

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING

Naples, Florida, June 7, 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 Community Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

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

ALSO PRESENT:

Jaime Cook, Director, Development Review
Thomas Iandimarino, Director, Code Enforcement
Drew Cody, Senior Project Manager, Utilities Planning
Eric Johnson, Manager, Planning, GMCD
Lorraine Lantz, Planner III, Transportation Engineering
Michael Stark, Director, Operations & Regulatory Mgt. Division
Michael Bosi, Director, Zoning Division
Diane Lynch, Management Analyst 1/Staff Liaison GMCD
Julie Chardon, Ops Support Specialist II, GMCD

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 Community Department.

1. Call to Order – Chairman

Acting Chairman Brooker called the meeting to order at 3:04 p.m. He noted that the chairman, Bill Varian, is out of town and Vice Chair Blair Foley is at a Naples City Council meeting, so he’s been asked to fill in. We don’t have a quorum and need eight people. Mario Valle is in the lobby.

[Ms. DeJohn, and Mr. McLean joined the meeting at 3:05 p.m.]

Acting Chairman Brooker said they now have eight, a quorum.

2. Approval of Agenda

Mr. Curl moved to approve the agenda, as amended. It was seconded by Mr. Espinar. The motion passed unanimously, 8-0.

3. Approval of Minutes

a. DSAC Meeting – May 3, 2023

Mr. Boughton made a motion to approve the May 3, 2023, DSAC meeting minutes. It was seconded by Mr. Curl. The motion passed unanimously, 8-0.

4. Public Speakers

(None)

5. Staff Announcements/Updates

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

(Occurred after 5.e, Transportation Engineering)

Ms. Cook reported that several months ago, she reported that staff was updating the right-of-way manual. We’re now working with the consultant on it and want to offer it to the full DSAC. If there’s interest, you can set up a subcommittee to review the updates before we bring them to the full DSAC.

A discussion ensued and the following points were made:

- It’s more beneficial to have the preliminary review done by people who do right-of-way permitting.
- The consensus is that a subcommittee would be a good idea.
- They can discuss it at the next DSAC meeting.
- Ms. Cook may have a more concrete time frame then.
- They won’t be meeting the week of July 4.
- Ms. Cook said August is fine.

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

Mr. Iandimarino submitted monthly statistics and reported that:

- The code enforcement portion of Contractor Licensing, which has been under Operations, has been moved under Code Enforcement in Growth Management.
- Due to the state of emergency since Hurricane Ian, they've had four felony arrests in the past four to five days involving unlicensed contractors doing work here. Several pending cases are open, with possible further arrests. We haven't determined how many that will be. It's not a large number, but enough to make a difference.
- They are working with the Sheriff's Office and the State Attorney's Office to manage those cases and go forward.
- Of those, there have been 14 citations and about \$32,000 in fines issued against them.
- To date, there have been 137 citations issued in Contractor Licensing, with total fines of about \$158,000. Contractor Licensing has been doing a lot of work, so he's proud.
- Residents using those unlicensed contractors paid those unlicensed contractors about \$2.6 million. Some of that work may need to be done, while some may not have needed to be done, but some of the work has been done, completed and inspected and it's unlicensed.
- We lost another Code Enforcement employee. The position has been advertised and closes Friday. If they know anyone, please urge them to apply.

[Mr. Valle joined the meeting at 3:08 p.m.]

- Henderson Creek docks: On private properties to the east of Collier Boulevard, we have more than 100 cases of unpermitted, out-of-compliance docks going on. Those cases are taking a lot of time for one or two employees, who are working on that area for property maintenance.

Mr. Boughton asked if it's typically someone with no license or is it licensed people not staying within their lane?

[Mr. Gentry joined the meeting at 3:10 p.m.]

A discussion ensued and the following points were made:

- It's mostly unlicensed people.
- Some may have a license for something else, but it's mostly unlicensed contractors coming here for work and soliciting for business.
- They often do a decent job, so they get a reference and someone else hires them, but eventually somebody asks for a permit and we get the case.
- Some are based in Collier and Lee counties.
- The cases are complaint-driven. Several people who were in that area came to the Code Enforcement office and provided a good map of the entire area with all the discrepancies they thought were there. We're thankful they did.
- It's a lot of work for Code Enforcement and will take a while to clean it up because many property owners may not have the money.
- Some violations were unpermitted docks, such as people piling 2-by-4s into the ground and some involved docks that weren't registered or numbered. Docks are

supposed to have a home address or a number on them. Some are easy fixes, such as adding a reflector or a number, and some are complex cases.

- Each property has its own Site Development Plan and each property is unique, so we're going through the easy to fix ones now and identifying those that need more work.
- Some old docks may be able to be grandfathered in, but there's no solid answer because it depends on each case. It probably will involve some sort of compliance.

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

(None)

d. Public Utilities Department [Drew Cody, Senior Project Manager III.]

Mr. Cody reported that:

- The charts you were provided for this meeting should be the worst you see for a while.
- We have a new KeyStaff temp team member who is in training.
- The month-to-date May numbers are trending better than the charts show. We were averaging six days of availability letters, with a peak of eight, instead of the much higher numbers you've been seeing.
- We're getting that new employee trained on using our deviation system and are still working on a vendor for that, so you should see things go back to normal service standards.
- Our FDEP permit times are creeping up, so we've started a process review to try to cut down the amount of time we're holding those up before we get them back to you.

Mr. Mulhere asked about utility calculations, noting that they're reviewing most. If we're not at the Site Development Plan supporting entitlement or a rezone or something like that, we use a spreadsheet the county provided to calculate those, but it doesn't always fit. Are you amenable to a pre-calculation e-mail in which we tell you what we're doing and what we want to do? That would save us a lot of time.

Mr. Cody said yes and no. He sometimes does that. When applications come in and they specify the logic and how it doesn't fit, he and Anthony, who do those reviews, are pretty open to that, as long as it makes sense. We're OK if you want to use the other category instead of trying to pick one that doesn't fit exactly.

Mr. Mulhere said an example is the shopping center, but on the spreadsheet the shopping center says "without restaurants" and we probably will have a restaurant.

Mr. Cody said you can call us without having a meeting to figure it out.

Mr. Mulhere said that's good.

e. Economic Development & Housing Division

(None)

f. GMD Transportation Engineering Division [Lorraine Lantz, Planner III]

Ms. Lantz provided a brief update on a transportation project:

- An RFP to solicit a Golden Gate City Water Resource Master Plan has been extended for one week due to lack of responses. It's a study for public utilities, sidewalks and a master plan of the Golden Gate City area.

- It's funded by a grant.
- If anyone is interested, it's on the Procurement website, but it's a whole master plan and we continue to look for a vendor.

Mr. Boughton said he lives off of the north end of Airport Road, almost at Immokalee Road, and the traffic-count cables are there. Can you provide a rough idea of the schedule for that work? He assumes it's to finish the widening on the north part of the road, which is two lanes each way and will go to three.

[Mr. Dunnivant joined the meeting at 3:13 p.m.]

Ms. Lantz said the road will be widened. It now tapers north of Vanderbilt Beach Road from six lanes down to four in the Pelican Marsh Elementary School area. It will continue all the way to Immokalee Road. She can provide the timing of the project. It's in the design phase now.

Mr. Boughton asked if some subdivision entrances will be affected.

Ms. Lantz said the project is in construction and the design included some entrance work. She can provide him with the information through the correct project manager.

Mr. Boughton said that's the part that concerns him.

Ms. Lantz said she understood, but all accesses will be maintained while under construction. She can ask the project manager to contact him.

Mr. Boughton asked if that schedule would include dates of public hearings within a couple of months.

Ms. Lantz said it's a 30-60-90% plan for public meetings. She doesn't have the dates for the public meetings but will get that for him.

Mr. Valle said there are a high number of subdivisions and homes being built off Collier Boulevard, from Rattlesnake-Hammock Road to I-75. He's trying to understand the capacity for Collier Boulevard. He doesn't want to run into a concurrency issue where we have all the traffic dumping onto Collier Boulevard at several key points. We're going to have some choke points soon if rooftops continue going up. Are we looking at another north-south corridor for those subdivisions to exit, or will they only have a single point of entry and exit off Collier Boulevard?

Ms. Lantz explained that:

- They typically look at the level of service annually. It on our Annual Updated Inventory Reports, AUIR.
- If there are deficiencies or problems, they'd look at those if they're too high.
- As developments come in, we look at the level of service and projected trips.
- As another north-south road, we're looking at Wilson Boulevard Extension.
- We're currently doing a study for Wilson from Golden Gate Boulevard and connecting to Collier Boulevard at City Gate North.
- In the long-range plan, we're studying the feasibility of crossing over I-75 and continuing down as another north-south facility.

Mr. Valle said he worries about all those rooftops coming in within the next five-year period and then that level of service quickly dries up.

Ms. Lantz said there are other opportunities. I-75 at Collier Boulevard is being expanded and we're finishing the gap for Collier Boulevard where it narrows down to two lanes from Green Boulevard to I-75, so we're working on that.

A discussion ensued and the following points were made:

- **Mr. McLean** noted that last month he said the Whippoorwill narrowing was way too narrow and since then, he's seen three accidents there. Many are probably due to construction, but the county should be aware. He suggests it's less than 20 feet wide, but Mr. Ahmad said last month that it was 20 feet.
- **Mr. Mulhere** said there was a planning study done for a north-south corridor east of Collier Boulevard, possibly Benfield Road-Wilson Boulevard. It never went anywhere beyond that because there is a missing piece immediately adjacent to the old DiVosta project on south 951.
- It was a disaster project when it was started because that's immediately adjacent to a conservation tract on the east side and there's a panther preserve. It's about a mile.
- There is an opportunity from Rattlesnake Extension, which was developed by Hacienda Lakes east and it's now been accepted by the county. To go north on Rattlesnake, you wouldn't be able to get past Beck Road due to I-75. There may be some relief. The only place they could get to is probably Beck Road.
- **Mr. Valle** said there could be one more exit.
- **Mr. Mulhere** said it could connect to Wilson. If so, that's an improvement and it could be lobbied through the MPO.
- **Mr. Valle** said plans need to be made for the future.
- **Mr. Mulhere** said the county could get creative. Maybe the county owns a property the state would be interested in, and they could make an exchange for very limited access, a 200-foot swath on the east side, but that requires someone to focus on that.

Acting Chairman Brooker asked for an update and timing for the Pine Ridge-Livingston roads intersection designs that were discussed a year or two ago.

Ms. Lantz answered that and other questions and reported that:

- The county did a transportation plan, a study for Pine Ridge from Livingston to Napa, which is on the other side of I-75.
- Our recommendation, which the BCC adopted, was to do a continuous-flow intersection (CFI) at Livingston and Pine Ridge, to do an R-cut, which is a restricted turning movement at Whippoorwill Pine Ridge and then a diverging diamond interchange at I-75.
- That study is moving forward into design; it is currently being designed.
- They're considering a standard intersection at Whippoorwill, as opposed to R-cut, but they're moving forward with designing the Pine Ridge continuous flow intersection.
- She can provide the timing of the CFI at Pine Ridge. They wouldn't occur at the same time.
- The Livingston-Immokalee overpass is moving forward for design. It's a bit behind and is funded in 2028.

- The intent isn't to have the intersections being built at the same time, but closely following.
- Livingston will go over as a four-lane facility, two-lanes each direction.

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

(None)

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

(None)

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

Mr. Stark detailed the May monthly report:

- Business Center staff, led by Kirsten Wilkie, Tommy, Michelle and Connie, continue to observe, evaluate and act upon data and trends to effectively manage staff. They coordinate with customers and encourage open communication to deliver high-quality public services.
- The intake team consistently reviews and approves over 250 permit applications per day.
- The department received 4,809 permit applications through CityView, bringing the annual total to 33,436.
- In comparison, for those same eight months of FY21, October through May, the department received 39,930 permit applications, and 37,500 for FY22.
- We're currently trending down from FY22 by 4,064 permits, a 10.8% decrease.
- Our operations team continually looks for date patterns and anomalies while communicating with divisions, staff and customers to identify trends impacting operations, which may include the hurricane, pandemic, land development, short-term vacation rentals, interest rates, building supplies, labor shortages, rent affordability and regulatory changes.
- 532 of the 4,809 permits were related to Hurricane Ian.
- Staff processed 38 short-term vacation rentals, with a total of 145 for the year.
- Business center intake staff assisted 1,014 walk-in customers; satellite locations assisted 284.
- The Call Center received 6,803 calls, with an average call lasting under three minutes; calls totaled 43,279 year-to-date.
- We're working with our internal team to determine the types of call, what services and are working with training staff to ensure we maximize their time so if there is training available to any of our customers, we're scheduling that at least twice a month.
- Two months ago, we had about 6,500 calls. We took a big chunk out of that due to training and staff stability.
- Page 3 of the report shows multifamily and commercial total construction value by applied date, with a spike in multifamily. Two permits associated with the Ritz-Carlton residential units totaling \$348,793,476 million. That was just two permits.
- Permits aren't all the same. You have to look at the size, complexity, and the coordination and collaboration involved in the meetings, including the pre-application process. Although we're seeing a decrease in permits, the two Ritz permits are worth \$348 million, so there's a level of complexity.
- Page 9 of the report shows monthly total subdivision, resubmittal and corrections at 22, some of the highest corrections we've seen in months. We reviewed it with staff's help and found the resubmissions and corrections were associated with an insubstantial change to construction plans.

- We're making sure we identify these early on and work not only with staff but with customers to make sure we're clear about how information is presented so we can avoid resubmittals.
- The department currently employs 308 full-time employees, with only 25 open positions. Many openings are due to internal promotions. We continue to work diligently to address open positions with HR.
- Our HR business partner, Karina Cabeza, is here. She spent the last two weeks on-site one day a week to address concerns we brought to the DSAC, including training, learning more about the business and how HR can identify methods to find talent.
- There's a lot of competition and we want to make sure we get the most skilled workforce for Growth Management. Karina's role is not only to learn more about the business, but to find talent to fill positions.
- Since he took over, we were hovering around the 28-32 vacancy range and now we've brought that down. Our team continues to move forward with the level of efficiency by working with Human Resources.
- Emily Thao, our intern from Palmetto Ridge High School, is among 13 students participating in a six-week, summer high-school internship program hosted by Human Resources. The goal is to familiarize students with our programs, work culture, allow them to learn new skills, participate in various programs, and gain valuable experience as they prepare for senior year.

Mr. Curl noted that Palmetto Ridge is way out east. Is there going to be an opportunity for them to transition to Heritage Bay, so it's a shorter trip during school?

Mr. Stark said there are always opportunities within the six-week program. On Friday, they'll show Emily that location and some teams will be transitioning there. Our Code Enforcement team will join us there and we're looking at other opportunities for college internships as part of attracting talent to Collier County.

j. Zoning Division – [Mike Bosi, Director]

Mr. Bosi detailed the May report and noted that:

- July 5th is your scheduled DSAC meeting. You might want to discuss canceling due to the holiday.
- We're still battling vacancies in the Zoning Division and haven't been able to get to full staff, but continue to make efforts. It's somewhat connected to housing and housing availability, a big deterrent to attracting talent here.
- We're starting the process of updating the 2023 AUIR with a kickoff meeting in our division departments this month. At the end of August, we will have a briefing with the County Manager and bring that to the Planning Commission in October and the Board of County Commissioners in November or December; it's scheduled for November.
- Our population numbers just came out. We continue to see a decreasing annual population projection from our BEBR (UF's Bureau of Economic and Business Research) numbers. He equates that to housing and affordability and the challenges that will have.
- Prior to last year, we were at 1.8-1.97 for almost a decade. Last year, it dropped to about 1.5 and we're still around an 1.5 annual increase, which is still healthy, but compared to where we were, it's a slowdown.
- From a long-term planning perspective and the county's overall health, most people we're attracting are 55 and over and bring a lot of disposable income, which demands a lot of affordable housing. There's a mismatch with housing availability and needs that concerns him. Most people will feel it when they wait at their doctor's office, grocery store or wait for a

restaurant server. If we don't make continuous strides to provide affordable housing, it's going to have a more profound effect.

- The major employers have done a terrific job of letting us know they really need assistance.
- You will hear later from himself, Mr. Johnson, Ms. Fisher and Ms. DeJohn from Johnson Engineering about LDC amendments that are going to be married with the GMP Amendments that hopefully will pass as a combo this fall.
- On June 13, Jeff Klatzkow is going to provide the BCC with an overview of the Live Local Act. At the June 27 BCC meeting, he (Bosi) will follow up and describe the administrative process we envision based upon the statutory guidance.
- For certain components to be implemented, the act lists development standards that must be satisfied for the administrative review. For the Site Development Plan, it's what's contained in your most similar multi-family zoning district within the Land Development Code, RMF 16.
- There's an RMF 16 component that's somewhat limited. It has a setback requirement of half the building height. A lot of commercial properties along Airport Road, U.S. 41, Pine Ridge Road and others that would be eligible for the conversion without a public hearing in the higher densities that would be entitled to 91.77 units per acre, which we don't dispute. It's due to the Gateway Mini Triangle. He's not sure how coming close to realizing those numbers is going to be based upon standards contained within the RMF 16.
- That's something we're going to discuss with the Board of County Commissioners, if there's any leeway to that and how we're going to move forward. There are pros and cons on both sides and there's more to come.
- He's had many phone calls and meetings with developers, including for the Golden Gate Inn and other commercial properties, who are trying to understand how best to take advantage of the leverage of the Live Local Act.
- From a staff perspective, there are two sides. He understands community concerns over density and over-intensification, but the lack of affordable housing is having a tangible effect on our daily lives.
- We haven't had much success in chipping away at that big number with GMP Amendments. We've allocated 22-24% to 30% on some of those proposals, so we're making strides, but it's slow when you estimate a 50,000 deficiency and you're chipping away at 75 and 100 at a time for an individual project.
- More flexibility with how we apply the Live Local Act is the way to go because we really need to throw something at supply because we have such an imbalance between demand and supply. If we can't attack it on the supply side, we're not going to make headway. Those are the discussions we're going to have with the Board of County Commissioners.
- Maybe that allows us to focus on some opportunities we're going to be proposing with the GMP Amendments in the proposed LDC Amendments. They're nowhere near the type of density associated with the Live Local Act. In some locations, such as Davis Boulevard, if you're close to the Mini Triangle, there are heights available that are pretty advantageous. But how that meets up with development standards can be limiting. We're struggling with getting specific direction from the Board of County Commissioners.
- Voices from the DSAC and development community definitely need to be there to provide perspective.
- The June 13th meeting is more an overview of what the act says and what it does and the June 27th meeting will involve asking the board to give us some confirmation on whether this is the right way we should be moving forward with it.

- We also have six petitions going to the board on June 13. On June 27, we have four, then we have a summer block, the blackout period in terms of controversial items.
- The Brookside Marina and 13th Street GMP and CUP storage facility will be in fall, kicking off when we can have controversial items, so it's going to be a busy fall.

A discussion ensued and the following points were made:

- Mr. McLean said he had a client who wants 16 stories, but can't do parking at the ratio. Most communities give parking discounts with densities, but we can't make the parking.
- We need to talk about looking into parking discounts with the density, assuming that a low-income user is going to end up on public transit or something that would allow them to reduce the parking count. But we can't make the parking work on most of our projects that we're looking at under the Live Local Act.
- Mr. Bosi said the Live Local Act says that if you're within a half-mile of a major public transit stop, such as a bus stop, you're eligible for a parking reduction.
- Acting Chairman Brooker said if you're within that distance of a mass transit stop, the act says a local government *must consider* a parking reduction.
- There are no criteria or standards provided under the act.
- That's something staff should attempt to define.
- Mr. McLean said he has a client willing to do that large a building but can't fit the parking.
- Mr. Mulhere said it's a mutual responsibility. Transportation staff most likely will be directed to conduct an assessment to look at what parking reductions make sense because no one wants to build something without enough parking. That's usually done through an alternative parking analysis. Once the first developer goes through the analysis, it will be easier to use a similar methodology, such as 20%. He noted that there have been several APRs already approved for a reduction in a traditional multifamily project where things are pretty close.

Ms. DeJohn noted that the Live Local Act authors are from Miami, so the context and circumstances within which they wrote those rules and contemplated what could happen is in a development pattern of Miami. Giving some relief in an area where you have rapid transit, bus transit, high-speed rail, rail, all kinds of facilities already built, is the context under which it was written. Mike and transportation staff are going to have to make assessments and considerations for our context, which is not as fluid and easy to get around as Miami.

Mr. Curl said the transportation component comes into play because if you're not near a frontage and you overload that grid, it gets back to what Mario talked about. We're not looking good and then people are complaining about the bridge at 16th and here we go with interconnectivity. People are fighting that, so it's counterintuitive.

Ms. DeJohn said it's counterintuitive until you shift your lifestyle.

Mr. Mulhere said congestion drives transit use, so it's one or the other.

Mr. Curl said that's a cultural argument. Teenagers don't want to take a CAT bus. They want to get their driver's license. That's why he brought up proximity to Palmetto Ridge High.

Mr. Valle noted that more kids aren't getting driver's licenses now.

Mr. Curl said if you keep jobs closer to residents, it's a win-win. You can build affordable housing all along U.S. 41, but if a job is out east, such as Arthrex by Ave Maria, it doesn't make sense.

Mr. Bosi said it does if you're in the Estates and you're trying to promote a reverse commute.

Mr. Curl said 16-story high-rises need to consider the transportation network.

Mr. Bosi told the DSAC:

- There's a tie-in with one of the LDC amendments to implement the GMP.
- The last of the initiatives was density along transit lines. We're proposing that if you're within one-quarter mile of a transit stop or plan to develop a transit stop within one-quarter mile in front of your project, you're entitled to 13 units per acre and that's not affordable housing, that's market-rate housing.
- That housing must be within one-quarter mile of the transit stop.
- The idea behind that was to let the private development community contribute to the number of their supply of housing units. Because they have to be 50% of those, that project has to be within that quarter mile, so the design of those is going to be more affordable than some of the more luxury condominiums with more amenities.
- That allows it to go up to 25 units an acre, if you provide for certain levels of affordability.

Mr. Curl said people here don't want to bike or walk in rain or oppressive heat.

Mr. Mulhere said he'd attend the June BCC meetings.

Mr. Espinar told the DSAC:

- Unfortunately, this county has been opposed to a blanket permit that he's been proposing for more than 20 years for Golden Gate Estates.
- The county should get a blanket permit for Golden Gate Estates. There's a community just like it on the East Coast called Satellite Farms. They got a blanket permit that enables developers to build at a certain amount for a certain cost. It gives them permits, a one-stop shopping cart.
- Right now, in Golden Gate Estates for a single-family permit to get a permit out of FDEP, it takes 1½ years. Consider a poor family trying to get a bank note for something they can't break ground on for 1½ years. Compound that with the increasing cost of mitigation. A full credit at the Panther Island project is now about \$200,000, so you're talking about one-tenth, two-tenths or three-tenths for a single-family home in Golden Gate Estates.
- We can't do anything about inflation and the cost of land.
- If you take a scenario where you have a \$100,000 parcel of land, a little 75-footer, if you want to get a permit, now you have the cost of getting that permit. Will you hire a consultant or try to do it yourself? You're sitting there for 1½ years and then at the end of the process, you're going to have to cut a check for the state or a mitigation bank for about \$40,000, plus impact fees, so you're already almost \$200,000 in the hole.
- You're going to have to import fill, so by the time you're done, you're almost at about \$225,000 for a lot without a home on it.
- He doesn't understand why Collier County has a visceral reaction of, "No, we don't want the one-stop shop.
- He is proposing it again. Collier County should pick a number, like one-quarter or one-third acre with an associated cost. Here's a check and at least it's expedited and reduces the costs. Now we know the hard numbers, so you can call the county, say here's my check and it's a wetland and I'm allowed this. If nothing else, you're expediting and trying to reduce the cost and go into Golden Gate Estates.
- He just finished two single-family Habitat for Humanity lots, but it took 1½ years.

Mr. Valle said that also would bring unbuildable lots into a more buildable environment, and then you add more inventory stock at an affordable price into the mix.

Mr. Espinar said someone just paid \$800,000 for a five-acre tract in Golden Gate Estates.

Acting Chairman Brooker asked for the local government he mentioned on the East Coast.

Mr. Espinar said Satellite Farms in Martin County, which was trying to address this same issue. They went to DEP and all the regulatory agencies. Everybody came in and they created one master plan, a permit for their subdivision, just like Golden Gate Estates. The county collects the money and it's part of the original permit process. Everybody at least knows at that point, there's a certain amount of money in the bank. Right now, we don't know and find out when we're halfway done.

Mr. Mulhere asked whether there was a limit to what you can impact through the permit process.

Mr. Espinar said yes.

Mr. Mulhere said right now, you have a starting point, one-third acre is what he thought it was.

Mr. Valle said if we get a full blanket permit for the Estates, everything is done. You can sit down and carve out areas like Winchester or some of those areas, etc., and come to an agreement so that it goes through.

Mr. Espinar noted that when the process starts, it could be \$300,000, but it often rises to \$350,000.

A discussion ensued and the following points were made:

- Mr. Espinar has been advocating for the blanket permit for about 24 years.
- Mr. Bosi doesn't disagree but said it's an incongruence to have affordable housing in large lots zoning together. Those are separate things, but he understands, so he'll have a conversation with Jamie because it sounds like this idea has been raised a lot.
- The county's AMI was \$100,700; it went up a week ago. It's 120% of that.
- HUD generates that number.

6. New Business

a. LDC Amendment – PL20210001291 Community Housing Plan

Ms. DeJohn said she'll be abstaining from voting. She filed an 8B conflict form with Julie because she worked on this.

Mr. Johnson suggested creating a subcommittee for what you want to accomplish with Ms. Lantz (above) about engineering to make it an easy process. For the EZO, we had different members attend the subcommittee meeting due to conflicts, so there's an easy way to accomplish what you want.

He told the DSAC:

- This amendment was first brought to the subcommittee in January 2021.
- It had the wrong PL number, 2020, and should have said 2021.
- This LDC amendment is with the Community Housing planning initiatives. It's a companion to GMP amendment 20210000600.
- This would streamline the commercial to residential conversion; it was in the system before the Live Local Act came about.
- One difference between this and the Live Local Act is the act expires in 2033. If this is approved, this would not expire until the county wants it to go away.

Ms. DeJohn said the Growth Management Plan Amendment that is a companion to this declared a time frame, at least that it be revisited or reconsidered.

Mr. Johnson said to disregard what he said.

Mr. Bosi said it's only one component, one provision of the conversion. The administrative conversion of commercial residential is the one that has a five-year expiration.

Mr. Johnson continued his PowerPoint presentation:

- This LDC amendment would incentivize mixed-income housing in Activity Centers, allow for Strategic Opportunity Sites for increased density and allows for a designation of a transit-oriented development for higher density of multifamily dwelling unit projects along transit routes.
- We're proposing to change many different sections of the LDC, some of which are existing. Six of these are new.
- At the subcommittee, the recommendation was approval with a request that staff review and approve the subcommittee's suggested changes, including a vegetative buffer when a residential or mixed-use project is adjacent to a single-family development.
- In the memorandum in your packet, the digital version is on pages 50 through 54, where he listed items discussed at the subcommittee meeting.
- Many of the suggestions were implemented.
- One that wasn't implemented was that the subcommittee wanted us to reference the Florida Fire Prevention code. We didn't do that, only because it's unnecessary to reference other codes that are in effect. It wasn't a slight to the subcommittee. We didn't want to be duplicative.
- We wound up changing Footnote 1, which has been replaced with Footnote E, which references LDC Section 4.02.40 A.4. It says, "or E, every cell that's under a minimum distance between buildings." That references LDC Section 4.02.40, where the actual standard would be.
- The C-4 Zoning District is the only zoning district that allows for a greater height than 50 feet. In the C-4 Zoning District, it's 75 feet. If you're going to convert commercial properties to affordable housing by right, you're going to be beholden to 50 feet, which is what the subcommittee wanted.
- Another one that we didn't implement for similar reasons was the buffer requirements. (Mr. Curl said it was set up to protect single-family homes. He'd be upset if he lived there.)
- One change he wants to make today is highlighted in yellow under 4.02.40. He'd like to get a DSAC recommendation contingent upon including this highlighted text: "The remaining one-third of this increment shall have no required commitment for housing that is affordable" under No. 2. The same for No. 3, "The remaining one-third of this increment shall have no required commitment for housing that is affordable."
- We took out the capital letters for housing and affordable, per the subcommittee's request.
- Mr. Mulhere wanted us to include some existing text from the code, so when the CCPC and the BCC review this, they'll be able to see the context of the changes.
- There is highlighted text within LDC Section 4.02.42, under Transit-Oriented Development.

Mr. Johnson said he's seeking a recommendation that says, "DSAC recommends approval, subject to the revisions to LDC Section 4.02.42 presented by staff." Those are the yellow highlighted changes he mentioned in the slides. Are there any questions?

A discussion ensued and the following points were made.

- The subcommittee reviewed this 1½ years ago and can't remember the discussion.

- Mr. Johnson said it was held up because they had to wait for the companion Growth Management Plan Amendment to catch up.
- Acting Chairman Brooker said they shouldn't do that again in the future if there's a GMPA pending that's required, don't bring it to the subcommittee because it's hard to remember what they did back then.
- Mr. Mulhere said they probably didn't think it would take that long, but we could have used a 20-minute refresher about what we did then.
- Mr. Curl questioned why they took the buffer out.
- Mr. Johnson said this is a buffer that's a similar residential use and involves multi-family affordable housing next to or adjacent to single-family residential. They're not that dissimilar.
- Mr. Curl said single-family detached has a parking lot, they have a multi-story building. That's incompatible. Single-family doesn't have that, so why aren't you buffering those uses?
- Mr. Johnson said the discussion was about including a prefabricated wall. If the DSAC wants to make a recommendation that includes an enhanced buffer, they can.
- Mr. Valle said he hadn't seen a multifamily development go in without that recently.
- Ms. DeJohn said there's confusion here because there's a baseline requirement that says when construction occurs, a baseline buffer must be constructed. Eric is summarizing that the subcommittee wanted to add taller trees or a wall. What the decision and dispute is: Do we keep to the standard buffer requirement that is already applicable between multifamily and single?
- Mr. Curl said he'd also suggested that instead of eliminating the general tree calculation, that it's taken from the core of this development and pushed out into the buffers, to add another layer of buffering. The buffers are what matters, not necessarily trees in the center.
- Mr. Johnson said we're stipulating on page 33, line 27b, "A Type-B Buffer shall be provided along the common boundaries." Is that insufficient?
- Mr. Curl said it is not. It's a 10-foot-tall tree. What would that do if a building is 25 feet off the property line at 50-foot tall?

Ms. DeJohn disagreed, telling the DSAC:

- If we're talking about the opportunity to put people living on property next to properties that are entitled for restaurant, shopping center, laundromat. They're commercial properties.
- If there's something egregious that's about to happen to someone who didn't know and wasn't prepared, they have been living next to commercial property. They own a single-family lot next to a commercial property.
- They are entitled to build a 75-foot-tall building and to do commercial operations.
- Because we're trying to promote affordability, opportunities for people to live, and convenient locations, this is like a transition where, instead of building commercial, they would be allowed to build residential multi-family and a Type-B Buffer is required.

Mr. Mulhere said there are ways to mitigate. Landscaping is one. The other way you mitigate is like uses to residential. They're not inherently incompatible, they're compatible. Height can drive the need to either enhance landscaping or enhance setbacks so there's a separation between the lower residential structures and higher residential structures. It's always used as mitigation. This says, "The minimum setback from the common boundary shall be equal to the project's proposed zoned height," so if they build at 50 feet, you're going to a 50-foot setback.

Mr. Johnson said that's correct. That's on page 33.

Mr. Curl said you're going to have a parking lot probably on the property line, then the buffer and then beyond that is going to be the building. But at four stories, if somebody's on their patio, the noise is going to carry much farther. He believes there should be protection for adjacent single-family.

Acting Chairman Brooker said he understands and asked if he had any suggested revisions.

Mr. Curl said he probably did back then but doesn't remember now. Typically, when you build a 50-foot-tall building, it requires an 18-foot or 14-foot-tall tree.

Mr. Johnson responded:

- He doesn't know the answer to that, but in No. 2 of the memo, he summarized what Mr. Curl said during subcommittee discussions. You said to consider increasing the buffer requirements where the affordable-by-right in commercial zoning districts is adjacent to a single-family development.
- The increased buffer could be in the form of a 6-foot-tall prefabricated or masonry wall, or it could be more substantial plantings. For example, 14-foot-tall trees, larger shrub size, etc.
- The subcommittee recommended approval of the LDC Amendment contingent upon requiring a vegetative buffer when a mixed-use or residential project in commercial is adjacent to a single-family development.

Mr. Boughton asked about a pending state statute that they discussed during the EZO meeting. Does it no longer exist?

Mr. Bosi said it becomes law 60 days after the end of the legislative session, so it's going to be the law. No more restrictive regulations can be imposed, but this wouldn't qualify. These are new provisions for people taking advantage of potential opportunities.

Mr. Curl noted that they're technically downzoning.

Mr. Valle said this would be less restrictive.

Acting Chairman Brooker said his understanding of Senate Bill 250 is it will be signed into law in one or two weeks. Gov. DeSantis has a few meetings scheduled for Southwest Florida. When we discussed it, it was supposed to sunset in October 2024. It's been extended to June 2025.

Mr. McLean made a motion to recommend approval of LDC Amendment PL20210001291, Community Housing Plan, subject to the revisions to LDC Section 4.02.42 that were presented by staff.

Mr. Mulhere said he'd second it.

Mr. Johnson asked if he recommended everything, including what was discussed today.

Mr. McLean said everything.

Mr. Dunnivant said he won't support it without an enhanced buffer requirement in LDC Section 40.02.42.

A roll call was taken for the vote and the yays were counted: Mr. Gentry, Mr. Mulhere, Mr. Sterk, Acting Chairman Brooker and Mr. McLean.

Voting nay were: Mr. Valle, Mr. Dunnivant, Mr. Boughton, Mr. Curl and Mr. Espinar, Ms. DeJohn abstained.

Acting Chairman Brooker said the vote was a tie, 5-5, and the motion failed.

A discussion ensued about enhanced buffers, gallons and height, which is five feet.

Acting Chairman Brooker suggested Mr. Curl make a motion that includes an enhanced buffer because that might carry.

Mr. Curl said he recommended approval of LDC Amendment PL20210001291, Community Housing Plan, subject to the revisions to LDC Section 4.02.42 that were presented by staff, with a Type-B Buffer that raises the height of trees to 14-feet.

Mr. Mulhere said that's a minor concession and suggested that for buildings that exceed 40 feet in height, it should be an enhanced buffer.

Mr. Curl amended the motion.

Mr. Mulhere seconded the amended motion.

A discussion ensued over the wording of the motion.

Mr. Mulhere clarified the wording of the addition to the DSAC recommendations, a Type-B Buffer, 14 feet, at planting, if the adjacent building is greater than 40 feet and is next to adjacent single-family dwellings.

Mr. Johnson clarified whether includes everything discussed today.

Mr. Mulhere said it does.

Mr. Curl recommended approval of LDC Amendment PL20210001291, Community Housing Plan, subject to the revisions to LDC Section 4.02.42 that were presented by staff, with the addition of 14-foot trees (at planting) as a buffer if the building is greater than 40 feet and is adjacent to a single-family dwelling. Mr. Mulhere seconded it. The motion passed unanimously, 10-0; Ms. DeJohn abstained.

A discussion ensued and the following points were made:

- There probably will not be a June subcommittee meeting. Mr. Johnson will email members if there is one.
- They usually cancel the July meeting because it's the week of July 4.
- They canceled the July 5 meeting.
- August 2nd is the next meeting.

7. Old Business

(None)

8. Committee Member Comments

(None)

9. Adjourn

Future Meeting Dates:

3 p.m. Aug. 2, 2023

3 p.m. Sept. 6, 2023

Mr. Mulhere made a motion to adjourn. It was seconded by Mr. Curl. The motion passed unanimously, 11-0.

June 7, 2023

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:27 p.m.

COLLIER COUNTY DEVELOPMENT SERVICES ADVISORY COMMITTEE



Clay Brooker, Acting Chairman

These minutes were approved by the Committee/Chairman on August 2, 2023, as presented (choose one) X, or as amended _____.