

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

Naples, Florida, January 17, 2023

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  
Jeff Curl  
Blair Foley (excused)

ALSO PRESENT: Eric Johnson, LDC Planning Manager  
Zachary Karto, Planner III

*Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Department.*

**1. Call to Order - Chairman**

**Chairman Brooker** called the meeting to order at 3:01 p.m.; a quorum of three members was present; a fourth member joined later.

**2. Approval of Agenda**

[No changes were made]

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

**3. Old Business**

- a. PL20200002400 – Collier Boulevard Interstate 75 Innovation Zone Overlay (CBIIZO)**  
[Eric Johnson – PowerPoint Presentation]

**Mr. Johnson** said the CBIIZO was reviewed by this subcommittee in 2020 and it recommended approval. Since then, there have been some major changes and an overhaul, so it was important to bring it back to the subcommittee to get a recommendation.

*Mr. Johnson reported that at that meeting, they discussed:*

- The SIC and NAIC codes and the list of permitted and conditional uses. (The county uses SIC codes, so NAIC was all converted to SIC.)
- Heavy truck traffic serving the landfill and the foot-candle levels, 0.5-foot candle at property lines that potentially create a potential for spillover.
- Reducing the width of the shared buffer zones from 10 feet to 5 feet.
- The uses and underlying zoning districts and that they should continue to be allowed.
- For proposed uses, be mindful of not mixing residential next to economic development uses, unless it's a mixed-use project.

**Mr. Johnson** said the amendment is proposed that whatever is allowed in the underlying zoning district, you're entitled to and nothing will change from that.

*[Mr. Mulhere joined the meeting at 3:05 p.m.]*

*While Mr. Johnson detailed a PowerPoint, a discussion ensued and he and board members made the following points:*

- This is a companion to the GMP amendment.
- We have tentative approval from the Planning Commission to have a night meeting on March 2 if the subcommittee approves this today and the full DSAC approves it in February. The BCC would hear it in spring or summer.
- We're eliminating the Activity Center No. 9 Zoning District but reinstating its design standards.
- The CBIIZO has more acreage than the interchange master plan.
- This proposed overlay will have nearly 600 permitted and conditional uses; there are changes from the 2020 version.
- This requires commission approval for permitted uses having outside storage.

- The standards contained shall apply to all development in the CBIIZO unless the proposed use is allowed in the underlying zoning district PUD, as applicable, in which case the development standards shall be according to the underlying zoning district PUD, as applicable.
- No outside storage and display shall be permitted, except for the parking of commercial vehicles or when approved as part of a temporary special event, in accordance with LDC Section 50405.
- Part of the intent may be to attract targeted industries that would have significant investment in a parcel for a nice building and campus; they don't want to view the lot next door.
- White Lake allows outdoor storage. It may be good to allow a conditional use for outdoor storage if the development would be a significant benefit to Collier County and part of the operation requires outdoor storage.
- City Gate is nearly all developed and White Lake has a few parcels left.
- This contains pollution control standards, adds minimum-lot design and building dimension standards for economic development uses – operational standards, environmental standards and architectural-site design standards.
- Advanced manufacturing is a goal.
- Are we being too strict or were these standards picked to incentivize?
- This is slightly more relaxed than what's there now.
- Building coverage is not the number of stories. It's defined as lot coverage, pervious and impervious, the first-floor footprint. That's in the definitions.
- Designing a building with underground parking is more expensive but reduces surface parking. If it's for an office use that's a targeted industry, we want to attract it. We should allow an increase in height to allow above the FEMA requirement.
- When you're restricting height, 35 feet is low. Single-family districts in the county usually have a 35-foot building height but in a new PUD, 40 feet is better. The architectural design on roofs has changed and 5 feet makes a big difference.
- The minimum distance of buildings from residential land uses is 50 feet from the setback, but the farther away it is, the more height should be allowed.
- Under the maximum building height, 35 is low. You need to say zoned and actual. The county always says zoned height.
- Why not say 40-foot zoned height and a 47-foot actual height?
- You should encourage underground, so allow the 50-foot height to be measured from two floors of under-building parking.
- There's language in the LDC that allows for an increase in building height if you reduce the amount of impervious area by using under-building parking.
- You're creating opportunity for higher water quality. It's less surface, less asphalt by reducing the impervious area. You don't have as much surface area because you're not putting as much surface parking and can allow more height.
- In the conventional zoning districts, we use the term "building coverage."
- Many newer buildings are going for U.S. Green Council certification. If you have underground parking, it's a zero rating. You have zero heat gain because it's shaded. That should be a target market.
- The taller the building is, the farther it should be from neighboring buildings. The separation between structures is intended to let air and light flow through a building and to allow grass in between.
- A 50-foot separation also is required to separate economic development uses from residential.
- At White Lake on the smaller lots, if a developer wanted to buy one of the remaining bigger lots and put two smaller buildings in, you're almost restricting them from two buildings. That has unintended consequences.

- If the underlying zoning district allows for it, it's a non-issue, but if the underlying zoning district doesn't allow for it, and you're availing yourself of the opportunity to take advantage of the economic development uses here, then these standards apply to all properties and replace the applicable standards.
- Page 4, Line 9 talks about established PUDs. "Existing PUDs may elect to utilize the use regulations and design standards of the overlay." It's discretionary, "may elect."
- The boundaries aren't going to change, but we're creating an overlay.
- This provides an incentive, 600 allowable uses versus 50 or 100.
- Staff is in favor of increasing industrial lands.
- This GMPA will create an overlay.
- If you want to participate in TIF funding, you must abide by this.
- Within an Activity Center, for over 20 acres, you must have a 25-foot buffer. If want a 25-foot buffer adjacent to major roadways, you could give developers a break on the other one so they're not losing so much land. We don't want to make it too expensive to develop.
- Landscape buffers adjacent to all public streets shall follow LDC requirements for Type-D Buffers. You can do 10 or 15, depending on the width of the right-of-way.

**Mr. Johnson** said he covered all the substantive questions and comments. The best way to proceed is for someone to make a motion to recommend approval with the following suggested changes and then we can make sure everyone's thoughts and comments are incorporated into a motion.

*Mr. Curl made a motion to recommend approval of the CBIIZO, with the following changes: page 9, line 46, revise it to say, it "shall follow the LDC width requirements for a Type-D buffer"; on p. 10, make sure there is a definition for "maximum-building covering" to ensure the intent is clear in terms of limiting living coverage; make the following changes clearer with a footnote or a table – allow an increase in building height to allow for up to two under-building floors of parking not subject to the 50-foot building height to incentivize underground parking, increase the building height for buildings or lots abutting residential tracts or districts from 35 to 40 feet and add that the term "residential tracts" or "residential districts" does not apply to mixed-use buildings or tracts; use 30% of the sum of the heights of the buildings, but not less than the separation required by the Florida Building Code; and page 7, line 1 should end with a comma followed by "unless already permitted within an existing PUD." Second by Mr. Mulhere. The motion passed unanimously, 4-0.*

#### 4. New Business

##### a. PL20220008172 – Neighborhood Information Meeting (NIM) Rules of Decorum

**Chairman Brooker** said the agenda packet includes two emails from the public.

**Mr. Curl** noted that they were from certified planners.

**Mr. Johnson reported that:**

- The Board of County Commissioners directed staff to move forward with an Administrative Code amendment to address issues that occurred at a Neighborhood Information Meeting.
- When staff started working on it with the County Attorney's Office, we learned that if we're making substantive changes to the Administrative Code, that should be reserved for the Land Development Code. The Administrative Code is more procedural.
- Staff is proposing changes to not only the LDC, but the Administrative Code, for rules of decorum, page 3 of the agenda packet for the LDC and on page 5 for the Administrative Code.
- The purpose and intent of the LDC was not included in the LDC, Administrative Code or the Code of Laws & Ordinances.

**Mr. Mulhere** said the intent was to encourage communication between developments and neighbors.  
**Mr. Johnson** said their idea is to foster communication and collaboration.

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

- Dialog is a better word than communication.
- Property owners who are against a project won't collaborate.
- It's an open dialog so neighbors can understand the developer's intent.
- If the public hears that you agree to consider it, they hold you to that.
- If we're required to hold a second meeting due to a disruption, a virtual meeting should be allowed as the final NIIM.
- It's up to the developer to decide whether it's virtual or live.
- There have been a high number of disruptive NIMs.
- The language only covers if the first NIM was canceled due to a disruption.
- The rules should be posted for the public, and if they're violated, the disruptor should not be allowed back to that NIM.
- We've heard about pistols being at NIMs.
- If a NIM is canceled due to a disruption, it hurts the people who were not disruptive.
- A virtual NIM allows the applicant to mute disruptors.
- There should be a penalty against those who disrupt NIMs.
- You could add that if it's disrupted, it is deemed approved and can move forward.
- If it's canceled due to disruptive behavior, the second virtual NIM should satisfy the NIM requirement.
- Applicants have sometimes had virtual NIMs that had technical problems, so Mr. Mulhere began advertising that the virtual NIM was a courtesy.
- The way the change is written is that an applicant can hold a virtual NIM to satisfy the requirement if the first NIM was canceled due to disruptive behavior. It also says the applicants can hire a security detail. (The sheriff's office was reluctant to remove a disruptor.)
- The disruptor should be penalized by being escorted out and being barred from further hearings on that application.
- Applicants, who have spent thousands on technology, etc., are being penalized by the disruptors.
- The change also says the applicant shall provide a written summary.

**Chairman Brooker** made a motion to recommend that the DSAC approve the proposed LDC amendment as written, along with the companion Administrative Code amendment, and recommend punitive action to anyone who disrupts a NIM.

**Mr. Mulhere** seconded it and asked that page 6, the second to last line, "The applicant is required to record the NIM proceedings and to provide an audio or video," be changed to say "audio or audio/video" because someone could provide no sound and comply.

**Mr. Johnson** asked if he wanted it to include "foster communication between" and strike "collaboration" on page 5.

**Chairman Brooker** amended his motion and Mr. Mulhere amended his second.

*Chairman Brooker made a motion to recommend that the DSAC recommend approval of the LDC amendment as written and the Administrative Code, and on page 5 to change "collaboration" to "foster communication with" and on page 6, change the Administrative Code language to say "provide an audio or*

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*audio/video copy” and that the Board of County Commissioners consider punitive action against those who disrupt a NIM and cause it to be canceled. Mr. Mulhere seconded it. The motion passed unanimously, 4-0.*

*[Mr. Mulhere left the meeting at 4:48 p.m.]*

5. Public Comments

None

6. 2023 DSAC-LDR Subcommittee Potential Dates

a. February 21, 2023

b. March 21, 2023

c. June 20, 2023

d. September 19, 2023

e. December 19, 2023

Chairman Brooker said he'd be out of state on June 20.

Mr. McLean also said he can't be there on June 20.

*The subcommittee and Mr. Johnson discussed other dates, room availability, and the proximity of the December meeting to the holidays, and agreed to discuss the June meeting in May and for now, agree to February 21, March 21, May 16, September 19 and December 19.*

Mr. Johnson noted that staff can't initiate amendments, which must come at the DSAC's direction. He suggested that if they still have a problem with exterior lighting to bring it up at the full DSAC meeting. Chairman Brooker said they could add it to the agenda under Committee Comment.

7. Adjourn

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:54 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE  
LAND DEVELOPMENT REVIEW SUBCOMMITTEE

  
\_\_\_\_\_  
Clay Brooker, Chairman

These minutes were approved by the subcommittee/chairman on MARCH 1, 2023, (check one) as presented  or as amended \_\_\_\_\_.