

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 4, 2013

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:

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

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Mike Bosi, Interim Zoning Director
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Okay, everyone, good morning, welcome to the April 4th meeting of the Collier County Planning Commission.

If you'd all please rise for pledge of allegiance.

(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: Present.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Ahern is absent.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: And Mr. Brougham?

COMMISSIONER BROUGHAM: Here.

CHAIRMAN STRAIN: Okay, addenda to the agenda.

Mike, do you have any changes or anything you know of?

MR. BOSE: None, Chair.

CHAIRMAN STRAIN: Planning Commission absences. The next meeting is the 18th. Does anybody know if they're not going to make it on the 18th?

(No response.)

CHAIRMAN STRAIN: Okay, looks like we'll have a quorum.

Approval of minutes. There were none.

Ray's not here for the BCC reports, and I know Mike has just dropped in the seat so I'm not going to ask him to fill that in.

MR. BOSI: Thank you, Chair.

CHAIRMAN STRAIN: Chairman's report.

There's something I wanted to mention, but I forgot what it was. That happens I guess once in a while. So if it comes up, I'll deal with it later.

There is no consent agenda items, so we'll move right into the advertised public hearings.

This is an adoption hearing for two GMP amendments. The transmittal for this board was on November I think 1st of 2012, and then it went to BCC, up to DCA and back -- or it's not DCA anymore, but the former DCA -- and back down to us.

COMMISSIONER EBERT: DOE.

CHAIRMAN STRAIN: DOE, is that what it is? Okay.

The first one is PL20120000371/CP-2012-1, the Gordon River Greenway Park.

Disclosures aren't required, so we'll just move right into presentation by David Weeks.

MR. WEEKS: Good morning, Commissioners. For the record, David Weeks of the county's comprehensive planning staff.

The agent for this petition is Wayne Arnold, representing the county's Parks and Recreation Department, and he's unavailable to be here today.

Mr. Chairman, as you've stated, this has been reviewed previously at transmittal hearing and this body did endorse the recommendation to change the Future Land Use Map designation of the subject property from urban residential subdistrict to conservation. That designation change is a requirement of -- and I think agreement is the right term between -- conditions of a grant, excuse me -- between the State of

Florida and Collier County. Because the state did provide money, at least in part, for the acquisition of the subject site.

The rezoning has previously been accomplished for this piece of property. The Department of Economic Opportunity and other state review agencies had no issues or concerns with this petition, and we bring it back to you today requesting your recommendation of approval to adopt this change.

CHAIRMAN STRAIN: Are there any questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: David, this is my first time to see this. I wasn't here in November.

In reviewing it, I found deed restrictions by the FCT that were applied to the property because they funded it. And in those deed restrictions there were far more requirements than are found in the PUD for the property when we saw it as the Greenway River project.

We do monitoring reports for the PUD, and usually what happens is all the requirements that are in the PUD are listed in the monitoring report as having been completed or met or not met.

It's more important because it's out of our hands if we make an error in those deed restrictions. Basically FCT gets the property. And I want to make sure that somehow that entire FCT portfolio of requirements is being monitored.

Is it improper to request that those items, whenever the monitoring reports are done for this project, be included as checkoff items within the monitoring report?

MR. WEEKS: I don't think it would be. But I have to correct you here, this property was not rezoned to PUD. It is zoned P.

CHAIRMAN STRAIN: Oh, that's right, public use, you're correct. So we're not even going to get a monitoring report.

MR. WEEKS: That's correct.

CHAIRMAN STRAIN: Ah. Well, now I'm more concerned.

MR. WEEKS: That's what I thought.

CHAIRMAN STRAIN: I did ask for a copy of the management plan, and I found it was a rather extensive plan that hasn't been finalized yet. The deed restrictions consistently refer to that management plan repeatedly as the tool that if any changes are made, they've got to have written sign-off or a lot of other issues.

How can we implement a program to make sure that that deed restriction agreement is monitored consistently and we don't make an error that could cost us a lot?

MR. WEEKS: Commissioners, I'm not really sure. One suggestion would be to make sure that at the time of Site Development Plan approval that the deed restrictions be reviewed for compliance at that stage.

But as far as a regulatory process to make that happen, I mean, today you're only dealing with a map amendment to the Future Land Use Map. And there really is no mechanism for a map change to accomplish that.

What I would offer only is that taken your concerns and take those back to the zoning staff that will ultimately be reviewing the Site Development Plan, Ray Bellows and of course Mike. So that internally at least administratively we flag this property to make sure that that happens, that those deed restrictions are reviewed during the SDP.

CHAIRMAN STRAIN: Well, I mean, the unit SDP wants --

MR. WEEKS: It's already approved?

And the SDP has already been approved.

CHAIRMAN STRAIN: Already approved. Okay. I'm real concerned about that, only because of the seriousness of a mistake that potentially could happen if those deed restrictions are violated.

Joe?

COMMISSIONER EBERT: Mike.

CHAIRMAN STRAIN: Mike, I'm sorry. I get you and your brother mixed up.

MR. DELATE: For the record, I'm Mike Delate with Grady Minor Engineers, representing Collier County Parks and Recreation today.

The Collier County -- just to address the deed restrictions with the FCT grant, Collier County Real

Property has been diligent in addressing and keeping tabs on those issues for Collier County Parks and Recreation. And obviously there's a multitude of restrictions in there. That's no guarantee, but I just wanted to give you some background on how they've been addressing that.

CHAIRMAN STRAIN: Yeah. And I guess then for this process we can't do much with it. I'm going to be checking with Alex Sulecki on it, the issue, anyway. And if something else comes up, I can always make some comments in the future, so okay.

That's the only issue I had with this.

Go ahead, Heidi.

MS. ASHTON-CICKO: Also, we did a scrivener's error correction on the ordinance to clarify that it's -- was rezoned to a passive public park. That's the use that's permitted under the rezone.

CHAIRMAN STRAIN: I saw that, thank you.

Anybody else have any questions on this particular one?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to approve for adoption?

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Ms. Homiak.

Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Okay, by Diane.

All in favor?

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries, what, is there seven of us? To zero.

We'll move on to the second one. It's the Bayshore/Gateway Triangle Redevelopment Overlay, PL20120001213/CP-2012-3.

And presentation by Ms. Jean Jourdan of the CRA.

MR. JOURDAN: Good morning. For the record, Jean Jourdan, Interim Director of the Bayshore/Gateway Redevelopment Community.

Basically what this amendment does, it achieves two things: It allows mixed use to go -- I need something so I can go over here and point to this.

CHAIRMAN STRAIN: There's a walking mic there somewhere. There you go.

MR. JOURDAN: Testing. Can you hear me?

Okay, currently the boundaries of the Bayshore/Gateway Redevelopment area goes up into here. You can see the boundaries. However, the pink for mixed use stops right here.

So currently you're not allowed to develop -- utilize the density bonus pool or do mixed use across north of Davis Boulevard here. That was not originally the intent of the CRA. And we'd like to include that to allow mixed use development. Mixed use development would permit --

COMMISSIONER EBERT: It's not picking up.

MR. JOURDAN: Can you hear me now?

COMMISSIONER EBERT: Yes.

MR. JOURDAN: Sorry. I speak low anyway.

So what we would like to do is expand that boundary -- well the boundary is still there. Just expand the pink and allow mixed use to be allowed on the north side of Davis Boulevard.

Additionally, currently the mixed use activity center number 16 is also within the redevelopment

area, and there was a provision in the Growth Management Plan which actually that language was put in place before the Land Development Code regulations before everything was completed.

And it says that mixed use center, activity center number 16, the language in that will prevail, so then the mixed use is not applicable. And we'd like to make it also applicable to activity center number 16, since it is within the boundaries.

COMMISSIONER BROUGHAM: Where is that?

MS. JOURDAN: You see here where the crosshatch is? It's actually here and goes up into there.

CHAIRMAN STRAIN: Actually, it actually goes a little bit further. That activity center, it goes beyond the CRA boundaries.

Would you like -- maybe for the overhead this would be easier.

That doesn't quite mirror your boundary. It goes beyond it, so --

MS. JOURDAN: Right. And it would only be applicable to what's in our boundary. Because it's only applicable to the portion that's in the overlay.

COMMISSIONER BROUGHAM: Where is it again? I'm sorry to keep asking, but I still don't know where it is.

MR. JOURDAN: Is it on the overhead?

CHAIRMAN STRAIN: Jean, if you were to go to that gray area on the far right side of the map that sticks out the most, that corresponds with the right side of the activity center that's on the overhead.

MS. JOURDAN: I'm sorry, I'm blind from this distance.

CHAIRMAN STRAIN: Right there it is.

MS. JOURDAN: Oh, the government center. Down below here.

Okay, so come in here. So the portion that would -- it would be applicable to would be that which is in the redevelopment area boundaries.

The other thing that we're trying to achieve is we wanted to incentivize redevelopment. And there was a very good issue that was brought to my attention. What we wanted to do is allow up to eight units in a residential PUD within the area. Currently now being in the coastal high hazard area you can have the three units per acre so you could get up to five units of residential density through the density bonus pool, which the pool contains 388 units altogether, which 10 of those have already been utilized.

However, we wanted it to be an incentive, so we don't want it to be applicable to vacant land, only redevelopment projects. So if you have something that's blighted and slum, some of them will actually tear it down and for that they can be rewarded by getting additional density to develop something that's nicer.

However, it was brought to my attention that the way the language reads now, it really doesn't make that clear.

So while we're here today, I would like to move forward with this, but I would like to add some language to make that clearer, that it would not be applicable to vacant land, it would only be applicable to redevelopment.

CHAIRMAN STRAIN: Okay, anybody have any questions of Jean?

Phil?

COMMISSIONER BROUGHAM: What is currently allowed in that area, the white area north of Davis? What type of --

MR. JOURDAN: That's commercial. It's C-4.

COMMISSIONER BROUGHAM: Straight commercial?

MS. JOURDAN: Yeah, it's zoned C-4 there.

COMMISSIONER BROUGHAM: Pardon?

MS. JOURDAN: C-4.

COMMISSIONER BROUGHAM: C-4.

MS. JOURDAN: There is a portion that's --

CHAIRMAN STRAIN: I have a -- Phil, if you want to read the whole list, I've got them all here. It's activity --

MR. JOURDAN: C-5. C-4 is here and then C-5 is here.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: Any other questions?

(No response.)

CHAIRMAN STRAIN: I think my questions, Jean, will be more of David, but I do want to make some comments. The CRA's original visions in the original use of the 388 units from Botanical Gardens was premised upon using them as incentives to encourage the mixed use concept that the Bayshore/Gateway Triangle had as a vision.

And then the way these 388 units were originally brought before the Board of County Commissioners, it says the following in the staff report: This amendment will provide an incentive to redevelop parcels with a mix of neighborhood, commercial and residential uses. The proposed increase in density, when developed in a mixed use environment, is consistent with the goals of the redevelopment and compatible to the surrounding areas.

So I definitely want to get some clarification from David that if we go outside the mixed use environment, because that was stressed in the original staff report that approved these, is that going to now be inconsistent with the intention of the redevelopment area and the compatibility of the GMP? I'm kind of setting a table for David a little bit so when he comes up I can ask him these questions.

I think what we would probably have to do to be more accurate to where you're coming from in regards to redevelopment benefits would be in paragraph five is just make sure that that paragraph pertains to redevelopment projects. Because right now it's not referencing that, it's just any residential only project.

Which my concern for the overall CRA, you've done a great job down there. I've been -- I used that place, Kelly Road and Bayshore Park to launch my little boat 30 years ago and it was a pit. And it's nice. You guys did a great job.

And the way you're going it looks like is a really good direction. And I think you picked that well. I know there's been talk of a performing arts center down there.

MS. JOURDAN: Yes.

CHAIRMAN STRAIN: These redevelopment bonuses, density bonuses, if you want to call them that, will become a really valuable incentive to get more of what you originally envisioned down there if they're all not just blown away on residential developers just taking them up. You're not charging for them and so it's like a giant freebie for someone who wants to make a lot more development potential out of their property and become no different than the rest of Collier County, a bunch of small high-density projects all over the place.

So I would encourage you, and maybe David will have to answer this, is wherever the implementation of these new standards come in, that you consider capping the amount of units any one project can take. The arboretum, for example, was going to take a substantial amount of your credit, more than 50 percent. That would discourage other mixed uses, because you'd be running out of density. And I know you've only used what, 10 to date. But the ones that you used, at least one that I know of was kind of the vision you guys were thinking of. It was a -- like artist shops with lofts above. That area is great for that, and I think it would attract, especially with a performing arts center it would be ideal.

But if you give away these incentives and you don't use them for the primary goal, it will -- I think it's going to be very negative. So I'm concerned about that. I want to make sure there's some way of capping, or a suggestion to cap your bonuses to any one particular project.

And then if you take out the residential only on a new development, that helps a lot. Because that's going to -- I think that will affect it very detrimentally. Someone will come in and those will be gone rather quickly.

MS. JOURDAN: I think that's a very good point. I agree.

CHAIRMAN STRAIN: Thank you. Anybody else have -- Phil?

COMMISSIONER BROUGHAM: Yeah, you just prompted another question I have. And it's probably in here and I just didn't pick it up.

The density bonus, quote, unquote, pool of 388, would that then apply to this new area of mixed use you're proposing north of Davis?

MS. JOURDAN: Yes, it would.

COMMISSIONER BROUGHAM: Has there been any thinking as to where you might or how you

might or if you should split the -- or prorate the density bonus between those areas to the north and those areas down to the south on Bayshore? You know, which in my opinion were or are more blighted than the area north. It's just a thought that I -- do you want to encourage mixed use development equally and pass out the bonuses equally, no matter, you know, first come, first serve, or do you want to think about incentivizing areas within the CRA?

MS. JOURDAN: You're really making me think here. You guys are bringing up some really really good ideas and questions.

CHAIRMAN STRAIN: Well, what I was going to suggest is, and it would probably address Phil's question, because it's similar to mine, when David can come up and we can talk with him a little bit, usually what happens is GMP sets the concept and the LDC is the implementation part of it.

And if we can be assured that some of the concerns we have both in the way these are spread, how they're awarded, quantities and all that can be worked out in the implementation part of this, if there is to be one, then that might solve the problem. Because we've tried to avoid putting too much detail in the GMP, and that's kind of why I wanted to hear what David had to say, and he could respond to Phil's too.

And then if we can be assured there's going to be GMP amendments to coincide with this density bonus issue, that might be a way to get there, Phil.

COMMISSIONER BROUGHAM: And I just thought of it, prompted by what you said earlier, that different areas have different needs, if you will.

MS. JOURDAN: Yeah, currently in the LDC there are of course regulations that apply to the density bonus units. And then there is the whole process and criteria. Which it actually was in the Growth Management Plan which we're striking through so you can kind of read through what's applicable in order to get the density bonus units for a mixed use project.

But now since they're in the LDC, we wanted to remove them from the Growth Management Plan.

But yeah, it doesn't specify a cap. So one individual could basically at this point ask for all of them if they wanted, so that's --

CHAIRMAN STRAIN: As soon as your performing arts center becomes a reality, that's going to be a huge spark for that area.

MR. JOURDAN: Yeah.

CHAIRMAN STRAIN: And I think you'll see the opportunities for the mixed use that you originally envisioned will really become something desired. But if the density incentives are gone, it may hinder it more than trying to use them up now.

And especially judging, from what I can tell, the period of time in which you thought you'd use these density bonuses, two-thirds of it was during the recession. You had a 10-year window in there, and over half that or more, what, six years we've been in a recession and residential has been dead. So to judge the lack of interest in the incentives now I think is premature. I think another -- by 2015 if you haven't seen a movement you desire or you're not moving forward with the performing arts, you might want to reconsider it, but right now I think leaving it to mixed use and maybe adding the limited redevelopment that you talked about would be far better than opening up wide at this point.

MS. JOURDAN: Right. If you talk with the people that come to our meetings, as far as we call that the Gateway Triangle area, you know, they feel that they're being slighted. They feel that nothing is being done for their area, even though we just finished a \$2.7 million stormwater project up in there.

But, you know, they feel like everything's being done on Bayshore. You know, why is everything being done on Bayshore when here there's no incentives, you know, up here.

And we have -- I cannot even tell you the number of people that have come and said that they want to redevelop on the north side of Davis Boulevard there, but they say, you know, it's not even viable with only being able to do three units per acre. But these are people that want to do mixed use.

Additionally, our catalyst project where the CRA owns property up there is targeted for mixed use, and we're trying -- we're going to start actively marketing that. So that is going to start turning into hopefully a mixed use type area up there. So if it's not a lot permitted on the north side when we're trying to develop it on that key parcel on the south side there, it doesn't make quite a lot of sense.

CHAIRMAN STRAIN: Well, your examples in your document portrayed what you're saying, and I

think it's a good move to move it out there, so that part of it seems fine.

And as far as people not commenting on water management, that's why engineers a lot of times do so well, everything they do is buried. And when you can't see it, you can't complain about it. It's kind of nice. That's probably why they don't realize the extent of what was already done, it's not as noticeable.

So anybody else have any questions for Jean before we go to David?

(No response.)

CHAIRMAN STRAIN: Okay, thank you, Jean.

COMMISSIONER EBERT: Should we really grill David?

CHAIRMAN STRAIN: I don't know, he can stand his own pretty well.

COMMISSIONER EBERT: Oh, I know he can.

CHAIRMAN STRAIN: David, I guess you kind of heard the discussion. And the language suggested changes to -- most probably paragraph five, which would limit the properties in which they could spread this from mixed use to mixed use and now redevelopment residential. Do you see that as a problem in getting it accomplished on the fly here, or is that something that we need to look again at, continue to look again at?

MR. WEEKS: Well, I think we can do it on the fly. I suggest we go ahead and give it a try. And if we have some concerns about the language, that if we're still very much in a concept stage, then I would suggest we continue the meeting.

One of the things that this body began doing a few years ago, which I think was a great idea, is your consent agenda. So that you have a second view of language changes.

So if we -- if at the conclusion of the meeting today we think we're close, then maybe coming back for the consent agenda is good enough.

CHAIRMAN STRAIN: Good.

MR. WEEKS: I do have one comment on the proposed insertion of language. That would state that for the residential only project that it be for a redevelopment project. I think we're going to need to clarify what that means.

COMMISSIONER BROUGHAM: I was just going to ask you about that.

MR. WEEKS: I was discussing that with Jean a few moments ago.

I think at the one end of the spectrum we have a situation where it's obviously not redevelopment. And that's where you have a never developed wooded lot. That's obviously not redevelopment.

The opposite end of the spectrum is where you have a lot that has a building, an infrastructure on it. It clearly has been developed. So if you come in and remove that development and put something new, that's obviously redevelopment.

Somewhere in the middle could be the scenario where a property was previously developed but that development has been removed so what we see now is a vacant lot. Is that redevelopment or not?

CHAIRMAN STRAIN: I don't think that's the intent that would help the CRA necessarily.

And David, you heard the discussion a minute ago. You were around in those days, as I was. Did you feel the intention was for incentivizing mixed use? Because that is a vision in a lot of our documentation that never gets -- very rarely gets used, and this would enhance the possibility of it happening. I mean, the only -- one of the better ones I can think of is Mercado. That was a great mixed use project. I don't know how the residential is doing, but, I mean, otherwise the project's great. It looks great and it seems to be attracting a lot of people and they have great businesses up there.

That's kind of what I thought was the direction the CRA was eventually going to go in their mixed use applications down there.

MR. WEEKS: It definitely was intended to apply to mixed use development.

I would follow up, though, I was carefully reading through again the language in paragraph F for this overlay, and it does not mention mixed use as a requirement. It does touch on it. But I -- pointedly inserting the paragraph five that allows for residential only to receive the density pool bonus I do not read as a conflict between the overlay language as it exists now.

That's a different question in response to your initial one which was the intent behind it, what was stated in the staff report, what might have been discussed at public meetings. But what got adopted, I see no

conflict in adding the residential only.

If I may go back to that question of redevelopment, what exactly that means. Because that scenario of where -- I'm imagining the counterpoint. I own this piece of property. It had a structure on it developed however many years ago. It's dilapidated. I do the right thing by community standards. And I go in and I remove that building. It's dilapidated, it's an eyesore, it does nothing to help the community. I tear it down.

And then I come in at some point after that, whether it's the next day or five years later, and say I would like to use this density pool bonus for a residential only project. And the county says no, then I'm going to feel like I got penalized for cleaning up my property.

So that's where I wonder if we do want to say it has to be a quote, unquote, virgin piece of property for this to apply.

CHAIRMAN STRAIN: Yeah, but where in Collier County are you going to find a piece of property that someone hasn't trampled on? I mean, it's not that rare, especially in the urban area, especially south of 41, which is your higher coastal region that everybody wants to play in.

So I'm not sure you couldn't go back and find aerial photos of something being there some way back in the eons ago and saying ah, now, see, it's redevelopment.

MR. WEEKS: I can think of one, there may be a few more, down around Bayshore and Thomasson at the northeast corner at the existing site of the Cirrus Pointe PUD. That property is wooded. And there may be a few more south of Thomasson. But north of there, I think you're right, I think most -- probably every parcel, at least that comes to mind, has been cleared in the past. If not exactly developed, it has been cleared of vegetation and it's waiting for development.

CHAIRMAN STRAIN: And I think to work on the language, maybe we ought to somehow phrase it with existing development or looking at the quantity of development on the size of the lot basis. Because if you have one house on a 10-house lot but now you want the benefit to redevelop that one house out and you want eight times whatever the acreage is for every lot there, even though you only had one structure there, you're really not doing redevelopment. That's just, I don't know, repair, whatever you want to call it, refixing up.

So I think that language needs to be worked on, but I think it would be highly beneficial to capture as incentives more of that density bonus than just giving it away the way it's currently worded.

I have some questions right from the beginning that I can go through, if that's okay?

Phil?

COMMISSIONER BROUGHAM: Just one clarification.

Residential only, is that -- I should know this, is that single-family homes or is that any version of single-family, multi-family? Does it include apartment structures?

MR. WEEKS: It would be the latter. All residential unit types.

COMMISSIONER BROUGHAM: Including apartments?

MR. WEEKS: Yes, sir.

CHAIRMAN STRAIN: And along that line, right now the density increase above the base three in that area can only happen if they enter into the affordable housing program. And the affordable housing programs, let's say for workforce housing and some of those others, what will the -- are our price ranges like they were years ago, like 150 or 180 or close to 200 for some of those? Have we ever readjusted our price ranges based on the new economy or have they just been sitting there because no one's doing affordable housing anymore?

MR. WEEKS: The percentages are fixed. Now those are set by -- well, we do have them in local ordinances, but many of them -- or most of them are set at the federal level by HUD, Housing and Urban Development Department.

So with the percentages fixed, as the economy changes, meaning the median income level, household income goes up or goes down, the buying power then accordingly adjusts.

So going back to the period of five or six or seven years ago when we had such a robust economy, the person even at the top end of those ranges of affordable or gap housing was struggling to be able to afford very many units in Collier County, because our median income was high and the housing prices were just off the charts.

Now with more of the opposite scenario where there has been some reduction in median household income but the housing prices are so far lower, that even with those fixed percentages, far more people could qualify to purchase a home under this economy than in the past.

CHAIRMAN STRAIN: Do you know the -- Mike, do you know what the current median range is for affordable housing?

MR. BOSI: Mike Bosi, Interim Director of Planning and Zoning Services.

Michele Mosca just provided a very good study in terms of trying to assess just availability of the price range to the Board of County Commissioners at their workshop on Tuesday. And the median average income for the county, I think the latest was \$72,000.

CHAIRMAN STRAIN: How does that transpire to house price?

MR. BOSE: I believe when you're in the affordable -- or the 140 range, which was the work force housing, I believe that it was a price range of almost \$200,000.

CHAIRMAN STRAIN: Okay. And that's kind of part of the problem. Originally we said that in density increases above the base there could only be done to the affordable housing program. And if we were to open this up to residential and we're not careful how we word the residential in regards to its redevelopment, someone could chuck that program and come back in and say I want my 100, 200 units out of this program because they're free and I don't have to be in the affordable housing program but my prices will be the same or less because of the quantity you'd have on such -- the high density you'd have on such a small parcel that the CRA gains nothing. In fact, probably takes a step back because they've lost those density incentives. They've got a project that is equal to or less than what it could have been required to be built by affordable housing, but without the restrictions and government oversight to make sure it's done as affordable housing.

I don't see where there's any gain. And that's where I'm really concerned in this language. That's the point that I think we need to be careful we don't -- we address in our definition of redevelopment. Because that's -- I mean, each unit to a developer is worth a fortune. You pay for those units. That's why they come through here with rezones. And they're -- I mean, this is -- the way it's written is just giving them away.

Now fine, they better be for a really good incentive. That's how I would hope that they would want to use them. So that was my point.

COMMISSIONER BROUGHAM: That was my concern behind the question of definition of housing. If it included, you know, apartment -- quote, unquote low rent apartments, very small apartments, I don't want to say low rent. I mean, I wouldn't like to see one dilapidated bunch of apartments torn down and replaced with new ones but of the same size with a lot of different incentives associated with them. But, I mean, it's along the same lines, Mark.

CHAIRMAN STRAIN: Right. And I think the point's been made, and maybe as we develop some language when we get into these paragraphs, then with that in mind we can get there.

If we look at Policy 5.1 --

MR. WEEKS: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. WEEKS: I just want to make one comment on that. And ultimately we'll probably need some legal advice.

But I'm not sure that the county will have the ability to regulate what type of housing in the sense of the value or the ability to say we will only give a density pool bonus on --

CHAIRMAN STRAIN: Oh, I wasn't suggesting that.

MR. WEEKS: Okay.

CHAIRMAN STRAIN: No, no, that's not what -- I was just being very practical in saying if you do it the way it's worded right now you're going to end up getting affordable housing or less in value, but outside the program. So there's even less of probably a benefit to the public and to the CRA. There's certainly a higher benefit to the developer. That's all I'm suggesting. I know we can't regulate it.

But I think in the end what we were maybe trying to avoid by saying well, if they're not in the affordable housing program they'll probably do a better unit, well, you give them too much density you may not be that much better. You may not get the price ranges you're thinking of and we gain nothing then except

lost the incentive.

MR. WEEKS: I definitely agree with your comment that of course this is designed to be market rate. There are no restrictions.

CHAIRMAN STRAIN: Right.

MR. WEEKS: And so it's purely going to be a function of the type of development that's being proposed, and of course that developer is going to consider the location of their property, the cost for development. And if they're surrounded by projects -- if they're relatively small, if they're surrounded by projects that whether regulatory wise or not or affordable housing, what is their -- what is that project's incentive? What is it about that project that is going to draw persons that would qualify at a higher income level? I don't mean affordable housing, I mean someone that's making, I don't know, a quarter million dollars a year, why are they going to come buy a home or a condominium or rent in this project if there's not something there that appeals to them. I mean, are there the amenities, is there the waterfront view. There's got to be something there to draw those people. And if they're surrounded by development that doesn't offer those opportunities, then why would somebody pay that much to be there? Which translates into the developer is not going to build that higher end development, he's going to build what the market -- I mean at the market rate. The developer is going to build what the market will bear.

CHAIRMAN STRAIN: Right. And I think as the CRA matures and they keep going the direction they're going in, they will get the benefit of higher individual price ranges down there. Because -- I mean, especially with the performing arts center. That's going to be -- that's now a very nice area of town and it's becoming better because of the CRA.

So I think them ought to just hang in there and try to be conservative with their density bonus points.

Anyway, Policy 5.1, David, adds an exception for the Bayshore/Gateway Triangle Redevelopment Overlay as new language. And I was tracking some of the other policies to see if it fit well. In Policy 5.10 -- and I know 5.10 is for zoning exemptions. But there's a general statement in there, the second sentence from the bottom of 5.10 that says: Nothing contained in this policy shall exempt any development from having to comply with any provision of the GMP other than the zoning revaluation program.

And then it goes on to put an exception for Copeland, Plantation Island and Chokoloskee. Should we put the Bayshore overlay exemption in that paragraph as well? Or could you look at that and if it needs to be added there for clarification consider adding it when we get the consent?

MR. WEEKS: Would you read those three communities again, please?

CHAIRMAN STRAIN: Additionally, the Copeland, Plantation Island and Chokoloskee urban areas were exempted from the zoning reevaluation ordinance. The existing zoning on properties within these communities shall also be considered consistent with the Future Land Use Element.

That's saying, you know, the sentence that says they all will comply with the GMP, other than the zoning reevaluation program, I was concerned that because it didn't exempt the Bayshore/Gateway density bonus pool and all the other things we're trying to do down there, someone could construe Policy 5.10 as restricting it, just like the activity center, four units became a restriction on the use of the density pool in that area.

So I was just being cautious, thinking you might want to look at entering some language in there.

In --

MS. ASHTON-CICKO: Are you proposing to change the 5.10 or 5.1?

CHAIRMAN STRAIN: 5.10. That would be 5.10.

MS. ASHTON-CICKO: I'm going to have to take a look at that. Because I'm not sure if that was covered under the umbrella of the advertisement. So if it can't go in this we'll put it on the list of things to address in the next cycle.

CHAIRMAN STRAIN: As long as David feels it's needed, yeah.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: I just wanted to -- I'm just checking it and asking him, because that's all he's done and he's done it well, so I want to make sure he concurs.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: On 5.1.C David, we again added that same language. And on this one it

said by the new zoning -- let's see. I'll try to read just part of it because it's a long sentence, and Cherie's going to be typing forever if I keep reading all these paragraphs.

It talks about residentially-zoned properties, zoning changes will be allowed, provided the authorized number of units in the new zoning district does not exceed -- then it says except for the Bayshore/Gateway Triangle.

But E seems to contradict that in C. E says overall intensity of development shall be determined based upon a comparison of public facility impacts as allowed by existing zoning district and the proposed zoning district.

Now, if we use this pool of density bonus points, is it going to be any way hindered in the overlay based on the language in E? Because I'm sure that's not the intent.

MR. WEEKS: Well, Mr. Chairman, the -- in paragraph C, the exception is to what is stated above. So there are two restrictions above in this paragraph C: One, that the zoning change could not authorize a higher number of dwelling units; and secondly, that the overall intensity of development allowed by the new zoning district not exceed the existing zoning district. Both of those are being excepted for this overlay. So I don't see a conflict.

What we're saying is under this overlay you're not subject to those two restrictions.

CHAIRMAN STRAIN: And then E then you're not subject to that either, if you use --

MR. WEEKS: Correct.

CHAIRMAN STRAIN: -- the density.

Okay, that's -- if we move to Page 4 of the changes, and it's item four up on top, it says: Properties with access to U.S. 41 East and/or Bayshore Drive and/or Davis Boulevard and/or Airport Road are allowed a maximum density of 12 units per acre.

And I understand the intent. Is -- GMP doesn't have definitions -- well, they do but we don't normally use them.

Access. Someone could have 1,000 foot long driveway, and was that access?

MR. WEEKS: Yes. And even more so.

Commissioner, I think you know that -- you've dealt with me enough to know that my position is usually a rather conservative one. This is an exception for the Bayshore overlay, and it goes back to its creation in 2000. And some of that intent language of first of all creating a redevelopment plan and then creating this overlay in the Growth Management Plan, that in this overlay we, the county, staff and as implemented by the board ultimately, has viewed access in a much broader way. Ordinarily we would think of access as being basically a driveway cut. You front on that property -- on that street, excuse me, and you have access to it.

In this context of this overlay, we have historically viewed it much broader so that if you are not fronting on that referenced street but you front on a local street let's say that connects to that main street, that was viewed as access. So again, a much broader view than historically is done in other parts of the GMP.

CHAIRMAN STRAIN: Well, if you take the word access and apply it to any connection to any street to get to any of these main streets, you've basically got any property in the overlay. Why don't we just say that, instead of making this mathematical mousetrap where you have to track something back and forth down streets to get there? Why don't we just say that the properties within the Bayshore/Gateway overlay are allowed a maximum of 12 residential units per acre if they're within the zoning areas that allow that by zoning? I mean, why are we going through this routine to add these streets to it if in the end -- is there anyplace that wouldn't be applicable based on the word access?

MR. WEEKS: Nothing comes to mind. You know, the re -- let me explain why we did this the way we did. We're just trying to make a minimal change. Presently the language reads: Properties with access to U.S. 41 East. So that broad interpretation, as I explained earlier, would capture every property south of Davis Boulevard, I believe every property --

CHAIRMAN STRAIN: Or even north. Brookside Marina has access to Davis which has access to 41.

MR. WEEKS: Well, we've not applied it that way. Again, it's all undefined. We've applied it that Davis Boulevard is a major roadway; that was a dividing line. And of course it's not written here, but that's

the way we've applied it.

That's why part of this amendment is adding this language so that it does allow the properties on the north side of Davis Boulevard.

Mr. Chairman, I'd like to take a look at this language to make sure that --

CHAIRMAN STRAIN: Okay.

MR. WEEKS: -- there's no inconsistency. But if we can make it much briefer and understandable, I'm all for that.

CHAIRMAN STRAIN: How long have you worked for the county?

MR. WEEKS: A little over 27 years.

CHAIRMAN STRAIN: And most all that time it's been in the position you're in now. And you've --

MR. WEEKS: Most of that.

CHAIRMAN STRAIN: Whatever the title is, but, I mean, you've been handling the GMP.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: You know, you don't look a day older than you did 27 years ago, David, so I'm assuming you're never going to retire. And therefore we have no fear that whatever way you interpret these things will be the way it will be forever. And if you believe that, then I don't have a problem with the word access. But if your interpretation gets lost down the road, as I see so many changes in staff and people over time, then we've got a problem. And that's kind of where I'm coming from.

MR. WEEKS: Well, if you'll pay my errors, I'll interpret from the grave.

Mr. Chairman, I'll take a look at that language and your suggestion may be a very good one.

CHAIRMAN STRAIN: Okay. And also in the middle of that paragraph it refers to the mini triangle project as eligible for the maximum density of 12 units per acre with development standards as contained in the Gateway Triangle mixed district overlay.

But on the next page, and I think I'm trying to make sure we don't get it confused, the mini triangle catalyst project is not subject to the density bonus pool. So do we have two references there? Because one is the mini triangle, but it's -- is that different than the mini triangle catalyst project? And is the mini triangle allowed to use the density bonus pool but whatever the catalyst project is not?

And I apologize to this board, this is my first time with this, so I'm going to be chewing on it longer. I know you guys already seen this once, but --

COMMISSIONER EBERT: No, no, that's fine.

COMMISSIONER MIDNEY: No, we don't mind.

MR. WEEKS: Just confirming with Jean to make sure we're on the same page. The catalyst project and the mini triangle are one in the same.

And so what this allowance is, for the 12 units per acre without using the density pool.

CHAIRMAN STRAIN: Right, that's how I read it. But then when I saw the next page, it talked about a catalyst project. Can we just drop the word catalyst on the next page, or is that a change you can't -- that's on number 11 on Page 5.

I'm worried that that's a catalyst project that is a different orientation than the mini triangle. And if you mean the mini triangle, let's just leave it mini triangle, then we're covered.

MR. WEEKS: No objections.

CHAIRMAN STRAIN: Okay. In that same paragraph four on Page 4 where it has the last underlined section referring to Ordinance No. 0663, it says as may be amended -- and as may be amended.

Now, I've been on this board for a dozen years, and in the old days we were told we could not put language in here that would create a self-amending ordinance. Because then it automatically changes the GMP.

Does this do that or do we have a concern with that? Because basically then we're changing the GMP by changing an ordinance, and I understood from years back we weren't quite allowed to do that. And I don't know if that's what this does or not. I think it was called self-amending was the legal term.

So if someone could look at that and see if that's appropriate to leave it there or not before the consent, that's all I'm asking.

Number five: In the past we were told we could not dictate zoning on a piece of property that the

property owner really had asked for it. In 5.A, and I think this is okay because it's tied to the density bonuses, but I want to make sure, A is: Project must be in the form of a PUD.

So they're saying if you want them to use the higher density from the bonus pool, you can only do that if you're a PUD. Is that what that says?

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Okay. In the prelude to that, do you need to be somehow referred to that density bonus pool in number five? Because there it's kind of reading like if you want more density, here's what you've got to do. But it doesn't say you've got to -- is it clear enough that you've got to pull it out of that density bonus pool?

MR. WEEKS: It is if you read the rest of the overlay. But you may have a point.

CHAIRMAN STRAIN: I'm just worried someone's going to say, well, I meet all the conditions in five on a PUD and therefore you've just changed my base density from three to eight, thank you.

MR. WEEKS: If you look at new paragraph nine on the following page, it does explain it. For density bonuses provided in paragraphs four and five above, and explains how the density is calculated. The density from the density pool.

The final sentence being: The difference in units per acre determines the bonus density allocation requested for the project.

But I would have no objection if you --

CHAIRMAN STRAIN: Right, but if you take the difference in units per acre determines the bonus density allocation. Do we have then -- it doesn't say, though, and that's back to what I'm worried about, that the density bonus allocation you're referring about is the density bonus only to the extent available from the 388 units that you have floating in that district. Is that what your intent is, or is it -- because right now it says the difference in units per acre determines the bonus density allocation requested for the project.

So I want that difference in acreage and I want the bonus density. Doesn't say I have to pull it out of 388. Doesn't say once the 388's used up you don't get anymore. And I'm worried that someone's going to legally interpret it that way and we could get hammered with another base density that we didn't intend. Which in the CHHA is pretty critical.

MR. WEEKS: Right.

CHAIRMAN STRAIN: In 5.C, just a slight word change. And if Brad was here he'd probably say this. I think this is why it rings in my head. Project site must comprise a minimum of three acres. Wouldn't we want to say project site shall be three acres or greater? That's just a textual clarification.

MR. WEEKS: Sure.

And Mr. Chairman, just for correction of -- or clarity in the record, we're reading from the Ordinance Exhibit A in this discussion. And paragraph five has a mis-lettering. It reads paragraphs A, C and D. And so where you just referred to paragraph C, that should be paragraph B. And D should become C.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: On paragraph what should be B is what you just referenced, that the project site must comprise a minimum of three acres.

CHAIRMAN STRAIN: In number six we need to make probably a correction in the reference to the residential density, because we're going to restrict it to redevelopment, residential density, and however we define redevelopment. So you may want to consider a change in six to make sure it's clear. Because it just says except residential density may also be increased as provided in paragraph five above.

I guess if we do five, that's clear. I mean, that covers it. But I didn't know if you wanted to look at that again or not.

MR. WEEKS: Would you say that again, please, Mr. Chairman?

CHAIRMAN STRAIN: In number six it says: For parcels currently within the boundaries of activity center 16, land uses continue to be governed by the mixed use activity center subdistrict, except residential destiny may be also increased as provided in paragraph five above.

COMMISSIONER EBERT: Mark, you're making --

CHAIRMAN STRAIN: Oh, I'm talking pretty slow today.

THE COURT REPORTER: When you read, you talk faster.

CHAIRMAN STRAIN: Okay. Boy, sounds like my wife now.

COMMISSIONER EBERT: That's why we brought her here.

CHAIRMAN STRAIN: Okay, I just wanted to make sure six doesn't -- in the mixed use activity center 16, if they were to go forward with residential only, they can't. They've got to do a mixed use there as well. Or a redevelopment, if there is any residential only in that area. And it --

MR. WEEKS: What this is saying is that really you have a choice. If you're in the mixed use activity center you can develop per the activity center provisions, the activity center subdistrict, which would allow a variety of commercial zonings, it would allow residential. But the residential has density limitations -- you know, if it's in the coastal high hazard area, which I believe all of this overlay is, that would cap you at three.

So the owner in the activity center could say I'm going to choose the activity center language which might limit my density of three units per acre, or I also have the choice of now using the provisions of this overlay which could be a mixed use project that would allow density up to 12 units per acre or residential only up to eight.

CHAIRMAN STRAIN: Okay, and that's where I wanted to make sure we were going. The CHHA used to be I believe south or west of U.S. 41, which means the gateway area, a lot of it, is it in the new CHHA or --

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Oh, it is.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Okay. So all of the Bayshore overlay is now in the CHHA.

MR. WEEKS: I think without exception all of it is.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: Mr. Chairman, I'm sorry, did you still believe we need some clarification of paragraph six? I want to be clear.

CHAIRMAN STRAIN: No, I'm fine. I understand what you're saying.

And I would read it that way because the reference to paragraph five, but I just wanted to make sure that that's how it was intended, so --

The paragraph number 10 on the following page, number five, there's no new language in there, and I wanted to make sure that the language that's there did not mess up the intended uses of the bonus density pool. Because here it's saying you've got to do the affordable workforce housing density bonus, because that's basically the only one left in the CHHA.

But then it says: Is allowed in addition to the eligible density provided herein.

So does that mean someone could do the density bonus pool to whatever maximum they got, their base density and affordable housing on top of that?

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Whoa. I mean, that's looking at quite an extreme amount of density you're talking about. Why would -- that would be hugely detrimental. Why would we want not -- wouldn't we want to change 10?

MR. WEEKS: Put this in context, this goes back to the year 2000. And during that time period affordable housing -- for many years affordable housing has been a priority in the county. Not so much for the last several years, but since the plan's adoption all the way through the time period of this overlay being adopted affordable housing was a high priority. And so that's why here you have, you might say, an extraordinary provision to be able to take from two different bonuses.

CHAIRMAN STRAIN: Wouldn't we want then to except out the use of the density pool if they're using the affordable housing density bonus?

COMMISSIONER MIDNEY: But doesn't it only qualify for ones outside of the high hazard area? And isn't everything in the coastal high hazard area?

CHAIRMAN STRAIN: Well, it says: However, for properties within the coastal high hazard area only the affordable workforce housing density bonus is allowed in addition to the eligible density bonuses herein.

That's what caught my attention is that you've got a series of bonuses. And how would you cap then the density that you could use on any particular project, if you were to cash in on paragraph 10?

MR. WEEKS: The first step would be the -- through the rezoning process would be the board's decision whether or not to award -- how much if any density bonus to award for the affordable housing.

I mean, the affordable housing as I understand it is no different than any other rezoning in the sense that the board still has the rezone criteria, one of which deals with compatibility. And if the board were to say though you qualify for the maximum unit of eight units per acre, at this location we don't think this is compatible so we're not going to award that density. Or infrastructure impacts are too great or for some other reason based on the rezone criteria. That would be the first part.

The second part would be the density pool itself. And admittedly, I'm not sure how the board -- the current structure of the density pool is for a mixed use project only. The criteria in the LDC basically are SDP, Site Development Plan, type criteria. That is, do you meet the objective standards in the zoning code, do you meet setbacks, do you have the required number of parking spaces, landscape buffering, those types of things.

There's really not any criteria of a discretionary nature. It's almost -- it comes across like if I meet these criteria I must be approved. There's no stated language that says there must be a demonstrated need or this project will provide some certain economic benefit, as demonstrated by something the applicant submitted, or some other criteria. They just don't exist.

So back to your question, I'm not sure -- at least as far as the density pool bonus goes, I'm not sure what the basis would be for the board to say no, we will not award.

CHAIRMAN STRAIN: Well, therein lies my bigger concern if we don't cap something in relationship to paragraph 10. And that's what I'm getting to.

So I think especially with the CRA's consensus, if Jean were to work with you to come up with a where they're looking to be for their density of any magnitude maximum on a parcel, it might help to reference that so we can't have a whole pile of density bonuses pile up in a CHHA that we never expected.

COMMISSIONER EBERT: Is this under 10, Mark?

CHAIRMAN STRAIN: Under 10, yeah. That would be a -- and David, my general notes on this that we started with in the beginning of our discussion, let me just make sure we're all aware of those.

So we're going to make sure the mixed use and the density bonus pool can be used north of Davis Boulevard.

We're going to amend the activity center 16 so that they can utilize some of those density bonus units and mixed use.

And we're going to incentivize -- we're going to use the density bonuses to incentivize redevelopment, however we end up defining that, for residential. And we're going to create a definition or somehow figure out what redevelopment means.

Those are some of the concept items that we started with. And then we got into the individual language, which I've seen you make notes of as we went along. So I guess that -- I mean, that's kind of what I've got to discuss on the Bayshore thing today.

And with Heidi needing to do a little research and you having to massage some of this language and maybe look at a couple other paragraphs, I'd feel a lot more comfortable if we continued this but did both the consent and the continued final language at the same meeting so we don't slow it down any.

Does that work for the CRA in this -- first of all, is that -- Jean, is that something you could work with? Because you'd have to come back for consent anyway so we're not losing any time.

MS. JOURDAN: That's perfectly fine with me.

CHAIRMAN STRAIN: That way if there's -- through discussion the next time around, and especially more thought on this, if there's something else that needs to be cleaned up because we haven't voted on it yet, we can clean up and then vote in both at the same time and be -- and you haven't lost any time at all in the program.

Does that work for you, David?

MR. WEEKS: It sure does. And I would suggest then that -- well, first what you said, yes, we would put -- continue this item. And also on that next agenda include the consent agenda for this item. And I

think you always have the discretion that if during the public hearing part of this when it's heard next, if there's still some question about the language and the clarity or further issues or identified or need, we could always scrap the consent agenda for that meeting and postpone it for another one yet again.

CHAIRMAN STRAIN: Yes.

MR. WEEKS: And as always, getting it right is what's most important.

CHAIRMAN STRAIN: Well, because it's a GMP, it's a senior most document in the county, so I'd rather we not make any changes -- I mean mistakes, if we could help it.

Heidi?

MS. ASHTON-CICKO: Can we continue this to a date certain?

CHAIRMAN STRAIN: I was going to request that. I kind of wanted to see what Jean thought and David thought. David's got to work on some of the language, you've got a couple of things to look at which I think you might handle within the time frame they'd have, and then it would be Jean's opportunity to maybe approach their board or whoever they have to to get consensus going forward. They're talking about it right now, so --

MR. WEEKS: Mr. Chair, we would suggest not continuing to the next meeting, being only two weeks away, so we would suggest May the 2nd.

CHAIRMAN STRAIN: Okay. How does the board feel about that? Anybody have any problems with it?

(No response.)

CHAIRMAN STRAIN: Okay, before we make the motion, as it -- I'll wait till they finish.

As a result of all these lang -- not the changes necessarily today, but just the new language that's being put through as this amendment as a whole in 2012-3, was there going to be any changes to the LDC implementation language as a result of this GMP amendment? And the reason I'm asking that is, is if you can leave a lot of the detail out to the LDC like we usually like to do as to it -- how the density units will be awarded, how you'll get into some of that, that works too. I just need to know and some assurance that we're going to do some more implementation language and we're not just going to amend the GMP and go forward.

MS. JOURDAN: Again, Jean Jourdan for the record.

Currently in the LDC there's provisions for the density bonus pool units to be utilized for mixed use but not for the residential PUD. So there's going to have to be some language in the LDC.

CHAIRMAN STRAIN: Okay. And so where you and David feel that you can make I don't want to say requirements, but standards that benefit the CRA for the use of those density bonuses, then if they can be done in the LDC, that's fine too. Just so long as we know it's covered somewhere.

MS. JOURDAN: Yeah, I'd like to defer to David. Because even with this amendment going through and there being no language in the LDC right now that addresses just the residential, if that would be an issue if this was adopted prior to the LDC being amended.

MR. WEEKS: Not a conflict or not an issue at all. In fact that's usually the way the process works is the -- that phrase the cart before the horse. You know, the first step is amending the plan and then you provide the implementing language in the LDC.

COMMISSIONER EBERT: That's what I called you about.

CHAIRMAN STRAIN: Okay. Well, with that then, is there any other questions?

COMMISSIONER VONIER: I have one question --

CHAIRMAN STRAIN: Go ahead, Bill.

COMMISSIONER VONIER: -- it's academic, really.

What are the mechanics of tracking these units once they're approved? You have 388. Somebody approves a project for 100 units, the 388 is now 288. So does this show up anyplace on a -- how and where?

MR. WEEKS: We maintain that list in the comprehensive planning section. I would say that -- well, Jean made reference to the 10 units, and she's been bugging I think us for a long time to verify that number.

There were a few projects, somewhere between one and I think three projects that were approved prior to the land develop -- mixed use projects using density pool units approved prior to the Land Development Code being amended just a handful of years ago to establish the mixed use project, MUP process.

So we have those old handful of units that were approved prior to the LDC process. Since then only one project has been approved and that was the arboretum project, which subsequently expired.

But short answer is we maintain those in the comprehensive planning section. And I would suggest that any time that we have a project that goes through the public hearing process to use these density pool units, that one of the things that would be provided in the staff report to you will be an accounting of the units. 388 minus 10, if that's the number, and this project's asking for 50, here's what's left, so that you have some context.

CHAIRMAN STRAIN: And I think it'd be important for the CRA to consider how many units they want to give to any one project. Because again, those -- once you guys get further along, that's going to be a huge incentive to have those density units. And I'm not sure you want to dump them all at one project if you can help it.

So with that in mind, there's no other questions, is there a motion to continue PL20120001213-CP2012-3 to May 2nd, 2013?

COMMISSIONER VONIER: So moved.

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: Made by Mr. Vonier, seconded by Barry.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor?

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Negative?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Okay, David, thank you. Jean, thank you very much. And we'll look forward to you guys coming back.

Yes, sir?

MR. WEEKS: Mr. Chairman, you mentioned three overall points.

CHAIRMAN STRAIN: Yes.

MR. WEEKS: And I only seem to have two down. One was our discussion of paragraph five about adding redevelopment applicability of the bonus pool units --

CHAIRMAN STRAIN: Yeah, actually it was add the mixed use availability above Davis Boulevard for the bonus pool.

And basically if you change that language and stop referring to all the connecting streets and just say the CRA, you've done that. It covers one.

Number two, amend the activity center 16 for redevelopment bonus, but that's done automatically if you cover the whole CRA.

And three, the incentives for redevelopment for -- redevelopment residential limitation and how we define redevelopment.

MR. WEEKS: Thank you.

CHAIRMAN STRAIN: Thank you. Again, appreciate it very much.

We will move on --

COMMISSIONER EBERT: We need to take a break.

CHAIRMAN STRAIN: A break at 10:00? Cherie', are you in need for -- oh, you need a break.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Oh, okay. We will take a break for 10 minutes. We'll come back at 10:20.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from our break. Cherie' is fully refreshed and we're allowed to go forward.

Next item up is old business and that's a review of past staff clarifications. We've got five and then four were withdrawn. So we've only got one left and that's the attachment four. And that's a staff clarification for SC98-2.

This one is for 5.03.06, docking facilities, and it's concerning a setback at the lot ends and site end canals.

Does anybody from the Planning Commission have any questions or concerns about this clarification?

COMMISSIONER EBERT: Yeah, I just wanted it --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: -- explained. I have everything underlined. I'd like you to explain it. I have it underlined a lot here, but it's not easily put, so I would like you to explain it.

MR. BOSI: The --

CHAIRMAN STRAIN: Well, Mike, let me short -- I think what this does, Diane, is if you have a series of houses on a canal, you've got a house that's going to be at the end. And what they're saying is if you're at the end, you're not up against another residential lot or residential riparian line, you don't necessarily have to retain the 15-foot setback, you can go to seven and a half.

Is that what you believe --

MR. BOSI: Correct, Chair, that is the application of this clarification.

COMMISSIONER EBERT: So it's the very end unit.

CHAIRMAN STRAIN: It says all dock facilities on lots at the end or side end of a canal will be seven and a half feet as measured from that side lot line or riparian line, whichever is appropriate.

COMMISSIONER VONIER: That was the Jaffe boat dock situation we just had. Remember the end of the --

CHAIRMAN STRAIN: You've got to pull your mic towards you, Bill, we --

COMMISSIONER VONIER: The Jaffe boat dock --

CHAIRMAN STRAIN: Yes.

COMMISSIONER VONIER: -- you remember it was at the end of the canal and --

CHAIRMAN STRAIN: That's a good example.

COMMISSIONER VONIER: And that was seven and a half feet, because we were all moaning and growing about that.

CHAIRMAN STRAIN: That's the first part of it.

And where it says whichever is more appropriate, a lot of times we default to whatever is more restrictive. And I'm not sure if this got into what the final language was.

Did you have any other underlines, Diane?

COMMISSIONER EBERT: No, I just wanted him to go and explain, because we are having a little problems (sic).

CHAIRMAN STRAIN: Okay. Boy, Ray -- yeah, that's -- yeah, that's one of them. So that lot, those two houses on the end -- well, they're residential lots. That's not a -- how would that apply in this one?

See, the funny part about this is it looks like the residential lot wraps around the end of the canal, so again you have two abutting lots. So was the intention then in a situation like this that you're 15 feet from that property line that separates those two lots or you're seven and a half feet?

MR. BOSI: Seven and a half feet.

CHAIRMAN STRAIN: Okay. And really what the determination says is that regardless of the frontage, if you're along a dead-end -- if you're on a dead-end section of a lot or a canal, then the setback is seven and a half feet. Whereas we have a 60-foot minimum for 15 feet. If you were 65 feet but at a dead-end, you'd still have seven and a half feet at the dead-end.

MR. BOSI: Correct.

CHAIRMAN STRAIN: Anybody have any questions or concerns?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion to accept staff clarification --

COMMISSIONER HOMIAK: I'll make a motion to accept.

CHAIRMAN STRAIN: -- 98-02?

COMMISSIONER HOMIAK: Motion to accept.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane.

All in favor, signify by saying aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The last thing up on today's agenda is the out-of-cycle LDC amendment.

Caroline?

MS. CILEK: Good morning, Commissioners. Caroline Cilek for the record. It's nice to see you all again.

And yes, we have one out-of-cycle amendment today, which is amending 5.05.08, the architectural standards section.

And this should look very familiar. This came before you during the 2012 LDC amendment cycle one. And at that time you recommended that it go back to the architectural review committee. That created the most recent Section 5.05.08 in the LDC.

So since that time the board has directed that this amendment come forward as an out-of-cycle amendment. They did so a month or two ago.

And then we had the opportunity to take it to the architectural review committee because they have been reconvened to review 5.05.08 in its entirety.

So on March 1st they were able to review this, and with unanimous approval gave it the go ahead. And then yesterday as well, the DSAC committee reviewed this and gave it unanimous approval as well.

So I can go into the amendment itself next, if you have any questions on the history.

CHAIRMAN STRAIN: We'll maybe there's -- we'll just see if there's any questions on the amendment and --

MS. CILEK: Sure. If you're familiar with it.

No changes to the substantive intent since last time you saw it.

CHAIRMAN STRAIN: Anybody have any questions? Because basically it doesn't require primary facades on all four sides of the buildings under certain conditions. And that has been a difficult thing when you build some of the stores and facilities we have, when you have loading areas and --

MS. CILEK: Right.

CHAIRMAN STRAIN: -- switchgear and all the other good things.

MS. CILEK: I do want to add that since you last sat we did add another provision in the recent section that identifies that even though it's a secondary facade it still has to meet some architectural requirements. So it does have to have some treatments on it. So it's not going to just be a kind of ugly wall, it will have design treatments that are identified in the code. And that's in 5.05.08.C.3. And then if it is a service area, it would need to meet 5.05.08.B.3. So all of those will be required for the secondary facade.

CHAIRMAN STRAIN: 5.05, just so you know, that 5.05.08.C has 22 different standards that could be applied as a facade. Then if you want to go to a primary, you have an additional standards that are further

enhanced if it's primary.

So what we're saying is some of those 22 will still have to apply to the secondary.

MS. CILEK: Yes.

CHAIRMAN STRAIN: But you won't have to do the additional ones that are required for the primary. So that's kind of what it boils down to. And it's very practical from the complaints that I've heard out there at least.

COMMISSIONER EBERT: And we've had these recently too in the last couple of -- Royal Palm and --

MS. CILEK: There is another amendment within this document -- go ahead.

CHAIRMAN STRAIN: Let's finish this one first.

Any questions on this one?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: I've got one. On the Page 3, II, secondary facades, second line from the bottom, it says adjacent to the development the preceding line says private streets adjacent to develop.

Adjacent I believe is a defined term so I think you need to bold that.

MS. CILEK: Sure. Absolutely.

CHAIRMAN STRAIN: Because you want it to apply to the definition. And that way if it's not bolded it would be just to the Webster's dictionary.

MS. CILEK: Absolutely. This will go through -- you know, go to the board and will be reviewed again at that time for compliance with definitions and bolding and that type of thing.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, you want to move on to the next piece?

MS. CILEK: Yes, the second amendment in here is to allow buildings within a PUD, planned unit development, to go through the deviations and alternate compliance process, which is identified in Section F of the architectural site design standards.

And this basically allows for all buildings in Collier County to go through this process. It allows for a little bit more equality.

And it's important to note that this deviation process is something that you provide an alternate design. It's not just a waiver, it's an alternate design that you are proposing to go forward. And it still needs to meet the intent of the LDC for architectural design.

CHAIRMAN STRAIN: What did you change in this section?

MS. CILEK: Since the last time you saw it?

CHAIRMAN STRAIN: Yes -- no, what did you -- okay --

MS. CILEK: If you look on the last page, Page 4, 4-6.

CHAIRMAN STRAIN: You just dropped out --

MS. CILEK: Yes, we just struck through.

CHAIRMAN STRAIN: The page you had shown, I didn't see any changes to it. That's why -- the first page. The changes are on the second page.

MS. CILEK: Yes. I mean, it's split up, so --

CHAIRMAN STRAIN: I understand. But I was -- you had the first page on there and I thought you were pointing out there were changes to that page and I didn't see them.

MS. CILEK: Oh, I wasn't coordinating that. I apologize.

CHAIRMAN STRAIN: I understand. Michael, it's his fault, okay.

Boy, Ray has this down to a science.

MR. BOSI: I know, I know.

MS. CILEK: I apologize.

Last page, 4-6.A has been struck, which did not allow buildings within PUDs to go forward.

CHAIRMAN STRAIN: Okay. Anybody have any questions about that?

(No response.)

MS. CILEK: And we also have Carolina here to answer any questions that you may have that I

cannot.

CHAIRMAN STRAIN: Carolina is probably saying you're just doing a great job. Mike's hoping he doesn't get too many questions either, so --

Is there a motion to approve the out-of-cycle amendments that are presented in 5.05.08, architectural and site design standards?

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: Bill.

Discussion?

Only comment is you're going to bold that word adjacent, right?

MS. CILEK: Absolutely.

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

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

MS. CILEK: Thank you very much.

CHAIRMAN STRAIN: Thank you.

Carolina?

MS. VALERA: Carolina Valera, Principal Planner with the Comprehensive Planning.

Thank you for this. I think this will be a huge help for the community out there and for staff. So I appreciate your approval of this amendment. Thank you.

CHAIRMAN STRAIN: That's a good thing to bring forward. Thank you.

MR. BOSI: Carolina, can you just real briefly, in just a half minute or so, just summarize the work that you guys have started with the architectural committee. Just describe a little bit of -- you know, remind the CCPC of what you guys are doing over there, okay?

MS. VALERA: Oh, sure, I can do that.

As you remember, and as Caroline pointed out to you, when we came last year with these two amendments, you asked us to go back to the original committee that put together the existing architectural standards that we have within the Land Development Code.

Brad Schiffer, if you remember him.

CHAIRMAN STRAIN: Well, we can't forget Brad. He is on that committee, right?

MS. VALERA: He is.

CHAIRMAN STRAIN: That is good news. Good.

MS. VALERA: Actually, he's the president of the local AIA, the architectural -- architecture --

CHAIRMAN STRAIN: Architect committee.

MR. BOSI: Association.

MS. VALERA: And he's the president and so he's also on this committee.

I also have two DSAC members. I have Dallas Disney and James Boughton, who were also part of this original architectural review committee.

There's other people like Rocco Costa and other architects here in town, very familiar with our code. Engineers, planners. Wayne Arnold, I know that you're familiar with him, he comes here all the time for land use petitions.

So we are going through the architectural standards, inside the design standards. We are going to

take a look to see what needs to be changed, if needed, what needs to be tweaked, what options can we add for architects in terms of some of the things that may not be working. So I think it's a great time to, you know, after what, 10 years since last time we put this together, to talk about the things that are working, the standards that are not, and what needs to be done.

So we're pretty excited about going through the amendment, this exercise and bring forward hopefully some amendments to make it better.

CHAIRMAN STRAIN: That's great news. Thank you.

COMMISSIONER BROUGHAM: Is that group discussing at all the restrictions or requirements on colors and trademark signs?

MS. VALERA: We're looking at everything within the architectural standards and sign design standards.

We have as part of our -- actually, I should also mention, we have a member from the CBIA as part of the committee. And yes, we're looking at everything from applicability of the architectural and sign design standards and to what it applies to, you know, in general, to the details of -- you know, we haven't got them there yet, we just started. We have had just what, three meetings, I believe. But yeah, it is the intent to look at everything. So yes.

COMMISSIONER BROUGHAM: I want the old McDonald's back.

MS. VALERA: You want the old McDonald's?

CHAIRMAN STRAIN: Retro.

COMMISSIONER BROUGHAM: Absolutely. And Dairy Queen.

MS. VALERA: I hope you understand the architectural standards do not restrict the old McDonald's or the Dairy Queens out there or any of that.

The whole intent of the architectural standards is to -- not to prohibit anything, not to prohibit branding, not to prohibit colors. It actually -- the color restrictions that are within the Land Development Code do not prohibit certain colors. It does limit certain colors. What -- our color scientist that came before this board and the Board of County Commissioners that ultimately approved the restrictions, the color scientist that put this together defined what colors we wanted to restrict, you know, through the public hearing process. And it's very vivid colors, such as the yellow and the red that you see in a McDonald's, for example. Or the, you know, bright blues and the very, very dark colors, what we call black and, you know, dark browns. Those are restricted, they're not prohibited. So just wanted to clarify that --

COMMISSIONER BROUGHAM: There's a distinction. Very fine, but --

MS. VALERA: Yes.

CHAIRMAN STRAIN: Carolina, thank you very much.

MS. VALERA: Thank you.

CHAIRMAN STRAIN: Good news.

Okay, with that, is there any other issues, comments?

(No response.)

CHAIRMAN STRAIN: If not, motion to adjourn.

COMMISSIONER HOMIAK: Motion to adjourn.

COMMISSIONER BROUGHAM: Motion to adjourn.

CHAIRMAN STRAIN: Okay, Ms. Homiak, seconded by Phil. We're out of here.

April 4, 2013

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:30 a.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, Chairman

These minutes approved by the board on 5-2-13 as presented or as corrected .

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.