

**April 25, 2012 "CCPC/LDC Amendments Special Meeting"**

TRANSCRIPT OF THE LDC MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION

Naples, Florida

April 25, 2012

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 5:01 p.m. in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Mark Strain, Chairman (Absent)  
Melissa Ahern (Acting Chairwoman)  
Phillip Brougham  
Diane Ebert  
Karen Homiak  
Barry Klein  
Paul Midney (Absent)  
Brad Schiffer  
Bill Vonier (Absent)

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney  
Ray Bellows, Zoning Manager  
Thomas Eastman, Collier County School Board

April 25, 2012 "CCPC/LDC Amendments Special Meeting"

ACTING CHAIRWOMAN AHERN: Evening, everyone, and welcome to the April 25th meeting of the Collier County Planning Commission. If everyone would rise for the Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

COMMISSIONER AHERN: Secretary, if you will do the roll call.

COMMISSIONER HOMIAK: Sure.

Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Ms. Ahern?

ACTING CHAIRWOMAN AHERN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Present.

COMMISSIONER HOMIAK: Mr. Brougham?

COMMISSIONER BROUGHAM: Here.

COMMISSIONER HOMIAK: And Mr. Eastman, Mr. Vonier and Mr. Midney and Mr. Strain are absent.

COMMISSIONER AHERN: \*\*\*And addenda to the agenda. Caroline passed out new agendas to everyone. We moved essential services to tonight's meeting from our last meeting, so we will start with that.

MS. CILEK: Correct. Feel free to ask any questions.

There are no changes to the intent of this amendment. There is one item I would like to note, and I do believe we discussed it at the last meeting, but it is to remove the word environmental. And that is on Page 3 of the amendment, line 27. And it's just to clarify that not all of the signatories were environmental agencies or organizations.

COMMISSIONER EBERT: Wait, you said Page 3?

MS. CILEK: Of the amendment. Line 27. And we're just removing the word environmental.

COMMISSIONER BROUGHAM: Before intervener?

MS. CILEK: Correct.

COMMISSIONER BROUGHAM: If that's the way you pronounce that.

How about the environmental defense fund? No?

MS. CILEK: No, that's an agency that signed, so its full name is listed.

ACTING CHAIRWOMAN AHERN: Does anyone else have any questions?

COMMISSIONER SCHIFFER: I do.

COMMISSIONER BROUGHAM: Just at least for my benefit, if you could give a bit of a background on this. I know it was somewhat controversial before the BCC and so forth, and I'm trying to catch up with okay, where are we with this? I mean, there were some differing opinions from staff and that type of thing. If you could provide that as background for me, and if not for the public, I think it would be appropriate.

MR. BELLOWS: Yeah. For the record, Ray Bellows.

The issue was brought forward by the Clerk of Courts based on an -- what was that? It was an evaluation or -- Heidi, what was that report that they generated?

MS. ASHTON-CICKO: They did an internal audit of the airport authority.

MR. BELLOWS: Audit. The internal audit raised some questions about the zoning of a strip of land adjacent to the airport, or part of the Airport Master Plan, which was zoned conservation ST. And the roadway was constructed on that portion pursuant to the SDP. And the SDP was approved pursuant to this Memorandum of Understanding that's referenced in this staff clarification, which is now being made into an LDC amendment that just -- kind of housekeeping action to verify the Memorandum of Understanding that aviation related uses are permitted in the conservation areas subject to the Memorandum of Understanding.

COMMISSIONER BROUGHAM: What was the resolution of the conflict? It seemed to be there between the LDC -- there were two successive LDC paragraphs and one seemed to contradict the other as to what took precedence, whether it was the LDC or the GMP.

MR. BELLOWS: Well, the Land Development Code has provisions in it that say when there is deemed to be

a conflict between a policy in the Growth Management Plan and/or any kind of language in the Land Development Code, the intent of the Growth Management Plan prevails. And that's what staff also was relying on in the staff clarification presented to the Board of County Commissioners.

COMMISSIONER BROUGHAM: Okay, thanks.

ACTING CHAIRWOMAN AHERN: Brad?

COMMISSIONER SCHIFFER: Ray, this thing's referencing uses that were approved in a memorandum, right? And then --

MR. BELLOWS: That amends the Deltona settlement agreement.

COMMISSIONER SCHIFFER: Right. My other concern is in a section of code that is for in any zoning anywhere in the county. So what's the keep those uses, whatever they are, that's -- nobody knows, being applied in any other part of the county? In other words, why can't you limit this to the Marco Island Airport?

MR. BELLOWS: Well, it basically does that. The Memorandum of Understanding is pursuant to the Deltona settlement agreement with the Airport Authority pertaining to the Marco Island Executive Airport solely.

COMMISSIONER SCHIFFER: But it says here, aviation uses as approved. So in other words, somewhere in these amendments, and this is brought in everybody, there's some approved uses that I'm sure are intended to be approved down there. But since it's in a section of code where it's uses in any zoning district, could that ever be misconstrued that those uses -- in other words, when they describe the uses, they're describing the location of those uses?

MR. BELLOWS: The Memorandum of Understanding is so specific that it only applies to the Marco Island Airport. And basically it allows for that taxiway to be built. It says taxiway. It's that specific.

ACTING CHAIRWOMAN AHERN: Anyone else?

COMMISSIONER EBERT: I have a question.

Ray, is this not coming in front of us, in front of the Planning Commission?

MR. BELLOWS: Say the question again, I'm not sure --

COMMISSIONER EBERT: Is this airport not coming to us in front of the Planning Commission?

COMMISSIONER BROUGHAM: It's here.

COMMISSIONER EBERT: Not the amendment, the ST.

MR. BELLOWS: The ST will be coming to the Planning Commission.

COMMISSIONER EBERT: That's what I thought.

MR. BELLOWS: Yes. There's -- thank you for reminding me. The Board of County Commissioners sitting as the Collier County Airport Authority also directed the director of the Airport Authority to submit an ST application, because part of that zoning is CON ST. And they wanted to be sure that that was adequately addressed.

So there is a process to bring an ST permit, which will first go to the Environmental Advisory Council and then will come to the Collier County Planning Commission. And my understanding is that's on the very next CCPC agenda.

COMMISSIONER EBERT: So that will come to us this next week?

MS. CILEK: It's in your packets.

COMMISSIONER EBERT: It's in the packet. I'll just reserve my questions for that time, thank you.

ACTING CHAIRWOMAN AHERN: Anyone else have any questions?

(No response.)

ACTING CHAIRWOMAN AHERN: Do we have a motion?

COMMISSIONER SCHIFFER: I'll do it. I move we forward with a recommendation of approval.

COMMISSIONER HOMIAK: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Okay. Motion passes, 6-0.

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Okay, moving on to item number two. Ray, looks like you have the next few, and we'll start with 3.06.06.A.

MR. SMITH: Good evening. My name is Ray Smith, Director of the Pollution Control Department.

For the record, I have a prepared presentation if the commission needs that or requests that. If not, I'm just available to answer any questions.

ACTING CHAIRWOMAN AHERN: Okay.

COMMISSIONER SCHIFFER: I could ask a question.

ACTING CHAIRWOMAN AHERN: Go ahead.

COMMISSIONER SCHIFFER: Ray, one thing, could you just review the different -- the W-1, 2, 3, 4 and what the capture rate means? For example, W-1 --

MR. SMITH: Sir, I'm having difficulty hearing you.

COMMISSIONER SCHIFFER: Could you review the W-1, the W-2, W-3, W-44, what they mean. There's a capture rate and then there's a time frame.

MR. SMITH: Sure. I have a display here that I can show or I can just review it verbally.

COMMISSIONER EBERT: Display.

ACTING CHAIRWOMAN AHERN: Go ahead and put up the display.

COMMISSIONER BROUGHAM: Brad, where are you looking at?

COMMISSIONER SCHIFFER: Well, if you look at the maps, they all -- they're outlining these different districts and --

COMMISSIONER BROUGHAM: I'm with you.

COMMISSIONER SCHIFFER: And a refresher course on what they mean.

ACTING CHAIRWOMAN AHERN: It's on the next page in your packet. It's not -- there you go.

COMMISSIONER SCHIFFER: Look out. That was close.

MR. SMITH: Maybe I'll do it verbally.

ACTING CHAIRWOMAN AHERN: I think that would be --

MR. SMITH: You know what? I don't want that to happen again.

Let me answer it this way: W-1, W-2, W-3 and W-4 are well-field protection zones. A W-1 zone is a one-year travel time protection zone. And I'll explain. But the model models a particle of water. And if a particle of water were to be within a W-1 zone, the model would indicate it would take one year for that particle of water to move to the well head. A W-2 has a two-year travel time, a W-3 has a five-year, and a W-4 has a 20-year. Does that answer your question?

COMMISSIONER SCHIFFER: Right.

And then the capture, what do the percentages mean on that? Just -- like for example, W-1 has a five percent capture. What does that mean?

MR. SMITH: What that means is exactly what I explained in detail. You're talking about a one-year, a two-year, a five-year and a 20-year. The percentages pertain to the entire well-field, and what percentages are going to reach that well head, depending on your one-year, two-year, five-year and 20-year capture zones. That's why the percentage is increased as you move out and decreased as you move in.

COMMISSIONER SCHIFFER: Okay. And then the reasons, which is essentially why we're here today on all of these, the map changes is -- what kind of data causes you to change them?

MR. SMITH: Well, there's three points of data that we use to remodel. A well-field may change based on pump rate changes and/or new wells being installed and/or abandoned wells being abandoned that existed in a previous model. So that's the information.

We also gather information based on the specific location of the well head so we can model it correctly and the pump rates. So if we take a look at a pump rate change, we'll be taking a look at the pump rates that were modeled in your previous model, the ones adopted in the rule, to the pump rates provided as an updated pump rate from the utility. And we'll compare. And if we see a change in that, we'll remodel that appropriately.

COMMISSIONER SCHIFFER: Thank you, I'm done.

ACTING CHAIRWOMAN AHERN: Any other questions?

(No response.)

ACTING CHAIRWOMAN AHERN: Motion?

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER EBERT: Wait one second. Ray, I noticed in here that these are -- some of these changes are what the BCC asked. There were some little things in here that they want to change.

MR. SMITH: Well, there were -- there was a request from a commissioner on the BCC that I take a look at the language and make appropriate modifications. One of the items that came up was the definition of hazardous waste and hazardous product. There was some discussion associated, well, couldn't there be a list that a person that were applying the rule could use a list and apply that to either a hazardous product or a hazardous waste. And to meet that expectation, or that direction, the -- I went in and I tapped into the -- and I referenced the federal and state rules and regulations where those lists do exist.

In addition to that, it provides consistency with the federal and state rules and regulations. And there's a term in here, as superseded. So if they change the rule in the future, as amended or superseded, then I don't need to come back and go through this entire process again, the rule automatically is amended or superseded appropriately.

COMMISSIONER EBERT: So then it's been made easier for you, the county.

MR. SMITH: It's made easier for the user primarily.

COMMISSIONER EBERT: Very good. Thank you.

MR. SMITH: You're welcome.

ACTING CHAIRWOMAN AHERN: Anyone else?  
Motion?

COMMISSIONER SCHIFFER: To approve.

COMMISSIONER BROUGHAM: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion is approved 6-0.

MR. SMITH: Thank you.

ACTING CHAIRWOMAN AHERN: Moving on to 3.06.06.B.

We have to do these individually, correct, Heidi?

MS. ASHTON-CICKO: Yes.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER EBERT: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion passes 6-0.

3.06.06.C?

COMMISSIONER SCHIFFER: Before I move to approve, there's a little flange added; this is the Golden Gate utilities. What would cause that to happen, just out of -- it's in section --

COMMISSIONER EBERT: C.

COMMISSIONER SCHIFFER: -- 39 or --

MR. SMITH: I really need to show the illustration so I can talk to it.

COMMISSIONER KLEIN: Don't kill anybody.

MR. SMITH: I'm not going to have that happen again.

ACTING CHAIRWOMAN AHERN: You can put it behind Ray.

MR. BELLOWS: I have no covering.

MR. SMITH: Okay. What was your question again?

COMMISSIONER SCHIFFER: See the little piece, the additional piece that's been added? It's a long narrow --

MR. SMITH: What well-field is that again, I'm sorry, sir?

COMMISSIONER SCHIFFER: It's in the golden Gate.

MR. SMITH: The Collier County utilities, Golden Gate well field? This one?

COMMISSIONER SCHIFFER: Yes.

MR. SMITH: Okay. The Collier County Golden Gate well field consists of this area. This is the Orange Tree area well field, and this is part of the Collier County utilities Golden Gate well field. There were two new wells added right in this area.

Does that answer your question?

COMMISSIONER SCHIFFER: Not exactly. But see, we can play hot and cold there. Do you see there's like a little long little arm coming out of it? Your thumb just went over it. What causes that?

MR. SMITH: You know, I asked our geologist about that. And the model plotted out -- we checked the model. Because my question was why doesn't it just come across here instead of that area. But we took a look at the model and the model has that in it. So we go by the model. We check the data, we make sure that the data is correct, we confirm the data with the utilities, but we don't change models because it looks different, we stick with what the model says. And this is exactly the way it plotted out.

COMMISSIONER SCHIFFER: What do you think is happening, the different soil types, something in there or --

MR. SMITH: Possibly. Possibly different soil types, different draws from the well. Maybe you have an area here where you have a number of wells and it has a greater draw in this area, and up here you have fewer wells, thus the draw comes in. And up here you have interaction between Orange Tree well field and these two new wells and it brings it back again.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER EBERT: I'll second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

Motion approved 6-0.

Moving on to 3.06.06.D, Everglades City well field.

Anyone have any questions?

COMMISSIONER SCHIFFER: There's a reason it's smaller, so it's a pump situation or what?

MR. SMITH: Yes, with the Everglades City well field it was a pumping change.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER HOMIAK: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

Motion approved 6-0.

Item 3.06.06.E, FTUA Golden Gate City well fields.

COMMISSIONER SCHIFFER: I have a question. A concern here is that now we're extending this -- the zone four underneath the interstate, I mean, doesn't that present problems for everybody? I mean, that's not exactly

what you would want in your well field.

MR. SMITH: Well, not necessarily. The restrictions within the Land Development Code don't encompass overpasses, nor does it encompass roadways where you may have a spill. It is specific to specific types of land uses such as things of the nature of those businesses that generate large volumes of hazardous waste, those businesses that generate large volumes of hazardous product, for example. And this particular remodel has no -- the overpass has no impact on that, based on the rule and regulation, the way it's written.

COMMISSIONER SCHIFFER: Okay. So it has nothing to do with what is actually coming and going over the well field zones.

MR. SMITH: Correct.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER EBERT: I'll second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

Item 3.06.06.F, Orange Tree well fields.

Any questions?

COMMISSIONER SCHIFFER: Do you have any idea why the little image grew a hat?

MR. SMITH: No, sir, I do not.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER BROUGHAM: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

COMMISSIONER BROUGHAM: Looks like Casper the friendly ghost.

ACTING CHAIRWOMAN AHERN: Item 3.06.06.G, Immokalee well fields.

Any questions?

COMMISSIONER SCHIFFER: Move to approve. And this is the one you want painted on your car on the side.

ACTING CHAIRWOMAN AHERN: Note that for the record.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER KLEIN: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

Item 3.06.06.H, Ave Maria utility well field.

Any questions?

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COMMISSIONER SCHIFFER: I'll move to approve, but point out this is sad because that was a bird-like structure and now it's just your typical splat well field. So the esthetics of that are gone. Move to --

ACTING CHAIRWOMAN AHERN: Do I have a second --

COMMISSIONER SCHIFFER: I did move to approve.

COMMISSIONER HOMIAK: Second it.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

COMMISSIONER SCHIFFER: Since we've run the maps, where --

ACTING CHAIRWOMAN AHERN: Not yet. Oh, wait, my bad. Okay, go ahead.

COMMISSIONER SCHIFFER: To access these, are they on the Internet where people can access them over the zoning maps or are they --

MR. SMITH: Once they're approved and they're placed on the zoning maps, there in fact does -- if you look at the bottom of the illustration, there's a website in which if somebody were to review the Land Development Code for the illustration associated with the well field, they can look on the bottom of the map and find the website where they can access it within the zoning maps online.

COMMISSIONER SCHIFFER: And do they overlay with the street grids -- or streets and such --

MR. SMITH: Yes, yes.

ACTING CHAIRWOMAN AHERN: Okay, Item 3.06.06.I, add Port of the Islands.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER HOMIAK: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion passes 6-0.

Item 3.06.06.I, Port of the Islands well field.

MR. SMITH: Excuse me, ma'am, if I can correct that. I believe --

ACTING CHAIRWOMAN AHERN: Trying to figure that out.

MR. SMITH: -- that particular one, if we're referencing the language change, that should be 3.06.06. The I is for the illustration associated with the Port of the Islands well field. The 3.06.06 identifies a list of regulated well fields in which I'm adding the Port of the Islands well field to.

ACTING CHAIRWOMAN AHERN: Okay. Does anybody have any questions on that clarification?

(No response.)

ACTING CHAIRWOMAN AHERN: Motion?

COMMISSIONER SCHIFFER: We approved that already, the adding --

MR. SMITH: I just want to make sure that was on record so there's no question about approving the same item twice.

COMMISSIONER SCHIFFER: But I'll move to approve the map also.

COMMISSIONER HOMIAK: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.



ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

Item 3.06.07, unregulated well fields. We're removing. Anyone have any questions?

(No response.)

COMMISSIONER BROUGHAM: Motion to approve.

COMMISSIONER SCHIFFER: I'll second it.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

3.06.12. And that is correcting a scrivener's error. Does anyone have any questions?

(No response.)

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER SCHIFFER: Second.

ACTING CHAIRWOMAN AHERN: Second by Brad.

All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

And last but not least for Ray is 1.08.02, hazardous product definition. Give everybody a second to get to that.

COMMISSIONER EBERT: This is the one we continued, Ray?

MR. SMITH: No, ma'am, this was not continued at all. I had just developed these definitions. They have been approved by DSAC, they have been approved by the EAC, Environmental Advisory Council, and at this particular point I'm bringing them before the Planning Commission for your authorization to proceed to the Board of County Commissioners.

ACTING CHAIRWOMAN AHERN: Does anyone have any other questions?

COMMISSIONER BROUGHAM: Just one. In my binder there are two tabs for 1.08.02.

MS. CILEK: They're probably actually more than that, but it's the very first one. There should be four that have that label. But it's the very first one that the hazardous product should be under.

MR. SMITH: Right. On the bottom it says -- you'll see the struck through definition, hazardous product or waste. And on the second page you'll see two separate definitions, one hazardous product, the other hazardous waste.

COMMISSIONER EBERT: Okay.

COMMISSIONER BROUGHAM: So --

ACTING CHAIRWOMAN AHERN: We're just approving the hazardous waste.

MR. SMITH: You're approving, my understanding, both definitions. You had a definition in the existing Land Development Code that encompassed both into one definition.

ACTING CHAIRWOMAN AHERN: I'm sorry, I meant tab. Because we have kenneling also under -- so I just meant the hazardous waste portion of 1.08.02.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER EBERT: I'm going to ask a question because I wrote a note on this, and it said -- when we were going through the other definitions it said on this one to continue to the May 3rd meeting.

COMMISSIONER HOMIAK: No, that was the agenda that we had before right here. Not continue. It's on the agenda for tonight, the old one that we had too. It wasn't continued. It's on there.

ACTING CHAIRWOMAN AHERN: Do I have a motion to approve?

COMMISSIONER SCHIFFER: To approve.

COMMISSIONER HOMIAK: Second.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN AHERN: Motion approved 6-0.

Thank you, Ray.

MR. SMITH: Thank you.

ACTING CHAIRWOMAN AHERN: And the last item on the agenda tonight is 2.03.07.G, the overlay district for the Bayshore CRA.

MS. CILEK: And I'm going to leave you in good hands with my colleague Chris Scott who knows and has worked on this amendment for quite a long time. So thank you.

ACTING CHAIRWOMAN AHERN: Great.

MR. SCOTT: For the record, my name's Chris Scott with the Growth Management Department.

I'm going to -- I'd like to give you a little bit of background about the Bayshore/Gateway, but first I also want to recognize Patrick Vanasse is in the audience, he's with RWA, who assisted in the development or was the main developer of the amendments. And Jean Jourdan with the Gateway Triangle, Bayshore/Gateway Triangle CRA. And if -- I would like her to come up and maybe say some introductory remarks regarding the CRA and where these amendments came from.

MS. JOURDAN: Good evening. For the record, Jean Jourdan. I'm project manager with the Bayshore/Gateway Community Redevelopment Agency. Forgot the Triangle. That's a long name. We're just used to saying CRA. So if I refer to CRA it is the Bayshore/Gateway Triangle Community Redevelopment Agency.

The CRA was established in 2000 and the redevelopment plan was adopted the same year. The LDC amendments before you are consistent with the vision, goals and objectives of the community redevelopment plan and the resolution 2008-60, which created a cultural arts district within the Bayshore/Gateway area.

This process has -- we've been going through the community vetting process for about four years, getting input on these LDC regulations to see what was working and what wasn't working. We found a lot of things needed to be tweaked, and that's why the amendments are before you now. And the amendments basically is a result of the community and what they were telling us, the problems that they were having as far as trying to get things through the process.

Redevelopment. It's really difficult to redevelop in Collier County right now, so we're proposing these amendments to make that a little bit easier. And with that said, I'll turn it back over to Chris.

MR. SCOTT: Thank you.

Also, I did not realize David Jackson is also in the audience. He's with the Bayshore/Gateway Triangle CRA.

As background, let me give you a little bit personal background. I used to be in the private sector, so I did assist in the development of these, and since then happen to now find myself as a Collier County employee. So I am very familiar with the amendments and what the CRA has been attempting to do. So I am in somewhat of a unique position to answer your questions as you come forward. And of course Patrick Vanasse, who helped develop these is here as well.

But in 2009 the CRA retained RWA to do a comprehensive rewrite of the amendments and they were specifically looking to further investment and redevelopment, as Jean mentioned.

Some of the things they were targeting was making it a little more user friendly or easy to utilize, and

incorporate some best zoning practices and increase some flexibility from some of the rigid standards that were in there.

RWA prepared a zoning code and map analysis. I don't believe that was included as part of your packet. But basically what that did, there was, you know, stakeholder interviews, public meetings, a review of the existing LDC, both the greater LDC and the specific overlays. There was a review of the built environment in the Bayshore/Gateway Triangle areas. And based off of all the background information, the analysis identified some alternative provisions to be considered as the amendments went forward.

And there were five of those and they were broken down to improve user friendliness. Some of the things that were identified were to eliminate inconsistencies between the overlay regulations and things that were found in the greater Collier County LDC, incorporate more tables and pictures, or modernize the table of uses, consolidate design standards. There was a lot of repetition in the existing LDC.

The other -- the major theme was encourage redevelopment, revitalization and infill. And that was to -- being proposed through increased mixed use development opportunities, creating some non-conforming provisions specific to the gateway -- Bayshore/Gateway Triangle areas, creating some incentives, developing infill standards, and revising some of the parking provisions.

Facilitating cultural arts district was another major theme. Looking at permitted uses that are allowed that support cultural arts. Live/work units was one use that was specifically identified to be included. Creating incentives and helping develop a walkable public realm, pedestrian friendly public realm. Ensuring development quality. Some of the themes discussed were, you know, incorporating some more form-based provisions. Again, the public realm was discussed. Updating development standards and incorporating some sustainable development practices.

And finally, improving and simplifying the review and approval process. And I think that's where a lot of the issues that were experienced there. And some of the items to accomplish that were to move the MUP out of where it currently is and put it with the other procedural requirements in the LDC. Create an administrative approval process. And again, looking at some nonconforming provisions specific to the CRA.

So that's a little bit of background. The packets before you, what was included, I want to just give an overview. It's a very large section of your packet, and the majority of the rewrite, and I know it's caused some consternation for several people that I talked to is, there was so much reorganization because things were in weird sections, and that's not unique just to the Bayshore/Gateway overlay LDRs, but I found it throughout the Collier County LDC. But we were trying to lay it out a little more intuitively and make it more consistent with how the greater LDC is laid out.

So there is a definition section. There is a section chapter two which identifies the zoning districts, both the greater overlay and all the subdistricts within that overlay. And that section describes the purpose of intent and identifies the uses that are allowed.

Chapter four contains all of the design standards, your setbacks, your landscaping requirements, architectural requirements, those types of things.

And then chapter 10 are the procedures in the LDC and we move the MUP process to chapter 10, so it's with the other procedures in the LDC.

And because of all of that reorganization, it made a traditional strike-through/underline format for LDC amendments very difficult to do, impractical. It would be hard for you. So the way the packet is set up is you have clean text. If it's related to existing text we put those in a text box and you can see it in strike-through/underlined, and that's to help assist you all to identify what is new language and what was old language that may have been amended.

With that said, there are some changes other than just reorganization. There are some revised development standards. There's some flexible setback requirements for infill lots. Some of the minimum floor area and maximum floor area requirements have been slightly adjusted. Some of the architectural standards have been changed, and I'll get into that in more detail. Buffer requirements had some minor adjustments. And parking requirements were minimized a little bit.

Some of the substantive changes. Now, these are more than just minor changes in numbers. There are some new uses that were introduced. Live/work, which I had mentioned previously, an artist village and community gardens. It incorporates some form-based code provisions within the architectural design section. There's some provisions for murals within the CRA; again, nonconforming provisions that are specific to the redevelopment area. And then it allows for administrative MUP approval process. So those would be the major issues.

And that pretty much gives you a little summary and background. I know typically with the board protocol is to go page-by-page. I will note that we have had a meeting with the County Attorney's Office. We met with Brad to discuss these amendments since the packets have been sent to you. So there are some sections that we would like to amend, and I'll note them as we get to those pages, if that's okay with you all.

ACTING CHAIRWOMAN AHERN: Perfect.

Okay, do you guys want to just go through about 10 pages at a time and ask any questions you have?

COMMISSIONER SCHIFFER: Yeah.

ACTING CHAIRWOMAN AHERN: Okay. Let's take the first 10 pages.

COMMISSIONER SCHIFFER: I have a question. It's not really the numbered page but the fiscal impact, what does that statement mean that the CRA amendments will be subject to the fee of \$3,000? Is that referring to this or is that referring to people in the future?

MR. SCOTT: No, the \$3,000 fee is the fee required for someone to submit a text amendment. So the CRA had paid the \$3,000 fee to submit the text amendment to the county.

COMMISSIONER SCHIFFER: But Ray, isn't the intent of that to see if the changes here have a fiscal impact, not the actual application procedure or --

MR. SCOTT: That is the intent. I didn't write that section so I wasn't familiar with it.

I will say that the amendments don't take away any rights or -- that are currently conveyed on property owners. So in that regard I wouldn't imagine any impacts to the county or any property owners.

COMMISSIONER SCHIFFER: Okay, more questions. On Page 4, the live/work units, which I think is an excellent idea; I was on the national codes and we put it into the building code.

The question I had, and the rest of the Planning Commission, they only have it for single-family, where I think it could be in multi-family. And where we could start getting in trouble in Florida is that a three-unit townhouse project is a multi-family project. I'm not sure why it has to be restricted to that.

Also, I think the definition of it would be, you know, it would be nice if it was exactly the same as the building commission or the code has.

MR. SCOTT: Yeah, after our meeting you had mentioned that with us, and when this was developed it was prior to the recent Florida Building Code amendments that were just enacted. So we are comfortable in amending this definition. And if you'd like, I can read how this definition would change.

Live/work units. So everything after that would be stricken and the new definition would be -- and this again is to make it consistent with Florida Building Code Section 438 -- a dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant.

COMMISSIONER SCHIFFER: Okay.

MR. SCOTT: And that would make it consistent with Florida Building Code.

COMMISSIONER SCHIFFER: Jean, I guess the question is do you want it in multi-family or -- I mean, obviously an artist like the artist village, they can live in a multi-family building and they're obviously going to be in their living room painting. So it's not like they can't do that in their house.

MS. JOURDAN: The reason we put it in the places that we did was through public input. The places where we are allowing it are actually single-family but they're transitional places. They're mobile homes that are transitioning into single-family. The one part is actually across from commercial. So the other people within the area had indicated that they did not want to have live/work on their established streets. So we identified these areas that were transitional and the ones that were next to or adjacent to commercial for the live/work. That was the reasoning.

ACTING CHAIRWOMAN AHERN: Any other questions, Page 1 through 10?

MS. ASHTON-CICKO: If you decide to go with the current definition, you just need to put an or in between line 16, a single owner or tenant.

COMMISSIONER SCHIFFER: I think the intent is for a tenant, though. I mean, in other words, you don't want some guy that owns it and is not the tenant.

MR. SCOTT: Right. Yeah, we're comfortable adjusting it to match Florida Building Code. So it would be a dwelling unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant. So the tenant or which could also be the owner would operate both the commercial -- or the nonresidential and the residential space.

COMMISSIONER SCHIFFER: But it doesn't have to be the owner.

MR. SCOTT: No --

COMMISSIONER SCHIFFER: And you don't want --

MR. SCOTT: Right, just the --

COMMISSIONER SCHIFFER: -- you want some guy can own it and lease it to an artist.

MR. SCOTT: Correct.

ACTING CHAIRWOMAN AHERN: Heidi, did you have anything else on those pages up to Page 10?

MS. ASHTON-CICKO: No.

MR. SCOTT: I have a minor change on Page 6, 2.03.07.I.1, in the purpose and intent. The second line, which is line nine, notes the Bayshore/Gateway Triangle community redevelopment area, (CRA), to make it -- the CRA is actually the Collier County CRA with two redevelopment areas. So to make it consistent with the -- to make it proper, we will strike the word community at the end of line nine, and strike the (CRA) on line 10. And that happens a couple of other places throughout the document.

ACTING CHAIRWOMAN AHERN: Okay, Page 11 through 20.

MR. SCOTT: I have one -- I have a couple of changes in the use table that were an error of omission.

On Page 12, the -- which is the Bayshore mixed use district's table of uses, the dwelling number A.5, dwelling multi-family three or more, is currently allowed in the R-2 and R-3 subdistrict as well as the R-1. We want to make that consistent. And it was -- so we'll add the P to R-2 and R-3.

And right below that, dwelling mobile home is currently only allowed in the R-3, so we will strike it from R-1. And then for the dwelling mobile home, the P under R-3, just for clarification, we want to add an asterisk after the P and then put an asterisk before if allowed by underlying zoning, under additional standards. And that just clarifies that mobile homes are permitted in the R-3 subdistrict if allowed by the underlying zoning.

And let me just as a little background, the table, you'll see a header above each page of the table. The way it's set up, and this is with the existing LDC and it's carried over to this, the uses that are listed for the residential districts are allowed in those districts. The uses that are identified for the NC and W or the nonresidential subdistricts, those are uses that are allowed as part of a mixed use project or an MUP.

If you are building something traditionally on a single lot, you would follow the uses that are allowed for the underlying zoning district. So just because a use is not specifically listed here for a nonresidential subdistrict does not mean that it is not allowed on a piece of property in Bayshore/Gateway Triangle. That would be regulated through the underlying zoning district, C-1 through C-4 or whatever it may be.

ACTING CHAIRWOMAN AHERN: Okay, any questions?

(No response.)

ACTING CHAIRWOMAN AHERN: Is that all of your changes?

MR. SCOTT: Let me see. We're going 10 at a time or are you doing --

ACTING CHAIRWOMAN AHERN: Yes, we're going 11, Page 11 through 20.

MR. SCOTT: Then Page 14, F-1, boatyards are currently identified as an accessory use in the NC and W subdistricts. We are going to strike that completely. And then on Page 15, marinas, we are going to say marinas and boatyards because the supplementary standards apply to both marinas and boatyards.

And then I would also clarify that the major heading on that same page, it says infrastructure. It has an F. It should be an H. So that is a scrivener error.

ACTING CHAIRWOMAN AHERN: Go ahead.

MR. VANASSE: Patrick Vanasse, for the record.

I would just like to clarify something also along the lines of what Chris was talking about with the tables. What's important to note is that the overlays provide uses above and beyond what's already approved and what's already allowed in the underlining zoning district.

So if you turn to Page 11 and you look at line eight, it kind of describes how these overlays work. And what it states is all other projects may elect established uses, densities and intensities in accordance with their underlying zoning. However, all projects must comply with site development standards as provided in Section 4.02.16, which is the overlays.

So basically what we're saying is that if your underlying zoning district allows certain uses, you keep those uses. And the densities and intensities associated with those underlying districts exist. So we're not changing that, we're just supplementing that with the overlays.

However, when it comes to development standards, no matter what your underlying zoning district is, you have to abide by the development standards within the overlays. So if you're just looking at uses, intensities and densities, you have the option of going with existing zoning or opting for this. When it comes to development standards, you must abide by this. So I just wanted to clarify that.

MS. ASHTON-CICKO: Can I also make a further clarification? As proposed in here, if somebody wants to go forward and they want to develop or redevelop, they really will have three options. And one of the options we haven't gotten to yet. But they could rezone the property to whatever they can get approved by the Board. They can use the underlying zoning designation, what he's saying, what he told you just now as far as the uses. So if it's C-3, they could do any of the C-3 uses. Or when we get to it a little bit later they can do a mixed use project, MUP, which is proposed to be done administratively.

So those uses that they just went through, the chart that you looked at that showed the overlay, it will operate kind of like straight zoning. Anything that's in the overlay they'll be able to get approved. All they have to do is submit the request, staff checks to make sure it's a use in the overlay, and they get it.

So that's a little bit different, and we'll get to that a little bit later. But I just wanted you to understand that there were multiple options on how to develop.

ACTING CHAIRWOMAN AHERN: Okay, any other questions?

(No response.)

ACTING CHAIRWOMAN AHERN: I'm sorry, do you have more changes?

MR. SCOTT: I do have one more between Pages 10 and 20. That is a simple one. Page 16, similar to what I discussed earlier. And one, purpose and intent, line nine, strike the word community. So that it just reads Bayshore/Gateway Triangle redevelopment area. And I'm good until we get to the next 10.

ACTING CHAIRWOMAN AHERN: Okay. Any questions up to Page 20?

(No response.)

ACTING CHAIRWOMAN AHERN: Okay, let's go Page 21 to 30.

Chris, we can start with you.

MR. SCOTT: Okay. Similar with the dwelling, mobile home, A-6, we will add an asterisk after the P under R and put an asterisk under the additional standards prior to if permitted by underlying zoning.

The B-1, bed and breakfast facilities. I need to confer with Jean, but I believe the decision was to also add that as a permitted use in the mixed use subdistrict. Yeah. So B-1, bed and breakfast facilities, add a P under MXD -- or a CU, excuse me.

ACTING CHAIRWOMAN AHERN: So both are conditional uses?

MR. SCOTT: Yes.

Page 24.

COMMISSIONER SCHIFFER: Maybe why don't we go page-by-page and you can join in.

ACTING CHAIRWOMAN AHERN: You have questions?

COMMISSIONER SCHIFFER: I do. Twenty-one, the maintenance repair in the mixed use area, we still wanted to remove that?

MR. SCOTT: Maintenance repair. I apologize, that was one I missed.

Add a CU under MXD. Thank you.

Any other questions on that page or --

COMMISSIONER SCHIFFER: No.

MR. SCOTT: Page 23 and 24, there's just a small portion that got carried over. The very last item, lawn and garden services in conjunction with a nursery. Strike everything under the additional standards. And the rationale for that is those pertain to demonstrating compatibility. Those are already criteria that have to be demonstrated for any conditional use, so it was redundant.

ACTING CHAIRWOMAN AHERN: Any questions on those two pages?

(No response.)

ACTING CHAIRWOMAN AHERN: Chris, do you have anything else?

MR. SCOTT: Not on this.

ACTING CHAIRWOMAN AHERN: Okay.

COMMISSIONER SCHIFFER: I have a Page 26 question.

ACTING CHAIRWOMAN AHERN: Go ahead.

COMMISSIONER SCHIFFER: And I guess, Heidi, these density bonuses, I guess it's 388 units; is that right? How many do we have now?

MS. JOURDAN: That's correct. Initially we started out with 388 and then there was 232 units approved for the arboretum project, which no longer exists. As a matter of fact, it reverted back to its original zoning. So those 232 units are going to come back to us. The only thing according to comprehensive planning, they're keeping track of this, are five units that were used in a project. So that would take us down to 383.

COMMISSIONER SCHIFFER: And that would be the coffee shop.

MS. JOURDAN: Correct.

COMMISSIONER SCHIFFER: Go ahead. I mean, what that is is there's only a limited amount of units other than what you're entitled to on your property, correct?

MS. JOURDAN: Correct.

COMMISSIONER SCHIFFER: The rest of the board. So everybody is going to be drawn out of that pool. And it looked like that one project was a pretty big hit. So it really is purely first come, first serve? And how long can they hold it? Like how -- I mean, how many -- I know there's a frame in here where it elapses. So till they elapse, they have the rights of those units?

MS. JOURDAN: Correct. And then if they don't utilize them -- and I believe Heidi can answer the question, because she's working on how they would come back to the density bonus pool.

I don't know, Heidi, is that going to be per resolution, ordinance? How would we get back those units? I know that they're not being used, so -- but officially?

MS. ASHTON-CICKO: Well, in answer to your question, my recommendation was to do a resolution. The current regulations provide that the stuff automatically terminates. But I still think that it's better to memorialize it in a resolution, frankly. That's my recommendation.

But on this section that you're looking at, A-1, when I first looked at it, I found it confusing. You know, some of the things in the overlay they can have by right. And I initially read this to mean they could have the 12 units an acre by right. And in talking with Chris, he indicated that you get the underlying zoning unless you can get up to 12 units an acre with the density bonus. So I read it a little bit differently, which --

MS. JOURDAN: I'm sorry. Also, if you read the Growth Management Plan, then it makes it more clear how you qualify for those density bonus units. There's only certain projects that will qualify that it has to be a mixed use project. Right now the way the thing is written, no one else can tap into those bonus density units. And it's outlined in the future land use element, the Bayshore/Gateway overlay in the Growth Management Plan.

MS. ASHTON-CICKO: It's addressed on your last page where Page 101 is the density pool allocation. And as I understand it, it's first come, first serve. So whoever applies essentially you get it. If you apply, you get it.

MS. JOURDAN: But you have to be within a mixed use project.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHIFFER: Right. But it's a limited resource.

MS. JOURDAN: Yes, it is.

Yeah, it's an incentive, similar to early entry TDR's. That was from Patrick. He's whispering in my ear back there.

COMMISSIONER SCHIFFER: And the problem's going to be is that once they're gone and you have commercial zoning which doesn't have residential attached to it, your mixed use projects aren't going to be that mixed.

MS. JOURDAN: Yeah. I mean, we're looking into other ways of getting additional density, but because of that being the coastal high hazard area, they didn't really want to increase the density. So we're actually pulling from the density that was allowed on Botanical Gardens. That's where those 388 units came from, because they said they didn't want to increase the density in the coastal high hazard area. So that wasn't really increasing the density, it was just a reallocation. And that's where those 388 came from, that number.

MR. VANASSE: For the record, Patrick Vanasse.

One of the recommendations we made when we did our analysis was that the pool is finite right now, and as Jean mentioned, that density was obtained through the Botanical Gardens because they weren't going to be using their residential density. There are other civic type of uses in the area, and one of the recommendations was to look at the possibility of maybe being able to use that density if those lands are going to remain in civic type of uses or parks or

recreational type of uses.

Again, that would require a Comp. Plan amendment and close investigation, but there's an opportunity there for that.

ACTING CHAIRWOMAN AHERN: Thank you.

Any other questions on this section?

(No response.)

ACTING CHAIRWOMAN AHERN: Chris, did you have anything else up to Page 30?

MR. SCOTT: Page 28 and Page 30 I have the same comment. Actually, I have two comments.

MS. ASHTON-CICKO: Can I also make a clarification too? Because as you get to these pages the rules are changing so that the -- yeah, as you get to this page. The development standards now are based on your product type, and that's where they come up with the form based as opposed to in C-3 it's so many feet for your setback. Now it's based on your product type our your form. I just want to make sure that was clear.

MR. SCOTT: Yeah, that's a good clarification. The form-based provisions encompass both the building location on the lot based off of what the building looks like, so a house would have certain setback requirements, a commercial building would have another set of requirements. And then there's architectural standards that are in a later chapter.

So yeah, the setbacks don't really change, they're consistent with the current code, but it is broken down by building type.

Which leads me to on Page 28 I want to add a -- under -- on the table, the top line, minimum lot width feet, under commercial, it currently says 100 feet. I want to add a footnote. I'm going to make that one five because I have a four that got inadvertently left off. So make that a footnote five. And then underneath the footnote section I will note that properties with C-3 zoning shall have a minimum 75-foot lot width.

And the rationale is that is the existing lot width requirement for C-3. And the intent was not to increase the development standards from what currently exist. And then --

COMMISSIONER SCHIFFER: Question, Chris. Where are your footnotes currently existing?

COMMISSIONER BROUGHAM: Bottom of Page 28.

MR. SCOTT: The bottom of Page 28.

COMMISSIONER SCHIFFER: Got it, okay.

MR. SCOTT: And then I also want to add a footnote four, at max building height feet add a footnote four. And just a note that that is zoning height. Because the county has both zoning height and actual height.

That was a -- to change that would have been more than was intended with these amendments.

COMMISSIONER EBERT: Chris, I have a question for you.

MR. SCOTT: Yes.

COMMISSIONER EBERT: And Heidi can maybe -- are you rewriting these LDC's as you're going along with this? I mean, watching something -- because this has already been brought up in front of us, right, and then it came to the BCC. This was -- okay. But it just seems like you're kind of changing -- it seems like you're rewriting a lot before we get this. This is -- is this questions from Brad, is that why?

MR. SCOTT: This was based off of -- not exclusively, no. The packets had gone out and they're still being reviewed on some level by staff, the County Attorney, and then we had a meeting with Brad. So some of these changes are based off of those made. And I apologize that they're not included in your packet, but --

COMMISSIONER EBERT: Okay, that's what I was guessing, I was really trying to say. Thank you.

COMMISSIONER SCHIFFER: And they're really not changing any of these setbacks anyway. Essentially the chart on the right is the old, the chart on the next is the new. Some people have a different orientation, but -- you know, it always scares me when I see different commissioners have different orientation in their packets, because they hand them to you with your name and you just wonder if these are customized packets or -- they should be identical. But anyway.

But -- and by the way, I found this to be very confusing going through this. Because it is these little boxes of code and boxes of that. In other words, there's no real straight through way to check what the existing code is. This is -- it's a little strange. But we discussed that also, but --

COMMISSIONER EBERT: See, so it was with Brad.

COMMISSIONER SCHIFFER: Well, you can't fix strange. Because I'm around doesn't mean it's strange.



MR. SCOTT: If I could back up one second, I just realized the footnote five for the 75-foot lot, minimum lot width for C-3 property, I inadvertently forgot to mention that on Page 26 it also needs to be added under commercial.

COMMISSIONER SCHIFFER: One question looking at this. On 30, did you get rid of duplex as a category or -- there's no minimum width or --

MR. SCOTT: Hold on one second. Page 30?

No, there is a footnote that says see section 4.02.16.A.7 regarding duplexes.

COMMISSIONER SCHIFFER: Yes, I see that. But in other words, why wouldn't -- what does it says -- and here's the problem, it's difficult to go back in this as it was presented to us and find that section. You have to go to the --

COMMISSIONER HOMIAK: Page 36.

MR. SCOTT: Yeah, that has a typo too. Or not -- Page 28 has a typo, it should be A-7. The A's were lifted out of footnotes one and two.

Duplexes, they have a larger minimum lot width requirement. But again, the house is just the building form, so it could be a duplex, one building with two units on a single-family lot designed to appear as a house. However, the current LDC requires a larger minimum lot width.

COMMISSIONER SCHIFFER: And what would the duplex lot width be?

MR. SCOTT: Duplex lot width is 80 feet and a minimum square footage of 1,000 square feet -- or minimum building area of 1,000 square feet per unit.

COMMISSIONER SCHIFFER: The reason you wouldn't put them in this chart is why? As they were before. Or at least as they are in 4.02.18.

MR. SCOTT: It could be done that way.

COMMISSIONER SCHIFFER: Why would you chase us around?

MR. SCOTT: Well, there are a number of exceptions to the dimensional standards that follow these tables. So we did put a notation that identifies that section.

COMMISSIONER SCHIFFER: Okay.

MR. VANASSE: The reason is that a duplex really falls under the form of a house. However, we couldn't cleanly have the same standards for all houses because a duplex had existing standards that were a little different than a single-family. So we wanted to kind of keep the organizational structure of using form-based methodology and using house and townhouse and et cetera, but duplex didn't fit in cleanly. So we could either add it to the table, modify the table, or the way we dealt with it was just having a footnote and then dealing with it with a different section of code.

And really, like Chris explained, it's the 80-foot lot width rather than the 50-foot. And that's something that was discussed at the advisory board and with CRA staff. And the intent was not to reduce it to 50 and make it consistent throughout. They wanted to keep it as-is.

COMMISSIONER SCHIFFER: And a two-family, what is the difference?

MR. SCOTT: Well, again, two-family, the -- they could be two row house type developments where each is on an individual lot. So it could be similar to a townhome but two units as opposed to three.

But each -- the difference would be duplex could be on a single lot, not have each owner -- two owners on two separate lots with an attached structure. Whereas a two-family unit could have separate owners and separate lots but a shared party wall. Does that answer your question?

COMMISSIONER SCHIFFER: Well, I mean, that's a townhouse, which has different requirements.

MR. SCOTT: But by definition in our code townhouse is three units or more.

MR. VANASSE: Yeah, Collier County has always dealt with it in -- I think it's an issue every time it comes up that's a little confusing to people, duplex versus two-family. And I go back every time and look at the definitions. But really, you're looking at the same -- a building that could look exactly the same and you're looking at one on one parcel versus the same building on two parcels.

COMMISSIONER SCHIFFER: What page is 14.02.16.A.7 on so I can pretend --

MR. VANASSE: I believe it's 36.

COMMISSIONER HOMIAK: Thirty-six.

COMMISSIONER SCHIFFER: Page 36?

MR. SCOTT: Yeah.

ACTING CHAIRWOMAN AHERN: Chris, did we get your change on Page 30?

MR. SCOTT: I just add a footnote for zoned height was the only one.

The same with Page 32, add zoned height.

ACTING CHAIRWOMAN AHERN: Does anyone have any questions up to Page 30?

COMMISSIONER SCHIFFER: Well, I'm back in on that last point.

So what you're doing here -- and first of all, we discussed this yesterday, this is the only place in code where R-1 is the higher density. And then you -- you know, normally R-1 is the sacred single-family house. And then -- and the numbering makes sense, because the numbers can actually start to make sense. This works opposite.

MR. SCOTT: Correct.

COMMISSIONER SCHIFFER: But what you're saying is in this high density area, the R-1, you're referring people to the development standards of R-4 for the development of the duplex and the two-family and --

MR. SCOTT: I'm sorry?

COMMISSIONER SCHIFFER: Well, back in the way it was in 4.02.18, the old code, you could see all of the different single -- all of the different housing types, you know. They're not form-based but they're the housing types. Now you're taking some of them out of your form-based thing for R-1, which is the dense areas, and you're sending people from that into the R-4, which is the less dense area for regulation. I mean --

MR. SCOTT: I believe you're looking at the old regulations. If it's in a text box --

COMMISSIONER SCHIFFER: Well, the problem is I'm liking the old regulations better than what we're doing here. That's my problem. Because there it shows everything, you can see it. Now here you take me down, you do footnote me, you led me to the place. And then when I get there, it's the development standards for R-4, which is -- just seems awkward.

COMMISSIONER HOMIAK: No, it's the exceptions, number seven, exceptions --

COMMISSIONER SCHIFFER: Well, there's the exceptions to the development standards or R-4.

COMMISSIONER HOMIAK: No, they're to all of them.

MR. SCOTT: No, if you look --

COMMISSIONER SCHIFFER: Okay, wait a minute, this box is confusing me.

MR. SCOTT: Let me --

COMMISSIONER SCHIFFER: Okay, the box above that, seven, okay. All right. No, it's the format of this present -- I mean, you have a little box before that that's stating these are the R-4 standards, and it's -- I'm confused --

COMMISSIONER HOMIAK: No, it's the one after that that applies to that, on the next page.

MR. VANASSE: And again we understand that the boxes are a little difficult to handle. That's what we saw as the best way to try to present this to you. Obviously once the boxes will be cleaned out I think it reads a lot better. It's a lot easier to follow once those boxes are gone.

COMMISSIONER SCHIFFER: So seven is an exception to all the different ones, not just R-4.

MR. SCOTT: Correct.

Let me -- if you -- at the very beginning of your book there is a table that shows proposed overlay outline adjacent to the existing overlay outline. So if you just focus on the proposed overlay outline you can kind of see, it's difficult especially when you're looking at something page-by-page, small section by small section to see the greater image from, you know, a 30,000-foot level. But if you look, we are now in a Gateway Triangle mixed use overlay district, I believe. It should say Bayshore/Gateway Triangle overlay.

But one is your purpose and intent -- excuse me, we're on 40.2.16.A, dimensional and design standards for the BMUD, okay. So one through six are each of your subdistricts. Seven is your exceptions. And then B is dimensional design standards for the GT, or Gateway Triangle mixed use subdistrict. One and two are your two subdistricts, three is your exemptions.

COMMISSIONER SCHIFFER: So some day soon we'll see it all in the right format and life might make more sense.

ACTING CHAIRWOMAN AHERN: Chris, can we leave that on the overhead and leave that up just so we don't have to flip back and forth if we have any --

MR. SCOTT: I don't know how the overhead works.

COMMISSIONER KLEIN: I think Ray can help us with that.

MR. SCOTT: I also want to note that as this goes forward we're happy -- and Heidi had asked for a -- I guess

you can open it up.

COMMISSIONER EBERT: Can you open it up?

MR. SCOTT: Heidi had asked for a clean copy that didn't show the text boxes with the old code sections, just because it did add some confusion, especially if you're looking at numbers and all of a sudden there's an obscure number within a text box.

COMMISSIONER SCHIFFER: You don't have to prove that to me, that's for sure.

MR. SCOTT: But we are happy when this comes back to you, because I imagine at a minimum it's coming back on your consent agenda, if not for further discussion, that we will also provide a clean copy devoid of test boxes, for ease of -- hopefully easier use. I'm not going to say ease.

I did have two things I just noticed. Twenty-eight and 30, there's an incorrect citation to 4.02.16. It should be D, building types and architectural standards. In some places for some reason it says C, which there must have been a change at some point that wasn't caught in every location. So in all circumstances that should reference 4.02.16.D, building types and architectural standards.

ACTING CHAIRWOMAN AHERN: Okay, so through page I think 32, so let's continue on up to 40.

MR. SCOTT: Thirty-two, the correct citation to D, building height -- or building types and also zoned height footnote. Unless there's any comments, I'll move on.

(No response.)

MR. SCOTT: Thirty-four, the same two changes.

Thirty-six the same two changes.

MS. ASHTON-CICKO: I had a change on this one too. Under seven, line 16, after the word commercial, comma, where permitted, then another comma.

MR. SCOTT: Do you want that after building types or after the word commercial? So it would be townhouse, apartment, mixed use and building types, comma, where permitted?

MS. ASHTON-CICKO: Yeah, that's fine. Yeah, you're right.

ACTING CHAIRWOMAN AHERN: Okay. So Chris, any other changes?

MR. SCOTT: Page 38, I do have several changes.

In addition to the zoned height footnote, I want to -- just to maybe make it a little more clear, I'm going to strike A and B, which A is on the bottom of 38, B is on the top of 39, from text format and incorporate them as footnotes five and six.

Five, the footnote would be for the minimum front yard for mixed use. And then the footnote would say mixed use projects in the mini triangle shall have a maximum setback of 20 feet.

And then add footnote six to maximum building height under mixed use by the number 56. And footnote six would read: Mixed use projects in the mini triangle area have a maximum building height of 112 feet.

And those dimensions are authorized by the Growth Management Plan, if you're curious where they came from.

ACTING CHAIRWOMAN AHERN: Chris, do we have this many changes throughout the whole document?

I mean, if we continue at this point, I think we may want to just get a clean copy.

COMMISSIONER EBERT: And continue, yeah.

MR. SCOTT: That is -- it's up to you. Yeah, there are -- yeah, the -- if you would like me to skip over the ones that are correction of citations, I'm happy to do that. I was just wanting to read them into the record. Or I can just highlight any substantial changes. That's your discretion. Or we could incorporate them all and bring it back to you all if you prefer to handle it that way.

ACTING CHAIRWOMAN AHERN: I'm just afraid with this many changes and we don't have -- we're kind of writing as you speak, it's going to come back to us, we're going to have to review it again anyway.

Heidi, what are your thoughts?

MS. ASHTON-CICKO: It seems to be many of the changes that he's making are the same to each of them, so I guess if there's big changes, he could mention it and just get feedback from you as to whether there's anything, you know, that you're not happy with the concepts and wanted changed.

ACTING CHAIRWOMAN AHERN: Does the Board have any --

COMMISSIONER EBERT: I would just rather have a clean copy, to be honest with you. Because you're

right, we all -- we keep writing all this down and it is a little confusing.

MS. ASHTON-CICKO: Yeah, on this one also, they're going to be deleting the whole existing text and adding the new text. That was difficult -- I didn't grasp that when I was reviewing that. So everything is new.

ACTING CHAIRWOMAN AHERN: Brad, what are your thoughts?

COMMISSIONER SCHIFFER: First thought, that's the advantages of evening meetings. We tend to want to do it this way. But I don't think we're coming up with anything on the Board. So if you could just keep it to stuff, the really meat --

MR. SCOTT: Substantial.

COMMISSIONER SCHIFFER: Yeah.

MR. SCOTT: That's fine. And then if you all have things that you all feel are substantial, why don't we continue to go section by section. If you all have comments, and then if I have something substantial, I'll mention those.

COMMISSIONER SCHIFFER: The Board doesn't seem to have a lot of comments. So just go quickly on the thing. I think that's it. There are some ones, we're getting stuff I think the Board should talk about. So I wouldn't want to leave right now.

ACTING CHAIRWOMAN AHERN: Okay, so let's go up to Page 40. Anything other than footnotes? Any questions from the Board?

(No response.)

ACTING CHAIRWOMAN AHERN: Okay. Let's take the next 10 pages, 41 to Page 50.

COMMISSIONER SCHIFFER: Chris, I think one thing is on Page 47, when you refer to open space with the artist studio, that's not what you intend.

MR. SCOTT: That's correct. We do have that as a change. So Page 47, 3.D, supplementary standards for an artist village, we will put a period. We'll remove everything after on the second line, residents of the artist village, period, and delete and shall be classified as common open space.

The intent was not to be open space for a project as in your green area, those types of things. But common area within a building. But it isn't deemed to be needed.

ACTING CHAIRWOMAN AHERN: Okay, any other questions or comments?

MS. ASHTON-CICKO: I think Chris had a change though on Page 45 under one --

MR. SCOTT: Yeah, accessory, just for clarification purposes, Page 45 C.1.A. This is regarding accessory parking zones. At the very end of C.1.A I'm going to add, for an adjacent nonresidential use. These parking zones are intended for adjacent nonresidential uses, so that's for clarification. I didn't know if that was major or minor.

COMMISSIONER EBERT: It's major. It's large. Would you repeat that, please, Chris?

MR. SCOTT: C.1.A, currently ends water retention and management areas for an adjacent nonresidential use would be the words added.

MS. ASHTON-CICKO: We'll have to flesh out some language, because I have down here it's going to be an accessory use to an adjacent principal nonresidential use for the parking. So we'll get together and work that out. You'll see that realized next time.

COMMISSIONER SCHIFFER: Forty-nine, question.

ACTING CHAIRWOMAN AHERN: Go ahead.

COMMISSIONER SCHIFFER: Chris, could we go back and on line 22 it states in there that the live/work units are conditional uses for these districts.

MR. SCOTT: Yes, we would need to --

COMMISSIONER SCHIFFER: Can you go back and fix those, because I --

MR. SCOTT: We will be striking BMUD R-1 and BMUD R-2. And I believe Jean spoke to this previously, that based off the input that the CRA had and then their due diligence, they identified the R-3 in the BMUD and the GTMUDR as appropriate areas for live/work and residential districts.

COMMISSIONER SCHIFFER: Sorry I pointed it out.

And then Heidi, remember last week at the meeting when I questioned adult-oriented businesses, you promised that we always used it, but here it looks like on line 32 they have more fun with it than -- but anyway, I just pointed that out. Remember the conversation we had at the one meeting where I didn't want to be confused by what adult business means.

MS. ASHTON-CICKO: Which page are you on?

COMMISSIONER SCHIFFER: I'm on 49, line 32.

COMMISSIONER HOMIAK: It's adult-oriented sales and rentals that we've been using. But this is their language, it doesn't --

COMMISSIONER SCHIFFER: I like theirs better.

COMMISSIONER HOMIAK: Yes, I do too.

COMMISSIONER SCHIFFER: Because it's more clear.

ACTING CHAIRWOMAN AHERN: Do you want to read that in the record?

COMMISSIONER SCHIFFER: No, no, we're fine.

MS. ASHTON-CICKO: There are a number of things that were listed under artist village, but -- and breakfast and community garden, which were more in the nature of what you would put for a restrictive covenant than you would put in your zoning code. So I guess it's a policy decision, but, you know, not allowing the dwellings to be leased for periods of less than 30 days and limiting guests to occupancy and talking about how the property has to be maintained and the hours of operation, and there are a whole number of them on here that I don't know that in the zoning code that you want to include it, you know, if it's county property under county ownership you can apply -- you can record a restrict covenant. Or sometimes certain uses we regulate through the PUD process.

So I guess I would caution you in putting these kind of things into the Land Development Code.

ACTING CHAIRWOMAN AHERN: All right, any other questions up to Page 50?

COMMISSIONER SCHIFFER: Well, and then H, are we going to change H?

MR. SCOTT: H, we want to revise the parking requirement for live/work. It currently states two parking spaces per 1,000 square feet of the nonresidential portion. That section will change to one parking space per 500 feet. The intent doesn't really change, but because the maximum size of a nonresidential area can go to 1,500 square feet, it just made more sense to make it divisible by 500 as opposed to 1,000.

ACTING CHAIRWOMAN AHERN: Okay, let's go Page 51 through 60.

Go ahead, Brad.

COMMISSIONER SCHIFFER: Fifty-six. And here's my concern. I'm trying to get rid of these drawings. For example, let's take the inappropriate one on the right up at the top. So that what they must be telling us is that if you build a big building, number one, the tall building was built first, you're not allowed to build the little buildings. That must be what that's telling me. So I'm kind of mocking these kind of charts on trying show what compatibility is.

Take for example the lower ones, which are showing dotted lines saying, look, the roof height of this has to equal the roof height of that. But these are elevation drawings. That little guy in the center that's appropriate, he'll never see his roof height with the head height of those windows. I mean, it's off further away. The three dimension of it, I mean, it's cute in a two dimension drawing, maybe, but it will never be anything in reality.

And I think if the intent of this neighborhood is to keep growing, you would never want to totally limit its size by not being able to have the size of buildings expand. And again, saying it backwards, if you built a big one first, you would never be able to have any more buildings built unless they commit to big buildings. And that's not the intent of this.

So I don't mind the concept of the words and the conversation, the drawings are just dangerous. It can be used against you in the opposite direction.

MR. SCOTT: I believe we are okay striking the drawing.

COMMISSIONER SCHIFFER: Well, the CRA is --

MR. VANASSE: We had the opportunity to discuss that with Brad and we agree, I think the intent was to try to depict this through illustration, maybe to make it easier for people to understand. But the danger in that is that people get tied to those pictures and then you start arguing the picture rather than the compatibility issue. So keeping the verbiage in there and striking the pictures, we think it's a good idea. We'll do that.

COMMISSIONER SCHIFFER: And on the other page, those are fine, these are just describing components that projects have. And that looks good.

MR. SCOTT: The illustrations beginning on Page 58, it's the ones illustrating the yards. I will note that we are going to remove the word minimum from the key or the legend on the bottom, because they're not drawn to scale, they don't reflect the actual minimum yard requirements, they just illustrate where the yards are.

MR. VANASSE: And I think also on all these drawings where you're at a street corner where you have a primary and side street, you have two front yards. And we identified primary facade on just one of those two. So every exhibit is going to be changed to show two primary facades also for those corner lots.

ACTING CHAIRWOMAN AHERN: Any questions up to Page 60?

(No response.)

ACTING CHAIRWOMAN AHERN: Let's go 61 to Page 70.

COMMISSIONER SCHIFFER: And we discussed the artwork change there that you guys are okay with.

MR. SCOTT: I'm sorry?

COMMISSIONER SCHIFFER: On Page 68, the artwork for --

MR. SCOTT: Yes.

MR. VANASSE: For some of you, depending on your document, we realize that I guess, depending on the printer you have, it might be Page 68 or 69. Mine is on Page 69. We have an exhibit of two buildings, and we're talking about the roof line offsets?

ACTING CHAIRWOMAN AHERN: Uh-huh.

MR. VANASSE: So the request was to -- what we're trying to address here is the roof line itself, not the rest of the building, how the windows look and that type of thing. So the idea is to make both buildings consistent except for the roof line. So we'll redraw those.

ACTING CHAIRWOMAN AHERN: Any other questions?

COMMISSIONER SCHIFFER: You know, let me -- let's go back to that, because I'm looking at this and I may have been wrong on pushing that. Because it's also discussing facade variation. So the building drawing on the right really does show a flat facade also. It definitely shows the roof. So I'll tell you what, I think leave it the way it is. I don't think we're going to help it any. Changed my mind. So never mind on that one.

ACTING CHAIRWOMAN AHERN: Okay. If there's no questions up to Page 70 --

COMMISSIONER EBERT: Brad, may I just put down okay per Brad?

COMMISSIONER SCHIFFER: Just put down, yeah, Brad should never have picked on this drawing to begin with.

ACTING CHAIRWOMAN AHERN: We're going to take a break. Let's meet back at 6:45.

(A recess was taken.)

ACTING CHAIRWOMAN AHERN: Welcome back. We are moving on to Page 71 and going 71 to Page 80.

Chris, we'll start with any changes you have.

MR. SCOTT: There are two changes that can be considered more than just clean-up. On Page 79, it may be your Page 80. Let me see. Your Page 78, excuse me. Mine was printed off differently, and some of our page got page numbers deviated.

I'm writing myself a note to subtract one from whatever I say.

The bottom of Page 78, there's two provisions: I and then Roman numeral three, so little iii. Exterior building color on the next one, we are proposing to change the language in those. The way it currently reads is that it allows for a deviation process to be approved by the CRA advisory board. The CRA advisory board does not have that approval authority granted unto them. So the new language for iii that we are proposing, and Heidi please jump in if you have any comments.

MS. ASHTON-CICKO: Well, it's going to indicate that line 11 or 12, I guess it's going to end with the applicant making a request for a deviation under the section which is the alternate architectural review process. And that they can apply for it after getting a favorable recommendation from the CRA. But it's not going to be approved by the CRA, it's going to be something that is a staff approval, if staff can do it, which I'm still looking into.

MR. SCOTT: Yeah, I have proposed language for -- but it hasn't been reviewed by the County Attorney's office yet. But basically these deviation requests shall be subject to the process and procedures of section 5.05.08.F, which is an existing section of the code that pertains to architectural deviations, following the review and approval of the Bayshore/Gateway Triangle CRA advisory board.

ACTING CHAIRWOMAN AHERN: The next change?

MR. SCOTT: The next change is similar, and it's under awning, J, little i, the last sentence being revised to the similar language: Request shall be subject to the process and procedures of section 5.05.08.F, following review

and approval of the Bayshore/Gateway Triangle CRA advisory board.

ACTING CHAIRWOMAN AHERN: Any questions from the Board on Pages 71 through 80?

(No response.)

ACTING CHAIRWOMAN AHERN: Okay. Page 81 to 90?

Chris.

MR. SCOTT: Most of it is clean-up language. There's -- we're removing some references, acceptable to the County Attorney, based off of the recommendation of the County Attorney to remove that language. So there's nothing overly substantive that I have within that section.

ACTING CHAIRWOMAN AHERN: Okay, any questions from the Board?

(No response.)

ACTING CHAIRWOMAN AHERN: Okay, let's take Pages 91 through -- let's just go through the remainder of the document.

MR. SCOTT: Again, I -- there are references in regards -- this begins on Page 89 through 91. In several instances it's pertaining to being allowed to place something on or near the right-of-way. And it mention an agreement with the county. We're replacing those references to clearly state requires a right-of-way agreement -- or a right-of-way permit, excuse me. And that's in several locations. But it's more clean-up language.

The only substantive area would be on Page 92, H, murals. It's not necessarily substantive as -- the way it currently reads it says mural signs as defined in Section 5.06.00 that do not contain commercial content, and it goes on, may be permitted without a sign permit. That introductory statement is inconsistent with the definition of mural signs that is in the LDC. So what the intent is by the CRA is to allow murals that are more of a public art type concept and not an advertisement for the business.

So this section would -- is recommended to be changed to murals that do not contain commercial content or allowed within the subdistrict, subject to the following conditions. And then those conditions, the numbering of those would also be corrected. It should be traditional one through eight as opposed to Roman.

MS. ASHTON-CICKO: That whole section is going to have to be reworked and, you know, working with our office, okay, because that whole section has a problem.

ACTING CHAIRWOMAN AHERN: Okay, we'll leave that as a rewrite that will come back to us.

MR. SCOTT: I will note that the -- there is a similar provision currently in the LDC for the Immokalee area that treats murals not as signage, and it also acknowledges that they are exempt from the architectural exterior color provisions and can be reviewed and approved by their CRA redevelopment agency. So this is an attempt to be somewhat consistent with that language. So it wouldn't be classified as a signage.

ACTING CHAIRWOMAN AHERN: Okay. Did you have any other changes?

MR. SCOTT: No, those are the only substantial once. The others are correcting citations and numbers.

ACTING CHAIRWOMAN AHERN: Okay, any questions?

COMMISSIONER SCHIFFER: I have a question. And Heidi, it's kind of for you. Look at Page 97. And what it is, they're referring to using the architectural standards deviation process --

ACTING CHAIRWOMAN AHERN: Where are you at?

COMMISSIONER SCHIFFER: -- for administrative review.

Down on Page 19 and 20, down on the bottom. Front setback is an example of one case of what I'm talking about.

MS. ASHTON-CICKO: You're on 97?

COMMISSIONER SCHIFFER: Yeah.

MS. ASHTON-CICKO: Yeah, that was a section that I had issues with. The administrative approval part, the first part of it I'm going to jump -- not answer your question directly initially, because that's what I had mentioned earlier in the meeting, that it would allow them to do an administrative approval of uses. All they'd have to do is go look at the chart and see staff -- is what I'm referring to, staff would go look at the chart and see if the use fell within the overlay, and if it did they could administratively approve it. That's not the procedure now, that's how it would be after this.

Then you have a whole series of administrative deviations. And the only one that I'm really comfortable with is the one that deals with architectural and site design, which is item B. The administrative delegation on the setback, which is item A, the landscaping, which is item C, and item D, I don't think has sufficient criteria for staff to look at.

If you were to approve something like this, A, C or D, essentially you'd be removing anything esthetic in the development, and you'd just be, you know, left with the building code that deals with the safety issues.

So I'm not comfortable. That's under -- I think I'm answering your question, under MUP deviations, item B.2, A, C and D.

COMMISSIONER SCHIFFER: Right. It does show up. Actually, my question was is when they do reference the deviation in the architectural standards, they only reference F-1 through three, when there's actually five categories in there. The other two are essentially appeals of their administrative review. So when you look at that, would you look at why it wouldn't be a good idea to include four and five? In other words, don't stop at three?

MS. ASHTON-CICKO: Okay.

COMMISSIONER SCHIFFER: Obviously you have some bigger issues than that, but --

MR. VANASSE: We've got an answer for that. And Chris can give you the details as to why it's one through three, not four and five also.

MR. SCOTT: As you correctly point out, it currently --

MR. VANASSE: Maybe reference the section so everybody can follow.

MR. SCOTT: Yeah, these are -- beginning on Page 97, I subtracted one, B deals with MUP deviations. And I will point out these are all existing provisions within the LDC and the current -- the Bayshore/Gateway Triangle overlays. So these deviations are -- already exist. You can see how some of the wordsmithing has been changed, just to attempt to make it read a little smoother.

In regards to Brad's comment, which the same section is cited in several places, beginning on Page 97. It says procedures of Section 5.05.08F one through three, deviations and alternative compliance.

Section F, the entire section that goes one through five is the deviations and alternative compliance section. One through three specified the process. Section four identifies some of the things that qualify for deviations. This section incorporates what qualifies for deviations. And section five pertains to the appeal process.

And the way this section -- if you scroll to the very last page, which should be your 101 -- excuse me, I'm sorry, I went too far. On your Page 99 there is a four, effective denial, and this incorporates its own appeal process in there which follows the county's standard based in the Code of Laws and Ordinances. So that's why four and five were not included, because what qualifies for a deviation are already built into this section and the appeal process is also built in.

COMMISSIONER SCHIFFER: But maybe the one in five is better than, you know, the effective denial. Because it keeps it simpler. I mean, you could always appeal that with five.

MR. VANASSE: And I think we could keep one through five and we would have some redundancy, but I think it's consistent.

COMMISSIONER SCHIFFER: When you say it's in the old code, it is in the old code, the full F. It didn't limit the one through five in the old code --

MR. SCOTT: Well, note the appeal process that is in this is also included and not -- although there was a conflict, this had its own appeal process, and it also referenced the deviation can be approved through F. But F also includes its own appeal process. So it was broken out to make this more consistent within itself as opposed to what currently exists.

COMMISSIONER SCHIFFER: So what you're saying is that built in here is an appeal process similar to F?

MR. VANASSE: Exactly.

COMMISSIONER SCHIFFER: Where is that then?

MR. VANASSE: On your Page 99, four, effective denial.

COMMISSIONER SCHIFFER: No, that's how to -- I mean, that's not the appeals process similar to the one in the architectural standards.

MR. SCOTT: Well, the architectural standard has a process where staff can consult with an architectural arbitration board.

COMMISSIONER SCHIFFER: They don't consult with them -- well, they can consult with them or somebody could appeal to that board if they don't like the staff's decision.

MR. SCOTT: And then ultimately it could be appealed to the BCC in addition to that board.

COMMISSIONER SCHIFFER: Yeah, I guess. But the -- and the intent was it's a simple way to work out these matters of design and stuff like that.



But anyway, Heidi, check that out and see. Maybe there's a good reason to keep four out if it has conflicting information. But not five. Because it is good to keep the citizens involved.

MR. VANASSE: Just for a matter of clarification, Heidi touched upon the MUP administrative approval process. I believe that will be on Page 95 in your copy, line 10, one, administrative approval.

You can just give me a nod when you're ready. You've got it?

I just want to clarify that the administrative approval process has some criteria here. And what we're saying is essentially there is no discretion when it comes to staff approving uses. It's either going to be underlying zoning district uses or supplemental uses within this overlay. You can't add anything else.

So you can't add a use that's not already envisioned and vetted. We're vetting this right now. So if you say those are valid uses, you're essentially creating zoning where you're addressing those uses. So it would be -- this overlay would be just like any other zoning district, it would give you uses by right.

And when it comes to -- so what we've got outlined here is that they have to meet the site development standards, they can't deviate from those. That they have to only ask for uses that are within here or their underlying district. And they can't be asking for density bonus. If you meet that criteria, it can be done administratively. If you're changing any of those things, you have to go through the MUP process, which includes a public hearing process.

COMMISSIONER SCHIFFER: Right, but won't most of the mixed use stuff not be able to go that way because they're going to want residential density, and the neighborhood commercial is mostly on commercial zoning?

MR. SCOTT: Yes, it is predominantly.

COMMISSIONER SCHIFFER: So you're going to have the public hearing that thing.

MR. VANASSE: And the idea was that some projects that have -- or at least discussions with some potential developers was that they wanted to do a smaller project and they were looking for a way that they didn't have to spend big dollars going through the hearing process. And they felt they were consistent with the code. So this provides an opportunity to have a less costly, more -- you know, less time-consuming process. Many projects won't be able to use that process.

COMMISSIONER SCHIFFER: I'm good.

ACTING CHAIRWOMAN AHERN: So Heidi, this whole section you're referring to, you're going to be reviewing and making changes as necessary, and it will come back to us?

MS. ASHTON-CICKO: Yes.

COMMISSIONER SCHIFFER: So I move to continue.

ACTING CHAIRWOMAN AHERN: Thank you.

COMMISSIONER SCHIFFER: Move to continue.

ACTING CHAIRWOMAN AHERN: So we have a motion.

MS. ASHTON-CICKO: Yes, since actually, if I could, since these are the LDC cycle hearings, we need to continue it to a date certain so that we don't have to readvertise. So we'll be continuing it to the May 3rd regular meeting.

ACTING CHAIRWOMAN AHERN: Okay.

COMMISSIONER EBERT: Ooh, that's next Thursday?

MS. CILEK: The packets are already distributed.

COMMISSIONER SCHIFFER: Yeah, the packets are here, Heidi, you can't --

MS. ASHTON-CICKO: I know, but we're continuing the LDC cycle. You have items listed on the May 3rd agenda that are part of the cycle, okay, so we'll continue it to May 3rd. And then after that we'll be continuing it to May 17th, okay, so that we don't have to readvertise --

COMMISSIONER SCHIFFER: Heidi, on this issue we're just going to not resolve it today, we're going to continue it. And then before we end the meeting, we can continue that.

MS. ASHTON-CICKO: Correct. So the LDC cycle is being continued to May 3rd. And then that cycle will be again continued to May 17th. And this one will be scheduled for May 17th.

ACTING CHAIRWOMAN AHERN: So we have a motion from Brad to continue --

COMMISSIONER SCHIFFER: Continue this item.

MR. VANASSE: As a point of clarification, by having this continued, when we come back to you, are we just looking at the items where we've suggested that either the County Attorney or the Planning Commission has

suggested changes or is the whole thing open to discussion again?

COMMISSIONER SCHIFFER: Here's what I think. I think, and Caroline said she's going to do it, is that you give us a draft of this thing without all the boxes and stuff. Clean draft. And anything you change from this meeting, and you can include the scrivener's stuff you were playing with, highlight that somehow. You know, it's not a strike through and underline, it's just if you got smarter since the time we get it, highlight it and we'll work with just that draft, I think will be the best.

MS. ASHTON-CICKO: Yeah, so next time you'll get a copy of only the new proposed text and any changes from the text that you saw, and the new part in your package today will be highlighted in yellow.

ACTING CHAIRWOMAN AHERN: Correct.

MR. VANASSE: I think that's good to have on the record so people understand if other parties come in, and I've got one copy, there's another copy. So it's on the record as to why that's going to happen.

MS. ASHTON-CICKO: And the entire LDC amendment is open to discussion until there's a vote of approval.

COMMISSIONER EBERT: I'll second that, Brad.

COMMISSIONER SCHIFFER: Thank you.

ACTING CHAIRWOMAN AHERN: All those in favor, say aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

Okay, motion approved 6-0.

COMMISSIONER SCHIFFER: Then I move we continue the LDC hearings to May 3rd.

COMMISSIONER BROUGHAM: Second.

COMMISSIONER EBERT: That's, I thought, what I seconded.

ACTING CHAIRWOMAN AHERN: All in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

ACTING CHAIRWOMAN AHERN: Aye.

Motion approved 6-0.

Chris, thank you.

MR. SCOTT: Thank you.

ACTING CHAIRWOMAN AHERN: Okay, Ray, do we have any public comments and any speakers?

MR. BELLOWS: No one has registered.

ACTING CHAIRWOMAN AHERN: Can I have a motion to adjourn?

COMMISSIONER EBERT: I'll second.

COMMISSIONER HOMIAK: We can't adjourn, I guess.

COMMISSIONER SCHIFFER: We're not adjourning.

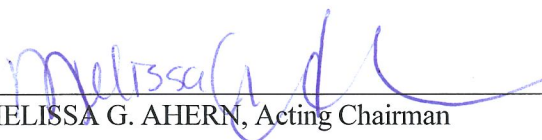
ACTING CHAIRWOMAN AHERN: We'll continue.

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April 25, 2012 "CCPC/LDC Amendments Special Meeting"

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 7:05 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
MELISSA G. AHERN, Acting Chairman

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5/17/2012, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.  
BY CHERIE' NOTTINGHAM