



# **Development Services Advisory Committee Meeting**

**Wednesday, March 6, 2024  
3:00 pm**

**2800 N. Horseshoe Dr.  
Naples, FL 34104**

**Growth Management Department Conference  
Room 609/610**

**If you have any questions or wish to meet with  
staff, please contact  
Rey Torres Fuentes at 252-5727**



## Development Services Advisory Committee

### Agenda

Wednesday, March 6, 2024

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104 Growth Management Community Development,  
Conference Rooms 609/610

#### **NOTICE:**

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Registration Form", list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to order - Chairman.
2. Approval of Agenda
3. Approval of Minutes:
  - a. DSAC Meeting – February 7<sup>th</sup>, 2024
  - b. DSAC-LDR Subcommittee Meeting – January 16<sup>th</sup>, 2024
  - c. DSAC-LDR Subcommittee Meeting – January 31<sup>st</sup>, 2024
4. Public Speakers
5. Staff Announcements/Updates
  - a. Development Review Division – [Jaime Cook]
  - b. Code Enforcement Division – [Thomas Iandimarino]
  - c. Community Planning & Resiliency Division- [Christopher Mason]
  - d. Building Review & Permitting Division- [Richard Long]
  - e. Public Utilities Department – [Matt McLean or designee]

- f. Housing Policy & Economic Development Division. - [Cormac Giblin]
  - g. Growth Management Dept. Transportation Engineering Division – [Jay Ahmad or designee]
  - h. Collier County Fire Review – [Michael Cruz, Assistant Chief, Fire Marshal]
  - i. North Collier Fire Review – [Chief Sean Lintz]
  - j. Operations & Regulatory Mgmt. Division – [Michael Stark]
  - k. Zoning Division – [Mike Bosi]
- 6. New Business
    - a. Sidewalk Payment-in-lieu Provisions in LDC Section 6.06.02 – [Requested by Clay Brooker]
  - 7. Old Business
  - 8. Committee Member Comments
  - 9. Adjourn

**FUTURE MEETING DATES:**

April 3, 2024 - 3:00 pm  
May 1, 2024 - 3:00 pm  
June 5, 2024 - 3:00 pm

MINUTES OF THE COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING  
Naples, Florida

February 7, 2024

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  
Vice Chairman: Blair Foley  
James E. Boughton  
Clay Brooker  
Jeff Curl  
David Dunnavant  
John English  
Marco Espinar  
Norman Gentry (excused)  
Mark McLean  
Chris Mitchell  
Robert Mulhere (excused)  
Laura Spurgeon-DeJohn  
Jeremy Sterk  
Mario Valle  
Hannah Roberts—AHAC non-voting

ALSO PRESENT:

Jamie French, Department Head, GMCD  
Jaime Cook, Director, Development Review  
Michael Bosi, Director, Planning & Zoning  
Thomas Iandimarino, Director, Code Enforcement  
Drew Cody, Senior Project Manager, Utilities Planning  
Cormac Giblin, Director, Housing Policy & Economic Development  
Lorraine Lantz, Planner III, Transportation Engineering  
Michael Stark, Director, Operations & Regulatory Mgt. Division  
Richard Long, Director, Building Plan Review & Inspection, GMCD  
Eric Johnson, LDC Planning Manager  
Maria Estrada, Planner II, Zoning Division, GMCD  
Marissa Fewell, Planner III, GMCD  
Diane Lynch, Management Analyst II/Staff Liaison GMCD  
Julie Chardon, Ops Support Specialist II, GMCD  
Rey Torres Fuentes, Ops Support Specialist I, GMCD

*Any persons needing 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**

**Chairman Varian** called the meeting to order at 3 p.m.

A quorum of 12 was present in the boardroom; two members joined later.

**2. Approval of Agenda**

**Chairman Varian** noted the only change would be during the Golf-Course Conversion item, where there will be several public speakers.

*Mr. Dunnivant moved to approve the agenda. Mr. Curl seconded it. The motion passed unanimously, 12-0.*

**3. Approval of Minutes**

**a. DSAC Meeting – December 6, 2023**

*Mr. Brooker made a motion to approve the December 6, 2023, DSAC meeting minutes. Mr. Foley seconded it. The motion passed unanimously, 12-0.*

*[Mr. English joined the meeting at 3:01 p.m.]*

**4. Selection of Committee Chair and Vice Chair**

*Mr. McLean made a motion to nominate William Varian as chairman. Mr. Curl seconded it. The motion passed unanimously, 12-0; Chairman Varian abstained.*

*Mr. Mitchell made a motion to nominate Blair Foley as vice chair. Mr. Curl seconded it. The motion passed unanimously, 12-0; Vice Chair Foley abstained.*

**5. Public Speakers**

(None)

*[Ms. DeJohn joined the meeting at 3:02 p.m.]*

**6. Staff Announcements/Updates**

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

*Ms. Cook reported:*

- We've been working on the Right-of-Way Manual and she wants to finish going through the manual with them before we provide Blair, John and Chris with the whole packet with all the changes.
- She's a bit behind due to concussion issues earlier last month, so she'll reach out to them to set up a meeting to finish going through the manual.
- Her assistant, Alexandra, will be moving into a new position within the next month and she will get a new assistant, but doesn't know how long that will take.

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

*Mr. Iandimarino provided a January update:*

- We had about 1,200 cases for the month. Last January, we had about 900, so we're starting off the year stronger than last year.

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

- We hope to keep that going this year.
- For Contractor Licensing, 2,648 contractor licenses were renewed and slightly less than 300 were not renewed, which is similar to the year before due to natural attrition.

**Mr. Valle** asked when somebody reports that their contractor may have a license, that contractor has 90 days to then remediate that process and that resident then is red-tagged and cannot change anything?

**Mr. Iandimarino** asked for more information.

**Mr. Valle** said the contractor was licensed but didn't pull a permit and she called Code Enforcement and her job was red-tagged. I told her that the contractor couldn't do anything for 90 days until he remediated the no-permit issue. Now she has a leaky shower and can't move forward.

**Mr. Iandimarino** said there needs to be some common sense to that. There might be some misinterpretation.

**Mr. Valle** said she's been dealing with it since mid-December and it's been leaking for two months.

**Mr. Iandimarino** asked him to speak with him after the meeting.

**c. Community Planning & Resiliency Division [Chris Mason, Director]**  
(No report)

**d. Building Review & Permitting Division [Richard Long]**

*Mr. Long reported that:*

- We just hired a new plumbing chief inspector and filled that position.
- We've been getting applications for some vacant positions. We're still struggling with finding candidates who will make it through the state process, but we're interviewing anybody who might be able to and we're trying to read between the lines of their applications and resumes.

**e. Public Utilities Department [Drew Cody, Senior Project Manager]**

*Mr. Cody provided an update:*

- Our timeline has crept up a bit higher than we like to see it. During the four-day week between Christmas and New Year's, we received 44 requests in four days and it took until Martin Luther King Day to dig out. It was similar to a half-year's worth of product approvals.
- We're seeing more requests for deviations to do two-step conveyances on some of the wastewater-pump stations. We work with the utility review team and Jaime Cook's team to make that happen for the hospital project, school project, etc. It's not something we have a mechanism to do anymore with those single-step conveyances, and it's not something the utility is generally going to support, particularly for commercial or residential development.
- Those community-needs things, particularly on the front end, we've gone ahead and worked with them to make them happen, but it's not a type of deviation that we're looking at and supporting continuing forward.
- The Utility Standards Manual Update Project is underway. We're meeting with our consultant next week to see how some updated details on language are coming along. We hope to come to the DSAC in March or April to ask for a utility subcommittee meeting to start the review process.

**f. Housing Policy & Economic Development [Cormac Giblin, Director]**

*Mr. Giblin told the DSAC:*

- At your instruction, Mr. Mulhere has been assigned to attend the AHAC meetings as a DSAC representative to encourage more cross-pollination between the two groups. The AHAC has decided to meet every other month, so his first meeting will probably be in March.

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

**Ms. Lantz provided an update on projects in design:**

- Transportation Planning is working on a scope for our Access Management Plan update, which we started but put on the back burner due to staffing issues.
- We are now looking at updating the Access Management policies and are putting together the scope. Does this committee want presentations or should she come back as updates come up?
- Last time we gave you updates as it was moving forward, but we met with the development community and if that's your will, we'll do that. Otherwise, she will build into the scope additional meetings to come.

*[Chairman Varian asked committee members and they agreed updates will be fine.]*

**Chairman Varian** said during one of the Board of County Commissioners meetings recently, there was a push to start moving things like that forward. Is that on your team to make that happen?

**Ms. Lantz replied:**

- A lot of the push was specifically for monthly growth for that corridor and we did transmission planning and a study on that corridor from Livingston to Logan Boulevard.
- Many of the recommendations, including the overpass at Livingston and Immokalee and the diverging diamond and interchange at I-75, are what's being asked to move forward for funding.
- Our department head, Trinity Scott, is asking FDOT to look at the potential for getting that diverging diamond interchange at I-75 moving forward.

**Mr. Curl** asked how long that construction would take.

**Ms. Lantz** said it's very painful, about two years, possibly longer.

**Chairman Varian** noted that Colonial Boulevard in Fort Myers is going through that process now.

**Ms. Lantz** said they're doing several treatments at the same time, a diverging diamond. They're restricted. It's an arc cut and continuous flow intersection.

**Mr. McLean** asked what the schedule is for 951.

**Ms. Lantz** said that overpass is in the needs for the Long-Range Plan, she doesn't think it's cost feasible.

**h. Collier County Fire Review [Michael Cruz, Captain]**

(Not present)

**h. North Collier Fire Review [Bryan Horbal, Captain]**

**Capt. Horbal detailed the December and January reports:**

- He's the deputy fire marshal of new construction for North Collier.
- December was very busy, with 1,900 permits in our system for North Collier. There were 150 in Immokalee for December.
- We completed 1,600 new construction inspections in December.
- In January, we about 1,700 permits in the system. Immokalee and Ave Maria had almost 200.
- In January, we conducted 1,400 inspections.
- We're working hard on non-permitted work. That's been an issue with hurricane permits and contractors coming from out of town, so we're working through that.
- We've been working with Thomas' team with Code Enforcement and Contractor Licensing, so that's been a good partnership.

- Planning and Review. In December, we had 411 new construction reviews, and in January, we had 459.
- There's a lot being built so we're very busy.

**Chairman Varian** asked how far out inspections were.

**Capt. Horbal** said they're next day, sometimes the same day if someone calls us and is in a pinch and he has somebody available, so we're trying to keep everybody moving and working. Plan Review for planning is two days out on a planning review and three days out on a regular new construction permit for review.

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

*Mr. Stark provided the November update:*

- In January, the Business Center assisted 1,243 walk-in customers and our four satellite locations welcomed 162 walk-in customers.
- The Call Center received about 5,848 calls to the main number and the average call lasted about three minutes.
- We've moved our Call Center from our front office area into the back at Horseshoe Drive, which has provided a level of oversight and some training that's been really good.
- In January, 3,595 permit applications went through CityView, with 302 related to Hurricane Ian, which was on September 28, 2022. Why that makes a difference here is that we're looking at working through 182 permits from February 5, but our permit applications for the first four months compared to last year have decreased by 5.24%, so we're down about 774 permits from the first four months of last year.
- Our current trend looks like we're headed toward a fiscal year 2020 average.
- Zoning front-desk staff resolved 953 survey conditions and are currently working through 100 survey conditions, 56 of which are CO holds.
- The department currently employs 320 full-time employees, with 25 positions currently in the pipeline.
- Mr. French is conducting interviews for HR manager. We made an internal selection, Sandra Delgado, who has worked for Contractor Licensing as an operations supervisor since 2021.
- Alex Casanova has been promoted from our Development & Review Division to Management Analyst 1. She'll be supporting the team with Diane Lynch and David Moreno.
- We want to welcome Ray Torres Puentes, who is with us today. He'll be taking over some duties for Julie Chardon as she transitions into her new role within Housing Policy & Economic Development. Julie has over 13 years of exceptional customer service for Publix and brings a wealth of knowledge and experience to the team, so we're excited to have her on board.

**Chairman Varian** asked where we stand with the CityView update to allow extra messaging on the inspection side.

**Mr. Stark** said our projected date was around May, but we're working with our contractor to see if we can move that up. We want to ensure we get them available for testing. Internally and externally, the average, such as Sprint, can take up to nine days. As we continue to customize the system and consider different options, it could take up to 90 days, but we want to make sure we get the proper testing from all levels throughout the seven divisions that we have within Growth Management because it could also impact some external stakeholders.

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

*Mr. Bosi reported that:*

- We're fully staffed for the first time since his return in June 2021.
- He appreciates the support we get from the HR division.



- We taking what we've heard from the public about guest house rentals in the Urban Estates to the Board of County Commissioners next Tuesday, February 13. Because the legislature is working on another provision to make accessory dwellings with an affordable-housing component 100% eligible for property tax deferral or waiver, we're waiting until after the legislative session to see what comes out of that because we want to provide the board with all the different available options.
- What the public said at the three Public Information Meetings was that they were interested. Those were the residents who attended and responded to our survey. We also had an online survey.
- The majority supported renting guest houses, but not if there are income restrictions because they didn't think that would work due to economic reasons. That may change if they're exempt from property taxes. We're going to present the BCC with what we have, then they're going to provide us with direction.
- We found that at every meeting, we had people from the Rural Estates wondering why their area of the county wasn't being considered, so that's something we're going to present to the Board of County Commissioners, that there's a strong interest from those who attended the meetings that they also would be interested in renting guest houses within the Estates.
- It's all about supply and demand. We have quite an imbalance, so even if there's no income restriction and it's market rate, it's going to help with that imbalance.
- In terms of the entitlement side, there's about a 5% decrease within the building side. We don't see it on the entitlement side. The entitlement side has been consistent. On February 27, we have 10 petitions the board will review. There are eight more in March, so that's 18 petitions in the next two months.
- With the Planning Commission, we've maintained three to five petition load, and based upon the pre-application meeting request, we haven't had a lot of pullback on that.
- We continue to see a lot of GMP PUD-associated combo petitions that are coming in.
- The commission did contemplate the moratorium recommended by Commissioner Saunders but it wasn't accepted by the other four commissioners. The board did say they were going to provide more scrutiny on GMP amendments, so the factors that we bring to the board, we're going to ensure we give them the full information they need to make the right decisions.

## 7. New Business

### a. PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process (requested by Eric Johnson)

**Mr. Johnson** disclosed that he and Rich live in a golf course community, so Mr. Bosi is going to present this item. The second LDC amendment on the agenda will be presented by Maria Estrada, our newest Planner II in the LDC section. She spoke at the January submeeting and did a good job, so she's looking forward to presenting to the full DSAC. After both items are finished, he wants to approach the DSAC with a follow-up question for clarification.

#### ***Mr. Bosi detailed a PowerPoint presentation:***

- The presentation ties into the actual LDC amendment. The subcommittee had two cracks at the modifications related to the golf-course conversion process. Some of the highlighted areas, where they'd asked for requested changes, are on the presentation, and you'll be able to see them within the handouts Marissa has provided for us.
- February 14th, 2023, they directed staff to amend and clarify that the board has discretion to address and reduce the minimum average greenway width and even location for golf-course conversion applications during the rezoning process. That's a task we took seriously and we've worked over for the past several months to try to do that.

- They also provided some direction on April 11, asking staff to bring back recommendations and offer amendments that can improve the golf-course conversion application process based upon comments they received from the public, so there were competing directions provided to staff related to how far we were going to go to make this Bert Harris Act-defendable but also to make it more productive in terms of the overall how to engage the conversation, as the intent of the golf-course conversion process was designed to do.
- There have been three properties that have been through the ITC (intent to convert) process. This amendment clarifies the difference between the ITC process and the golf-course conversion process.
- The golf-course conversion process is the initial re-zoning from golf-course conversion to another use. The ITC application process doesn't imply that approval of conversion will result. It's just designed to try to promote conversation between the developer and the adjoining residents within that golf course.
- Another portion of this amendment is that golf courses that do not abut or are adjacent to residentially zoned properties will be exempt from the ITC process. Staff has been approached by the Links of Naples with a Bert Harris claim. That's a golf course that was approved by conditional use in the agricultural zoning district. It's surrounded by residential, but those houses are zoned agricultural. We didn't have that clarification within the current LDC that talks about what courses would be eligible for the conversion process and we wanted to clarify that that's not the intent of the golf-course conversion.
- If it's a conditional use in an Ag Zone and it's surrounded by agricultural property, even though there may be residential uses or houses on those surrounding properties, that would not be one that requires a golf course conversion.
- We deal with the entitlement process of a conditional use. If that conditional use is discontinued for over six months, that conditional use goes away, so it's illogical to say that a golf-course conversion process would have to be applied to that individual process.
- The changes are pretty substantive related to how we've pared down the intent to convert process. Deviations are requested by the applicant that could modify any or all portions of what we're proposing within the intent to convert process. Why are we allowing that? Because on its surface, the intent to convert process could be viewed as a taking. This as an additional step that's required, that no other property would be required and the amount of buffering we suggested was appropriate to compensate for the lack of the loss of open space.
- On its surface, if the board doesn't have flexibility, it sets itself up for Bert Harris claims. Two of the three golf courses that went through the ITC process, contemplated a Bert Harris claim against the county.
- The process allows the proposed greenways to be aggregated in one or more of the parcels, with a minimum of 35% of the project area committed to a greenway. It reduces the greenway average width from 100 feet to 75 feet but no less than 50 feet at any one location.
- It encourages applicants to consider cluster residential development and affordable housing.
- It modifies the criteria used to evaluate the staff report for conversion applications.
- It requires at least two separate tracts within each phase of development, one to identify where the greenway tract is and the other one is where the project and development tract will be. That's going to be required at the time of subdivision or SDP approval.
- In the handout with the red straight-through text and the blue underlined text, the subcommittee's recommended changes are highlighted in yellow.
- The first is on page 7, line 10, and includes the words "attempted to," to clarify the intent, and it revised the "application" to "applicant." They're minor changes, but the subcommittee felt that would improve the wording and the intent of the process
- On page 9, line 24 and 25, "a minimum of two distinct proposed conceptual development plans" was the revision, instead of saying four or more. The committee felt that clarification was needed.

- On page 13, line 18. Because the word “vetted” can have different meanings, the subcommittee asked that “vetting” be substituted with “presented” or “discussed.” There was concern that “vetted” means there was an agreement that arrived from the discussion and we felt that it was presented because it encouraged the discussion that we’re trying to promote. It also was changed on line 24.
- On page 13, line 36, we stress that a minimum of 35% of full or partial conversion property is committed to the greenway.
- On page 14, lines two and three, updates the word “shall be” to “encourage.” The subcommittee recognized that when you’re clearing out and going through the underbrush, sometimes there’s native vegetation caught up in the activity, so we thought “shall be” was too draconian and there’s more flexibility that was being suggested to add to it.
- In the next portion, there wasn’t a change starting on line 15. A portion of the greenway may provide stormwater management, however, the greenway shall not create more than 30% of additional lake area than exists pre-conversion in the greenway. Any newly developed lake shall be a minimum of 100-foot wide. The subcommittee wanted the full DSAC to weigh in and give input related to the lake percentage and the width requirements.

***A discussion ensued over the subcommittee’s intent and the following points were made:***

- Mr. Curl said the thought process was that the greenway’s view is a buffer, and you’ve got an existing home, a proposed development in between. The lake can reflect sound, so that doesn’t help with buffering. But we didn’t want to handcuff any engineer by incorporating language that took that out.
- Mr. Mitchell said South Florida requires that if the lake is going to be counted for water quality, it’s required to be 100-foot wide for a minimum fetch of 200 feet, so 100 feet is a good amount.
- Mr. McLean said we’re talking about “additional” in the golf-course conversion, so the golf-course conversion has to take in greenway. How much of that additional greenway space can be converted to lake and added to existing lakes or to create new lakes? If somebody comes in, you’re dealing with the source of a golf course and you’ve got 18 holes. If they want to create some big lakes, the question is how much can be added to an existing lake or how much percentage, because the idea is to get the greenway in there. You don’t want someone coming in and taking 50% of the golf course and plopping lakes in everywhere just because it’s easier for water management.
- Mr. Brooker said he didn’t think Mr. McLean’s comments were different from Mr. Mitchell’s. Chris is saying if you’re creating a lake, it must be 100 feet wide, so we’re looking at that percentage.
- If you’re going to have a new lake, it would be a standalone in the greenway and it must be a minimum of 100 feet and we’re counting down toward waterfalls.
- What we’re asking for is the greenway shall not create more than the percentage of new lake area. The concern is 30% might be too high. We don’t want to create more water where noise is bouncing, amplified or facilitated cross water versus buffered by non-water, so if there’s a required buffer width, you’re trying to get down to, let’s say it’s 100 feet. How many feet of that could be water? That will be a minimum of 100 feet.
- In the golf course conversion, the idea is the developer buys out the golf course and we come in and put in homes, single family homes or multi-family, whatever the golf course conversion is. There’s a percentage that says X number of that acreage has to be greenway. This caveat says what percentage of that required greenway can be additional water management in water.
- That seems arbitrary.
- Are you trying to protect neighbors or the new residents? They’re the same. My logic is that they have no requirement. Their lake can be abutting, right after their buffer, which is not 100 feet wide.

- Mr. McLean said the concern in the subcommittee was, if you have a 15<sup>th</sup> fairway, and you've got two houses on each side of the fairway and the fairway is 300-feet wide, and someone runs a greenway down the middle, and you put two abutting, adjoining houses, you look out your rear yard to your property line, and you're looking across the golf course 300 feet to another house. We were trying to prevent them from using my rear property line as your rear property line and putting a house in with a pool deck and an accessory structure to where my view is 300 feet across the golf course. Tomorrow, it can be 10 feet to an accessory structure after converting the greenway. We didn't want them saying there's no greenway between our houses now because the idea before was a greenway between the developments.
- Now there's a caveat to allow you to use X percentage of the greenway as water, so now I have a lake and eliminate 30% greenway for 30% of the water I'm looking across. Is that greenway measured in width or is it a percentage of the whole golf course being converted?
- It's both. It's a percentage of the whole golf course and there are minimums, so now that we've established how much greenway has to be in the conversion, how much of that greenway can be eliminated for additional water?
- Somebody needs to decide how much green planted space they want to have there as a minimum. It doesn't sound like an engineering question. The size of the golf course would dictate the amount of green space.

**Mr. Bosi** said this is the existing code language today. It says that if you have a grid where you're proposing your greenway, there can be no more than 30% of new additional lake area. The limitation was to minimize the amount of water within the greenway because the greenway was supposed to be planned. Trees would provide some visual interruption, an open-space feel that at least has some buffering from the residential development that would be proposed on the other side.

**Mr. English** said we're dealing with percentages, and he questions whether percentages is the right way to go, unless it's a percentage of width. If you're saying the percentage of the whole golf course being converted, it must be greenway. If a developer proposes providing 100-foot greenway in a certain area adjacent to an existing development, if you're using a percentage of the whole, not a percentage of the width, could they not say they want a lake if they have a 100-foot corridor? They could go all the way to that property line and then have full green width and still meet the percentages.

**Mr. Brooker** said the percentage you're talking about is in the code. On page 13, line 28, a minimum of 35% of the gross area of the conversion must be greenway. And then it has an average width of 75 feet and no less than 50 feet in any location. That's not changing. The numbers are changing, but that addresses your concern, converting some of that greenway to water. Existing residents who live there don't necessarily want this golf course to be converted. They believe water is not as friendly to them as green, because water conducts sound.

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

- It's not a good way to go at it. Establish what the minimum amount of green you want to have and let that be the minimum green.
- They put a caveat in, but it doesn't make much sense because otherwise, it's personal preference.
- If it's 100-feet wide, you can have no more than 30 feet of water, 70 feet off the property line. You want to be more specific on where you're going to keep that water. Of the 30%, you know the 100-foot offset, so can we go 30 feet into it or does it not matter that this whole area up to the property line could be water as long as we meet the average? There are two different things. The flip side is why can't you make them do water management outside the greenway if that's what the concern is?

- This doesn't dictate where the lakes can go in the greenway. It only dictates that the greenway can only contain 30% new lakes.
- It's more important to know where it goes rather than it can go in there with that depth of 100 feet or that width.
- I don't care for this percentage method or approach.
- The subcommittee was trying to reduce it. If you have an 18 hole, 35% of it has to be green. If it's six holes of greenway, 30% of that could be water, so you know you have two holes of green, you have two holes of water, four holes greenway and then six holes of redevelopment.
- If the idea is to interject greenway and if that's a third of the golf course, take a third of that third.
- We thought 30% was too much.
- It's better to deal with widths because we could sit here and dream up interesting scenarios where you have a very wide greenway, 300 feet but if you've only got a 75-foot wide greenway, if you allow that 75% to be lake, your water is going to go very close to the property line.
- The subcommittee brought up this question because we couldn't figure this out.
- There's an evolution of why that greenway was needed.
- We're adding an element that we can convert some of that greenway to a lake for stormwater management purposes for the new homes.
- Why wouldn't you allow all the way up to the minimum required width of green to remain?
- Some of this is arbitrary, personal perception, but the approach to try to slap a percentage restriction on an overall greenway acreage is not a good approach.
- If you're converting to single family or multi family, it's not the same as amplified sound.
- For a traditional neighborhood in Collier County, the minimum and even the maximum controls 100 feet from houses that are back-to-back. There's a lot of sound coming from a TV or a party. Land is what you need.
- Mr. English noted that from an engineering perspective, sometimes lake is a good thing between someone that's existing in an older development if you're going to do a newer development because it makes a good drainage feature so you're not blocking flow.
- Mr. McLean said if the intent of this section of code was to add greenway, is water removing one-third of that greenway and turning it into water?
- Mr. English said it depends on the geometry of that greenway.
- Mr. McLean said he understands, but if a third of it is intended to be greenway and the developer wants to develop X number of homes, he has to water-management that. Why doesn't he water manage outside the greenway? Because the intent is to get greenway in these golf course conversions, and now we're taking a third of that away and saying you can do it in water for water management.
- It still depends on the geometry.
- Mr. Curl said you're going to have some control for water on the periphery so you don't flood neighbors. You're going to deal with different elevations from a home 30 years ago than what you're proposing. Water flows downhill. You're going to need to capture on the periphery. That was part of the reason the subcommittee pulled out the language to allow for a little more flexibility in preserving pines. You can't really dig around pines and expect them to survive. The bigger thing we wanted to talk about was a lake as a buffer and Chris made the best point: It's done all the time.
- Mr. Brooker said it's done all the time, but none of this was created by the subcommittee. This entire amendment is an extraordinary addition to the Land Development Code that is not applied anywhere else for reasons we all understand. The purpose was to protect the market values of views and other things that existing residents who are sitting on the outside thinking they have this perpetual golf course view for the rest of their lives until they pass away, so

we're going to require green, some sort of percentage to try to mitigate the impacts. That was the intent.

- Mr. English said if you're concerned with sounds and views, why not have a minimum width of vegetated area, pure green? In the name of flexibility, you're just taking tools out of the toolbox for people to do good things.
- Mr. Brooker said we could easily accomplish that goal by saying that greenway percentage cannot be water.
- Mr. Bosi said it's 50-foot, 75 foot width.
- Mr. Mitchell asked why couldn't you make 25 feet into the 75 feet if it's a 50-foot minimum?
- It should be on a width basis.
- Mr. Mitchell said it can be sinuous and you can be no closer than 50 feet from the property line on a lake in the greenway if it's 75 feet wide because that's what it has to average.
- Mr. McLean is it saying no more than 30% additional lake in the existing greenway or less than that?
- Mr. McLean suggested striking that whole section.
- Mr. Mitchell said if you're 100 feet wide, you'll be 25 feet into the greenway and 75 feet into the redevelopment area.
- Mr. English said open water is a tool in the toolbox. There's no prohibition by the Water Management District to have a lake less than 100-feet wide. They just say you can't count it toward your required air-quality storage volume.
- Mr. Mitchell said everybody knows that less than 100 feet is really ugly and really difficult to keep. You could do a littoral place.
- Mr. English said you could plant it. There might be a reason to want to have an expanded-ditch concept.
- Mr. Mitchell said as an engineer, Toledo Blade Boulevard is an amazing integration of water management and a roadway. It looks great.
- Mr. McLean said if 30% of the golf course conversion needs to be greenway, should we allow 30% of that converted greenway to be water?
- Mr. English doesn't like that approach. He'd take that out.
- Mr. McLean said a green mix should be required.
- Mr. English said if he had an existing property with a golf course behind it and somebody starts to put in new homes, he'd want vegetation. Water is a security thing because people from across the greenway aren't going to be able to easily wander into my lot. All you're doing is taking tools out of the toolbox. But you shouldn't put too many restrictions on it.

**Mr. Bosi** pointed out that everything within the golf-course conversion can be deviated from by the applicant, if the applicant can justify the design to the board.

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

- One of the major changes introduced by this amendment is that none of this holds as solid as a hardline requirement because the BCC can deviate from it.
- If we're going to go on the numbers and we're 75 average and no closer than 50, that's 25, which is one-third of the greenway. Mathematically, it's natural.
- Mr. English said that's hard to do because there are different geometries and different acreages. There are golf courses built on 70-acre properties so that you're only going to be able to do so much and you're only going to require so much greenway. But then there are golf courses on 170 acres. If you've got to provide a greenway, is it a percentage basis 30%? If you must have 50 acres of greenway, you might have a big greenway around the perimeter. In that case, you wouldn't want to be able to put lake in it, but why can't it just be written that you

- provide the amount of greenway required, but you can have no less than 50-75 foot average, 50-foot minimum of green space separation?
- Ms. DeJohn pointed out that the language doesn't say occupy 30% of the greenway with lake. It says you can't create more than 30% additional lake area than exists pre-conversion.
  - Mr. English said you're saying I have a 100-acre golf course, if I have 20 acres of lake in it today and I'm converting it, I can put lake in the greenway, but it can't be more than 30% more than what was already there? That seems arbitrary.
  - Mr. Brooker said why not eliminate the percentage? Simply state that a greenway can be converted to lake as long as you maintain X feet separation from the property or existing property line, no closer than 50 feet.
  - Mr. Mitchell said to add it should be no closer than 50 feet to the control elevation, which would be the waterline. But it should say no closer than 50 feet to the control elevation, which would be the water line.
  - Mr. English said if you had a requirement to have a 200-foot wide greenway, someone could go all the way to 50 feet and have 75% of the greenway as waterway.

**Mr. McLean** suggested tabling the discussion to hear the public's concerns and then we can talk and think through it more.

**Mr. Mitchell** said we all appreciate and understand what the public is trying to protect. But let's not take tools out of our toolbox that can create something. We understand we can always do a deviation, but we know how that goes. They're not always well received.

**Mr. Valle** said you could have it written into the document and it's not that much of a deviation, it could be part of the process.

***Mr. Bosi told the DSAC:***

- This language is already in code.
- The last change is on page 15, line 30. It says separation. Any project perimeter that does not contain a greenway, because we now have the flexibility of moving greenways around. They don't always have to be on all of the perimeter. This was a concern Mr. McLean raised. Any project perimeter that does not contain a greenway must maintain a 50-foot separation requirement from all primary and secondary structures. The required buffer for LDC 40-602C may be included within the 50-foot separation requirement, so there could be no plan of lots within that greenway or within that 50 foot separation, because there's no greenway.
- They have to have the buffer. It could be within 50 feet, but they have that restriction toward no structure could be within 50 feet to provide open space for the greenway.

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

- Secondary structures are a shed, accessories, a pool, etc.
- Is there a requirement to plant on the greenway, or will it be 50 feet of sod? That plays into allowing water to be adjacent because many golf courses back up to a fairway.
- Mr. Bosi said existing language requires it to be planted with one tree per 2,000 square feet of greenway.
- You need a buffer easement or some sort of an easement.
- That's at the time of SDP and it's two separate flats.

***Mr. Bosi told the DSAC:***

- At the bottom of page 13, it says the greenway should be owned or maintained by the homeowners association, land government, entity, conservation organization or other entity identified and recognized by the Board of County Commissioners at the time the SDP, etc., is submitted.

- That's the version the subcommittee reviewed and recommended approval on.
- There's another one-page proposal that the subcommittee hasn't seen. It's a concept based upon the concern that it should be Bert Harrison defensible. That's a tough task, so in coordination with the County Attorney's Office, which has some concerns even with our modified proposal, we have a simplified version we're going to take to the Planning Commission and Board of County Commissioners for evaluation.
- The simplified version says that before you can convert a golf course, you have to have a pre-application meeting. Before that, you need a Neighborhood Information Meeting to discuss it with the golf course community, talk about your plans and get their feedback.
- There's no more intent to convert (ITC) process, so there can't be a claim that this is an extraordinary, additional effort needed to convert the golf course.
- The second component is we're going to require an average width of 50 feet of greenway with a lot of the other components, but we make it clear the greenway can be waived. Any and all can be waived by the Board of County Commissioners.
- It suggests that the greenway has to be in. There is justification that's put forward within the application that would provide for an alternative way of providing for that open space and it's at the very minimum. That's what the County Attorney's Office is most comfortable with in terms of being able to defend against a Bert Harris claim.

**Mr. Brooker** said it's the exact same issue we've been hashing, percentage versus width.

**Mr. Bosi** said when we arrive upon the more robust, intensive work process, we can translate that to the to the simplified process.

### **Public Speakers**

*[Speakers were ceded extra time by others present at the meeting.]*

#### ***Allen Carpenter, secretary of the Board of Directors, Riviera Golf Estates***

- He's here with the board president and Golf Course Advisory Committee chairman.
- He appreciates what Mr. Bosi did to frame the issues. He's correct that the Board of County Commissioners in February and April directed staff to work on providing flexibility to the board to allow them to modify the greenway width, which was unclear in the original code, and to try to improve the process of golf course conversions, in particular, the ITC process.
- What he's talking about now is additional changes to the process.
- We're here because this draft amendment goes much further than the process. It talks about major changes in standards to development.

*[He distributed comments to committee members and Mr. Bosi.]*

- The standards that are being proposed go well beyond the process and issues requested by the board regarding widths of greenways and the flexibility of the board to grant changes in greenway widths.
- The reason greenways were put in place was to avoid impact on the residents at golf courses. Probably more than half have existing homes within the golf course.
- In most cases, the golf course is on the inside and surrounded by homes.
- Greenways were put in place to mitigate financial impact and losses to homeowners.
- The county did a lot of planning in 2017 and found that as much as 30% of home values would be affected by a loss of green space by not having an open-space view on the golf course. That's a huge Bert Harris red flag.
- He disagrees with the county's claim, the County Attorney saying that this is going to be Bert Harris-proof. We're trading one Bert Harris claim for another.



- We're not here to threaten anything. We want to ensure we find a middle ground. We agree it's possible to have a fixed greenway that's not changeable. Otherwise, if you can change it and make it anything else, at least there has to be a minimum.
- Notwithstanding the language in the proposed revisions, which he believes are the county's words, particularly the county attorney, the coordinator reduced the average width of the greenway as a deviation, subject to C-2A, and aggregated the greenway into larger and larger parcels, provided there's 35% of a vote for a partial-conversion project committed to the greenway.
- That was the subcommittee's discussion and what that means is a golf course with four or five parcels can have greenway on parcel A, and build intensely on B, C and D. That's not the purpose of a greenway. The purpose is to protect and buffer communities that surround the greenway around the green line.
- That's why we disagree with what the intent of the original language was and that's what distinguishes golf course communities from any other type of community and development – the fact that there are existing homeowners.
- In 2017, the county passed this code to prevent homeowners' claims against the county for eliminating their green space and causing losses in property value, so the current code goes well beyond process and the minimum standards provide that it can be non-contiguous. They provide that much of it can be stormwater lakes.
- He appreciated the earlier discussion and possibility that this will be eliminated. It gives the Board of County Commissioners almost unlimited discretion to decide whether this can be affordable housing and high density.
- There's additional text added into this draft. This is not process, this is substantive change to a golf course conversion. The applicant is encouraged to consider cluster-residential development and affordable housing within the master plan. Further, the stormwater system can be equivalent to what's existing today.
- Most of these golf course communities have golf-course stormwater systems that were built on either 10-year or 25-year storms and had old-style swales, culverts and lakes, as our community does. It's inappropriate to consider equivalency anymore in terms of making it the same in terms of function from what was built 50 years ago, in our case.
- It makes sense to say it should be built to current standards and that not only applies to flow but to nutrient levels, which the state will enforce. They shouldn't be allowed. That can be easily foreseen because roads have to be cut in for safety purposes into these communities with limited roadway access.
- If the minimum buffer greenway is not included and one can make a case that 50-75 may be acceptable, but 50 feet is the absolute minimum, you're looking at losses in property values that total tens of millions of dollars in just our community. There are about 70 communities in the county's list of golf course communities.
- Senate Bill 250, which was recently signed into law, and extended to 2026, requires that no development standards be any more stringent than what's required in code. What we're looking at today reduces the requirements by allowing greenways to be separate parcels. It allows lakes to be a large percentage of greenways, it eliminates the requirement for a minimum width by providing for non-contiguous greenways, etc., so we're reducing standards and that's not allowed.
- Beware of unintended consequences for any changes.

***Peter Osinski, chairman of the Riviera Golf Estates Golf Course Work Group, told the DSAC:***

- He's been following this for the last two years and has been to the last two presentations. After attending and making comments at the subcommittee meetings on January 24<sup>th</sup> and 31<sup>st</sup>, he's here to say the draft changes to the Golf Course Conversion Regulations and further

changes outlined by Mr. Bosi constitute a significant step toward the interests of developers and a significant step away from the interests of abutting property owners.

- We're talking about making this Bert Harris proof? He doesn't know if that's possible, but do you respond to a Bert Harris possibility by taking away the rights and the protections that you put in for the people around the development?
- Can you make anything Bert Harris proof? Not only can a developer challenge any regulations put into place, they can challenge any action done by the Planning Division, so even if you put regulations into place and the Planning Division says you can't do this, the developer doesn't like it, it's Bert Harris. It's not a great law but taking away protections for the people around that development is not an answer.
- The draft changes propose to weaken and even eliminate many of the protections officially built into the conversion regulations.
- These draft changes also reduce the role of stakeholders. Before we were partners to be engaged but now we're enabling landowners to simply be informed. We lost a lot of protections through a lot of language changes that were just discussed.
- We've changed our stakeholder role significantly with the elimination of one word, "vetted." We've been through this with the subcommittee. The impact of that one word was expressed by one of the subcommittee members who observed that we shouldn't have it because "vetted" implies some sort of buy-in.
- In the first paragraph of the regulations, the intent is to involve the public, requiring that you engage residents, outreach agencies – to engage and involve, so we've gone from being partners to spectators, audience members.
- Is this the right way to go about responding to Bert Harris? Is this an improvement? What you have are draft changes that don't allow the board discretion over the greenway because that's what they asked for.
- It goes even further and guts almost all the important protections and input that these regulations provide to property owners during conversions. There are thousands.
- If these draft regulations are presented and eventually approved by the Board of County Commissioners, it will signal Collier County's conscious surrender to golf course developers and will open the door to eventually loosening regulations on all developers in Collier County, if we respond by giving developers their way in response to Bert Harris.
- That's what's going to happen and that is a profound change.
- Please consider these changes very carefully. As benign as they may seem, they represent a significant county planning policy shift toward accommodating the highest possible profit motivations of developers, which is at the heart of Bert Harris, and at the expense of Collier County property owners.
- The implications to our future growth and quality of life in Collier County are profound.

**Mr. Brooker** said notwithstanding language that keeps getting referenced, this is what gives the board all this discussion. Page 13, lines 33-37 allows the board to reduce the average width as a deviation and aggregate. Did the BCC specifically request that? Who came up with that language?

**Mr. Bosi** said there wasn't a specific request from the Board of County Commissioners for reducing the offering. They asked to make it Bert Harris proof. The greenway has often been cited as the justification for a Bert Harris claim, and the requirement for the specific width of the greenway. Providing a deviation is the only way to allow for that. On the surface, Bert Harris claims are somewhat suspect when the board has the ability to make modifications or deviations from it.

**Ms. DeJohn** said where it says the board may reduce the average width of the greenway as a deviation is to be granted, there needs to be an enhancement to the property or other improvements to existing infrastructure such as stormwater, roadways or traffic calming in exchange for the deviation.

It's not a blanket statement that you get to squeeze everything out. There's criteria cross-referenced in C-2A.

*[Mr. Brooker said he must leave by 4:30 p.m.]*

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

- Mr. Brooker didn't understand the Senate Bill 250 comments because he considers this a relaxation of standards and requirements.
- Ms. DeJohn said that if the relaxation is done in the next couple of months, there are two years where it can't be altered again to be stricter.
- Mr. Brooker said he doesn't believe this is precluded by Senate Bill 250.
- Mr. McLean said that at the subcommittee meeting, he and Mr. Curl discussed a minimum of two options when you present something. You have to have two different concepts. You can provide a concept I like and one nobody will like to beat that concept. It could be three, four or five, so that's why we set a minimum of two.
- He added that it's odd that you can get consensus among you, your client and neighbors and go to BCC and they still have the option to take the other concept, so regardless of what you're presenting as a preferred concept, the BCC has the option to take the other concept if they find it a better concept. There's a lot of language that gives the BCC the ability to control some of this beyond what we normally see.
- Do you present at least two to stakeholders or the BCC?
- That's why we changed "vetted" to "presented and discussed," but if it says the BCC has the option, they have the option to go back into what you've presented to the stakeholders and take one of those options.
- Mr. Dunnivant noted that 5-B1 states that the board may approve an alternative design that was presented and discussed.
- You may only take one to them, but they can go back to your stakeholder meeting and take a different option.
- You have a concept plan that you agree upon and the neighbors agree upon and the BCC says no to that? That's highly unlikely.
- Mr. McLean said that's why the percentage became so important to him.

***Mr. Bosi told the DSAC:***

- The presentation of the two distinct plans is that for the intent to convert, not the conversion, you don't have to present two alternatives. The Board of County Commissioners, if they've looked at the stakeholder report, and believes it's a better alternative than what the neighbors agreed to, they could do something else, but that would be unlikely.
- There have been three golf-course conversion applications.
- The motivation has always been that it's a business case. Over the past couple of years, golf has had a resurgence.
- The other aspect is the number of golf courses potentially eligible for this process. A golf course that's been developed as part of a PUD has a much different standing than a zoned golf course that's both a golf course next to a property zoned RSF-4, which has different distinct property owners. We only have a few of those and the only ones that we have gone through the rezoning process on intent to convert have been those, so it's a limited handful of golf courses that present this unique quandary. If you're in a PUD, you can say with absolute certainty you bought into a development plan that integrated your residential development with this golf course. That expectation can be expressed by the individual owners.
- If you bought a piece of property next to a golf course not owned by the same property owner, that's a different story. There's a different expectation and there can be different

outcomes. That outcome is what the intent to convert has tried to provide. With the intent to convert for Ironwood and Riviera, they did not provide for the give and take for the exchange between the developer and residents. The developer wanted X, the residents wanted Y, and there wasn't a lot of compromise or discussion.

*[Mr. Brooker left the meeting at 4:27 p.m.]*

- At one point, the board asked if they could get rid the intent to convert process, the first conversion process. They said try to take it back, try to make it Bert Harris approved, and then bring it back. That's the task we've been trying to fulfill.
- There are a lot of different perspectives and difficulty in trying to find that sweet spot in what they're looking for.

**Chairman Varian** asked if the committee had a consensus.

**Mr. McLean** said the subcommittee was fine with everything but wasn't certain about the 30% and that's why they brought it to the full DSAC.

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

- The 30% is what's in the code today.
- Mr. McLean said it could say a portion of the greenway may provide stormwater management, however, the greenway shall not create more than 30% additional lake area than what exists pre-conversion in the greenway.
- Mr. English said that's going at it the wrong way.
- Mr. Bosi noted that's what's in the code today.
- Leave it the way it is and they can seek a deviation. Let the design team deal with it.
- Ms. DeJohn suggested that in the section where it says, "Notwithstanding the foregoing and the board may reduce and then may aggregate the greenway," she proposes adding, "the board may reduce and there may be aggregation of the greenway and the one on board with larger parcels, provided no less than the equivalent of a Type-B buffer is provided and there's a minimum of 35% of the full. It adds the equivalent of what a typical buffer requirement would be when you're trying to be protective.
- Mr. Boughton said "vet" is defined as making a careful and critical examination of something, so it almost puts the onus on the stakeholder to do that. He's not sure what that change accomplishes.

*Mr. McLean made a motion to approve the staff and DSAC subcommittee amendments to PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process, with the following amendment to page 13, line 36, after the word "provided," add "no less than a Type-B buffer is required" before "there is a minimum of 35%." Second by Mr. Mitchell. The motion passed 12-1; with Mr. Espinar abstaining due to his work on golf course conversions.*

**b. PL20230018350 – Updates to Requirements for Removal of Prohibited Exotic Vegetation (requested by Eric Johnson)**

*Maria Estrada told the DSAC:*

- This is a proposed amendment to update LDC Section 3.05.08, which includes the requirements for removal of prohibited exotic vegetation.
- At the board hearing on December 12, 2023, under staff and general communications, the board requested that staff update the LDC as it pertains to the removal of exotic vegetation.
- This proposed amendment will revise the regulations for removal of exotic vegetation on single- to two-family zoned properties.

- The removal of exotics is proposed to be required only within the approved cleared area and within 7.5 feet from all property lines.
- The requirement for removing exotic vegetation will not apply to residential alterations, additions or accessory structures, such as guest houses, detached garages, carports, swimming pools and other minor accessories.
- However, this change will require the removal of prohibited exotic vegetation within the approved cleared areas and within 7.5 feet of all property lines.
- A previous version was presented to the subcommittee on January 16. It was approved with recommendations, but staff did not revise the proposed amendment with the recommendations.

***Mr. Espinar told the DSAC:***

- This is horrible. The intent is to eliminate or reduce exotics, but this is also unfair to every developer in this community, because if I have a subdivision of a PUD right next to a subdivision for a Golden Gate Estates single-family home, that's going to be my seed source.
- Now it's incumbent upon me to incur all those costs because your seed source is dumping all these exotics onto my property.
- You might as well say single-family homes are exempted because you're saying it's the approved cleared areas. It's cleared, there's not going to be anything there because 7½ feet doesn't do anything.
- This neuters the whole ordinance.
- He understands where it's coming from. Another commissioner exempted himself from his own tree. If you look at this, for instance, the exemption 2D, because somebody had a huge Java Plum, they exempted themselves, but that problem is being dumped onto somebody else, which is the neighbor. And then during a hurricane, most of the damage that occurs is done by exotic vegetation flying around because it cannot withstand the wind shear that occurs.

**Mr. Mitchell** said the intent of controlling exotics is so it doesn't spread, so if we say this has to be taken out because we don't want exotics to spread, but it's okay, we're doing nothing. He's a Golden Gate Estates resident and is required to remove exotics. That's for the betterment of the whole. This whole movement of less government is ridiculous. We have a good requirement in Collier County.

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

- What if this were pythons? I could eradicate pythons on this side of the street, but not on that side of the street?
- Is this to ensure my pepper hedge stays there?
- When we built our house, we had a great tree. It was awesome, but it was an exotic and I had to remove it. I would have loved to have kept it, but I can drive down the street and there's nothing but pepper hedges on the perimeter of the right-of-way in many vacant lots, so isn't that what this would perpetuate?
- Yes, it would perpetuate melaleuca and all of it.
- Mr. Espinar said he wrote the original ordinance in the early 1990s and got a lot of opposition, including from the landscape community. What happened was that Hurricane Andrew came through and he was put in an emergency department to assess damage. He tried to defend this to the Board of County Commissioners, so he ran to a drug store and grabbed an instant camera to show the damage he witnessed. Most was Australian pines and pearl acacias. There was significant damage. He presented those photos and that's how this passed and it's been on the books since the early 1990s.
- Mr. Curl called it a double standard. Why does residential get an exception but not commercial?

- Mr. Bosi pointed out that this amendment was board directed. We want to take your comments to the board. He hopes they will show up at the board hearing or planning commission and at least express your concerns verbally to maximize the effect.

**Mr. Mitchell** asked him to notify them when it's going before the board and Planning Commission.

**Mr. Sterk** said there's going to be a lot of confusion because a lot of these are going to be in the Estates, where there are lots of wetlands that are going to be required to remove exotics by the FDEP. There are county species versus state and local species, so it's going to make it very difficult.

***Mr. Espinar moved to deny amendment PL20230018350 – Updates to Requirements for Removal of Prohibited Exotic Vegetation. Second by Mr. Mitchell. The motion to deny passed 13-0.***

**Mr. McLean** noted that it will move to the board without our support. We tried to modify as much of the language as we could to make it palatable and we couldn't get there. The subcommittee had the same concerns as the full DSAC. We tried to work this out and there are limits to what we can say.

#### 7. Old Business

**Mr. Johnson** said at the subcommittee meeting we had a discussion about whether he could reach out to any of you to establish a quorum for a subcommittee. It's his understanding that he can, but he wanted to make sure you all agreed.

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

- That's their understanding.
- They voted on that last year.
- There are a lot of specialties on this committee.
- Mr. Espinar is a biologist who doesn't want to sit through sewer and water line discussions but would show up for an environmental item.
- We have enough voting members to help the subcommittee.

#### 8. Committee Member Comments

#### 9. Adjourn

**Future Meeting Dates:**

**3 p.m. March 6, 2024**

**3 p.m. April 3, 2024**

**3 p.m. May 1, 2024**

***Mr. Mitchell made a motion to adjourn. Second by Mr. Espinar. The motion passed unanimously, 13-0.***

**There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:44 p.m.**

**COLLIER COUNTY  
DEVELOPMENT SERVICES ADVISORY COMMITTEE**

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**William Varian, Chairman**

These minutes were approved by the Committee/Chairman on \_\_\_\_\_, as presented (choose one) \_\_\_\_\_, or as amended \_\_\_\_\_.

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

**January 16, 2024, Naples, Florida**

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee-Land Development Review Subcommittee, having conducted business herein, met on this date at 3:00 p.m. in REGULAR SESSION at 2800 N. Horseshoe Drive, Naples, Florida.

MEMBERS PRESENT: Clay Brooker, Chairman  
Jeffrey Curl  
Robert Mulhere  
Mark McLean

STAFF PRESENT: Rich Henderlong  
Eric Johnson  
Maria Estrada  
Jaime Cook  
Marissa Fewell

PUBLIC ATTENDEES: Peter Osiniki  
Alan Carpenter  
George Denz  
Tricia Campbell

**1. Call to Order**

**2. Approval of Agenda**

Jeffrey Curl moved to approve the agenda; second by Mark McLean.

*Approved unanimously.*

Does anyone here want to speak about something that's not on the agenda?(No one.)

Mr. Chair, even though we usually can stay until 5:00 p.m., there is a request that we vacate the room at 4:30 p.m. if possible.



**3. Old Business**

**4. New Business**

**A. PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process**

(PowerPoint Presentation Provided)

**Rich Henderlong**, Planner III with the Growth Management Community Development Department and in the Land Development Code Section.

This amendment is basically a Board directed amendment. The purpose of this amendment, on February 14 and the 11th of last year, the Board directed staff to bring back an LDC amendment that would clarify that they have the discretion to address on a case-by-case basis a reduction in the minimum average greenway width at any one location during the rezoning process, and to make recommendations in a greater detail, and to come up with improvements to the golf course conversion and intent, the ITC application process. In accordance with those directives, staff would also analyze the framework and the process for the conversion of constructed golf courses established since March of 2017. To date, three properties, zoned golf course and recreational use have been processed for an ITC application which staff had attended each of these stakeholder outreach meetings that were conducted by the applicant. During the SOM, staff observed the relative pastoral open space views, these are views of budding existing versus the proposed development, and whether they were reasonably mitigated or sustained during the IT process, requires an extensive detailed design review. These detailed designs typically occur at different times during the development review process, when all element and effects of a site design are identified and fully disclosed. That was a difficult issue in a pre-concept way that was observed by staff as a struggling issue. Other notable facts that were identified by the staff for improvement based upon the review of the other applications are listed in Page 4 of your LDC and narrative, and rather than reiterate them here, they're in your narrative.

The amendment itself accomplishes this: It's to clarify the difference between an intent to convert process and a golf course application conversion process; Exhibit B of the document, Pages 29 to 32, listing the detail, the basis for the process improvements, giving staffs' previous review of ITC applications and the staff experiences. It distinguishes the conversion of a golf course as a two-step process, if not a single conversion rezone.

This amendment seeks to promote a better communication engagement with the community and outreach meetings early in a conceptual design phase, emphasis added, of a conversion project and build an early consensus on alternative uses by involving the public early in that concept of planning phase, applicants can be responsive to the neighborhood concerns, and the goal is to avoid further delays, continuances, and appeals during the rezoning process. The amendment accomplishes this: Golf courses that do not abut, and this is specified in the amendment, that do not abut and/or not adjacent to residentially zoned property will be exempt from the ITC process. This would be a project like the Link of Naples, the

Hideout Club, Bonita Bay East, etc. The ITC application process also does not imply, and we want to make it very clear, that a conversion approval to a different land use or rezoning is a given. Further regarding the ITC process, it now will require a minimum of two conceptual development plans; also that the conduct of the SOM's have to be in the same manner as NIMS and held at least 30 days apart from one another. A third-party trained facility may moderate the SOM. It is not mandatory, but it was recommended that staff put that in there, and talking with the County Attorney, we left it open for further discussion for the public to weigh in on that. Obviously, there is an added expense involved with that so there wasn't a feeling by staff that we should go that far to put that burden on the applicant.

Next was to establish a minimum average of 50 feet for building setback, but no less than 30 feet at any one location, from property lines to existing zone residential or with residential uses. It also calls out that buildings above two stories may have an increased setback, as determined by the Planning Commission and the Board, so they will maintain that flexibility and weight in at that time. The amendment for an ITC process also requires a preliminary conceptual pre versus post development stormwater runoff analysis and it defers the final stormwater analysis to the conversion application. Again, these are the two steps that we talked about – ITC and then the conversion application. There is a provision in there for alternatives for ownership options other than just a county purchase – it could be a full or partial golf course conversion at nine or 12 holes. This was a suggested recommendation by Commissioner Saunders a while back.

So going to the second step, after the ITC process is completed, we are now focusing on the development standards and process for the conversion. So in the text, this will give the Board and the Planning Commission on a case by case basis greater flexibility to alter the greenway design and its location during the rezoning process. However, it would still maintain 35% of the gross area of the conversion project to be dedicated to the greenway while allowing the greenway to be aggregated into one or more larger parcels. Also, it reduces the current greenway average width from 100 to 75 feet, but no less than 50 feet at any one location. The conversion application also will require commitment by an entity to the greenway ownership and maintenance as approved by the Board and these details must be worked out during the conversion process. Also, the conversion process now removes the conflicting interpretation language that states deviations to the 50515 shall be prohibited and further deviations to other LD sections shall be shared with stakeholders at the SOMs now. However, in 50515G2A, development stands as it states the Board may approve alternative design, so that provision and conflicting language has been removed. However, there is a provision that states that in exchange for granting deviations when the Board considers them, that the deviations requested shall require an enhancement to a property and or make improvements to an existing external infrastructure such as stormwater, roadways, or traffic calming. Another way to look at that is there must be a public purpose or direct public benefit. In addition to the application, because real property encompasses the influence of the amount of the area that would be eligible for redevelopment, this amendment will not require resolution of those encumbrances

application being deemed complete. Case in point: where many of the contentious issues that were debated on the Riviera Golf Estates ITC process. Next, the amendment will encourage applicants to consider cluster residential development affordable housing; it is not mandated, but it is a provision for encouragement. That's somewhat of an improvement. Also, it adds (I believe) three evaluation criteria to the staff report when they come in for conversion applications and it's usually related to something like environmental impacts and what mitigations may be associated that may require some environmental impacts that be also looked at by staff and made part of the staff report when an applicant files a conversion application. Also, it defers the completion of salt and groundwater sampling and stormwater final analysis, including the stormwater analysis from outside the golf course that passes on over through the areas of the golf course prior to the conversion application; that is where it properly belongs rather than the intent to convert. That's where most of the focus and the details will be coming forth and that was a complaint that the expense of doing a full stormwater analysis and soil groundwater analysis prior to knowing a final development plan was cost prohibitive and very burdensome on applicants. So that was a consideration given by staff as well too. It also calls out that at the time they come back for subdivision plat and SDP approval, there will be at least two separate tracks, one associated with each phase of the development, one to identify the greenway track, if there is a greenway track, and the other the development track.

Lastly, the amendment addresses the procedural and contextual changes to the administrative code. Those are presented in your documents in Exhibit A on Pages 16 through 28. And staff in its analysis also looked at other community standards studies that we had studied, and they are listed in Exhibit C.

So, the staff is seeking a recommendation for approval, or approval with conditions, of these changes. I would also like to add that on Pages 30 and 31, there is a correction for the headers – it should read, *processing staff improvements* – it says 'other community standards' in your documents and that needs to be corrected.

As far as public comments, you have before you one e-mail that we received from Mr. Fernandez regarding his input as it relates to the proposed amendment. (Copy of email provided for the Board and public record. Paraphrase of this email was not included in minutes.)

#### **A Few Housekeeping Measures:**

- **Robert Mulhere's** firm represented the owner of Riviera Golf Estates, and Mr. Mulhere has recused himself from voting on this matter. A conflict form was signed by him and dated today.
- General question from **Robert Mulhere** on behalf of Mr. Fernandez suggests that a golf course that is a commercial golf course, open to the public, qualifies for the Live Local Act, would not require any approval, would not necessitate any further approval other than administrative approval for a site development plan or plat. Collier County classifies golf course zoning not as commercial, but as an open space zoning district. I thought Live

Local was not simply about commercial uses but was specific to commercial zoned or mixed-use zoned projects. I do not know the answer.

- **Richard Henderlong:** You are correct. I had a brief conversation with Derek Perry. It is a commercial related activity and golf courses are not a commercial enterprise. Mr. Perry said it is not applicable. The Board acted on the latest analysis that was done on the Riviera Golf Special Improvement District and based upon a strong vote of the residents in the area with approximately 87% opposed to the assessments and the numbers that were involved, the Board opted not to go forward with that and that directed the County Attorney to go back and renegotiate.
- **Clay Brooker** brought up Senate Bill 250 signed into law by Governor DeSantis, which precludes any local government within 100 miles of landfall of hurricanes from proposing or adopting any land use regulation that is more burdensome or restrictive than existed at the time the hurricane hit back in September or October of 2022. I read in some of these provisions more restrictive stuff. Have we talked to the County Attorney's office to make sure we're not violating state law by proposing this amendment?
- **Rich Henderlong:** We are still waiting for feedback on it. We've had two meetings with the County Attorney's office. We have not been told that there is something here that would cause that problem. But we're happy to carry that forward and continue that dialogue before DSAC. In my awareness, we're reducing some of the standards, so if you had pre-Senate Bill 250 regulations intact, you could modify those, but you cannot increase them, make them more burdensome, or more cost restrictive.
- **Jeff Curl:** I think that can be reasonably argued. You get one price for one concept plan. You get a different price for two concept plans.
- **Rich Henderlong:** We had development alternative statements that had been removed. We had no conversion; there were four different criteria that went in for the application; we rewrote that into a two-step process – the ITC and the conversion, and cleaned it up to where we're making the ITC, not the entity, and the process for implementation of all those development standards, we're deferring, for the most in general practice, all of this to the conversion application. Now those are conversations that we have had with Heidi and Derek specifically about making sure, and Mike Bosi, that we're moving this to the rezoning process and that the intent to convert process is really an information engagement process to get people to talk, to communicate in a non-binding way and that's why there is no burden upon the applicant to the extent that they have to adhere to these applications. It's at the time when they come back for the conversion process and the rezoning as if they were going through a PUD.
- **Jeff Curl:** It is a bit more front-loaded. In terms of fees, I'm saying professional fees for submitting to engage in this process and be hired, two concept plans and upfront pre- and post-storm water study. It almost sounds like, as well, you'd be engaging a traffic consultant to look at the outside network of the community so that then you can have these discussions. *Earmark.*
- **Rich Henderlong:** Traffic has been during the three other previous application processes, it has been repeatedly stated that traffic stays are not a requirement for the intent to convert process. That comes at the time when the final master concept plan is required.
- **Clay Brooker:** My suggestion would be a County Attorney needs to weigh in on whether this is precluded by Senate Bill 250 or not, but that we should, as a subcommittee, simply move forward, especially in light and the courtesy of people from the public who are

here, we want to hear their comments because we don't know ultimately what's going to happen. I have my personal opinions on some of this stuff which seems to align with some of Jeff's comments. However, that's not our job, but I raised it. I immediately saw it and it immediately came to mind. Senate Bill 250, which has been codified into law, has been amended to extend to October of 2026. There are no more burdensome or restrictive regulations permitted that can even be proposed by a local government in Collier County. And I mean Collier County, not this government, Collier County as a geographical boundary, City of Naples, Marco, can't do anything until October 2026 that is more burdensome or restrictive. *Earmark.*

- **Rich Henderlong:** I think it would be, after the public comments, beneficial for staff and the County Attorney, if you have certain suspects about what you think may be burdensome, that we at least identify them so that it gives staff members direction to go back and have a dialogue with them – I heard traffic and storm water.
- **Jeffrey Curl:** We are going to have to define what those two concepts are because anytime you're getting someone into what could potentially be a second review, the timelines added to that, what tends to get lost sometimes on the development side of this when the public approvals take a year or a year and a half that we have people holding sometimes tens of millions of dollars in loans for what seems to be a very indecisive process. When we're talking about two conceptual plans, am I submitting getting a review, and making a revision based on comments? Or can I come in with a concept that lays out everything I want to do and turn this driveway 90° and say, there's my 2 concepts and I've given you two workable concepts. We need to define that through the process, because if it's two concepts, I'll beat two concepts all day long in ten minutes.
- **Rich Henderlong:** The two concepts aren't designed to be cast in stone. They are an engagement tool to be used to get dialogue back and forth between the parties and to find out issues of what areas are common and what areas are not. (Refers further to an applicant who over-designed.)
- **Clay Brooker:** For the benefit of the public, just so you understand, this is a subcommittee of the full Development Services Advisory Committee. We simply vote and make a recommendation. The Board of County Commissioners can ultimately accept it or it can be rejected. We make no final say on this land development code amendment. From here it goes to full DSAC – the full Development Services Advisory Committee. Then they will have at least two more public hearings, one before the Collier County Planning Commission, and then ultimately the Board of County Commissioners. I believe this is the very first of at least four public hearings, a minimum of four, that will occur on this land development code.

**5. Public Comments:**

- **Alan Carpenter:** (Lives in Riviera Golf Estates)  
I am on the Board of Directors (for Riviera Golf Estates). I'm here today with past President George Danz, our current President, Tricia Campbell, and Peter Osiniki who is the Chairperson of our golf course advisory committee. Will this code proposed change apply to (golf) courses that have already gone through the ITC process? Or is it based upon the existing code as it was adopted in 2017?
- **Clay Brooker:** Is it going to be applied prospectively only to applications that are not already in the process, or will it apply to already filed ITC's?

- **Mark McLean:** My understanding of the way code has always worked is it goes into effect on an adopted date or a future date. Up until very recently, the city and the county have made things retroactively effective, so it's a fantastic question because it is something we've never experienced.
- **Rich Henderlong:** Historically, that's the case in the sense that all applications have already been submitted. Where those three applicants are, they're at the point they have fulfilled the requirements for the ITC process, and they would have to submit for a conversion process. One exception, a fourth applicant, Naples Links, has not gone through the ITC process and has a Bert Harris Claim. It is still ongoing, stating that the ITC process is somewhat of a taking and burdensome to them and unrestrictive. This specific amendment will remove that provision that they would have to go to an ITC process. In that sense it remedies that problem. In another sense, those applicants that have gone before, they're already fully vested, would not have to come back and reinitiate any ITC process. They just come back and file. The other thing is that once people finish the ITC process, they can elect not to proceed, or if they do, they have this background information. Those three have been basically deemed complete. A staff report would not be written until such time that they came back and file for the conversion application and that becomes a deliverable document that is a part of record. It is not the official staff report for a rezone. It is a staff report looking at that, so there are only three additions that I'm aware of for criteria for staff evaluation. If they came in tomorrow and filed for the conversion application, this would not be applicable in those other three criteria until it is adopted, just as Mark had indicated. *Earmark for further clarification prior to DSAC.*
- **Alan Carpenter:** It should be clear if it's one set of code or another, and not a cherry-picking of (for example), we did this for the ITC, but now we're going to follow different regulations for the conversion. It's either one or the other; can't be half and half. How long do you think this process will take before the new code is adopted?
- **Rich Henderlong:** We hope if this goes forward after today, that it's proposed to be reviewed by DSAC by February 7 at their next meeting. It is on the Board's radar; the Deputy County Manager has asked for a status update, and it is being fast tracked as best it can. We must do advertising so it's probably 3-4 months out.
- **Eric Johnson:** It is a process, and it will have to go before the DSAC and there is an advertising deadline. We don't want to commit to a certain time frame, but within this calendar year provided we get feedback from the County Attorney's office.
- **Alan Carpenter:** Regarding the purpose of a greenway, we would like to know what your thoughts are. I know there's some language in the current and proposed amended code which says it should be principally to protect open space preserve, space for wildlife, and act as a passive recreational buffer for communities. Is that still applicable today in the amended language?
- **Rich Henderlong:** Modifications -- References Page 12 -- 5B; Page 13 -- line 21 through 23; Page 14.

- **Clay Brooker:** I think the question was, is the purpose of the Greenway being changed, and I think the answer is no.
- **Alan Carpenter:** If you can substitute separate parcels, then what happens to the minimum standards of setback? And the thrust of all this is related to the existing owners' property values. Let's reduce it to dollars. The reason there's a greenway to begin with in this whole process is to protect the communities that exist around a lot of these golf courses. And if in fact two parcels can be put over here, but then there's only a 20-foot dimensional difference or buffer between existing homes and the redevelopment golf course, then it defeats the purpose of buffering the existing owners from the financial impact they're going to feel from having lost that privacy.
- The aggregate language is new and says it can be put into one or two parcels. That's a whole new ball game. We must weigh that against the interests of the people who bought the property and that's my own point. I understand what the Board requested, and I think the proposed changes do, but they do more than that, and I just wanted to point that out. Greenways should not include stormwater lakes. The purpose of the greenway as we started with this was to create a recreational opportunity. We don't use lakes in the sense of gaining any benefit. The way it is written now, you can include waterway storm water retention as part of the greenway area. The lakes themselves serve no recreational purpose.
- **Clay Brooker:** A question on that point for staff -- assume we go through this whole process and a greenway is created., do the homeowners who are abutting that greenway, who are on the outside of the subject property, have the right to use that greenway automatically?
- **Rich Henderlong:** It depends upon how the applicant chooses to dedicate that. For example, on the Golden Gate golf course, that's a subject matter for where the affordable housing project is that abuts the greenway. There's an ongoing discussion that residents of the affordable would have access to it, but they don't want the maintenance responsibility for that portion of the greenway. Typically, a greenway will have two public accesses from the outside so that residents would have access to it, that does not mean that they can deviate from that during the conversion process and limit that access to just residents of the project, or does it necessarily open it to people outside? It depends upon the design and how they dedicated the greenway.
- **Eric Johnson:** Anyone who is interested as this land development code amendment goes through the process:
  - Attend the meetings
  - Voice your concerns
  - Put your concerns on record – write an email; address it to staff/Rich
  - Staff will include that in the back-up material and your comments are memorialized; all decision makers will be privy to it.

Further discussion ensued regarding:

- Since 1959, golf courses in Collier County record maintained the 50-foot buffer
- Riviera Golf Estates – no proof given that it could not operate as a profitable golf course.

- Refer to Page 8 and 8C of the Land Development Code Amendment draft for consideration for partial conversion
- Golf is not a dying industry in Collier County; we have only three executive style public golf courses – the Lynx, Riviera Golf Estates, and Lakewood.
- Choice of a professional setting for stakeholder meetings
- Having 30 days between meetings
- Golf courses in a floodplain versus not and costs associated
- Early soil testing to understand the scope of a potential problem
- Strategic trade-offs
- The 50-foot minimum
- This process does consume resources from the County and applicant; this division with respect to development applications is run by fees paid by the applicant not by Avalon tax dollars
  
- **Peter Osiniki:**
  - The proposed language of the greenway, setbacks, property lines, aggregate ordeviation with Board approval. *Earmark.*
  - Sections 5D and D1 of the existing language refers to details to be vetted. There is give-and-take, compromise, and agreement. The word vetted needs to be defined. Maybe use enforced dialogue; a moderator because we talk past each other; nothing accomplished; written acknowledgment that a particular concept was indeed vetted; a document/list to show what was agreed upon and a list that was totally unacceptable
  - Riviera Golf Estates, the property subject to development, is entirely encompassed by our over 55 community. Inserting a non-age restricted development within our confines will create issues – compatibility, quality of life, public safety, traffic issues, etc. There is no acknowledgment of this in the regulations. The ITC should address this important compatibility issue by adding language – if it over a certainpercentage that the proposed development needs to be over 55also – it is another issue to address

**Table this for a future meeting for continuation of this topic.**

#### **4. New Business**

##### **B. PL20230018350 – Updates to Requirement for Removal of Prohibited Exotic Vegetation**

(PowerPoint Presentation Provided)

##### **Maria Estrada (with Jaime Cook):**

- Introduce the removal of the prohibited exotic vegetation, specifically Section 03.05.08. It was Board directed; the primary requirement is to remove all the prohibited exotic vegetationon approved cleared areas already. When you buy a single-family home, you get one acre of clearance. This would help in not necessarily needing to remove these exotics for accessories that come in after the fact – such as a screen, a pool, etc. We’re looking to amend LDC Section 03.05.08.
- Commissioner Hall brought this uearlier regarding a public comment about the purchase of a shed.



- A resident had left pepper trees as a buffer for I-75 noise and sight. He put up the shed; then got the permit, as part of the permit, he was required to remove all exotics and it was going to cost exponentially more than the cost of his shed.
- Several Commissioners had similar experiences and complaints with residents about this section of code. Staff was directed to look at this and make some revisions to it.
- **Jeff Curl:** I can't even believe this also doesn't apply to commercial. Why are we setting a new standard for residential? And if I'm a commercial guy and I want to add to a building, I don't get the same benefit. We're beginning to split land use. Wildfires are probably one of the biggest complaints or concerns. You start adding density now and you've got this wall of vegetation which translates to fuel. That's why fires are getting out of control. If somebody is allowed to get a pass from clearing their land that would fall into a code complaint for mowing. I am opposed to this. It is a health, safety, and welfare issue with wildfire.

Further discussion ensued:

- Exotics grow back and should be removed and maintained forever
- For a house you clear up to an acre. Currently, on a five acre lot, you also must clear the exotics on your entire property. This amendment would allow clearing the exotics within that one acre, as well as 7.5 feet around your property boundary but anything internal to the 7.5 feet you wouldn't have to clear. If you had wetlands and needed to clear those, currently you would need a permit from DEP which can take three to six months to get. Then that holds up a CO on their house because they don't have their permit because they haven't cleared those exotics.
- No exception for one or two homeowners
- There has been a concerted effort over the last 30-40 years to have exotic removal, not just in Collier County, but throughout the State of Florida.
- **Robert Mulhere:** Motion that we recommend that the amendment be limited to the struck-through language; and the exception for accessory structures, and that the proposed amendment to reduce the other area that needs to be clear of exotic vegetation to only 7.5 feet around the perimeter, not move forward, for reasons of maintaining a consistent exotic removal policy in Collier County.
- **Mark McLean:** Seconds the motion.
- **Jeff Curl:** It is establishing a different policy that doesn't provide that benefit to other entities with the County; I am seeing a double standard. But I will go in with the motion.
- **Clarification by Robert Mulhere:** The motion includes eliminating the proposed additional language on lines 39, 40, 48 and 49; everything else is retained as is – Pages 41, 42, 43, and 44.
- All in favor – aye.  
*Approved unanimously 4-0.*

**Eric Johnson:** I will do before DSAC meets is make sure that the GMP consistency review is 100% complete.

- 6. Upcoming DSAC-LDR Subcommittee Meeting Dates**
  - a. Tuesday, April 16, 2024**
  - b. Tuesday, July 16, 2024**
  - c. Tuesday, October 15, 2024**

Continuation of golf course amendment -- another date/time will be set up.

Limiting, on a case-by-case basis, the time for public attendee comments/questions.

If a quorum for this committee cannot be met, any member designated by DSAC can attend as an alternate. Bring this comment up again at the next DSAC meeting to have the answer in the minutes. *Earmark.*

**7. Adjourn**

There being no further business for the good of the County, the meeting was adjourned at 4:45 p.m.

Collier County Development Services Advisory Committee – Land Development Review Subcommittee

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

These minutes were approved by the Chairman, Clay Brooker,

on \_\_\_\_\_, (check one) as submitted \_\_\_\_\_ or as amended \_\_\_\_\_.

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

**January 31, 2024, Naples, Florida**

LET IT BE REMEMBERED that the Collier County Development Services Advisory Committee-Land Development Review Subcommittee, having conducted business herein, met on this date at 2:00 p.m. in REGULAR SESSION at 2800 N. Horseshoe Drive, Naples, Florida.

MEMBERS PRESENT: Clay Brooker, Chairman  
Jeffrey Curl  
Mark McLean

STAFF PRESENT: Eric Johnson, Planning Manager  
Mike Bosi, Director of Planning and Zoning  
Marissa Fewell, Planner III

PUBLIC ATTENDEES: Connie Gibbons  
Peter Osiniki  
Alan Carpenter  
Tricia Campbell  
Carole Donough

**1. Call to Order**

**2. Approve Agenda**

- Eric Johnson: Mentioned about the Old Business being on the agenda, and disclosed that he lives in a golf course community as does Mr. Henderlong.

*Mr. Johnson retreated to the audience area of the room and then left the meeting.*

- **Jeff Curl:** Motion to approve the agenda.
- **Mark McLean:** Seconded.
- *Approved unanimously.*

### 5. Public Comments

- **Alan Carpenter:** A copy of Mr. Carpenter’s comments was provided to Staff.
- **Mike Bosi:** Riviera and the Ironwood Golf course have already completed their intent to convert process, so any modifications that we are going to make to the intent to convert process within the LDC would not be applicable because they've already satisfied the commitment of the code section; any changes that would affect the rezoning of the property which they call the conversion that would be applied.
- The Golden Gate Golf Course was rezoned for a Veteran’s facility, affordable homes, and a First T facility
- **Peter Osiniki:**A copy of Mr. Osiniki’s comments was provided to Staff.

### 3. Old Business

- **PL20230012005 – Update to Golf Course Conversion – Intent to Convert Process**
- Continuation of discussion of the January 16 meeting.
- The DRAFT 16 page document – some changes have been made versus to what we saw on the January 16 document and are highlighted in yellow.
- Lengthy discussions between the Board members and Mike Bosi with the following motions made.
- **Clay Brooker:** Motion made on the following points:
  - Recommend that full DSAC recommend the approval of the proposed 5.05.15 as we are looking at it today (January 31), compared to the (earlier) January 16 document.
  - Page 7, line 10, add the words “attempt to” prior to the word build.
  - Page 7, line 11, add the word “applicant” and strike out application
  - Page 9, line 32, add “two distinct” and strike out two or more
  - Page 14, line 2, add “presented or discussed” and strike out vetted
  - Page 14, line 19, add the words “a minimum of” prior to the word 35 percent
  - Page 14, line 35, add the word “are encouraged to” and strike out shall
  - Page 14, lines 48 through 51 – defer to full DSAC as to whether to adjust that 30 percent (number)
  - Page 16, lines 16 through 18, defer to Mike Bosi to change the language as appropriate using the Board members’ suggestions
- **Mark McLean:** Seconds the motion.
- *Approved unanimously.*

### 4. New Business

- **Clay Brooker:** Question about the sidewalk or payment in lieu question of land development code?
- **Mike Bosi:** Transportation – run that through Miss Cook or it may be Mr. Sawyer.

### 6. Upcoming DSAC-LDR Subcommittee Meeting Dates:

- **April 16, July 16, October 15 – Tuesday Dates; 3:00 – 5:00 p.m.**

### 7. Adjourn

There being no further business for the good of the County, the meeting was adjourned at 4:00 p.m.

Collier County Development Services Advisory Committee – Land Development Review Subcommittee

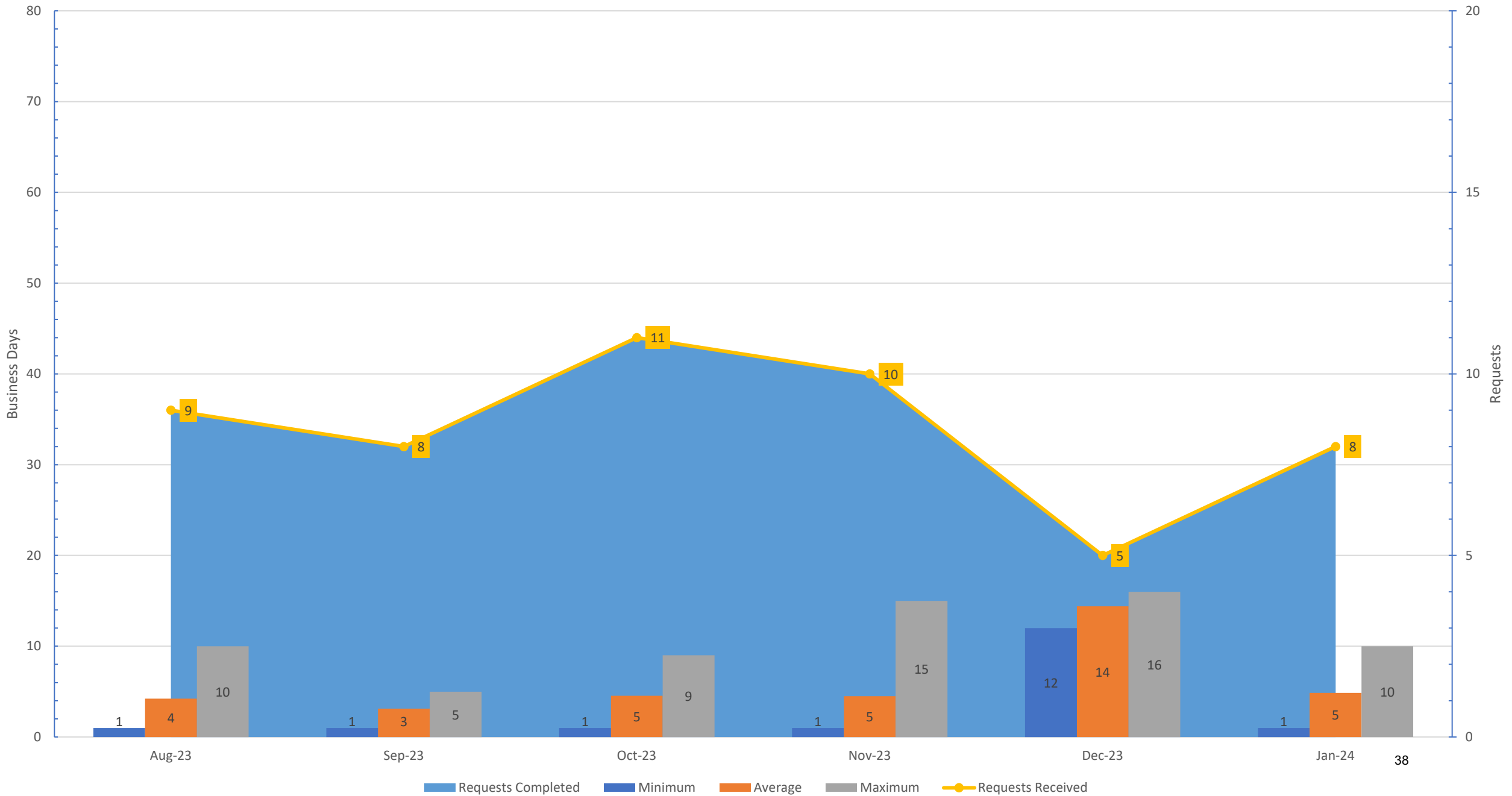
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Clay Brooker, Chairman

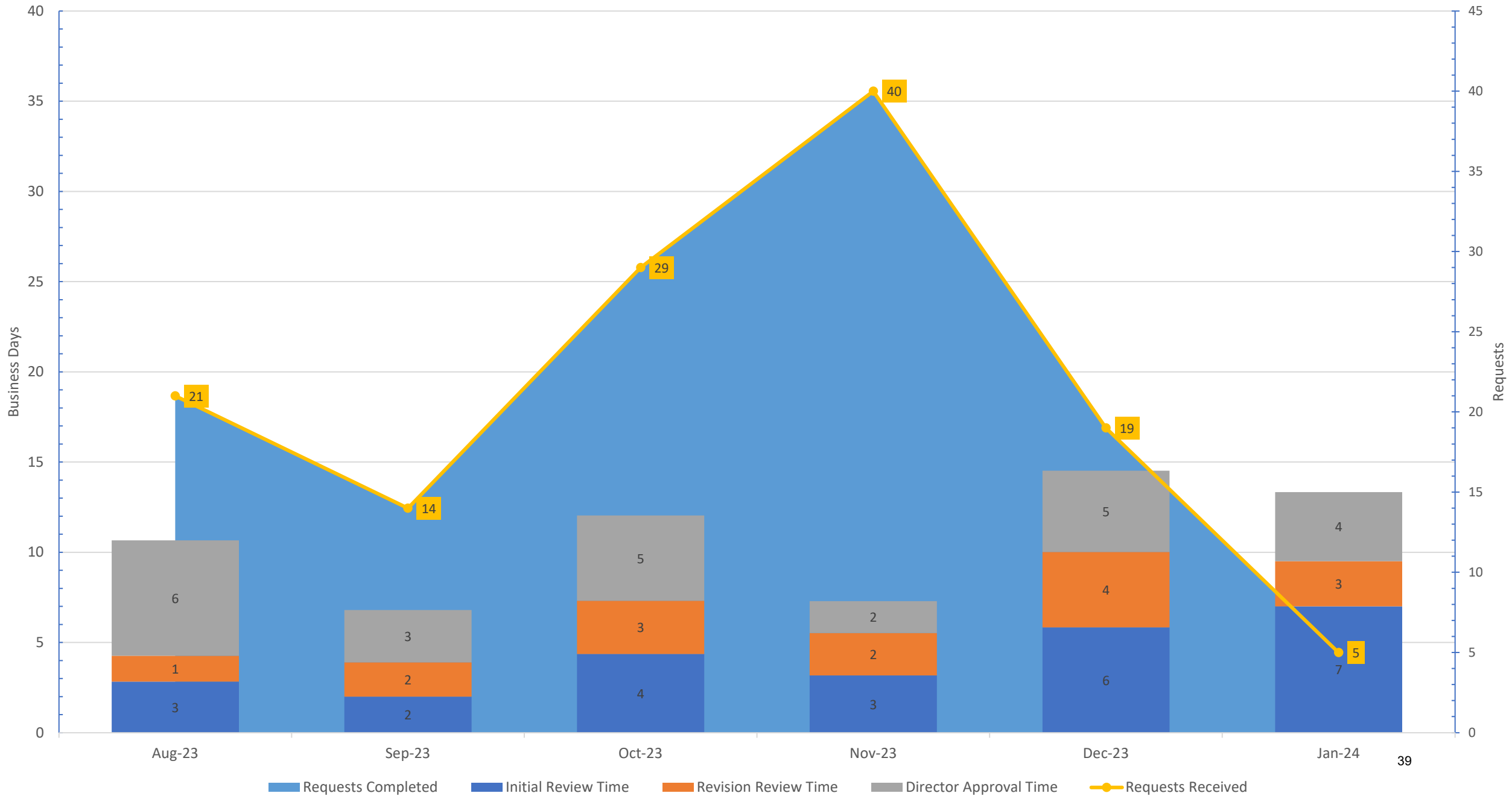
These minutes were approved by the Chairman, Clay Brooker,

on \_\_\_\_\_, (check one) as submitted \_\_\_\_\_ or as amended \_\_\_\_\_.

# Response Time - Letters of Availability



# Response Time - FDEP Permits





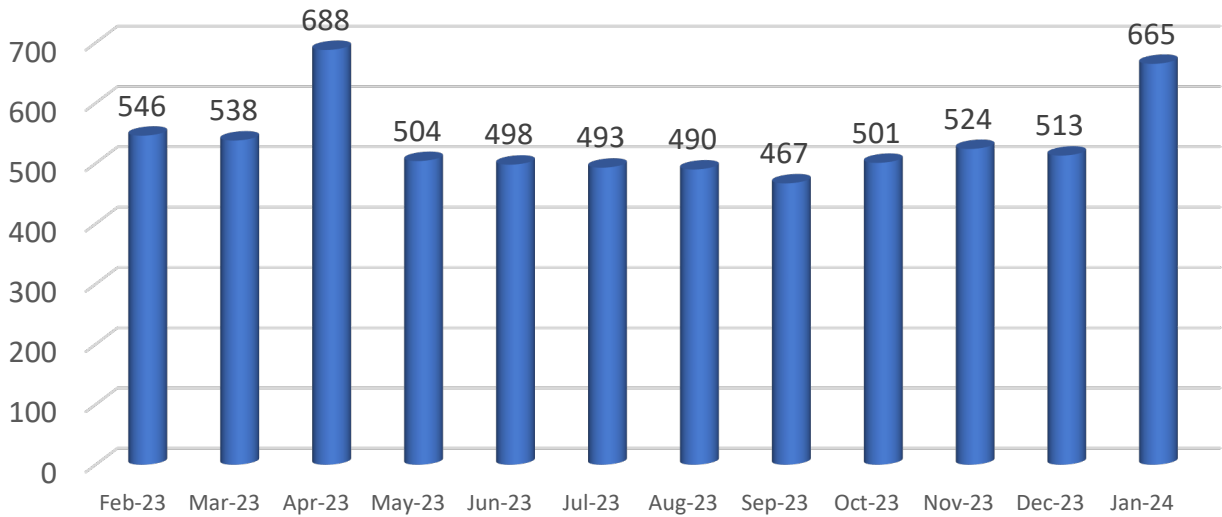
*February*  
*2024 Code Enforcement*  
*Monthly Statistics*



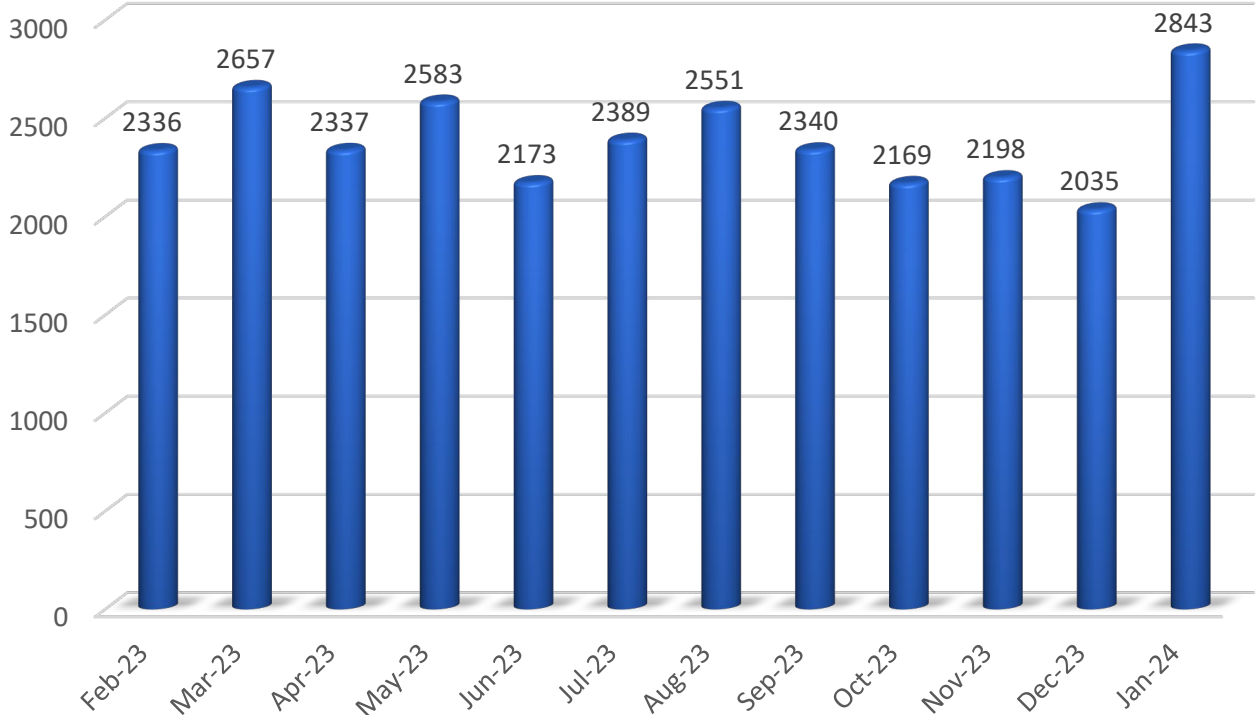


# Code Enforcement Reports

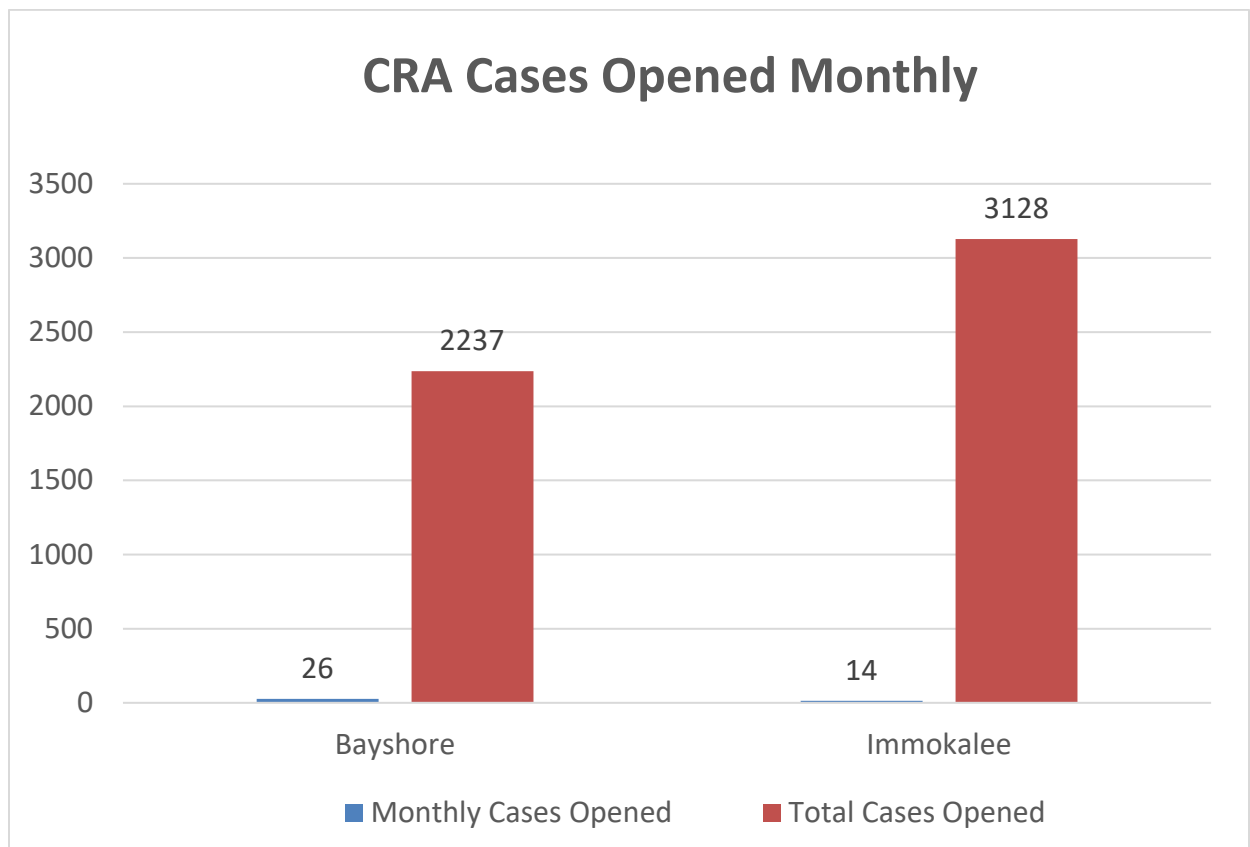
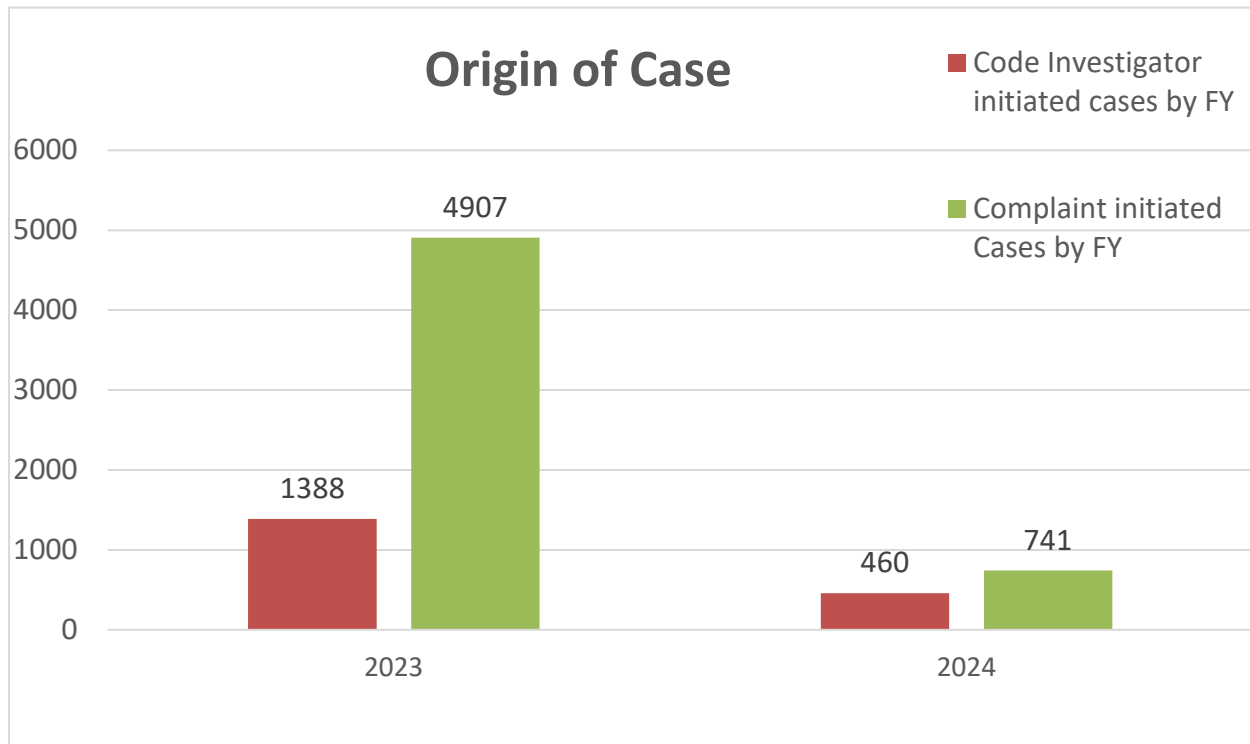
## Cases Opened Per Month



## Code Inspections Per Month



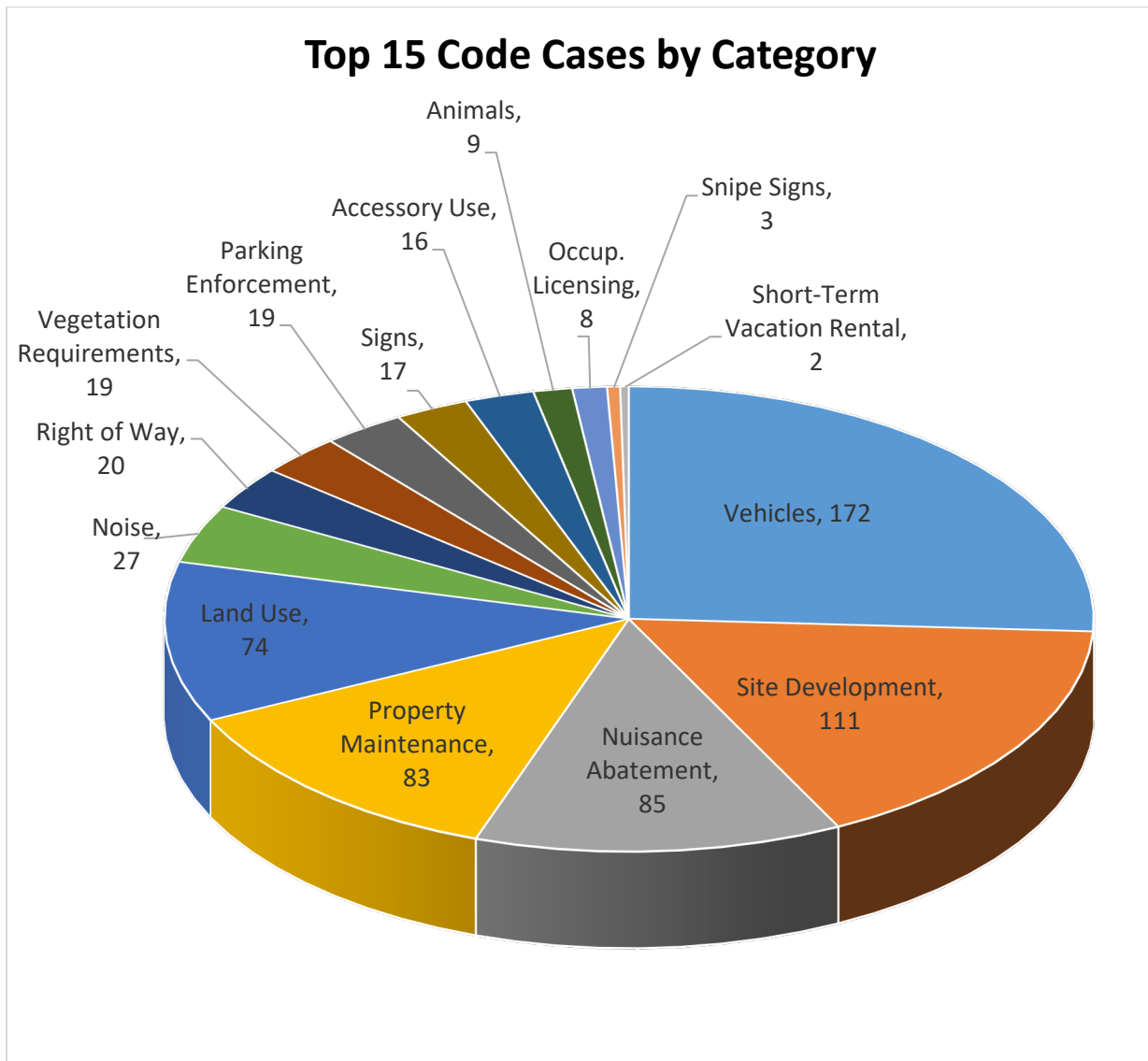
# Code Enforcement Reports



# Code Enforcement Reports

January 22, 2024 – February 21, 2024, Highlights

- Cases opened: 665
- Cases closed due to voluntary compliance: 156
- Property inspections: 2843
- Lien searches requested: 842



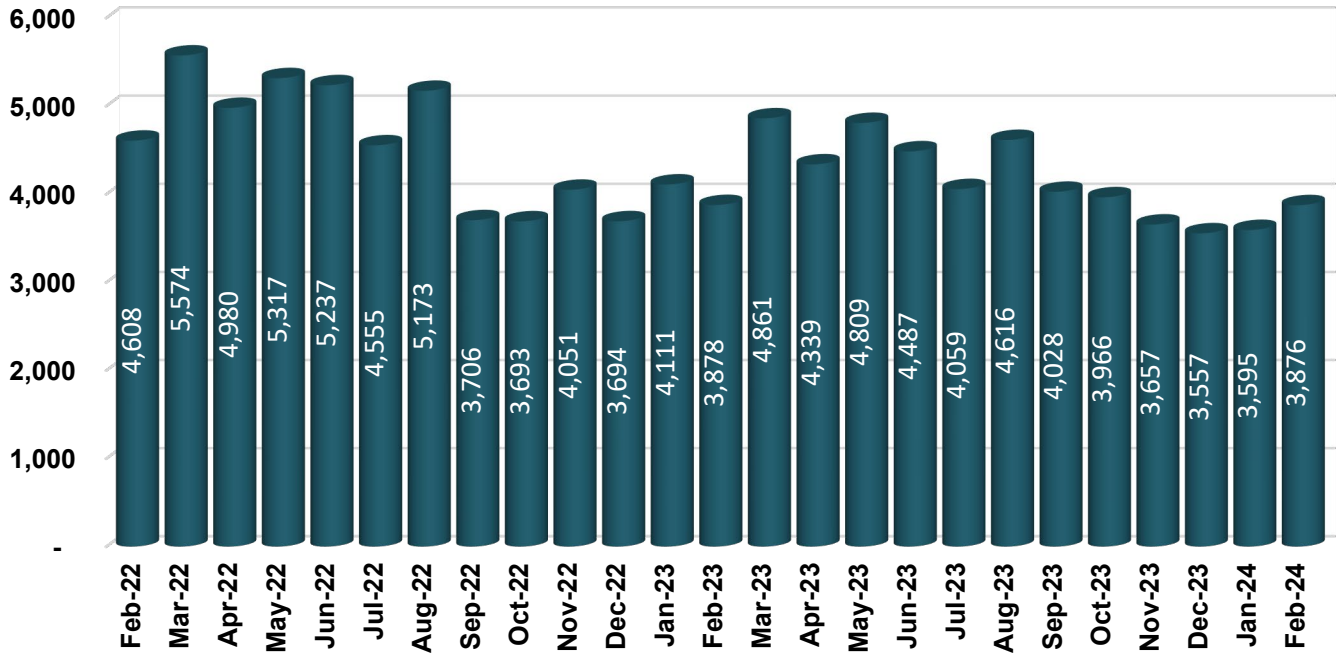


*February 2024*  
*Monthly Statistics*

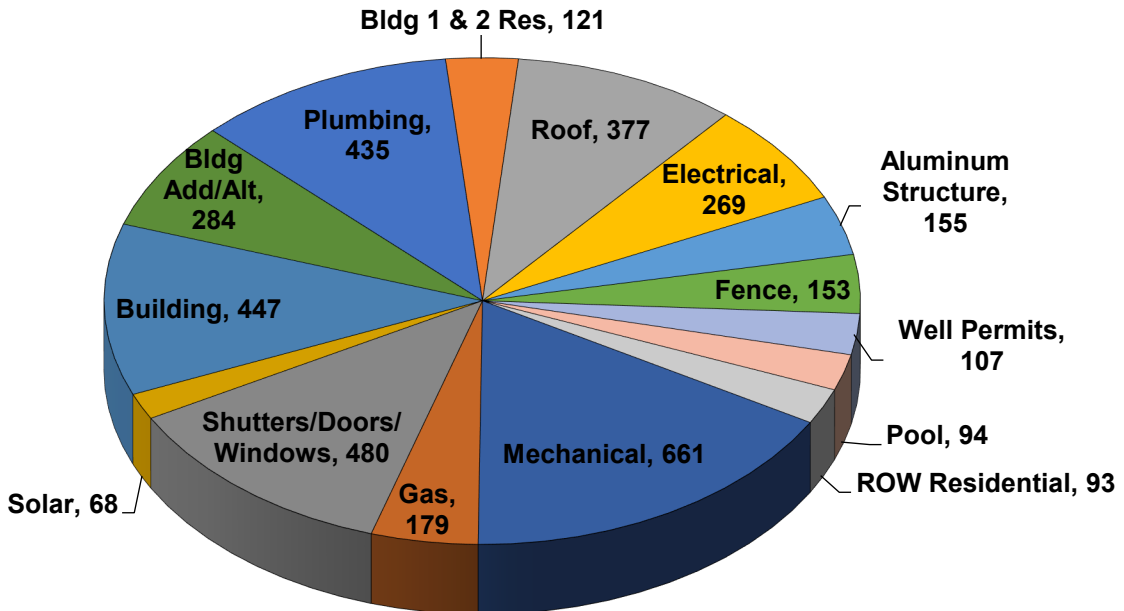


# Building Plan Review Statistics

## All Permits Applied by Month

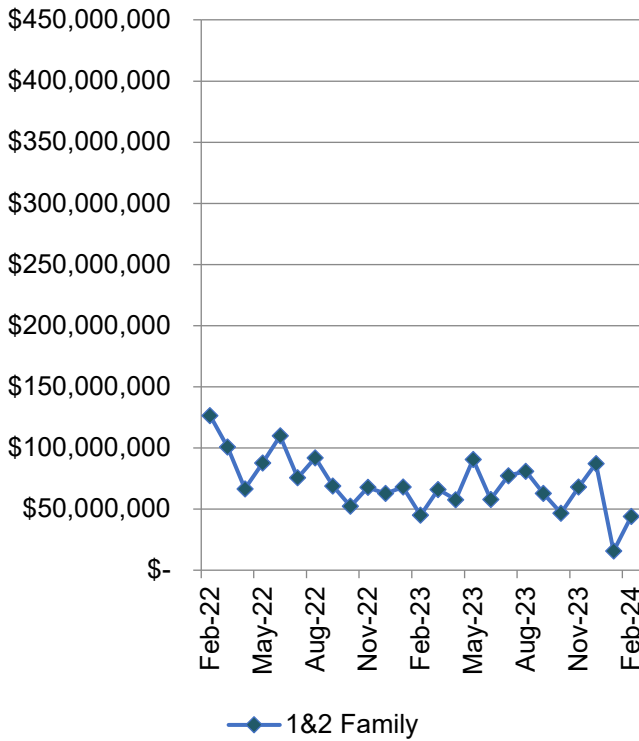


## Top 15 of 35 Building Permit Types Applied

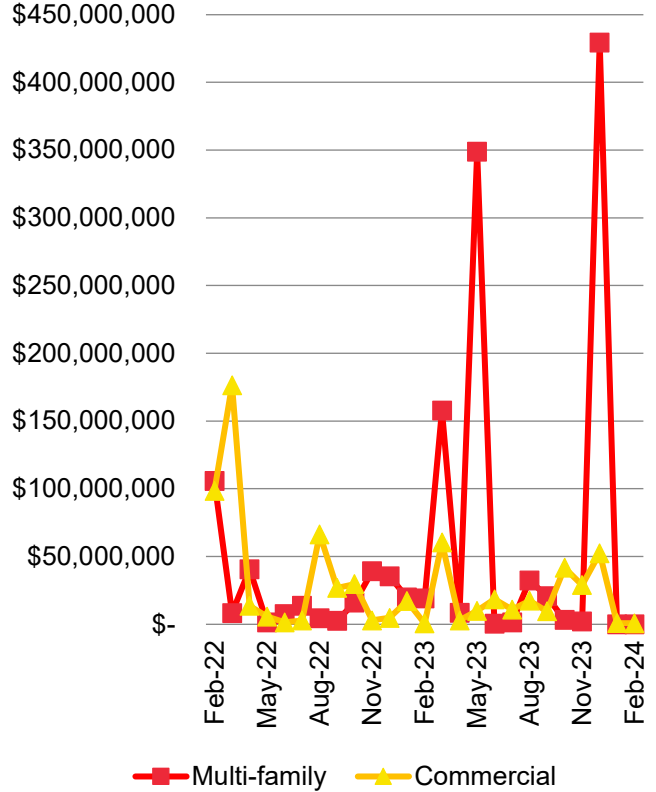


# Building Plan Review Statistics

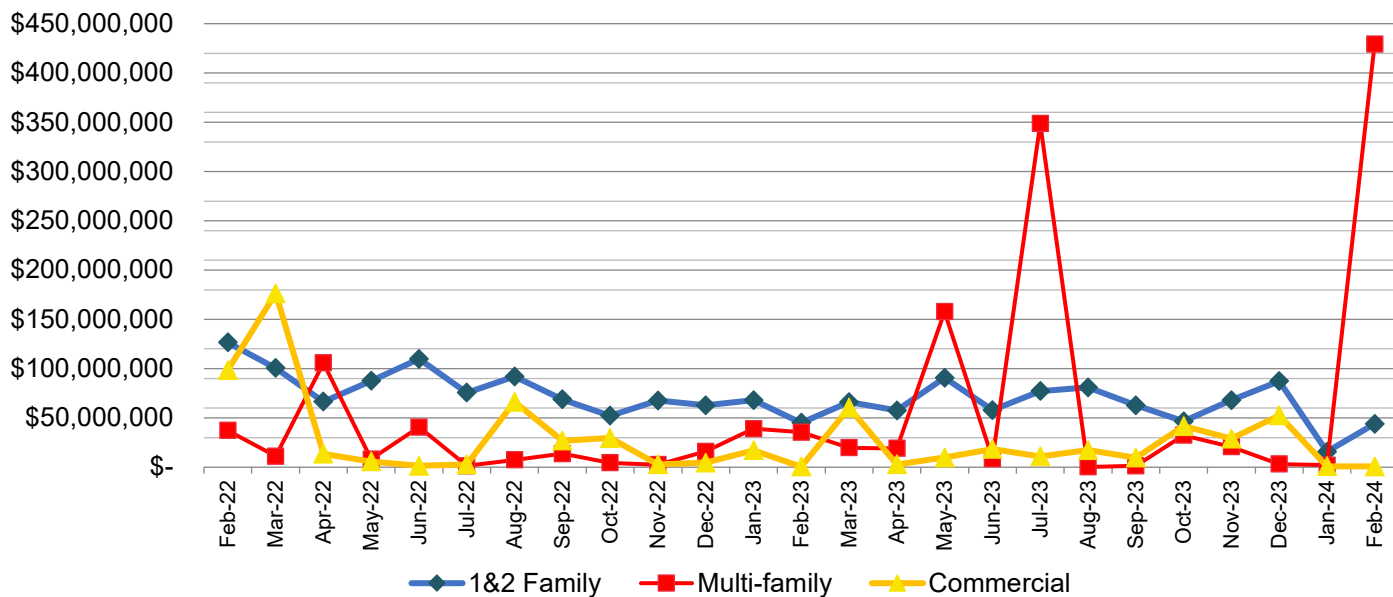
**Monthly 1 & 2 Family Total Construction Value by Applied Date**



**Monthly Multi-family & Commercial Total Construction Value by Applied Date**

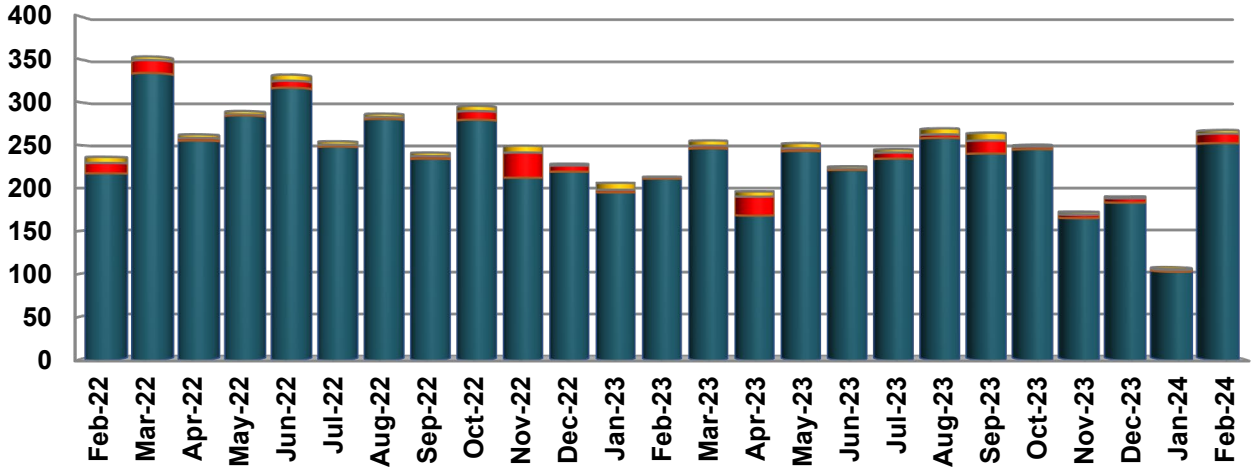


**Monthly Total Construction Value by Applied Date**



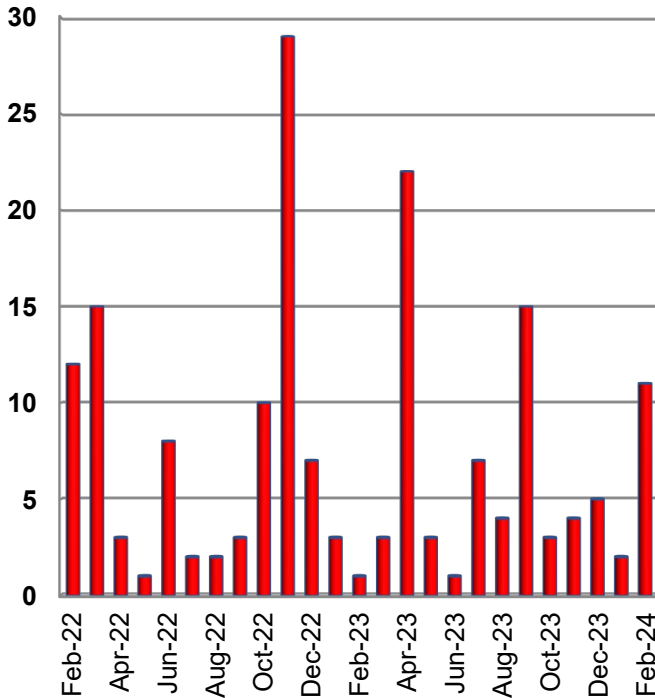
# Building Plan Review Statistics

## New Construction Building Permits Issued by Month

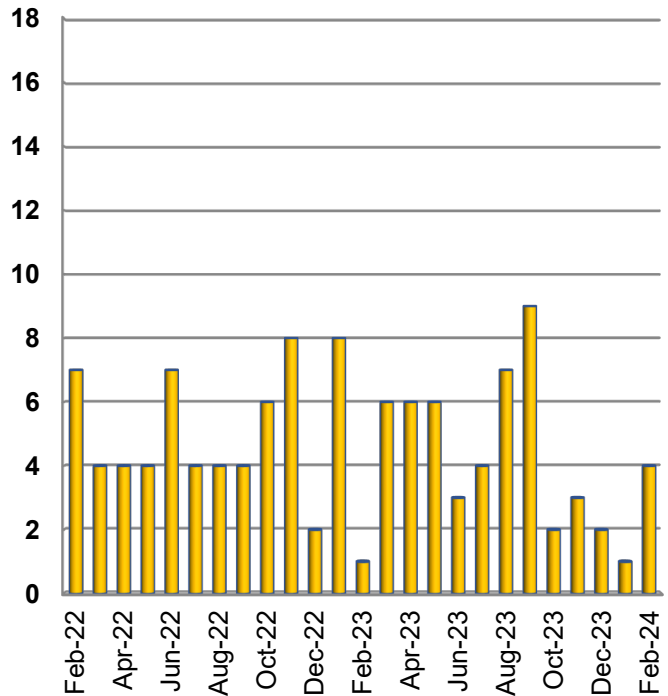


	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24
Commercial	7	4	4	4	7	4	4	4	6	8	2	8	1	6	6	6	3	4	7	9	2	3	2	1	4
Multi-family	12	15	3	1	8	2	2	3	10	29	7	3	1	3	22	3	1	7	4	15	3	4	5	2	11
1&2 Family	217	333	255	284	316	248	280	234	279	212	219	195	211	246	168	243	221	234	258	240	245	165	183	103	252

## New Multi-family Building Permits Issued by Month

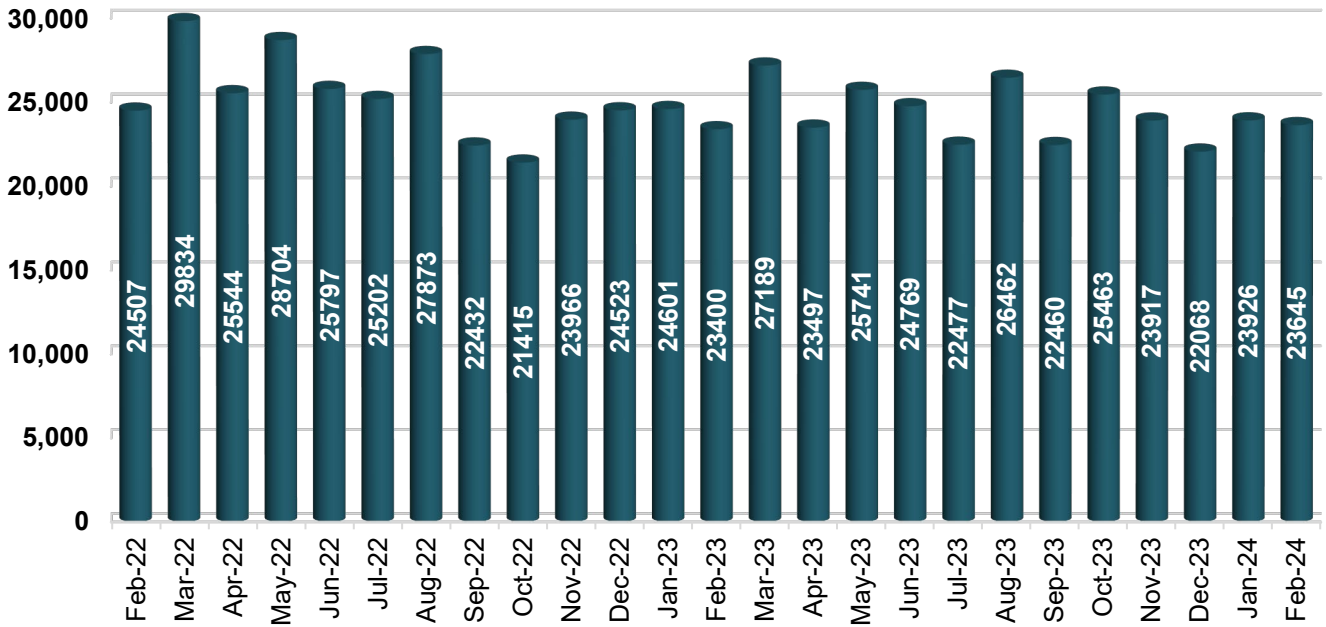


## New Commercial Building Permits Issued by Month

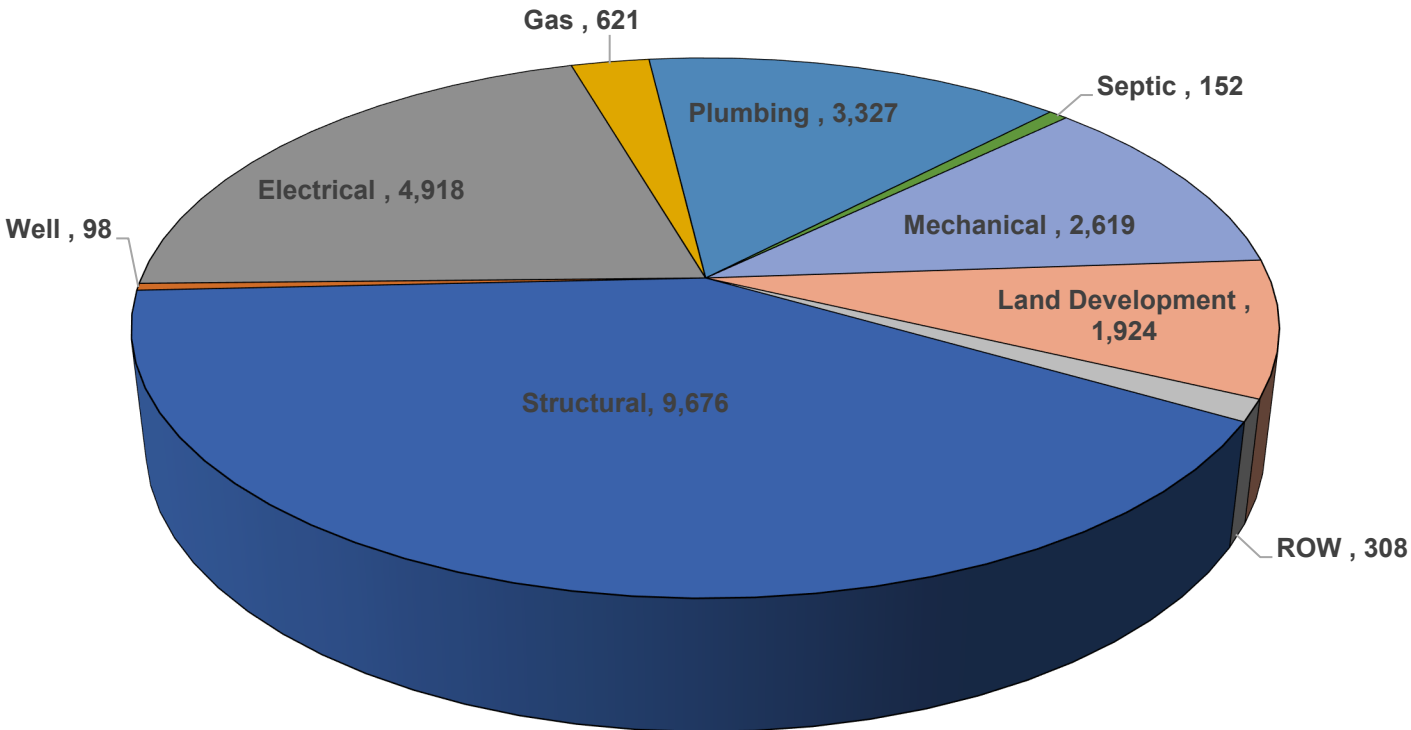


# Building Inspections Statistics

## Building Inspections



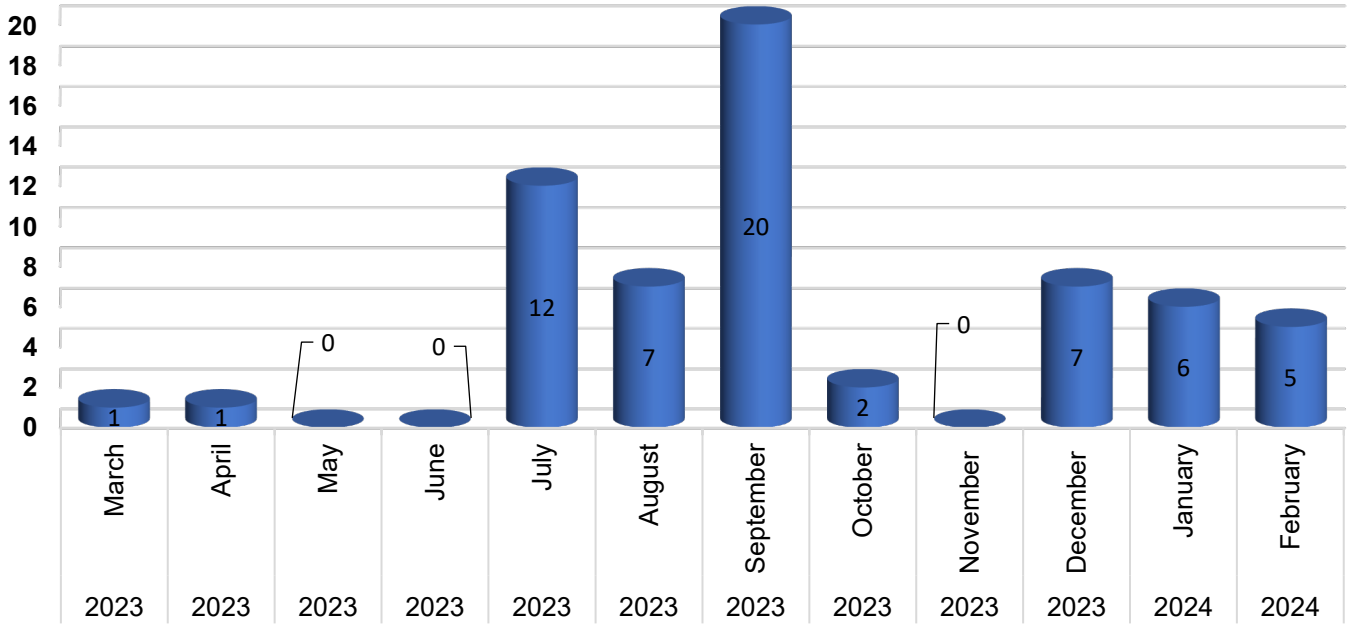
## Types of Building Inspections



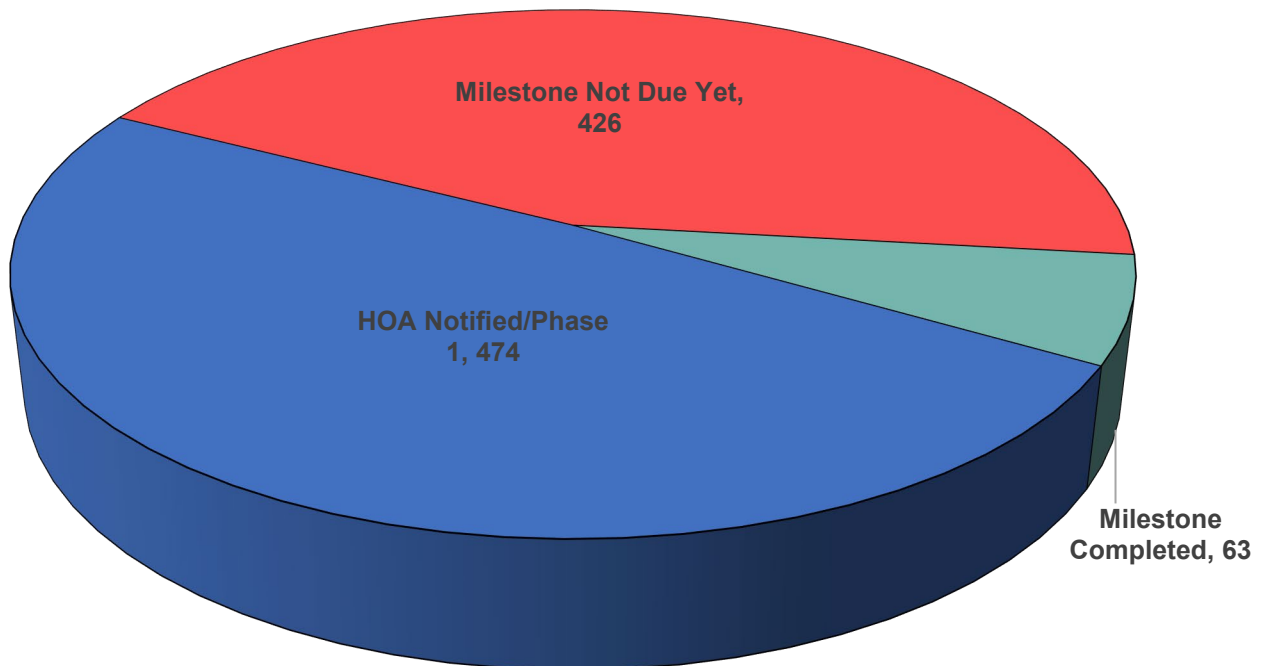


# Building Inspections Statistics

## Milestones Received by Month

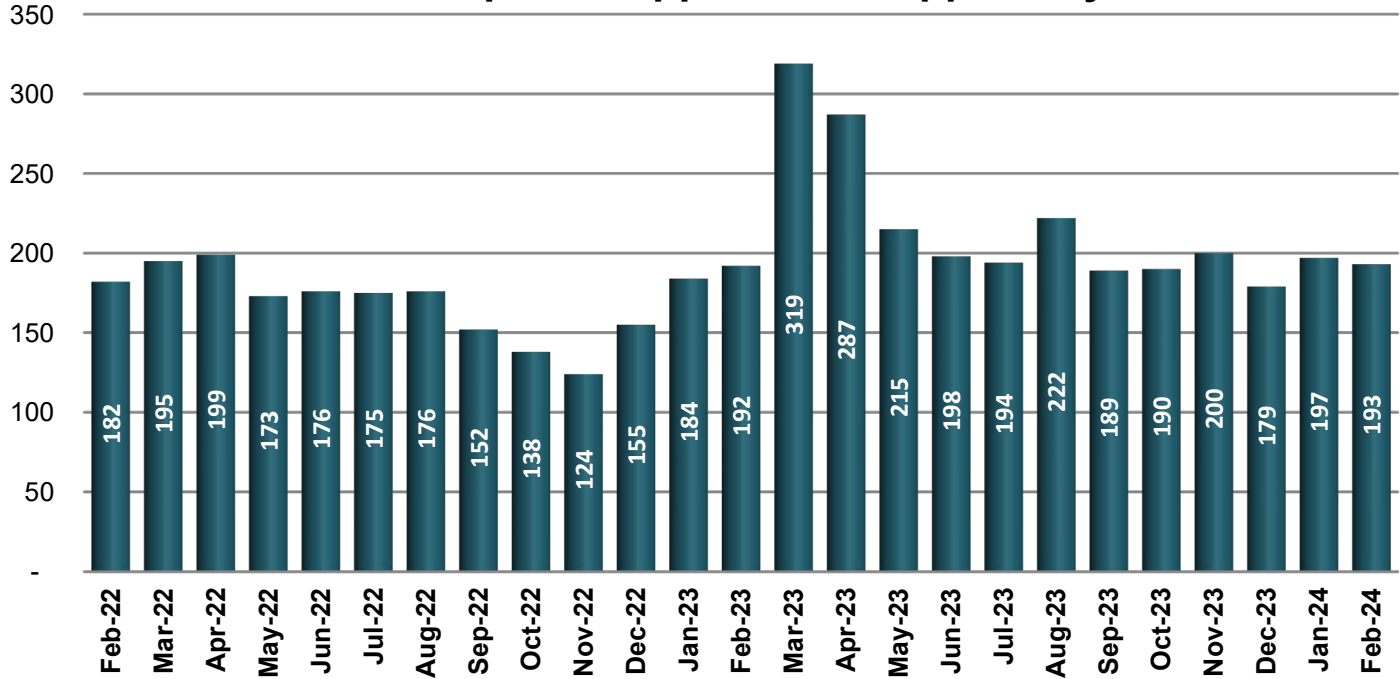


## Milestone Inspection Status

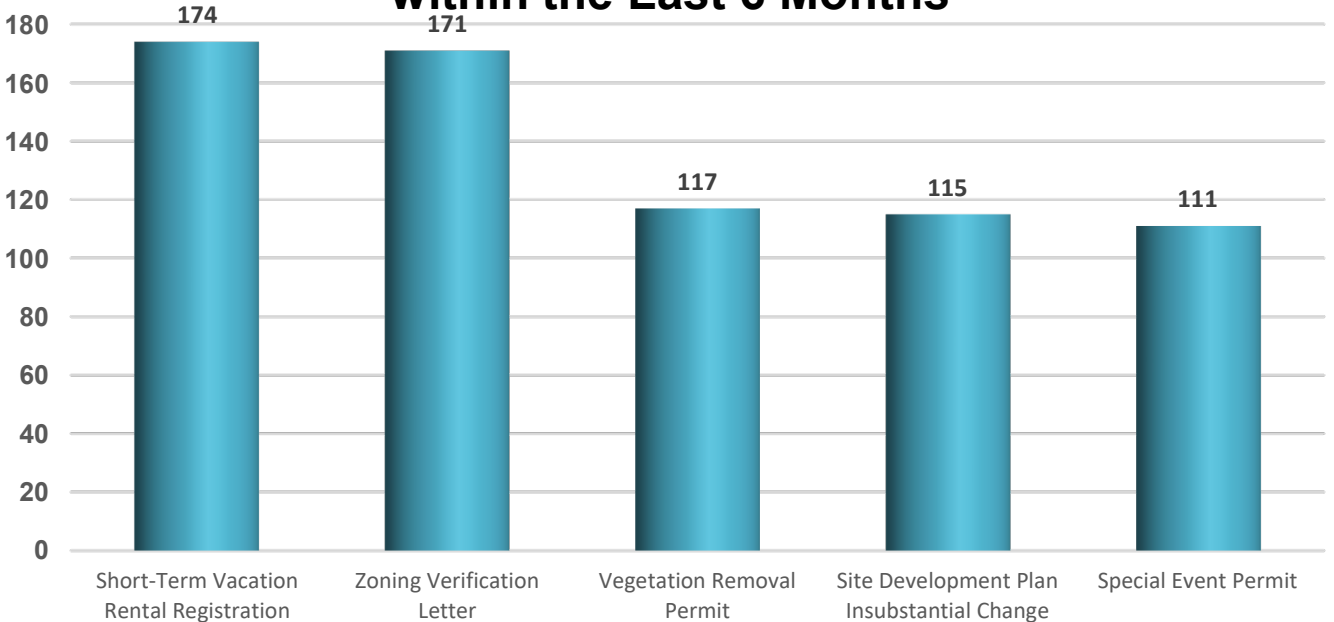


# Land Development Services Statistics

## All Land Development Applications Applied by Month

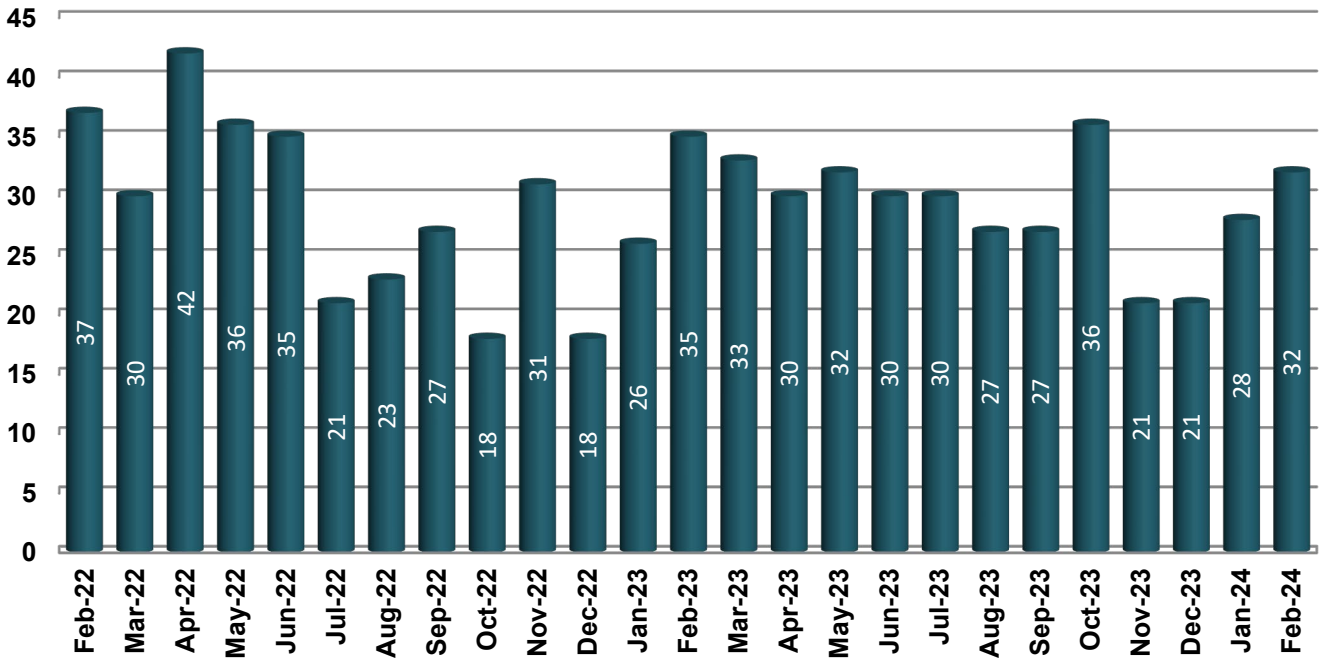


## Top 5 Land Development Applications Applied within the Last 6 Months

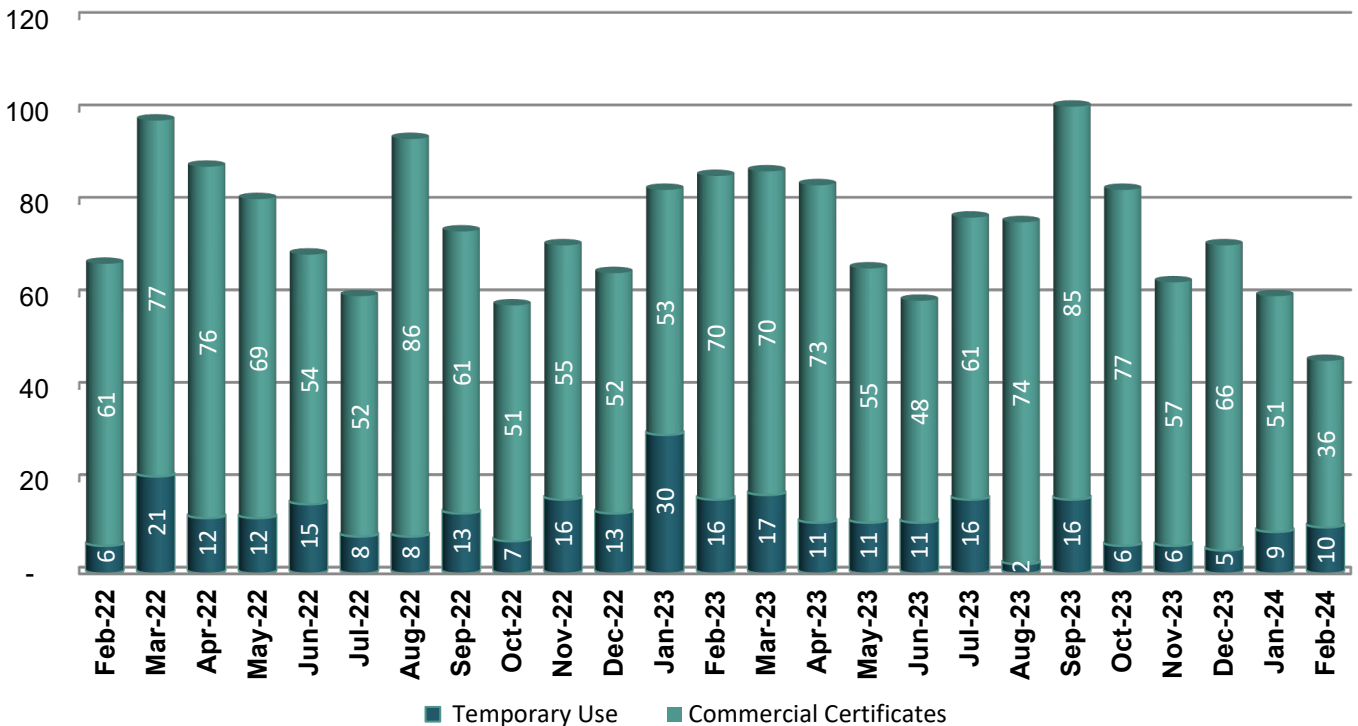


# Land Development Services Statistics

## Pre-application Meetings by Month



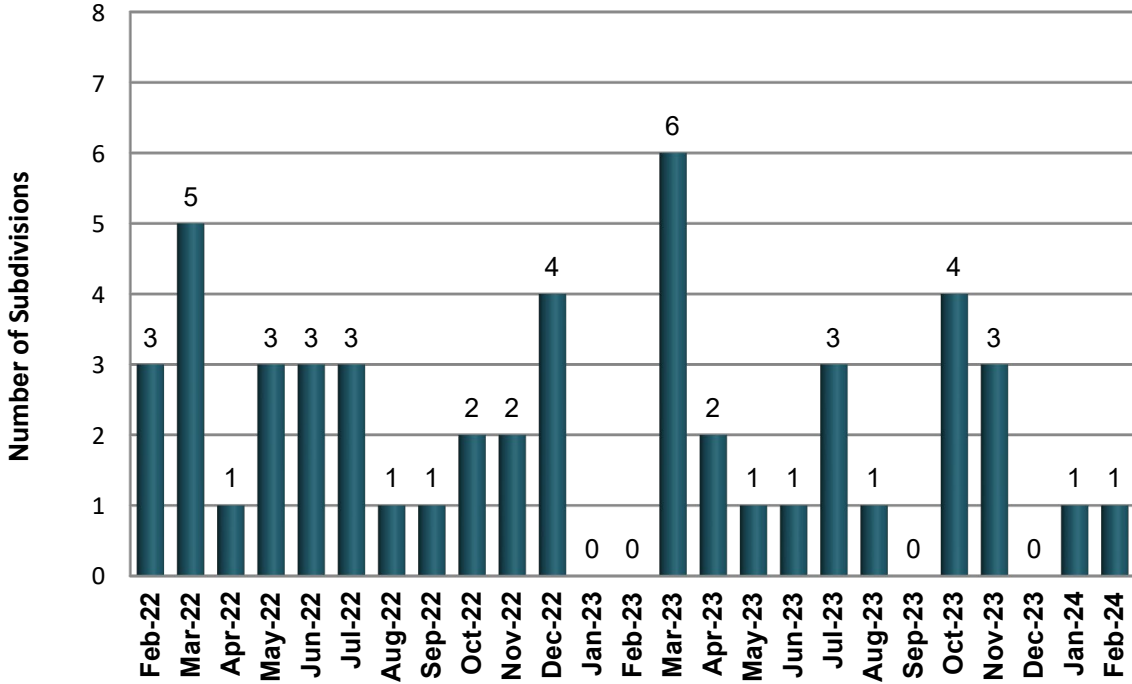
## Front Zoning Counter Permits Applied by Month



■ Temporary Use ■ Commercial Certificates

# Land Development Services Statistics

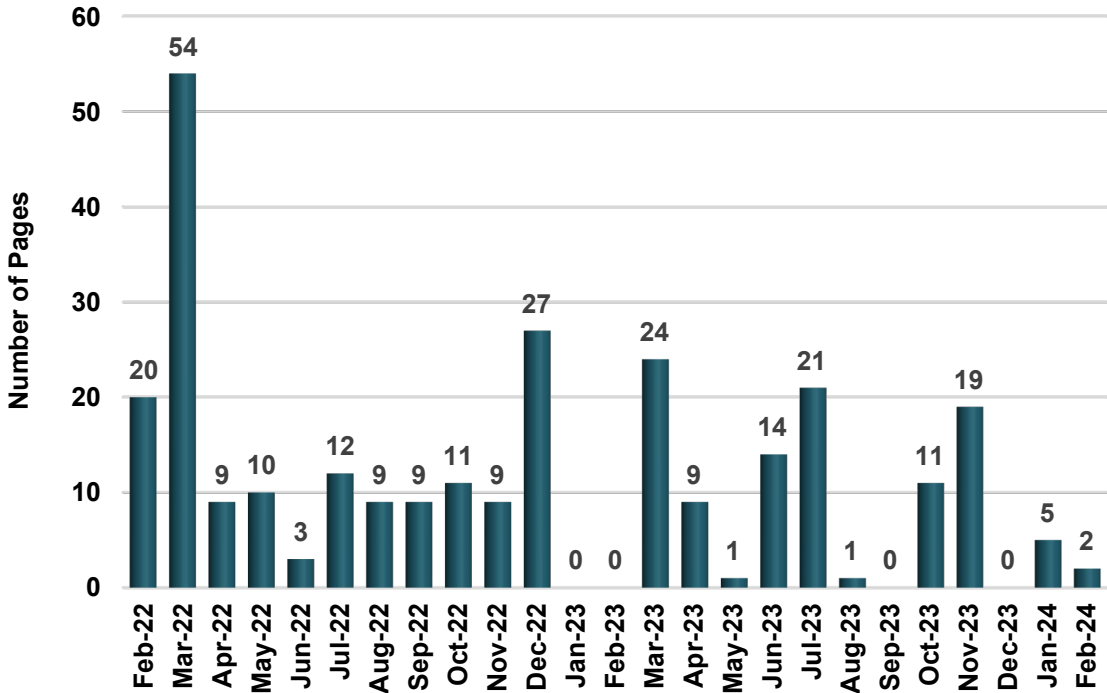
## Number of New Subdivisions Recorded per Month



**Yearly Totals Subdivisions**  
 2020 - 25  
 2021 - 33  
 2022 - 29  
 2023 - 21  
 2024 YTD - 2

**Yearly Totals Lots**  
 2021 - 1353  
 2022 - 3100  
 2023 - 1212  
 2024 YTD - 2

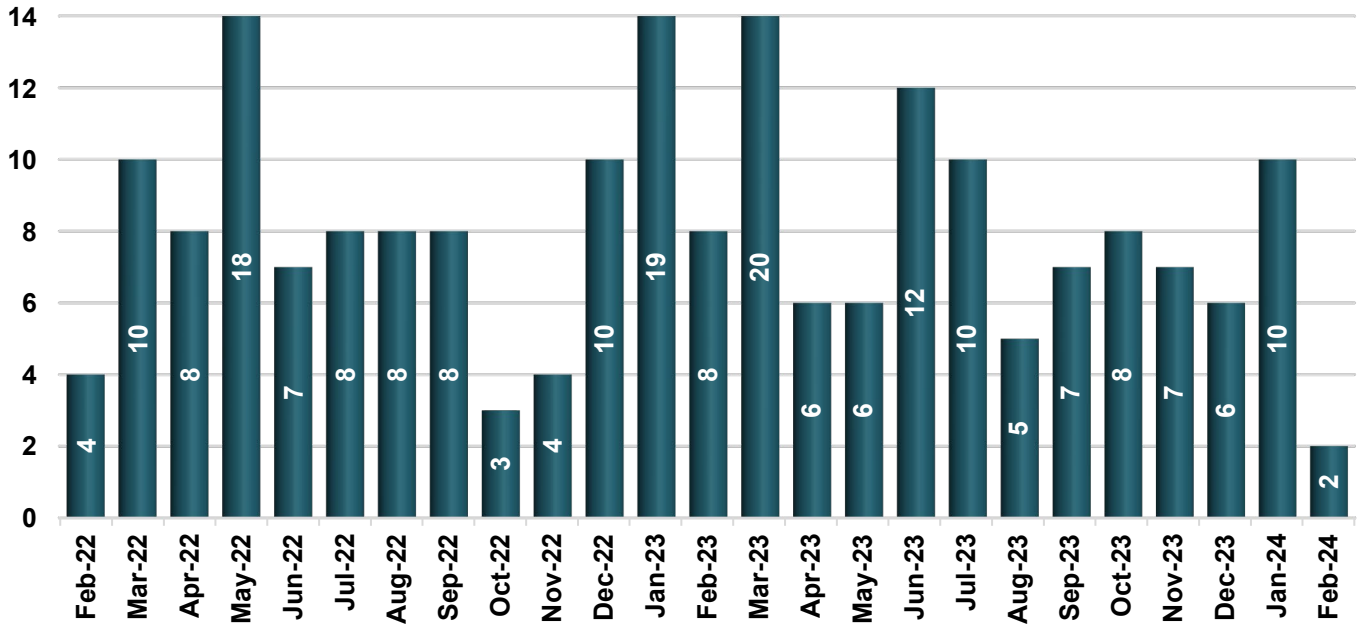
## Plat Pages Recorded per Month



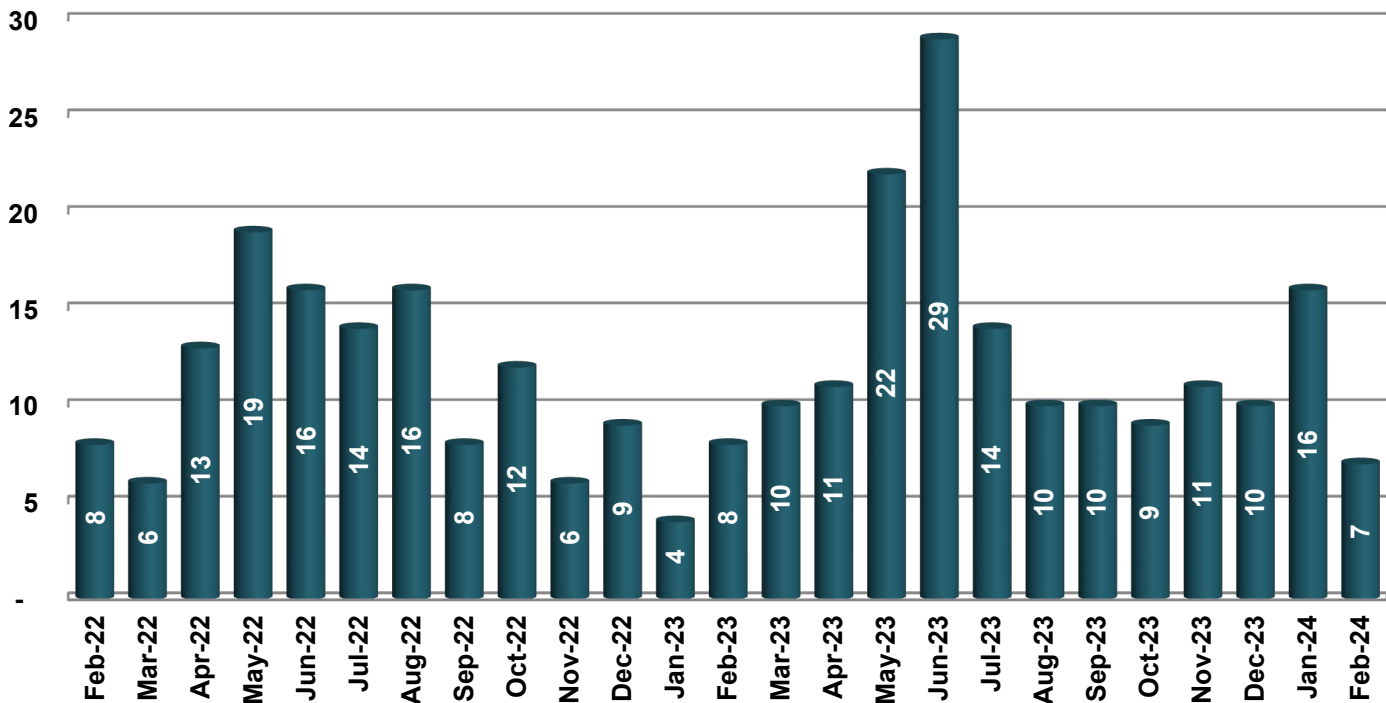
**Yearly Totals Pages**  
 2020 - 152  
 2021 - 188  
 2022 - 175  
 2023 - 100  
 2024 YTD - 7

# Land Development Services Statistics

**Monthly Total of Subdivision Applications  
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

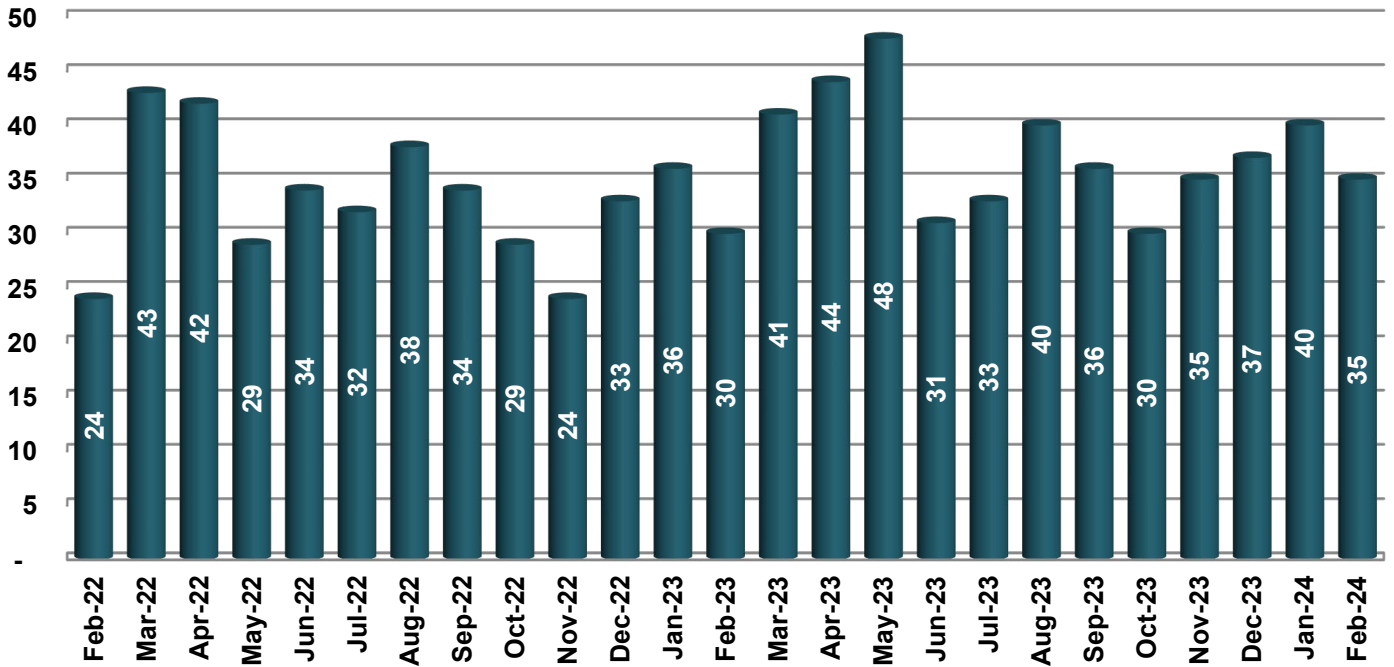


**Monthly Total of Subdivision Re-submittals/Corrections  
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

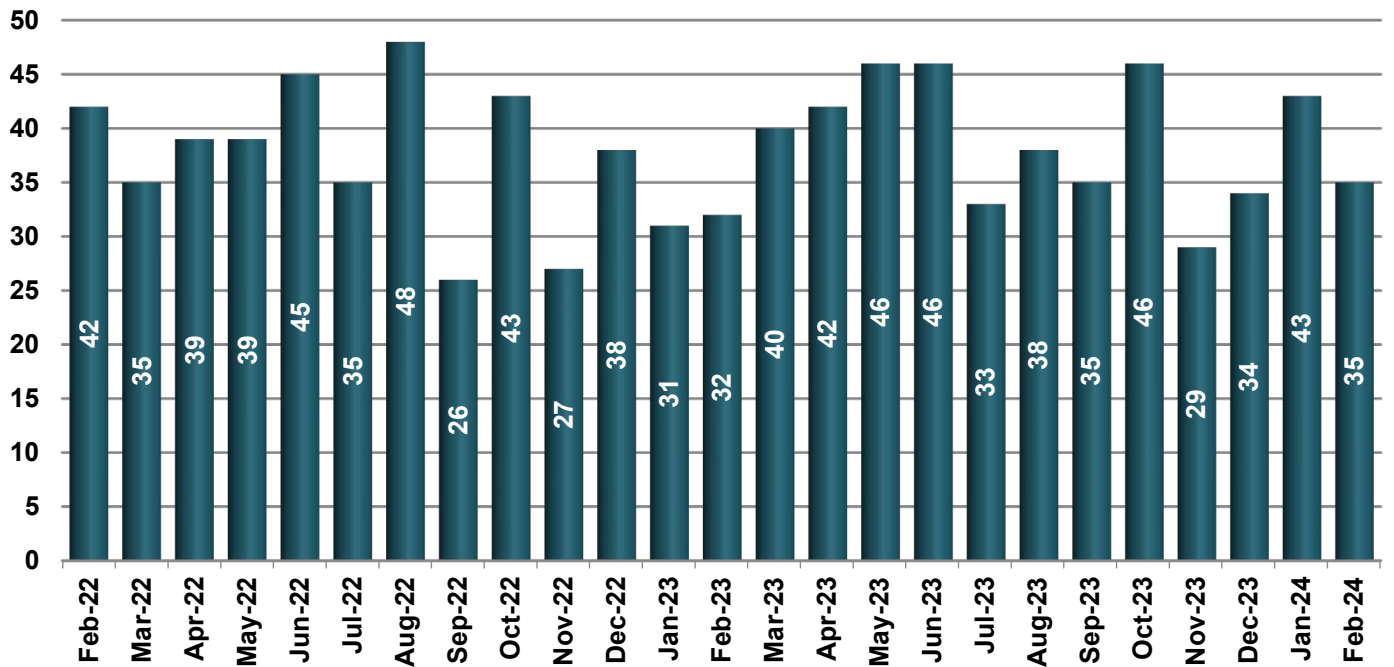


# Land Development Services Statistics

**Monthly Total of Site Plan Applications  
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

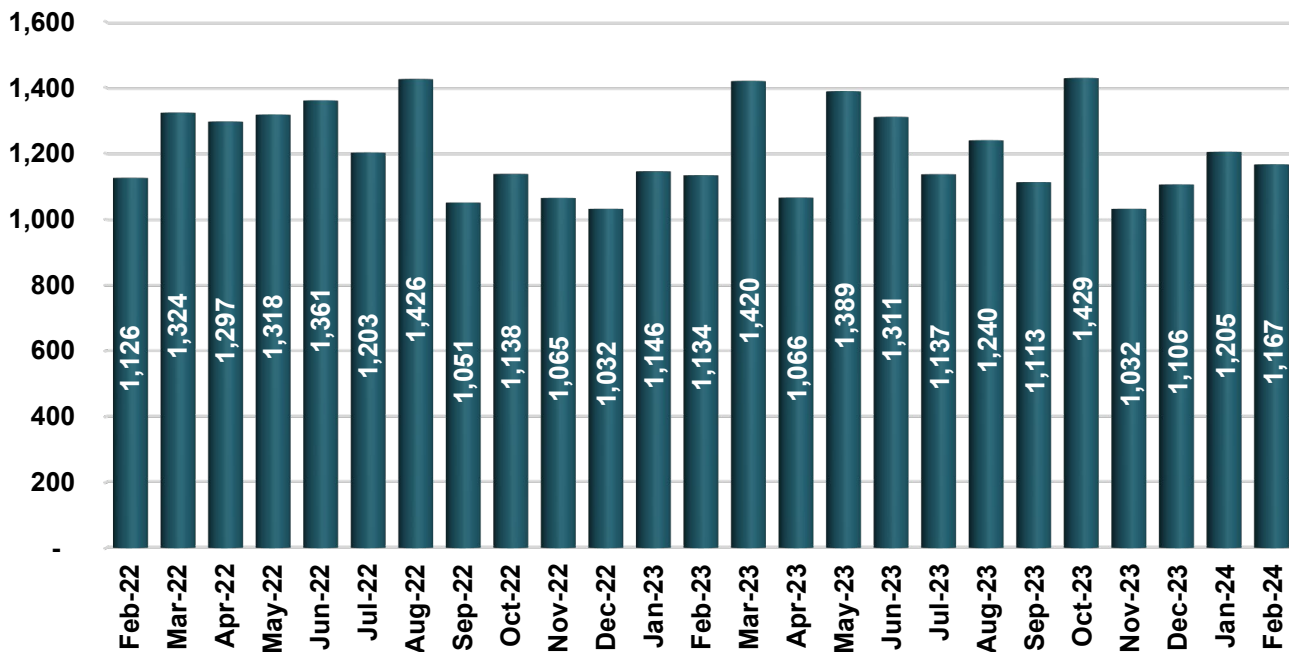


**Monthly Total of Site Plan Re-submittals/Corrections  
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

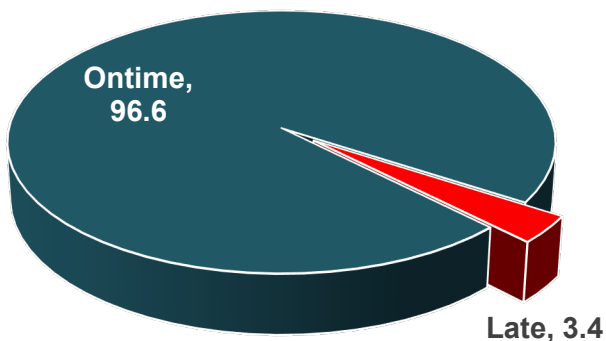


# Reviews for Land Development Services

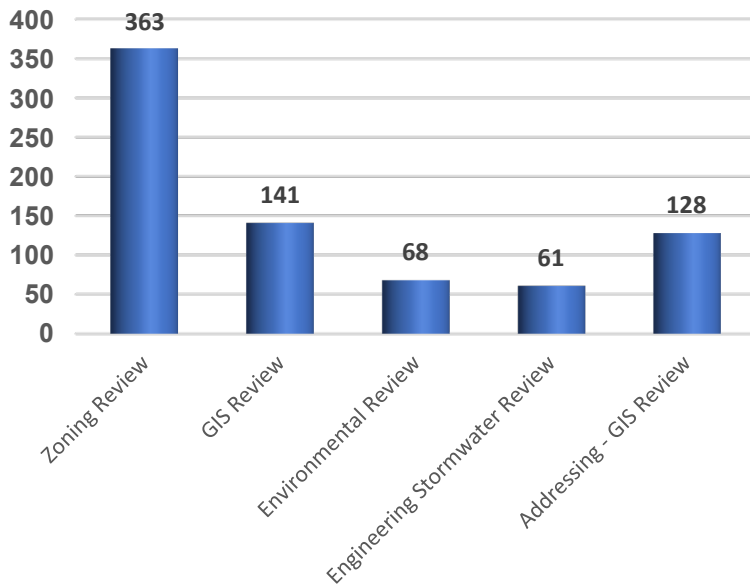
## Number of Land Development Reviews



## Percent Ontime for the Month

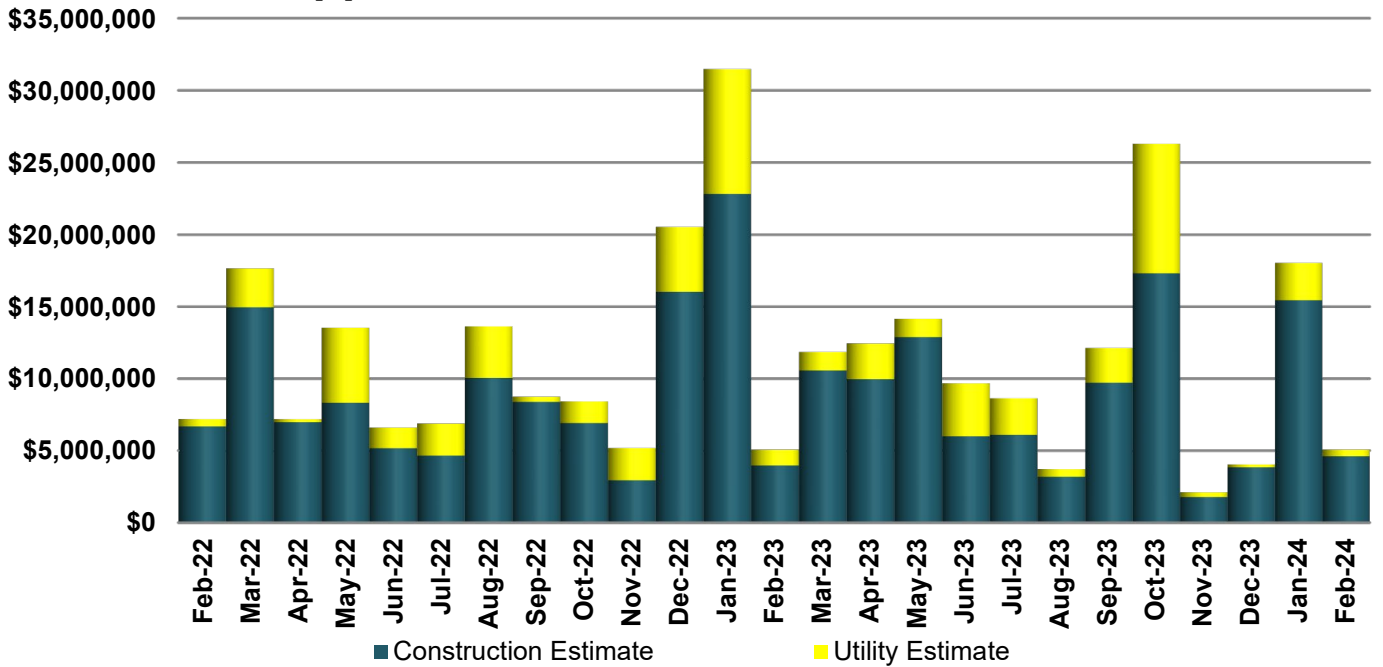


## Top 5 Land Development Reviews- Feb 2024

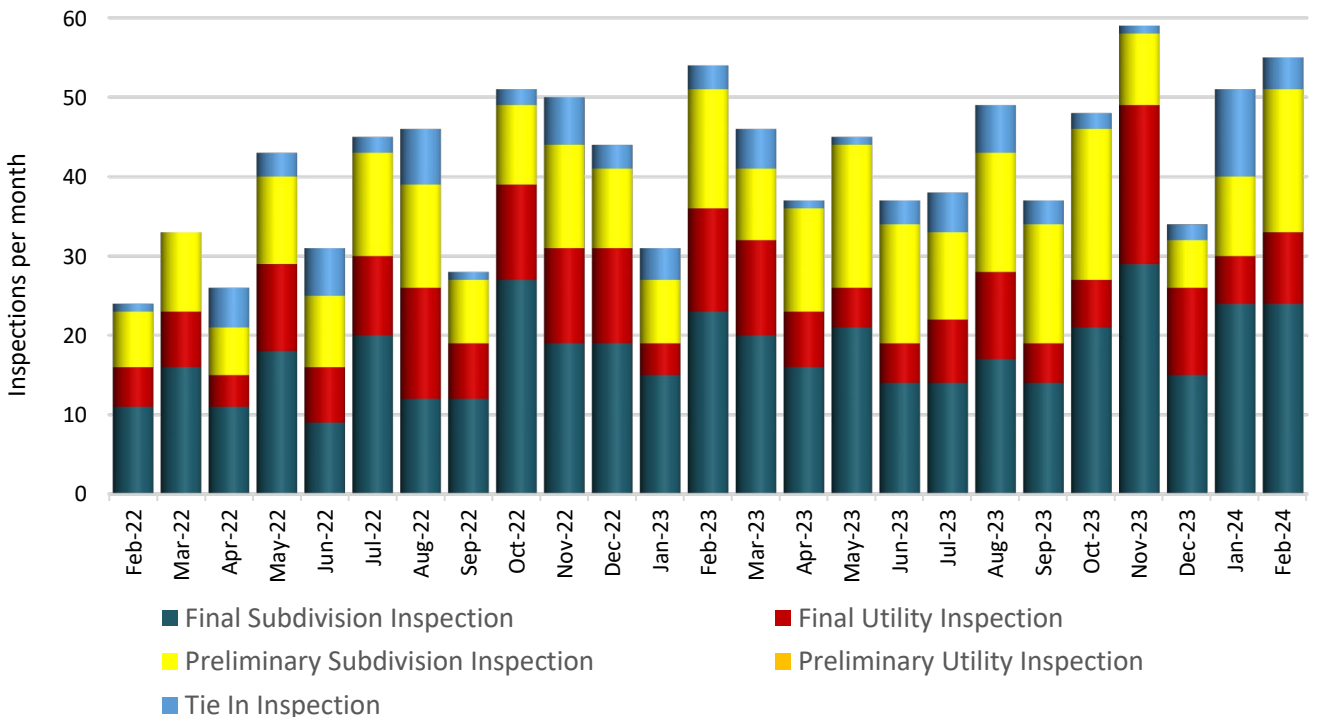


# Land Development Services Statistics

## Total Applied Construction Valuation Estimate



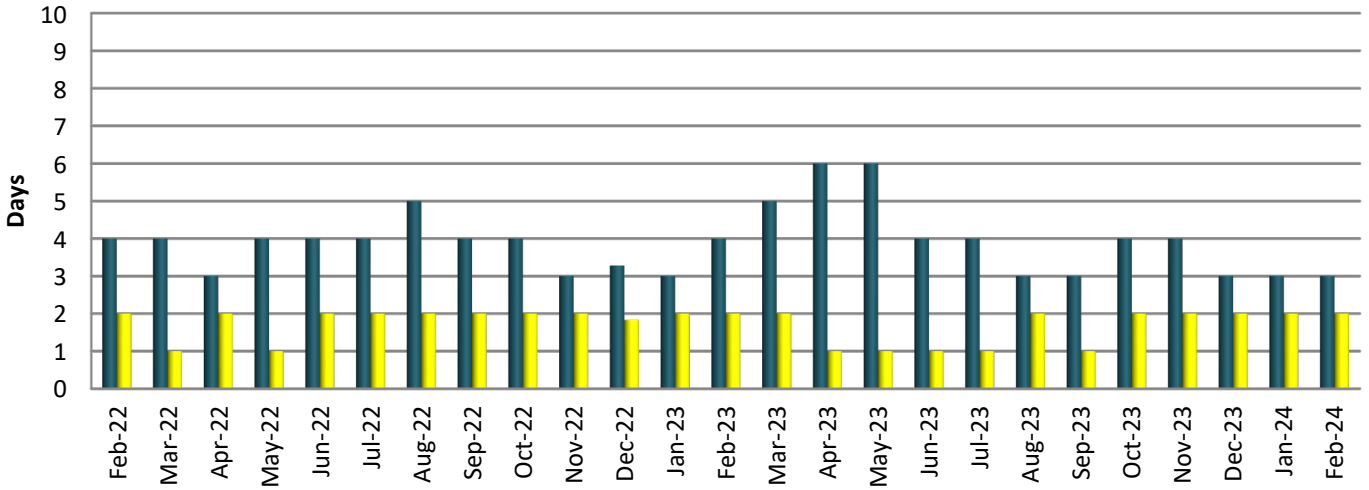
## Site & Utility Inspections





# Fire Review Statistics

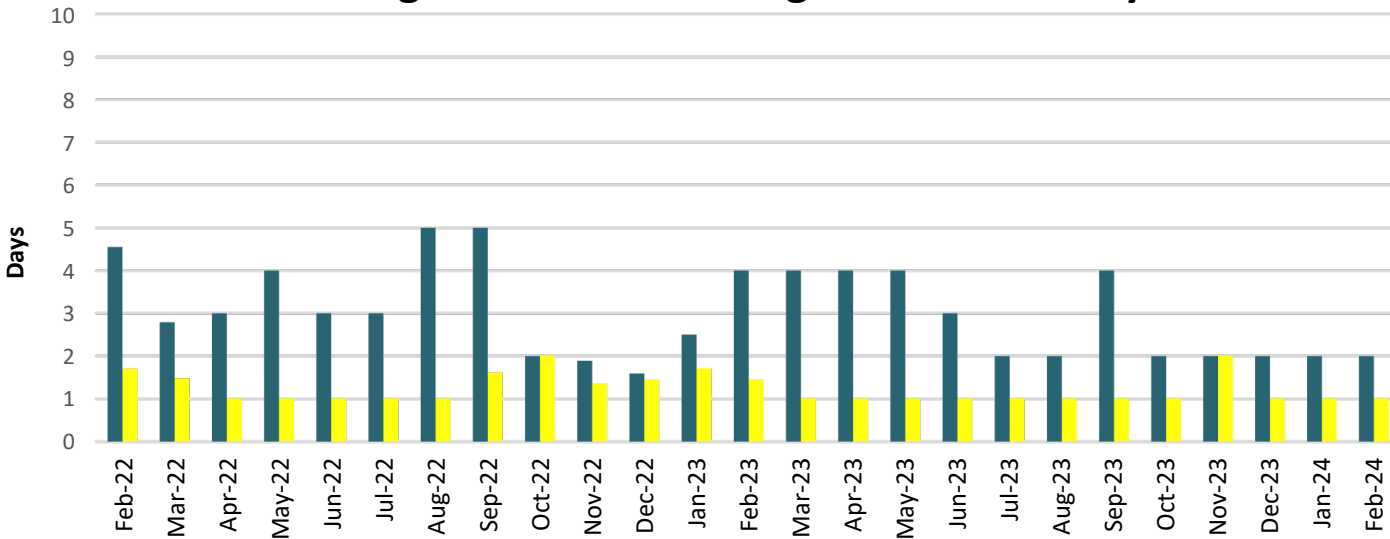
## Building Fire Review Average Number of Days



## Total Number of Building Fire Reviews by Month

Fire District	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24
North Collier	503	671	646	777	855	637	800	525	466	449	391	444	450	583	490	692	650	627	636	525	616	543	411	459	408
Collier County (Greater Naples)	503	613	538	576	623	383	481	350	422	317	374	347	448	539	408	500	447	391	428	397	442	395	403	384	431

## Planning Fire Review Average Number of Days



## Total Number of Planning Fire Reviews by Month

Fire District	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24
North Collier	31	29	49	43	48	36	31	29	55	27	41	42	28	46	25	47	56	54	50	37	52	48	57	57	52
Collier County (Greater Naples)	56	62	69	59	56	65	73	41	57	46	62	56	68	70	63	82	91	43	43	60	62	50	39	54	50