

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 16, 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:

CHAIRMAN: Mark Strain
William H. Vonier
Paul Midney
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School District Member

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, May 16th 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: I do notice there has been some ex parte communication between Diane and Karen to coordinate their uniforms this morning. You should have let the rest of us in on these color changes so Kady could get a picture of all blue or all red.

Will the secretary do the roll call, please?

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: 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: Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Okay, thank you.

Addenda to the agenda. Ray, do you have anything?

MR. BELLOWS: I have no changes.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Planning Commission absences. Our next meeting is -- I think it's June 6th.

COMMISSIONER HOMIAK: Sixth, yeah.

CHAIRMAN STRAIN: Anybody know if they're not going to make it to the June 6th? Phil?

COMMISSIONER BROUGHAM: I will not make it.

COMMISSIONER VONIER: I will not.

CHAIRMAN STRAIN: Bill will not, okay.

Okay. So that leaves us five. We're still good.

Paul?

COMMISSIONER MIDNEY: I don't know. Is the meeting going to have any substance to it, or will it be --

CHAIRMAN STRAIN: Well, there's at least one scheduled, and I heard by email there might be a second one scheduled. But even if there isn't substance, we still -- if we have a meeting, we've got to be here.

Okay. Do we have two items on the 6th so far or just the --

MS. DESELEM: I believe so.

CHAIRMAN STRAIN: -- rezone from PUD back to Estates?

MR. BELLOWS: We have the VFW, but I believe another one has been added. It's not reflected on the list.

CHAIRMAN STRAIN: Well, I thought I saw an email a night or two ago from one of you asking questions about it. It was one Tim Hancock was involved in, and he wanted to try to do consent and reading both.

MR. BELLOWS: Yeah, I think --

CHAIRMAN STRAIN: And I told him that's an issue he had to bring up at the meeting. So I think it was June 6th that one's pegged for. Okay.

So is that good enough for you to get here?

COMMISSIONER MIDNEY: Yeah.

CHAIRMAN STRAIN: Okay. We'll have a quorum then.

Approval of minutes. They were electronically distributed for the April 18th meeting. Are there any changes or corrections?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve?

COMMISSIONER HOMIAK: Just --

CHAIRMAN STRAIN: Oh, just one.

COMMISSIONER HOMIAK: -- Melissa's name. Melissa Keene in the list instead of Ahern. And I probably said Ahern, so I can't change that -- because of you, I think.

CHAIRMAN STRAIN: It's me. Probably because of me. If you got -- I'll take all the blame.

COMMISSIONER HOMIAK: It's your fault.

CHAIRMAN STRAIN: So -- okay.

COMMISSIONER HOMIAK: Otherwise, I'll approve them.

CHAIRMAN STRAIN: Okay. And second?

Phil?

COMMISSIONER BROUGHAM: I'll second.

COMMISSIONER KLEIN: (Raises hand.)

All in favor, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

BCC report and recaps, Ray?

MR. BELLOWS: Yes. On May 14th the Board of County Commissioners heard the PUD amendment for the Wolf Creek PUD and the companion item, Palmero Cove. The Wolf Creek was approved on the regular agenda by a 5-0 vote subject to a change. They removed Item O, which was proposed language, and went back to the original language that was in the originally approved PUD.

The Palmero Cove was approved 5-0, no changes.

And then on the summary agenda, the Heavenly PUD amendment was approved.

CHAIRMAN STRAIN: Good, okay. Thank you. That Palmero Cove and Wolf Creek, at this meeting the applicant's opposition was here, and we had them step out in the hall, and we actually delayed the meeting so they could work out language. So, again, that got re-reversed? Because I saw their request at the 14th meeting.

MS. DESELEM: For the record, Kay Deselem.

Yes, very late on Monday we received an email message from the opposition, Prime Builders, saying that they wanted to renew their objection because they hadn't worked out an agreement yet.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: And they decided to go back to the original transportation "O" language, and that's what they did.

CHAIRMAN STRAIN: Okay. Thank you.

Chairman's report. I really don't have anything new to bring up today.

Consent-agenda items. We have two items. We'll start with those.

***8A is the first one. It's the Community Congressional Church, CU-PL20120001074. The new consent language was in your packet.

Does anybody have any corrections, changes?

COMMISSIONER BROUGHAM: I'll move to approve.

COMMISSIONER VONIER: Second.

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Okay. Motion made by Mr. Brougham, seconded by Bill.

All those in favor, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: Appreciate your time here today.

***The next one up for consent is Wentworth Estates, mixed planned unit development, MPUD. It's PUDA-PL20120001126.

I did receive a communication last night from Nicole that I forwarded on to Ray, for the records, by email, and it was that she has reviewed the language that the Conservancy was concerned about in there, and they now have no objection, or they don't have an objection to the consent.

So anybody else have any comments about the Wentworth?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion?

COMMISSIONER BROUGHAM: There were a total, by my notes, of eight stipulations, and they all were contained within the language -- or within the petition that was reviewed -- or submitted.

CHAIRMAN STRAIN: Okay. Is there a motion to approve?

COMMISSIONER KLEIN: (Raises hand.)

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: By Barry, seconded by Bill.

And I'll be abstaining since I didn't participate in this. So my abstention still stands.

All those in favor, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: (Abstains.)

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0 with one abstention.

Okay. That takes us to our big all-day item. It's the Halstat/Grey Oaks development of regional impact. It's basically for a time extension. Petition DOA-PL20130000492.

In order to save time on today's meeting, does anybody on the Planning Commission, having read this and realizing it's simply an extension of time for a DRI to continue their development process, do you see any reasons to object?

COMMISSIONER HOMIAK: No.

COMMISSIONER KLEIN: No.

COMMISSIONER BROUGHAM: No.

CHAIRMAN STRAIN: Okay. I'd like to expedite this, unless the applicant wants to come up and object to our expediting it and do a full presentation. And I see the heads shaking no. Is there a motion on this matter?

COMMISSIONER KLEIN: So moved.

CHAIRMAN STRAIN: So moved to approve, subject to staff recommendations?

COMMISSIONER KLEIN: Yes, sir.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Ms. Homiak. Motion made by Commissioner Klein.
Discussion?

(No response.)

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

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 7-0.

Clay, it's good to see you again. Thank you. You do look a little older, but we appreciate your time.

MR. BROOKER: You look younger.

CHAIRMAN STRAIN: Glad we could keep it short.

Next item up, there's no old or new business.

Public comment? Anybody in the public wishing to comment?

(No response.)

CHAIRMAN STRAIN: None.

And I see Brian Olise (phonetic) is here in the first row. Brian is here because he is the applicant on the June 6th meeting who came in to put a house where there's a PUD in the Estates zoning. All he's simply going to do is ask us to grant him the Estates zoning that the PUD had wiped out. So he's here. He'll be presenting that June 6th. Will be an interesting hearing like this one.

COMMISSIONER HOMIAK: Well, could we just approve it now?

CHAIRMAN STRAIN: No, unfortunately, we can't. It's one of these things that currently has to go through a certain process to get accomplished.

COMMISSIONER HOMIAK: I know, I know. I'm kidding.

CHAIRMAN STRAIN: Unfortunately, it takes a lot of time.

Planning commissioner comments? Phil?

COMMISSIONER BROUGHAM: Just an item that you may want to discuss or Heidi give us some insight in on. I overheard some of the conversation before the meeting started with reference to your almost-new role as chief hearing examiner and your role on the Planning Commission with respect to planning commissioners talking with you about items that aren't necessarily on the planning committee agenda but may be or are on the hearing examiner's agenda. And I think we should maybe get some preliminary words on that.

CHAIRMAN STRAIN: Well, the only thing I'd like to suggest is the first order of business for the hearing examiner is going to be writing the rules and procedures that have to be implemented into our codes to create the office, to create the process by which that office has to operate.

And I think that that will specifically be addressed especially because of the dual role that I'll be playing. So if you can wait a little bit, I think it would be better when it's fleshed out --

COMMISSIONER BROUGHAM: Sure.

CHAIRMAN STRAIN: -- through discussions with the County Attorney's Office and other people involved so we make sure we get it accurate. Because right now it would be kind of taking a shot in the dark.

COMMISSIONER BROUGHAM: So err on the side of caution, and we won't talk about any item -- any land item.

CHAIRMAN STRAIN: Right. Until the rules and procedures are laid out, until it's spelled out, the best thing is not to do anything. So. Okay.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. With that, is there a motion to adjourn?

COMMISSIONER HOMIAK: Motion to adjourn.

COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN STRAIN: Made by Ms. Homiak, second by Barry Klein.
All in favor, signify by saying aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER VONIER: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Okay. We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 9:09 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 7-18-13, as presented or as corrected _____.

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