcards to contact them.
- Collier County could use postcards for NIMs, which would save time and money and translate into a savings for county staff time and money for the notifications they have to send out, but her focus is NIMs.
- [She handed out examples] They used Instaprint, which takes care of addressing and postage. You provide a basic design and they give you a mockup.
- You can save a half to one-third of the cost of what we went through for that one NIM.
- She told Mike Bosi and Ray Bellows about the idea and asked if they'd consider it as an option. Her understanding is that they both liked the idea. Hopefully, they can speak to the County Attorney's office about this approach after this meeting to see if it meets legal requirements.
- We took the letter we sent for the NIM and put all the elements on a postcard and it's legible, so you're not missing anything that would be on an 8½-by-11 letter folded in an envelope.

**Mr. Brooker** said that his knowledge, there are no state statutory requirements regarding notices of NIMs, so this would be the county's decision on whether they want to adopt this.

**Ms. Emblidge** said that's her understanding and she believes the LDC language is flexible enough that they could pursue it without an amendment, or they could pursue an amendment.

**Mr. Mitchell** said he's a big property owner rights advocate and one of the other options that you can present is that if speakers don't follow the rules of decorum, then that's considered a public meeting and they don't get input because they're disrupters and all they want to do is shut everything down. That's where we are in society. If they can't conduct themselves, why should the property owner get punished for behavior they can't control? The property owner mailed notices, paid the costs and did what they're supposed to do. If a meeting is held and a property owner follows all the rules and participants can't conduct themselves in a professional manner, then that should count as a NIM.

**Mr. Bosi** said he was at the Collier Vanderbilt Neighborhood Information Meeting and there were 125 people there, the majority were quiet and eight people disrupted it, so he understands what they're saying. The people who wanted to participate were punished, as well. If the DSAC's suggestion is that it satisfies the requirement, we have the option for a virtual-only NIM, which is not as costly and can be better controlled.

**Mr. English** asked if virtual could be the only option. He thought they had to have both.

**Mr. Bosi** said it's one of the options. If the meeting is disruptive, the petitioner can reschedule it using a virtual-only NIM. Is the DSAC saying why not have a virtual-only option?

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

- If people truly want to hear and have legitimate question and you have to cancel because the venue is not large enough or people are disruptive, the problem can be solved with a virtual-only NIM. Someone from planning can be there. There will never be a capacity issue and you can mute disruptive people, so everybody gets the benefit of a presentation.
- The DSAC votes have consequences and have expanded the LDC.
- If the county keeps expanding the notifications, we can expect more disruptions.

- Mr. McLean participated in a virtual-only NIM with 50 people and it was very organized. He believes someone muted people until it was their turn to speak. That sets the standard.
- You could make a rule that if they're disruptive, that will count against them.
- Another benefit of a virtual NIM or Zoom meeting is that the county requires a transcription, audio or video recordings, so Zoom recordings can be provided. It's easy to satisfy that requirement.
- Mr. McLean attended a virtual NIM out-of-state with 50 people and county planning staff moderated, which provides a shield, a buffer to disruption. The county planning staff person turned it over to the applicant, who makes a presentation, and then it's turned over to a county staff person who mutes people until it's their time to speak.
- Reasonable people can still ask questions and it removes the possibility of violence.
- People have refused to state their names or addresses at NIMs and then they rant. If virtual-only were provided, disruptive speakers like that could be muted.
- If disruptions occur after a warning, people will be told this will be considered a positive meeting for the petitioner.
- Virtual NIMs would make it all transparent.
- A property owner's burden is ever increasing.
- If this occurs and the county amends its LDC and the Administrative Code to incorporate these changes, the DSAC will have another opportunity to weigh in and develop the language.
- This meeting today is to get suggestions from the DSAC.
- Can the county consider criminal charges if there is disruptive behavior that holds up an official proceeding? Until you do that, there are no consequences.

**Mr. Bosi** said he'd consider that advice when drawing up a proposal.

**d. PL20200002482 Eliminate \$25K Minimum Value of the TDR Base Credit in RFMUD [Michele Mosca]**

**Ms. Mosca** said this item comes at the direction of the BCC and reported that:

- The genesis of this is from the Rural-Fringe Mixed-Use District (RFMUD) Re-study that occurred in 2017 and it's been moving forward slowly.
- This would remove that minimum value for the base TDR credit.
- The DSAC-LDR Subcommittee reviewed this in December of 2020 and unanimously recommended approval.

**Ms. Mosca** asked if the DSAC had questions or a recommendation.

**Vice Chairman Foley** recommended they approve it.

**Mr. Curl** said he'd second it and asked if Ms. Mosca found anyone in favor of keeping the dollar value of the credit.

**Ms. Mosca** said she'd spoken to several property owners and a group of property owners within the one-mile distance from S.R. 951, one mile east of that. They're concerned that the value of their sending lands is much greater. She's also spoken to several property owners farther east and they don't have an issue with it, so there's still a mix.

**Mr. Curl** said if the market is going determine the value, then why are you setting a minimum? Why would anyone be in favor of this.

**Ms. Mosca** said she didn't set the minimum. She can't answer that.

**Mr. Curl** said he heard all five master plans years ago, and resoundingly, there was no good reason for that, except to say that Commissioner Coletta established it 20 years ago and it was just a vague number and had no real meaning.

**Ms. Mosca** said your question was, “Did she talk to anybody?” She did and some people have concerns. They didn’t elaborate what those concerns were. She had a conversation with the County Attorney’s Office and because that initial credit was established at \$25,000, the three additional credits add more value at the market rate. She can’t say if people will be upset about it, but there’s no additional takings issue with this change.

**Mr. Brooker** said he was on the Subcommittee and asked why it had taken a year and eight to nine months to get to this point.

**Ms. Mosca** said we’re doing this because of the RFMUD amendments. They’ve been delayed multiple times. We had a backlog because of the COVID pandemic and we got caught up, but the Planning Commission delayed the transmittal of the amendments. The BCC then delayed the transmittal of these amendments. What staff wanted to do was wait until we received transmittal from the BCC approving that to move forward with an LDC amendment. That’s what we typically do. Now it’s been through the state. We’re coming back for adoption hearings and are looking toward the end of December to accomplish that.

*Vice Chairman Foley made a motion to eliminate the \$25,000 minimum value of the TDR base credit in the RFMUD. Second by Mr. Curl. The motion passed unanimously, 13-0.*

## 7. Old Business

### a. LDR Subcommittee’s recommendation and report back to DSAC on CBIA’s request to increase automobile parking within front yards on pie-shaped or *cul-de-sac* lots for Single-Family Dwelling units [Rich Henderlong]

**Mr. Henderlong** said the DSAC Subcommittee met to talk about this action item that was brought to the full DSAC by the CBIA, which asked the DSAC to take a look at and reevaluate the 40% rule for designated parking in the front yard setback for single-family residential on pie-shaped or cul-de-sac lots. He noted that:

- The CBIA submitted documentation on four projects, and it was specifically identified as a problem related to high-end communities like Vanderbilt-Connors and Pelican Bay subdivision.
- Staff presented a problem statement and gave six or seven questions to the Subcommittee to consider. At their last meeting, they went through the documentation.
- The Subcommittee unanimously made a recommendation not to go forward with changing the current regulation because there wasn’t enough evidence to prove this is a problem that warrants reconsideration.
- In fact, the four homes in question were able to go ahead, redesign and come up with a building structure with a parking garage within the principal structure.
- Another concern was that if we try to go beyond the 40%, we’re moving closer to covering up the entire front lot of a single-family lot, specifically as it relates to a cul-de-sac or pie-shaped lot. That was the problem.
- We researched and found that in 2002, when that rule was first codified, it was tied to a duplex in Golden Gate City. There were 11 parking lots. People were parking on a corner lot on a duplex and you had cars parking there, 11 spots. That’s how it got the attention of the BCC and the community at large and got codified in the rules.
- The bottom line is this Subcommittee is saying there isn’t enough information to justify a change in the rule.

Mr. Curl said he expected to oppose this and praised staff for presenting a good argument for not moving forward.

Mr. Brooker said the telling fact for him was that the four major problem cases were all resolved. The question was: Is the problem large enough to change the code for? The Subcommittee unanimously felt it wasn't.

*Mr. Curl made a motion to recommend that the designated parking requirement remain as adopted in LDC 40503A for single-family dwelling units on cul-de-sacs and pie-shaped lots. Second by Mr. Brooker. The motion passed unanimously, 13-0.*

**8. Committee Member Comments**  
(None)

**9. Adjourn**  
**Future Meeting Dates:**  
Oct. 5, 2022, 3 p.m.  
Nov. 2, 2022, 3 p.m.

*Mr. Brooker made a motion to adjourn the meeting. It was seconded by Mr. Curl. The motion passed unanimously, 13-0.*

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:23 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE**

  
\_\_\_\_\_  
Chairman: William Varian

These minutes were approved by the Committee/Chairman on 11/2/22 as presented (choose one)  , or as amended \_\_\_\_\_.