

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

Naples, Florida, March 21, 2023

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee-LDR Subcommittee, in and for the County of Collier, having conducted business herein, met on this date at 3 p.m. in REGULAR SESSION at the Collier County Growth Management Department Building, Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

Chairman: Clay Brooker  
Robert Mulhere (excused)  
Mark McLean  
Jeff Curl (excused)  
Blair Foley (excused)  
William J. Varian  
James E. Boughton  
Mario Valle

ALSO PRESENT: Eric Johnson, LDC Planning Manager  
Richard Henderlong, Planner III  
Zachary Karto, Planner III  
Michele Mosca, Planner III

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

**1. Call to Order – Chairman**

**Chairman Brooker** called the meeting to order at 3 p.m.; a quorum of five was present.

**2. Approve Agenda**

*Mr. Valle made a motion to approve the agenda, as amended. Second by Mr. Boughton. The motion was carried unanimously, 5-0.*

**3. Old Business  
(None)**

**4. New Business**

**a. PL20220008725 U.S. 41 East Zoning Overlay (US 41 EZO)  
[PowerPoint Presentation]**

**Mr. Johnson** said Zak Karto will be seeking input, comments and, hopefully, a recommendation.

**Chairman Brooker** noted that some members, including him, have a conflict and can't vote, but will participate. **Mr. McLean** said he also has a conflict and turned in disclosure Form 8B.

**Ms. Mosca** noted that they've been working with the East Naples community for many years. There's a complete draft of code amendments the community saw and made changes to. We have challenges in applying the regulations and your input will help make this a great product for the community.

*She presented a PowerPoint and gave a detailed overview:*

- There are three subdistricts.
- This corridor has been under study for a long time.
- This was completely prepared and approved by the East Naples Civic and Commerce Association.
- In 2018, we were directed by the BCC to conduct a study and gather public input.
- In 2019, the BCC directed staff to prepare the East Naples Community Development Plan to provide guidance on development and redevelopment.
- We talked heavily about balancing development, green space, beautification and space for residential and commercial on the corridor.
- This took about a year, with three to four workshops and extensive public input.
- We implemented a strategy, the U.S. 41 East Zoning Overlay.
- The corridor begins at the Collier County Government Center, goes along U.S. 41 and skips the Rural Fringe District and goes up to the east side of Port of the Islands.
- There was a kickoff meeting with staff, public and Zoom meetings, surveys, team and stakeholder meetings, as well as an email residents could respond to.
- We wanted to stay away from sensitive lands.
- 92 landowners wanted to participate in the overlay.
- Some of the amendments to the overlay involved increasing height density.
- We had to move forward with an amendment for enabling uses.

**Chairman Brooker** noted that he looked at this earlier and this is not verbatim what we're seeing today.

**Ms. Mosca** said the Zoning Overlay is the driver for the Comprehensive Plan Amendment. We're hoping to go to the full DSAC in April, then the BCC meeting to transmit the GMP amendment in April and then to hearings.

**Chairman Brooker** asked what the waiver requirement was.

**Ms. Mosca** said they plan to go before the Planning Commission in July for an LDCA review and GMPA adoption. It requires two hearings, including one night hearing. Eric will ask for a waiver of the night hearing.

**Chairman Brooker** asked if two evening meetings were required.

**Mr. Henderlong** noted that one night meeting is a code requirement, not a statutory requirement.

**Ms. Mosca detailed the current conditions on U.S. 41 and noted that:**

- There are drive-through facilities on the roadway now and the community wants those moved to the rear of properties.
- There are a lot of older strip buildings.
- There is no protection for bicyclists on the roadway.
- Sources included the East Naples Community Development Plan and public input, the Golden Gate Parkway Overlay District (GGPOD), Bayshore/Gateway Triangle Zoning Overlay, and other community best practices.
- We're trying to move forward with C-4 to allow for a more rural feel.
- The community wants to move forward with an urban-type center.
- Port of the Islands had concerns about not being able to participate. They have a development agreement with the developer and state and we're limited by that agreement.
- Regional centers will have higher densities. Rattlesnake-Hammock Road and Thomasson Drive will have higher density, up to 20 units per acre.
- Existing Activity Centers allow greater height.
- We want to provide for higher uses in Community Centers, which are marked in green.
- Among them are St. Andrews Square, Whistler's Cove and Greenway Road, which has a 7-Eleven.
- We'd like to see more neighborhood uses.
- The blue area is a general corridor district, which doesn't allow for additional density or heights. None of the economic development uses are allowed.
- Whitelake allows outdoor storage. It may be good to allow a conditional-use if the development would benefit the county and outdoor storage is part of the use.

**Chairman Brooker** noted that there was a public speaker and asked that he be allowed to speak now.

**Christopher Shucart, president of JCS Realty Group, told the board:**

- He owns property on the Tamiami Trail and is a member of the East Naples Civic Association.
- He's excited to see this moving forward. It's paving the way for the community and more units.
- How did the boundary of each community/nodule get defined?
- He'd love to see Vincentian Village/Whistler's Cove get extended.
- We would love to have the opportunity to look at 16 units per acre and have the opportunity to tear down buildings that were built in the 1970s and expanded in the 1990s.
- It would be important to us and to a potential developer.

**Ms. Mosca** said the Regional Centers are existing Activity Centers, so it made no sense for staff to follow those, specifically Vincentian Village and Whistler's Cove. We're not certain how to develop that, but we looked at Town Centre. Whistler's Cove is an affordable-housing development. Developers could have the ability for infill development.

**Mr. Shucart** said that makes sense. With an expansion, it could turn into something better than it is today. He said he'd provide her with a folio number.

**Ms. Mosca** said she'd look at that. We had other developers who wanted the area expanded to do higher residential. We'll have to talk about it as a team.

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

- A Regional Center can have up to 20 units per acre.
- A Community Center can have up to 16.
- Something could be written into the Zoning Overlay if there's a reason. There's capacity and it's contiguous.
- The county would have that ability under the Comp Plan.
- It hasn't been publicly vetted yet.
- The community has been involved with the GMPA and rezoning since 2009. With at least two public hearings, there will be involvement.

**Jacob Winge**, president of the East Naples Civic & Commerce Association, said he has concerns about adjoining properties to Regional Centers because of being able to go to 20 units.

**Ms. Mosca** said she would look at the properties he's concerned about. We would have to offer that to other property owners. You're capped at four per acre, but this lends itself to the area.

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

- The Activity Centers are going to naturally develop mid-block, so they're more important.
- Town Centre is a Community Center that was part of East Naples' Community Plan, and it lends itself to great infill.
- There's an opportunity to do mixed-use at Courthouse Shadows.
- They would have to go through a Conditional-Use process because it's more intense and that would provide more protection to the neighborhoods, unless you're in a Regional Center.
- C-3, C-4, and C-5s would be more fully developed. There are a lot of undeveloped areas in C4.
- Light-industrial uses would be allowed.
- These uses aren't allowed today.
- If the EZO is adopted, they'd be permitted, but you'd have to go through the Conditional-Use process.

**Mr. Brooker** said he would defer to Ms. Mosca about how they should proceed and requested that her presentation hit upon the big conceptual fundamentals and then turn the meeting over to the subcommittee to go over individual pages and answer any questions.

**Ms. Mosca** asked if there were any concerns about any of the economic-development uses being proposed on page 5. She pointed out Community Centers currently don't allow hotels, but the community would like to see some boutique-type hotels as an added use in Activity Centers and not along the corridors. There also are opportunities for live-work units, such as Artist Village.

**Chairman Brooker** asked if hotels are not allowed in C-4 now.

**Ms. Mosca** said she'd check that. (She later said a C-4 use allows hotels as a Conditional Use in the corridor. It's per the underlying use. If you have a C-4 property in the corridor with an underlying use, it will be allowed. Design standards of the overlay will govern.)

**Mr. Johnson** said they didn't know who would be at the meeting today, so they printed out comments by Mr. Curl and Chris Scott, a member of the public.

**Chairman Brooker** asked Ms. Mosca if she could include those comments in her presentation. He noted that Mr. Curl asked about the definition of a structural cell on page 3.

**Mr. Karto** said he worked with Mark Templeton to come up with a definition from the manufacturer of structural cells. They're like a milk crate underneath the pavement that allows the pavement to be on top. The

soil isn't compacted, so it allows trees to grow underneath the pavement without heating up the sidewalk because it's less compacted soil to help soak in the water.

***A discussion ensued over structural cells:***

- Root intrusion is encouraged.
- The root system can grow through the structural-cell system, which is stacked on top of each other like kid's Legos. The dirt is then filled in and then the pavement goes on top. Because there are pockets of soil that are not compressed, the root systems can grow through.
- It's the opposite of a root barrier.
- **Mr. Brooker** asked, how does this stop pavements from cracking/buckling up?
- **Mr. Karto** stated, there's a tree barrier along the top edge of the structural-cell system so the tree doesn't go lateral. It can go down and then it goes lateral. That results in a deeper root system, which is good for hurricane resistance.
- It would allow a larger tree trunk.
- Because it's not compacted earth, it allows more stormwater to infiltrate that system.
- It's a new system that's been tested over the past 10 years.
- This is the only way to shrink islands and buffers to allow for big canopy trees and a big root system underneath. Otherwise, buffers need to be a lot wider.

**Mr. Valle** requested that any structural-cell system detail and supporting specifications would be helpful for the full DSAC's review.

**Mr. McLean** asked about page 4, 2b. Properties located within the Port of the Islands that are also within the boundary are subject to the Port of the Islands Agreement of 1985 and not subject to the regulations. Does that mean Port of the Islands supersedes this regulation, or can they opt in or out of this regulation? He cited the property adjacent to the one the county owns. We're dealing with 16 miles of roadway and we're trying to show a colored line of where the actual boundary is and that line is probably 10 miles wide. In the Port of the Islands area, you can't tell exactly where things start and stop. I have one client who would want to opt out of this and one client who would want to opt into this. He's asking because it's not clear.

**Ms. Mosca** said Port of the Islands is governed by the 1985 agreement, which identifies all the properties within the agreement and subject to the agreement.

**Mr. McLean** asked if it is east of the Port of the Island Way because the County's property is west of Port of the Island Way.

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

- RMF 812, which is not in the hatched area, is the county's property.
- The property north of the county's property has spent two years trying to get this exact regulation adopted.

**Mr. McLean** asked if the RTC 4 area is considered Port of the Islands or is it east of the area?

**Ms. Mosca** said properties directly abutting U.S. 41 to the east side of Port of the Islands to the line and to the west side of the RT area are within the overlay and the property within the RMF 812 is not within the overlay.

**Mr. McLean** asked why extend the overlay when the area cannot be part of the overlay? It's confusing for my client, who has the RT lot.

**Ms. Mosca** stated that the design and development standards apply to the Port of the Islands, it's just the greater intensity and density. Anything above what is already allowed in C-4, the overlay would not allow anything higher than what is in the agreement. The overlay provides for some design enhancements for properties along U.S. 41 within the Port of the Islands.

**Mr. McLean** asked, So you can't opt into the overlay and his client could build a mixed-use development in C-4?

**Ms. Mosca** said the overlay would not allow it and detailed the following.

- If you have C4 now, this overlay wouldn't allow you to go higher in intensity or density than what's allowed by the agreement.
- You can take advantage of any uses that are already in existence or what's in the overlay, in terms of permitted or conditional uses, but design standards of the overlay will govern.
- What you have in Port of the Islands is what you have.
- This overlay provides for some design enhancements for properties along U.S. 41 within Port of the Islands.
- You can opt-in to this overlay.
- **Mr. McLean** said he has a client who wants to build a mixed-use development in C-4.

**Laura DeJohn**, who was working on behalf of the county, said her understanding is that all hands are tied because an agreement is on the books. There is no governmental zoning action that can interfere with that agreement that's on the books for Port of the Islands.

**Mr. McLean** asked what would occur if one is not subject to the Port of the Island agreement and "adjacent to" the Port of the Islands.

**Ms. DeJohn** said that would involve a side agreement.

**Mr. Brooker** clarified that if property is within the 1985 development agreement area, the uses are set in stone per the agreement. It's just that the design-standards enhancements per the overlay would apply. The extension of the overlay is to encourage the design standards.

**Mr. Brooker**, who cited page 4, wanted to know if the new standards would apply to those who have already applied for land development and filed land use petitions in the queue.

**Ms. Mosca** said it's challenging at this time. A C-4 commercial project, if it was under the existing C-4 standards and nothing has been adopted for the overlay, they could come in and develop consistent with C-4 zoning. If they are requesting a rezone or conditional-use or comprehensive plan change, staff may request standards consistent with the overlay and the decision would be made by the Planning Commission through public hearings to determine whether those imposed conditions will or won't apply to a project.

**Mr. Brooker** clarified that with other overlays, one can take advantage of any uses that are already in existence, or what is in the overlay in terms of permitted or conditional uses, but design standards of the overlay are going to govern.

**Ms. Mosca**, who was on page 7, said LDC Section 4.02.23 lists the specifics for the design, bonus density and height standards of the overlay. It's broken down into Regional and Community Center Subdistricts and then Corridor Subdistricts. The following provisions shall not apply to properties: There is a reduction in open space on page 7 and specific design criteria for Mixed Use in C-1 through C-3 districts. C-1 through C-3 allows for mixed-use and residential with specific criteria. There is a wall requirement between residential and a provision for townhouse development.

#### **Architectural and building design standards under C.**

**Chairman Brooker** pointed out Jeff Curl's question about a wall requirement on line 5, page 8 between residential and non-residential and that he assumes no wall is required. Mr. Curl is asking why.

**Ms. DeJohn** told the DSAC:

- It is a leap and can't just assume it.

- What is happening early is the section related to design and development standards is an enumeration of a few standards that will be handled differently in the EZO. It's to bifurcate and say you can't follow the rules in LDC Section 5.03.02.H 2. You're going to follow the rules in the EZO as it relates to this particular matter, so it's not an exemption.
- It's not saying all future development is exempt from LDC section 5.03.02. It's a disclaimer saying you don't follow those particular rules. You follow what's outlined in the EZO.
- In principle, the concept was that the community had made decisions about what they want in their community and the things they want stricter standards and protections for.
- They want a mix of uses and compatible uses being next to one another. It doesn't have to be walled. If you live near a coffee shop, we don't want a wall along the East Trail. We want to be able to walk to the coffee shop.
- If it's one of those uses identified as more concerning. It could have glare and could have noise, then we have code rules that specify stricter standards and possible walls or extra buffering for higher intensity uses, like economic development uses, and other noise-creating type uses.

**Chairman Brooker** said that on line 5, Subsection 3, it states: "The following provision shall not apply to properties in the US 41 EZO." Does it make sense to explain that because they are treated in more specificity herein or whatever the verbiage is? It's confusing and prompted the question from Jeff Curl. It's going to come up again.

**Ms. Mosca** said that's fair. She then moved on to architectural building and site design standards:

- For the Regional Center and Community Center, the required front-yard streetscape zone is identified as a minimum of 18 feet to 25 feet as the setback.
- Within that setback, the developer/applicant would provide an 8-foot-wide buffer, as well as a 10-foot multi-use path.
- For the Corridor Subdistrict, the setback would be per the underlying zoning and then they would provide an allowance to provide a double-loaded drive aisle.

*[A discussion ensued over Jeff Curl's comments.]*

**Ms. DeJohn** said if Jeff Curl were here, we could explain that the columns on the page are distinct from one another. He's tying it back to the columns on the left and they are not related. Adding formatting to define the columns would resolve that question on page 8.

**Chairman Brooker** said they can discuss that further at the full DSAC meeting. He noted that in the front yard streetscape zone for a Regional or Community Center, it says 18 feet minimum to 25 feet maximum. If you have an 8-foot buffer and then the 10-foot multi-use pathway and that is your setback, 18 feet, you're going to have a building immediately abutting the multi-use pathway?

**Ms. DeJohn** said, yes.

**Ms. Mosca** said they'd show the DSAC.

**Mr. Boughton** asked if that was a required build-to line or just to set that line.

**Ms. DeJohn** said it's a setback zone.

**Mr. Johnson** said the intent is that the building wouldn't be closer than 18 feet to the property line.

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

- This would be like Bonita Springs or the Naples Downtown District at 10th Street and U.S. 41, which has setback zones.
- **Mr. Boughton** said that many times when you park by a shop, it is an issue and a deterrent to parking for someone visiting a shop.
- This will require that parking be on the side or rear of the building.

- This is a long corridor, 20-plus miles, and these are in the centers, punctuating it along the 20-mile corridor. There are about six centers that will contain more intense and urban characteristics, not the whole corridor.
- The multi-use pathway is not required in the Corridor Subdistrict.
- **Mr. Brooker** noted the math does not add up or it is out of proportion and it's misleading.
- The renderings will be corrected to be more to scale.
- **Ms. Mosca** noted that on page 9, in design exemptions from vertical mixed-use, there's a list of exemptions.
- On the allowance for no wall, the community wanted to see connectivity for residential to access commercial areas in the Community Centers, the seven nodes.

**Mr. Brooker** noted that in footnote 2, around line 8, it says "Properties with a side or rear yard abutting..." Does the code today have this extra side yard setback requirement as you go up in building height or is it new? It's like a 45-degree wedding-cake look.

**Ms. DeJohn** said it is not in the current code. It is introducing higher intensities, so it's something to pay attention to.

**Mr. Brooker** said C-3 today has a maximum building height of 50 feet. This has a 25-foot height, but if you go above 25 feet, that setback will require a step back, wedding cake look.

**Mr. Valle** said you are trading off height for the step back.

**Ms. DeJohn** said it provides relief in side yards and rear yards.

**Mr. Boughton** asked if there was a definition of vertical mixed-use for a certain height minimum.

**Ms. DeJohn** said there is no minimum height and vertical mixed-use is defined in the code. It's just more residential and non-residential use within the same building.

**Ms. Mosca** said in the Subdistricts for Regional and Community Centers, based on what the applicant does with the property for vertical mixed-use, they can go up an additional 20 feet, but they must meet certain criteria from their base zoning.

**Ms. DeJohn** said you are seeing maximum-height, townhouse 45, all other uses per underlying zoning district. That is putting forth there is no change to today's allowed heights. Height allowed today remains the height allowed tomorrow. To incentivize the mixed of use, it's a way to get bonus height, so by doing a mix of use, you could have additional height.

**Mr. Valle** asked how this is taken into account from a transportation perspective. Trying to provide a lot of these uses and height, that's going to generate a higher trip count, that will trigger a higher TIA count or higher car count or trip count in your TIAs. How are you going to accommodate that for those aspects? The client and residents might want it, but the "unintended impact" becomes heavier traffic.

**Ms. Mosca** said the Growth-Management Plan Amendment includes an expansion of the south TCA. When the data and analysis were looked at for 100% impact based on possible infill development, the possible density that could be achieved along the corridor in these specific centers, at 100%, it was roughly 3,500 additional trips. However, from a staff perspective and looking at the history of the corridor infill development, we looked more at possibly 25% utilization, which may be about 700-800 additional trips. With the expansion of the TCA, that will allow for additional opportunities to address the capacity that we're adding to the roadway. That wouldn't be your link-by-link, it would be looking at other mechanisms to lessen the number of trips on the roadway.

**Mr. Valle** said he wanted to make sure we're not hampering someone from coming in and having a concurrent issue.

**Ms. Mosca** said that with the expansion of the TCA, it helps the area as a whole.

**Chairman Brooker** noted the FDOT classification slide and asked if FDOT has been involved in looking at this.

**Ms. Mosca** said it had.



***Ms. DeJohn went through Jeff Curl's comments on exemptions (page 9):***

- Mr. Curl was suggesting that the comments in Footnote 2, relating to side and rear yards, should be attached to the bonus height. Ms. DeJohn did not think it was needed, noting that they're Scrivener decisions.
- Exemptions from design standards for vertical mixed-use. This is a pullover from what happened with the GGPOD. This is an attempt to make mixed-use more palatable from a development perspective, so we're saying when it comes to architectural standards, we won't apply so many standards to the vertical mixed-use that are typical of the commercial design standards that we have in the county, except the following do apply...

*[Mr. McLean left the meeting at 4:23 p.m.]*

- He's asking if 5.05.08 F2, off-street parking design, applies. In this code, we have described newer, better theories of moving parking to the side and rear and how to screen it. She would tell Jeff that as vertical mixed-use goes, we want to lighten the load as much as possible and not hold developers to the commercial parking lot standards in LDC Section 5.05.08.

**Ms. Mosca** noted that at the bottom of page 10, describes streetscape designs of buildings facing U.S. 41, the streetscape design of building in detail, some landscaping, glazing on the windows and design features at intersections. Are there any concerns there?

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

- **Mr. Boughton** asked about the architectural massing standards (item 6) that are part of this current architectural code.
- They will be set aside and the only restriction on these buildings is the stair-step on the rear of the building that has to do with adjacent residential properties.
- The only other is on page 19, where self-service buildings are limited to a maximum of 100 feet when the property adjoins residential.
- There are no massing standards except for these exceptions. Is he understanding it correctly?

*[Mr. McLean returned to the meeting at 4:26 p.m.]*

**Ms. DeJohn** said that commercial design standards will still apply to general commercial development, so Section 5.05.08 is going to apply if they're proposing a big office building.

**Mr. Brooker** said that LDC Section 5.05.08 D.3 is being superseded by this section, transitional massing elements.

**Mr. Boughton** said the 60% glazing requirement is too high.

**Mr. McLean** said it should be more like 45-50%.

***A discussion ensued over the glazing requirement (item b, p. 10, line 37) and the following points were made:***

- Typically, the way it's figured is if you have a facade and a mansard above the roof, that all gets counted as the facade area. Then you take a certain percentage of that, so it's like you're being taxed more.
- Even when you're talking about an architectural requirement of the LDC and the street front, they want four elements on the building. Now we have to try to add pilasters, awnings and columns and you're asking for 60% of the facade glazing. It's too high.
- The current standard is 30%, so 40% would be an improvement. It would be hard to get to 60%.
- Is there a reason 60% was chosen?
- The intent was to promote a more pedestrian-friendly experience so you can see in and out.

**Mr. McLean** stated it's set at 60% in Naples' Fifth Avenue South Overlay District and it's very tough.  
**Ms. DeJohn** said they'd look at softening it.

**Mr. Johnson** said the DSAC subcommittee could make a recommendation to reduce that from 60 to whatever you think is appropriate.

***A discussion ensued about Jeff Curl's comment on page 11, Powerlines and canopy trees don't mix:***

- Goodlette-Frank Road is a perfect example. There are many trees with a V cut through them, all cut by FPL.
- Other trees are easier to run a power line through.
- The community wanted to get away from palm trees.
- Ms. Mosca said we'll look at the distance, the location of power lines and where trees can be located.
- Jeff Curl says that east of U.S. 41, they require 100 native trees. Ms. Mosca noted that's for properties within the coastal high-hazard area and that's an existing regulation.

**Mr. Varian** noted that under 8B, Jeff Curl wanted to determine how the county would determine what the structural, healthy tree growth was. How will the county inspect that?

**Ms. Mosca** said staff will follow up with the community and architect. Our flexibility is with the structural cells. We want to have viable trees and an urban feel along the corridor. The community's desire was to reduce that buffer, but we still want to make sure we have good (inaudible).

**Mr. Varian** noted that he and Mario often retrofit after a tree goes down and the damage that occurs. What will that process be now?

**Ms. Mosca** said they'd all be on private property and it would be the responsibility of the property owner to replace the tree.

**Mr. Varian** asked if they should put back what was there.

**Ms. Mosca** said it would be at planting height, not at a mature-level tree height.

**Mr. Johnson** said he believes a replacement for a fallen tree would be at least whatever the minimum size is for a replacement tree.

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

- If a tree falls and damages the structural cell below, how would that be repaired and replaced?
- The county needs to think about if a tree falls five or 10 years from now and the sidewalk is damaged.
- The county will meet internally to see if there are other options to structural cells that would still maintain the integrity of the landscaping and the tree in the long-term.
- The county needs to determine what happens if a tree topples during a hurricane. Mr. Johnson said staff will get together with Mark Templeton to figure out what the code requires for replacement trees.
- Mr. Valle said DSAC would like more information on how the structural cells work, so they could ask better questions. They need to know how to go back and redo a structural cell if it's damaged.

***Ms. DeJohn went over Jeff Curl's final comment on the page regarding the buffer requirement, not along U.S. 41 for any edge of a property adjacent to lands outside of the EZO:***

- Facing a property not along 41, it's typically going to be parallel on the backside. Even the side street of an EZO property will be mirrored across the side street to another EZO property. It's always going to be the back because the corridor runs linearly. That answers his first question, which was 10 feet along U.S. 41. It's not 10 feet along 41, it's 10 feet along an edge facing an alternate non-EZO property.
- He couldn't locate the reference to LDC Section 4.02.43C8.b.3. It is in the next section down.
- That section says you would do a 10-foot-wide buffer, unless reduced, per the section right below.
- When following that section, it says this is an incentive for when a developer provides an access easement for the county to install a 10-foot-wide path. This is the parallel back side of the property facing non-EZO designated property. There's relief. Instead of having to do a 10-foot buffer with trees

and shrubs, they can reduce it to 5 feet and just do street tree-style plantings and dedicate 10 feet for public use in the future, should the county be able to install pathways along the back streets.

- This was based on public involvement and concerns that we can dress up U.S. 41 as much as possible, but it's still a six-lane arterial with high-speed traffic and the ability for neighbors and neighborhoods along U.S. 41 to have pedestrian or bicycling activities might be more comfortable not on U.S. 41.
- This provides a chance for some type of corridor parallel to U.S. 41, the back streets or parallel streets. This creates an opportunity should a property owner want to dedicate 10 feet for public use and do a lighter, easier buffer.

**Chairman Brooker** noted that Jeff says 5 feet is not sustainable for trees. Can you talk to Mark Templeton and see what staff feels about 5 feet? Are we just going to plant a tree that will die in two years?

**Ms. Mosca** said that's the idea behind the structural cells. We had those conversations with Mark Templeton, who said trees in structural cells will mature, survive and be fine over time. She asked if there were any other comments regarding the parking lot, vehicular-use areas and service-function areas on page 12.

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

- **Mr. Boughton** noted that it says you can't have service doors on a primary or secondary façade and if you do, you should screen them in a certain way. This language says if you can see them from the public right-of-way, they're not permitted. Many times, the service doors are much higher than normal, so there is no way of screening them, which will make a big limitation on where they can put them because you are stuck with the rear of the property.
- **Mr. McLean** said this corridor is anti-storage and anti-man cave. Was that a conscious effort to curtail them?
- **Mr. McLean** had a client who wanted to build 12 units there to sell for around \$30 million. It wasn't going to be a parking garage. It was going to be one of the highest-end buildings in that area, but it was zoned out of existence.
- **Ms. Mosca** said that's for special-use considerations and we can go back

**Ms. DeJohn** noted that this language already is in the LDC, in the Business Park District. There's a zoning district for business parks and it has some qualitative-type design standards. This has been a condition of approval for more recent storage and man-cave facilities. It's an attempt to manage the way they're designed, not to prohibit them. It would have the doors facing the interior rather than facing the exterior.

**Mr. McLean** said it is prohibitive, whether that's the intention or not.

*A discussion ensued over page 20, line 6 and the following points were made:*

- They understand that's fine for a primary public right-of-way.
- **Mr. McLean** did a building, 11222 on the East Trail (Raintree Lane and Tamiami Court) that faces 41 and is a vacant lot in from the side road that has an alley running behind it that had an existing garage door on the back of it because it was a tire store. When it went through the LDC, they declared all three roads primary and said he couldn't do garage doors on them and made him remove the one that already was there. That's an overreach.
- The definition of public right-of-way may need a better definition so a reviewer isn't making what's deemed an alley by everybody something more than that.
- **Mr. Boughton** had a project where there were two buildings like this and an interior court and the county deemed the courtyard a private road.
- **Mr. Johnson** said maybe we could clear up what this is applicable to by specifying a minimum-size right-of-way where it would be applicable. If the concern is that we don't want to have this be applicable to anything visible from an alley, maybe 20 feet wide? If the intent is to have this be applicable to all roadways that are rights-of-way, if they're 40 feet, or greater, for example. The DSAC can pick an appropriate number.

- **Ms. Mosca** said, the intent is so it's not visible from U.S. 41. Maybe it's a question of whether it's primary right-of-way.
- **Mr. Valle** said, maybe that's the issue, reviewers are calling everything a primary façade. Reviewers are changing everything when they're saying your alley is a primary façade. How do you mitigate that?
- **Mr. McLean** said reviewers considered Raintree Lane and Tamiami Court primary roads on his project. Tamiami Court is a residential access road that runs parallel to U.S.41 and does not have curbs or gutters. It's an alley at best.
- **Ms. DeJohn** said she's familiar with the location and high level of residents' concerns there.
- **Mr. McLean** said it becomes prohibitive. It's like we're trying to limit what type of development can be done and that's where it gets tricky. He understands they can't go in and define things. There are other areas here where it refers to that and we start making references to the SIC code and how we're going to eliminate or control these items. Then you go from a garage door to an SIC rating within the code, whether it's a subset of man-cave or storage. All of a sudden, it's not a garage anymore because the finishes are so nice. The allowable permit is as a garage. When he put a glass door on it, they said it's too nice to be a garage and won't give me a permit because it falls into an SIC category that doesn't fall within the approved zoning district.

*[Mr. Valle left the meeting at 4:49 p.m.]*

- **Ms. DeJohn** said individual cases get messy. The code we're talking about says the use of metal roll-up garage doors located on exteriors visible from the right-of-way is prohibited. This is a very specific restriction. For other materials that aren't roll-up, there are other ways to do the intent of the project.
- We should define metal overhead and roll-up doors if it's not defined.
- **Ms. DeJohn** said they can do that.

***Mr. Winge, President of East Naples Civic Commerce, thanked the Subcommittee and staff for a cohesive, productive process and cited concerns:***

- Historically, East Naples is one of Collier County's oldest designated communities and the fact that we haven't had a plan for the 85-90 years that it's been in existence is mind boggling because other communities have had a plan.
- This has been a long time coming.

*[Mr. Valle rejoined the meeting at 4:52 p.m.]*

- He applauded staff and Johnson Engineering for the *a la carte* structure for height and density determinations. It's revolutionary. There isn't anywhere else in code or standards where they can put in numbers and incentives in easy-to-understand language for the community, developers and property owners.
- Developers constantly tell him they can't do mixed-use. That doesn't mean it's impossible.
- At our community and stakeholder roundtables, they wanted this to be a plan that had some teeth to it, that wasn't just verbiage and little tweaks here and there. We wanted something with substance for the community. This is a very substantial plan that does a lot of good things.
- He had two concerns, first what is the 60% glazing prohibitive to?

**Mr. McLean** said it's prohibiting the other LDC requirements. It stifles the architecture.

**Mr. Valle** said it's just retail.

**Mr. McLean** said that's a minimum number. They could reduce it to 40. If someone is putting in a furniture store and wants it to be 100% glazing and they can still make the architecture work within the LDC, they can increase that number, but forcing 60% on everybody is certainly not a way to go.

**Mr. Winge** said he understood. East Naples really wants retail. There's no reason why we still have an extreme deficiency in retail in 2023.

**Mr. Winge cited other concerns:**

- His second concern is that shade trees were 125 % of what the community wanted. He was surprised how many people wanted that. One stakeholder was an environmental chemist and former Florida Southwestern State College professor and she and others commented on it.
- He understands some of the concern is getting away from palms and into shade trees, but every part of town and U.S. 41 has shade trees, so why can't we? Just because FPL is going to trim them?
- He watches the public-planning process and feels that when board members look at something differently, they get afraid of it. The county is in a planning mess because officials have seen things, think it's difficult, complicated or they can't do it. He doesn't want that to occur with shade trees because they're all over U.S. 41.

**Mr. Valle** noted that they took shade trees out of the Target plaza on Pine Ridge Road, which now looks like a barren wasteland. Everyone from up north wants wonderful walkways with shade trees and wants that here. Unfortunately, our wind and heavy rainfall produces the sprout and growth, so there's an increase in sidewalk repairs because the sidewalks are pushed up several feet. That causes those structural elements. What happens in a wind event? We had a water event. When we had a wind event, all those shade trees went. Miami-Dade took all the shade trees out of the LDC because they didn't want huge swaths of roadways pulled up to be repaired. You must understand where you live. We're not that far from the coast. Just because that hasn't happened there yet doesn't mean it won't happen.

**Mr. Winge cited other concerns:**

- It's noted that sable palms and palmettos are the only palms native to Florida. Royal palms, queen palms and silver palms aren't native. None of these other palm trees are native. They're Caribbean accents that have been brought over. There are hardwoods and shade trees in coastal Florida that were here since the 50s, when it was total hardwood hammocks with gumbo, limbo and ironwood, and species like that that you can use – and the community would be more receptive.
- Northerners don't look for shade trees as much as palm trees. We've let that dictate what we look like. There probably aren't any commercial developments pre-1960s Collier County with palm trees, except maybe in the core of Four Corners. In pre-60s and '70s development, that didn't exist.
- Shade trees were something the community looked at for density and height. It's not required, but that's just part of the bonus.
- That's why *a la carte* is a nice structure because the developer can pick and choose. If you want all 16 or 20 units, you're going to do all those things to get there. If you want that maximum height, then you're going to have to do things to get there. If you're OK meeting somewhere in the middle or your math works at 18 units and you don't need the extra two, then you don't have to do that extra bit to gain that part.
- He hopes the *a la carte* structure will be viewed as a major incentive that's written, applicable and easy to accomplish or plan for.
- Percentage breakdowns are something that came out of the first stakeholder meeting and the community rallied around that.
- If anyone has questions for the East Naples community, they can contact him.

**Mr. Varian** told him the DSAC is made up of contractors and other backgrounds who have seen the other side to what can happen. It's not that they don't want to do it. They want to bring problems to everyone's attention. We're the ones who do it. We see bad things and good things and we want the community to see that.

**Chairman Brooker** told him that when the full DSAC is in session, it's a full array of institutional and practical knowledge. The consequences need to be understood and maybe they are a good idea. If trees that fall, buckle pavement, block roads, disallow evacuations and first responders, those are consequences. If the community knows the consequences and wants to absorb them, they can. That is practical knowledge about what really happens when you add a pretty tree and the wind comes. They appreciate his input over the past few years.

**Mr. Winge** said he's been president of the association for five years and if they need input, he's looking forward to discussing that at the full DSAC. He's happy this is being vetted fully before being presented to the Board of County Commissioners. He's available if they want to contact him. He's in full agreement with what they do. He's been on four county advisory boards, understands their concerns and knows they really help.

***The DSAC continued on page 20, a discussion ensued, and the following points were made:***

- **Mr. Varian** said should define right-of-way. Maybe a primary road is something 40 feet or wider.
- **Mr. Johnson** said he would have to consult with staff to understand all of the different levels of rights-of-way. If allowing metal rollup doors along an alley is not the issue, then he recommends excluding alleys.
- Alleys are defined in the code but if reviewers interpret them differently, that's a problem.
- Alleys are defined in the code but it uses the term "private road," a catch-all term.
- **Ms. DeJohn** cited code, noting that it says metal roll-up garage doors generally are prohibited if visible from a public right-of-way, so this would not be for private rights-of-way or private courtyards. This is metal roll-up garage doors visible from a public right-of-way.
- **Mr. McLean** recognized some of the challenges are that the zoning code is a bit restrictive along U.S. 41 and we need to make sure that further restricting metal overhead roll-up garage doors facing 41 is not anything we want to see. We need to think through the unintended consequences of what will happen with this code.
- **Mr. Brooker** said we have a consensus that we don't want roll-up garage doors visible from U.S. 41, but that's not the intention. It's an alley or a road behind. It sounds like the community behind Tamiami Court does not want to see this even though they're behind it. That's where the tension lies.
- **Ms. Mosca** asked if another material can be used.
- **Mr. Valle** said it's how it's interpreted. If you have a glass panel within a metal overhead door, somebody will say that's a metal overhead door and now you're stuck. It might look prettier than the garage door in his house and that garage door is visible from U.S. 41.

***Mr. McLean cited some other instances:***

- The code allows a glass garage door to be installed. Reviewers extrapolate what the code allows.
- He couldn't get a man-cave approved because we went to glass garage doors, then we were screening them and it was like we weren't putting the 60% glazing on the road.
- Consider an overhead coil door. There's a new Porsche dealership on the corner of Davis Boulevard and Airport-Pulling Road with two overhead coil doors that face Davis, but they're plexiglass because they coil. They're among the finest garage doors on Earth because they use fast automatic openers.
- But we got somebody who interpreted the code who said that's not glass. You can't use a metal overhead coil door. This excludes it, but what we're going to is not glass because another section of the code says that on U.S. 41, you must have a glass door. The LDC specifies glass, so then is the plexiglass a coiled door? We need to consider the unintended consequences.

**Ms. DeJohn** said you're stating what you don't want. Can you state what would be a positive/affirmative addition to this text, such as plexiglass-something doors are allowed?

**Mr. McLean** said this text is linked back to the architectural portion of the LDC. Why exclude something and not just go back to that portion of the LDC?

**Ms. DeJohn** said that for two years, she heard very active community members banded together to have a set of standards that isn't the typical Collier County LDC. Is there a certain type of plexiglass material you want?

**Mr. McLean** said this door was already excluded in the LDC, so what is the purpose of re-excluding it? There are unintended consequences of excluding it twice.

**Mr. Boughton** suggested mitigating it by screening it at 8-feet high, which screens the view in a right-of-way.

**Chairman Brooker** said if Mark has better language, he should talk to Laura DeJohn. He asked staff to confirm whether it's already excluded in the LDC and to address it from that angle.

**Mr. Johnson** provided a slide on the exemptions from the design standards. Lower-case B is what Mark is referring to. We're excluding 5.05.08, with respect to overhead doors. If we were to re-include that or strike this out in its entirety, then we wouldn't have to worry about metal roll-up doors.

**Ms. DeJohn** said you're misreading the language. It says exemptions shall not apply, except the following do.

**Chairman Brooker** moved on and noted that the subcommittee is supposed to deal with the minutiae and full details of the material before it goes to the full DSAC so they don't have to go over this. They will work to make the full DSAC meeting before May.

*[A discussion ensued over finishing the discussion at a later meeting.]*

**Mr. Henderlong** asked Subcommittee members if they prefer staff to send a link to each of their calendars for a future meeting date, in addition to the Community email.

*[A discussion ensued, they requested that calendar invites be sent to the usual subcommittee members and others and to resume on p. 13 when they reconvene.]*

**Mr. Varian made a motion to table the item and hold a special meeting at 3 p.m. April 18. Second by Mr. Boughton. The motion passed unanimously, 4-0.**

*[Chairman Brooker, who inadvertently voted and wanted to abstain, conducted a roll call.]*

**Mr. Varian, Boughton and Valle voted aye; Chairman Brooker and Mr. McLean abstained. The motion passed, 3-0.**

**5. Public Comments**

[Provided above-Jacob Winge]

**6. Reminder of Next DSAC-LDR Subcommittee Meeting Date**

**a. 3 p.m. April 18, 2023**

**7. Adjourn**

**Mr. Varian made a motion to adjourn the meeting. Second by Mr. Boughton. The motion passed unanimously, 5-0.**

There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 5:18 p.m.

**COLLIER COUNTY DEVELOPMENT SERVICES  
ADVISORY COMMITTEE  
LAND-DEVELOPMENT REVIEW SUBCOMMITTEE**

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

These minutes were approved by the subcommittee/chairman on May 3, 2023, (check one) as presented  or as amended \_\_\_\_\_.