

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE

2024 LAND DEVELOPMENT CODE AMENDMENTS
SPECIAL PUBLIC MEETING

Naples, Florida, May 21, 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 3:00 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: Clay Brooker
Robert Mulhere
Jeff Curl
Blair Foley
Mark McLean

ALSO PRESENT: James Boughton, DSAC
Eric Johnson, LDC Planning Manager
Richard Henderlong, Planner III
Marissa Fewell, Planner III
Brian Wells, Director, PTNE
Rey Torres Fuentes, Ops Support Specialist I
Alexandra Casanova, Management Analyst I

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

1. Call to Order

The meeting was called to order at 3:00 p.m.

2. Approval of Agenda

Mr. Curl made a motion to approve the agenda as written. Seconded by Mr. Mulhere. The motion was approved unanimously, 6-0.

3. Old Business

(None)

4. New Business

a. PL20210002602 – Rural Architectural Standards

Ms. Fewell detailed a PowerPoint presentation:

- In September 2019, the Board of County Commissioners approved an amended version of the Golden Gate Area Master Plan.
- The plan created the three sub-elements, Golden Gate City, Urban Estates, and the Rural Estates in both the urban and rural sub-elements as a policy related to initiating rural architectural standard requirements for commercial uses, conditional uses, and essential service facilities.
- The intent was to reflect the rural character of the Estates and to provide coherence.
- The standards are only for commercial conditional use and essential service facilities and she wants to show the subcommittee existing or potential commercial sites in the Estates. Not shown on these maps are additional conditional-use sites that already have been approved as part of the Golden Gate Area Master Plan.
- Essential service facilities can be located throughout the Estates.
- Staff determined that architectural features in rural areas of the county and other areas of Southwest Florida include features of Low Country, Old Florida, Key West, and the Florida vernacular architectural styles. Staff drove around and took photos (Exhibits C and D) of existing sites of buildings that reflect these architectural elements. These photos show sites already located within the Estates.
- Another slide shows buildings located outside the Estates, with similar architectural features.

Mr. Johnson said staff had to drive around to figure out the best examples to effectuate that. Through this process, we hope to hear your expertise and from the public. There wasn't much guidance on what constitutes rural architecture because Florida vernacular is subjective.

Ms. Fewell said the amendment introduces design standards for new commercial, conditional-use, and essential service facilities in the Rural and Urban Estates, including design standards related to roof-type material and decorative elements, entry features, exterior-wall materials, window designs, lighting fixture heights, fences, and walls. We are asking for the

subcommittee's recommendation of approval, or approval with conditions, and welcome any feedback.

A discussion ensued and the following points were made:

- **Mr. McLean:** When we were working through the architectural element of the LDC, the standard section that we deal with SDPs, etc., there were limitations on sizes. If you were under 4,500 square feet, you didn't have to address any of the architectural elements.
- **Ms. Fewell:** This will change Section 5.05.08(d) and will add a new subsection under that, 16.
- **Mr. Mulhere:** There is some relevant information in that section.
- **Mr. Boughton:** The question is about land standards and whether they are in addition to the architectural standards we have now. That's a big difference.
- **Mr. Boughton:** In the architectural standards section, there are a couple of categories for special-use buildings, such as warehouses, where standards in some cases take the place of others and in other cases supersede or reduce requirements. There is nothing in this language that speaks to that issue, which is a major one.
- **Mr. Mulhere:** Applicability would apply to commercial and conditional uses, which is a bit different from that because conditional uses are not covered by that. That's one difference.
- **Mr. Mulhere:** There are projects when at least one of the following conditions exist for the purpose of this section, arterial and collector roads. The conditions are the project site is located within 300 feet of an arterial road or collector road, including all right-of-way, and in a non-industrial zoning district. If you are a non-residential building and you are within 300 feet of an arterial or collector that's when it applies.
- **Mr. Mulhere:** The project site is located on an arterial and is in an industrial district, so even if you are industrial, if you are on an arterial, this applies.
- **Mr. Johnson:** This would be applicable to a very large area. D1 through D16 are design standards for specific buildings. The category being referred to has different groups of uses of buildings, and they have special exceptions or add-ons.
- **Mr. Mulhere:** There's a separation under 5.05.08. There are site design standards, in addition to architectural standards, site design standards. If I'm building a public shopping center, presumably they apply.
- **Mr. Johnson:** The way we envisioned it is that you have 5.05.08 and we're adding more. Whatever would be applicable to subject 5.05.08, all systems go, including No. 16.
- **Mr. McLean:** If I have a client on Randall or on White Boulevard who wants to build a retail strip mall, I will have to apply this Old Florida, Key West, and Low Country architectural style because of where it's located. That's because of the policy in the Golden Gate Area Master Plan.
- **Mr. Curl** said it's something he's been petitioning for almost 10 years. What we are creating here is the reverse of what Estero did.
- **Mr. Mulhere:** The language you are proposing is not because of the policy. The policy requires staff or the county to initiate architectural standard requirements in the Land Development Code for conditional uses, essential services, and commercial uses. It does not say that is what it needs to be, so it's not a result of that policy.

- **Mr. Mulhere:** The effort may be a result of the policy, and the staff recommendation after doing research and they feel these are appropriate architectural standards. It's reasonable to disagree if you want to disagree with those recommendations for standards.
- **Mr. Mulhere:** There are a lot of concerns. It states that you must create architectural standards for essential services. Does a sheriff's substation have to follow this design? The library already does. That's where staff are going with this.
- **Mr. McLean:** In the Village of Estero, architecture must be Mediterranean. You must meet what your neighbor does next door. They don't like it. They are at a point now where they are rewriting this. We are doing the exact same thing. We say in this area you must do this type of architecture. Why doesn't the standard 5.05.08 apply there? Why do we need to add a section saying in this area it's only this architecture?
- **Mr. McLean** isn't fighting this type of architecture because that's what his firm does.
- **Mr. Curl:** A building at the northwest corner of Golden Gate and Everglades boulevards is probably the ugliest monstrosity, and it follows the Land Development Code.
- **Mr. Mulhere:** You must start with the fact that this is a GMP policy and staff do not have a lot of leeway. We can argue with the text, or we can come up with different suggestions. This is going to occur. It specifically says it is going to apply to commercial, conditional use and essential service facilities and it's going to reflect the rural character of the Estates area.
- **Mr. Mulhere:** There are two kinds of estate areas: Urban Estates and Rural Estates. They are treating it for this purpose as the same, Urban and Rural. This policy is in both the Urban and the Rural Estates sub-elements.

A discussion ensued over the staff's attempts at trying to address the standard and the following points were made:

- **Mr. Mulhere:** We need to have the ability to ask for an exception and we have that in the other standards. You can provide an alternative architectural design and we need to have that here, whether it's approved by the staff or the board.
- **Mr. Mulhere:** Right now, we would look at what the exception section says to determine whether it applies. How is that structured? If it's at the end of the section and it says exceptions may be granted as follows, then that would apply to everything above it depends on how it is written.
- **Mr. McLean:** Item 4 is a variation in massing, which is what creates our biggest difficulties in designing.
- **Mr. McLean:** From the list in Section 5, the primary facade must include four of these 16 elements, but porches will have at least two of these elements. These are design challenges in the county. We do not have a design review board like the City of Naples does.
- **Mr. McLean:** Architectural reviewer Peter Shawinsky should have been at this meeting. Why is concrete tile eliminated? We are forcing something here and need to take more time to clean this up.
- **Mr. Mulhere:** Under applicability, there needs to be a section that says these standards shall supersede the requirements of sections xxx because this is to replace the architectural standards that otherwise apply in the Urban area. There will be mass

confusion if we don't simply state that. They have different architectural design requirements. They become restrictions to the bottom.

- **Mr. Boughton:** There are still conflicts here. In the body of the of the code regulation, you must pick four of 16 elements, and now this one talks about picking two of five.
- **Mr. Johnson:** The spirit of it was that it's in addition to and if there was a conflict, this would supersede what's in conflict.
- **Mr. Johnson:** We need to figure out what that GMP policy means by looking at Rural Architecture around the county, taking photos of what we think is Florida vernacular or Key West, and ask Peter Shawinsky to help us come up with regulations that will work.
- **Mr. Mulhere:** The policy says commercial use, conditional uses, and essential services. Maybe we need to look at essential services because it's fine if you want it to cost astronomically more money to get utilities and cell service, whereas everywhere else we're not really applying these standards – unless maybe the essential service structure is very visible.
- **Mr. Mulhere:** Paragraph G in the LDC would apply. Deviations and alternate compliance, the following alternative compliance process is established to allow deviations from the requirements of this section as approved by the county manager. There is some flexibility because G applies to everything above.
- **Mr. Mulhere:** The sentence above says, "The following types of building uses qualify for administrative determination of deviations from the LDC – assembly, educational, institutional, mixed-use buildings, any other non-commercial building that is not listed under LDC design standards, etc. Buildings with a gross building area of 10,000 square feet or more on the ground for buildings, multi-story buildings with 20,000 square feet or more." There are exceptions here.
- **Mr. McLean:** This code is good and by working with Peter, you can hit most of this to ensure this funnel of the design code doesn't get too narrow. We can continue with the staff's intent but not make it so restrictive that it limits the architecture.

We need further discussion of the types of buildings in the area that are good and bad examples of architecture and whether they follow 5.05.08.

A discussion ensued over the next steps:

- **Mr. Brooker:** Are we sending this back to staff or are we going to have a sub-committee of the architects who meet with staff?
- **Mr. Johnson:** Staff are not looking for a vote today. They just need to start the process. Maybe you can discuss it line by line.
- **Mr. Brooker:** Three issues have been highlighted.
- **Mr. Brooker:** The first is overall applicability. There are exceptions at the beginning of 5.05.08 that may carve out what we're trying to cover. We need to clean up internal consistency within 5.05.08 overall. There's also the deviation section that applies.
- **Mr. Brooker:** The second issue is what we want architecturally. Is this what we want it to look like? Are there problems with the substance of it?
- **Mr. Brooker:** This is supposed to apply to commercial, conditional uses, and essential services. The comprehensive plan says they don't have to be the same for all three.

Maybe essential services should have their own set of architectural standards, so we're not building the Taj Mahal utility shed.

Mr. Johnson said those are excellent observations. We could disagree 100% with Rural architectural standards. It's within the purview of this group to either agree, disagree, change, modify, dream, or not dream.

Item .4a was placed on a temporary hold.

b. PL20240005299 – Major Transit Stop Definition

Mr. Mulhere said we need to create a definition of a term used in the Live Local Act. It probably will be used now as the county moves forward with its own set of amendments or new bonus provisions for affordable housing that will create the opportunity for higher bonus units within certain proximity of either a transit stop, major or transit core. There is no such thing as a major transit stop any more in the Florida Statute. It's a major transportation hub.

Ms. Fewell said that's correct and told the subcommittee:

- We created the major transit stop definition based on an April Board of County Commissioners meeting when they wanted it to be defined a certain way.
- We created the definition and started the process, but in the meantime, Senate Bill 328 was approved by the Senate and the House, and it was approved by the governor last week, so we will not be moving forward on the major transit stop definition.
- The new Senate bill could offer an opportunity for us to define what a transit stop is.
- We have a very preliminary definition: The proposed definition for a transit stop is a designated area along a fixed local public transit route where Collier Area Transit buses stop to load and unload passengers.

Mr. Brooker outlined the statute for the subcommittee:

- The statute as amended eliminates the word "major" and just says "transit stop," as defined in the Land Development Code.
- It distinguishes a transit stop from a major transportation hub.
- The county *may* consider reducing parking requirements under the Live Local Act.
- Under a major transportation hub, the county *shall* reduce public ...
- We need to define transit stop within that context.
- The statute says, "as defined in the county Land Development Code." We must give it a definition.
- Is Collier Area Transit the only county transit program in operation? Maybe we shouldn't specify CAT because maybe it will change names five years from now.

Mr. Henderlong said he spoke with a couple of the planners and engineers regarding that. It's very important to understand it's not just one item, CAT itself, but other transportation options. You must have two or more to be a hub, like the Greyhound Bus hub.

Mr. Mulhere said that for purposes of this paragraph, the term “major transportation hub” means any transit station, whether bus or train or light rail.

Mr. Johnson said Mike Bosi plans to approach the Board of County Commissioners with his idea of what a major transportation hub is based on what the BCC already determined when they wanted it to be a major transit stop.

Mr. Mulhere said his opinion is there are two and they only have one form of transit, a CAT bus, which is at the government center, where routes converge in a singular location for transfer to other routes. There’s another one at Davis Boulevard and Radio Road.

Further discussion included transit; CAT, Lee Tran, Greyhound/FLIX; transportation hubs or stops at major employment centers, for instance, Arthrex; serving affordable workforce; publicly funded; not too narrow with a definition; and the following motion was made:

Mr. Foley made a motion to accept a change to define a major transportation hub as “The designated area along a fixed local public transit route where publicly funded buses stop to load and unload passengers.” Seconded by Mr. Curl. The motion was approved unanimously, 6-0.

Mr. Mulhere: I don’t think it really needs to be a motion; it could be a consensus. There is no reason for you to go further on a major transportation Hub.

Mr. Brooker said that the overall objective of Live Local is to incentivize affordable housing and one way you do that is to reduce parking requirements, which can be onerous. So why not define major transportation hubs more broadly to implement the intent of Live Local?

Mr. Johnson said there is a way that you could think of it as very liberal, all reaching, very far-reaching definition or a very kind of conservative definition. It’s very subjective.

Mr. Brooker: Does staff have enough to go back to staff and then ultimately to the County Commission? I would not be in favor of voting for any motion on this right now for a major transportation Hub. I just don’t have enough to go on. But I think you’re hearing ideas, some consensus, and those are the ideas you can share and then formulate amongst yourselves and talk to the County Commission.

Mr. Brooker said we are finished with 4b and asked the subcommittee to **return to 4a**.

Mr. Boughton: I believe the architectural code in general has used commercial zoning as the basis for what is commercial. And then when it comes to conditional use, I haven’t done a whole lot of conditional uses. The ones I have worked on are usually churches. But are there other building types that could fit in that category that we don’t necessarily want to bring in or vice versa?

Mr. Johnson: Let me go to the estate zoning district and see what is listed as permitted and conditional uses. The estate zoning is a type of agricultural zoning district; the permitted uses; a non-residential use.

Mr. Boughton: Residential is excluded from the architectural standards? (Correct.)

Mr. Johnson said the way it's worded is commercial, conditional uses, and essential services. This is not the granting of an essential service; that relies on the zoning district to do. This is if you are an essential service and are in the Rural or Urban sub-element of the Golden Gate Area Master Plan, then No. 16 applies.

Mr. Brooker said we're looking at the pure estate zoning district. What are the conditional uses to figure out what these architectural standards would apply to – churches, social and fraternal organizations, childcare centers, private schools, and group care facilities?

Further discussion ensued and the following points were made:

Mr. Johnson: A reminder that this is the policy that we are trying to implement – the county shall initiate architectural standard requirements and land development code.

Mr. McLean: Define different characters for different regions and we may have to write a 16 for urban and a 17 for rural because this would fit the rural area. I think this architectural style fits the rural area but does not fit the urban area.

Mr. Henderlong: That would be up to the pleasure of the committee to make a recommendation and that is why we are here, to get input and receive your advice on that.

Mr. Brooker: We should have an urban set of architectural standards and a rural set of architectural standards because they are different in character.

Mr. Brooker: I think what the County Commission said is they adopted these two provisions back in 2019. And a lot of time has passed, and a lot of development has occurred since then. But they are looking to maintain the rural character in the Urban Golden Gate Estates. And just simply saying to follow 5.05.08 might not suffice.

Mr. Foley: I think we need to address both, but you could keep it in one if you just expanded it or loosen the requirements. Don't make them so stringent. Add a few other architectural styles that would fit and then you could keep it as it's listed. But have it not as narrow as it shows today.

Mr. McLean: When you get into designating architectural styles like this it hurts the community. It doesn't help the community. There must be a better way than saying this.

Mr. Johnson: We said these are the architectural styles. We are trying to initiate architectural standard requirements. That does not necessarily have to mean in a particular style or styles.

Mr. McLean made a motion that we table Urban and make it a separate set of criteria. It was seconded by Mr. Boughton and a discussion ensued.

Mr. Henderlong: When I look at 5.05.08 D and I see 16, it's applicable to both Urban and Rural, but we can sub-break that out and rewrite subsets within that same umbrella of 16 and deal with the applicability in the Urban and applicability with the Rural.

Mr. Brooker: One way we can do it is you start off dealing with Rural and then your next subsection under 16 would be Urban, and in addition to the above for rule you can add those styles too as an option.

The motion was rescinded by Mr. McLean before a subcommittee vote.

Mr. Brooker: I think we have not a consensus, but unanimous approval, that we are going to separate Urban versus Rural in terms of the architectural standards that apply with Urban being whatever rule is, plus some.

Mr. Johnson confirmed with the Subcommittee that Lines 33-34-35, viii, Page 3 of Draft: Rewrite it to say: Fences or walls when used for decoration will be in accordance with the vernacular of the architecture.

Mr. McLean, on behalf of the subcommittee, stated the following changes were to be made:

- Line 21, v, Page 3 of Draft: Discussion of shutters, in particular, mullions; in addition, placement of signs or signage; colors of signage. (Mr. McLean offered to come up with a solution to this section. Determination was made by the subcommittee to come back later to discuss 'signage').
- **Lines 4-5, b, Page 3 of Draft:** Rewrite it to say: A front porch must encompass an area no less than 25 percent of the primary façade(s).
- **Lines 39-40, i, Page 2 of Draft:** Rewrite it to say: Standing-seam or V-crimp metal material, or shake-style or asphalt shingle roof or flat concrete tile.
- **Line 47, b, Page 2 of Draft:** Rewrite it to say: Flat roofs, when used as a primary element, shall be adorned with decorative cornices.
- **Line 31-32, i, Page 2 of Draft:** Strike out lines 31-32.
- **Line 23, a, Page 2 of Draft:** Rewrite it to say: siding, and color that is appropriate to the architectural style.
- **Line 21, a, Page 2 of Draft:** Rewrite it to say: expressed connectors/bracing, porches, balustrades, rectangular or
- **Lines 36-37, a, Page 2 of Draft:** No changes made
- **Lines 42-45, ii, Page 2 of Draft:** Strike out lines 42-45.
- **Lines 18-19, iv, Page 3 of Draft:** Rewrite it to say: vergeboards, bargeboards, clapboard, board/batten siding, stucco, or brick.
- **Line 30, vii, Page 3 of Draft:** Rewrite it to say: Freestanding outdoor lighting fixtures to follow architectural code requirements; or leave that section out.

A discussion ensued regarding deviations of churches and the following points were made:

Mr. Henderlong: 5.05.08 deviations – they have been coming through as deviations from the county manager.

Mr. Johnson: Staff does not have the authority to exclude churches if they are a conditional use, but the subcommittee can make that a recommendation.

Mr. Johnson: Do not confuse this with PUD deviations.

Action item: Staff will bring back the discussion of deviations and churches to the subcommittee at its next meeting.

Mr. Johnson said he wanted to ensure the subcommittee agreed that if there is a conflict between this and the greater portion of 5.05.08, this would supersede that portion in this region. Do you agree or disagree?

Mr. Brooker said he believes yes because we need to do an analysis of internal consistency throughout 5.05.08 because there are all sorts of exclusions upfront. We're looking at all the consequences.

Mr. Brooker stated to Mr. Johnson's question above: I think the answer is yes to your question. These would supersede in the event of any conflict, and hopefully, the subcommittee will analyze that before our next meeting.

Mr. Henderlong outlined the applicability for deviations in 5.05.08:

- The following types of buildings and uses qualify for administrative deviation from 5.05.08 development standards.
- An assembly building, such as a church.
- Educational.
- Institutional.
- Mixed-use buildings, such as commercial, residential, office.
- Any other commercial building or use that is not listed under LDC Section 5.05.08(e), design standards for specific building types of this section. Due to its function, it has specific requirements making LDC 5.05.08 standards unfeasible.
- Buildings located in a property with a commercial zoning designation when submitted for an SDP review, except for the following: 1) it has a threshold of 10,000 square feet or more on the ground floor; 2) multifamily multi-story building with the total gross building area of 20,000 square feet or more; 3) project sites with more than one building where the aggregate gross building area is 20,000 square feet or more. Individual buildings within a project site that have been previously granted deviations where additional development causes an aggregation of the building area, 20,000 square feet or greater, must bring existing buildings up to the requirement of the code.

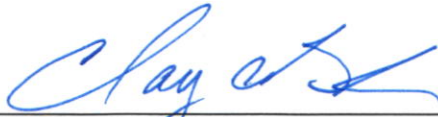
Mr. Johnson said we received a lot of feedback. Thank you for indulging us. It was worthwhile and we're going to go back to the drawing board and take into consideration your suggestions.

Action Item: Mr. McLean will provide staff with additional input in writing regarding architectural styles that blend with this.

5. **Public Speakers**
(None)
6. **Upcoming DSAC-LDR Subcommittee Meeting Dates**
Tuesday, July 16, 2024
Tuesday, October 15, 2024
7. **Adjourn**

There being no further business for the good of the County, the meeting was adjourned by the order of the Chairman at 5:05 p.m.

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



Clay Brooker, Chairman

These minutes were approved by the subcommittee/chairman on Oct 2, 2024, (check one) as presented X, or as amended _____.