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. Dunnavant 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-feet 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-feet 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 15th 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 24th and 31st, 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. Dunnavant 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

William Varian, Chairman

These minutes were approved by the Committee/Chairman on 3/6/24, as presented (choose one) ✓, or as amended _____.