

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, May 3, 2023

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

ALSO PRESENT: Jaime Cook, Director, Development Review
Tom Iandimarino, Director, Code Enforcement
Chris Mason, Director, Community Planning & Resiliency
Matt McLean, Dir., Utilities Engineering & Project Mgt.
Jay Ahmad, Director, Transportation Engineering Division
Mike Stark, Director, Operations & Regulatory Mgt. Division
Timothy Crotts, Contractor Licensing Supervisor, GMD
Mike Bosi, Director, Zoning Division
Jamie French, Department Head, GMD
Diane Lynch, Management Analyst 1/Staff Liaison GMD
Julie Chardon, Ops Support Specialist II/Staff Liaison GMD

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 Varian called the meeting to order at 3:01 p.m. A quorum of 13 members was convened.

2. Approval of Agenda

Chairman Varian said Matt McLean will be joining us on Zoom and asked if we could move C, under New Business, to D, under Staff Announcements.

Mr. Curl moved to approve the agenda, as amended. It was seconded by Mr. Espinar. The motion passed unanimously, 13-0.

3. Approval of Minutes

a. DSAC Meeting – April 5, 2023

Mr. Curl made a motion to approve the April 5, 2023, DSAC meeting minutes. It was seconded by Mr. McLean. The motion passed unanimously, 13-0.

b. DSAC-LDR Meeting – March 21, 2023

Mr. Brooker said this was a matter where a lot of us had conflicts, but he didn't think approving the minutes would be a conflict.

Mr. Valle made a motion to approve the March 21, 2023, DSAC-LDR Subcommittee meeting minutes. It was seconded by Chairman Varian. The motion passed unanimously, 5-0.

4. Public Speakers

Chairman Varian noted that the public speakers are here for the U.S. 41 EZO and said they could speak when that item comes up later in the meeting, if the public is OK with that. (No one objected.)

5. Staff Announcements/Updates

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

Ms. Cook reported that:

- We're extremely busy.
- Conservation Collier is transitioning over to Growth Management and will be part of the Development Review team. That change occurred paperwork-wise on Monday, but it will take some time to get through everything and officially transition the group over.
- Our out-take staff is working on some updates to CityView processes to hopefully make permit extensions for wells and for rights-of-way easier for contractors and users. Right now, we're trying to build in a condition to both of those permit types to allow for a permit extension request to be uploaded to a condition so that it doesn't get lost in transition somewhere in the building permits, which expire, and then we have issues.

b. Code Enforcement Division – [Tom Iandimarino, Director]

Mr. Iandimarino submitted monthly statistics from March 22-April 21 and reported that:

- He's been on the job less than a month, so he's still learning a lot.
- Since last month, there's been an uptick in cases in the Estates and various other places with RVs in backyards. There have been about a dozen new cases since last month. Most of them have been founded, so we are working those cases and assume that activity won't slow down anytime soon.

- He's been a resident of Collier County since 1997 and has been with the National Park Service for 30-plus years, working out of Everglades National Park, Dry Tortugas National Park, Big Cypress National Preserve and various other parks as a ranger in his early days.

Mr. Curl noted that there's been an increase in non-permitted business signs. Not all have been reported and some are in the public domain or within barbed wire. There's a slew of things going on and we're starting to get like the Wild West in the Estates. If you're already out there inspecting trailers, maybe you can check that. If you're already out there on staff time, you could put the kibosh on that.

Mr. Iandimarino said that today he talked to Sherry Patterson, one of our investigators, who's well versed in signs and she's giving him a one-minute tutorial, along with many others. If you have questions about that afterward, he'd be happy to address that some more.

Mr. Sterk said he was at a friend's house on the weekend and there were four businesses operating on their street, a plumbing business, a trucking business, a commercial storage business and another. It was creating a lot of havoc on their street. They've had power lines taken off by a full-size crane. The plumbing business has 15 employees coming in and out in the morning, leaving vehicles there and getting into plumbing vehicles. What's frustrating is that they're business owners. He also noticed that some neighbors in the industrial park have sold their industrial lots to allow a business to operate. The plumbing business bought two adjacent parcels. Code Enforcement may have a limited ability to go through properties, but it's visible. You can see the transition of these neighborhoods on aerial photos.

Mr. Iandimarino encouraged the neighbors to fill out a code complaint through the service desk, 311 or through a county commissioner, if they wish to remain anonymous. We can't do much in a discussion at DSAC without a complaint. If they have a complaint, they will investigate.

Mr. Curl said he's suggesting you work together while investigating other complaints. They're operating a business that's not authorized to operate out there.

Mr. Iandimarino said that without Code Enforcement getting phone calls, we can't go out and respond and just search for those types of activities because there are all kinds of other activities there, but we'll try. We'll do our best if you want to make complaints or calls. We will investigate each one.

Mr. Curl asked why they were out investigating illegal campers in backyards. Was that a commissioner edict?

Mr. Iandimarino said they received many calls about homeowners renting out campers on their property.

Varian asked if it's people living in them, not just people parking them?

Mr. Iandimarino said that was correct.

Mr. Brooker noted that for the home-occupations or businesses working out of residential areas, there's a new law on the books that allows certain home occupations in residential districts. There are limitations and you can't bring in trucks and employees.

Mr. Sterk said someone could do a home-office type business, but the minute you start bringing employees to your property or have three long-haul truckers operating out of there and living in RVs when they're not running ...

Mr. Iandimarino said he understands there's more than one violation there. And you're saying let's not just go there and look for one and ignore the 25 others. He understands their point is for efficiency of time, that Code Enforcement should check it out.

Mr. Brooker welcomed Mr. Iandimarino, saying they look forward to hearing from him every month.

c. Community Planning & Resiliency Division [Chris Mason, Director]

Mr. Mason provided an update on Preliminary Coastal Study Flood Maps:

- This process has been a very long one. It started in late 2019 and now we're almost into the third quarter of 2023.
- We still haven't heard about the acceptance and adoption of the maps. He checked with FEMA today.
- FEMA is scheduled through October 19 for Letters of Final Determination to communities with revisions in process. We're still not scheduled and the schedule goes through October 19.
- One reason for the delay is that Marco Island put in a scientific panel to dispute some of the Base-Flood Elevations within the interior of the island. That's probably what's causing the slowdown.
- We expect to hear by the end of the year or the beginning of 2024.

Mr. Brooker said so we're good right now with what we're using?

Mr. Mason said they were.

d. Public Utilities Department [Matt McLean, Director, Engineering & Project Mgt.]

Mr. McLean reported that:

- There were questions that came up at the last DSAC meeting, so he wanted to provide additional insight on those, as well as detail the overall utility report.
- We are continuing to try to bring on additional staff members to help with our level of service. We're still strained a bit when it comes to working through Letters of Availability, DEP permits and DEP Deviations. We recently got approval and have now posted a position for a temporary staffing person to join the utility planning team to add additional help relative to those specific items he just mentioned.
- We also have a new team member that we've outsourced for contract support to help with DEP permits. We're doing OK, but we're trying to do better from a timeliness perspective and we appreciate patience as we bring on new team members. You'll be exposed to additional utility planning team staff members so we can continue the level of service.
- A portion of the report we provided in the packet today was conducted by Tetra Tech in 2019 for Public Utilities. It was a utility-conveyance policies and procedures benchmarking study. There were questions last month about utility conveyance, so that was provided to you as an informational piece to provide an overview of how Collier County Public Utilities works compared with other utilities.
- The Tetra Tech study showed we had extra steps in our process that others didn't. We also have sections that we approve and allow certain folks to do private utilities while other utility companies don't do that. They require everybody to follow all their standards and turn everything over. We can answer any questions you have on that.
- Another thing discussed last month was the Release of Liens, particularly when it comes to private infrastructure. That's a requirement provided so that the underground subcontractor provides documentation to county staff as part of the overall conveyance review. As the water and sewer district signs off on DEP applications for placement into service, that gives us regulatory liability, regardless of whether it's private or public infrastructure. All that same infrastructure, regardless of whether it's private or public, is attached to our overall infrastructure network, which provides a level of liability to us.
- We experienced some of that same liability when we went through Hurricane Ian last fall and previous hurricanes and other emergencies where we had to go in multiple times into private systems and conduct work to continue to keep those systems moving forward and operational. We do not operate and maintain the private systems if they're set up that way. However, we

still maintain a level of liability when it comes to overall DEP regulations and DEP providing sign-off replacement into service. We want to ensure there are no liens affiliated with underground infrastructure being installed, whether it's private or public. That's the purpose and rationale behind the release-of-lien requirement.

- Another item that came up involved the timing of bacteriological testing. Prior to 2003, the FDEP did not have a time limit associated with valid bacteriological samples. At that time, Collier County was maintaining a standard of 30 days to ensure that the health of the distribution system would be maintained because there were no regulations established by the DEP or the Florida Administrative Code. After that time frame, under state statutes, a 60-day requirement was established, which DEP acknowledges. Collier County Public Utilities currently does not have a 60-day requirement on all its infrastructure. As we went through the utility conveyance update, which was a combination of a seven-year process that was fully vetted and incorporated through the utilities subcommittee and had the full support of the full DSAC, it was unanimously approved by the BCC, eliminating a step of the conveyance so there was no preliminary. It was more straightforward to final. We also updated the bacteriological time frames from 30 days to 45 days for mains that are greater than 8 inches, and 60 days for any water distribution systems that are 8 inches or less. What that means is that for 8-inch pipes and less, the water and sewer district standards mirror state statute standards. At that time, we still had significant concern with our larger mains, so we enacted a 45-day time frame on the expiration of those Bac-Ts. There is a life, health and safety issue for the utility when we get into situations where there are bacteriological challenges within our network system, particularly when we get into larger mains and we're approaching part of our transmission main systems. It's extremely difficult for us to get the bacteria out of the system. It takes extensive additional flushing and extensive additional chlorination to get the lines cleared. That is the rationale and reason why we established a 45-day time frame for mains greater than 8 inches.
- The majority of the infrastructure that's currently being developed within our water and sewer district are mostly 8 inches and under, so those Bac-Ts are good for 60 days. That's what needs to be submitted to DEP to get clearance.
- There was another item brought up about site acceptances, which Jamie Cook addressed.
- He's available for any questions they may have.

Mr. Brooker noted that it was one of Dave's items.

Mr. Dunnivant said he's trying to digest it, but he thinks the process is flawed. They can cut off the extension of the system at the private property. They're not going to because the problem is they're asking for us to pay people before projects are finished. The contractors often have additional work to do on the project. They're asking for them to be paid in full and they won't sign until then. They can disconnect that connection from the public system at any location at any time. That's their prerogative. The fact that it's part of that main, whether that particular subcontractor has been paid in full, is problematic at that point, so that troubles him.

A discussion ensued and the following points were made:

- They do not accept partials. It's an unconditional release and won't be issued until they're paid in full.
- Engineers haven't been providing it and it hasn't been enforced.
- This never made sense and has been intermittent.
- Those items of site work don't need to be involved in this.
- The site acceptance doesn't get approved until the utility acceptance is approved.
- Pavement is necessary for a release of lien only in utilities. That usually involves a conversation with (Landscape Operations Manager) Pam Lulich about the DEP time frame.
- The county allows extensions between 45-60 days, but they don't publicize that.

- There's an inventory of the costs that must be presented with the Release of Liens (form). If a valve gets added and didn't make it into the inventory, it has to be redone later so the project matches up.
- This was brought up six months ago and part of the problem is Jaime Cooke and her department has asked for three additional FTEs for inspection, so we have a limit on what can be done. That negates what you can do on a utility conveyance sheet. They look at everything, publicly and privately.
- Something like a valve may come up later and it negates anything you've done on your Utility Conveyance Sheet. They look at everything, the conveyance publicly and privately, and it's a line item and labor and cost. It can be very intensive as far as the number of items on the spreadsheet.
- In the past two weeks, Joe Bianchi has been out due to surgery and there's no one to cover his job and they're already short.
- We need to help Jaime get FTEs for inspections on the site and the utilities, because that's a roadblock. She's doing a fantastic job juggling, but you can only fit so many hours into the day. It's not a matter of overtime, it's a matter of personnel being needed.
- If you have several thousand homes, that's a lot of infrastructure.

Mr. Dunnivant said he'll review the information and will get back to him with questions.

e. GMD Transportation Engineering Division [Jay Ahmad, Director]

Mr. Ahmad provided updates on transportation projects:

- The TIGER (Transportation Investment Generating Economic Growth) Grant is offered by the federal Highway Administration and is given very selectively throughout the country. We were lucky to get one for Immokalee. The project encompasses about 20 miles of sidewalks, a transit station, bike lanes and stormwater improvements. The project was awarded as a design-build and Quality Enterprises was awarded the contract. We started March 16 as a design-build and at the first six months to a year it's a design. We divided the design process into five areas because the project is large. Construction has begun on Area 1. It's intended for final completion in May or June 2024 at 800 days of design and construction.
- The Whippoorwill Extension project's intent is to connect with Marbella Lakes. The project has been going on for some time and is approaching completion. The completion date, with the change orders and added days due to delays from the hurricane and equipment, etc., is the end of July. Just as we have in traffic control, the contractor is facing equipment delays. The new intersection signal at Livingston and Marbella will not be in until October, so they'll finish the project, but we won't open it to traffic until the signal at the intersection is operational.
- Veterans Memorial Extension is a project that extends a new roadway that used to serve only the elementary school and Secoya Reserve. It will extend to serve the new high school, which is supposed to open this September. There's also a Phase 2 that eventually will connect to U.S. 41. The project is approaching completion. The only thing left is resurfacing the last lift of asphalt. Under the contract, they're supposed to complete the project by July, and they will be ahead of schedule because they expect to be done by the end of this month. We took a portion of this project, a noise barrier wall on the south side for Imperial Golf Estates, as a design-build project because the cost of the change order was excessive. We took it out of the project and designed it ourselves. We sent it out to bid and it came in exactly the same as the low bid. The second bid was \$3.2 million. Our engineers estimated \$1.2 million, but the costs are outrageous, so we're going to award it. The change order was \$1.9 million and the bid came in at \$1.9 million – and it's not the same contractor.
- Vanderbilt Beach Road Extension is a seven-mile project extending from Collier Boulevard east to Wilson, six lanes, and from Wilson to 16th Street NE, two lanes. If you've driven on Wilson Boulevard and looked right and left between 10 a.m. and noon, it's massive. They've done the clearing and grubbing and started the embankment from 16th Street going east.

- They're starting the bridges. There are three bridges as part of this \$153 million project, which has a three-year duration. We expect completion later in 2025. It started in September 2022.
- Golden Gate Parkway Bridge Replacement over the Santa Barbara Canal. He was very nervous about the project because we narrowed the traffic to one lane in each direction from two lanes and we have a great contractor, Thomas Marine, and the design-build team. They're trying to switch traffic. Half of the bridge is going to switch traffic to the south side to complete half of the project and completion will be by November, which is incredible. Somehow, traffic found other ways to access the area and we didn't see major congestion and thought there would be tremendous congestion.

Mr. Curl said they discussed TIGER Grants on the Productivity Committee and there was a specific grant that required your inspectors to be onsite for "hand-holding," observing every point of construction. Is this one of those grants?

Mr. Ahmad said it's like that but more on steroids. This is a federal project. What you're talking about is a lab project. This one is more extensive than the one described to you in the lab.

Mr. Curl asked if they had a dedicated person on site.

Mr. Ahmad said they have a dedicated firm, a dedicated grant compliance firm and a dedicated peer-review firm.

Mr. Curl said he only mentioned it because they said Jaime needed inspectors.

Mr. Ahmad said we have firms that we subcontract with, our consultants. They're struggling like the rest of us.

Mr. McLean said on Whippoorwill, it seems they held the east curve. That was an existing two-lane highway and he understands they're trying to slow down traffic because people got through, but when they poured the new west curve, they narrowed that two-lane road by two feet. Was that the intent? It is extraordinary.

Mr. Ahmad said it was.

Mr. McLean said it seems dangerously narrow.

Mr. Ahmad said he wouldn't call it "dangerously narrow," but if you had kept up with the history of this project, it had nice 12-foot lanes, shoulders and sidewalks and the neighbors around it directed different things, so we ended up with four roundabouts, choking traffic. We have what we call a median in the middle where the narrowed lanes were tightened to 10 feet, in some places 11 feet. The neighbors wanted minimal volumes and probably will get that because nobody in their right mind would drive through that. It's going to be a great roadway serving these communities. They'll have access to Pine Ridge and Livingston. It will probably be like Orange Blossom, or roadways like that.

Mr. McLean asked if that was the intent. It just seemed very narrow coming from a two-lane road to one.

Mr. Ahmad said it was intentionally done.

f. Collier County Fire Review [Shar Beddow, Assistant Chief]

Asst. Chief Beddow provided an update:

- We need a new inspector and are seeking new talent.
- The county is going to the new Knox eKey electronic program as of May 1. We're transitioning, with the exception of padlocks and gates. If any of your vendors have a lock box, that will be changing.

Chairman Varian said he remembered that they were retrofitting older buildings, as well.

Asst. Chief Beddow said not in this phase. This is just all new construction. It's an eKey that can be shut off immediately by an administrator.

Asst. Chief Beddow continued her report:

- We are working on new software, going into a new program called EPR, which will be across our entire department. It looks like what we're beta testing right now will be much easier for you to get your reports because it's more user-friendly.

Chairman Varian said that should eliminate the yellow tickets.

Asst. Chief Beddow said we're working on that now. It should be shortly. We can take payments by credit cards now. We will be announcing that you'll be able to pay them online. The board has provided direction to look at the feasibility study of plan review, so nothing is set in stone, not even a date, just the feasibility.

Mr. Curl thanked her for resolving the Paradise Coast Sports Complex issue that he brought up six months ago. It was scary to watch that boy with a back injury and firefighters trying to navigate through the crowd to get on the field to take care of him. He appreciates that you followed through with staff and made the facility more responsive in emergencies.

Assistant Chief Beddow said she couldn't have done it without the team.

Chairman Varian asked how inspections were doing.

Assistant Chief Beddow said there were six for plan review and 68 site plan reviews. She didn't have a total. We've had to use overtime multiple times over the last month to try to keep up with demand. We have a pretty good staffing level, but you're all going much faster than we are.

Mr. Espinar asked about the forest fire on Wilson Boulevard. It was a pretty significant fire and it's going to Golden Gate Estates, which is a huge powder keg with the amount of fuel out there. Has there ever been any conversation or coordination with local fire department or the Division of Forestry to do some prescribed burns, like a patchwork in Golden Gate Estates, to help control massive fires out there?

Asst. Chief Beddow said yes sir. The Division of Forestry cuts lines and those types of things. They've also aggressively had meetings with areas of concern. She was at one at a Golden Gate fire station to try to discuss with property owners about doing a 25-foot setback to help keep their property safe. Unfortunately, either due to lack of advertising or interest, we didn't get a lot of response when they had those meetings. Another problem is that the Division of Forestry is also having the same hiring problem that everybody else has getting tractor drivers and pilots, etc. One of the CFO's responsibilities is fire for the Forest Service. He has a true love of that. He's trying to gear everyone up for the Forest Service. But they're one of the lowest paid fire services in the entire state.

Mr. Boughton asked her to expand upon the feasibility study and permit review.

Mr. Valle asked if they're looking to take that over from the county.

Asst. Chief Beddow said yes, it was at the BCC's direction.

Mr. Boughton asked if they were looking to take that over from the county.

Assistant Chief Beddow said she was not at the BCC meeting, but it was discussed. She doesn't know what components will be looked at.

Mr. Boughton asked if they're doing prescribed burns.

Asst. Chief Beddow said yes, they do prescribed burns in Golden Gate Estates. If you call Florida Forest Services, they issue all the burn permits. They do prescribed burns.

Mr. Espinar asked if there's been a master plan or something like that to go out there. There are scattered homes on 4- to 5-acre tracts, a 20-acre area that maybe could be burned. If nothing else, it's a stopgap for neighboring areas so the fires don't get out of control out there. Has there been a management plan for that area?

Asst. Chief Beddow said she didn't know. She'd have to ask the Florida Forest Service. He can get her email, so she could tell him.

Mr. Espinar said he's curious because with the amount of vegetative fuel out there is exploding. On top of that are cars, boats, diesel fuel tanks, dump trucks and cranes. It's going to be a powder keg. We're going to see one of those California fires out there.

Asst. Chief Beddow said in real life, people are good about setbacks around houses, but not the out-structures. If you have setbacks, you will minimize damage. She's seen people turn on sprinklers when fires come and that's been effective.

[The following is from a related discussion that ensued during item 5.i.]

Chairman Varian said Shar sent him a note to clarify the fire fee on the fire review. She's working with the CBIA on a task force. He believes the Greater Naples Fire Board is looking into the possibility of taking fire-plan review out of Collier County to do it themselves. Remember, the agreement now is Greater Naples allowed Collier County to have plan review staff here on fire review.

Mr. Boughton said if it improves the problem that he sees happening, where things are approved at the county permit level and they get out in the field and then they get rejected, he'd consider it. But he thought we'd been through this whole process before. It used to be that way and was so disjointed. Everyone went in different directions and had their hot buttons and not so hot buttons. He doesn't see going back to that.

Chairman Varian said this is the Greater Naples Fire Board. That's a separate body and that's what they're looking at, the feasibility of taking fire review away from Collier County and back into their realm. Jamie would like to speak. That board, which is elected officials, their own entity, was involved with crafting this agreement.

Mr. French told the DSAC:

- He's had extremely limited conversations with them.
- They engaged with county staff for guidance on what they can expect an outcome to be if they take it over again. They've had no conversations and have received no information from him.
- They are the authority having jurisdiction. The staff that provides this service to you is county staff. Through this interlocal agreement that exists, we fund and shoulder the costs of supplying staff. We assume liability if they've got insurance claims, sick days, etc. But providing the service falls on us. That's our commitment.
- We averaged three days for both Site Development Plans and Building Plan Review. It may not be comparable to North Collier based on the volume and technicality of the work, but the average timeline was three days.
- We have no position, except that they are the authority with jurisdiction. They have the right and the ability to either renegotiate or to cancel the agreement. That means the funding revenue that comes in here would leave and go back to the Greater Naples Fire District.
- He's received calls this week from Assistant Chief (Shawn) Hanson. That was the first call to set up a meeting with him. He also has a meeting with the chief and a board member. That was the first call, although he knows this was discussed at their last board meeting and we weren't invited, so there's no visibility.
- He brought it to the DSAC chairman after they already approached our staff because the county would lose that revenue and the four FTEs who do that work could leave or we could deploy them in other areas here. We wouldn't compete for them, wherever they wanted to go. They will not lose their positions here because we've got plenty of work for them.

- The way the agreement is written is that we pay half the Fire Marshal's salary. If they want to renegotiate that, we're open to renegotiations and in the event that they want to take it back, OK.
- We've been able to provide a great level of service. If there have been communication differences between what plan reviewers have done and what's been in the field, it's been *de minimis* at best and hasn't been brought to his attention. On rare occasions, it happens, but we are mindful that as costs go up, they may be looking at this as a funding opportunity, as well as an opportunity to improve service. He's unsure because they haven't met with us. That's simply speculation.

Chairman Varian thanked him for explaining.

Mr. Boughton asked about the inter-regional agreement and if it can be terminated by either party. **Mr. French** said by either party, upon notice, yes. Not for cause.

Chairman Varian said their governing board has the authority as far as fire goes and that was granted through the agreement.

Mr. French said they still work under Shawn Hanson's license, and it is her license and the chief's license, so they are the authority with jurisdiction. Any staff member that comes before you from either our building inspection staff or our plan review staff or even me, we work under the authority of Fred Klum's license as the building official. He qualifies this county as much as Assistant Chief Shawn Hanson and Chief (J. Nolan) Sapp qualify the Fire District.

g. North Collier Fire Review [Daniel Zunzunegui, Deputy Director]

Mr. Zunzunegui detailed his April report:

- We did 515 reviews; 490 of those were building; 25 were in development.
- For planning, we have 206 active plans in our work group queue now, with 261 reviews.
- There has been an amendment, House Bill 327, involving fire-sprinkler systems. It's similar to the past legislation he discussed a few months ago about fire-alarm projects. It will take effect on July 1 for sprinkler systems with 20 components or less, allowing it to be pulled as a self-issuing permit. There will be no plan review as long as it meets criteria. It's limited to the same class, similar or better components. We're going to be working closely with Growth Management on that.

Chairman Varian asked if lanai enclosures on high rises would fall under that because it's usually one to two heads.

Mr. Zunzunegui said it would definitely meet that criteria.

Mr. Zunzunegui continued his April report:

- We have a vacancy for an additional reviewer. We get a lot of complex and high-volume permits with our team and they're working as fast as they can. We have a lot of demand for meetings lately and calls. We're trying to get to everybody to provide good customer service.
- We have another vacancy posted on our website to hire another reviewer.

h. Operations & Regulatory Management Division – [Michael Stark, Director]

Mr. Stark detailed the April monthly report:

- We maintain active hours at our main Horseshoe Drive location and four satellite locations, Orange Blossom, Heritage Bay, Immokalee and Everglades City, to continue to ensure compliance with regulations is maintained.
- Last month, the Horseshoe Drive business center, which handles zoning and intake, assisted about 1,140 walk-in customers; the satellite offices handled 162 more.

- The call center received 5,301 calls to the main number, 252-2400, a decrease from last month, which was about 6,500. The average call lasted less than three minutes. Business Center staff led by Kirsten Wilkie, as well as Tommy Thompson, Michelle Ramkissoo and Connie Thomas, continue to observe, evaluate and act upon data and trends to effectively manage staff, as well as coordinating with customers.
- There were 4,339 permit applications received in April, with a running annual total of 28,627. Hurricane Ian-related permits totaled 466.
- Staff continues to coordinate with Building Review, Contractor Licensing, FEMA and the CityView team regarding post-working recovery permits.
- Staff processed 28 short term vacation rentals, with a total of 107 for the year.
- We currently have 28 open positions. There's a total of 308 total FTEs in GMD. There also are 69 temporary contracted-staff members working at this location. That doesn't include the Nova Inspection team. The majority of openings are due to internal promotions.
- We continue to work diligently to address open positions and coordination of resources.
- Tim Crotts, our Contracting Licensing Supervisor, has updates on House and Senate bills.

Mr. Crotts provided an update on pending state legislation:

- On July 29, 2021, House Bill 735 was signed by Governor DeSantis and took away the majority of specialty contractor licenses for every county statewide. We were going to lose 31 of our specialty contractor licenses on July 1, 2023. There were 13 that were questionable and 25 that we were going to keep. Most of the ones we were going to keep were considered Division 1 and Division 2 licenses. We were going to lose a large majority of specialty licenses.
- Since the bill passed, the House and the Senate reconsidered what's occurring and there are two bills now, Senate Bill 1570 and companion House Bill 1383, that are putting back the majority of those licenses for the counties. We were losing 31, but it looks like we may lose 13. Those are minor specialty licenses, such as painting, flooring, tile and marble. But the majority of those are going to come back.
- When House Bill 735 was passed in 2021, it was basically passed almost along party lines. This time, it has been a unanimous vote in favor by both parties moving forward.
- House Bill 735 was going into effect on July 1 of this year. Under the new pending bills, that will push everything back to July 1, 2024, when they'd take effect.
- That means the licenses we have now will stay through July 1, 2024, and we may lose an additional 12, unless something happens in between.
- This is in the works to correct what was going to be a major problem for homeowners and business owners in the county.

Mr. Boughton asked if you are a handyman and you do some painting and drywall, does that require two licenses?

Mr. Crotts said if you're doing painting and drywall, that would be two licenses. A handyman license, with the handyman exemption, which is through the state, says that if the work is minor, inconsequential and under \$2,500, then a handyman can do it. If it requires a permit, which depends on the amount of sheetrock being put back, it's going to require a permit and the handyman would not be able to do it. If a handyman is painting one wall of somebody's house, that's handyman work. If he's painting the whole house, it's no longer minor or inconsequential and requires a license.

Chairman Varian said he was looking at the stats and noticed a huge fall in single-family homes. We haven't been that low in a long time for that one month. It's kind of interesting.

Mr. Stark said that's where he, Kirsten and the rest of the team were doing a lot of analysis on this, as well. You're correct. That is the one of the lowest numbers that he's seen. Page 4.

Chairman Varian said he can't remember when it was ever that low.

Mr. Stark noted it was down to 168. We'll bring back more information on that analysis, as well.

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

Mr. Bosi detailed the April report and noted that:

- We continue to have two vacancies. We used to have a hard time attracting employees and being able to get them into the county to work and talk about this position and we'll continue to do so.
- He, Jamie French and the County Manager's Office are working on an evolving process related to land-use petitions in the summer. It's always been restrictive in terms of what types of petitions have public opposition and whether to allow them to move forward in the summer. As of now, as a tentative approach, we're going to allow petitions with opposition at the two meetings in June, but for July and August, unless it's on the summary agenda, we're going to push those forward to the second meeting in September and into fall. It's continuing to evolve. One of the things we are clarifying with our applicant community is that if they've got a strong argument or reasons why, we're not asking to go through the County Manager. Placing any items on the agenda will first have to get clearance from Mr. French, who will communicate with the County Manager's Office.
- What further complicates it is that between the next four meetings, we've got 18 land-use petitions for May 10 and five scheduled for July 11, so that's 23 petitions. We're not sure how it's going to shake out after until we get to the Planning Commission. That will determine which ones can be summary eligible, which will have opposition, and which will have major opposition. That's going to affect not only the timing of some projects moving forward in the summer, but it's going to create a potential backlog for us into the fall and we only have one meeting in December. So we're going to have some difficulties and backlog. We're going to continue to work through it and communicate early and often with applicants and their teams to make sure they're available and try to get there as quickly as possible. There's no intention to delay. We're just trying to manage the assigned workload.
- He noticed that the next item on the agenda is an update on Senate Bill 250. That will have a direct relationship to the EZO you're hearing. He thanked Mr. Booker for bringing it to his attention. When he first learned of it, the bill proposed that a county and municipality that were declared emergency disaster areas could not adopt more restrictive or burdensome procedures to their comprehensive plan or land-development regulations concerning review, approval or issuing a site development plan, development permits or development orders, as defined by Florida statutes.
- Fast forward a month and that bill has been passed by the House and Senate and only four members of the legislature spoke against it. The overwhelming odds are that this is going to be signed by the governor and will take effect July 1. It says you cannot adopt more restrictive provisions retroactive to September 29, 2022, when Hurricane Ian hit, and they cannot be adopted before October 1, 2024. Amendments to the bills have put it even further. It's not only adopt. A locality cannot *propose* restrictions that are more burdensome than what currently is proposed within our LDC.
- Our County Attorney's Office is reviewing this. We just had a brief meeting with (Assistant County Attorney Derek) Perry and we're meeting collectively together so they can provide us with a bit more insight on how that affects the status of the EZO because there are criteria in the EZO that are more burdensome, that are heavier, more of an ask related to auto-oriented types of land uses, so there will be more to provide. Not to detract you from your discussion today in terms of the specifics, but there is a probability that this may be tabled and it may be tabled moving forward until October 1, 2024. That's just a reality.
- He continues to receive a tremendous amount of interest from the private development community due to Senate Bill 102, the Live Local Act, on how their applications will move forward, so there are a lot of interested parties looking to see if they're going to be able to take advantage of it and the opportunities that's created.

Mr. Brooker asked about the summer agenda schedule, noting that he's on the June BCC agenda. He asked if he would be pushed back if there was opposition before the Planning Commission.

Mr. Bosi said he couldn't promise that he will not be pushed. The guidance is if there is overwhelming opposition, which is a nebulous term, then there's a chance that you can be pushed beyond the summer months to the fall. It's not set in stone, but that's the discussion we're having with the County Manager's Office and Mr. French is the gatekeeper in terms of getting it onto an agenda or not. We understand the pressure that it puts on your owners and ...

Booker said that's a four-month delay for his client.

Mr. French told the DSAC:

- The BCC chairman and the board, but especially the chairman, have made it very clear that high opposition (items) will not be heard over the summer.
- That has never been allowed in Collier County, so if there are high-opposition items, they will not be heard over the summer. The County Manager and the BCC chairman set the schedule.
- Responding to questions, he confirmed June is considered summer.
- We have not taken any high-opposition items to the board over the summer. One example might be the Isle of Capri project that was purposely pushed off until after January because of that exact thing. Even though they're not full-time residents, they are property owners and they want to participate.
- We're trying to look at both sides of this and we recognize that the board still allows us to offer a virtual-hearing opportunity to participate, as we have done since COVID. The board has elected to offer summer meetings and has allowed us to be able to take land-use items on summary forward for consideration. Beyond that, if it's high opposition, we have defined that to be 10 or more members of the public. That's the schedule that we put out.

Mr. Curl asked if he said 10 people is considered high opposition.

Mr. French said yes, 10.

Mr. Sterk asked if that was really considered large opposition.

Mr. French noted that this meeting is being recorded and 10 people is considered high opposition and the BCC chairman and County Manager set that.

Mr. Curl said that's unbelievable.

A discussion ensued over the 10 being considered high opposition and who set that.

Mr. Mitchell said he's consistently noted during his time on the DSAC that we are getting further and further away from property rights and owners' rights. It seems like on the development side, we acquiesce, and we give. Has there been any consideration by the board to then have a double schedule in November and December? As Clay stated, there is a real possibility that it could push things two to four months into January and then you only have five months, so we've effectively taken a year and put it in nine months, so every time there's a delay, it costs everybody money on the development side. He's been a county resident since 1984 and if it's important, they should show up. If it's inconvenient because it's the summer, that's on them because we conduct business 12 months a year. This is our job, this is our profession and he doesn't understand why we acquiesce to people who just don't want something next to them but aren't involved in it. It is really difficult. Ten people is not a lot of people. Input from boards like ours and input from staff need to be considered.

Mr. Curl said he agrees.

Mr. Mitchell said there needs to be a compromise. If you want to take no applications in the summer, then let's have a double schedule in November and December.

Mr. Brooker said the appropriate number of people (for high opposition) should be a case-by-case determination and taken to the board.

Mr. French said that's why he's the gatekeeper. He'll be happy to meet with them individually or as a subcommittee. Their comments will be noted.

Chairman Varian said Shar just asked him to clarify something she mentioned. [See 5.f. for the discussion.]

[A discussion about 10 people being high opposition and summer agendas resumed after 5.f.]

Mr. French told the DSAC:

- We recognize property rights and property owners seeking the highest and best use for their property. We do this every day.
- We're an enterprise fund and we know that we are constantly balancing community need against property owner rates.
- The bottom line is that we're doing our best to balance that demand.
- If you'd consider either an industry subcommittee meeting or something else, he'd be happy to sit down with them.
- This is not set in concrete, but we've got to take a more rational approach because some projects are unique, such as the one he worked on with Clay. He noted that we've supported you throughout the process.

[Laughter]

Mr. Brooker said setting an arbitrary number like 10 invites abuse.

Mr. French said he understands. It allows them to go higher. He's been in this for about 20 years and grew up here.

6. New Business

a. Provide an update on the county's view of Senate Bill 250 and the House companion bill (Detailed under 5.i.)

Kathy Curatolo, consulting legislative liaison for the CBIA, told the DSAC:

- She wants to be transparent and share that we met with Shawn Hanson and attended the board meeting.
- Two criteria that were very important to the CBIA was that the process continue through CityView and that there's an improvement between the reviewer and the field. That would be great.
- We will follow that specifically and share what we do with everyone at DSAC so we can ensure we don't through the same thing we went through years ago, that many of us worked on together.

b. U.S. 41 East Zoning Overlay (EZO) Land Development Code Amendment (LDCA)

Chairman Varian noted that there were many speakers and the committee will allow them to speak first.

Six members said they're abstaining from the vote and handing in a Form 8B (Memorandum of a Voting Conflict).

- **Ms. DeJohn** said she'll be abstaining from the vote because she's working on the EZO as a consultant for the county. She filed a Form 8B.
- **Mr. Brooker** said he already filed his Form 8B.
- **Mr. McLean**

- **Mr. Mitchell** said he has current projects in the corridor and clients with future projects in the corridor.
- **Mr. Dunnivant**
- **Mr. English**

Public Speakers

Jacob Winge, president of East Naples Civic and Commerce, told the DSAC:

- He sent an e-mail yesterday to highlight some comments, so he won't go into much more detail.
- This has been a long time coming in the grand scope of things for a lot of different issues that we faced in East Naples for decades.
- This plan comes a little too late in many ways, but we want to continue to move forward as a community and bring things to the table that we've really worked on, like attracting mixed-use, looking at density, height, stormwater, transportation and other different elements that we've worked on with dozens of conditional-use plans, storage units and uses and things we want to bring to the table. This is probably one of the most unique master plans that has been brought forward.
- He served on the GMAC Advisory Committee and worked intensely with Golden Gate and Immokalee's master plans and he's never seen an incentive base that's so concrete and easy to understand.
- This is an amazing plan and really provides the incentives to do good work and give developers tools they need to accomplish things.
- When he sits down with developers to talk about conditional uses and different things that we want to see in East Naples and he brings up mixed-use, they tell him they can't do it. It can't be done anywhere. He doesn't understand that, so he's hoping that the incentives we're talking about and the Activity Centers will help rectify that and give developers the tools they need to accomplish the job.
- The community was intensely involved. This was not a one-time, 30-minute town-hall meeting where five people spoke. This was a variety of professions, organizations, businesses, homeowner associations, etc., that have been involved in this plan, as well as our 200-member organization, which was involved from the onset.
- He hopes they can send a recommendation to the Planning Commission with whatever notes, tweaks, elements or questions the DSAC might have, but that the process continues. This has been delayed far too long. It's taken us way too long to get here and he'd hate to see things get kicked down the road further.
- Regardless of their decision and their discussion, he's available for any questions or comments.

Lisa McGarity, president of Lely Golf Estates, told the DSAC:

- Lely Golf Estates is next to the U.S. 41 corridor.
- This is a unique opportunity to allow the community to get involved in property rights.
- She's lived here 30 years and we've never had an opportunity to give our opinion.
- She's an athlete, a half-marathon runner who runs along U.S. 41 once or twice a week.
- She's heard a storage unit called wine storage and then it's considered mixed use because it has wine storage and self-storage. That's not what we mean. We need more life, we need more activity, not car washes, self-storage or gas stations. Life includes landscaping. Palm trees are not trees.
- She's an environmental chemist. The U.S. 41 corridor is full of traffic. You don't breathe clean air when you're running along U.S. 41. People walking on the sidewalk aren't falling due to exhaust poisoning, but palm trees are not trees. Trees and proper landscaping absorbs an incredible amount of exhaust and also makes the promenade much more pleasant.

- When she spoke to the subcommittee last month, she told them when you pull into a parking lot, everyone looks for a shady spot. You don't get shady spots from palm trees.
- The big take away she heard from her community of almost 500 homes is they want activity, meaning mixed-use, not self-storage or car washes, but Activity Centers where people gather, where there's outdoor seating, landscaping and better sidewalks.
- That's what the community wants and that's what she brought forward during stakeholder meetings.
- It's a rare opportunity that any government takes into consideration input from a community and ideas about something as big as a U.S. highway, so we appreciate this.

Mr. Brooker noted that Mr. Winge mentioned an email and asked if it was received. (It was sent to staff.) He hasn't seen it personally.

Dr. Gordon Brumwall, biologist and Crown Pointe resident, told the DSAC:

- He represents family and neighbors and the Lely Country Club POA, which has 709 homes.
- The community supports his views and they haven't changed since last month's DSAC subcommittee meeting.
- It's not just trees down, dead sea grass and dead manatees. People want change.
- Dr. McGarity was the only person in the public EZO meetings who received applause. That carries some weight.
- 77% of Collier voters wanted a land acquisition tax. We feel like we're starting to lose something and we're reacting against that. The East Naples Community Development Plan (ENC DP) reflects this concern over the loss of our natural look and function.
- Although the overlay should reflect the ENC DP and it largely does, there are a few disconnects. The bonus height system should be adjusted because the ENC DP states that we do not want to overwhelm existing nature and natural spaces should be built into what we build. There are levels of this.
- Canopy trees actively reduce stormwater, improve aesthetics, etc., for the larger community. They reach out from the project site and that does work.
- Environmental signage really doesn't do much if it's not being read, so there are some problems with the bonus system. A builder can get 100% of their density increase without choosing one active option. This does not jibe with the ENC DP.
- Perhaps adding sun blocking architectural elements should be considered to cool buildings and reflect what the LDC says: architecture should reflect climate.
- The list includes minimums for green roofs, gathering places and similar items. Green stormwater infrastructure has no minimums. Like the others, it should.
- The 8-foot minimum planting zone along 41 might need tweaking. Silver Cells look promising, but costly. A builder can choose nine feet and circumvent this cost. But there are no appropriate shade trees, native shade trees, that fit in nine feet without buckling, so there's a donut-hole type thing there.
- The multi-use path: Walkers, wheelchairs, runners, bicyclists, e-scooters and e-bikes. Maybe the two paths that the subcommittee thought was a negative may not be such a bad idea.
- Maybe consider a mini-bonus system for the corridors? We feel the *a la carte* system might work and wonder if a scaled-down version might be appropriate for the corridors.
- These concerns only affect about two pages, most of which is optional, of the 31-page overlay, and represent alignment with the ENC DP or LDC, not major overhauls.
- We'd prefer not to hold things up, but to work with staff on proposals for some of these and present them to the Planning Commission.

Mr. Johnson told the DSAC:

- This is the Land Development Code Amendment for the U.S. 41 EZO. It's proposed along the U.S. 41 East Corridor, Tamiami Trail East.
- The overall purpose is to implement the general concepts, development and design standards, as well as the recommendations derived from community input and the East Naples Community Development Plan (ENCDP).
- The Land Development Code Amendment seeks to update three different sections of the code and create a new section. The first section would be LDC section 1.08.02, the definitions. LDC Section 2.03.07, the Overlay Zoning Districts, and a new section, which would be 0.4.02.43 and then 10.03.06. This amendment went through the DSAC-LDR subcommittee.
- He thanked James, Mario and William for coming to those hearings, which would not have reached a quorum due to voting conflicts.
- The DSAC-LDR recommended approval. There were a lot of discussion points, some of which included, but were not limited to, the proposed density, landscaping, building setbacks, glazing, roll-up doors, ground elevations, the Live Local Act, the deviation process and others.
- He provided two memorandums. In one dated April. 28, he mentioned that Dr. Brumwell provided staff with four pages. That's actually two pages in your PDF, pages 50 and 53.
- Staff is seeking your recommendation. The subcommittee made six points in their recommendation of approval.
- Michele Mosca is here to present a very short PowerPoint presentation, if you desire.

Chairman Varian asked her to present it.

Mr. Curl asked about the six points the subcommittee made.

Mr. Brooker suggested that after Michele makes her presentation, she can summarize the six points, the recommendations, and the staff reaction to them.

Ms. Mosca told the DSAC that Christine Fisher from Johnson Engineering is here, along with Al Key on Zoom. He's vice president of DeepRoot Green Infrastructure LLC. There were several comments regarding structural cells, so he agreed to be with us today in case there are some in-depth comments. She has only a few slides, not a presentation, and asked if they wanted to hear those or go into discussion since it's getting late.

Chairman Varian said he wanted to check if the committee members who weren't involved in the subcommittee wanted a presentation as an overview, or just dive into what we worked on for two meetings.

[The consensus was to move to a discussion.]

Mr. Brooker (the subcommittee chair) said the DSAC-LDR subcommittee met twice in March and April and spent about four or five hours going through it. It was pretty comprehensive. Overall, the subcommittee recommended approval unanimously. For the record, he has a voting conflict and cannot vote, but he can participate. The non-conflicted subcommittee members voted unanimously to recommend approval with the six points that were highlighted in this memo. Michele can go over that.

Ms. Mosca detailed the six EZO points cited by the DSAC-LDR:

- Glazing requirements for non-residential. Some subcommittee members felt that 60% glazing on non-residential buildings was too much, so we talked about 40 or 50% and agreed to change it or reduce it to 40%, so that has changed.
- She will skip over their discussion about structural cells for the moment.
- Metal roll-up garage doors specific to self-storage facilities. Currently, what it states is that if it's visible from a public right-of-way, then metal doors are prohibited. That's what the community recommended and that's what we'd like to move forward with.
- U.S. 41 Streetscape/Zone. Dr. Brumwell, one of the speakers, brought up the double sidewalks transitioning. The community would like to see what we call the double sidewalks in some cases – with the Community Center subdistrict and two nodes, the Community Center Subdistrict, where we will have increased density, additional uses, and the other is a Regional Center Subdistrict. Same thing with those two subdistricts. We have a requirement for our streetscape that would include a buffered area, 8 feet or larger. The minimum is 8 feet. There's also a requirement for a 10-foot multi-use path. There are some options to expand that area.
- If someone has questions about that, we can talk about it further.

Mr. Brooker said he wanted to explain that to the full DSAC. On the U.S. 41 right-of-way, a sidewalk exists in some places. If this is adopted, what that means is where your private property starts, you have to create a minimum 8-foot buffer zone, then a multi-use path and then the development. What happens is in those situations – and it's not everywhere, only in the Community and Regional Centers – it may result in a sidewalk that's already on the platted U.S. 41 right-of-way and another multi-use pathway. That was the issue we were looking at as a subcommittee, whether that was reasonable, required and so forth.

Ms. Mosca said she sees that in the city. Currently, in the City of Naples, around Central Avenue, there are some properties that are instituting a move off the sidewalk. Along U.S. 41, that's somewhat dangerous. People don't like to walk directly on U.S. 41, and that's going to be the case in this area and over time with redevelopment. The community would like to see that activity on the site, so we have interconnectivity throughout the site with that additional multi-use path and it will connect to adjacent properties.

Mr. Curl told the DSAC:

- He didn't know where to start. The 8-foot requirement is the same width as a median in a parking lot and he can't even tell you how many tree-removal permits he's done, oaks in particular, in a parking lot, so 8 feet is underwhelming as a space.
- When the solution presented was structural cells, he believes the roots can expand and it's a different situation in a parking lot. He sent a map to Eric and Julie, a heat map that Jamie French provided after Hurricane Ian, that showed where flooding happened. One was the intersection of U.S. 41 near Airport Road, so when you have a structural cell underneath a tree, the floodwaters are going to invade the space both from below and above. It's no different than a canal. Any engineer here will tell you that once the static pressure builds, the canal is the easy path of least resistance. That's what structural cells are going to do and in this location that we're talking about without benefit of soil, you're just creating an aquarium.
- For the longevity of a live oak, you're setting this up to fail. He doesn't know the cost of what a structural cell would be or how it would be inspected. We could probably work around that, but he's glad the CBIA is still in the room because this is setting itself up to fail.
- He's not sure what the cost to a developer is to implement structural cells. He's heard they're used in Georgia and that's wonderful, but our water table is completely different from Georgia.

Ms. Mosca said that's the technology we've introduced. A minimum of 8 feet would require the structural cells, but if you do 10 feet, you don't have to use structural cells. We do have an expert online if you want to ask him those questions.

Mr. Curl said he had no questions. You would have to implement a sump-pump or some form of evacuating water from that pit. It's that simple. When he does a site plan, the minimum is the target. You are pushing the building to 8 feet – unless there's some flexibility there to get around. The other thing he brought up is that the power lines on U.S. 41 and canopy trees will directly conflict. If there's anybody here from FPL, he'd love them to tell him their answer to that because they brutalize the trees.

Ms. Mosca said she appreciated his comments and input. It's very important. Staff and a team talked about introducing "Right Tree, Right Place" based on FPL standards, so we could probably include that language within the overlay if there is an issue. We also work with (a county planner) Mark Templeton. Maybe smaller trees would be appropriate. What we're trying to do is to get the canopy trees requested by the community on private property along the U.S. 41 corridor, so palm trees and some of the other trees are still allowed within the site.

Mr. Curl noted that it just references canopy trees.

Ms. Mosca said you can use other tree species.

Mr. Curl responded that:

- What's allowable on U.S. 41 are trees like silver buttonwoods and tiny trees that you can't walk under. You're talking about a pedestrian throughway. Unless a silver buttonwood was 20 years old, you can't walk under the tree, but that's allowable under "Right Tree, Right Place," so you're setting yourself up now for a totally different standard for a canopy tree.
- He's talking about logistics. He works with Mark Templeton all the time.
- As for palm trees, the reason he brought that up is that economically in a space, they work much better. They have a smaller root footprint. If the community doesn't want that, that's fine. He won't stand in their way.
- But when you go farther down U.S. 41 to Davis Boulevard, for instance, the gateway to the City of Naples is all royal palms, almost exclusively. He'll go with what the community wants, but if there's flexibility to go with palms, you have to do it.

Mr. Valle noted that he lived in Windermere and Mr. Curl does a lot of work there. That's a very heavy canopy tree community. What are your recollections in there, in terms of what you're seeing.

Chairman Varian said he was just telling Jeff that he was in Collier's Reserve earlier today, another community that's been there 25-30 years now and they don't have structural cells. But when you drive down that roadway, it's beautiful. The canopies are awesome, but the curbs, roadways and sidewalks are all buckling. He's not sure what a structural cell does. We have some pictures. But his question is that, he remembered that in the subcommittee ...

Mr. Curl (explaining slides on the projector) said there's the impact from Hurricane Ian, the second slide is the current map and the third is a hybrid of the two maps, essentially overlaid on top of each other. There's the target he's talking about. Underground, you can imagine what the water table is doing. If you talk to anybody in botany, they'll tell you that one of the reasons trees fail is because of the high-water table, the roots went out of that condition, so they end up with a shallow root system and that's when they fall over in a hurricane. If somebody wants to use structural cells, he believes there will be wind failure in the future.

Chairman Varian said everybody who spoke from the community wanted canopy trees. If you drive up Goodlette-Frank Road and look on the east side, there are big Vs cut through all trees. That may happen.

Mr. Curl said it's a safer bet to allow the trees in soil. He's not on board (with structural cells) but is thankful the expert is on the line. (Structural cells) raise costs and that's where the water is going to go and collect without a sump pump to evacuate that water. He doesn't know what the solution can be.

Chairman Varian said they'd think about that. It's a good point. We can move on.

Ms. Mosca detailed storage-type measurements and a community member's request:

- It's existing grade. Based on the recommendation by the DSAC-LDR subcommittee, we're now looking at changing that language to read "finished grade," which is consistent with the Land Development Code. That's for outside storage for boats limited to 17 feet. She believes that was adopted within the Bayshore Gateway, so it's the same language.
- A member of the community asked to be included within the Community Center, so we added that additional property. It made sense. The staff and team looked at it, so we added that property to Map 1.
- Those were the items of discussion, as well as the conditions.
- We ask for your recommendation, with any conditions to move it forward to the Collier County Planning Commission. We're proposing a July date.

Mr. Boughton questioned the glazing requirement, noting:

- It says windows. The ground floor of non-residential buildings shall have 40% of its façade...
- Does this mean you looked at the facade at the ground level and it's 40% glazing, or you take the entire facade of the building in the case of a multi-story building? If it's 40%, then you have to put it all on the ground floor, so it's not really clear.
- He doesn't see any glazing requirements for any other floors. It refers to a "tint of not more than 25%." That sounds like a lot, but when we look at the glazing data, they don't talk in those terms. They talk in light transmittance and so forth.
- He doesn't think it's a lot but isn't sure it would meet the energy code. Has anyone looked at it in terms of whether it can be done under energy code requirements?

Ms. Fisher said the first part of this section relates to building façades that face U.S. 41, so it would be the whole façade, all the way up. For the second question, we'd have to look a little deeper into that. This language is similar to language in the Golden Gate PUD, so we'll look into energy efficiency a little more.

A discussion ensued and the following points were made:

- This is a standalone document, so you don't look at the architectural standards.
- This is the limit to the glazing requirements. If you have a three-story building, you take 40% of that area and then you try to put it all on the ground level.
- Fisher said the standard is not for the entire façade, the entire height, just the first level.
- Mr. Boughton noted that that's not very clear.
- Ms. DeJohn noted that the purpose of the glazing requirement is to have interactivity with people because these are more urbanized areas, the centers. These are the areas where you want to see the activity inside and make it a more walkable environment.
- There are no glazing requirements for the second and third floors. That would be in the architectural standards.
- Certain sections of the code are excluded because these would supersede them.

A discussion ensued over pathways and the following points were made:

- **Mr. McLean** said he stood pretty hard on the surfaces of the 10-foot multi-use pathway in the two nodes in the subcommittee.
- **Ms. Mosca** noted that to be consistent with the LDC, it must be concrete or asphalt. That's what's listed in the LDC pathway section, the 10-foot multi-use path within the two nodes.
- **Mr. Curl** said you can take credit for building and foundation planting areas. Up to 30% of that can qualify as building-foundation planting, but it's more decorative.

- **Mr. McLean** asked about the 8-foot planter. In a 35-foot setback, we'll put 18 feet of concrete sidewalk in. The mandate he keeps hearing is they want more green space, but we're going to run two parallel sidewalks at 10 feet and 8 feet. We fight this in the city constantly. It's problematic when you're running 25-foot sidewalks with a 5-foot planter. They do it all the time in the city because it's the way they're written. He's not a voting member on this, but this is a problem.
- **Mr. Boughton** agreed.
- **Mr. McLean** said it doesn't meet the mandate of the people who came to the subcommittee meeting and who stood here today to say they wanted more green space. What we're going to fight over is what a tree is and we're going to define "existing building," the existing code criteria. But we're just going to go ahead and put 18 feet of concrete sidewalks in what we're trying to designate as a green zone? It makes zero sense.

Ms. Mosca said those sidewalks are applicable to those two nodes, the Community Center and the Regional Center nodes. There are sidewalks right up against the traveling public. In that case, especially in the Community Centers, it's appropriate to have a multi-use path on that site so you have interconnection, activity on that site itself. You have to remember there is some existing development that needs to occur and redevelopment still needs to occur over time. The connectivity that the community wants to see is moving pedestrian traffic off a dangerous situation and onto those sites. That is the objective long term.

Mr. Brooker asked if the overlay is 17 miles long and the nodes with the Community and Regional Centers make up about seven miles or less of that.

Chairman Varian said U.S. 41, Rattlesnake-Hammock and 951.

Ms. DeJohn said you subtract the intersection areas.

Mr. Brooker said the multi-use path would not apply to everything you see in blue.

Ms. Mosca said that's correct. The boxes in green are the Community Centers and the maroon boxes are the Regional Centers, so it would be applicable to those areas.

Mr. Curl said the Naples Pathway Coalition had a discussion about an overall U.S. 41 connector. Was this discussed with them?

Ms. Mosca said we had several meetings and a decision was made not to go down that segment of U.S. 41. Instead, it's going to go down County Barn Road to Rattlesnake Boulevard to U.S. 41 and down. We tried working with the Naples Pathways Coalition.

Chairman Varian said there was one other item on our approval. It had to do with the rights-of-way and whether an alleyway is a right-of-way and could that be affected.

Mr. Brooker said that involved the roll-up garage doors. As written, a metal roll-up garage door on a self-storage facility is not permitted if it faces any public right-of-way, not just U.S. 41. So what happens when you go behind it and you have a small road or an alley. The subcommittee was debating whether that restriction or prohibition of metal roof or roll-up shutters should apply to the backs of buildings when you have relatively small roads. Staff is not agreeing to the subcommittee's concern in that regard and is maintaining the restriction, the prohibition on any metal roll-up shutter that faces any right-of-way, regardless of the width of that right-of-way.

Ms. Mosca said that doesn't preclude someone from doing a different type of door. That is just the metal roll-up door. We appreciate the comment. That's what the community wants when it comes to storage facilities, so we're moving forward with that community recommendation.

Mr. Curl asked if it applied to restaurants, such as Tacos & Tequila.

Ms. DeJohn said this section of the code is under the heading of self-storage facilities. No metal roll-up doors facing the right-of-way is only under self-storage facilities. It's specifically for self-storage facilities.

Mr. Brooker said he'd asked a question at the past meeting about the applicability for applicants who are already in the pipeline before the EZO is potentially adopted. Right now, you can have an application pending and if this gets adopted, you have to revise to comply. He thought they could make it apply only to those applications filed afterward. He didn't think that was accepted by staff.

Mr. McLean said there should be an effective date in the future and it should not apply retroactively.

Mr. Curl asked if they were saying you're entitled, but then at the SDP process you get held up by this?

Mr. McLean said if you're in the process right now and it passes, do they retroactively go back into projects that are submitted already or are they going to make an effective date in the future if you're already in the queue?

Mr. Brooker said it's more applicable to Site-Development Plans, where you're actually designing the site versus a rezone.

Mr. Valle said what you're looking for is certainty in the process. You're going through your upfront entitlements and you're going to rely on documents you're looking at to see whether the site conforms or not.

Mr. Brooker said clients have asked him about property in this area, that if they apply and this gets adopted. They can't figure out whether to purchase the property.

Ms. Mosca said she didn't realize she hadn't addressed that question. She thought that was discussed at the subcommittee.

Mr. Brooker noted that Jeff has more landscaping expertise than everyone in this room, or at least himself, so what would his recommendation be about shade trees? He has no issue with shade trees and loves them. He has two in his front yard and loves them, although they're buckling his driveway. But what we're asking a private property owner to do is carve out property and plant trees in an area and he's hearing you say they're going to die.

Mr. Curl said that's only with the structural cells. His recommendation would be to delete structural cells for the entire code for the reasons already mentioned, the high-water table.

Mr. Brooker asked what the rationale was.

Mr. Key (structural cell company expert) said he'd like to respond to that:

- The gentlemen's characterization about structural cells was incorrect in many ways, including the low-lying water tables. Canals are filled with soil.
- He was burning up during the presentation when you said these are used in Georgia. We have many projects in Florida, including FDOT, to resolve one of their principal design concerns for tree soil.
- Speak to the FDOT to see if it was approved. It's approved statewide on multiple state roads in Miami, Fort Lauderdale, Pompano Beach, the FDOT parking lot at Zone 6 Headquarters in Orlando, throughout Tampa, you name it.
- You're worried about wind flow? The best thing you can do for wind flow is to provide soil for trees.
- All the places he mentioned are in areas of high-water tables, so he'd love to have a discussion off-line about why you're thinking this way. He had a presentation teed up and didn't know what was going on here.
- Another thing he'd like to leave the committee with is that if you want to have shade trees along the U.S. 41 East Zoning Overlay, the shade trees occupy the same space above ground and below ground, so what that means is that if you want to have an overarching canopy from tree to tree in certain areas, you're going to have to provide soil in those areas, no matter what.
- He'd encourage the speaker who is against shade trees to look at the successes we've had in the past to understand our engineering better, as well as our stormwater engineering. He'd love to answer questions.

Chairman Varian said they're not against shade trees, but they see a lot of sidewalk and asphalt damage here and want that to be on the record, that it tears parking lots apart. Structural cells are a new technology for us.

Mr. Curl noted that they trees tear up parking lots.

Mr. Key responded and noted:

- You can plan for the size of trees by knowing what the structural rooting distances are. There's a well-known University of Georgia document that sets out structural rooting distances and the figure is 10 to 1, so if you have a 1 foot DBH tree (diameter at breast height), the structural rooting distance will be 10 feet across, so 8 feet is a bit narrow if you wanted to prevent sidewalk buckling.
- There are ways to prevent that. One of the benefits of using structural cells is that the engineering is such that we try to prevent that as best we can, but that doesn't mean you throw out all the good rules of thumb while planting trees.

Chairman Varian asked Jeff what the average-sized tree on a new planting is, 6 inches 8 inches?

Mr. Curl said 1¾ per code.

Chairman Varian said he just mentioned 10 feet for one inch.

Mr. Key said 10 feet for 1 foot.

Chairman Varian said he's trying to figure out the math to save the average tree if we're going to redevelop a property.

Mr. Curl asked how large a structural cell are we going to need? What he suggests is that there's no way to make this sustainable. You'll get into tree removal permits, just like a parking lot that's 8 feet wide. He doesn't believe in FDOT projects. He asked if Mr. Key was a manufacturer's representative.

Mr. Key said he owns the company.

Mr. Curl said he has a vested interest in his product.

Mr. Key said correct, but he's not selling them Silver Cells. He hasn't mentioned those. He's talking about that at all. He's talking about tree physiology, which is basic science.

Mr. Curl said we heard it was adopted last year, so he has little faith in government, unfortunately. His recommendation moving forward is to not adopt structural cells as part of this. We don't do it now in parking lots. He doesn't care how many structural cells they put in, over time they will have to do tree removals. There's absolutely no way to stop that.

Mr. Key said they'll find that tree removals will decrease because of increased tree health.

Mr. Brooker asked if there's any appetite by staff to adjust the minimum widths of the two components. We have a buffer and we have a multi-use path. Can we keep the same total, a minimum of 8 feet and then a minimum of 10, so it's 18 feet that we're working with? Now you do a minimum of 10 feet and then a buffer and a minimum of 8 feet for a multi-use path.

Mr. Valle asked if that's good for Mr. Brooker.

Mr. Brooker said that would give us more width, more survivability theoretically.

Mr. Curl said if we're at a *de minimis* length. From what he heard before the overall project, it's an unfortunate pill he has to swallow. Parking lot islands are 8 feet wide. They function, but they have an expiration date, for lack of a better term.

Mr. Brooker said he's saying they should increase the width to 10 feet from 8 feet. Would that help?

Mr. Curl said that gets you more into the standard width in our Land Development Code, but it's still not sustainable. Oak trees are a prime example. Everyone has seen massive wide oaks. Imagine a drip line, which is where the roots reach out, sometimes 60-80 feet. That's impossible to do on any site here in terms of green space.

Mr. Brooker said he's not sure an 8-foot-wide multi-use path would be desired by the community.

Ms. Mosca pointed out that those are the minimums. If you're at 18 or 25 feet for the front setback on those areas within the nodes, you can adjust them accordingly, so you still have roughly 5 feet. Even if you want to extend the buffer area to a greater amount, whether it's at 8 feet, 10 feet or 15 feet. If you have a recommendation that you want to either have a narrower pathway or just work within that 25 foot setback for the front-yard setback ...

Mr. Brooker said normal is a bad word. What's the typical setback in a typical Community or Regional Center?

Ms. Mosca said it depends on the zoning. Typically a frontyard setback is 25 feet. If you get up to C4 and C5, it's 25-plus, plus, a foot or whatever it is.

Mr. McLean said it's 25 plus, so additional feet for each can push you back.

Mr. Brooker said this would be, imposing these requirements would not theoretically be imposed upon your building area because this is already encompassed within an existing front-back requirement, but it does crunch you on other aspects of your site design, parking and stormwater.

Mr. McLean agreed and said that's something they didn't get into at the subcommittee meeting. This context requires you to push your building forward, but as you're getting it taller, building that setback is increasing, are you pushing this 10-foot sidewalk?

Ms. Mosca said yes. But you're not ...

Mr. McLean said so then this may not align from project to project, if the buildings get taller. If he has a building in one site that's 25 feet tall and on the setback, he has a building adjacent to it that's 62 feet tall and 12 feet back, those ...

Ms. Mosca said to remember it can meander and they will have that connectivity.

Mr. Curl said that's kind of cool, the variety of it.

A discussion ensued and the following points were made:

- Trees were removed from parking lots due to damage or visibility. It's damage related.
- In the old days, you could stick a light pole in a landscape island, but people were accosted in parking lots and Bruce L. Scheiner and Morgan & Morgan have commercials that say they're getting lawsuits for that, in addition to trip-and-falls.
- Trip-and-fall lawsuits are huge.
- Engineers in the room don't appreciate the roots redirecting their stormwater design, so many times you end up with flooding in parking lots and that's another trip and fall.
- Trees are cut for visibility. Golden Gate Parkway is a prime example, where you'll see what looks like a 12-foot oak that's now 5 feet tall. They just buzz them down so they can see a sign.
- For civil engineers, the pathways increase impervious surface, so it probably will increase water management.
- You design the site to accommodate whatever the plan is. Any additional impervious area has some effect. It's probably marginal because we're just talking about decreasing it from 10 to 8 feet. It depends on how much frontage you have.

Ms. Mosca said that in the overlay, there's also the ability to reduce the number of parking spaces, so that also would lessen the stormwater onsite.

Mr. Mitchell told the DSAC:

- The answer is that on Marco Island you're required to provide one-inch dry pre-treatment so that doesn't go away, no matter what. It's the site and then you have to provide water management based on the impervious criteria or a volume over the site, whichever is greater.
- He agrees with John. You just plan. You figure out what that number is, and you figure it out.
- What the additional pathway does is complicates where you put your utilities and stormwater, as it relates to landscape, and Jeff is right on that. The more oaks and the more canopy spread you have, the

more difficult it is to develop the site with the infrastructure because you're always worried about utilities being wrapped and the distance off the center line of the pipe and the drip line.

- If you're talking about a tree growing for 60 years, you're going to have conflict. He doesn't know how well root barriers work, but a root barrier is installed if you have a certain distance off the center line of the pipe that you can't achieve. It just sends the root down and then back up. That's what the standard is, so it gets more difficult the more criteria you put on a site.

Mr. McLean said let's assume this goes to the BCC and gets approved before Senate Bill 250 goes into effect. Would this automatically go back into effect in October 2024? Would it then get reinitiated? This was a lot of tough and difficult work. This is going to be challenging. We begged everyone to come to the subcommittee and we bring things here from the subcommittee all the time. We talked about it for an hour today. Please vote on it. We're all good with it and this needs more work. He can't vote, but that would be his comment.

Mr. Brooker said his understanding of Senate Bill 250 is you're not permitted to propose or adopt. It's been passed by the legislature and is presumably sitting on the governor's desk. If it gets signed by the governor, it becomes law. He doesn't know how the county could even take it to the BCC.

Vice Chair Foley said he's familiar with new language on the latest version that was signed. They added legalese that basically says that if any of these codes amendments and land development codes are more restrictive, they can't just be shelved. They have to be completely removed, so the process may have to completely be reinitiated when and if it gets there. The expiration date is (October 2024).

Ms. DeJohn asked if they could take a moment to consider what is restrictive about the language, because if incentives are being given to go higher with density and higher with heights and doing certain aesthetic improvements to the site in exchange for higher density and height, that is not necessarily restrictive.

Mr. Brooker said that's a good question because you have an ordinance that has incentives, relaxations, if you want to describe it that way, and more restrictive and burdensome requirements, so how is this going to apply? We don't know if the bill is going to get signed into law and move forward.

Chairman Varian said they have to do their duty today. He noted that former county commissioner Donna Fiala asked to speak.

Former Commissioner Donna Fiala said we've been working with Michele for years now. She knows our wishes. She knows how hard we tried to get into a better position than we were given so many years ago and we're working at it and it's looking pretty darn good. We need your help to support us. When she tells you something, this is what we want. You've been wonderful to us, Michele. She just wanted the DSAC to know we're trying to climb out of this hole that we've been sequestered in for a while, but we're doing pretty good. Don't we look good? It feels good and we're coming along.

Chairman Varian said wonderful, thank you.

Mr. Brooker said he doesn't think anyone on this committee has an issue or objection to the vision. But what we're looking at is that everyone in this room has practical experience with the real-life application of these things on their property and we're identifying problems and whether there are solutions. We're asking private property owners, for example, to plant a shade tree and a structural cell. All this comes at a cost when we're hearing that it has a limited lifespan, so we're going to have to do it again.

Ms. Mosca said we've had stakeholders with the development community and community representatives.

Ms. DeJohn said she was sorry to interrupt. The hold-up here is structural cells. It only applies if someone develops a strip that's 8 feet wide. That was a county-initiated solution. If you're going to do something at 8-foot-wide, we'd better have structural cells. It sounds like that's a no-go. The 8-foot measurement triggered the structural cell. If 9 feet or 10 feet is OK without a structural cell, then let's move on with that scenario.

Ms. Mosca said staff has had that discussion, so we'd be looking more at the 10-foot-wide buffer requirement if the 8 feet isn't going to work. Ten feet would be a minimum.

Mr. Curl said the other thing is that you have to somehow certify the structural cells. He's not interested in accepting that liability. With all due respect to the gentleman and FDOT, he's not a huge fan.

Chairman Varian asked if there were other questions or comments. Do we want to vote?

Mr. Key said you're talking about setbacks. Soils are volumetric. He suggests they do what many cities did, including Miami Beach, Pompano and Fort Lauderdale. They have a sliding scale on requirements for developers. If you have a small tree, you get a certain amount of tree volume. If you get a medium-sized tree, there's another tree volume and size. If you want shade trees, you get another size and volume. This is outside the question of structural cells but has been done nationwide and internationally.

Chairman Varian said OK and asked if anyone wanted to make a motion.

Mr. Valle made a motion to recommend moving the U.S. 41 East Zoning Overlay LDC Amendment forward to the Planning Commission with approval for the vast majority and to notate the concerns we have about the 8-foot buffer and structural-cell components (Change them to 9-10 feet strips, which work without structural cells). Mr. Brooker seconded the motion. The motion passed 6-1; Mr. Espinar objected; and Ms. DeJohn, Mr. Brooker, Mr. McLean, Mr. Mitchell, Mr. Dunnivant and Mr. English abstained.

a. **Utility Conveyance Policies and Procedures Case Study**
(Moved to 5.d, Staff Announcements.)

7. **Old Business**
None

8. **Committee Member Comments**
None

9. **Adjourn**
Future Meeting Dates:
3 p.m. June 7, 2023
3 p.m. July 5, 2023

Mr. Espinar made a motion to adjourn. It was seconded by Mr. Mitchell. 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 5:25 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE



William Varian, Chairman
CLAY C. BROOKER

These minutes were approved by the Committee/Chairman on JUNE 7, 2023, as presented (choose one) X, or as amended _____.