

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, September 6, 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 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark P. Strain  
Brad Schiffer  
Melissa Ahern  
Karen Homiak  
Diane Ebert  
Barry Klein  
ABSENT: William Vonier  
Paul Midney  
Phillip Brougham

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Jeffrey Klatzkow, County Attorney's Office  
Tom Eastman, School Board Representative

CHAIRMAN STRAIN: Okay. Good morning, everyone. Welcome to the September 6th meeting of the Collier County Planning Commission. If you'll all please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier is absent.

Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is probably just not here yet, right?

CHAIRMAN STRAIN: Right.

COMMISSIONER HOMIAK: But he's not here now.

Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham is absent. Is he supposed to be absent? Well, he's not here.

CHAIRMAN STRAIN: I remember a lot of people had expressed absence requests last meeting, so we'll just assume they have been, and we'll go forward. I don't think anybody's making a habit of missing our meetings. They're too exciting.

Addenda to the agenda. Does anybody have any changes to the agenda?

Ray, everything okay?

MR. BELLOWS: I have no changes.

CHAIRMAN STRAIN: Okay. Planning Commission absences. Anybody who is here today know if they will not be here at the next meeting in September, which is the 16th?

COMMISSIONER EBERT: Twentieth.

CHAIRMAN STRAIN: Oh, no; I'm looking at August, I'm sorry. Twentieth, you're right.

COMMISSIONER KLEIN: I will not be here.

CHAIRMAN STRAIN: Okay.

COMMISSIONER KLEIN: I'll be flying across the Atlantic, but I won't be able to make it.

CHAIRMAN STRAIN: Well, that's no excuse.

COMMISSIONER HOMIAK: You'd think you could fly a little faster.

CHAIRMAN STRAIN: Anybody else? Okay.

Well, hopefully with those that are missing today, some more will be here, we'll still have a quorum. Next item up is the approval for the minutes of August 22, 2012. They were all sent to us electronically. Are there any changes or corrections?

(No response.)

CHAIRMAN STRAIN: No. Is there a motion, Karen?

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Diane.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

BCC report and recaps. Ray, there wasn't any meeting, was there?

MR. BELLOWS: That's correct, no meeting.

CHAIRMAN STRAIN: Okay. Chairman's report. Well, everything is moving as it should, so -- consent-agenda items, I don't -- we don't have any, so we'll move right into advertised public hearing.

\*\*\*The first item up is a continuance from the last meeting. It's DBE-PL20110000644, the Helsel boat-dock extension. It's located on Isle of Capri.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission.

(No response.)

CHAIRMAN STRAIN: Okay. It's the applicant's presentation. Chris?

MR. THOEMKE: All right. We, since the last meeting, worked out an agreement with the neighbor's attorney and representative, and they have a signed agreement now. You have a draft of the agreement. We actually have signed copies of it, which I have given to Mike already and can provide you as well. And -- there you go.

CHAIRMAN STRAIN: Push the bottom down there. There you go. It will pop up in a minute.

MR. THOEMKE: In essence, what the neighbor and our client agreed to was the riparian line as you see it depicted on this aerial photo. It's 39 degrees off of there. What that line does is allows us to meet all the setback requirements required by the county and allows her plenty of room to put her dock in. And, like I said, the agreement you have there has been signed, notarized, and I believe we've resolved everything that you asked us to do from the last time.

CHAIRMAN STRAIN: Okay. And I think it's a vast improvement, so thank you.

Anybody have any comments or questions?

(No response.)

CHAIRMAN STRAIN: Is there a staff report?

See how easy that was, Chris?

MR. SAWYER: Yes. For the record, Mike Sawyer, project manager for the petition.

I do need to point out that -- I apologize, but the title and the resolution actually are not correct. The actual extension needs to be a request for an additional 19 feet instead of 14 feet for a total protrusion of 39 feet instead of 34 feet.

The dimensions were taken off of the revised layout except we took the end of the boat instead of the actual motor, and it needs to include the motor.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: It doesn't affect the layout; it doesn't affect anything on the diagram that we've got. It's just I made the error of not catching that with the title.

CHAIRMAN STRAIN: Okay. And I don't see that as a deal breaker from at least this one individual's perspective. So -- but my concern is from an advertising perspective. Jeff, do you know if that's a significant enough issue?

MR. KLATZKOW: No.

CHAIRMAN STRAIN: Good. Thank you.

Anybody have any questions of staff on this issue?

(No response.)

CHAIRMAN STRAIN: Okay. Is there -- any members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll close the public hearing and look for -- seek a motion. Anybody?

COMMISSIONER SCHIFFER: I'll do it.

CHAIRMAN STRAIN: Okay. Brad?

COMMISSIONER SCHIFFER: I move we forward DBE- -- well, we don't forward. I move we approve the Consent Agenda BDE-PL201100006444 (sic) as being -- representing the hearing.

CHAIRMAN STRAIN: Okay. One correction. It wasn't consent. It was on regular advertised public hearing. It was a continued item.

COMMISSIONER SCHIFFER: Oh, sorry. Then I move for approval on this.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: And I'll second.

CHAIRMAN STRAIN: Okay. Motion made by Brad, seconded by Diane.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. Thank you.

MR. THOEMKE: Thank you.

CHAIRMAN STRAIN: Tell your applicant he didn't have to fly down for this one.

MR. THOEMKE: Yeah, he'll be happy about that one. Thank you, everybody.

CHAIRMAN STRAIN: Thank you.

Now, I'm sure that Ben Nelson's in the audience hoping the next one goes just as quickly.

\*\*\*Next item up is BD-PL20120000026. All those wishing to testify on behalf of this item, please rise and be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Okay. Disclosures on the part of the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay. Well, hearing none we'll go right to the applicant's presentation.

MR. NELSON: Good morning, Commissioners.

CHAIRMAN STRAIN: Good morning.

MR. NELSON: And this morning we're here for a -- it's a -- actually there's an existing dock there that's 36 feet long. It's been there for many years. We're looking to add 10 feet to it and a boat dock. So there's -- actually it's a boat-dock extension of 26 feet, which would be what it would be about.

It's consistent with other ones in the area. It's been approved by your staff and recommended by your staff. And if you have any questions, I'd be sure glad to answer them.

CHAIRMAN STRAIN: Thank you. Any questions on the part of the Planning Commission?

COMMISSIONER SCHIFFER: Just one.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: This is a dock for two boats, correct?

MR. NELSON: Yes, basically. There's only one lift, but then the other side would just be for mooring of a small boat.

COMMISSIONER SCHIFFER: Who will own the boats then? How does the --

MR. NELSON: The owner.

COMMISSIONER SCHIFFER: Okay. One guy?

MR. NELSON: Yep.

COMMISSIONER SCHIFFER: Okay.

MR. NELSON: That guy right there, Don True (sic), yeah.

COMMISSIONER SCHIFFER: Okay, thank you.

THE COURT REPORTER: Could I get your name, please?

MR. NELSON: You're quite welcome. I beg your pardon.

THE COURT REPORTER: Could I get your name, please?

MR. NELSON: Oh, I apologize. I should know better now, right. For the record, Ben Nelson.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Ben, it looks like it's going to be pretty easy.

Is there a staff report?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl with planning and zoning.

As the petitioner said, it's an extension from the existing 36 to 46 feet. It meets five out of five primary criteria; four out of six secondary; one is not applicable; the other can't be met by a boat-dock lot.

I did receive one call from a neighbor. I explained the project to him. He had no objection. And staff recommends approval.

CHAIRMAN STRAIN: Thank you. Anybody have questions of staff? Because I've just got a couple. It's not about the application so much as it is about your report. On Page 5, top of the page, environmental evaluation, is this something new that Nick's dreamed up? It says, "Surface water and environmental planning staff."

MR. REISCHL: That's their new department name.

CHAIRMAN STRAIN: Oh, okay. So how many more people did we hire for that new surface-water section?

MR. REISCHL: I think it's just reshuffled.

CHAIRMAN STRAIN: Oh, okay. I haven't heard that before. And since it came before us, it would seem like we might have wanted to hear about it.

In the attach-up you had a CCP resolution that was copied from October 27, 1987. If you'll -- well, then that was where it started. Then there was a backup to that resolution, 99-236. And it's that one that I'm trying to understand about. If you could go to that one. It's the last resolution of the packet of resolutions you provided.

And, by the way, this is nothing to take away from the applicant's position. I want clarification from staff on some paperwork is all.

Did you find it? 99-36; it will be right up on top.

MR. REISCHL: Okay.

CHAIRMAN STRAIN: Okay. Now, behind that in our packet are findings of fact. Could you turn to the first one of those. The findings of fact say a conditional-use petition for, and it says CU99-04. How does that relate to 99-236?

MR. REISCHL: One is the petition number; the other is the resolution number. So when we present the petition to the Planning Commission, or in this case the -- yes, in this case, the Planning Commission, it was identified as Conditional Use 99-04. Once the board approves it, then they -- the chairman approves -- signs a resolution, and the resolution is numbered consecutively with the year first.

CHAIRMAN STRAIN: Okay. So the language that is contained within CU99-04 is identical to the language in 99-236.

MR. REISCHL: It should be, yes.

CHAIRMAN STRAIN: Okay. Would you -- I mean, it's not going to affect today's hearing, but would you check that and then get back with me on that?

MR. REISCHL: I will.

CHAIRMAN STRAIN: Because it's a little hard to track conditional uses in our system. We don't have a long list of them like we have PUDs countywide. So we have to do it through resolutions. So I just

want to make sure that, for the proper backup for this application, it's in the file and it's correct. That's all.

MR. REISCHL: Will do. This is the conditional use that permitted boat docks on those small lots.

CHAIRMAN STRAIN: Boat-dock lots, yep. Okay. Thank you.

Is there any further questions?

(No response.)

CHAIRMAN STRAIN: Anybody in the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, we'll close the public hearing. Is there a motion?

COMMISSIONER SCHIFFER: I'll make one.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: I move we forward with a -- whoop. I move we recommend approval of BD-PL2012000026.

CHAIRMAN STRAIN: There's five zeros, then a 26. And a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane seconded.

Discussions?

MR. REISCHL: Can I have one correction? You're not recommending approval. You are approving.

CHAIRMAN STRAIN: He did say that. He corrected it.

COMMISSIONER SCHIFFER: I started off recommending, but you're right.

CHAIRMAN STRAIN: Any comments? The only thing is -- see if we're as efficient today as the Bonita Springs City Council is.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Ben, thank you. It's good seeing you again.

MR. NELSON: It's good seeing you. And you are way more efficient. Thank you very much.

CHAIRMAN STRAIN: We won't tell anybody that.

MR. NELSON: Thank you.

CHAIRMAN STRAIN: Okay. That brings us to a quick ending of our advertised public hearings.

And we will now go into old business which are -- basically the continuation of the Land Development Code amendment saga.

And, Caroline, if you were designing a perpetual job for yourself, you've done it.

So let's get into that. And what I'd like to do first is find out the majority of the public; I'd like to respond to the public's needs. So there are two controversial items, it seems. One is the storage containers. How many are here for the storage containers? One, two.

MS. ELLIS: I know more are coming, at least one other person coming from a different community.

CHAIRMAN STRAIN: Okay. How many are here for the mobile-home overlay in Immokalee? Three.

And, Jeremy, you're here for the mangrove issue, right?

Okay. Normally, then we would take the most busy one first. The people with the mobile homes -- just nod your heads if it's affirmative -- is everybody from your contingent here right now? No. Okay. I know not everybody's here from storage containers. So rather than jump into something without everybody here, let's go into the other ones first, and we'll work our way into these. It won't be much longer.

MS. CILEK: Sure.

CHAIRMAN STRAIN: That way we have the benefit of -- everybody that wants to come can be here, so -- okay. So pick something else, and let's go into that, Caroline.

MS. CILEK: Well, let's just go to No. 2 on the agenda and keep it simple. The next amendment to be discussed would be a very brand new amendment, and that is 10.02.04, submittal requirements for plats, and Mr. Casalanguida will be discussing this amendment.

CHAIRMAN STRAIN: Nick, before you go off on your long, lengthy discussion of this very complicated issue, when we start our cycles for the LDCs -- and I notice we have two coming up today that are now for the first time, how do we throw things in during the process? I mean, are we supposed to have all this, kind of, organized in the beginning that way when we announce we're going to do Cycle 2 so that the public sees everything in Cycle 2?

Because we're just tossing things in in the middle now, and I'm just wondering how that meets the intent of the process.

MR. CASALANGUIDA: For the record, good morning, Mr. Chairman, Planning Commission members, Nick Casalanguida. That's exactly how it's supposed to lay out, but as you go through the process, people bring up points. While they're reviewing the code, they say, can you take care of this as well, too? I get with Caroline and say, Caroline, is this something we can put in; it's for the benefit of the public. They brought it to our attention. This is one of those amendments, and I'll explain it to you. I may be able to, kind of, shed some light of how it popped up.

CHAIRMAN STRAIN: Okay. But before we get into it, I want to make sure we're legally sufficient to discuss it.

Was this advertised, then, separately than the bulk of the Cycle 2 amendments? Did we have to go back out and readvertise these individual ones that are popping in inadvertently as we go along?

MS. CILEK: This amendment was advertised for today.

CHAIRMAN STRAIN: Okay. What about the mobile home overlay one that --

MS. CILEK: Yes, that amendment was also advertised for today.

CHAIRMAN STRAIN: That will save my questions at that one, too.

Okay. Nick, go ahead.

MR. CASALANGUIDA: Very good.

Mr. Chairman, this came up with one of the new developers that came in that said, you know, why can we only submit one plat with an SDP review concurrently? And I met with staff and said, you know, this was put in during the boom. It was kind of a check and balance to say, look, if you're going to submit a plat and then you're going to submit site development plans while the plat's under review, it's too much work for us to kind of match those two at the same time.

And so, meeting with the builders for the Sabal Bay, I said, understand if it's at your risk and we put it up front, that if you're submitting that plat and the SDP, if the plat changes which forces the SDP to change, you'll have to resubmit the SDP. And they said, we understand that. That's a risk we can handle.

So in talking to staff, I said, isn't it in our best interest to provide good service and keep things moving along that we allow them to submit several SDPs with the plat as long as they understand that if the plat changes, they'll have to resubmit the SDP? And everybody said, yes, we're not at that point. We're only getting two or three SDPs a month. If it becomes a problem, we could always go back to someone else.

And, again, this is one of those, I think, when brought forward, it should go in the admin code because it's not really a regulatory function. It's more of a procedural function; how many do we receive and when do we receive them. But right now we don't have an admin code that can take care of that.

So I'd like to propose this change to the commission and then, when we do the admin code, put it as a procedural code or requirement that's in there.

CHAIRMAN STRAIN: Okay. Anybody have any questions? Honestly, I -- why did we even restrict it in the first place? Because -- I mean, I read this. It seems to indicate that we just didn't have manpower to do them concurrently, but that isn't a good reason. I don't see what it hurts; if someone wants to put one or 200 through, it's doesn't -- it's their risk, so I'm not sure why we would have restricted it to begin with.

MR. CASALANGUIDA: I think, in talking to staff, what was going on was the SDPs and plats were changing concurrently, so as they're reviewing one SDP, getting ready to sign off, the plat's getting revised, which triggers the SDP to be revised again. And one staff member expressed to me, we had just approved the SDP.

So what we've said is, this is what we'll do, is we'll review these SDPs and hold them in abeyance for final approval until the plat's done, but at least they can be concurrent. And as long as the applicant knows that when they submit the SDP, if the plat changes, they may have to resubmit a full SDP, and they said, we understand that.

CHAIRMAN STRAIN: But out of fairness to the taxpayers then, do we have a mechanism so that if someone submits an SDP ahead of the plat or concurrently with the plat, say they do 20 of them, but the plat changes and they've got to go back and staff's got to rereview 20 of them because they already finished the review because it was submitted concurrently. The -- would that be considered a second review so we would have fees to cover some of the review costs?

MR. CASALANGUIDA: Yes. They would pay their fees.

CHAIRMAN STRAIN: They would pay their fees. Even though they didn't get issued an SDP, they'd have to pay second review fees based on the SDP being basically rejected because the plat was no longer consistent?

MR. CASALANGUIDA: Exactly, Mr. Chairman. That's exactly what would happen.

CHAIRMAN STRAIN: Good. Anybody have any other questions? Is there a motion to recommend approval?

COMMISSIONER SCHIFFER: I'll make a motion that we approve this amendment to LDC Section 10.2.4.

CHAIRMAN STRAIN: Okay. That's a recommended approval to the BCC?

COMMISSIONER SCHIFFER: Yes.

COMMISSIONER AHERN: Second.

CHAIRMAN STRAIN: Seconded by Melissa.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries, 6-0.

We're moving right along. Caroline --

MS. CILEK: It's a good way to start the day.

CHAIRMAN STRAIN: -- see, this is a really good -- it's a good sign, isn't it?

MS. CILEK: All right. Well, then let's jump down to Number 3, which is 3.05.02E, exemptions from requirements of vegetation protection, preservation, a/k/a, the mangrove amendment.

CHAIRMAN STRAIN: And we have one public speaker, at least, on this one, so that's fine. Let's start with staff giving us an update of where they're at.

MR. LENBERGER: Good morning. For the record, Stephen Lenberger, natural resources department. This amendment was before you earlier in the year. And since it has come here, we've had inquiries from stakeholders regarding legalities and what exactly is the county allowed to do under the state Mangrove Trimming and Protection Act.

So what we did is we eventually talked to Jeff about it. And he's here today if you wish to ask questions. But a literal reading of the state statutes states that basically the state has jurisdiction over



mangrove trimming and alteration. And unless local government, county, requests delegation, it's totally regulated by the state. We have no say in it.

So we have amended the language on Page -- well, it starts on Page 3 under the -- on the bottom of Page 3 is the exemptions from requirements for vegetation protection and preservation. And if you flip the page over you'll see that the language is stricken out regarding mangroves. And the language that was added says, the mangrove trimming and alteration that is exclusively governed by the state pursuant to the Mangrove Trimming and Preservation Act, and then we cited the sections of the act.

So that's under the exemptions. It's totally regulated by the state. The county won't issue a permit for that; we can't, according to state law.

If you go further down the page, Line 34 I believe, it says 3.05.05, criteria for removal of protected vegetation. These are the criteria which staff can issue vegetation removal permits or clearing plans, and the section we amended was G, which is the section we can issue permits for mangrove removal.

And since we -- it is a jurisdictional state, we crossed out the language, because it's totally regulated by the state. So if anybody wants to trim mangroves or alter mangroves, they have to go to the state. It's not a county -- it's not the county's jurisdiction.

CHAIRMAN STRAIN: Questions from the Planning Commission? I've got one. And it actually is the -- I think -- and I was talking to Jeremy yesterday about this, so it was part of his -- I'll take part of his thunder to maybe get the issue on -- answered early on.

If we have a native-vegetation requirement in our code and if someone gets their zoning approved, because they've set aside as part of the requirements for that zoning some native-vegetation requirements and those areas they set aside happen to contain mangroves, are you saying that the state, then, has jurisdiction over what we had set aside for a -- for a basis for zoning and native vegetation and that we may have set it aside under the premise it is pristine mangroves but yet they can go in and get that cleared in contrast to what our native-vegetation set-aside was?

MR. LENBERGER: A couple issues here. One is the permit for alteration and trimming is strictly regulated by the state. The intent of the Mangrove Trimming and Preservation Act is to not allow that in conservation areas except for -- and if you turn to Page 2 of the amendment -- and I believe it would be the third paragraph -- it says, legislative intent. It says, the intent of the legislature is no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on land set aside for conservation or preservation or mitigation except where necessary to protect the public health, safety, and welfare or to enhance public use of or access to conservation areas in accordance with approved management plans.

So the state -- that's the intent of the legislature. And so, basically -- and the act also states -- well, in addition, let me collect my thoughts here. Well, I'll pass.

CHAIRMAN STRAIN: Well, in your reading of that legislative intent, when it refers to land set aside for conservation or preservation, are they indicating pursuant to the standards of the statutes or pursuant to local ordinances like Collier County's? Because there are a couple different layers of conservation lands.

MR. LENBERGER: Well, I'll let Jeff talk to the layers regarding the trimming and alteration.

I will say this about the native-vegetation retention requirement. It is required by the Growth Management Plan, and you have to meet the minimum amount; for example, 25 percent on subdivisions over a certain size threshold. You can't go below that.

So if someone were to permit for, let's say, uses in a preserve, such as a boardwalk, and that native-vegetation retention would go down, they would still have to meet the minimum. They'd have to do some sort of mitigation on site to make sure they don't fall below the minimum.

But the permitting for the boardwalk, as far as mangrove removal, would be under the jurisdiction of the state.

CHAIRMAN STRAIN: Most every permit that I've ever read involving either the Corps or DEP, if the applicants want to have auxiliary or accessory structures running through a preserve to enhance the public's access, they're usually allowed. And I've not seen where they've taken away on the square footage or the amount of the preserve, because they're usually elevated.

But if we were to leave -- in 3.05.05, if we were to leave in G, wouldn't that give us the protection

we're needing, meaning that if they want to do some vegetation, trimming, or protection in Collier County designated conservation areas or preservation areas, they would have to come in not only with their DEP and Florida permit pursuant to FAC, but they'd also have to abide by our rules or they wouldn't be meeting the intent of G.

And I'm just wondering, is G necessarily a take-out when we may have a dual-jurisdiction issue in regards to what we require for conservation areas.

MR. KLATZKOW: Mr. Chairman, it's my opinion you're preempted.

CHAIRMAN STRAIN: On everything?

MR. KLATZKOW: It's my opinion that the current rules are unenforceable to begin with and that we continue these rules or promulgate new ones at our own peril. I don't think you can force them. I think the state's pretty clear that you've got a choice as a county. Either defer to the state, all right, or go to the state and ask them to delegate the authority to you, in which case you can have a permitting process.

We do not have that delegation, and my conversations with staff indicate that we do not want that delegation. So that what you're asking for can be done, but we're going to have to get that delegated to us by the state.

CHAIRMAN STRAIN: Okay. But I'm asking I think maybe a different twist to the question. If you've got an applicant coming before us for a zoning application and they want to -- they want the zoning and we, as a board, or the other board, decides to approve that zoning, they voluntarily meet the requirements of our code in order to get the zoning. And one of those requirements is they give up certain native vegetation.

It would seem to me that they've first stepped in the position of volunteering to defer from the criteria of the state's mangrove trimming to our conservation preservation areas, and that's within that area that then we have jurisdiction. Do you know --

MR. KLATZKOW: But what you're saying is that they're going to give you a conservation permit -- they're going to give you a conservation easement over that area, correct?

CHAIRMAN STRAIN: Right.

MR. KLATZKOW: And what the state's saying, that the conservation areas they control as far as the trimming and alteration of mangroves.

So once they've done that, that's -- once they've put that into conservation at that point in time, if they want to do anything with the mangroves, they've got to go through the state.

What you're asking for is a duplicative layer of regulation, and what the state's telling you is, if you want to do that, come to us and get yourself the right to delegate it. And if that's -- at this point in time it's my understanding that our staff does not want that responsibility.

CHAIRMAN STRAIN: Okay. I'm -- I just -- I'm concerned then that we will be providing zoning approvals or recommendations on a basis that may not be controllable by us, is what it boils down to.

MR. KLATZKOW: Well, we don't control everything. I mean, we're a subdivision of the State of Florida.

CHAIRMAN STRAIN: Right.

MR. KLATZKOW: And, you know, we're part of the overall state, and the state's -- what the state's telling us here is that, guys, when it comes to mangroves, it's our rules. It's a statewide issue. It's not a local issue.

CHAIRMAN STRAIN: Okay.

MR. KLATZKOW: You can make it a local issue, but you've got to ask the state for the delegation.

CHAIRMAN STRAIN: What's it take to do that; a lot?

MR. LENBERGER: There's a procedure to request. If you -- in the beginning of the amendment on the first page under mangrove protection rule near the bottom half, No. 2 talks about delegation. It says, the department shall delegate its authority to regulate the trimming and alteration of mangroves to any local government that makes a written request for delegation. If the local government meets the requirements of this section to receive delegation, a local government must demonstrate that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove regulatory program. And it continues on.

CHAIRMAN STRAIN: Okay. Well, that really is a BCC issue, because it becomes a budget issue. But maybe as we get finished up with this we have some recommendation that can involve -- and bring that in.

Okay. Anybody else have any questions of staff or anybody?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any public speakers? Jeremy, do you want to do a better job than I tried to do?

MR. FRANTZ: I'm not sure that I'll do a better job, but I'll give it a shot. For the record, Jeremy Frantz representing the Conservancy of Southwest Florida.

I guess I'll just be echoing some of the things that you said. While the county might not have the authority to regulate mangrove trimming permits, we have seen the native-vegetation retention requirements which, in some cases, may include mangroves as a separate process, as you said, as a zoning process. And so we interpreted this as a separate issue outside of the permitting process.

And in that case, we do believe that the county can and should be able to determine appropriate management practices and guidelines for that vegetation, whether or not the DEP would elect to permit that activity.

As far as the maintenance of mangroves is concerned, trimming really serves no biological function, and the trees don't benefit whatsoever from any trimming that -- even if it's done by a professional, it might not kill the tree, there's no benefit served to the tree.

The existing language that's in G is fairly restrictive, and we understand the need to create the consistency with state law regarding the permitting of mangrove trimming, but we don't want to see the language lost completely and the LDC to inadvertently become silent on the appropriate treatment of mangroves in those native-vegetation retention areas.

I had not thought of necessarily keeping G where it is. I thought maybe that kind of language referring to how mangroves will be treated in those preserves might belong in preserve standards somewhere. But, I mean, I think we already know the attorney's opinion, so --

CHAIRMAN STRAIN: Well -- and I think the attorney's opinion carries a lot of weight. Obviously, he's the expert in the law. And with that opinion, it's kind of hard to say we should do something inconsistent with that. But I certainly would suggest that we -- as part of the recommendation on this issue, that we ask the board to consider looking at a limited local delegation for mangrove trimming only and set aside native-vegetation areas as required by our code.

And in those areas, since it is so limited, it might be easier to demonstrate that we have sufficient resources and procedures for the adequate administration and enforcement of that action.

So I would suggest when this is up for motion we consider that. That might be an alternative that we could afford, since it would be minimal, and then it wouldn't be across the board, every mangrove issue in Collier County.

MR. LENBERGER: For the record, Stephen Lenberger. I'm not sure you can request a limited delegation.

CHAIRMAN STRAIN: Right.

MR. LENBERGER: That's one issue. The other issue is you're talking mangrove trimming within preserves.

CHAIRMAN STRAIN: Right. And I think, because the question hasn't been asked, what does it hurt to ask it? And if it can be done efficiently and economically without much impact to staff -- I mean, we just had an acknowledgment that you guys have got so much time on your hands, you can do all of these unlimited numbers of SDPs concurrently. So I'm sure we can fit in a little native protection, so -- anything else, Jeremy?

MR. FRANTZ: No.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Is there a motion or any -- or any members of the public wish to -- further wishing to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion from any members of the Planning Commission?

COMMISSIONER SCHIFFER: I'll do it.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: I move we forward with a recommendation of approval of the changes to 3.05.02 and -- as presented, and also, Mark, I think that's a good idea what you proposed. Is that something we should attach to the --

COMMISSIONER EBERT: Yes.

COMMISSIONER SCHIFFER: Okay. And then Mark's recommendation.

CHAIRMAN STRAIN: And that is to seek limited delegation if it's possible.

MR. LENBERGER: For trimming within preserves.

CHAIRMAN STRAIN: Right. Is there a second?

COMMISSIONER EBERT: I'll second.

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Diane seconded.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you.

Okay. Well, we've got less people here than we had when we started, so now I know all your people aren't here. So let's move on to the other -- well, we only have one more left before -- or two more left, so let's go to those.

Caroline, I think it's No. 5.

MS. CILEK: Great, yes. Number 5 is 10.02.07 C.1.b, and this was reviewed at the last Planning Commission meeting. And a mistake was found in the earlier version that was about to go to the board, so we've unstruck this section, which was on Page 3 of the amendment and little b.

That's all we did. We did some cleanup as well, but -- some bolding and some relettering of the following provisions, but --

CHAIRMAN STRAIN: Okay. So the only thing you did was take the VII and make it a little b?

MS. CILEK: Yes. Through the process --

CHAIRMAN STRAIN: Couldn't you call that a scrivener's error?

MS. CILEK: Well, we hadn't actually -- we had it approved through the Planning Commission, but we had to take it to the board. So we've been, you know, fixing the little tweaks here and there that we found in the amendments. And this was one of those that had some provisions under -- below it, right, so C and D that we had to reletter.

CHAIRMAN STRAIN: Okay. Anybody have any -- that "b" is a real issue.

MS. CILEK: There's no real change here. It's the unstricken language.

CHAIRMAN STRAIN: Okay. It there any questions from the Planning Commission? Motion? Anybody?

COMMISSIONER SCHIFFER: I'll do it. And thanks for bringing it back. Even though it's minor, I think it's appropriate to protect us.

I move we recommend approval of the revisions to LDC Section 10.02.7.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Made by Diane.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

We're now onto No. 6, which is design standards, I believe, 4.05.02.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Then we will be going into the -- wow, now there's one and one. We're getting down to nobody in this audience.

MS. CILEK: I can visit the lobby area, if I need to, to pull people back in.

CHAIRMAN STRAIN: Okay.

MS. CILEK: On this amendment -- you also reviewed this at the last hearing. And we spoke with the County Attorney's Office and have since removed some of those provisions that were recommended for removal by the Planning Commission, so they're gone. And that was a little fix, and it required the signature of the engineer to sign off that the grass parking was not a public health, safety hazard.

So what we're doing is we're keeping "b," which still provides a level of security for the county.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

MS. CILEK: I think I provided a hint.

CHAIRMAN STRAIN: Okay. If there's no questions, anybody in the public on this one? Nope.

Then is there a motion, Brad?

COMMISSIONER SCHIFFER: I'll do it. Recommend approval -- and we've worked hard on this. This one's landed in a good place. I recommend approval of LDC Section 4.05.02 and 4.05.04.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Okay. Motion made and second.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 6-0.

Now, we have two left. Let's just do the hands thing with the audience. Who's here for storage containers? One, two. And who's here for mobile homes?

We'll take the mobile homes first. And that will be No. 4, 1.08.02 is the definition. No, I'm sorry. Number 1, 2.03.07.

MS. CILEK: It's first in your packet.

CHAIRMAN STRAIN: Yep.

Good morning, Nick, again.

MR. CASALANGUIDA: Good morning, sir. How are you?

CHAIRMAN STRAIN: Good. It's yours.

MR. CASALANGUIDA: Okay, very good. Thank you.

Planning Commission members, I think this goes back to a discussion we had with the board regarding the mobile home study that staff had done in looking into the existing requirements under the Land Development Code for the Immokalee Mobile Home Overlay and direction from the board to work with the existing mobile home park owners and try and come up with something that would be amicable or at least review this language and see what was in there that could be changed or tweaked to be fair, transparent, reasonable both public service versus public trust.

So what we've done is had an extensive group of meetings with the mobile home park owners to get their feedback, sent a copy of this to the Immokalee CRA. And I'd like to propose this as a workshop, depending on how well this goes in terms of questions. I think we're at the point we'd like to get feedback from the Planning Commission while having the mobile home park owners here so they can express their concerns and things that are going on.

So if it's the pleasure of you, Mr. Chairman, and the Planning Commission, I'd like to just go through the amendment with you and have you ask questions, and then just kind of workshop this through.

CHAIRMAN STRAIN: Okay. And this is -- won't be a workshop for official purposes, because then Terri would have to leave. So we'll just continue it as discussion, but we're not going to make any motion on it today. Is that the conclusion that you're getting to?

MR. CASALANGUIDA: I would say it all depends on where you get to in terms of questions and comments. If we get through this today and you've addressed everything, then I would say take the motion. If you feel it needs to come back, then we'll go there.

CHAIRMAN STRAIN: Well, my questions haven't been addressed, and I don't think you can today

--

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: -- so we will have to anyway.

Okay. Do you want to -- questions from the Planning Commission now, and we'll just start and get right into it.

COMMISSIONER SCHIFFER: Yeah.

MR. CASALANGUIDA: Very good.

CHAIRMAN STRAIN: Anybody? Brad?

COMMISSIONER SCHIFFER: No, let's go.

CHAIRMAN STRAIN: Okay. Anybody have any questions of Nick?

(No response.)

CHAIRMAN STRAIN: Okay. Let's start with Page 2 in the staff report, "Application fees for a rezone and comprehensive plan amendment are as follows." It's my understanding that these would be applicable if someone found themselves nonconforming but wanted to be conforming through the GMP Comprehensive Plan process again --

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: -- okay, and the only reason they're nonconforming is because we changed the GMP Comprehensive Plan process. So we make them nonconforming, then we charge them to be conforming again; is that what this does?

MR. CASALANGUIDA: Well, I don't know that that's the case.

CHAIRMAN STRAIN: Okay.

MR. CASALANGUIDA: I think going through some of the history, you know, there was an argument who changed what terms of land use. The fact is that, you know, it has to be modified. There's a cost that's incurred both in staff time and public's time and advertising, and we're trying to balance that out, I think. I mean, I don't know that government changed some of these land uses, and I wasn't here then, so --

CHAIRMAN STRAIN: Well, I do. I mean, I've got history going back to '89. You can see the

GMPs coming from '89 till now. In fact, the current Immokalee Master Plan changes the mobile home uses from those that are consistent today to ones that would be nonconforming. And I'm just wondering, then, if that happens to those people that become conforming again instead of legal nonconforming -- just to be conforming they'd have to come back and do a Comp Plan because the county changed the Comp Plan to make them nonconforming to begin with; then they've got to pay to have it brought back to where they are today?

MR. CASALANGUIDA: I always have a hard time with the words "conforming," "nonconforming," and "legal." I think there's only three categories: Conforming, nonconforming, and illegal. I think if you change the land use and they've been there, they become nonconforming.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: I think they don't have to do anything. By the fact of being nonconforming, they could go forward.

I believe we have a couple mobile home parks, one or two that we're looking into, that are not -- that don't have the proper zoning right now. So that would be allowed to go. We have one mobile home park that has a problem, apparently, with the Comp Plan. So --

CHAIRMAN STRAIN: Which one -- is that being resolved by this action?

MR. CASALANGUIDA: No, sir.

CHAIRMAN STRAIN: Well, which one is that? Which one is inconsistent with the Comp Plan?

MR. CASALANGUIDA: I believe the Blocker's property is inconsistent with the Comp Plan.

CHAIRMAN STRAIN: If a Comp Plan is changed, like we're proposing to change the Immokalee overlay, the people that gain by the change, they're not nonconforming; they just get the benefit of the new uses that come aboard based on the new Comp Plan; is that correct?

MR. CASALANGUIDA: Yes, sir. But, Mr. Chairman, I'm here really to talk about an LDC amendment that will be post that. You know, I'm getting into the Comp Plan discussions and the Immokalee --

CHAIRMAN STRAIN: I think it's relevant, though, Nick, because you're not incorporating all the mobile home parks in this amendment. You're specifically excluding some because you believe one in particular and maybe two are not part -- not consistent with the current Comprehensive Plan.

MR. CASALANGUIDA: I'll be clear, Mr. Chairman. I have my personal opinions, which I'm not going to vet at this --

CHAIRMAN STRAIN: I'm not asking for your personal.

MR. CASALANGUIDA: What I'm telling you is right now the board's made a decision that it's nonconforming. They've looked at what's been done based on staff's interpretation. I'm not going to get into that. If I could help a situation through the LDC, I would.

CHAIRMAN STRAIN: Okay. But you said staff's interpretation is what the board used as a basis for their --

MR. CASALANGUIDA: That's right, sir.

CHAIRMAN STRAIN: -- their position on some of these properties. But staff's interpretation was based on, I assume, their review of the code. Currently, the Immokalee Master Plan allows a CCI use in the area of the Blockers in particular. If you were to look at uses under CCI, it incorporates all C1 through C5 and industrial and business parks, not just C4 to C5 and heavy industrial.

The land plan change that's going to happen to Immokalee, if it does happen, modifies CCI. It actually reduces the uses from C1 to C5 to just C4 and C5, then light industrial. Now, that is a significant change, but what it does -- in Policy 1.5.2 of the Immokalee Master Plan it clearly says that transient housing and migrant housing are allowed in all commercial uses, and it specifically says subject to the requirements of the C4 standards.

So based on that and based on CCI being allowed, C1 through C5, currently and your statement that basically if you changed the Comp Plan the property owners get to benefit from those changes, how is it that we're going after the Blockers in particular and can't include them in this process? Because they then wouldn't be nonconforming with our Comprehensive Plan?

MR. CASALANGUIDA: Mr. Chairman, with all due respect, I'm not going to get into this

discussion, because there's a lawsuit in place with the Blockers. I've been tasked to help the Immokalee mobile home park owners with an LDC amendment. And the questions that you're asking me got me a little uncomfortable, because that's not what I'm prepared to discuss today.

They're relevant and they're important to the folks that are here, and I agree with you. If you'd like to have a sidebar discussion about that, I'd be happy to do that. But I'm here to talk about the LDC amendment.

The task I have in front of me is, what can I do to be fair to the people who own these mobile home parks come forward within an LDC amendment that provides them an opportunity -- and it's a "may," not a "shall." We're changing the -- from "shall" to "may" -- to allow them to pull building permits and come into compliance the best way they can. And we've spent a lot of time with these folks trying to listen to their concerns and bring this forward.

I respect where you're going and what you're trying to say. I just don't know if I'm ready to talk about that today.

CHAIRMAN STRAIN: Well, this board made a recommendation on the Immokalee Master Plan to clean up all the issues with the mobile homes in Immokalee. That didn't go forward. But now you're coming back and you're trying to clean up some of the issues, and there's selective issues being -- selective mobile home parks being removed. That's why I believe this is part of this amendment discussion is because you're not including everyone, and your reasons for not including them have not been proven.

In fact, I have found that from a comprehensive viewpoint I don't see how you're right, and I was hoping you could tell me. Because you tried real hard in the end of 2010 to tell the BCC, so I'm not sure why you couldn't tell us. But -- maybe you didn't get prepared for that today. Maybe next time around we can discuss it again.

MR. CASALANGUIDA: If you'd like staff to look at what the Immokalee mobile home study brought forward and what they based their opinion on, I certainly can have staff prepared to do that. That's a fair question to have.

But, for the purpose of this, if I could address some of those issues and if I was directed to do so by the board, I would. So I just want to make sure that people understand, we've gone to a great bit of effort to work with these folks to give them an opportunity to really craft this amendment with staff to give them something they could work with.

CHAIRMAN STRAIN: But see, if you included all the mobile homes into this category, I think you'd be doing a better service because you'd allow the flexibility of the SIP being "may" or "shall," you'd provide for a settlement agreement to be negotiated with the BCC, which is really what's needed and what this board had tried to offer through the amendments to the previous Immokalee Urban Overlay.

But without them in here, you haven't solved all the problems. And now you have a better attempt at solving them by figuring out a way to include them in this than to exclude them, and I don't understand why you couldn't do that.

MR. CASALANGUIDA: Well -- and we'll take direction from this commission as well. If you can give us language that you'd recommend to be included, we'll carry that forward to the board.

CHAIRMAN STRAIN: Okay.

MR. CASALANGUIDA: I mean, that's -- we're open to doing that.

CHAIRMAN STRAIN: I think by the next --

MR. KLATZKOW: But you still have to be consistent with your Comp Plan.

CHAIRMAN STRAIN: And I believe they are, and I -- that's --

MR. KLATZKOW: Well, I understand what you believe, Mr. Chairman, but, honest to God, staff initiated this action, Code Enforcement Board made a ruling, went up to the Circuit Court. The Circuit Court affirmed that ruling. I mean, as a matter of law, that issue's been decided as far as the inconsistency with the Comp Plan goes.

We took a measure to the Board of County Commissioners to fix that. Board of County Commissioners elected in their legislative capacity not to make that change. And, you know, I understand what you're saying, and I am very sympathetic myself, you know, to the issue. But at the end of the day, it is what it is.

CHAIRMAN STRAIN: Well -- and I think we'll just agree to disagree on this one, and I'll curtail



my discussion on the issue since it's going nowhere.

But I think the purpose of all the actions we do and amendments ought to be to resolve issues, all of them, if we can. And, you know, if at some point you feel there's an opportunity to look closer at maybe this Comprehensive Plan issue to resolve part of it, I mean, I'd certainly be willing to discuss it, because I'd like to understand it better.

MR. CASALANGUIDA: Very good.

CHAIRMAN STRAIN: If I'm not going down the right path, then someone needs to certainly show me. But I've looked hard, and I couldn't figure out -- I couldn't figure out where it's coming from; that's why I couldn't figure out why it shouldn't be included in this amendment.

So with that I'd turn to Page 7 of 10.02.05. And under E you crossed out some language that says, prior to the approval of the SIP, the county building inspector will identify all mobile homes not meeting minimum housing code standards.

On Page 4 under new double i, basically, after the approved SIP are complete -- after the requirements for the approved SIP are completed and the building permit has been obtained for each unit, which then signifies they would have inspections, my concern here is, we lead everybody down the rosy path, say here, get the SIP, but we're not going to tell you if your buildings are legal until after you get it. Well, then they're really in trouble.

So this inspection prior to the approval of the SIP was probably a good thing if they voluntarily wanted to do that because then they would know if they're going in the direction that's going to be fruitful for them or not.

MR. CASALANGUIDA: Good point. And I think -- for clarification, I think it's not staff's intent to do a building inspection with the SIP. What the -- the intent of the SIP is to show the location, the setback, the dimensional standards, the site improvements requirements. The conformance with building standards -- and with a mobile home, let's be clear, we're only looking at three things: The tie-down, the plumbing, and the electrical. So that would come at the building permit stage.

Some of the discussions we've had with the mobile home parks owners is, are you inspecting these for building code? No, we're not. That's not -- we're inspecting them under the SIP process for dimensional standards and development standards, at that level.

If you come in and you've got a building -- a mobile home park that -- at the time it was put in, and if one of your -- if your engineer will certify that at the time it met the existing building codes or codes at that time, we leave that alone. So we're trying to separate those two.

But when you come in for the building permit to replace one, that's when the existing standards have to be met. And for the purposes of a building permit, there are three, which is tie-down, electrical, plumbing, and then, obviously, if they have an air-conditioning system, an outside mechanical, that has to be looked at as well, too.

CHAIRMAN STRAIN: Okay. So in the old Page 7, prior to the approval of the SIP, that building inspection was for the mobile homes and was for their meeting of the minimum housing code standards. In the new language, that building permit issuance, then, is not for the same thing?

MR. CASALANGUIDA: That -- there is no inspection of the units as they exist. The building permit issuance would be when we inspect those minimum standards.

CHAIRMAN STRAIN: Can you clarify that in this language then?

MR. CASALANGUIDA: Absolutely.

CHAIRMAN STRAIN: Because what I'm concerned about, this says, when a building permit has been obtained for each unit. So it almost appears as though they get the SIP, then they've got to go back in and ask for a building permit, which then triggers all the inspections and COs. And so each unit, then, would be at risk until it goes through that process.

I'm not saying that's bad or good, but I think that the timing of it ought to be before applicant spends a ton of money on an SIP that, really, will end up doing them no good because none of their buildings meet the codes that they're inspected by.

MR. CASALANGUIDA: So we want to be clear, Caroline, we're going to make sure that we elaborate that the building inspections gets done as part of the building permit, not as part of the SIP; is that

where we're --

CHAIRMAN STRAIN: No, just the opposite. The building -- before a person gets an SIP, as the old language said, they ought to know where they stand. And I'm worried that you're going to get a lot of people come in for SIP -- not a lot; however many there are -- they're going to go through the process, which is not cheap. It's expensive. And then it's all done, they've got all these improvements, but then they find out that they've got all these improvements on mobile homes that will never pass our inspections. So now on top of that they've got to replace them all with more expensive units. And they need to know that before it gets started under a voluntarily basis.

MR. CASALANGUIDA: Well, I think that will conflict with what -- some of the understanding we've have with these folks is. And let's discuss this, because that's the point of this meeting is to make sure we vet this out and they're hearing the same thing that I'm understanding and what you're saying.

It is our intent that when they submit these SIPs -- and from discussions with the mobile home park owners -- that the SIP would be for dimensional standards, the dust resurfaced, whatever -- the requirements that are listed in here, that entitles them, as per the section on Page 3, the approved SIP shall become the official record acknowledging the legal use of the property and convey all the rights of the conforming mobile home park, including the ability to replace mobile home units with the approved building permit.

So the SIP gets approved. At that point in time, the homeowner -- the mobile home park owner says, I'd like to replace three units. We will go out, and they'll pull a building permit for those three units. We would do the building inspection on those three units.

CHAIRMAN STRAIN: Okay. Well, that makes sense, but that's not how I think it reads. The way I read it, they would have to go through a process on all the units, whether they're --

MR. CASALANGUIDA: No.

CHAIRMAN STRAIN: -- new or existing. And if you could just clarify that in the language, I think that would solve the issue that I understand --

MR. CASALANGUIDA: Very good.

CHAIRMAN STRAIN: -- by the reading of it.

Anybody else? Brad?

COMMISSIONER SCHIFFER: Well, no. I agree with that. I mean, Nick, could some of these mobile homes have permits already?

MR. CASALANGUIDA: Some will have permits already.

COMMISSIONER SCHIFFER: Right. I mean, so it's two issues. One is the site plan.

MR. CASALANGUIDA: Right.

COMMISSIONER SCHIFFER: And one is in, unit by unit, bringing that up to required minimum standards.

MR. CASALANGUIDA: Right. And understand. I'm glad you're asking that question for the purpose of the mobile home park owners. You always run into that problem. And I don't want to get into a debate about code and anonymous phone calls. But if someone calls in a unit and says the unit doesn't meet the building code right now, then we have to sit and meet with the mobile home park owner and say, okay, I've got a complaint. Did it have a permit? When was the permit done? What were the building standards at that time? If we can't find that -- but an engineer will certify that it met the building standards at the time they think it was put there, then that gets to be a little more complicated.

But now I'm introducing a code issue into an LDC amendment. I just want to make sure it's clear. We're not going to look at this as part of the SIP process. But there are two outside complaints that can trigger an inspection. One is the anonymous call for lack of a building permit, which we'd have to look at, and two would be if a renter says that the conditions of the mobile home park are deplorable inside, we need, you know, the housing and human services type inspection internally.

Those are done countywide under the same rules. So they're not being treated any different.

COMMISSIONER SCHIFFER: Right.

MR. CASALANGUIDA: Okay.

COMMISSIONER SCHIFFER: And while on this same paragraph and everything, there's an expiration. It says that the SIP will last for three years. Why would an approved SIP sunset? Why wouldn't

you be able to -- and the concern I have is in the fourth year, can't they count on, you know, being able to keep the park exactly as it was in the SIP?

MR. CASALANGUIDA: Well, you're talking about it expiring or time to complete? And there's a couple different things. You're allowed two two-year extensions under the current code under 10.02.03 B.4. And I'll recite some of these numbers wrong. But you can come in and get a two-year extension and a two-year extension.

And the discussion I had outside with some of the mobile home park owners is, you're most likely -- and we're going to have to clarify this, Caroline, as well, too, is a phasing plan if you have it as well, too, because I think, depending on the size of the mobile home park -- I'll give you just round numbers. It's got 30 units, 15 on each side of a road. And if they want to come and say, well, look, we want to pull the SIP, and we want to break it up into thirds and say we'll do the first third and do the building permits in the first, you know, year or two, as long as they start the process and are consistent with it, they can do that.

And I think we need to -- we probably need to put that in this LDC amendment as well, too, because that was a concern they had. We want to pull the building permit. We want to get the CO. And I said, well, I can't issue the CO unless you've completed the SIP improvements, but maybe if we specify that it can be phased, we can go back and forth on that, and as long as you identify it on the SIP.

COMMISSIONER SCHIFFER: The concern -- I mean, there's wording here that says, the SIP shall remain in force for three years. I mean, is it the intent that you make the improvements to the SIP or bring it up to the SIP in three years; is that what you're trying to say?

MR. CASALANGUIDA: No, no. It's -- the permit itself is good for three years. Once you begin -- once you begin work, you jump to another section of the code that gives you so much time to complete the work.

COMMISSIONER SCHIFFER: Okay.

MR. CASALANGUIDA: So if the person comes in and pulls the SIP, it gets approved on January 1, 2010, they've got till January 1, 2013, to begin work.

COMMISSIONER SCHIFFER: Okay.

MR. CASALANGUIDA: And then they can -- they can seek two extensions for two years each. So there's plenty of time in the process to go forward and do the work.

COMMISSIONER SCHIFFER: Okay. I mean, the wording -- it may be me, but it does seem that, you know, the SIP sunsets. And what you're saying, not unless -- if you did nothing, the SIP would sunset in three years?

MR. CASALANGUIDA: We can be clear in our explanation when we update this what the sunset -- and it's consistent with all your permit plans that you have in our building permits or site development plans. They all expire if you don't do anything.

COMMISSIONER SCHIFFER: Right, okay.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Let's go to Page 5. Under E, for landscaping requirements, are as follows: A 10-foot-wide landscape buffer with one single hedge row and trees spaced 30 feet on center along property lines abutting the right-of-way. The 10-foot-wide landscape buffer, since they have setbacks from right-of-ways of 20 feet now, is that 10 feet in addition to the setback, since landscape buffers technically are separate tracts, or are the -- can landscape buffer be included in setback?

MR. CASALANGUIDA: You know, I'll ask Mike to talk about that, but my -- you know, based on the understanding of these mobile home parks, I would not want to include the setback from the buffer. But I'll have Mike explain that. I would say the buffer's included in that.

CHAIRMAN STRAIN: Well, then we just need to make it clear.

MR. CASALANGUIDA: Yeah.

MR. SAWYER: For the record, Mike Sawyer, project manager.

When it comes to buffers, when you've got plats done on properties, they are generally done as a separate tract, or possibly even an easement.

In a case where we've got these types of applications coming in all of the time, all of those buffers are

included within the setbacks. You don't have them in addition to those setbacks. Those setbacks are determined from the perimeter of the site itself for the building, and it does not include an additional area for the buffer.

CHAIRMAN STRAIN: Okay. But you said unless they're -- is there a difference when they're platted? Because some of -- most of Immokalee, a lot of it was platted in 1951. I went back and looked at the original plats.

So if you've looked at some of those, you don't see landscape buffers on there. So does that mean if it's platted, the landscape buffer is still included within the setback as well?

MR. SAWYER: When I was -- I apologize. When I was talking about platting, when you wind up with somebody coming in and actually platting and doing a sub-division.

CHAIRMAN STRAIN: For the first time?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. Because you've got a lot of existing old subdivisions already there that didn't take this into consideration.

MR. SAWYER: Correct, because they -- you know, they're actually just, you know, platting very large areas at that time.

When somebody's coming in now with our current regulations, you're required to provide those perimeter buffers for your projects with PPLs, final plats, and they are generally done either as tracts or as easements.

In this case, neither of those would apply because you've already got the land that's already platted. They're not doing a subdivision, generally speaking, on these.

CHAIRMAN STRAIN: Can we say that in this -- can we add that language to this E1?

MR. SAWYER: I would see no problem with that at all.

CHAIRMAN STRAIN: Just a clarification?

MR. SAWYER: You could easily add something that would basically say that those buffers can be included within the setback limits.

CHAIRMAN STRAIN: Exactly, okay.

MR. SAWYER: As a suggestion.

CHAIRMAN STRAIN: Under F2, nonconforming mobile home parks, the second part of it says, due to existing site constraints or other factors -- first of all, nonconforming mobile home parks that are unable to meet the design and dimensional sections of 4.02.33 A through E, due to existing constraints or other factors, may have an SIP approved by the Board of County Commissioners.

What is the process to put an SIP through the BCC? I didn't know -- the BCC doesn't routinely, I believe, review SIPs. Now, they do review settlement agreements, because that's directly with them. So wouldn't we want it as an SIP in conjunction with a settlement agreement so we can look at an overall global fix to whatever the problems are, which might go beyond SIP requirements?

MR. CASALANGUIDA: We wrestled with that, and that's where I think there's a good discussion item. I talked to the county attorney, and we talked about what the intent of the older code was that said settlement agreement. I think it was -- as an agreement, it's a promise between two parties.

So with this we tried to avoid it becoming, you know, getting a formal agreement other than to say, if you put down why they couldn't meet it and staff would say we support it, take it to the board and have them approve it. That was the intent. Now, if you want to recommend that we do it by settlement agreement --

CHAIRMAN STRAIN: Well, isn't the settlement agreement kind of an understood process? I mean, basically it's with the board. It's a direct agreement between the attorneys for the applicant and the county attorney who sets it up and presents it to the board, I would assume. But we've done settlement agreements before, but I don't -- have we ever taken SIPs before the board before?

MR. CASALANGUIDA: Well, you're going to be taking one soon because it references a settlement. The only one that can approve the settlement agreement is the Board of County Commissioners.

CHAIRMAN STRAIN: So it's in conjunction with the settlement agreement, which is where I was going to begin with.

MR. CASALANGUIDA: Correct. That's one that's coming up on the next meeting that we're

working on right now, because their current code says that. Our question, and staff's discussion internally has been, do we want to make it that complicated? This -- I don't want to say this is an abbreviated deviation or variance process but, in essence, it is. You're basically saying, I can't conform. These are my reasons why. And rather than it be subjective by the staff, it just be by the board and saying, okay, we're hearing what you're saying. It's under public comment, because it's publicly advertised.

CHAIRMAN STRAIN: Why don't we provide the option that we shall have an SIP, and then -- I know this ain't the right words, but I'm trying to just say and/or as the need may arise for a settlement agreement. So that you could -- if someone wants to go and do a comprehensive fix that goes beyond the range of an SIP, it all gets done at once, but they have the option to do that, or they could go just with the SIP.

MR. CASALANGUIDA: I don't have an objection with that. I mean, that -- I look at Jeff and say, you know --

MR. KLATZKOW: It's a policy issue.

CHAIRMAN STRAIN: Okay.

MR. KLATZKOW: All right. So I'm okay with however you want to go with this; pure policy issue. It's just --

CHAIRMAN STRAIN: It wouldn't hurt -- it doesn't hurt, so why don't we send it up that way, and if they want to change it by policy, they can change it, but at least they're getting the benefit of all the possibilities that could arise.

MR. CASALANGUIDA: I think we'll have to do a little work just describing the settlement agreement, but we can do that.

CHAIRMAN STRAIN: Okay.

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: And I don't have any other questions for now. Does anybody else? Brad?

COMMISSIONER SCHIFFER: I just have one.

Nick, do -- and by the wording when they say mobile homes or mobile home lots, you don't have to put a mobile home on a platted lot; is that correct?

MR. CASALANGUIDA: No, it can be -- it's like a multi-family lot.

COMMISSIONER SCHIFFER: Okay. And then the density on a non-platted arrangement, how is that determined; by whatever you can fit on there?

MR. CASALANGUIDA: Your land use. Your underlying zoning will tell you what the density is.

COMMISSIONER SCHIFFER: Okay. And that would hold true, then, I guess, with the lots. You could plat it any way you want, but you can't increase the density beyond the --

MR. CASALANGUIDA: That's correct.

COMMISSIONER SCHIFFER: -- underlying use?

MR. CASALANGUIDA: That's correct, sir.

COMMISSIONER SCHIFFER: Okay. Just to -- for -- a question on the permitting process. These are considered still motor vehicles in this state, correct?

MR. CASALANGUIDA: That's correct.

COMMISSIONER SCHIFFER: And so the only thing you're doing is you're parking a motor vehicle, which has standards, I mean, but it's nothing to do with Collier County. And then, like you say, you're tying it down, you're plugging it into water, utilities, and that's it.

MR. CASALANGUIDA: And unless they penetrate the vehicle, then it gets a little more complicated, so -- but you're right, if it's just a motor vehicle being put down, it's electrical, plumbing, tie-down, and then any mechanical structures that they want to use, you know, like an ancillary air-conditioning system. That's how we look at it.

COMMISSIONER SCHIFFER: And some of them might have outside accessory buildings, accessory structures, too.

MR. CASALANGUIDA: Correct.

COMMISSIONER SCHIFFER: And they would be governed by the building code.

MR. CASALANGUIDA: That's right.

COMMISSIONER SCHIFFER: Okay. Thank you.

MR. CASALANGUIDA: You're welcome.

CHAIRMAN STRAIN: Okay. Anyone else?

(No response.)

CHAIRMAN STRAIN: Okay. What we'll do is hear public speakers. We'll start with those that are registered, then I'll open it up to anybody that wants to speak on the issue. Ray or Caroline, if you want to call for the first registered public speakers, if there are any.

MS. CILEK: Sure. Mr. Davenport.

ROBERT DAVENPORT: Good morning. For the record, my name is Robert Davenport.

I'd like to make a couple of statements, and then I'll go into what we need to talk about. The one thing I hear all the time is the Blocker case. This is not a Blocker case. This is a Jerry Blocker case. And it's a very serious issue because you're putting a lot of people into the court case that's not there. And I don't have a fight in the battle, but I do have a -- I've had it in my business where my son done something and I got accused of it. So I think that staff needs to be very careful when they use the term "Blocker," okay.

Nick Casalanguida has worked with the staff according to what he thought the directions were. The lawsuit has been excluded all the way through. That's been a fact. That's been very obvious to us; the lawsuit was excluded.

The other thing that I want to talk about is the 2000 initiative, which this came out of, I felt like was an attempt to get grants for Arrowhead and low-income housing. We've been overrun with low-income housing in Immokalee. The mobile home park people have become the victim of low-income housing, a better word, or subsidized housing.

At this point we have 380 more units that's going to come on the market of low-income housing and subsidized housing. It's basically going to put some of us out of business. It's hard for me to pay my taxes and then be put out of business. That's one issue.

Now, I want to go back and speak to you -- I've spoke to the County Commission about this. In the mobile home park that I own, I bought every permit that they required. Collier County staff allowed me to buy those permits illegally. The code says it had to be platted in a VR to put the mobile homes in. They allowed me to separate it out into 60-foot by 100-foot lots, 6,000 square feet, and then they required me to come back and go through the SIP process, which I felt like that I got double dipped on two parks.

The staff has worked to get this resolved, but I was not aware of the bigger issue of the Comprehensive Plan. In my situation, and only my situation, I didn't have a comprehensive, because mine was in the right zoning.

CHAIRMAN STRAIN: Which zoning is that, sir?

ROBERT DAVENPORT: Mine's in mobile home in VR.

CHAIRMAN STRAIN: Okay. Thank you.

ROBERT DAVENPORT: All of my properties were.

But I had a mobile home park in a mobile home district -- mobile home rental park district that they required me to do an SIP.

In an attempt to fix this, I think the staff for -- in my case and my son's case, are going to be pretty well. But I would suggest to you that you put this off until the new administration takes over.

The one thing that you talked about the mobile homes and the permitting, prior to 1982 -- mobile homes went in and out without permits prior to 1982. In that area Collier County required Lee County Electric to have a CO to turn it on. Prior to that, it was not required. And that's a big issue.

Jackie Williams -- he's a general contractor and he was on the Planning Commission back when Immokalee had one, and that was one of the discussions we've had.

So a lot of these mobile homes, you're not going to find a permit. Some of the mobile homes back then had one meter but for all of it. Most of us have converted over to where we're going to have individual meters. And in the process of the mobile homes coming and going, it appeared to me that the staff, prior to Nick Casalanguida getting involved in it, took it as every mobile home was a new building permit.

And, you know, you've got to have a tie-down permit. But they stopped us from working. Our goal working on this amendment -- and my goal is to be able to continue to stay in business.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Caroline?

MS. CILEK: Mr. Randy Johns.

MR. JOHNS: Good morning. For the record, Randy Johns.

I think Mr. Coyle said it best. We take a picture to allow these people to stay where they're at. We need to deal with people that were there prior to 1991. We've got to pick a date.

I heard him saying today that the, you know, SIP, once it gets approved, then they'll come out and do an inspection. But if your neighbor's mad at you and he calls in and says you've got a problem, code enforcement comes out, they're going to cite you. Now you've got to deal with something that's been there for 20 years.

I think you need to address that. I don't think that once this SIP gets approved and you pick a date, that anything prior to that date was legally there or permitted -- you should have an avenue for those people to be able to stay without having to go -- be under the pressure of a code enforcement case coming against them.

I don't know how we fix that, but I think if we could show that we were there or they were there before 1991, I think they should be allowed to stay.

So that's kind of what I -- everybody else already said everything else.

CHAIRMAN STRAIN: Thank you. And I think that's kind of where I was trying to suggest that we look at settlement agreements, because they can take a snapshot and either accept everything that's in that snapshot as it is going forward or say what things they're objecting to, have those fixed, and the balance of it accepted as-is, and that might be the simplest avenue to include in some of this language as something that happens; then I think you'd be assured you can't go back.

Once the settlement agreement's done, it's done. And if it takes a snapshot to bring it up to time and say, here's what we've got. What don't you like about it? What can we negotiate as the settlement and how do we get there? That's what it's all about.

That may be the solution, but we'll have to wait and see what comes back and chew on this again.

Are there any other speakers that are registered?

MS. CILEK: Yes, Mr. Max Griffin.

MR. GRIFFIN: Hello. My name is Max Griffin, and I just want to stay in business. And I think people deserve a choice that -- some people want to put us out of business and make everybody go to Crestview or Habitat for Humanity where there's a long waiting list. We offer a choice. And not everybody wants to go to these government agencies.

And we've been here a long time. One park's been there for 40 years, and I need to be able to replace units as they wear out. I just want to stay in business. It's already getting tough enough as-is. Immokalee's shrinking. They've added all this -- they come in about -- in 2006 and they wanted to add Crestview and all these other places. They got 'em. And I guess they're filled up now. But I think there's still a place for us, and we deserve to stay in business.

CHAIRMAN STRAIN: Thank you, sir. Is there anybody else registered?

MS. CILEK: No.

CHAIRMAN STRAIN: Is there anybody who's not registered who would like to speak? I bet you're one of them. Come on up.

MR. CRUZ: First I'd like to thank you-all for doing what you do, or some of us would have to do it, and we would be really bad at it.

Jim Cruz, representing Tara Park. Got my nephew back there who's going to run it one day. He's the whole lineage for this outfit.

We've got a trailer park my father purchased. He was a grocer, and he purchased our mobile home park in 1974. We have 97 units, I believe.

Winn Dixie came to town, put the independent grocers out of business. So it was good. He bought a little rental property along.

We've sold everything we've got because it's just so competitive. I can compete with anything but free, okay. The government, they've got their place. We've got our place.

We try to give a product. We're in the mobile home; we're not in the labor camp business. Our folks

all own their mobile homes. We don't have any rental units in the park. Everybody owns their own.

County came through about 10 or 12, 15 years ago now maybe and said we could no longer have travel trailers, which we were allowed. So the only place that's allowed legally in Immokalee is Ski at Lake Trafford Marina, which is mentioned in some of the paperwork as a small travel trailer park next to the marina, but he was the only legal.

And the reason we lost ours or agreed with the county to lose ours is because we didn't want to build public restrooms for the problems that go with having public restrooms in a mobile home park. So we let that part of our business slide. We only had maybe seven or eight travel trailer spaces.

We came down here when -- Miss Anne Goodknight was a County Commissioner. Along about 1991 the staff was going to change our zoning from mobile home rental park, which we are, to mixed residential, I believe. Somebody could research it. And we came down and said, we've been a mobile home park, we're zoned mobile home park, we look like a mobile home park, can't we just be a mobile home park? And she said, well, yeah, I think you can. So that didn't happen.

But looking back on everything that happened, if they would have changed our zoning, then we'd have been way out of whack with what they're wanting to do now, but we're luckily zoned mobile home rental park, I believe, MHR whatever.

So they came through with the SIP thing and said that we had to move out a lot of units, our people -- some of the trailers were junk. And we said, well, we don't own them, the people do, and they hit us pretty hard back in 2000. And we were resistant to it. Everybody knows we need some improvement. We need some plans. We need to do things.

But Immokalee was one of those areas where you kind of lived with what you had and you thought it was supposed to be there. And like I say, they built a lot of stuff. We haven't had anybody walk in our park in several years looking for a lot, because you can't get a new mobile home financed. With all the foreclosures that are on the market, why would you want a trailer when you can get a house?

We're a steppingstone, and most of us realize that. You go to a labor camp, you live there a few years, maybe you move into my mobile home, own your trailer, improve a little bit, raise your kids, send them to school, then you get a house. And it's a cycle. And that's what -- most of us are familiar with the cycle.

Now, Naples, I don't know what your cycle is. I don't really come down here that much. You've got some beautiful places. But in Immokalee, where most of us are stuck making our living, we just want to survive. And we thought we were legal. Somebody changed us or something. Now we're illegal. It's going to cost us a fortune to comply. Why do we comply? What incentive, other than you're going to close us down, or this county attorney guy's going to get after us with fines and lawsuits and take the property, eminent domain, you know. Now we're a threat to the community because something's unsafe.

And, like I say, nothing's perfect out there, but we're just trying to get along. And I thank you for what you're doing up there.

Have a good day. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Any other member of the public wish to speak on the mobile home issue? Yes, sir. Come on up.

JEFF DAVENPORT: For the record, I'm Jeff Davenport. I have a J&B Rentals and a G&J Rentals in Immokalee.

In my instance, also, none of the trailers I own. They're all for other people that own them. And one thing we do a little different, when people come and buy my trailer and live in my spot, they don't have a -- we don't do credit checks. You know, these are young families -- a lot of times younger families in my parks who -- they can get and live and own their place for 8- or \$10,000 and pay a \$300 monthly fee up to -- some of mine are 250 to 300. I mow their property, maintain their dwellings, keeping them up, pay their taxes. They can budget themselves, and they have something that's their own.

And I have older units that I bought; these trailer parks are older. And I would love -- they would love to replace trailers in there, and sometimes I'll give them -- find a nice trailer, and I could set it up, and they could pay me back, but to improve my park.

I lived in Immokalee all my life. I love Immokalee. And even the Blockers who -- people criticize



them. They pay more taxes in Immokalee than anybody I know, all the properties they own. And he lives in Immokalee and grew up with me, and we love Immokalee.

We're offering a different standard of living that younger people can afford. And to lose my deal -- luckily, I have another job. This is a -- something I use for my retirement. This is what I'm planning on to use for extra income. But, truthfully, I'm barely making it by paying payments and in having to do a lot of extra improvements.

Of course, in the landscape part of it, I can do that for free; that's my real business. But pavement and stuff is real expensive to do. And if we could just work to make it where everybody can get by -- because you're really talking of making a little bit of money extra a month by the time you pay fees and insurance and to maintain it.

It's definitely hard to compete against free. And when you have government coming in and trying to put everybody in government housing and take away for the people who pay to be there and to fight the government is awful hard. And, like I say, just give us a chance to survive and raise our kids in a town that we love.

Thank you.

CHAIRMAN STRAIN: Thank you. Is there anybody else that would like to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Okay. Well, first of all I appreciate the public speakers that came up. You opened up a lot of discussion that we probably may not have understood before, at least I haven't.

I would hope that the next round of reviews of this document go to you and that you would respond to them specifically by that time. We understand -- I understand now, I think we all do, your general concerns based on what you spoke here about today.

But when this amendment goes through the process -- it was put forth by staff to help; supposedly not hinder. The only people that really know if it helps are you guys. I understand what you said about raising costs, but if -- this is a "may" instead of a "shall." You can jump into this system, or you don't have to.

I'd like to ask each of you to carefully look at the next round of language that comes through and either come to the meeting or send a note to staff that will be copied then to all of us, as to what actual language is problematic for your mobile home park so we can try to resolve it to make sure it's not problematic. And that would be the best thing you could do make sure this language goes forward correctly.

The overall intent, from what I understand, is to provide more time to come into compliance and to make it easier to come into compliance for those that want to. That's why the mandatory has gone to a voluntary. If we're wrong or that doesn't read right and you guys see it differently, you need to tell us.

I expressed, and I know Brad and all of us expressed some concerns about the language that was here today. We're going to have more. But yours is the most important, so please try to get back to us by the next reading of this, which -- I can't tell you when it will be because staff's got to rewrite some things and then come back with it.

Mr. Davenport, you wanted to finish up with something?

ROBERT DAVENPORT: I'd like to make one comment.

CHAIRMAN STRAIN: Sure.

ROBERT DAVENPORT: In regards to the permits and the requiring of permits when we do an SIP -- and they were talking about the engineer. And I just happened to be talking to someone that it cost him between 2- and \$3,000 to have an engineer to certify his building to be livable, and that's one of the big issues. The units were there, have been there, and I just want to clarify it, because the units themselves can be safe but not pretty; safe, but not pretty. There's a big difference in being pretty and safe. You can have a plywood wall or plywood floor. It can be safe, but it's maybe not real pretty.

So I just wanted to clarify that, because Collier County, prior to '88 -- I know I was looking for a building permit in 1988 to '89, and I couldn't find it. And one of the problem in our mobile home parks, the tenants -- in my case where I don't own any of the units. The only way I'll own a unit is I'll buy it, rehab it, and sell it.

But in my case the mobile home parks back in the '80s and early '90s, they pulled all the building

permits. So if we don't have a real -- if the park owners don't have a real good record of who moved in there that month -- when it was set there, we're going to have trouble finding building permits. And if you have trouble finding building permits and have to pay 2- to \$3,000 for it to be engineered, that's a big issue.

CHAIRMAN STRAIN: Thank you, sir.

Okay. I think we've provided some more direction to staff.

Caroline, are you comfortable with what you've heard today as far as what you've got to do with this document next?

MS. CILEK: Yes. I believe I have sufficient direction.

CHAIRMAN STRAIN: Okay. Is everybody here fine?

COMMISSIONER SCHIFFER: Yeah, it's good.

CHAIRMAN STRAIN: Okay, thank you.

And we have one item left, but we also have to take a break for the court reporter. We'll take a short one, though. We'll come back at 10:35, and we'll finish up with storage containers.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Welcome back from the break. We left off with one thing to discuss, and that's the storage containers. I think it would be appropriate to make those of you that are here waiting for this patiently -- why we're here today.

The Planning Commission has spent, as you know, one or two meetings -- or I don't know how many -- trying to gell up language to be sent to your organizations for review.

We could do that 10 more meetings, and we probably wouldn't get it right. And what our goal today is, hopefully say, okay, this is -- may not be perfect, but it's good enough to send to you guys to take to your membership and say yea or nay or we want to make these changes or we want to do this.

In talking with Nick, the suggestion was that we send you two alternatives. One is -- basically, the current code prohibits storage containers. And so one alternative would be to memorialize that prohibition and make it a little cleaner in the code, because right now part of that's relying upon two interpretations by staff, which are not as legal as being said distinctly in the code. But, in essence, the code has already prohibited those.

The second one is send you an alternative for your organizations to review that says here's a way it could be done if you want it done, and either come back saying one of those is acceptable or not or changes to either one of them. That's the scenario that we see coming out.

And you have plenty of time to do this in. We believe that your meetings could be September or October. That's fine. There's no real rush on this to -- whenever it's probably vetted, we'll get back with it. But I think that's kind of where we're going today.

So I don't -- hopefully we can, after today, just pass it on to you and wait for you guys to get back to us.

And, by the way, I did get a call from Commissioner Hiller, and she had talked to some of her constituents, and there is a concern of these in some of their area such as Pine Ridge, which is similar zoning. And so I wanted to make sure staff's aware that there is a Pine Ridge Civic Association, and it's very important that when this document goes out for review, they get it as well, because everybody needs to understand who it affects across the county.

If it comes back, we have different input from different parts of the county. Well, maybe there would be a way to look at that, then, too.

But, anyway, that's kind of what the synopsis is for today's scenario. And, Nick, this is another one that you'd like to get into, so --

MR. CASALANGUIDA: Oh, no. I think you've laid it all out, Mr. Chairman. I think it's a good opportunity right now to have it clarified in the code if it's disallowed and then some criteria if you want to allow it, and then let's take our time with staff, attend some of these meetings, take notes from what your feedback is, and then bring it back forward to this commission.

So we're on the same page. You've elaborated it perfectly.

CHAIRMAN STRAIN: Okay. I do have some comments about the documents that were sent to us, but I'll defer to my other members of the Planning Commission first. Does anybody have any issues?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Do you want to go page by page or --

CHAIRMAN STRAIN: We've done that so many times; let's just take it all at once.

COMMISSIONER SCHIFFER: Number one is, in the definitions we do list some definitions, but -- and I know that it says not included, but most of these are kind of clean products. I mean, we're able in the agricultural districts to store anything, yard equipment, anything. So I get somehow concerned when you have a list that somebody could interpret why that list has certain things.

Do you think there's any confusion that a guy could put one in the backyard and put his lawnmower in it, or do you think that's covered by that list or covered by the "but not limited to"?

MS. CILEK: Right. I think that -- you know, I looked at a lot of definitions all across the country, and we pulled out the best parts of those to compile this definition. And we really thought that these would be the biggest key items that would be something that they would include inside the storage container, and "equipment" really gets the lawnmower.

COMMISSIONER SCHIFFER: Okay. So we're all right.

MS. CILEK: Household equipment.

COMMISSIONER SCHIFFER: Next page, 8B, and let's have this conversation; B4. We've said -- we've discussed here that in all the districts, based upon an architectural engineering drawing, a design professional can put a storage container so long as he meets the setbacks and everything for a structure. Do you think this prohibits that or --

MS. CILEK: Well, he would have to come in and prove that he has bypassed our definition from where I look at the code. So if he came in and he said -- you know, he defined it as a portable storage container, it met our definition, then no, this would prohibit that. But if he added a window or an awning, he moved past that, then the code is silent to that, and he could put it in a residential and paint it pink.

COMMISSIONER SCHIFFER: Okay. So if I -- as an architect I could -- let's say I want to design a guesthouse. I could go put two storage containers in the --

MS. CILEK: Yep.

COMMISSIONER SCHIFFER: -- as an accessory building, weld them together --

MS. CILEK: Yeah, you've totally bypassed our definition.

COMMISSIONER SCHIFFER: -- and cut a hole between them, put a kitchen in it, and --

COMMISSIONER HOMIAK: Oh, it sounds nice, too.

MS. CILEK: You've created a dwelling unit. You know, at that point we're not regulating that through this.

COMMISSIONER SCHIFFER: But I think the thing we're missing -- and maybe we should save this conversation with the building official -- is that if I'm doing that, I'm taking responsibility for the design of the steel work. Now, obviously, it's going to be very strong, it's going to ultimately pass a rational engineering analysis. But what you're saying is there's nothing to prevent that now in all of our zoning districts?

MS. CILEK: I mean, well, specifically because we don't have a definition that prohibits them in residential. Currently, yes, an engineer/architect could certify and have one, especially as a dwelling unit. I mean, that would be separate -- it would be a separate part of the code.

COMMISSIONER SCHIFFER: Okay. And one thing you said that maybe -- you said during that process I could not use the word "portable storage container." I would use welded steel wall, roof, or what, you know.

MS. CILEK: I would make that recommendation. I mean, if you put that in your, you know, application, then you're identifying it that it's as defined here, and then it would meet our definition, and then you'd be in an odd position, and it would be a zoning violation. You wouldn't be a building-code violation. You'd be a zoning code.

COMMISSIONER SCHIFFER: Okay. But, Nick, do you want us -- because, I mean, I don't think we should let that get through the gate.

MS. CILEK: I mean, it's --

MR. CASALANGUIDA: Yeah, that's the problem. I mean, you hit the nail right on the head, Mr. Schiffer, is that if you as an architect design an ugly building that looks like a storage container, we'd permit it, I mean, if it meets the building code. Really, you could permit a structure as a box with steel outsides. And if you as a designer said this meets the Florida Building Code, it can look exactly like a storage container, you get to build it. I can't prohibit that under the Florida Building Code.

COMMISSIONER SCHIFFER: Okay. All right. I mean --

CHAIRMAN STRAIN: While we're on that, Brad -- but just for the same thing, you can design anything. An architect can come in with the ugliest design in the world. If it meets the building code, it's allowed to be built.

MR. CASALANGUIDA: True.

CHAIRMAN STRAIN: So it's not a storage-container thing. I mean, we're focusing on storage containers because that's the part of the discussion. But for an architect to come in and try to modify a storage container economically to make it a dwelling unit would be economically unfeasible. So the likelihood of that happening isn't as -- isn't any different than the likelihood of an ugly building being built and expecting to have some kind of sale for it afterwards. That's not practical.

MR. CASALANGUIDA: You're right. The deal with the storage structure or the storage container is he could certify it as an architect/engineer and say it meets the definition of a structure of the building code by doing certain things.

Now, your code defines it here. As Caroline said, you're making it a lot harder by putting this definition in there. If you were to prohibit these, you know, he'd have to start putting in a window and start -- you know, do certain things that takes it away from this definition.

CHAIRMAN STRAIN: Well, you could put a kitchen, plumbing, stacks, roof.

COMMISSIONER SCHIFFER: But where does it say he has to alter the thing? I mean -- if I showed up and I said it's a storage building and it's in a single-family lot, and I design a nice footing for it, a nice little landing on the outside so the guy can wheel his equipment in, and we --

MR. CASALANGUIDA: We would get into an argument about the zoning codes, and we'd probably have the zoning director meet with the county attorney and say, you're trying to circumvent the zoning code with your definition of a structure where these things are considered portable storage containers, and you're using a structural permit to try and bypass that. We'd have to work that out.

Point being is, Brad, you brought this up. If someone really wants to do this, they can probably get to the point of doing it by -- and the two options that we're going to present with the community is, one not to allow them and one to allow them with standards.

By defining it as clearly as Caroline's done, it just makes it really hard to get -- to pass that test. But you're right, if someone really wants to do it, they can get a good argument with the building official and probably win.

COMMISSIONER SCHIFFER: And, obviously, you know, in the architecture magazines there's, you know, Starbucks that are made out of piles of these things and all kinds of stuff, and that happens. And I understand that as being taken as the one time.

I'm just afraid that, you know, people can abuse that and, essentially, provide -- put storage containers in all zoning districts, and I don't think that's fair. But we can move on.

One thing, the -- and it would be in C where we got into the -- your break line. And I remember -- I think Mark made the suggestion that he didn't want the container to be outside the side plane. And I think you've drawn front planes and call them side planes.

CHAIRMAN STRAIN: Correct.

MS. CILEK: Okay. I honestly tried my best to interpret what the discussion was. But if there is a tweak to the sentence, please fill me in.

CHAIRMAN STRAIN: Well, it's just -- I've already written it up. You can just -- you draw the -- you run the line the length, they go back behind the building so that --

MS. CILEK: Not the front, the side.

CHAIRMAN STRAIN: -- the purpose is if they're going to be allowed, they've got to go behind the building. And you can't see them from either side if you're standing on the side. They have to be directly

behind the side plane of the building.

MS. CILEK: So the rear of the building?

MR. BELLOWS: Yeah.

COMMISSIONER SCHIFFER: Well --

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Yeah. You're almost there, just that you drew the side plane across the front of the building. If you would draw those lines down the side of the building, hence the side plane --

MS. CILEK: Oh, okay, so it creates more of a box.

COMMISSIONER SCHIFFER: -- then you would get the intent of what Mark -- and I think that's a good regulation.

MS. CILEK: Well, we will modify our diagram.

COMMISSIONER SCHIFFER: Yeah. It's -- actually, the wording's correct, the diagrams.

MS. CILEK: I'll work on that.

COMMISSIONER EBERT: You need an architect to draw it out.

COMMISSIONER SCHIFFER: Staff interpretation of the wording is the problem.

MS. CILEK: Okay, cool.

COMMISSIONER SCHIFFER: Let me see. Okay. Let's go down to 8F, Page, 8 bottom, f.e.

There's an exception that -- if the container's not visible from the property line. The concern is how would somebody come in for a building permit and you know that it's not visible? How would they prove that to the review process?

MS. CILEK: I think that burden would be placed on them to say that their lot is so big, or they can illustrate that the shrubs or trees that are existing --

COMMISSIONER SCHIFFER: And the density is such that --

MS. CILEK: Sure.

COMMISSIONER SCHIFFER: Okay. So the photograph or something you can -- they can prove that --

MS. CILEK: They would need to prove it.

COMMISSIONER SCHIFFER: Okay. Second and last thing is -- maybe the last thing. Yeah, no, not quite.

Two at the bottom of the page there. The last sentence that's not yellow that follows, I just want to make sure that it's clear that it's the containers that are 200 feet. So the way it's worded, containers in zoning districts that are located more than 200 feet could be interpreted that the district is located, so could you change that to just be "in zoning districts, containers that are located more than 200 feet"?

MS. CILEK: Okay.

COMMISSIONER SCHIFFER: Just to -- so that the noun/verb works best, and there's no confusion that it's the container that's the distance.

And then on 10I, I still would -- think that would be better worded "industrial structures that are 400 feet or less," rather than "less than 400 feet," because you have it "less than," "more than." So some poor guy with a 400 feet one is in limbo.

MS. CILEK: Can you repeat the phrase again for me?

COMMISSIONER SCHIFFER: Just put "400 feet or less" instead of "less than 400 feet." It's just the bullying logic is such you would create a no-man's zone.

MS. CILEK: Okay.

COMMISSIONER SCHIFFER: That's it. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else? And Brad got the issue I was -- the side plane issue; that was the one I was wanting to correct.

Are there members of the public that would like to speak? Because, remember, this is going back to you right after today. So come on up, one -- do we have registered speakers or --

MS. CILEK: We do. May I introduce our alternative amendment as well?

CHAIRMAN STRAIN: Oh, sure, we just -- go right ahead.

MS. CILEK: Okay, great. So I passed out a -- just a front-and-back sheet that identifies the

alternative to this amendment. Now, this has not been vetted through the County Attorney's Office yet.

We discussed this. It's become more of a policy decision, so we'll continue to work with them to make sure that all of this language is valid and would be legally sufficient.

But it's pretty straightforward and follows the staff clarifications that are currently providing the regulations. And it just walks through very simply that portable storage containers are prohibited in all zoning districts except for five situations: Bonified agricultural use; they can be used as permanent accessory structures in industrial and commercial zoning districts pursuant to Section 4.02.12, which is the outdoor storage criterion in the code; they are allowed at a construction site pursuant to 5.04.03, which requires that there's a building permit for the site; that they're allowed as part of a special event for temporary use; and also for moving in residential districts, and that is a time of 30 days, and there can be exceptions for extenuating circumstances.

We kept C, which would be the size. There are lots of different sizes for containers, but this is one of the larger, the 320 square feet, and that's sufficient for that -- for the purposes.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Any questions on the pretty --

CHAIRMAN STRAIN: Well, that's basically the status-quo position.

MS. CILEK: It is, it is.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay. Thank you.

Now, do we have any registered public speakers first?

MS. CILEK: Brad.

COMMISSIONER SCHIFFER: Let me just ask the question.

CHAIRMAN STRAIN: Oh, I'm sorry, Brad.

COMMISSIONER SCHIFFER: You know, No. A5 is a good thing. Do you think you should also pull that into the other one?

MS. CILEK: In what -- if it's permanent --

COMMISSIONER SCHIFFER: In limitations and use or someplace, because that is good. That does allow people in residential zoning to have --

MS. CILEK: You mean in regards to allowing them in residential for temporary?

COMMISSIONER SCHIFFER: Yeah, maybe that could be B5 or something.

MS. CILEK: And the code's a little silent on that outside of the staff clarification. So currently you could still use those for moving, I'm sure. This just codifies it, makes it really clear.

COMMISSIONER SCHIFFER: Okay. So you don't think it's a good idea to maybe make it E5 of the other one?

MS. CILEK: Well, if you put B4 -- look at B4, the second part of the sentence is that they may be allowed as a temporary structure. So we're saying that you can use them for temporary reasons, like moving.

COMMISSIONER SCHIFFER: Oh, I thought you had to tie that to a construction permit.

MS. CILEK: Well, there's more types than that. But for moving purposes, I mean, we can add the exception. I don't know if it's necessary.

COMMISSIONER SCHIFFER: I'll check it to see, but that's fine. If you say it's covered in the -- 5.04, that's fine.

MS. CILEK: Okay.

COMMISSIONER SCHIFFER: Point 3.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Ray, do we have any public speakers, registered public speakers, then we'll go into nonregistered public speakers. Do you just want to call them out?

MS. CILEK: Yes, Mr. Gaddy.

MR. GADDY: Good morning. Peter Gaddy on behalf of the Golden Gate Estates Area Civic Association.

First of all, on the ordinance itself, there was a question raised about cyclone fences. There was also

a question raised about the height of the fences. The containers are 8 feet high. The fencing requirement that's in here is only 6 feet high. That really doesn't, you know --

CHAIRMAN STRAIN: I just think if you guys don't think it's the -- if you decide that they should -- the alternative is the way to go, when you come back to us with recommendations for language changes, include that in your recommendation. I think that would be the best way to handle anything that you want to do from here forward; otherwise, this thing's going to be delayed, and we'll never get it to you, so --

MR. GADDY: Okay. The one remaining concern I have is if -- if this ordinance is approved or if it's not approved, the alternative is accepted, what are -- what is the legal status of existing permitted storage containers?

For years now the county has been issuing these permits. Will this thing show up here? Yeah. This is a sample of a permit that has been issued. They're issued as tied-down storage container, no electric. It says "container for shed."

So apparently for years the building department has been treating these storage containers similar to sheds.

One of the problems, I understand, from talking to some of the staff members is we don't know how many permits have been issued. If these container -- my question is is if these containers should be prohibited, what will their status be and will they have to be removed?

CHAIRMAN STRAIN: Well, I think that's a legal response, and it might be on a case-by-case basis. But I would hope that by the time this is sent to you, maybe that could be sent to you as a response to your question in the package and how they would be handled if they are already there. But it's up to you, Jeff.

MR. KLATZKOW: No. It shouldn't be on an individual basis. What it should be is a policy decision by the board. You could make them illegal if you want. I would suggest then some period of time, whether it's five years or seven years, that people would have to dispose of them, and then they would go away.

MR. GADDY: Okay.

CHAIRMAN STRAIN: We've done that before in other zoning matters. We've given a period of time for some signage that was inappropriate and even a district where we were changing the zoning from multi -- from duplexes to commercial. So maybe that is an alternative that can be looked at, Peter.

MR. GADDY: Okay. One other issue that's likely to come up is if the ordinance were to be approved as currently written, there's some containers out there that are larger than 400 square feet, and that raises another issue.

MR. KLATZKOW: The same response. I mean, as part of their community's review, that issue can come back with a recommendation, again, that there be a period of time where people could keep them, but after that they'd have to get rid of them.

I don't know what the useful life for one of these pod storage areas is, but that's generally what they're looked at.

CHAIRMAN STRAIN: I think they're centuries.

MR. KLATZKOW: Well, that's --

CHAIRMAN STRAIN: I think, Peter, what it says is the door is really open to the various civic groups that are going to get this request. We're looking for your input. It can be anything, and I think that's where you need to start from, and we'll work down from there. And at the next meeting, if you-all come together in some general consensus, it will sure help us make a recommendation to the Board of County Commissioners. If you don't, then we'll just have a bunch of different ideas.

MR. GADDY: Okay. And I guess the same would go for containers on nonconforming lots, on Band-Aid lots. Okay.

Answer's my questions. Thank you.

CHAIRMAN STRAIN: Thank you, Peter.

Are there any other registered speakers, Caroline?

MS. CILEK: Yes, Ms. Kim Ellis.

MS. ELLIS: Thank you. And I, too, appreciate everything that you guys are doing, especially giving us the time to bring this to our respective associations.

But before we get there -- I didn't see the alternative. I'm going to look -- no, I've got it now. I was handed it today when I came in. But I think you have my email address, don't you? Because I'm getting everything from Peter and Mark as it is.

MS. CILEK: Yeah, and this was introduced today.

MS. ELLIS: Okay.

CHAIRMAN STRAIN: That's Mark Teaters, by the way, not Mark Strain.

MS. ELLIS: Right. Mark Teaters is forwarding everything to me, and I thought I gave you my email address last time I was here.

MS. CILEK: Most certainly, yep.

MS. ELLIS: Okay. I just want to say again that from what I can find out none of these containers were ever permitted legally or correctly. They were mistakenly permitted is -- from what I can find out. Okay. It shows -- from what I can see, from what I've been able to find out, they were never allowed.

It seems logical to me that if we allow them in any way, shape, or form, it's just going to open a huge can of worms, maybe create some jobs for code enforcement because you're going to have to hire more code enforcement officers, in my opinion.

The one permit that I was able to see was a tie-down permit, and it was issued temporary. It was a temporary permit. I haven't been able to find any other permits or get access to any other permits. I don't know what kind of system you have where you have a whole bunch of different kinds of permits for different purposes grouped together and you can't go through them to pick out permits that were specifically for this type of a container, but it seems that we should be able to see a couple -- at least a couple and see how they were permitted. The one that we've been able to see, again, was a tie-down permit, and it was a temporary permit.

Now we're -- in this new amendment it says that they will be issued as a structural permit. That's, like, a huge difference to me because of the reasons that Mr. Schiffer --

COMMISSIONER SCHIFFER: Yes.

MS. ELLIS: -- spoke of. If you give somebody a structural permit on one of these, they're going to start cutting out windows and putting in A/C and everything else and, you know, eventually meet at the zoning code.

I don't know how many of you have driven down Everglades Boulevard, but if you've seen that dome house; nobody's ever going to buy it and live in it again. It's been vacant for years, and it's an eyesore.

Again, my perspective on this is I live in Golden Gate Estates. We are trying to better our community every day, and this is just going to trash the neighborhood. I know you don't want to hear it again and that we have time to bring it to our community, and I'm going to do that, but -- so I just wanted to make a couple of important points, and I'll stick to that.

I can't see where they've ever been allowed. I don't think they should be allowed. I think now allowing them is just going to open up a whole can big can of worms. They were mistakenly permitted, and let's not just, you know, make good of the mistake by allowing everybody to have what we've already mistakenly given some. Okay. Don't allow it.

You know -- I'll skip all this because I'll take it to the Golden Gate -- homeowners' association of Golden Gate Estates.

Again, the screening that Peter brought up in the amendment. It only allows for 6 feet, that the storage units are. And you keep mentioning them as storage containers when actually they're shipping containers. And when people ship products in them, they're stored on a dock for a very short period of time, and then they're emptied. So I think we should refer to them as what they are, and they're a shipping container. That's what they're specifically used for. They're not used to store things in, which is what we want to use them for, and we want people to be able to hold onto these shipping containers for an extended period of time that just doesn't make sense.

They have a useful life, and when the people can get ahold of them is once that useful life has expired. So it doesn't make sense to allow them as a permanent structure when they've already -- you know, their natural life for what they were designed for has already expired. That's just not a good idea.

CHAIRMAN STRAIN: I think by defining them for the use that we're having problems with is the



right approach, because if we define them as shipping containers and no one's using them for shipping, then we wouldn't have any way of going after them. So by defining them for the use that they're being used --

MS. ELLIS: Okay.

CHAIRMAN STRAIN: -- today in Golden Gate Estates, it makes them available for a regulation.

MS. ELLIS: Okay. And, again, I did get to look at this alternative briefly, as I was only given it today just a few minutes ago, and my concern is portable storage containers shall be prohibited in all zoning districts except as follows, and then you mentioned the industrial and commercial where, really, this type of thing belongs, and you don't have the Estates zoning in there except for the first number one, containers shall be allowed in conjunction with a bonified agricultural use provided they meet all required setbacks. Does that mean they would be allowed in estates zoning?

MS. CILEK: If you look at A, the very first sentence in the whole section, portable storage containers shall be prohibited in all zoning districts except for as provided below. So that all -- zoning districts includes the Estates.

MS. ELLIS: Right.

MS. CILEK: If the Estates -- if a parcel in the Estates did have a bonified agricultural use that they, you know, had one from the --

MS. ELLIS: The bonified agricultural use, I mean -- so is lawn mowing a bonified agricultural use?

MS. CILEK: No. It is tax exemption certificate.

MS. ELLIS: Okay. So they have to have --

MS. CILEK: They have to go through a process.

MS. ELLIS: -- that tax exempt certificate and have their property being used for agricultural use.

Okay, okay.

So I'll look at the alternative and take that back to my association and see what they have to say about it. But I'm still to the mindset that this was never allowed, and it doesn't do anything to beautify, benefit, or help our community in any way. It just drags it down and makes it -- it's a derogatory impact. It's a negative impact on our community.

We're trying to make the -- I mean, the Estates is already the stepchild of Collier County. I've lived there for 27 years, and we -- it's the truth, okay. I've spoken to people here that are like, oh, well, it was out in the Estates and, you know, I didn't consider that. Well, we're -- we live there because it's a wholesome place to raise kids, and there are a lot of fun things you can do out there that you can't do in the city, but that doesn't mean that we don't want to be respected by our neighbors or anybody that thinks they can get away with anything that they shouldn't be able to get away with.

Sorry for taking so much of your time.

CHAIRMAN STRAIN: That's quite all right. We're here to listen.

Do we have any other speakers registered?

MS. CILEK: Yes, we do. We have one more. Ms. Krista --

MS. GOEDE: Goede.

MS. CILEK: -- Goede.

CHAIRMAN STRAIN: Thank you.

MS. GOEDE: Hello, thank you. My name is Krista Goede, and I live off of Bur Oaks Lane, which is off of Oaks Boulevard, which is -- we currently call ourselves the Oaks Estates, but we are part of the Golden Gate Estates.

And I lived in communities and associations for 10 years while I've lived in Naples, and we just built this home off of the Estates three years ago. And we, like a lot of people, lived in communities and didn't want to have all of those rules.

And there's -- I see the benefit of living in the Estates and being able to do things that we can't do in the communities or in the city, but I think that this is taking it too far. This is definitely not something that I would want in my neighborhood. It's not something that I would want to have to look at. I, personally, live in a two-story home. And if the guy next to me puts one of these in, I'm going to look out my window and I'm going to look at it. It doesn't matter how tall his fence is. This is not something that is appropriate for residential zoning, and that is my opinion.

I understand the conditional uses for commercial/industrial. That is where this type of thing belongs. This is just -- it should continue as it is as prohibited in the Estates.

These, as Kim said, have basically outlived their usefulness. By the time they've gotten to the point where they're going to be sold as a storage container, they're going to be rusty, they're going to be ugly. They're not something that should be in the Estates or any of these residential areas. That's what companies that build sheds that are eye appealing and meet certain codes are for. That's why these companies exist.

And I've looked over the amendment to the -- to continuing as it is for prohibiting them, and I agree with prohibiting them wholeheartedly. I notice that there are some exemptions.

I would just, on a couple of these -- and I know that we can bring this back when this is presented to us. But some of these I do worry because there are not timelines attached to them like how long they can be allowed at a construction site. I've seen construction sites in Collier County go on for years and years and years. So I think that there should be timelines attached to some of these where it at least needs to be hauled off if there's a pause, or they don't need to be brought in until, you know, there's actually a structure going up or things of value being kept on the lot. I just worry about some of these things being abused if there are not timelines put on them.

And that's it.

CHAIRMAN STRAIN: Okay.

MS. GOEDE: Thank you.

CHAIRMAN STRAIN: Thank you. We'll look forward to your input from the organizations.

Anybody else?

COMMISSIONER SCHIFFER: I have a further question --

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: -- of Caroline, and it kind of reminded me, is that these steel things -- and even in our definition you say "some wood." So I don't think the intent of that is the guy that takes a wood shipping crate and makes it into one, correct?

MS. CILEK: It's wood floor.

COMMISSIONER SCHIFFER: Okay. Well, and that's the question is, has anybody studied what these floors are? Because most of these have wood floors, and what kind of chemical treatment would you put on the wood floor of something that's going to travel the world through -- I mean, God knows what kind of chemicals are preserving that wood. Do you think that's something we could find out or --

MS. CILEK: Actually, I've spoken to Mr. Gaddy about this issue, so I'll let him --

CHAIRMAN STRAIN: Just out of curiosity, do we restrict the use of any particular kinds of wood on any residential site in Collier County?

MS. CILEK: Not -- I don't know.

CHAIRMAN STRAIN: So whether it's in a storage container, in a garage, in a house, in a floor or a patio or a deck, whatever wood's sellable they can use in Collier County.

MS. CILEK: I don't have --

COMMISSIONER SCHIFFER: Except for preservatives. There's limitations on that.

CHAIRMAN STRAIN: Well, I mean, I can go into Home Depot and buy the highest CCA treated wood I want to possibly buy and stick it in my house if I want to, or on a back deck or something. So I don't know of any codes against wood. But I understand the concern. I just wonder how you stop it if there's no provision that says you can't have this kind of wood. That's where the issue comes in.

COMMISSIONER SCHIFFER: Well, there is standards in building codes of woods that you can't -- I mean, preservatives you cannot use.

So, Peter, are these safe?

MR. GADDY: It's kind of hard to get Creosote nowadays. But they come untreated.

COMMISSIONER SCHIFFER: Perfectly untreated?

MR. GADDY: Perfectly untreated. They're oak; they're untreated.

Now, there are companies that do refurbish these containers. When they purchase used containers, they sand blast them, and they put a coat of primer paint on them, and they also treat the wooden floor. What they treat it with, I have no idea, but it's supposed to be a preservative.

COMMISSIONER SCHIFFER: Okay.

MR. GADDY: So there are preservatives that are put on there that --

COMMISSIONER SCHIFFER: Well, I'm not worried about after the fact. But if you're saying containers sitting on the docks of Madagascar is pure oak, I'm not -- don't find that believable. But if that's the reality, that's the reality.

MR. GADDY: That's what I've been told.

CHAIRMAN STRAIN: Okay. Is there anything else on this particular topic?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing nothing, that take us to the end of our old business, and there's no new business listed. Go ahead.

MS. CILEK: Can we continue the conversation for the Immokalee LDC amendment?

CHAIRMAN STRAIN: Can we continue them? Well, I'm assuming anything that you've still got left to write is going to be continued. But you want us to specific -- okay. When we get to the -- well, when we get to the adjournment, we'll adjourn with the exception that we'll be continuing the Immokalee mobile home amendment?

So with that, I don't think there's anything else on our agenda. Is there a motion to adjourn subject to the continuation of the Immokalee mobile home amendment.

COMMISSIONER KLEIN: (Raises hand.)

COMMISSIONER AHERN: So moved.

CHAIRMAN STRAIN: I think Barry had his hand up first, so we'll do Barry, seconded by Melissa. All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Opposed?

(No response.)

CHAIRMAN STRAIN: We're out of here.

Thank you-all.

MS. CILEK: Do we need a specific date for the continuation?

CHAIRMAN STRAIN: The longer the better.

MS. CILEK: I mean, legally, I think we need a date, because I don't want to readvertise. So can we

--

CHAIRMAN STRAIN: Well, we just adjourned the meeting, but go ahead. Now, do we need to take the Immokalee mobile home --

MR. KLATZKOW: Well, don't you readvertise this along with a bunch of other stuff?

MS. CILEK: No, we continue the LDC amendment --

MR. KLATZKOW: This is the last LDC amendment you're doing?

MS. CILEK: Yep, the Immokalee one.

MR. KLATZKOW: Do you know what date you're bringing it back?

MS. CILEK: I would suggest the first meeting in October, which is the --

CHAIRMAN STRAIN: Fourth.

MS. CILEK: That is --

CHAIRMAN STRAIN: You want to continue the Immokalee mobile home issue to the 4th of October?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay. Let's re-open the -- re -- unadjourn the Planning Commission meeting. There is a motion to adjourn with the exception that we will continue the Immokalee mobile home amendment until the -- no later than the October 4th Planning Commission meeting.

MR. KLATZKOW: Well, no, you need a date certain.  
CHAIRMAN STRAIN: Okay. The October 4th Planning Commission meeting.  
MS. CILEK: That would be nice.  
CHAIRMAN STRAIN: Barry, do you accept that?  
COMMISSIONER KLEIN: (Nods head.)  
CHAIRMAN STRAIN: Okay. Melissa?  
COMMISSIONER AHERN: Second.  
CHAIRMAN STRAIN: Okay. All in favor, signify by saying aye.  
COMMISSIONER SCHIFFER: Aye.  
COMMISSIONER AHERN: Aye.  
CHAIRMAN STRAIN: Aye.  
COMMISSIONER HOMIAK: Aye.  
COMMISSIONER EBERT: Aye.  
COMMISSIONER KLEIN: Aye.  
CHAIRMAN STRAIN: Okay. We now are again adjourned.  
MS. CILEK: Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:12 a.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 10/4/2012, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICE, INC.,  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.