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

Naples, Florida, August 24, 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
Eric Johnson, LDC Planning Manager
Sean Kingston, Senior Planner
Zachary Karto, Principal Planner
James Sabo, Planning Manager
Derek Perry, Assistant County Attorney
Chrissy Fisher, Principal Planner, Johnson Engineering

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 3:05 p.m.; a quorum of three members was present.

2. Approval of Agenda

Chairman Brooker said at the suggestion of staff, they will be moving New Business before Old Business to tackle 3.a, the RLSA item, because that might be time consuming.

Mr. Curl made a motion to approve the agenda, as amended. Second by Mr. Mulhere. The motion was carried unanimously, 3-0.

3. New Business

a. PL20220003445 RLSA Updates [Eric Johnson – PowerPoint Presentation]

Mr. Mulhere said he emailed Assistant County Attorney Derek Perry, Chief Assistant Attorney Heidi Ashton and County Attorney Jeff Klatzkow before the meeting, but unfortunately his email was hacked and the County doesn't receive his emails. The topic was that he has at least three different land owners he's working with in the RLSA, so there is, at the very least, a potential perception of a conflict of interest that his involvement in this item could accrue to the benefit of his clients, so he will abstain from voting because he hasn't received any legal advice. That leaves you with two for now to vote.

Mr. Johnson said he believed Mr. McLean would be arriving late.

Mr. Curl noted that if they discussed it, it still would move to DSAC.

Mr. Johnson said there would be no recommendation from the Subcommittee and it would just go to the DSAC as is. He's not sure how they want to proceed on that.

Chairman Brooker said they should do the Scrivener's Errors first and then move to the RLSA after that, in case other members arrive later.

Mr. Johnson said staff's preference is to have it move forward as efficiently as possible. The DSAC-LDR's next scheduled meeting is Sept. 21, which is after the DSAC meeting.

Chairman Brooker said his preference is to have a DSAC-LDR Subcommittee's recommendation on the record. Let's move to 3.b, Scrivener's Errors now.

Mr. Mulhere asked if they'd heard from Mark or Blair.

Mr. Johnson said he heard that Mark is tied up at a city meeting and would be late and believed Blair said he'd be here, but he wasn't certain.

Mr. Mulhere suggested they poll the DSAC-LDR members to see if they can meet before the DSAC meeting in late September to ensure DSAC has its recommendation.

Mr. Johnson said that was their prerogative.

A brief discussion ensued over scheduling a meeting.

Mr. Johnson said Bob was suggesting they could meet before DSAC's September 7th meeting, possibly before September 1st and the conference room is usually used on Tuesday, Wednesday and Thursday. These rooms are available on Fridays. There's no reason we can't meet on a Monday or a Friday, provided he has 72 hours' notice.

A discussion ensued over scheduling and the availability of the conference room.

b. PL20220005067 2022 Scrivener's Errors [Sean Kingston – PowerPoint Presentation]
Mr. Kingston said this amendment corrects Scrivener's errors and updates various code citations and references throughout the LDC. The PL number is PL20220005067. These changes are necessary to keep citations current and language appropriate. Research to relevant codes was applied for validity. This amendment makes corrections in the following LDC sections. He offered to go through each individually.

Mr. Curl said that wasn't necessary, that it was straightforward.

A brief discussion ensued about Tab 5 containing the Scrivener's Errors to the LDC.

Mr. Mulhere made a motion to approve PL20220005067 2022 Scrivener's Errors. Second by Mr. Curl. The motion passed unanimously, 3-0.

c. Discussion of Neighborhood Information Meeting Process Modifications

Chairman Brooker said he brought this up at the last DSAC meeting. There was a proposed amendment that came before the BCC recently about amending the NIM process. The amendment referenced issues, such as security possibly being required at the cost of the applicant, and rules of procedure or protocol were going to be developed that should be observed by all NIM attendees. But it was continued by the BCC to discuss at a later date. He's not certain if it was rescheduled.

Everyone sitting here has probably attended a NIM where people lately are feeling rather emboldened and can get aggressive and disrespectful, to the extent where we saw some violence erupt at a recent NIM one or two months ago. In his opinion, the County is now on actual notice that NIMs can become violent and dangerous. The solution in the draft he saw was to have contractors hire a safety/security detail. Instead, he thought the Subcommittee could discuss the options of having virtual-only NIMs. You solve many, many problems by doing that. We've all become used to performing virtually now.

He didn't know if anyone could say where that proposal and modifications are with respect to the BCC and whether DSAC can have input. After he brought it up at the full DSAC meeting last month, he talked to Jaime Cook afterwards and she said she took notes at the meeting and would give it some thought. Since then, he spoke with Jamie French, who seemed to think it wasn't really going to involve anything other than rules of behavior or protocol in front of the BCC, as opposed to at NIMs. But that

wasn't what he read. Maybe someone from staff can say where the draft is, the next steps, and whether this is something we should bother with.

Mr. Johnson said he believed it was the County Attorney's office that was establishing the rules of decorum for Board of County Commissioner hearings. A different effort involved Mr. Bosi submitting an agenda item for NIM changes and one option that was included was a virtual-only option. It's wise to have all the different types of methods, at least for a discussion point of view. Ultimately, it's going to be whatever the Board of County Commissioners decide. If the Subcommittee wants to provide input, it should probably come from the full DSAC so it would be communicated to Mr. Bosi.

Chairman Brooker said when he brought it up at DSAC last month, he was told the Subcommittee should hear it first.

Mr. Johnson said if that's the case, then you can talk amongst yourselves and come up with a plan.

Mr. Mulhere said Mike Bosi did write something. He heard a lengthy discussion at the Planning Commission about a month ago and Rich Yovanovich was there and was called on to provide his input. Rich attends many NIMs and some of the rest of us actually put NIMs together and have unique input into the challenges. If we feel there is a likelihood of a large crowd and some degree of security concerns due to that and there's a possibility of having an unruly meeting, we engage off-duty Sheriff's deputies, typically two, sometimes three. There's no guarantee they're available, so you have to ask. They get $50-$60 an hour and the client pays for that.

NIMs have gotten pretty expensive. It costs a lot of money to have a couple of IT guys there for six hours making sure that everything is set up properly because we're having them in all different locations with different technological capabilities. We've had to have Wi-Fi hotspots because where we were wasn't adequate. We've had problems where, even though we thought it was adequate, people couldn't hear on the Zoom call, so he now writes a disclaimer in his company's ads that say, "We're making it available as a courtesy, and we are not responsible for any technological problems that might occur."

If we go to mandatory, one thing that has to be considered is certain locations that are already deemed to have the adequate technology, which could limit the number of locations. That means they may be a little farther away from where a NIM would be otherwise be held because we try to have them in close proximity to wherever the petition is being impacted.

The other thing that was discussed was the quality of the recordings. My company invested thousands of dollars, more than $10,000 and probably closer to $20,000, to purchase equipment that will allow us to videotape from a couple of different locations and audiotape at a high level, instead of the tiny recording devices on the microphones, which are backups. Then we have two IT people who attend every NIM to set it up, monitor the Zoom call and make sure everything is working. And we typically have at least another two planning staff members at every NIM.

The process is probably five people for an average of four hours, so NIMs have gotten expensive. It's part of doing business. He wrote the original NIM LDC amendment, along with the County Attorney's Office, about 24 years ago, before NIMs were required. Now, almost every jurisdiction has NIMs, which is a good thing.

But where there is a potential of physical violence or harm, or people are so disruptive that it's now continued for a month or two, such as the case Clay (Brooker) cited, they couldn't even hold a second NIM. The Planning Commission also discussed something that would regulate and suffice if people don't follow the rules of decorum. If you don't, you've lost your chance to have an opportunity for us to explain what we are doing because the intent of a NIM was to allow the applicant to explain what they were doing and then take feedback, not dialogue, feedback from the folks who are impacted by it.

It's a good idea and he prepared a standard slide that he uses now at all NIMs on their rules of decorum, which says this is required, what we're going to do, how we expect people to behave, and if you don't talk into the microphone, it's not going to get recorded. Mike was talking about maybe having the staff person be the facilitator, as the Administrative Code indicates. Both representatives from Comprehensive Planning and Zoning do not need to attend so long as one is there. He also was thinking that staff should speak at the beginning of the meeting and lay out the rules of decorum as the County staff person and then hand it over to the person handling the NIM. He usually introduces staff at his NIMs because people like to talk after meetings and get advice or a business card, so having a staff person would help.

The Planning Commission also was discussing the disparity in the quality of the recordings of NIMs and their inability to get a benefit from hearing the recordings sometimes. The summary is just a summary and some people want to actually listen to an entire meeting or watch the entire meeting. The audio with video helps and is better than just audio. They were talking about what potentially may be considered a safe harbor – and that would be a verbatim transcript.

We had a meeting recently where we did a verbatim transcript out of an abundance of caution and it cost several thousand dollars, so for anything that's potentially controversial and you need a safe harbor, you're probably talking about $12,000-15,000 for a NIM. It's the cost of business. All of these things should be considered, but he's not sure the Planning Commission had the benefit of hearing from enough people. They only heard from one person.

Planning Commission members don't go to the meetings, they're not putting on the meetings, they don't necessarily know what goes into it. They might have benefited from a little broader discussion about that, but Mike Bosi does have a draft. If that draft was continued by the BCC, it'd be nice for us to see what those recommendations are.

Mr. Curl agreed that it should come through the Subcommittee, which would make a recommendation to the DSAC and then it would go to the Planning Commission. He wants people to understand that many developments came to a complete stop during the recession, so if this is a $15,000 bill for a NIM, it's going to keep a lot of people in the future from doing business in Collier County.

Mr. Mulhere said many aren't like that. A lot are short and productive, but increasingly, that is not the case.

Mr. Curl agreed. He's been on the other side of a NIM and he weighed in. The Planning Commission asked if it was a conceptual concern by me to the planner. A lot of times these NIMs are worthless because the Planning Commission hears it and they know what the concern is, but it's still framed as a conceptual concern, so he doesn't believe $15,000 is really making that much of an impact.

Mr. Mulhere said there's some truth to that. You have an obligation because you're representing a client. Ultimately, the client is going to make a decision based on what he hears, whether he changes something or doesn't change it. We say, right at the beginning, "We are not making any commitments," zero, because any commitment we make is considered to be a commitment and it goes into the staff report, so we're not saying, "OK, we'll build a 10-foot-high wall." That's not going to happen.

But we are hearing concerns and they are discussing those concerns after the meeting. Almost always where there's a concern, there is a change or attempt to address that concern. If someone is against it, that's a different story. But to mitigate with a more substantial landscape buffer or ...

Chairman Brooker noted that the purpose behind a NIM is a good one for transparency and to allow the public, especially those who are going to be most affected by what's being proposed, to act and learn about what's being proposed and ask questions or give feedback. Transparency and feedback are good things because on the applicant side, we're trying to address those problems so they don't get aired in a public hearing setting. We want to hear concerns, but it's gotten out of control lately – the cost, the disrespect, and anger. It's been a long time since he had a friendly, short NIM.

He'd like to see whatever is being proposed come before either the Subcommittee or the full DSAC. That would be his preference. One idea Mark McLean mentioned at the last DSAC meeting was that staff runs it and there's an agenda. Staff opens it up, explains the process, why the meeting is being held, turns it over to the applicant for presentation, takes back control of the mic, and then fields questions. If questions need to be answered by the applicant, the applicant is afforded the opportunity to try to answer or give information, but everything remains in staff's control, so that creates a shield from the anger.

Mr. Curl said it doesn't, because then you're opening a dialogue to the staff member to quote code and a concerned citizen who questioned if it is legal.

Chairman Brooker said Ray Bellows was at the last NIM he held and came up to him afterward. There's a reason staff doesn't want to do it – for the very reasons we're discussing right now. They don't want to be in the position of shielding or fielding all the concerns and anger. So, an idea would be to make it virtual, have staff run it, but get rid of the audio recording. Do people really listen to the audio recording after-the-fact? *(Mr. Curl said, "No.")* The requirement is that there's a commitment made that becomes part of the record and that commitment follows the application through the process and becomes a commitment with whatever approval is granted.

As for security detail, he was speaking with a staff member who said the mere appearance of two burly off-duty cops creates tension. This is the atmosphere we are dealing with and it's unacceptable. Frankly, if someone gets hurt and comes to his office, who is going to be the first person he recommends they sue? Collier County due to this mandated process and they have actual knowledge that they're putting people in danger. Also, if a concerned citizen at a NIM gets out of control, "waive your right to address any public hearing from that point on, on that application. You waive it."

Mr. Mulhere asked, what if you're not able to hold a public hearing because of an unruly crowd, which causes you not to be able to hold the NIM? Then that's it. You've made your obligation. You opened it and you closed it.

Chairman Brooker said staff required him to hold a second NIM after a Zoom recording didn't work due to technical difficulties. We tested it and it worked five minutes before the NIM started and then for some reason it didn't.

Mr. Mulhere said that's why he put a disclaimer in.

Chairman Brooker said that doubled the cost.

Mr. Curl contended the recordings are meaningless, unless the Planning Commission wants to hear people fight and yell.

Chairman Brooker said maybe the County Attorney's Office will listen to his comment about waiving the right to speak at a public hearing if you can't control yourself and you've exhibited that. The law requires an opportunity to be heard. They can be heard by writing an e-mail, writing a letter, or talking to their appointed or elected officials prior to the hearing, but at that point it stops.

Mr. Curl said the DSAC members just received an e-mail today from Trish (Mill), who said that if we wanted to add an item to the agenda, she needs it by next Monday. Is this something we can add or is it something that needs to come from staff? We'd like to hear where staff is in the process.

Mr. Johnson said if anyone in the Subcommittee wants to have something on the DSAC agenda, Trish (Mill) needs to receive it by next Monday.

Chairman Brooker said they talked about it at the DSAC but were told to send it to the Subcommittee.

Mr. Johnson said the reason you're talking about it now is because Subcommittee members aren't allowed to talk about it separately behind closed doors. Right now, we're in the sunshine and you're discussing something that is important to you. This conversation is memorialized by our transcriber, and any kind of direction that you want to give either staff or the DSAC, that is your prerogative.

Chairman Brooker asked where the modifications are now in the process of being re-reviewed by the BCC. He asked if it is coming up.

Mr. Johnson said he did not know. Without Mr. Bosi being here, he can't say much about it.

Chairman Brooker suggested they add it to the next full DSAC meeting again with the request that staff bring us whatever is in writing and then be prepared to tell us where it is in the process in terms of BCC ultimate review.

Mr. Johnson said if something is in writing, it's public, and this Subcommittee can discuss it at this Subcommittee's next meeting.

Mr. Curl said he'd second Clay's motion to see the draft and where it is in the process.

Mr. Henderlong confirmed that they want to see the draft, have staff at the next DSAC meeting give an update on the process and the procedure, where it is going to go, how it's being vetted and will be followed.

Mr. Curl said the fourth bullet would be that if it's sitting in limbo, why isn't the Subcommittee getting an opportunity to discuss it?

Mr. Henderlong said that is a question to bring up at the DSAC and they should make two or three main points in their motion to bring back to the DSAC.

Chairman Brooker said in the event they have another Subcommittee meeting next week, they can discuss it again there. The motion is to put it on the full DSAC agenda, have a copy of the draft in writing, and have staff explain where it is in the process of review.

Chairman Brooker made a motion to put the NIM process on the full DSAC agenda, be able to review the NIM draft, and have staff explain where the draft is in the review process. Second by Mr. Curl. The motion passed unanimously, 3-0.

Mr. Johnson asked if it was available by the next Subcommittee meeting, do you want to put it on the agenda?

Mr. Curl said absolutely.

Chairman Brooker said if it's the Subcommittee meeting is after the DSAC meeting, yes because right now, they'll be discussing it at the next full DSAC meeting.

Mr. Johnson said he was referring to having a Subcommittee meeting prior to September 1st.

Chairman Brooker said yes, you might as well.

[Mr. Mulhere left the meeting room at 3:45 p.m.]

4. Old Business

a. Discussion of Automobile Parking for Single-Family Dwelling Units on Cul-de-Sacs and Pie-Shaped Lots

Mr. Henderlong said he and Zak worked on this. This is the fifth time they're bringing it back to the Subcommittee. For background, this originated with the CBIA and it was taken to the full DSAC, which directed it back to the Subcommittee. Staff presented discussion items, did some background research, so you can look at that. We thought the best way to approach the discussion item would be to frame the problem statement which is in the first paragraph.

Those are the four locations of the projects, which have already been approved. They're marked in yellow. The 40% vehicle-use rule applies to the front yard, from the building of the front yard setback, up to the front yard. Only 40% of that area can be used for vehicles. When we looked at the site calculations of the four plans when they came in for review, the four projects they were concerned about have already gone forward. We just wanted to make that clear to you. Your packet includes photo examples of those properties for clarity.

[Mr. Mulhere returned to the room at 3:48 p.m.]

The CBIA wanted to know what the original rule was and where did it come from. Question No. 1 addressed the original rule. Back in 2002 and 2003, staff actually created this rule based upon a corner lot in Golden Gate Estates for a duplex. The problem they were experiencing was that they were having a problem with 11 cars being in a front-yard setback. They went through some calculations based upon that lot area and came up with the 40% rule, which they felt would be appropriate going forward in the future for all plats, lots, and subdivisions, regardless of whether it was a cul-de-sac, or not a cul-de-sac lot.

The next question to be addressed was No. 2: How often does the problem occur? We spoke with the Development Review staff and the issue appears to be associated singularly with the design of a specific home site, a split-garage design on smaller lots. In particular, it's a common issue for pie-shaped, cul-de-sac lots, and more so in the higher-end projects.

Why did this issue surface now? That's because we're finding the lots in the Pelican Bay community, and Vanderbilt Connors Beach, have cul-de-sac lots where they are maxing out development of the lots. They can get by without having to re-engineer the impervious areas. They can get their stormwater management by spending more money engineering the structure itself and by elevating the structure.

On pages 4 and 5, what we thought was interesting is to see what these structures, that already have been approved, are doing. For example, look at Seabreeze Avenue on page 5, from the property records office. We came up with the square footages as to how much area they are enclosing within the structure for parking and storage. We found that three of the four have significantly dedicated space within the confines of the entire building itself for additional parking and warehousing, so the 40% rule, even though it's still somewhat restrictive on a pie-shaped lot, is still maintaining some impervious use.

Mr. Mulhere asked if that applied to the understructure part.

Mr. Henderlong said that was correct. One of the other concerns that everybody talks about is what happens when you have a vacation-rental home? You're going to get additional people coming in there and they're going to have more cars. They're going to come to the end of the cul-de-sac. Where are these people going to park? So, there are two sides to this and you have to look at the consequences of the relief. What size lot and what relief should be deemed appropriate? There's limited space already at the end of a cul-de-sac for cars to park, unless they go into the structure. On these bigger structures, they're putting parking inside, but then they also want a car outside. Should we load up and do away with the impervious rule if they gave up the entire area that was impervious, or a portion of it to be pervious? We looked at the deed restrictions and design diagrams because one of the designers noted that in Pelican Bay, they have a 55% rule, versus 40%. Jeff, you're probably familiar with that.

Mr. Curl said he was.

Henderlong said the only other criteria that would give some relief would be to move it and change it a little bit. We left some of the questions open-ended. We bring it to your attention for discussion and to get your input. The Subcommittee has to come up with a recommendation.

Chairman Brooker said for clarification on the table, all the cases that are brought as potential problems on the yellow-highlighted table actually did comply with the 40% rule?

Mr. Henderlong said they did.

Chairman Brooker said the second column, which is entitled 40% front-yard parking area, is confusing. Isn't that just the front-yard area?

Mr. Henderlong said that is all the area from the front yard to the building that they did on the site plans. It shows on their site plans it's 2,056 and then they multiply that by 40%.

Chairman Brooker said you've titled entitled that column "40% front-yard parking area."

Mr. Henderlong agreed it was misleading. We should just say "front-yard area." We should take the 40% off. He apologized.

Mr. Mulhere asked if it was just the front yard.

Mr. Henderlong said it was.

Mr. Mulhere said you're just applying the depth of the setback times the width in the front yard.

Mr. Henderlong said it's easy for a square, but when you do a cul-de-sac, their site plans had to provide that so when they come in for an SDP, they have to show the setback calculation and area. Then the 40% rule is applied to that area

Mr. Mulhere said when he looks at the allowable 40% in those examples, he did some math and determined it could accommodate a driveway, a circular driveway or a doublewide. You're not going to be able to get a turnaround in a cul-de-sac because you have limited street exposure.

Mr. Karto noted that a lot of these issues were tied to lots with two garages, where they had one garage on one side and one garage on the other.

Mr. Curl said it's an architectural design. This sounded like a no-brainer, but he's struggling with this. Architectural design is a huge impact, front-loaded versus side-loaded. We're also discussing Pelican Bay, and Port Royal even comes to mind. They often put sod in the driveway and it's not often used as frequently as a front-yard.

Mr. Henderlong asked them to view page 4 photos, 342 and 354, noting that 354 is one that the CBIA was having an issue with, but it's actually being built. If needed, the site plan can be pulled up from our folders. The photo showed there are areca palms on the right and landscaped out with limited an impervious area on both sides and hedges. When it is designed, there's usually a garage to the right and to the left and landscaping in the front to meet that impervious requirement. We're trying to figure out if it's in the community's best interests to cover it all with an impervious area.

Mr. Curl said it wasn't. The short answer is no. Now you've added a lot of parking to the front yard. You brought up an excellent point. You increase the parking, you increase the impervious area. For somebody in an Airbnb, now you've allowed a lot of parking in the front yard and as a neighbor, he'd be upset. The other important part is you brought up Pelican Bay. They have a 55% impervious maximum-lot coverage there, which works for them. He's not saying the County needs to be Pelican Bay at 45%, but there are other drivable surfaces that can still be pervious and accommodate the 40% rule. It's not a hardship. It just comes down to smart design.

Mr. Henderlong showed the next photo, at 340 Pine, a Vanderbilt home and how it appears from an elevation view.

Mr. Curl said aesthetically, if these property owners could have covered 100%, they would have.

Mr. Mulhere said one thought is that you're calculating the front-yard area and then applying 40% to the front-yard area. There could be other vehicular-use areas in the case of a side-loaded garage, which are not within the front yard area. There could be other vehicular-use areas, as is the case for a side-loaded garage, which are not within the front yard. If a rule is created, it should say no more than 40% of the front yard area may be restricted to the vehicular use area.

A brief discussion ensued over the photos and the wording of the 40% rule and where cars are allowed to park or not allowed to park on grass or in the right-of-way.

Mr. Brooker asked if you are allowed to place parking areas in the sides of the front yard setback.

Mr. Henderlong noted that you can park there provided it does not exceed the square footage of 40% of the front yard area and it is not part of the calculations.

Mr. Mulhere said it can occur on a square or rectangular lot where there is enough room to do a side-loaded garage and have two parking spaces.

Mr. Henderlong noted that on his own 1970s property in Palm River, he can't install a pool because he's prohibited due to the 40% impervious rule, unless he tears up the driveway and makes it pervious. Another rule and criterion for single family lots is that it requires the stormwater management area to be no greater than 40% impervious area. He and Rocco, an architect in Palm River, live on a golf course and both have the problem.

Mr. Mulhere said he does not deal with single-family much but that you're saying in RSF1 through RS**F**5, in the development standards there's a maximum impervious standard, which he's unaware of.

A discussion ensued and they determined that involved stormwater plans on single-family lots, page 2 of the table, and that didn't restrict it to 40%.

Mr. Mulhere said an easy solution to your concern about paving over for parking would be to establish a maximum impervious area. The City of Naples adopted a maximum impervious area and you can't go over that. The County never did that. In Connor Vanderbilt Beach Estates and other places, there were a lot of neighbors building side yard to side yard adjacent to older homes in the 1970s, with the new homes elevated 10 feet over the old homes with no stormwater plan and all that stormwater came down from the roof onto the neighbor's property. This is why a stormwater plan is required for single-family.

Chairman Brooker said the general consensus seems to be we are not sure there is a problem that needs to be addressed.

Mr. Curl noted that the four they were discussing were already completed and are well below the 40%.

Mr. Mulhere noted there are some problems: people parking more than on an occasional basis within a right-of-way, which probably occurs a lot within vacation rental homes. If there are six bedrooms to the rental home and there's a family reunion, there could be five cars there. That's what's happening. That needs to be regulated. You can go to Marco Island to see what's going on. Their referendum on regulating and registering rentals passed last night but the state has prohibited municipalities from prohibiting the use. However, you can regulate the use. He is not sure if there should be a regulation on the number of cars to be allowed to park in a right-of-way.

Mr. Henderlong said it's also a problem on regular lots.

Chairman Brooker said if they were to suggest some relief on a cul-de-sac lot, the only type of relief they could suggest is to allow more than 40% – and he's not sure he would support that. It's getting close to paving the entire lot over. If you want to buy one of those Connor Beach Vanderbilt cul-de-sac lots that are being built, you go in there knowing this. You have a rule and have to put parking underneath.

Mr. Mulhere said that's with the exception of the 7½-foot side-yard setback.

[Mr. Mulhere left the room at 4:10 p.m.]

Mr. Henderlong said this reminds him of Olde Naples, where everybody is now starting to max out within the setbacks the building in its entirety. The question then is then how much of the area outside that building envelope would be dedicated for parking or used for impervious areas? You can engineer, you can go up, we can put parking totally underneath, go up on the floodplain, which most of them are doing. They're still maxing out the structure, and then you have within the rear yard setback here, your accessory use, and you have limitations. You get on waterfront in Parkshore or Vanderbilt, and they can go up to the back end of that seawall, right up to a point. So now it keeps going there, but there's a quantity of water that has to be engineered and maintained and kept on site.

That's where he believes we got a little confused with the stormwater-impervious area. Because the rule there was to say that when they collect all of that, if you can't engineer it, you have to come up with a Type 2 design. You're going to have to put it all underneath in rock trenches, French drains, whatever, and you have to retain it. If not, they'll give you some relief for the impervious area within the front yard. If you want to wipe that away, then the question they need to prove to us is that, No. 1, stormwater system can handle it and, No. 2, it's a fundamental question of what do you want the front yard to look like? It's an aesthetic issue. And No. 3, is parking, as it relates to having guests and where they're going to park. Are they going to park in the garage? What if they can't?

Chairman Brooker said his recommendation is that they return it to the DSAC, say we discussed it and the general consensus of the Subcommittee is we don't see that there's enough of a problem to change the regulations, No. 1. No. 2, if there were some will or incentive to change, you're starting to pave over the entire lot.

Mr. Curl said he agreed.

Mr. Henderlong said the direction given was for the Subcommittee to discuss it and come back with their recommendation to the DSAC as to whether to take any action or not.

[Mr. Mulhere returned to the room at 4:12 p.m.]

A brief discussion ensued over whether this was a legitimate policy issue and Mr. Mulhere was briefed on what he missed.

Mr. Mulhere made a motion to note that the Subcommittee does not see a problem exists to the extent it warrants a modification to the existing regulation. Second by Mr. Curl. The motion passed unanimously, 3-0.

A brief discussion ensued over when the DSAC-LDR could meet to discuss the amendments, which would require a news release and notice of five business days.

Mr. Johnson said the earliest meeting date would be September 6 or September 2, if the news release was out tomorrow.

Mr. Mulhere said he is not available on the 6th and if he were here, he would not be making any discussion and abstain. He will hold his comments until the planning commission.

Chairman Brooker said he understood these are LDC amendments being proposed to implement GMP amendments that went into effect last year. Shouldn't the controversy be significantly limited?

Mr. Mulhere said it should be.

Chairman Brooker asked if the LDC amendments are essentially verbatim to what was adopted last year in the GMP.

Mr. Johnson said there is more detail on the LDC.

Mr. Mulhere said that for example, the Rural Fringe Comprehensive Plan was more detailed, so a lot of the LDC mirrors the Rural Villages, which spells out everything. That's not as much so in the Rural Land Stewardship Area, which is a little more open. He hasn't finished reviewing all of these, but there probably is some more detail. There's not really anything at issue, but he saw that there was a lengthy letter from the Conservancy, with their recommendation, so they obviously have some issues with some parts of it.

Chairman Brooker says the 60-page packet from the Conservancy starts off by saying these comments don't necessarily relate to the LDC amendments that are being proposed because the proposed LDC amendments are simply designed to implement the Growth Management Plan changes of last year. Notwithstanding that, we would like you to improve the RLSA in these numerous ways. That's how he read the introductory paragraph of the Conservancy's letter.

Mr. Henderlong said to keep in mind consistency. The LDC can never be inconsistent with the Growth Management Plan. That's the first criteria test. They may disagree with that and that's where he believes the controversy comes about over what's inconsistent or consistent.

Chairman Brooker said if Mr. Mulhere isn't coming to the DSAC-LDR meeting they plan to schedule, he would still like to have the benefit of his comments on the matter in order to understand what the issues are.

Mr. Mulhere said he could call in on September 6. He'll be at a planning conference to get continuing planning education credits.

Mr. Curl said he read it, including Rural Lands West and noted the Hamlets is being knocked out, so they're making the case for connectivity. He saw a lot of eye-raising things in there.

A brief discussion ensued over a date for a meeting.

Mr. Mulhere said he knows the landowners want to get it moving.

A discussion ensued over scheduling another meeting and members decided to meet at 2 p.m. September 21, 2022, to discuss the RLSA before the October 5th DSAC meeting

5. Public Comments
None

6. 2022 DSAC-LDR Subcommittee schedule reminder:
September 21, 2022
December 14, 2022

7. Adjourn
Mr. Mulhere made a motion to adjourn the meeting. Second by Chairman Brooker. The motion passed unanimously, 3-0.

There being no further business for the good of the County, the meeting was adjourned by the order of the acting chairman at 4:29 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE
LAND DEVELOPMENT REVIEW SUBCOMMITTEE

Clay Brooker

Chairman: Clay Brooker

These minutes were approved by the Subcommittee/chairman on FEB 1, 2023, (check one) as presented X, or as amended _____.