

July 18, 2013

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
July 18, 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
Paul Midney
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham
Mike Rosen

ABSENT: Tom Eastman

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the July 18th meeting of the Collier County Planning Commission.

I'm going to ask you-all to rise for Pledge of Allegiance, then please remain standing for an announcement after you do. Thank you.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Yesterday I received word that a close friend of ours -- at least of mine personally. I know many people in this room may know him -- Chuck Mohlke passed away. And for those of you that knew Chuck, he would show up at our meetings, participate in civic associations and all events just out of the goodness of his heart and offer his expertise to make this county better. He did it year end, year out, without waiver, and he was one of our building blocks, the foundation of our community, sitting in the room letting us know when some things could be tweaked to be a little bit better.

He passed on Wednesday, and I'd like to have a moment of silence for Chuck Mohlke. So thank you.

(A moment of silence.)

CHAIRMAN STRAIN: Thank you all.

And one other announcement this morning. We have a new member. Welcome aboard Mike Rosen, representing the North Naples District. Actually everybody, but he's from the North Naples District, as we all represent.

And with that, I'll ask the secretary to please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman is absent.

Mr. Rosen?

COMMISSIONER ROSEN: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Present.

COMMISSIONER HOMIAK: Mr. Vonier is absent.

CHAIRMAN STRAIN: Well, Mr. Vonier has resigned, so --

COMMISSIONER HOMIAK: Oh. Well, why didn't you tell me?

CHAIRMAN STRAIN: I'm sorry.

COMMISSIONER HOMIAK: Okay. Then he's not absent.

Mr. Stain?

CHAIRMAN STRAIN: I'm here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert here?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And, Mr. Brougham.

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Are there any addenda to the agenda from anyone?

(No response.)

CHAIRMAN STRAIN: Planning Commission absences. Does anybody know if they're not going to make the next meeting in -- actually, it will be our August 1st meeting, the first Thursday. I don't remember the date.

MR. BELLOWS: August 1st.

CHAIRMAN STRAIN: August 1st, okay. Does anybody know if they're not going to make that meeting?

(No response.)

CHAIRMAN STRAIN: Okay. I would like to comment on Bill's absence today. I didn't know he was going to resign. And I had called him after he did resign, wished him the best of luck. He was an awfully good member on this Planning Commission. He stood fast and stood in when we needed help, did a great job here. His expertise as an engineer was excellent. I will miss his help on this board.

So he did a great job, and I want to thank Bill for all the time that he did put in. So that was much, much to our benefit.

Approval of minutes from May 16th and June 6th. Let's take May 16th first. Are there any corrections to the minutes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion to approve by Ms. Homiak.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Ms. -- it was Ms. Ebert.

All in favor, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Opposed?

COMMISSIONER ROSEN: Mr. Chairman, I think I have to abstain. I was not part of the commission at that time.

CHAIRMAN STRAIN: I was hoping you'd say that. Thank you. So that's six for, one abstain.

The next one is June 6, 2013.

COMMISSIONER HOMIAK: I'll make a motion to approve with a correction on the first page to add "absent" next to Mr. Vonier's name.

CHAIRMAN STRAIN: Okay.

COMMISSIONER KLEIN: Second.

CHAIRMAN STRAIN: Seconded by Barry.

All in favor, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: And there's one abstention.

COMMISSIONER ROSEN: Abstain.

CHAIRMAN STRAIN: 6-1 with one abstention -- or six with one abstention.

Next one is the BCC report and recaps, Ray?

MR. BELLOWS: There were no land use items presented at the last board meeting.

CHAIRMAN STRAIN: Thank you.

Chairman's report. I've said most everything I can say. Things are changing as we -- and Phil, you were not here when some of the stuff happened, and I'm not sure the rest of you watched the last board meeting. But this panel is being combined with the EAC, or I should say the EAC is combining with this

panel to some extent.

We had recommended to remain at nine members, one from Immokalee, three environmental at large, and one from every district, by the commissioners, and they resolved it to be seven, and so that changed the dynamics of what we recommended a little bit. It's still going to be one from every district, and then it will be two from the environmental community specializing in two aspects of the environmental. I think one is biology/zoology related, and the other is hydrology, potentially, related. So it will be a seven-member board.

This board will function as we always have and will continue to until September 30th, and that's usually the time any appointments routinely wear out, then the new appointments will be made towards the end of September.

I think the notices for the application, I imagine, will go out sometime in August, and the board will vote on them in September. So the new Planning Commission will be seated for their first meeting in October.

So I just kind of want to give you all an update on that, and keep watching. I think everybody will be notified when the -- hopefully when the notices are available to apply so we can work those things out.

COMMISSIONER BROUGHAM: Mark, question?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER BROUGHAM: We're coming down from nine members to seven, one from each district, and you mentioned that they'll advertise for vacancies. So how will that work with respect to the expiring terms, or is that -- is that all up in the air as far as how it's going to be handled specifically in the advertisement?

CHAIRMAN STRAIN: No. It's my understanding that all the terms on this board will expire --

COMMISSIONER BROUGHAM: All of them?

CHAIRMAN STRAIN: -- all of them, September 30th.

COMMISSIONER BROUGHAM: That clears it up.

CHAIRMAN STRAIN: Everybody will be up for reappointment at the last -- one of the meetings in September, and the new board will be seated in the first Thursday in October.

COMMISSIONER BROUGHAM: Okay. That clears it.

CHAIRMAN STRAIN: Okay. Next -- so we'll move on. That's all I've got to add.

***We'll move directly into the regular hearing agenda. The first advertised public hearing is PUDA-PL20130000141. It's the Tuscany Point RPUD formerly known as the Boxwood RPUD located east of Collier Boulevard and 951 north of Vanderbilt Beach Road.

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

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

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

Phil?

COMMISSIONER BROUGHAM: I had an exchange of emails with Mr. Mulhere --

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER BROUGHAM: -- and staff.

Mike?

MR. ROSEN: I had a conversation on the telephone with Mr. Mulhere about the project.

CHAIRMAN STRAIN: Okay. And I had a meeting with Mr. Mulhere, and I talked this morning with George from HMA, so --

With that in mind, let's move forward.

Bob, it's all yours.

MR. MULHERE: Good morning. Thank you, Mr. Chairman, members of the Planning Commission.

For the record, my name is Bob Mulhere with Hole Montes. I think that's the first time I've said that here standing before you.

COMMISSIONER EBERT: Yes, it is.

MR. MULHERE: But, anyway, it's a pleasure.

Here also with me this morning is George Hermanson, who is the civil engineer, also with Hole Montes. Marco Espinar is our biologist on this project. And also representing Zuckerman Homes we have Andy Zuckerman and Ryan Zuckerman.

Let's, I guess, start out with -- are you hearing me okay? Okay. Let's start out with the location of the project. I'm sure you're all familiar with it. It's a pretty prominent location. It's at the intersection of Vanderbilt and Collier Boulevard.

And just for familiarization, this is the subject property, which was formerly known as the Boxwood RPUD. And part of what we've done here is changed the name to Tuscany Point RPUD. And just south of us is the Bucks Run PUD. This aerial was the most recent one that we -- that was available, but Bucks Run is largely developed at this point in time. And, of course, north and east of the site is the Vanderbilt Country Club PUD.

This is the proposed PUD master plan. That's had its -- it's slightly larger than 30 acres. Access, of course, is from Collier Boulevard.

And there's basically a loop road. Several lakes, three lakes, for water management as well as for amenities. And the -- one of the major changes to the PUD that we are proposing -- the current PUD provided for 207 dwelling units through an Affordable Housing Density Bonus Agreement. We are proposing to eliminate the Affordable Housing Density Bonus Agreement and reduce the density to 120 units, which is basically four units per acre.

The intent is to construct the project with single-family -- with single-family development. We do, obviously, allow for some flexibility in the types of development that occur in the event that another major component of the project doesn't occur, and that is -- I'll touch on that briefly.

This PUD, when it was originally approved in 2007 as the Boxwood PUD, had a requirement for a 4.1-acre on-site native vegetation re-creation condition. The site is cleared. It was a tree farm, nursery/tree farm. So the site is really cleared of vegetation.

I wasn't involved in the PUD at that time but, apparently, they were able to demonstrate that the majority of it was cleared through permits but, perhaps, they were not able to demonstrate that all of it was cleared through permits. In any case, in the final outcome, there was a requirement for an on-site 4.1-acre preserve.

Going from a more dense development to a lower density development that is much more consistent with our -- with the same development that is south of us, north of us, and east of us, each acre of this project is critically important.

And when we met with staff going back originally, I think even prior to the preapplication meeting, the option of off-site mitigation came up. And when we looked at the LDC, we qualified for that option for off-site mitigation. So my client looked around, searched around for some parcels that would meet the staff desire for location, would be of significantly higher quality, and we were able to find one.

And, by the way, that process, as it currently is written, requires that you -- that you bring the parcel to the Conservation Collier Land Use Acquisition Committee, CCLAC, and we did that and received unanimous approval for that. And then, subsequently, it would be approved by the board.

Since we haven't gotten to the board yet -- we're coming to the Planning Commission first -- I left the option in the PUD of either the on-site re-creation or the off-site mitigation. And I did that because I don't want to prejudge the board's decision on this. We think it makes sense. And if the board accepts that, we have a contract on a parcel -- on that parcel, and we would mitigate off site.

And so if anybody's interested, I can show you the location. I have some exhibits and -- but, anyway,

that was the other major component or element.

There were some other changes, some that staff requested, some that we requested. I think probably most importantly or significantly has been the public-involvement process on this.

In addition to the neighborhood information meeting, we also met both prior to the neighborhood information meeting and subsequent to it with the neighbors on probably four or five occasions.

And let me just say, I think it's important to thank the neighbors and, particularly, we met quite a bit with the representatives of the Vanderbilt Country Club. I spoke with several of the residents of Bucks Run who were very supportive, and both Vanderbilt Country Club and Bucks Run provided a letter of support, which is in your packet. But Kent Friedman and Bob Teschke are here today from Vanderbilt Country Club who particularly worked with Kent Friedman through that process. And, as you know, there's a very detailed letter of endorsement from the Vanderbilt Country Club.

I think if we had the opportunity in every circumstances to work with neighbors like that, it would be very beneficial. It was a good process.

To be honest with you, I think it's pretty simple and straightforward. I really don't have anything else to add. Certainly, we're open now to questions. I know you're going to have some questions. And if there's anything that I can't answer, I do have George here from the civil engineering perspective, Marco from the environmental perspective, and Andy Zuckerman can answer any questions you might have regarding Zuckerman Homes and their business.

CHAIRMAN STRAIN: Okay. Phil?

COMMISSIONER BROUGHAM: Yes. Bob, you and I exchanged emails, and I fully understand the off-site option, I guess, but I'd just like to take you through Page 2 to start with on the PUD. And from my perspective, this wording could certainly use some wordsmithing. It was -- on first read it was very confusing to me as to exactly what you were going to do or not do. And, for example, if the second -- the first, under -- first paragraph under preserved subdistrict, that's crossed out, I understand.

But you drop down to the second, and in the last sentence you say 100 percent of the impact of the preserve areas shall be re-created on property. Very definite statement.

And then the next paragraph speaks to the balance of 1.25 acres shall be re-created as a preserve area. Okay. That leaves open the option.

Then you drop down to the next paragraph, and it says, shall be required to be re-created as a preserve area. This preserve area shall be connected to the preserve area on the Bucks Run development to the south. Again, that's an addition. You know, it's very definitive.

And then, finally, you get down to where it's an option as to whether you're going to -- you have an option to have this on site or off site. And to me those -- that area can really be cleaned up to be more specific as to what your intent is.

MR. MULHERE: Yeah. I absolutely don't agree.

COMMISSIONER BROUGHAM: You don't agree?

MR. MULHERE: No. I mean, I do agree. I'm sorry.

CHAIRMAN STRAIN: That was different.

MR. MULHERE: What I wanted to say was -- I was thinking ahead of myself. What I wanted to say was, we had actually struck through all of that historic language in our proposal. The first three paragraphs were struck through. And I had put in some language that said, you have an option of either off site or on site. I thought it was pretty clear, but staff felt strongly that that historic information needed to be retained, and we put it back in.

And, I mean, I still think it could be -- don't get me wrong, just because we put it back in, I'm not throwing staff under the bus. They wanted that historic information because that was important as it related to the on-site preserve.

So we did put it back in. We still could probably re-order that such that we start out with the option

of on site or off site and then say if on site, this is what must occur. And --

COMMISSIONER BROUGHAM: Yeah, or cast it, historically or retrospectively, here's the history on these parcels, and now we're -- at the current time we're electing to take the option, potentially, of an off site if approved by the BCC. If not, then we go to Plan B, and I have a question on Plan B.

CHAIRMAN STRAIN: Well -- but why don't we simplify it, Bob, in the second paragraph that is not struck --

MR. MULHERE: Yep.

CHAIRMAN STRAIN: -- strike the last sentence, and the third paragraph that is not struck, strike the last sentence.

COMMISSIONER BROUGHAM: That's getting there.

CHAIRMAN STRAIN: And the fourth paragraph, strike the entire paragraph and leave the rest. That still leaves the historic issues that the staff wanted. If anybody ever wants to see what this PUD looked like, you're going to have a clause in there that tells that this is an amendment to the prior ordinance. The ordinance number will be stated. All you've got to do is pull it up on the county records, just like you've got to pull up anything else to see what, historically, was there.

MR. MULHERE: So I just want to make sure. The one thing you said, I -- second paragraph, strike through the last sentence; third paragraph, strike through the last sentence; fourth paragraph, strike through the entire thing.

CHAIRMAN STRAIN: Right.

MR. MULHERE: Yep. That makes sense.

CHAIRMAN STRAIN: And that cleans it up. It still leaves a little historical reference. And, you know, the ordinance is law, and it's binding. It's on record. It will always be there. So if anybody needs to see the history, they can pull it up.

MR. MULHERE: I think that clears it up.

COMMISSIONER BROUGHAM: Okay. Then just further on that -- and no one can predict, but it's probably fairly certain that the BCC will approve this donation; however, if they should not, or if they should approve something in less acreage -- I'm just looking at potentials -- then what is your plan?

MR. MULHERE: Whatever we would have to mitigate on site, we would mitigate on site by re-creation, and we would do it in that same location which is reflected in an exhibit, a cross-section exhibit later on in the PUD.

COMMISSIONER BROUGHAM: Now, in the exhibit, I think that's G -- is it G? Yes --

MR. MULHERE: Yeah.

COMMISSIONER BROUGHAM: -- is referenced. If you go to Exhibit G, that shows some of the preserve area going down into Bucks Run is labeled future preserve. If we're striking that paragraph referencing Bucks Run, should this exhibit be modified?

MR. MULHERE: I'm trying to find it. Do you have it right there? Let me just look at it real quick rather than waste time.

Oh, because that exists. That exists -- that exists on Buck Run -- Bucks Run right now. So you're suggesting strike through the word "future"?

COMMISSIONER BROUGHAM: Oh, well, I don't know.

MR. MULHERE: It does.

COMMISSIONER BROUGHAM: It just occurred to me that we're taking out the reference to Bucks Run, and should that even be referenced in terms of this PUD? It's not a big deal to me.

MR. MULHERE: I mean, I would just leave it as "preserve." It exists south of us. So if we just took out the word "future," that would make sense.

COMMISSIONER BROUGHAM: All right. And I'm not sure where the reference is in here -- oh, there was -- you were striking a maintenance agreement with Bucks Run.

MR. MULHERE: Yeah. That was if there was going to be common -- common berming, which didn't occur, because they constructed prior to when we did.

COMMISSIONER BROUGHAM: Okay. I'm almost finished.

You're going to have sidewalks on both sides of the roadways internally?

MR. MULHERE: Yeah. We didn't ask for any deviations as it related to sidewalks.

COMMISSIONER BROUGHAM: On Page 13 of 16 in Exhibit F of the PUD, paragraph -- new Paragraph K, you say a shared access shall be provided to the property to the north.

MR. MULHERE: Yes.

COMMISSIONER BROUGHAM: Blah, blah, blah, blah, blah. Is that still fact?

MR. MULHERE: Yes. And we show an access location, I think, on the PUD master plan. It's a -- I have to get to the --

COMMISSIONER BROUGHAM: No. I see on the master plan that little do-da with the arrow.

MR. MULHERE: Yeah, that's required.

COMMISSIONER BROUGHAM: But then on the staff report on Page 7, Policy 7.3, proposed PUD does not depict interconnecting access to Bucks Run MPUD to the south of the subject property nor does it indicate interconnecting access to the Vanderbilt Country Club PUD to the north and east of the subject property.

MR. MULHERE: Right, that's true. That connection is to the ag -- there's a piece of ag zone property to the north.

COMMISSIONER BROUGHAM: Okay, okay.

MR. MULHERE: Yeah.

COMMISSIONER BROUGHAM: That works. And I'm finished. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant at this time? Bob, let's go over what we did yesterday, then.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: On Page 5, did you bring any clarifications for Footnote No. 1?

COMMISSIONER BROUGHAM: That's 5 of the PUD, Mark?

CHAIRMAN STRAIN: Yes, I'm sorry; 5 of the PUD.

MR. MULHERE: Yes. These are the notes, the footnotes, that relate to the table. And actually Mr. Strain brought up a -- it's a standard footnote we put in there, but in this case it didn't really make sense the way it was written. And we're talking Footnote 1 where it allows for you to have a reduced setback on the yard fronting a right-of-way that isn't the yard that provides access.

The problem with it is that would be, then, treated as a side yard, according to this, and side yards allow for zero setback, so that didn't make sense.

So what we've proposed to do is to change it to read as follows: First part of the sentence would read the same, where a lot is located at the intersection of two streets, the front yard setback shall only apply to the street on which the entrance is located, comma, and then it would read as this: And the other setback adjacent to a right-of-way shall be a minimum of 10 feet.

And also in that same footnote, the second sentence, the one, two, three, four -- fourth line down that starts with "shall be designated in such a manner," a little bit further on in that sentence there is the phrase "shall not conflict with the sidewalk." And there was a question about what exactly would "conflict" mean and how would that be defined. I think that was a good question.

And what we suggested is to use the word "encroach" rather than conflict. Shall not encroach on the sidewalk, and that makes it clear that you can't block the sidewalk.

CHAIRMAN STRAIN: Okay. Bob, if we could move to Page 7, which is the Tuscany Point right-of-way section, and we want to drop the -- I asked you a question when we looked at this, and you were going to look for an answer.

MR. MULHERE: I did.

CHAIRMAN STRAIN: It says concrete or equivalent sidewalk. What did you mean by equivalent?

MR. MULHERE: I think that's a standard exhibit that we've used also. Maybe there have been some circumstances where brick pavers have been used in some portions of sidewalks, and I assume that's why that's in there. But for the sidewalks here, I mean, we're fine with concrete.

CHAIRMAN STRAIN: Concrete, okay. The only reason -- there's also a lot of people who may have attempted asphalt, and there is different standards for asphalt. And I just want to make sure that we're not --

MR. MULHERE: I don't think there's any intent to use asphalt. But concrete is fine. And we're happy to strike through the "or equivalent."

CHAIRMAN STRAIN: Okay. On the detail for the -- on Page 8 --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- that one was kind of --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- messed up. I was wondering if you have a correction for that.

MR. MULHERE: I didn't get it corrected yet, but if I could walk you through what we will do, I think that will make it clear, and we'll have that -- I mean, the landscape architect is working on it probably as we speak.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Just so that everybody on the Planning Commission understands this detail, we worked on this for quite a while through those neighborhood information meetings and public meetings, and the issue here is that if you look at it, the berm on the bottom right of the -- portion of the exhibit that's called -- let me put it on the visualizer. It will be easier.

Okay. So -- and I didn't notice this, but for some reason Mr. Strain did. A couple of things. These dimensions here under canopy tree and shrub, those need to be taken out. We'll obviously meet or exceed the code dimensions. Those lines, they have no value. They just take away from the exhibit.

This 7 foot here was intended and should have been labeled as level planting area. You are required to have a minimum of a 5-foot level planting area when you plant on top of a berm. We're going to exceed that, because we have a wider landscape buffer. We have a 20-foot-wide landscape buffer. So we'll label that as a level planting area.

The other thing is everything really needs to be shown within the 20 feet. And you can see right here a portion of the berm is actually outside of the 20 feet. So the exhibit will be revised to show the entire berm, all of the planting area, within that 20 foot.

And this is actually mislabeled, because this is not the property line. This is where the wall location is, but the property line, you know, is over here. So that -- that needs to be corrected. And we are going to correct all of those items that I just mentioned. And I think I got them all.

CHAIRMAN STRAIN: You'll bring that back for consent --

MR. MULHERE: Sure.

CHAIRMAN STRAIN: -- for us to take a look? Okay. Yeah, you did, so --

On Page 9, you need to fix the word "conflict" in the reference to the sidewalk in that little note that's on the right-hand side.

MR. MULHERE: Yes, "encroach on," yes.

CHAIRMAN STRAIN: Okay. In the letter from Vanderbilt Country Club, they indicated that they were going to -- the setbacks will be reduced -- there will be 72-foot setbacks along the northern perimeter, but they'd be reduced 30 feet in the northwest and northeast lots, but then they said, respectively, Lots 29 and 30. And since we don't have a plan that's going with the PUD that shows the lot numbers, I would ask that you somehow graphically indicate that on the plan. I mean, I know where they're talking about, but --

MR. MULHERE: Yes. And that was a very good suggestion. And, because obviously, down the road it protects us because, who knows, you know, time passes and the players change.

We will do a detail of this section and this section, and it would be here and here on the PUD master plan, and it will show those dimensions. It will show the 10-foot --

CHAIRMAN STRAIN: No, 30 foot.

MR. MULHERE: -- the 20-foot buffer, the 10-foot utility easement, and the 42-foot right-of-way in that part of the cross-section. And then for each of these two lots, it will show -- and it will be footnoted to the detail. It will show that 30 foot, which is made up of a 20-foot landscape buffer and a 10-foot utility easement, drainage and utility easement.

CHAIRMAN STRAIN: So that way the intent of the Vanderbilt Country Club's approval is consistent, then, with the plan that we have on record.

MR. MULHERE: Yes. And I think everything else is already consistent. And it was our intent to --

CHAIRMAN STRAIN: The rest of it seemed to be when I checked it, yeah.

Then the last thing I had to comment on -- you supplied the information by email to the staff, who sent it to all of us -- was the name and address of the actual disclosure for the owners. And we got down to the individuals, and your email, I think, was sufficient, so that works.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Okay. And that's all the questions I had.

Did anybody else have any others?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Bob.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: And, staff? I know, Fred, you're filling in for Nancy today.

MR. REISCHL: That's right, thank you. Fred Reischl, pinch-hitting for Nancy Gundlach.

I discussed the -- our PUD with Mr. Mulhere, with Nancy, and with the chairman, and we went over the changes that were just discussed, and we have no issues with them, and we are acceptable of it.

CHAIRMAN STRAIN: Okay. Anybody have any questions on this project as a whole? Phil?

COMMISSIONER BROUGHAM: Just one question for staff on Page 5 under PUD, Exhibit F, developer commitments, the first bullet point, language stating access points shall be determined at the time of subdivision, plat, or SDP approval, blah, blah, blah, blah, has been added. I thought the access points were already defined on the master plan.

MR. REISCHL: Where is that again?

COMMISSIONER BROUGHAM: Page 5 of your staff report.

MR. REISCHL: Oh, the staff report.

COMMISSIONER BROUGHAM: I don't have any objection to that other than, why do you need that addition? Are there additional access points other than the proposed to the north and the Collier Boulevard?

MR. BELLOWS: For the record, Ray Bellows, zoning manager.

Typically, a PUD conceptual plan is deemed a conceptual plan, and the final location is nailed down at the time of SDP or plat.

COMMISSIONER BROUGHAM: Okay. That's it.

CHAIRMAN STRAIN: Anybody else?

Phil, that was all? Phil?

COMMISSIONER BROUGHAM: Yes, I'm sorry.

CHAIRMAN STRAIN: Okay. Are there any --

MR. MULHERE: I just want to -- I'm not sure that -- I'm not sure that we added that language. I think it was already in there, or largely already in there. We might have clarified it. So if that little bit of a

phrase that was added confused you -- it's a standard --

COMMISSIONER BROUGHAM: No. I just wondered --

MR. MULHERE: Standard.

COMMISSIONER BROUGHAM: -- why we had to add anything, but --

MR. MULHERE: It's standard.

CHAIRMAN STRAIN: Okay, thank you.

Are there any members of the public that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. You got any rebuttal, Bob?

(No response.)

CHAIRMAN STRAIN: With that, we'll close the public hearing, and we'll discuss and entertain a motion.

I had made some notes. I'll read them to whoever the potential motion maker will be in case they want to include them.

The first one is of the "clean up the preserve area" language in No. 3 of the PUD; No. 2, the Footnote 1, they'll change the minimum side yard to a minimum of 10 feet, and refer to the sidewalk conflict as an encroach upon; No. 3, the concrete sidewalk reference will be -- drop the word "equivalent"; No. 4, they'll fix the exhibits and various issues involving specifically the buffer and then the sidewalk reference; and No. 5, they'll add a setback detail to the master plan indicating the setbacks agreed to in the Vanderbilt Beach Country Club letter.

MR. REISCHL: Mr. Chairman, could I just ask that you go through in a little more detail the preserve subdistrict on Page 2 of 16, what exactly is struck through.

CHAIRMAN STRAIN: Sure. Per our -- what we went over earlier, the second paragraph, the last sentence --

MR. REISCHL: Okay. The second paragraph total, including the struck through, okay.

CHAIRMAN STRAIN: Yes. Including the struck through. Sorry about that.

MR. REISCHL: That was my error, sorry.

CHAIRMAN STRAIN: And then the third paragraph, the last sentence. And then the --

MR. REISCHL: And then 100 percent of the fourth.

CHAIRMAN STRAIN: -- fourth paragraph. And the reasoning there, Fred -- and if this is wrong or not clear enough, be sure to let me know. But the new paragraph that was added requires the minimum preserve area to be contiguous, and it locks in -- the paragraph below that locks in Exhibit G if that applies. And if it doesn't apply, then we've got the off site that was -- that they've applied for, so I think --

MR. REISCHL: That's correct. I was just counting the first struck-through paragraph. That was my error.

CHAIRMAN STRAIN: Okay. No problem.

Okay. Those are the notes that I have for stipulations. If those are -- if a motion maker likes those, then fine, we can go forward.

Diane, do you have a motion?

COMMISSIONER EBERT: Yes. I make a motion to approve PUDA-PL20130000141 with the small adjustments that Mark mentioned.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion has been made and seconded. I don't think there are any staff -- were there any staff recommendations?

MR. REISCHL: No.

CHAIRMAN STRAIN: Okay. Because I want to make sure those would have been in there.

MR. REISCHL: We agree with what was discussed.

CHAIRMAN STRAIN: Okay. Is there any discussion?

(No response.)

CHAIRMAN STRAIN: Oh, I'm sorry. Is there a second to the motion?

COMMISSIONER EBERT: She did.

CHAIRMAN STRAIN: Karen seconded the motion.

Any discussion?

(No response.)

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

COMMISSIONER ROSEN: Aye.

COMMISSIONER MIDNEY: 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.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Thank you, Bob. Thank you, everybody. Appreciate it.

And now we'll go on to old business, which is none, but new business.

***Mike Bosi, I think, is the first up with the update on the AUIR -- or the EAR process this time.

And, Mike, when you get a chance, our GMP -- I mean, our GMD schedule that we recently received doesn't show the GMP meetings, I believe, that are going to occur before this board's ending, so maybe someone could tell us what those are today again.

MR. BOSI: Mike Bosi, planning and zoning director.

Chair, the GMP amendments that will be before the Planning Commission will be a part of your regular scheduled meetings in September.

CHAIRMAN STRAIN: Okay.

MR. BOSI: The only other meeting that will be in September related to the Growth Management Plan will be the AUIR/CIE review, and that is a special meeting on September 27th. It will be the last action, the last convening of the Planning Commission under its current composition.

And I think we provided that date, and we cleared that date a while ago. But just a reminder, it's the 27th of September is the AUIR/CIE meeting. And we -- like I said, it will be the last item that we'll present to the Planning Commission.

And we will utilize that meeting as well to any items that appear before the Planning Commission that maybe need -- that has a more difficult consent agenda and would need a second meeting to be able to adjust that. We can utilize that meeting as an opportunity for the last consent agenda approval, because with the reorganization and recomposition of the Planning Commission after October 1st, we couldn't have the new body, you know, approve consent upon the old body. So it will be a backdrop, so to speak.

But the GMP amendments that will be coming before this body will come as part of the regular scheduled Thursday meetings for the CCPC.

CHAIRMAN STRAIN: Okay. Well, in that line of discussion, before we get into your EAR, Ray, we haven't had a meeting in about six weeks, and this is the first meeting we had, and it had one short item on it. What does it look like for August and September?

We have two meetings in August. I mean, just a quick review, if you could. And the reason I'm going to ask, I want to make sure that the GMP amendments that we're going to review in September aren't

onto a schedule that's already got a full day's load on it, so --

COMMISSIONER EBERT: Oh, he'll email that to us, right, Ray?

MR. BELLOWS: Yes.

COMMISSIONER BROUGHAM: We blanked out.

MR. BELLOWS: Did I break it?

COMMISSIONER BROUGHAM: Yep.

CHAIRMAN STRAIN: You broke it? There you go.

MR. BELLOWS: Okay. On August 1st, we have one item. It's the Milan Center conditional use. On August 15th, we have the Living World Family Church PUD amendment, PUD. There's also, I believe -- and is that still going to be on, the administrative --

CHAIRMAN STRAIN: Yes.

MR. BELLOWS: Administrative code review.

CHAIRMAN STRAIN: And I know those two projects. They're very minor elements that they're being changed for, so I don't expect those to take us too much time, but the administrative code review will take -- might take a long time.

MR. BELLOWS: Yes. And then on the 19th we have the Gordon River Terraces, which might take some time, too, and the Buckley mixed-use subdistrict comp plan, and I'm not sure about those. Maybe Mike can --

CHAIRMAN STRAIN: So we don't have a meeting on the 5th of September scheduled.

MR. BELLOWS: That's my understanding.

CHAIRMAN STRAIN: Mike, did you have any GMP that day?

MR. BOSI: The -- no, the GMP is actually scheduled for the 19th of September.

CHAIRMAN STRAIN: Could you slide that calendar up so we could see the 19th?

Okay. Well, that means the ones on the 19th we really don't want to do consent on. We want to have that included in the same program, so we ought to try to do everything that day, because I hate to see it delayed to the EAR and have something go wrong. So why don't we try to do the consent and regular meeting for the 19th all on the 19th.

The GMP, you expect that to be -- I haven't seen it, so is it going to be lengthy?

MR. BOSI: The request in terms of time, I think each item -- there will be three individual GMP amendments that are being reviewed. I would imagine probably an hour for each one of them.

CHAIRMAN STRAIN: Is there any reason you -- is that -- you probably can't up it to the meeting we have nothing scheduled for in September, huh?

COMMISSIONER EBERT: Sure you could.

MR. BOSI: The sufficient -- the substantive reviews are still -- are in the process of wrapping up. We are actually -- one of the petitions is scheduled for the August EAC meeting. So we're buttoning up the last of the -- the last of the outstanding issues related to the petitions. Two of them are related to market studies.

It will be, I think, a challenge to try to accelerate it. What I can do is go back and talk with Mr. Weeks in my comprehensive planning staff to see if any of those items -- because we can have -- because they'll be presented as a cycle to the Board of County Commissioners, we could have them heard at different -- maybe split one for the first meeting in September, and if the two have to be in the second meeting in September, push it back that way.

I'm sure we can at least do that one for -- the one with the EAC which relates to the Olde Florida Golf Club redesignation from neutral to receiving within the rural fringe mixed-use district. That might be a possibility.

CHAIRMAN STRAIN: As long as -- and do you know what -- Olde Florida's one of them. What are the other two; do you know?

MR. BOSI: Naples Reserve. It's the proposal to eliminate the one-mile -- and Mr. Mulhere is the applicant for it. But it's the -- to eliminate the one-mile requirement.

In the rural fringe mixed-use district, which abuts the rural -- the urban residential fringe district, which is the mile area east of 951, south of I-75, we have subdistricts called the urban residential fringe subdistrict. That district allows residential development up to 1.5 units per acre. You're allowed to increase that density by one unit per acre up to 2.5 units per acre utilizing TDRs within the TDR program.

There's a special caveat within that subdistrict regulation that says all TDRs utilized to entitle density within the urban residential fringe subdistrict has to come from TDRs that are in sending lands that are within the one mile of that individual district. That -- that regulation is being proposed to be eliminated by a private application. And we're in the evaluation of analyzing the merits of that particular case.

CHAIRMAN STRAIN: And what's the third one?

MR. BOSI: And the third one is a commercial request, I believe, on Collier Boulevard.

CHAIRMAN STRAIN: Oh, that's the C3, 5, 5, and they're going to combine them to a C4?

MR. BOSI: Yes, I believe so.

CHAIRMAN STRAIN: Okay. I'm just trying to understand so how much time -- it probably would be advantageous for us to meet on the Olde Florida one if it is available early.

MR. BOSI: I'm sure we can. And it will put a little bit more work on Mr. Schmidt's plate, but we will -- I'm sure we can at least get one.

CHAIRMAN STRAIN: Okay. Because I think with these three that are on the 19th plus two or three of the GMP, especially the ones you've described, there may be longer discussion than we may -- it may surprise us how much discussion there is.

Diane?

COMMISSIONER EBERT: And -- well -- and we have no meeting on the 5th.

CHAIRMAN STRAIN: Yeah. If anything can be moved to the 5th, that would be great.

MR. BOSI: Yes, understood.

CHAIRMAN STRAIN: And sorry to interrupt your presentation. So now if you'd like to --

MR. BOSI: No. And this -- it's not much of a presentation. It's just -- it's a recognition.

This was an item that we spoke a little bit about back in April regarding an anomaly within the Evaluation and Appraisal Report process. The Evaluation and Appraisal Report process is required by Florida Statute. Every seven years, each jurisdiction, county, municipality is required to look at their Growth Management Plan, analyze the changes that have happened within state statutes, but also changes with -- that have happened within the land development progress of the individual area, the assessment of those regulations against the issues that the jurisdictions are finding, and where there can be improvements to obtain the goals and the objectives and the policies that are contained within each of the subdistricts or elements of your Growth Management Plan.

We prefer (sic) them to comprehensive evaluation and analysis of the elements of the GMP starting in 2009, completed and accepted by the Board of County Commissioners with the EAR report in 2011, and then amendments that had come from that accepted report from the Board of County Commissioners that modified the GMP on the various areas that we had identified and was approved -- reviewed, approved, and recommended by the CCPC and, ultimately, approved by the Board of County Commissioners.

Those GMP amendments were finalized in January of this year. So all the changes to the GMP that we based upon the last EAR was completed in January of this year.

Well, January of next year is our new requirement from the DEO for our next year. So -- and there's a twist to it, which only gave us three years between our EARs in terms of time frame, but, you know, it's the same year. It would be -- it's less than a calendar year as when we were just finalizing the amendments from our last year that we would be required to submit our new EAR.

There wasn't a lot of benefit from a staff's perspective of going back and looking at the elements in

the same comprehensive manner, going out and speaking with the community in the same manner.

The -- a second twist to that is as it relates to the 2011 Community Planning Act, and that was the Community Planning Act that was passed by the state legislature in 2011 that had significant ramifications and changes to the planning environment within the state of Florida.

Within that, it changed the way that the state requires you to look at the EAR process. The EAR process no longer is being directed to look at all of your individual elements within your GMP and how those elements are succeeding or not succeeding in accomplishing the overall goals that are contained within that element.

It's simply been restricted to assessment of your Growth Management Plan and where your Growth Management Plan may be out of step with state statute.

Based upon that change and based upon we have just updated our GMP this January with all those changes related to the statutes but also the individual changes we had identified within our own individual analysis of the elements and no significant changes to the statutory environment that were provided by the state legislature this -- during this upcoming -- or this past legislative session, based upon that review, there are no required updates to our GMP to be in line with state statutes. We are currently in line with state statutes.

What this letter says is based upon all of those factors, based upon that there are no -- there are no -- there's no disharmony between what the state statutes required and what our GMP provides for. The letter is basically saying to the DEO that we have reviewed our elements, that we are in compliance with the current state statutes, and that will represent the county's EAR for -- the EAR for 2014, the requirement that we adopt by 2014, and that's simply what the statutes allow for, a letter simply saying that we are in compliance and our GMP is in compliance.

I will let the Planning Commission know, and in the spirit of part of what we do as a long-range planning department, the next requirement will be 2021 for the county's EAR. And if I am still lucky enough to be involved with the department, the department will undertake the same type of analysis that we did in 2009 and 2010 of reviewing each individual element, reviewing the land use changes that have happened within that period of time, reviewing the individual -- the regulatory subdistricts that are contained within our Future Land Use Element in the same manner that we did before, because that comprehensive analysis of each one of the elements of the GMP is healthy and useful. It's just we found that it wouldn't be healthy and useful to do it less than 18 months after we had just done it.

So the next EAR will be preceded as we had done the prior year; this EAR being somewhat of an anomaly because the DEO had only given us three years between our EAR reports instead of seven, and that's why -- that's why this time we're going to take the more simplistic approach; the next time that the EAR is up, that we will take the more comprehensive approach as we had done this past time starting in 2009.

CHAIRMAN STRAIN: So that means the next EAR would be 2021?

MR. BOSI: Correct.

CHAIRMAN STRAIN: So you would start the process for that how far in advance?

MR. BOSI: 2019 would be the beginning of the process.

CHAIRMAN STRAIN: And through the EAR process, can we do major amendments? Like a -- there's been delay in getting the Golden Gate Area Master Plan rewritten, as an example. Could that be added to the EAR?

MR. BOSI: Absolutely. We can take it as broad as the county would like to -- and, ultimately, the Board of County Commissioners has that decision, but as broad as we would like to take it or as narrow as we would like to take it. We could take the approach again towards -- we just want to look at the statutes, because that's all that's required. Make sure we're -- but from my perspective as the director of the Planning and Zoning Department, that exercise of looking at the GMP comprehensively provides a good database and basis for our understanding, not only for the EAR process, but for future amendments to the EAR.

One of the things that you'll see within the GMP amendment process is -- and the amendments that you're going to be seeing in September related to the rural fringe mixed-use district and an elimination of that one-mile requirement for TDRs within the urban residential fringe subdistrict. The basis of our analysis of that GMP has been greatly assisted by the work and the assessment we had done on the rural fringe mixed-use district, the number of TDRs that had been created, the number have been severed, the number that are available so that it helps with the basis not only for the EAR process, but for other individual amendments that come forward.

So it does help us create a database of understanding of the land use activity and the composition and the changes in the land use activity that the county has experienced over a period of time.

CHAIRMAN STRAIN: One of the other issues that's lingering -- and I'm sure there's going to be some value in some of the activities that were suggested, and that's the Immokalee Master Plan as well -- is there an advantage to doing those processes through an EAR versus independently anymore because of the time frames that new laws instituted?

MR. BOSI: Well, just from a perspective of the next year being in 2021, I would think both the Immokalee Area Master Plan and the Golden Gate Area Master Plan would probably be right before then.

A second suggestion -- or a second reason why I would think it would be better to have those activities done outside of the EAR process is the EAR process, as we had performed it last time, incorporated all the amendments and all the -- regarding each individual element, and it's a -- and it's a pretty hefty batch of amendments that could come through. When you've got small subarea sector plans or subarea plans, like the Immokalee Area Master Plan and Golden Gate Area Master Plan, sometimes those issues can be -- can create issues upon themselves, and the timing of the processing of those amendments could deviate from what your traditional expectation is.

And when you have an EAR amendment after you adopt your EAR report, you have a specific finite period of time that you have to get those amendments through the Department of Economic Opportunity.

So because of that, I would probably suggest to the Planning Commission and, ultimately, the Board of County Commissioners that we segment those types of processes outside of any of our traditional EAR-based amendments.

CHAIRMAN STRAIN: Okay. I was just curious. Thank you.

MR. BOSI: Yes.

CHAIRMAN STRAIN: Anybody have any other questions?

(No response.)

CHAIRMAN STRAIN: Thanks, Mike.

MR. BOSI: Thank you.

CHAIRMAN STRAIN: ***And now for the star of today's show.

Caroline's bringing us a lot of reading to do.

MS. CILEK: It's exciting, isn't it?

CHAIRMAN STRAIN: Four hundred-plus pages, to be exact.

MS. CILEK: Good morning. It's nice to see you-all today. I'm going to bring up my presentation. I'm here to provide a presentation on the 2013 administrative code and corresponding LDC amendments, which this presentation will really help you as you read through these documents. That's what it's geared to do.

Brief overview of the presentation. So I'm first going to touch upon the purpose and the goals of the administrative code. Can you hear me?

CHAIRMAN STRAIN: Yes.

MS. CILEK: Okay -- and the opportunity that the administrative code offered us to update the submittal requirements and the procedures that were out of date in the LDC, as well I'm including a review guide to help you read and understand the administrative code. Then we'll touch upon the corresponding

LDC amendments. You'll be receiving both in your binder today.

And first go over the conflicts, some examples that were revealed through this process of putting together and compiling the administrative code, as well as the relocation of sections to consolidate provisions that occurred through the process, some of the sections that we rewrote and why, some of the proposed changes for consistency, and another review guide to help as you read these documents.

So the purpose and the goal of the administrative code is to consolidate and identify the procedures for approval to develop under the Land Development Code.

The goal is really to provide a user-friendly guide to assist in the petition process. And one thing to keep in mind is that this administrative code is the core. It doesn't include every petition or process that the LDC identifies.

For example, some of the processes related to the rural fringe mixed-use district are not included in this core, this initial version.

Some -- what we'd focused on were those that were used very commonly -- you'll be familiar with almost all of them -- as well as those that were a part of a group.

Through the process we worked closely with the County Attorney's Office, county staff and all the departments, and industry members.

This ordinance will include a clause to ensure and provide a safeguard that any provisions that were inadvertently omitted will remain in force.

The creation of the admin code provided the opportunity to update the submittal requirements and the procedures in -- through the admin code and in the LDC. To do this, we utilized both the applications for these petitions as well as LDC submittal requirements that were listed; however, the LDC is often silent on submittal requirements. So that's when we took in the applications to fill out those sections.

If you're curious about the applications, they can be found on this website. You can also ask me, and I can show you.

Throughout, we use the current process. So we found that we needed to update procedures in the LDC to create the administrative code and reflect what was going on with the process today. A really good example is the process for obtaining a certificate adequate public facility -- excuse me -- a certificate of public facility adequacy, sorry. And this was written about 10 years ago. I talked to staff about it recently. And since that time, the process has moved forward, and so we really wanted to put in the LDC the current process.

In addition, we've included the hearing examiner procedures both in the administrative code and the LDC.

All righty. The administrative code follows a template. So every section is designed almost the same. It's going to start off with a reference. This reference will give you the section for the LDC, the code of laws, the Florida Statutes, if necessary.

Then we move on to applicability, so -- the purpose of this petition, if a preapplication is needed or not, also if it can be waived; the initiation, and that identifies the name or the title of the application to submit to staff.

The application contents. Again, this consists of both the submittal requirements identified in the LDC as well as those on the applications.

We have a completeness in processing component. That just shows how the petition is submitted to the county in the process to start reviewing it.

If this is a petition that has a public procedure, the notice sections will be identified -- so the notice requirements, such as a mailed notice, a NIM, a newspaper advertisement, signage.

If the petition includes a public hearing, those will be identified. The decision maker is identified, whether it's by the county manager or designee or by a board, as well as the review process. This identifies the department that will be reviewing it and the criteria for the petition, as well as any others that were

applicable for that petition.

This is a little review guide to help you read through the administrative code. The LDC includes cross-references, and these are identified in the administrative code in either black or green language. The black text identifies that there have been no changes to this section. You can go to MUNI code, look up the cite, and the language will read, and it will reflect perfectly.

If, in fact, we have amended the section, the language -- the cross-reference will be in green, text will be in green, and you know I need to go look at the LDC amendment to find that new language. This is really important, so make sure where you look for your cross-references.

We've also included a couple of other types of references, including a see Chapter 7 or Chapter 6 of the administrative code or, perhaps, see LDC section. And as you note, 3.08.00(A) is a new section, so it's in green, and it can be found in the LDC amendment document.

We also have a couple of notes, so these are with a little index finger, and they say, hey, here's some other information that may help you as you walk through this process.

Next up we have information reflecting the LDC amendments, related to the LDC amendments. In your binders you're going to receive a document that is a quick guide for LDC relocations. This is a complete list of all of the major sections in the LDC that are going to be moving from one section to another.

Relocating submittal requirements to the administrative code often left mini sections in the LDC without a lot of substance or content. There would be a couple sentences left after what was -- after language was taken out of the LDC and moved over to the administrative code, so this provided an opportunity to, then, consolidate provisions within the LDC.

So some examples are in Chapter 10 we have requests for official interpretations; however, once we removed some of the process language and the submittal requirements, very little was left. So we took this language and we consolidated it in Chapter 1 where the primary section related to responsibility for interpretations exist.

Another example is that Chapter 10 contained information relating to environmental data submittal requirements; however, once this section of the code was left with very few sections, we identified a new location for environmental data, and it's been relocated to Chapter 3, which contains almost all of the requirements for -- and standards and criteria for environmental review.

Another example is the relocation of criteria. So occasionally we would find that submittal requirements would contain criteria, standards that were necessary for the review of, say, a site development plan. We took this opportunity to relocate them in the appropriate LDC section and make sure that they would remain a standard and a criteria.

Another really good example is the rezoning provisions. These are currently -- and are located in the public notice procedure section. Even though rezonings require public notice, they are a distinct process, and so they deserve their own section in the LDC. And so we relocated them so they will be -- have their own title and their own section and will be easily identified.

Throughout the process we also discovered that there were inconsistencies related -- within related provisions. So, for example, we looked at the vegetation permit removal process that was in Chapter 10 and Chapter 3, and we found that language was incredibly similar; however, it was not identical. So this creates a conflict. So we took this opportunity to consolidate provisions in Chapter 3.

Another example is the waiver of distance requirements in Chapter 9 and also in Chapter 5. So Chapter 9 included more thorough language. It was a little bit more hefty, more to it. And Chapter 5 gave the idea of it and contained many of the same provisions but not all of it. So what we did is consolidate it in Chapter 5 where the more thorough language will exist. This is also a waiver requirement, and Chapter 9.04 is related to variances, so we took the opportunity to relocate it to a more appropriate section.

The last example on this slide is related to subdivision exemptions. Again, we found duplication of language in two different sections of the LDC, Chapter 10 and Chapter 4. Took the opportunity to

consolidate all the language into Chapter 4, which is the subdivision regulation section of the code.

As we worked through the LDC to create the administrative code, we ran into some sections that were very out of date or really difficult to understand. So this provided the opportunity to rewrite these sections. We worked very closely with the attorney's office and with county staff to rewrite these sections.

For example, the plat and plan section, construction plans and final subdivision plats, that was located in 10.02.04 and 10.02.05, the order of work, the review process, the submittal requirements was out of date. Over time, it had been tweaked quite a bit and no longer reflected the current process. Took this opportunity to rewrite it.

Another example is the certificate of public facility adequacy. Again, one section of this was very out of date. Took the opportunity to rewrite it.

And the next one on the slide is 10.03.05. This is the public notice section. This is a notorious section that is very hard to understand. Sometimes you have to read it several times to get what is required for a specific petition.

So we took the opportunity to rewrite it. Now it is laid out in 10.03.05. All of the specific requirements related to each type of notice, and then in 10.03.06, which is a new section, every single petition has its own section or consolidated where possible, but it's laid out very thoroughly what is required for each type of public procedure process for a petition.

Throughout the process we found that some proposed changes would be a good addition to the LDC.

First, we included current procedures. For example, zoning verification letters have been added to Chapter 10. These are ongoing procedures that have been in rotation for a year or two now. We are codifying them.

Next is the conditional re-review. Again, ongoing process. We aim to codify; minor final plats in construction plans, the same; and the new hearing examiner procedures have also been added.

Second, we made some changes to the public notice section, included a good-faith clause for mailed notices, and what we'd like to do is provide a consistent way to identify how long you have before public hearing to provide your public notice. I'm calling this the 15-day prior clause. So 15 days prior to any public hearing, one would send out their mailed notice, have their NIM, put the newspaper ad in place, and I think that's -- oh, and the signage posted.

So this would consolidate all the various time frames that are currently in the LDC into one. Be very easy to understand and remember.

Moving on. We'd like to also remove language related to base flood elevations on plats in two sections, as well as identify time frames for completion and procedures where needed.

As you review the administrative code, this slide will help in understanding the changes. Actually, this was for the LDC amendments. My bad.

All of -- it's important to recognize that all underlying language is not necessarily new. Perhaps it has been relocated to another section -- for example, the environmental data was in Chapter 10. It's now been moved to Chapter 3 -- or new language as identified in the comments.

At the top of the slide, I identified that there are review comments throughout the LDC amendment, and these are very helpful in understanding what sections have moved where, perhaps identifies new language, or perhaps it identifies a deletion as well.

So all documented, and I highly recommend taking a look at those review comments.

Second, not all strikethrough language is necessarily to be deleted. Perhaps it's being relocated or it's being rewritten, and in some instances, yes, it is to be deleted as well.

Double strikethrough language is rare, but it is in the document and identifies that, yes, this, indeed, is probably an error or out of date or to be deleted in whole.

The LDC contains many cross-references to other sections in the document. Similar to the administrative code, these cross-references will be in either black language or reflect that they have not been

amended and can be found in MUNI code, or if they have been amended, they are in green text and can be found in the LDC amendment.

Our plan is to return to the Planning Commission on August 15th for recommendations, and then we're scheduled for the board in September. And I just want to thank you very much for your time today.

We have binders to pass out, but I'd like to open up to any questions, concerns, comments.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER EBERT: Yes. Caroline, you've really cleaned the LDC book up. The only thing is, could we codify it down to about (indicating)?

MS. CILEK: Well, once you see the administrative code, there is a lot of language being relocated. So who knows, maybe it did go down a hundred pages or so.

CHAIRMAN STRAIN: One comment. When you read this document, you might find a lot of things in there that we realize from our experience here saying, gee, go this -- we wanted to change this. This should be changed. But that isn't the purpose of this exercise.

This exercise was simply to create the admin code and move stuff from the LDC to the admin code. The changes were done for clarification, not for being substantial changes that would -- you know, where you'd need a stakeholders' group or air it in public to weigh in.

So when -- I've read this once already, and I'll be reading it a second time. But in the first reading I was wondering why don't we clean up some of these things that we obviously know shouldn't be there, and Caroline correctly stated that, no, no, this is not the purpose of this exercise.

And so when you read that and you see things you want to change, well, that's another round. We're going to -- that's coming up, I guess, after this is completed.

MS. CILEK: Yes.

CHAIRMAN STRAIN: We'll go into that round later this year, early next year.

MS. CILEK: However, I encourage you to keep a list, make notes in here, if you think these would make good LDC amendments, and we can take a look at them in the next LDC amendment cycle.

CHAIRMAN STRAIN: I want to congratulate you and Ellen on a good job in putting this together. You two guys have got the most patience of anybody I've ever seen in reading this stuff.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: You all will experience it when you read 400 pages. How you've done --

MS. CILEK: She's a great help.

CHAIRMAN STRAIN: -- gone back and forth, and you're lucky. Ellen's amazing.

MS. CILEK: I am. I'm very lucky, absolutely.

CHAIRMAN STRAIN: You guys have done a very good job, and your expertise is well appreciated, so thank you.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: Are you going to pass those out now or after we adjourn?

MS. CILEK: Yeah.

CHAIRMAN STRAIN: Okay. Well, I guess we can --

MS. CILEK: I can also do it after you adjourn. They're bulky.

CHAIRMAN STRAIN: Yeah. Well, we'll just adjourn first. Before you-all leave, be sure to grab one of these big thick books so it can weigh you down as you go out of the building.

Are there any public comments?

Jeremy is the only public, and he's shaking his head no.

Discussion on the addenda. Nothing.

Planning Commission comments? Are there any Planning Commissioner comments?

(No response.)

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

COMMISSIONER EBERT: I make a motion to adjourn.
COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN STRAIN: By Diane. Seconded by Barry.
All in favor, signify by saying aye.
COMMISSIONER ROSEN: Aye.
COMMISSIONER MIDNEY: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: 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 10:10 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 9-5-13, as presented or as corrected _____.

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