

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 15, 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
Phillip Brougham
Diane Ebert
Karen Homiak
Barry Klein
Paul Midney
Mike Rosen

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Okay, testing. You got the new device working. We have a new method of turning on microphones, so I wanted to make sure it was all up and running.

With that, welcome to the Thursday, August 15th meeting of the Collier County Planning Commission. If everybody will 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: Here.

COMMISSIONER HOMIAK: Mr. Rosen?

COMMISSIONER ROSEN: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham?

COMMISSIONER BROUGHAM: Here.

CHAIRMAN STRAIN: Okay, addenda to the agenda. Does anybody have any changes?

(No response.)

CHAIRMAN STRAIN: Ray, anything at all?

MR. BELLOWS: No changes.

CHAIRMAN STRAIN: Okay. The next meeting up is September 5th, Thursday. We have actually three meetings in September. That will be out -- those will be our last meetings. Does anybody know if they're going to miss the September 5th meeting?

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: Okay, just for a heads up, we have the AUIR coming up on September 27th, which is usually the end of September every year, so it's about right.

Approval of minutes. Anybody have any corrections or additions, changes to the minutes?

COMMISSIONER HOMIAK: I didn't get any. Did you?

CHAIRMAN STRAIN: Yeah, there was -- well, I may have gotten it because I've got -- did anybody get any minutes?

COMMISSIONER KLEIN: No.

CHAIRMAN STRAIN: Okay. What are they on the agenda for, Ray? It wasn't distributed to everybody. Do you know?

MR. BELLOWS: I thought they were.

COMMISSIONER BROUGHAM: I didn't get them.

CHAIRMAN STRAIN: Okay. We'll defer that 'til next week, or next meeting.

BCC report and recaps. Obviously there's none because they have been gone. Right, Ray?

MR. BELLOWS: I was just thinking about the minutes.

No, there was no BCC hearing.

CHAIRMAN STRAIN: I just wanted to make -- you didn't have anything else to add to it.

Chairman's report. Heads up on the length of today's meeting. I expect we're going to be here a long time just to walk through the three or four, 500 pages of changes in the code. We'll probably take a better part of the day, if not all day.

So as we go through the day, I thought we'd probably look to break around -- or leave around 5:00. If we're close to finishing up and there's only a handful of pages to go, maybe it would be nice to stay and

finish them today, but we'll have to wait and see how the afternoon rolls out. And I'll certainly get your input on it as we move forward.

Consent agenda items. There are none from last meeting. Typically what we'll try to do is combine the consents with the same meeting, depending on the intensity of the stipulations and changes in each one. So if we can do it and they're simple, fine. If not, we'll move them to the next meeting. But because we only have two meetings left and the chance of not having a quorum is always there, I want to make sure that we don't hang anybody up and push them into the new board being reseeded in October. So we'll try to work with consents on the same day, if at all possible.

That brings us into advertised public hearings. First one up is PUDZ-PL20110000762, the Living Word Family Church MPUD. And it's on south side of Immokalee Road.

Anybody wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. (Speakers were duly sworn.)

CHAIRMAN STRAIN: Thank you.

Disclosures on the part of the Planning Commission. Anybody? Barry?

COMMISSIONER KLEIN: Yesterday I met with a John Lao at the property. I think he's a property manager. And we just discussed -- I just wanted to get my feet wet there. And nothing else.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No, just staff.

CHAIRMAN STRAIN: I thought you put your hand up.

Anybody else?

COMMISSIONER EBERT: No, just staff.

CHAIRMAN STRAIN: Okay. And I -- of course I had conversations with staff. But Tim and I talked yesterday for quite a while about some specifics that I'm sure we'll be bringing up in detail today.

So with that, we'll move ahead. Tim, it's all yours.

MR. HANCOCK: Thank you, Mr. Chairman, members of the Planning Commission. Tim Hancock with Davidson Engineering.

THE COURT REPORTER: Your microphone is not working.

MR. HANCOCK: Most people would prefer that.

CHAIRMAN STRAIN: Maybe that one just needs you a little closer.

MR. HANCOCK: Check one.

CHAIRMAN STRAIN: No, it's dead. Okay.

MR. HANCOCK: I will now do this presentation one-handed.

CHAIRMAN STRAIN: Maybe -- hopefully at some point we can get it fixed, because Caroline's going to have to turn pages and do things that she might need both hands at a time, so --

MR. HANCOCK: Well, for now we'll move along and -- but again, Tim Hancock with Davidson Engineering, representing the applicant, Living Word Family Church.

Recognizing the length of your agenda following this matter today, I promise to keep my presentation under three hours.

CHAIRMAN STRAIN: You might hold off just a minute. Let's see if Kady can figure out the microphone issue.

MR. HANCOCK: Check one.

CHAIRMAN STRAIN: Thank you, Kady. Those buttons are hard to find. Thank you.

(Applause.)

MR. HANCOCK: Twenty-three years, I've never gotten applause in this room.

Love you, Kady.

Living Word Family Church is an existing dynamic and growing church congregation. In 2006 they rezoned 18.1 acres, which is the long center strip that you see in the aerial on the visualizer. And the idea of the vision there was a 500-seat sanctuary as the centerpiece of a growing ministry.

Construction was completed in 2010. And here we sit three years later, the church has expanded to three services on Sunday, a service on Wednesday nights and a youth program that is growing by leaps and

bounds.

This rezone before you today was precipitated by a desire to construct a separate Sunday School building on the existing campus. Due to the site plan limitations that were imposed as a part of the conditional use, limiting future development to what appeared on the conditional use, they realized they were limited to only 8,000 square feet.

The church at that point had acquired some additional surrounding parcels and decided to pursue a rezone in an effort to set the stage for the foreseeable future and hopefully avoid having to go through this process again in two or three years.

To orient you with the site --

COMMISSIONER EBERT: I had it and it went blank.

MR. HANCOCK: There we go. This is a handy tool to have.

The original 18.1 acres was the long linear parcel that you see here. It fronts on Immokalee Road and extends to the south.

Back here is an existing preserve, recorded as a conservation easement and actually was part of the mitigation strategy for the environmental resource permit. And that preserve is 7.31 acres. The only part of that area is that is not the preserve is an easement that was provided for a future well site to Collier County. That property has been dedicated and conveyed.

To the north of the property is Immokalee Road. And across Immokalee Road, this is actually the Bonita Bay East Golf Course. So you'll see a tremendous amount of preserve area here and some golf holes.

The site, for your information, is approximately 2.6 miles east of the intersection of 951 and Immokalee Road.

To the east, on this side, and as you can see, the property line is jerrymandered. The church has acquired adjacent parcels as they could, and they have frontage here along Moulder.

So on the east side we have a single-family home bounded on three sides by the church property. Currently that home is in foreclosure proceedings and is bank owned, according to property tax records.

Our property then continues along to another single-family home here which is adjacent to the preserve which is existing and recorded. And you'll also note, in the master concept plan, was (sic) review it later, additional preserve area is being proposed in this location as the most appropriate buffer for that single-family home.

Again, the parcel extends all the way further south. You can see a number of vacant parcels and some single-family homes across the street.

This site right here is site "L", owned by the Collier County Public School District, and it is designated currently for an elementary school site.

As we get to the south, there's a property back here known as Edun Lake. It is a site for naturists. We'll just move right along.

The vacant parcel right here, the church parcel extends out a little bit further here to the west and there is a single-family home here. And then here this is a Seventh Day Adventist Church, not a part of our project. These are vacant parcels. And I've spoken to the homeowner a couple of times and he's not really sure what he wants to do. And it has been used for nursery operations in the past.

And then we also have an orthodox church here at the intersection of Rivers Road and Immokalee.

The property, and what's proposed in the attached zoning, attempts to create a central campus that will house most of the structures with parking on the perimeter in order to achieve a walkable interior. If you looked at the original architect's plans for the 18.1 acres, what you would have seen is a central via with buildings framing each side of it and an internal orientation.

For purposes of a master plan of this size and configuration, that's more difficult to see here, and hopefully we'll be addressing some of the issues of where building placement can occur and should occur to be compatible with adjacent properties.

But this has been the vision for the church from the beginning. And we're just hoping to realize that vision to a greater degree here.

There are three access points proposed for the property, two of which are in existence today. And probably the next aerial is the best way to see those access points.

The property boundary is in a read or pink as it shows up here, and the white line is a 1,000 foot buffer. So when you look at notifications that were sent out, that white line represents how far the notifications reached. But the access points for the project is we have an existing right in/right out access on Immokalee Road. This is a primary point of access for church services.

A secondary access of via what is called Ramsey Street, which the church owns both sides of what used to be called Ramsey here. As you get to this part of the property, the church owns the northern 20 feet of what -- that exists right here. And the 20-foot wide Ramsey Street physically exists within that parcel. So the church owns in essence the physical pavement of Ramsey Street from here all the way out and overlapping Rivers Road. Currently church members do exit and enter via Ramsey and down Rivers.

We provided to the County Attorney's Office, albeit yesterday at a late hour, the research from our attorney that shows the access over Rivers Road and how that access easement has been provided to the benefit of all property owners along Rivers. So we do have legal means of access both direct on Immokalee Road and indirect via Ramsey and Rivers per that easement agreement which has been recorded in Collier County records.

The PUD master plan does propose one additional access in the future here on Moulder Drive. Moulder is a little less clear, if you will, than Rivers and Ramsey. There is a 30-foot ingress and egress easement. You have to go back a couple of deeds to find it. But both this small parcel right here, the current deed shows a less of 30 feet for ingress and egress, which is where Moulder Drive is supposed to be.

And then you also have along this piece going back two deeds a less of the 30 feet for the same purpose, ingress and egress.

Moulder actually, as it comes in where the county has provided an apron cut here, deviates to the east a little bit. And much like a lot of these entrance roads, I think their final location or used location was determined based on the number and size of trees people wanted to avoid in getting back to their property. So this roadway actually deviates a little bit to the east.

But there is a 30-foot ingress and egress exception from these two parcels, providing access to Immokalee Road via Moulder.

If in the event there were any problem with that, we do have the frontage on Immokalee and actually could deviate onto our property, providing an easement for others, if necessary.

I'm sorry if that sounds a little convoluted, but I just want to assure you that we've gone to great lengths to make sure that we have legal access to the property from all access points, as shown on the PUD master plan.

A point that is worth mentioning is at build-out, having these three access points would certainly help distribute traffic in such a way as not to overly burden one or more access points.

The PUD does address this in Exhibit F under item number three, that during periods of significant traffic generation, that traffic control by law enforcement personnel be present, as determined by Collier County Transportation staff.

So if one or more access points in staff's opinion were problematic with respect to a public safety issue, the church would be required to provide law enforcement personnel at times of peak use.

The lands proposed for this project are typical of more recent zoning applications for churches in which numerous land uses are being requested. It's my hope again that we plan today for future needs of the church as well as the community in such a way that we're not back here amending this.

To that end we left the kitchen sink out but tossed in just about everything else. The requested uses in the PUD are: A church with up to 2,400 seats; child care for up to 200 students; youth associations, fraternal associations and lodges and veterans associations; elementary and secondary schools, K through eight, limited to 250 students; assisted living facility limited to 200 units or beds; and accessory uses which include administrative offices for the church and school; an amphitheater with up to 500 seats, a church operated thrift store up to 5,000 square feet; church operated book store; a columbarium for interment of ashes only; and a community garden with the opportunity for retail sales of items that are grown on-site; church operated family and social services; also five residential units to be used by staff or retreat housing for missionaries.

It is the practice of this particular church, and they support a number of worldwide missions, that

sometimes they'll bring the missionaries in for 30 days of rest and relaxation in sunny Florida, and it would be nice to have a place for them to stay while they're here to recuperate before they head back out into the field.

We also have included as accessory uses a dining hall or private restaurant incidental to the church; and playgrounds and recreational facilities.

With adequate buffering and minimum setbacks contained in the PUD, we feel that compatibility can be achieved on the site with both the permitted and accessory uses.

As you can imagine, the entire list of permitted uses I just went through cannot physically be accommodated on the site at one time. The end product will be a selected mix of these uses with the overall intensity being limited to a maximum of trips generated, which is contained in the traffic impact statement that is a part of your package.

Probably the most pertinent issue I think to delve into at this point is in my conversation with Chairman Strain yesterday, he raised a number of issues, some of which had been contemplated, some of which were possibilities that could occur that probably need to be limited.

And Mr. Strain, what I've done is I've prepared based on that conversation an errata sheet to go over those issues. We can do that now, we can do it in response to questions. That certainly is your call, sir, whatever you think is most appropriate.

CHAIRMAN STRAIN: If you already looked at those, why don't we go over them now so that they may answer somebody else's who may have had the same concern.

MR. HANCOCK: I can -- I'll put it on the visualizer. Would you like hard copies also?

CHAIRMAN STRAIN: If you've got enough, that would be great.

MR. HANCOCK: I do. I believe I've got 10 or 11.

CHAIRMAN STRAIN: And one for the court reporter.

MR. HANCOCK: And Cherie' already has one.

CHAIRMAN STRAIN: Okay. Yeah, we'd like it.

MR. HANCOCK: And there should be enough, if Nancy and Ray share, that one ends up on Heidi's desk on the far side.

And if somebody's eyes are better than mine, they can read it on the prompter. If not, we do have hard copies.

The first item on the errata sheet deals with Page 1 of 14 of the PUD. This is an attempt to make sure that the listed uses under Group 8641 are all that is being requested. So the language is being altered or proposed to be altered to Group 8641 limited to those organizations listed.

On the second item, again, Page 1 of 14, Item A.5, under assisted living facilities it was noted that under groups 8051 and 8052, it does include the use mental retardation hospitals. That is not the intent of this site, so that has been specifically excluded in this language.

Item number three on Page 2 of 14, Item B.4, under church operated thrift store, Group 5932, it is only for secondhand retail. Again, it was noted that things such as pawn shops could be allowed under that land use code. Again, not the intent.

And hours are limited. And we put a further limitation on the hours to limit it to no more than 20 hours per week so that it would not be deemed to be some kind of a principal use.

Thank you, Nancy.

On the second page of the errata sheet under item I believe it's four, and the number may be on the previous page, under Group 6553, again, the only intent is to allow for a columbarium for the interment of ashes. So we are limiting Group 6553 to that.

Number five on Page 3 of 14, Item B.14, under playgrounds, recreational facilities associated with the church and school use. The issue that was raised is in particular there's one resident right next to us on the western side. And while open fields for unstructured play are one thing, I think if you have a playground or a designated play area associated with a school or with a daycare, that's more of a continuous noise use and something that probably needs a little more attention. So what I've added and attempt to address that is language that states: Playgrounds and play areas and daily use for the school or daycare cannot be located within 100 feet of a property developed with residential uses at the time of this rezone.

Somebody who comes in two years down the road, it's a buyer beware situation, but we feel that

protecting those that are in place today is appropriate.

Number six on Page 4 of 14, Item D.3 under the amphitheater, I wanted to clarify, again, Commissioner Strain pointed this out to me. If the property were to be sold and a V.F.W. post bought the property and built a V.F.W. post and had an amphitheater for 500 people, they could have live music every Friday and Saturday night if they wish.

The purpose of the amphitheater, and I wish there were a better term to use than amphitheater, what it really is is an outdoor open space for gatherings and special events. It probably drives a mental image of something like an outdoor Philharmonic type or artist type facility, and that's really not the intent.

So what I've tried to do here is clarify that the use of the facility, not related specifically to the religious holidays of Christmas or Easter, shall be subject to temporary use permit conditions in the Land Development Code.

That puts it in the same vein as open space at any community facility throughout the community where you can have up to 14 consecutive days or I think it's 28 total days per year under temporary use permit. So rather than it being a separate facility that could have an ongoing impact, it would be limited strictly to temporary use issues, as stated in the LDC.

Under Item 7, Page 6 of 14, the land use table is a little bit confusing, so we've tried to clarify that. The first one was that under maximum height zoned and actual, we had caveats for those both for church steeples. Pretty much unnecessary. So we've cleared it up that the zoned height is 35 feet and two stories, the actual height is 42 feet and two stories. And notation number one has been revised to read that a church steeple may have a height of up to 47 feet.

The next item, eight, Page 6 of 14 under footnote four -- and this is the one Commissioner Strain and I discussed, and he mentioned to me that he discussed it with Ray and Nancy and they both had different interpretations and then I had a third one. So I realized maybe this wasn't as clear as it needed to be.

This language was an amalgamation of what we initially tried to do and then trying to build in the wildfire protection standards that were a new requirement, or one that I had not dealt with on a PUD in the past, where we have in essence 30-foot clear zones around any structures on the property for protection against wildfires. And those needed to be built into the PUD.

So the 50-foot setback for structures applies to principal. The idea being here that if we have accessory structures, an example might be a piece of playground equipment, it needs to be at least 30 feet from the property line to meet the wildfire protection standards. If, however, that accessory use is not structural -- unstructured playfield, grass area -- to have a 30-foot setback for that doesn't seem to make a lot of sense.

So what I hopefully have done is clarify it here to state that on footnote four that it reads that that setback -- and I've changed it from 50 feet for principal, 30 foot for accessory. And this notation applies to accessory that is measured from the property line for structures in accordance with the adopted wildfire management requirements contained in this document.

And I state further, and I don't know that that -- what's in parentheses needs to be in the document or not, but for the purposes to distinguish the setback for structural setbacks as opposed to nonstructural setbacks, again, play areas and so forth.

And I believe that hopefully wraps up the items that we discussed on the phone yesterday. Certainly those are items that we're open to discuss with you and provide further clarification, if there's any question on what the intent and purpose of a particular use is. And with that, I will end my presentation and open up to any questions or input you may have.

CHAIRMAN STRAIN: Questions from the Planning Commission?

Diane, then Phil.

COMMISSIONER EBERT: Can you tell me, on the amphitheater is this going to have a roof-over a thatched roof or any type of roof?

MR. HANCOCK: Honestly, it hasn't been planned yet. The idea was to allow for a covered structure, if they wish. And it was envisioned to be up by Immokalee Road facing south where there's some existing open space now.

At build-out of the church campus, which from the master plan is hard to tell because it's just an

envelope, there really isn't room for an amphitheater, so it's more of an interim use until the campus is built out.

That being said, you know, it would -- I would envision potentially having some type of a covered facility.

COMMISSIONER EBERT: A thatched roof or some type of roof then.

MR. HANCOCK: Yes.

COMMISSIONER EBERT: The church we used to go to, that's what they did, because it can rain on Easter morning or whatever, so they wanted kind of a roof over it.

MR. HANCOCK: You can towel dry the choir, but the amplifiers are a whole different ballgame. But that goes to the point that Commissioner Strain mentioned which is how often can you have things like amplified music and so forth.

COMMISSIONER EBERT: I was thinking more of a service out there, to be honest with you.

MR. HANCOCK: As is the church.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Yes, still on the subject of the amphitheater. I heard what you said earlier, Tim, regarding the fact that it may or may not be a structure. Maybe I'm misinterpreting what you said in your presentation. And then just now and in the document you reference construction, you referenced a structure, you referenced some sort of a band shell and so forth and so on.

You mention in here that if you construct the amphitheater, it will be positioned -- will be 500 feet or more away from the nearest existing off-site residential unit.

And that -- if that's going to be oriented up in the northern part of the tract, I would assume the nearest residential unit would be that one to the east on Moulder?

MR. HANCOCK: It would, yes, sir.

COMMISSIONER BROUGHAM: Where would you put such a structure with -- to make it further than 500 feet away from there? I mean, it seems like that eastern boundary line is darned near right there. I used Property Appraiser's measure, and that's not necessarily the most accurate stick.

MR. HANCOCK: Well, at build-out we're not altogether sure that the lake next to Immokalee Road is in the best location that it would be ultimately. So the possibility of relocating that water management and providing a structure close to Immokalee Road for that purpose is one.

The second one is because it's viewed to be somewhat I'll call it temporary, because when it's built out at the campus, having an open space like that plus play fields may not physically happen.

Let me -- the tip of the pen as you see it there is approximately 500 feet from the residential structure. And that would place it in that area, which is also in and of itself more than 500 feet from the structure. And so it's very limiting and it's intended to be that.

Candidly I also think at some point the church will probably acquire that residential parcel. We have no guarantee of that, but that is in the long-term plan for the church, if it comes available. And that too would address that issue and allow it to be generally in the area you see where the pen is pointing there. With that 500-foot limitation there's really nowhere else it could go.

COMMISSIONER BROUGHAM: Well, that was really where my concern centered. And, you know, I conjured up an amphitheater, you know, a band shell and having and orchestras and bands and noise and so forth out there. I don't know what specifically the temporary use limitations are, you know, in the LDC. But more concerned about the noise factor, you know, through that residence than anything else.

Just one question on the peak usage and the traffic having to have a traffic control officer out there. Procedurally how does that work? I'm not questioning the fact that it does work, but I just was curious as to how that happens. Does the church notify the county or transportation and say hey, we're going to hold an event so --

MR. HANCOCK: Well, currently the church during season does have an officer as Rivers Road and Immokalee, so we're already -- that's already a practice of the church.

But the way in which I would have discussed with transportation staff is generally if it's brought to transportation staff's attention that there is some type of a log or problem with trips being exited on the site at

a given time, they notify the church and the church is required to have law enforcement present. Most churches are more proactive about that, because their membership doesn't appreciate sitting for 30 minutes, and by having law enforcement personnel there. So it's something that both sides monitor. But in the end, if transportation staff or code enforcement were to get a complaint about traffic from the church and it was deemed that there are peak events that need law enforcement personnel present, transportation staff would notify the church and the church would then make it happen, as a requirement of zoning.

COMMISSIONER BROUGHAM: John is shaking his head. Good answer.

Thank you, that's all, Mark.

MR. HANCOCK: It's when they shake their head this way that things go horribly wrong for me.

CHAIRMAN STRAIN: Mike, then Diane.

COMMISSIONER ROSEN: Tim, could you describe on the site plan the location, I'm a little hazy, where the congregate dining facility will be in the kitchen?

MR. HANCOCK: It would be contained within another building. And the reason it's in there is, for example, if they -- right now they don't have one, but if they were to build a multipurpose building, and this is common among larger churches now, is you might have a gymnasium, a commercial kitchen area in there and Sunday School classrooms all in one building.

So it's really not intended to be a standalone use as a restaurant, per se. The reasons in the PUD is if we apply for a building permit and there's a kitchen in there and the PUD doesn't say we can have a dining facility of some kind, we run into the potential for having to get a determination.

COMMISSIONER ROSEN: Will there be in -- I think you mentioned 200 units of living units possibly?

MR. HANCOCK: Yes.

COMMISSIONER ROSEN: Are those like ACLF type units, or are they apartments?

MR. HANCOCK: They would be ALF units, assisted living units, not independent living. And also that 200 number is inclusive of either an ALF unit or a bed in something such as a memory care unit.

Again, the church doesn't have plans for this, but we've seen other churches be approached by ALF providers to collocate, and we want to leave that door open, that possibility.

COMMISSIONER ROSEN: Is there a -- it would be centrally located enough set back from the property lines as a buffer?

MR. HANCOCK: Yes, sir, a minimum of 50 feet as a principal use.

And one thing to mention is all buffers, where we are adjacent to existing residential, a six-foot wall is required as a part of our buffer. So in addition to the 15 type B vegetation, a six-foot wall would be required.

COMMISSIONER ROSEN: I asked the question because of potential commercial deliveries and things like that.

MR. HANCOCK: Yes, sir. And I would hope that the wall and the buffer and a 50-foot setback would address that sufficiently.

COMMISSIONER ROSEN: Sounds good. Thank you.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Yes, Tim, I have another question.

The property that is in foreclosure, does the church kind of plan maybe on buying that if they can?

MR. HANCOCK: Yes, we actually approached the previous owner before it went into foreclosure and at that time the price was a wee bit inflated. It subsequently went into foreclosure and the church as been in contact with the bank, letting them know they are interested in acquiring the piece. No guaranties --

COMMISSIONER EBERT: No, I understand.

MR. HANCOCK: -- but it would be our preference.

COMMISSIONER EBERT: Okay. The other thing is coming out of the church, it is -- it's right in/right out. What is the closest turnaround area? Is that Twin Eagles for a U-turn?

MR. HANCOCK: There are two median openings that are in close proximity to the church access point, which is here. One is at Moulder. So somebody can turn right, get into a turn lane and make a U-turn going back the other way on Immokalee Road from this entrance point. Currently they cannot turn in here

and access the church; that is the future access that I referred to earlier.

The second median opening is here at Rivers Road where the orthodox church is. This is the second median opening here. Again, traveling westbound there's a left turn lane. They can currently turn into Rivers, come down to Ramsey and enter the church. Also they can make a left turn out of Rivers onto Immokalee in that location also.

So we're fortunate to have two median openings in close proximity without having to have a median opening at the entrance of the church. And this is where I said, you know, at some point getting that third access over here will actually disburse traffic even better than we currently do. But currently there's two access points for the church.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Okay, any other questions?

(No response.)

CHAIRMAN STRAIN: Tim, let's start with Page 1 of Exhibit A.

When you -- your answer to Mike concerning the ACLF when he asked you will any of those units be an independent living units and you said they'll all be ACLF units, they won't be independent living units? Then where are the independent living units calculated? Because you have basically your -- it says total number of units, beds shall be limited to 200. But it doesn't say -- and you just said they wouldn't be independent. So how are you going to build the independent living units? What was your intention?

MR. HANCOCK: Our intention was, and I actually -- independent living units is sitting right there in verbiage. This is what came out of conversation with the County Attorney's Office, and that should have been stricken.

CHAIRMAN STRAIN: What should have been stricken?

MR. HANCOCK: Independent living units.

CHAIRMAN STRAIN: Okay. So even then the errata sheet you sent out, we should strike it? Because that's where I'm reading from right now. So it comes out of the errata sheet as well?

MR. HANCOCK: Yes, that would be the easiest place to work from. Unless there are items that we're going to address that are not contained in the errata sheet.

CHAIRMAN STRAIN: So you're not going to have any independent living units?

MR. HANCOCK: Not as part of an ALF, no, sir.

CHAIRMAN STRAIN: On Page 2 of Exhibit A we get into the amphitheater. And I think the problem with the amphitheater is the word and the fact that you've listed it as such. Because in the beginning today you said that you were not going -- you were going to have uses typical to other church uses.

The open air or outdoor amphitheater, that connotes an open facility. Where do we have one of those in the county now? And I asked staff yesterday, they didn't have an answer. So maybe you do.

The reason being is if this had come up in other churches, and in 12 years I've been on this board I certainly would have brought attention to it.

COMMISSIONER ROSEN: Golden Gate Park?

CHAIRMAN STRAIN: Church.

COMMISSIONER ROSEN: Oh, church.

MR. HANCOCK: My recollection is that it is in the New Hope PUD, but I would have to go back and verify that.

But regardless, and you're right, the name amphitheater has a connotation to it that is -- candidly I'm not sure what to call a structure that you can have a performance under occasionally.

CHAIRMAN STRAIN: A lot of people call them tents. And they work real well for most churches.

The reason this is so sensitive, at least to me, is I have lived in the Estates for about 25, 30 years and the sound in the rural area has a whole unique way of traveling versus the urban area. There's no white noise background, there's no buildings to block the sound. And I live -- and I did this on the tax assessor's maps like Phil uses. I went and scaled my house from the church at the end of Weber. And yesterday staff told me it was a Catholic church. Certain times of the year they have somebody there that likes to sing on a microphone, and it's like he's standing in my back yard. And I am 3,805 feet from that church. And I resent the fact that on their special days I have to be entertained by their religious principles. I think that's wrong.

It's against my ability to exercise whatever principles I want to. And I don't think any church should be doing that to neighbors that may not be part of necessarily their congregation.

Likewise for this church doing the amphitheater. By the connotation of amphitheater it makes it almost seem like you're going to be broadcasting outdoor noise. And you can do the things you're asking for now in the errata sheet that you supplied without using the word amphitheater or without including it as an accessory use. If what you want is a temporary use permit for Christmas or holiday or other religious holidays like the other churches do, you can come in and get it. But to leave a word into a PUD like this -- and this borders on almost a CPUD because of some of the uses you have here -- anybody could come in and purchase this PUD if you wanted to sell it. They could put any of these uses on there. And they would interpret or could interpret amphitheater in a different manner than you intended. And I'm real concerned about the sound travel in a rural area in the southern -- you're north of the Estates for sure, but you've got other residences around you and the sound will travel further in the rural area than it will in the urban.

I'd like you to consider not needing the reference to amphitheater. But, you know, if you want to just say something like you want to have outdoor special events as permitted by the county, that's typical to what we're used to.

Diane?

COMMISSIONER EBERT: The church that we used to go to, outdoor worship service is all -- is really what it was for.

MR. HANCOCK: I'm wondering if the phrase outdoor pavilion, so if they were to try and build the structure that I think you and I are envisioning as opposed to more of a performance based center, but to have some type of cover available in the event that it became inclement, other than a temporary tent --

CHAIRMAN STRAIN: Well --

MR. HANCOCK: -- is my question.

CHAIRMAN STRAIN: -- wouldn't from a staff's perspective, and I'll ask Ray and Nancy this. To do an accessory use to a church, to have an outdoor facility to worship under as an accessory use, is there any -- if they didn't reference it in the accessory uses, is there a concern from staff's viewpoint?

MR. BELLOWS: For the record, Ray Bellows.

If a church wishes to have outdoor events, typically a temporary use permit would be required and we could regulate the activities and the time and the noise issues.

Since we're dealing with a PUD and not a conditional use, it's -- we've had some churches in the past want these outdoor type activities or presentations where they might have a play of some kind, a religious theme play, which could be on a stage of some kind. I don't know if anybody's built a permanent stage out there. Normally those are erected on those special occasions.

This sounds like they want something more permanent there. Is that what you're proposing, a permanent structure?

MR. HANCOCK: Yes, and it really is just a -- it's a covered pavilion is the mindset. And it also can be used for example, you know, when you have -- my church, butterfly releases after a Sunday. And if it's a little cloudy, maybe you can do the butterfly release where people can gather under the pavilion and do the release. So that's really what I'm -- it's more of a multipurpose kind of a pavilion, but any events would still be limited by temporary use permits, as issued by the county.

CHAIRMAN STRAIN: To get you where you need to go then, rather than try to use a word that connotes what amphitheater does in a lot of different interpretations, why don't you just say under your accessory uses an outdoor pavilion?

MR. HANCOCK: I'm comfortable with that.

MR. BELLOWS: Me too.

CHAIRMAN STRAIN: Okay, that will get you the right to build it. And then it's regulated noise-wise by temporary use permits, but it's used in the intermediate time. As long as you're not making any special event or noise, you would be able to use it just like you would the rest of your facilities.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay, Phil, did you have a question?

COMMISSIONER BROUGHAM: Well, just to follow on that. Noise was my concern also, Mark,

when I brought it up in positioning. These are a lot of maybe we will and maybe we won't. But like you said, we've got everything including the kitchen sink in here. And I think that if you were to attempt to cram all that into what you have now, you wouldn't have enough room.

MR. HANCOCK: That's correct.

COMMISSIONER BROUGHAM: I'm totally uncomfortable with even pavilion if you're going to have it on some sort of a regular basis, because of the noise aspect. Under accessory uses then -- if we went with pavilion, Mark, as somebody suggested then on number two under accessory uses, what would we put, pavilion outdoor?

CHAIRMAN STRAIN: And it would be limited to what he put on the errata sheet.

COMMISSIONER BROUGHAM: And limited to 500 seats. Does that make sense, given the context of a pavilion?

MR. HANCOCK: I think we need to eliminate the seats. I think that's part of the problem. It is creating a perception that is not consistent with what the church -- again, I got myself into trouble by trying to put too much detail by here by putting a limiting factor on it, when in fact it's -- you know. So I think if we just said a pavilion outdoor and then the balance of it would be consistent with the errata sheet which states the use of the facility not related specifically to religious holidays shall be subject to temporary use permits.

COMMISSIONER BROUGHAM: Then I think also going along that same path under -- on Page 4, Item D, we need to probably have significant modification to the words in there to conform to a pavilion.

MR. HANCOCK: I'll leave it to staff on this, but with the changes we just made --

CHAIRMAN STRAIN: It would eliminate.

MR. HANCOCK: -- I don't see that D is necessary.

CHAIRMAN STRAIN: You'd eliminate Page 4.

COMMISSIONER BROUGHAM: That's good for me.

CHAIRMAN STRAIN: And that would take -- yeah.

COMMISSIONER EBERT: One quick question, Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I like the word pavilion, only because -- and Summer knows this, at a church, we had it in the park and now they are covering one, a portion of it. But it was mainly for like a picnic in inclement weather. And so it's for picnic and for like Easter. You know, it's not used constantly. And I really feel that that's what you're looking for in this.

MR. HANCOCK: It really is. I think I got myself and my client into a little bit of trouble by trying to be overly descriptive here. And so I think this meets the needs of the church in the future and eliminates the idea that there's some type of an outdoor performance based venue that would be in regular use. That's clearly not what we're anticipating.

CHAIRMAN STRAIN: Okay. And as far as further clarification in your errata sheet, use of the facility not related specifically to -- instead of saying religious holidays, since you limited it to Christmas or Easter, why don't we say that, specifically to Christmas or Easter holidays shall be subject to temporary use permits. That way you've got those two holidays, which I think every church is going to get anyway. So why don't we make that a non -- a temporary use permit status. It's part of your right then. And then anything else you want to use that for that is generating, you know, the type of uses that would have the same temporary use permit level you'd have to come in and get one.

Does that work?

MR. HANCOCK: That's fully acceptable.

CHAIRMAN STRAIN: Ray?

MR. BELLOWS: We pulled the PUD for New Hope and they call their outdoor area special event area.

CHAIRMAN STRAIN: Oh, well then why don't we just mimic that then.

MR. HANCOCK: As long -- my only concern here is that there's a potential for a structure and I don't want to get caught in a building permit review question two years from now that --

CHAIRMAN STRAIN: Okay. I don't care either way it's called. But I think it's more in line with what is now typically found in some of the other churches in the county.

MR. HANCOCK: Yes, sir. And we agree. Thank you.

COMMISSIONER EBERT: Mark, with the picnic, you don't need a special permit for that.

CHAIRMAN STRAIN: For a picnic? No.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: It's mostly things that generate items that might be heard off-site or impact off-site issues, like traffic and sound and things like that.

So -- okay, and we've got -- let me see, where does that leave us? I'm trying to make some notes here, Tim, so just give me a minute.

Okay, Page 2, another accessory use, you have number nine. And you talked about this earlier, you're going to have a maximum of five housing units. But you said that they were going to be used for 30 days.

Ray, does that trigger any -- I mean, that's not a typical residential use then. Does that trigger any concerns from staff's viewpoint if it's a 30-day use, like a hotel -- not a hotel, but one of those transient sales that they used to have?

MR. BELLOWS: Well, it can at times, but I think it is a consistent use with the comprehensive plan, so I don't see a problem with the PUD wanting a mixed type of use.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: Commissioner Strain, if I can offer a clarification. The 30 days I was talking about was an example the pastor gave me for missionaries that are based out of the church that come here. They may come here for 30 or even 60 days to recharge their batteries before going back out into the field.

The focus here is strictly employees, staff or retreat housing for missionaries, and not to be rented out or to be income producing in any way. That is not the intent.

CHAIRMAN STRAIN: Okay. That's what I was trying to understand. Thank you.

I don't have a complaint about this, but your community garden was interesting. You've got grapes and all kinds of nut tree -- you've got -- 0172 is for raising grapes and things like that. I hope you're successful in doing that. Many people haven't been. 0173 was for a variety of nut trees, almonds and -- I mean, I'm not sure all that stuff grows down here. But the fact that you added it, good luck.

MR. HANCOCK: This is a church. You've got to have hope.

CHAIRMAN STRAIN: The number 14, play areas and that, I think you addressed that in number five, so that's covered. Let me move on.

Your table. The cleanup works, I appreciate that because it makes it a little easier. I'm sure we won't have three or four different understandings of it now.

Moulder Drive. And I know what you're trying to do but you still have the reference to the 50-foot -- the sub-note five is a -- and Moulder Drive, you've got a 50-foot setback if it hits the trigger of sub-note five. Sub-note five says where existing residents are present. So that's still a bit confusing because you don't have residences on Moulder Drive.

So did you mean the ones across the street from Moulder Drive?

MR. HANCOCK: No, sir, we actually meant -- there are two single-family homes currently existing between us and Moulder Drive. And the intent there was that the setback would be --

CHAIRMAN STRAIN: Could you show that on the overhead? Could you move to where we're trying to talk about? Because right now I can't under -- I couldn't see how you could fit that in, but -- so the two houses, the one bordered on three sides and the one bordered on two sides.

MR. HANCOCK: Correct. The purpose is, what we're trying to say is, that if we're adjacent to residential the setback would be 50 feet, because that is the setback that our neighbors have to have. In other words, they have a 50-foot setback. So we're going to mirror their setbacks on our property where there are single-family structures. And the only two are here and here.

CHAIRMAN STRAIN: But see, your reference to it under the Moulder Drive category of the table doesn't make it clear that's what you're trying to say. I head that and I think Nancy read it one way, Ray read it another. And it looked to me like you were trying to say your setback from Moulder Drive is going to be either 30 feet or 50 feet. But actually what you're saying, your setback from Moulder Drive is 30 feet but you're going to be 50 foot set back from any adjoining residential property. Is that --

MR. HANCOCK: That's correct, and that needs to be cleaned up.

CHAIRMAN STRAIN: Okay. So maybe we could say that. When the -- this will have to go on consent when we come back in September, but between now and then, the language, if we could get that clarified that you mean the 50-foot around residentially zoned properties that are existing today.

MR. BELLOWS: For the record, those aren't residentially zoned. Those are agricultural zoned properties that allow for single-family.

MR. HANCOCK: So we can say residential uses.

MR. BELLOWS: Yeah.

MR. HANCOCK: Fifty foot setback from residential land uses.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: I believe that's one that got caught up in the wildfire mitigation and got convoluted, and that's entirely my fault.

CHAIRMAN STRAIN: I read your wildlife plans, the first one I'd seen come through, and it was interesting to say the least. I was hoping it wasn't needed after I read it. And then I went to the comp. plan and sure enough, it was. But boy, we're in for some fun with -- I guess at the time we do some of the comp. plan language, we probably don't appreciate the intensity it may have evolved to when it's applied like it has been in that case.

MR. HANCOCK: Because we already have to actually go in and then that area more than most preserves under the wildlife protection plan. On top of that, and I'll just put this out there because you'll hear about it in the future, when you're in the receiving lands like this you have a minimum preservation requirement of 40 percent of the existing native up to 25 percent of the site.

We're in this interesting spot now because of our size where if we added a piece of land that had no native vegetation on it at all, we'd have to turn around and recreate 25 percent of that new acreage as native vegetation.

So I think we found one of those conditions where the GMP intent in application falls apart, and I'll probably be following up with you on that as the GMP issues are addressed.

CHAIRMAN STRAIN: Good.

On the footnote page to the master plan, just to note that when we adjust the standards that we just talked about, there is some required building setback standards on that plan. They'll have to be changed as well.

MR. HANCOCK: Make sure the MCP reflects those changes, yes, sir.

CHAIRMAN STRAIN: In your development commitments, and this is on Page 12 of Exhibit F, your 1.59 acres under environmental item number three. Is the acreage that you responded to Phil or some -- during your presentation I think you responded that the 1.59 acres shown right almost on the center of the overhead that's in front of us now provides the needed buffer between you and the facility to the south. Nope -- okay, that shows it too. But that's the 1.59 acres that you can eliminate any time you want by another methodology.

So what happens then to the buffer that was going to be left there for that residence or to that facility to the south?

MR. HANCOCK: Well, that would then become a Type B buffer with a six-foot privacy wall as a requirement, because we're adjacent to residential.

In all practicality, because the LDC requires a minimum 20-foot width for landscape buffers, we would be foolish to remove the native vegetation immediately adjacent to that property owner and be better served to leave it in place and add a six-foot wall. And if we moved anything offsite, it would be out in excess of that 20-foot width.

CHAIRMAN STRAIN: Okay. Well, you just said that -- you said your minimum of 20-foot width for landscape buffer, but you show a variety of 15-foot wide landscape buffers on your plan.

MR. HANCOCK: In that particular --

CHAIRMAN STRAIN: So would you be a 15-foot with a wall, or you're going to be a 20-foot preserve with a wall?

MR. HANCOCK: The requirement would be 15 feet with a six-foot privacy wall. What I was

referring to is that a native vegetation buffer has a minimum width of 20 feet. So the practical result and the most cost-effective way to handle that would be to leave the 20 foot of native vegetation in there and get credit for it and then install the wall.

CHAIRMAN STRAIN: Okay. And from the perspective of staff, Ray, Nancy, does that kind of apply if -- I mean, would it apply the way he's saying it? If he came in at a later date and removed that 1.59 acres down to a 20-foot strip, would he be required to put a wall there, or does it have to be shown in this plan as an alternative?

MS. GUNDLACH: Because this is surrounded by ag. zoning, no wall is required.

Did you want to commit to one, Tim, or --

CHAIRMAN STRAIN: Well, I'm glad you brought that up, thank you. Now we -- because Tim has said all along there would be a wall. So now I guess we need to define on the master plan, Tim, where the potential walls would be going. Would that -- by the time this comes back for consent.

MR. HANCOCK: I apologize, I thought we'd already decided that. But --

CHAIRMAN STRAIN: Now, on the same thought, if you guys end up purchasing more of these adjoining uses that are currently residential in nature, you may want to make sure that your language includes the ability to take that wall off if you combine it into the -- if you bring it -- well, you'd have to bring it separately into the PUD anyway, so we could take it off during that process. I was trying to make sure you were covered.

COMMISSIONER EBERT: Trying to save a step.

MR. HANCOCK: Yeah, what I probably will do is add a notation in the PUD that states that should properties be acquired and the residential use be eliminated, the wall requirement is therefore eliminated also, something along those lines.

CHAIRMAN STRAIN: Yeah. So if you're by the property and you eliminate -- well, you have to -- by eliminating the residential use, you still wouldn't eliminate it unless it's gone, so you'd have to demo it.

MR. HANCOCK: It may be -- and I'll put this out there: It may be easier to add a notation on the master concept plan that states where the church property other than existing preserves are adjacent to residential land uses the following buffer shall apply. And that would then carry forward whether the residential land use was retained or eliminated in the future.

CHAIRMAN STRAIN: I think staff understands the intention of the conversation. So some -- between now and the consent I think it can be easily worked out. There's probably a number of ways to get there, so --

MR. HANCOCK: Understood.

CHAIRMAN STRAIN: The only other clarification I'd like to get on the record right now other than what I'll have -- oh, two things:

First of all, from the property association list, and I know I told you this but I want to make it so that everybody is clear what happened. The Golden Gate Civic Association address and contact person was not the current one. And the Estates group did not receive this when they should have received it. I have since made sure they've gotten it because I know they're involved. And Nancy helped send some information to them. And I see Peter is here today at some point, so maybe he'll have some input from that organization.

But in the future, hopefully the address is being changed with the list of organizations. I've already contacted others who are supposed to be changing that list, so hopefully that will happen.

The last thing for clarification, in your first NIM, you indicated that you didn't have any plans for a day care or school on-site to someone who had questioned that. And that was another pastor at St. Paul.

I understand that you have the same rights he does to have a day care. I just want to make sure that the clarification is that now you do intend or could have based on the usage you have today being considered, a day care or child care center in the future. Is that your intention?

MR. HANCOCK: Yes, sir, it is.

CHAIRMAN STRAIN: That's all I've got of the applicant at this time. Anybody have any? Diane?

COMMISSIONER EBERT: Well, I have something for utilities, because of the size of the church.

MR. HANCOCK: If it's water and sewer, a question, we actually -- our firm is working with utilities

on charging those lines as soon as possible.

COMMISSIONER EBERT: Well, but it's an interesting subject. And because I did notice -- thank you, Tim, but I did notice in here that they were going to have the septic and the private well, and I'm thinking with all those people, that's quite a burden.

But mainly from utilities, how close are we on Immokalee Road? I know parts of Immokalee have it, but there's so much building going on. What is utilities going to be doing?

MR. VAN LENGEN: Good morning. Thank you for the question. Kris Van Lengen, Principal Planner with Planning and Project Management Department, Public Utilities. There's a lot of P's there.

Yeah, the larger picture is that we are in the process of a transition with Orange Tree Utilities, and that will be a component of the larger rural fringe development and plans to provide service in that area.

At this point in time there is no available service at that location. And that will be coming down the road and we look forward to working with Living Word on getting there.

If you look across the street at Twin Eagles, for example, they are within the Orange Tree utility district. This property is not. So technically at this moment in time they don't have any service for this property. Once the transition is complete, and it's scheduled to be complete in April of 2014, that's the transition period.

Those lines that are along Immokalee Road are planned at this point to be -- to begin the process of design engineering. A lot of those are in place, but they need to be retested, they've been there a long time. We need to connect them to the Orange Tree Utility, we need master pump stations.

And in addition to that, we need spurs that go to these various locations so that they're sized and pressurized correctly from a hydraulic standpoint. So all of that needs to be sequenced. And we're not there right now. We expect to be in the future. And we look forward to servicing --

COMMISSIONER EBERT: Chris, I've got another question for you. Because right now there is so much development, is there a break-off between Orange Tree and the regular -- and I understand you're taking over Orange Tree, but will a certain area from like Twin Eagles going eastbound, would that all go on the Orange Tree portion of it? You know, is there a break-off where part will -- and I know it will all be one, but part of it will be on Collier County?

MR. VAN LENGEN: Well, I apologize for not bringing a map with me; I should have anticipated that.

The Orange Tree District is a little bit convoluted in the sense that it incorporates Twin Eagles north and south; south yet to be developed, obviously.

East of Twin Eagles are Estates areas which are not part of the district. Then you have essentially a gap there between there and the more traditional Orange Tree Utility District.

So in April of 2014 those lines will go away, but what will be in our district will not include areas east of Twin Eagles, at least unless they're in the rural fringe. I don't think there's any rural fringe east of Twin Eagles, if my memory serves.

COMMISSIONER EBERT: Well, I'll stop by and kind of take a look at those maps.

MR. VAN LENGEN: Sure.

COMMISSIONER EBERT: But it's -- because everything that's going on with Esplanade and all the other ones, I understand they have this. But huge building going on there. So just checking. Thank you.

MR. VAN LENGEN: Thank you.

CHAIRMAN STRAIN: Chris, before you leave, that brings to mind some years back, it's been quite a few years back, we modified the GMP to accommodate utilities in certain parts of the county, anticipating that Orange Tree plant some day going on line.

There was some restrictive language on where that Orange Tree plant could service within these overlays. I don't remember which overlay it was pertaining to or how strict it was, I just kind of wanted to mention that, because there was something in there, and I'll go back and try to dig it up as well. I thought that you had to have approved specific locations where those lines could go and you were restricted from tapping into them in between to reduce the possibility of more urban sprawl.

At the time years ago that was a big issue, but I'm not sure if it applied to this area -- we were doing two or three overlays at the time. I can't remember which ones it applied. But I'll revisit it. And I just kind of

wanted to --

MR. VAN LENGEN: I will as well. I'm hoping the EAR amendments, at least take a look at that language, but I will certainly look at that also. Thank you.

CHAIRMAN STRAIN: Appreciate it. Thank you.

Anybody else have any questions from the applicant?

(No response.)

CHAIRMAN STRAIN: Staff report?

MS. GUNDLACH: Good morning, Commissioners. I'm Nancy Gundlach, Principal Planner with the Zoning Department.

And staff is recommending approval of this petition, as it is consistent with the Land Development Code and the Growth Management Plan. And it would be my pleasure to answer any questions you might have today.

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

(No response.)

CHAIRMAN STRAIN: Okay, I have one of John Pod, if he doesn't mind coming up. And he'll -- I kind of gave him a heads up yesterday that I'd be asking about the TIS.

MR. PODCZERWINSKY: Good morning, Commissioners. John Podczerwinsky, for the record --

CHAIRMAN STRAIN: Good morning, John.

MR. PODCZERWINSKY: -- Transportation Planning.

CHAIRMAN STRAIN: In the past at times we've been told that when they do TISs, they're supposed to do them to the ultimate most intense intensity that the property can be built out to. And I notice that in the development program listed in the TIS they didn't get into the uses of the -- for example, fraternal organizations. And they have -- you know, within those they have facilities for entertainment and sales of food and other things. And then at the time the amphitheater was an issue and that wasn't included in the traffic generation. You provided a response to me. Could you explain that again, please?

MR. PODCZERWINSKY: Absolutely.

Typically something like an amphitheater or those sort of uses don't have a very high average daily p.m. peak hour trip generation. What I mean by that is there's not an average evening rush hour trip generation that's really associated with that. Although they may have peak events that could have very high traffic loading, it's not something that happens every day on an average count. So that's why it doesn't appear to make a big dent in the trip generation that we analyze.

CHAIRMAN STRAIN: In the TIS, the -- and this is a question I didn't have yesterday, so give you a heads up -- it says that the proposed 5,000 square foot church/thrift/specialty retail center is considered passive, incidental to the church use and is not included in the trip generation. But originally that facility as listed as an accessory use had greater hours than the church did. Should that have normally -- now they've reduced the hours so now it's more in line with what you might consider accessory, but at that time should that have been included in the TIS?

MR. PODCZERWINSKY: At that time, yes. And when we went through this -- I have to apologize, it was something that I had missed in Exhibit A. I had looked at it in the TIS as if it was just an accessory use to the church and not as a primary use on the site.

CHAIRMAN STRAIN: And would that have generated that much, though?

MR. PODCZERWINSKY: 5,000 square feet or so, give or take? Not that much.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: Especially given the church use. If it was a gas station, yes, but it's not along those lines.

CHAIRMAN STRAIN: You gave Tim an idea. Now we're going to have a gas station here by the time this goes through.

Okay, thank you, John.

Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay, we've got -- whether they're registered or not, we'll start with the

registered speakers and then anybody else that would like to speak.

Ray?

MR. BELLOWS: We have one speaker, Peter Gaddy.

MR. GADDY: Good afternoon, Mr. -- is this on?

CHAIRMAN STRAIN: There's a secret button there that on Kady knows.

COMMISSIONER BROUGHAM: Down at the base where it was on the other one. On the base of the microphone.

MR. GADDY: I can just go to the other side.

CHAIRMAN STRAIN: There you go. Thanks, Tim.

MR. GADDY: Good afternoon, Mr. Chairman, members of the Planning Commission.

This appears to be a wonderful project. For the record, my name is Peter Gaddy. I'm past president and current secretary of the Golden Gate Estates Area Civic Association.

As Mr. Strain pointed out, we did not receive notice of this until about a week ago. And unfortunately I'm about the only officer who's in town right now. Everyone else has fled the state and fled the summer heat. So I'm sort of on my own with this and we're in the middle of our summer break.

I've done the best I can to get my hands around this proposal. I think most of my concern centered around the traffic issue and the amphitheater sound issue. And I think those have been somewhat adequately addressed this morning.

I think in particular the definition of legal holidays is a very good -- or the religious holidays is a very good idea. And requiring a special use permit for any other events is appropriate.

The -- I still have some questions regarding traffic. Typically a use of this magnitude would not be served by a single right-in/right-out type of situation. I understand from looking at the diagrams this morning that there is another exit, but I still don't have my hands around the traffic study and the impact that this is going to have, you know, particularly on Sundays.

I think we've got an extremely intense use here that, you know, needs to be looked at. Because of the short period of time that's been involved -- that I've been involved with this, I would like to have the opportunity for either myself or one of the other officers to come back and comment on this when it comes back for consent.

I'd like the opportunity to do that because we just have not had a chance to look at all the documents, and particularly the traffic site.

One suggestion I do have is that the requirement for a traffic control officer be written into the ordinance as part of the PUD.

Other than that, I really like the project. I think it's going to be a big benefit for the community. I think it's a big step forward for the eastern part of the county, and I like it. So thank you very much.

CHAIRMAN STRAIN: Thank you, Peter.

John, could we ask you one more question in response to Mr. Gaddy's concerns?

I notice that in the developer commitments under transportation there is no requirement or discussion concerning a potential future need for a traffic light. Most likely Ramsey going over to Rivers and Rivers up to Immokalee Road and that being a full turn median, if there was ever a traffic light needed, that may be the location that would apply. Or would you have a better location? And if so, wouldn't we need to put something in the PUD to make sure that that's covered?

MR. PODCZERWINSKY: I'm going to defer to the school district for a brief moment on that question.

MR. EASTMAN: Mr. Chair, we would prefer from the school district perspective of owning a school site to the south that the traffic light be at Moulder.

CHAIRMAN STRAIN: Ah. Okay. Well, then in order to work with the school district, which I know we constantly try to do, even though sometimes it doesn't work out, maybe we ought to for the benefit of the applicant too make sure that that traffic light if and when it goes in there's a fair share contribution requirement from all parties and the potential then becomes a full median opening in that location, which I don't believe it has now.

MR. PODCZERWINSKY: Moulder is a full median opening.

CHAIRMAN STRAIN: Okay, Rivers is as well, then, right?

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: Okay, so it doesn't really matter then which one they put the light at. I was -- Ramsey was conveniently already accessing Rivers, but for that matter they've got frontage on Moulder so it works that way too.

So as far as the paragraph in the PUD we have a lot of times in the PUD from any other developers a paragraph indicating a fair share requirement for an intersection. We labeled the intersection and the fact that a light may go in there. That's lacking in this one. Can we add that to this one?

MR. PODCZERWINSKY: I would not object to that.

CHAIRMAN STRAIN: Well, you'd have to be writing it. So you'd not only have to not object to that, you'd have to add it.

MR. PODCZERWINSKY: I'll be glad to add that in. If there's any discussion -- if that's the direction of the board, I'll be glad to --

CHAIRMAN STRAIN: Yeah, we'll have a little more, because I know Phil's got a question, I'll finish up after Phil.

Go ahead, Phil.

COMMISSIONER EBERT: So does Tom.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Is it possible, John, to, when you write that provision, relate it to the intersection -- designate that the light would be at Moulder?

MR. PODCZERWINSKY: I'd have to talk about that with our operations department, Tony Khawaja. But I think that's probably the direction that we would approach, know the school location and the future school location and basically all the other zoning actions that are going on in that area.

One concern is how close it would be to the Twin Eagles access point and that it might violate the access management policy. So we'll have to take that into consideration when we look at that, so --

MR. EASTMAN: Thank you.

CHAIRMAN STRAIN: Before consent could you get that worked out so that we can have the proper language? Because if the school can -- if the school and them can combine in a traffic light and that location works for you guys, that's great. But if the school's got to move further to the east to line up with Twin Eagles, then they would be -- to meet the distance criteria would end up having to probably go to Rivers. So the outcome of the one paragraph will have been -- of course if they go to Rivers, then the fair share contribution on Rivers for just them might be higher than it would be on the combined unit with Moulder.

MR. PODCZERWINSKY: Understood.

CHAIRMAN STRAIN: So all that kind of needs to get worked out fairly quickly.

MR. PODCZERWINSKY: It's likely that the language would include a proportionate share commitment towards either of the two median openings, if they should convert to a signalized access.

CHAIRMAN STRAIN: Okay. And you can work with Tim to get that into the language he's got to supply to get this finished up.

MR. PODCZERWINSKY: Yes.

And of course just to reiterate, that would be applied at the time an SDP -- any subsequent SDP or SDP amendment would come in for the site.

CHAIRMAN STRAIN: Okay. And that would work. That would I think satisfy most of the concerns and issues. Because that light would be critical and work for special events and everything. Plus take the need for you guys not to have a law enforcement officer which already is in the PUD. So that's in number three under the development commitments, so -- okay, thank you very much. I appreciate that.

And I think with that, Peter, probably gives you enough so that if you and your -- everybody gets back into town and your traffic -- the people you talk to, if you still have an objection after this, I think the board would be the next logical choice, because we can't have input on consent without continuing the meeting. We couldn't take a vote on it and consent as usual. It's just simply acknowledging our vote from the previous meeting.

MR. GADDY: Yeah, we'll do that and we'll work with the petitioner also.

CHAIRMAN STRAIN: Great. Thank you.

MR. GADDY: Thank you.

CHAIRMAN STRAIN: Thanks, John.

MR. PODCZERWINSKY: Uh-huh.

CHAIRMAN STRAIN: Any other members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay, Tim, I don't know if you want to do a rebuttal. I just want to ask you, do you have any objections to the paragraph concerning the traffic light ability?

MR. HANCOCK: No, sir, and I have no reason for rebuttal. Mr. Gaddy and I are familiar with each other and look forward to helping him work through whatever issues they may have.

CHAIRMAN STRAIN: Great. Thank you. I appreciate your cooperation in getting some of these things worked out today, because it's turned out to be a good project. It was a little tricky to begin with, but we got there, so that helps.

Anybody else have any questions?

COMMISSIONER EBERT: I just --

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: -- have to make a quick comment.

Immokalee Road is turning out to be church row. I can't tell you how many -- I know there's like nine or 10, I mean, just along this -- and there are a lot of churches right in the area you're doing.

MR. HANCOCK: There's three.

COMMISSIONER EBERT: There's three. I mean, so --

COMMISSIONER BROUGHAM: That's a good thing.

COMMISSIONER EBERT: It is a good --

CHAIRMAN STRAIN: That's pretty nice. In America, you've got your choice in this country. It's a great thing.

COMMISSIONER EBERT: That's absolutely right. But Immokalee Road kind of had a bad connotation. If we can just call it church row for traffic, it would probably help.

MR. HANCOCK: I'm not sure historically Christians enjoy being bunched together at one given time. I think they prefer to be spread out. But that is a function also of the Golden Gate Estates Area Master Plan. Because there was a time when churches were locating throughout the Estates. Down at the -- you know, two miles down the road at the end, and it was problematic. And so church locations have been extremely limited in the Golden Gate Estates Area Master Plan.

So where they are they're going to grow. And where they're not, they probably aren't going to occur.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Just a comment.

I presume that the ordinance, proposed ordinance, will be scrubbed for removing independent living facilities and amphitheater?

CHAIRMAN STRAIN: Yes.

COMMISSIONER BROUGHAM: I know what our stipulations are going to be, but the wording throughout there is sprinkled.

CHAIRMAN STRAIN: The intentions, yes. The stipulations would take it out, then they'd have to go through the document and pull it all out.

Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: With that we'll close the public hearing. And before we entertain a motion I've got some suggestions that have been written down. I'll read them to you all. So if the motion maker decides for approval, recommended approval, they can include them if they feel like it.

First one is, as Phil just noted, the reference to independent living facilities will be removed.

Number two: The accessory number two, which is the amphitheater will be removed and replaced with a reference to an outdoor pavilion, limited as noted on the errata sheet, with the exception that instead of

religious holidays will be Christmas and Easter shall be subject -- and then the rest will be temporary use permits, as we discussed during the meeting.

Page 4, the conditions on Page 4 for the amphitheater will be likewise eliminated.

Number 3: The 50-foot reference to the setback on Moulder Drive will be modified so that it's a 50-foot setback from the residential -- residentially used properties and they'll have to change table of development standards as well as change the table of footnotes to the master plan.

Ray?

MR. BELLOWS: And does your motion include the change on his errata sheet that reduces the accessory setback on Immokalee Road to 30 feet from 50 feet?

CHAIRMAN STRAIN: I don't have a problem with that. Did you -- did staff have any concerns over it?

MR. BELLOWS: Well, Immokalee Road is kind of a main corridor road and to have a structure that could be one of the thrift stores or something like that --

CHAIRMAN STRAIN: Oh, 30 feet off Immokalee Road?

MR. HANCOCK: We're fine moving that back to 50 feet along Immokalee Road. That's fine.

CHAIRMAN STRAIN: Okay. Modify the errata sheet to reflect -- thank you, Ray, that's a good point, we'll modify the errata sheet to bring it back to 50 feet on the accessory use.

The applicant will define in conjunction with staff where the walls will need to go around the residential use properties, as we discussed.

And they'll be added by staff, in conjunction with the applicant, a reference for a traffic light provision under the transportation commitments under development commitments.

And that's what I have in my notes, with the other exception that we'll accept the balance of the errata sheet not modified by the stipulations just announced.

Is that everything that staff -- and anybody else have anything else to add to it?

(No response.)

CHAIRMAN STRAIN: Looks like we're okay.

Is there a motion?

Diane?

COMMISSIONER EBERT: I make a motion that we approve PUDZ-PL20110000762, along with the stipulations just mentioned.

CHAIRMAN STRAIN: That is a recommendation to approve, right?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROSEN: I'll second.

CHAIRMAN STRAIN: Okay, seconded by Mike.

Discussion?

(No response.)

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

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you, Tim. We do have to come back on consent though, instead of trying to do it today. That language needs to be cleaned up. And we'll work with you when we get it back here.

MR. HANCOCK: I understand. And I appreciate this body's time and energies. Thank you very

much.

CHAIRMAN STRAIN: Thank you. It's been -- a pleasure always to work with you, Tim.

Okay, with that, we are finished our regular public hearing. And we don't have any old business listed. We have one item of new business, and it is today's main attraction.

COMMISSIONER BROUGHAM: She's hiding.

CHAIRMAN STRAIN: Yeah, she's gone. Oh, there she is way down -- boy, you're a smart girl.

And before we start that though, it would be a good time to take a 15-minute break. Actually, it would be 14 minutes. It just changed, now we're down to 13 minutes. So let's come back at 10:35 and resume at that point.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody. If you'll resume your seats, then we'll try to move forward with the main attraction today.

Before we start, I have an announcement to make, and a copy's already been provided to our court reporter. Pursuant to Florida Statute 286.012, I will be abstaining from voting on the Chapter 9 provisions of the admin. code and from Section 8.0300 of the LDC due to a possible perception of conflict of interest. Both of these sections provide additional enabling benefits to the officer of the hearing examiner. As the office holder, I will not be voting on those two matters. But I will be participating. So we'll go forward from there.

And with that, you all know why we're here. We have several hundred pages of language switching from one document to another with some insubstantial changes to most of it. And Caroline is here to lead us through the process. It's all yours.

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

So yes, I'm here to walk you through both the administrative code and the corresponding LDC amendments and ultimately hopefully receive a recommendation to head to the Board.

Since you've received your binders about a month ago, there have been a lot of expert eyes that have taken a look at this language. So today I'll be bringing forth some changes. Mostly clarifications. Some additions of language and some cleaning up, a lot of cleaning up.

I want to first thank you. Many of you reached out and asked questions and provided insight on a lot of typos, and I just really want to say thank you very much for doing that.

We have a couple of public speakers today. So I just want to confirm that we are going to be having them provide their comments in tandem when we review those sections. Does that work for today?

CHAIRMAN STRAIN: Yes, but I want to make sure that we get to those sections earlier than later.

MS. CILEK: Good thinking.

CHAIRMAN STRAIN: So if we're -- let's reassess where we're at at lunchtime --

MS. CILEK: Perfect.

CHAIRMAN STRAIN: -- and then maybe when we get back from lunch, if we haven't addressed those areas yet we'll get that information as to what areas in specific we need to be focusing on to finish up so the public speakers can be mostly inconvenienced by then. Okay?

MS. CILEK: Great, thank you.

As we reviewed the materials, as Commissioner Strain pointed out, many of the language changes in the LDC amendment is relocating provisions. Not a lot of new language, not a lot of overhauls to the intent, but some rewriting and some updating as well.

So my plan is to first go through the Administrative Code. Keep in mind that there are a lot of changes up front. It gets a little easier as you move to the later chapters.

And I first want to hit on some global changes that we are making both to the Administrative Code and the LDC, but mostly to the Administrative Code. And those are on the overhead. And I'm going to be showing language on the overhead that is kind of bigger so it's more than a sentence or two each time that we do that. If you would like copies afterwards, I can definitely email it to you or provide you a copy if you want specific sections or anything like that.

So the first global change is --

CHAIRMAN STRAIN: And for the sake of the board, in the past we've taken these kinds of codes and changes a number -- like five or seven or eight pages at a time.

Once we get into the sections, we will be doing that again. So we'll be turning the pages and every five or 10 pages we'll ask for comments and move from there, and then Caroline will jump in when she has comments on those same pages that we may have comments on, so --

MS. CILEK: Is this on? Great.

CHAIRMAN STRAIN: What color pen are you using today?

MS. CILEK: Pink.

Mark had that -- I often use the same color as my attire, so -- I do like pink, though.

CHAIRMAN STRAIN: It took me a while to figure out why all the different colors. And I thought what do these colors mean? Because when I use a colored pen -- I mean, when I write on something it's for a certain reason. Hers is for coordination. Now I understand.

MS. CILEK: All righty, the first global change is within the Administrative Code and the LDC. And what we've done here is we've updated those provisions which are included in your LDC amendment. Very back, that Section 10.03.06. We've added two different notice provisions there. So all of the lettering changed. We had to add. So all of them are off by one in your Administrative Code. So each section has been updated to reflect the current new letter. Okay? And that's been done Administrative Code and the LDC.

The next one is that we've corrected typos, numbering, formatting both in the Administrative Code and in the LDC. And I'll touch upon several of those, but just generally some of the smaller typos we've taken care of.

In the Administrative Code it previously said file size, and just for clarification we said sheet size. I'll show you the first time that occurs; might be the Site Development Plan section.

Next is that we've updated the title for the professional surveyor and mapper. This is a recognized title by the Florida State, and previously in the LDC it's a little bit outdated. It was land surveyor. So we've done that throughout both the Administrative Code and the LDC.

For site development plans, site improvement plans and site plan amendments, the documents which are signed and sealed by an engineer, by a PE, are going to be called engineering plans to identify that those are the specific plans that will be signed and sealed. We've come up with a couple different versions in the past but this going forward will make it very clear as to what they will be signing and sealing.

The next one, number six, is the NIM within the Administrative Code. And I'll point this out. We clarified the last section of each of those sections to state the NIM meeting. It's highlighted in yellow.

So I'm going to read it for you: The NIM shall be advertised and a mailed written notice shall be given to property owners in the notification area at least 15 days prior to the NIM meeting.

This just clarified that the notice is for the NIM meeting itself.

Seven: The planning and zoning department will review the application, identify where additional materials are needed, and prepare a staff report to present to the office of the hearing examiner for a decision.

This was a very widespread change to the entire Administrative Code wherever the final decision is provided by the hearing examiner. Previously we had language about scheduling the date and this just kind of clears that up. And it is done for all of those sections. That will be heard by a hearing examiner.

Number eight: Permits. The highlighted language has been revised per the County Attorney's Office. Same intent here, just a little bit of language change. If approved by the County Manager or designee.

And there's some examples.

Number nine: Newspaper advertisements. Previously in the Administrative Code it said for each advertised hearing. And since there'll typically be one advertised hearing for the hearing center, we just identified that, simplified the language a bit.

At the bottom throughout we had included a two-by-three project location map throughout the Administrative Code. In a recent review of the LDC section for notice requirements, I realized that a project location map was not needed in every instance. They are used when a petition goes to the Planning Commission, but if it goes directly to the Board, one is not needed. So I removed it where it wasn't necessary. And that's throughout.

And we have one more. As a follow-up to that one we have this one, which is when a project

location map is required, I've identified for which meeting it is to be used for.

So that will typically say the Planning Commission. Occasionally it will say the Board in a couple of instances.

And those are my global changes.

Are there any questions at this point?

(No response.)

CHAIRMAN STRAIN: Okay.

MS. CILEK: I also had a graphic drawn up to go over the NIM meeting. And I was just curious if anyone had any questions on it.

(No response.)

MS. CILEK: Oh, zooming. I'm going to learn all new skills today. It's like tapping your head and doing something else. Okay, that's good.

What this shows is that the new policy will be that 15 days prior to the public hearing or 15 days prior to the NIM meeting, the mail notice will occur, the legal advertisement will occur and signage posted. So that's at least important to remember. That doesn't mean that they're all going to fall on the same day, it just means at least 15 days prior these things need to occur for the public hearing to go on.

Any questions?

(No response.)

MS. CILEK: Great. Thanks.

All right, I'm ready to head in.

CHAIRMAN STRAIN: Okay. Well, the -- let's move into the document under the key page. There couldn't be anything there.

So let's move straight into the first chapter. I don't think anybody's got anything from the table of contents. So the first chapter would be the introduction section of the document. And it's only Pages 7 through 13. So let's start with those pages. And we'll -- Caroline, if you have any changes, why don't we start with yours first and then the board can mention anything that you may have missed or that they've seen additional.

MS. CILEK: Great. On Page 9 I have two changes. They're on the overhead. As you can see, we have updated the office of the hearing examiner and the number eight, Environmental Advisory Council. And these are just to reflect the new ordinances that have been passed in the past couple of months.

CHAIRMAN STRAIN: Okay, that's Page 7, 8 and 9. Does anybody have any questions on the other portions of that chapter?

MS. CILEK: Just one little addition. On Page 12, number six, I'm adding hearing examiner within the first sentence to the advisory board or agency review.

CHAIRMAN STRAIN: And on number four we're going to reference the petition number in a different manner, similar to the way it's referenced on Page 16, correct?

MS. CILEK: Yes.

CHAIRMAN STRAIN: That's a parenthetical, as an example?

MS. CILEK: Yeah, that's just fine.

CHAIRMAN STRAIN: No big deal.

COMMISSIONER EBERT: That's four?

CHAIRMAN STRAIN: That's on Page 12, item four. And Caroline's was on Page 12, item six.

So that is the first and one of the simplest chapters. Does anybody have any issues with any other language on Pages 7 through 13?

(No response.)

CHAIRMAN STRAIN: The next chapter is chapter two and it's legislative procedures. It's another short chapter and it goes from Page 15 to 21. So let's start with those.

Caroline, let's get yours first.

MS. CILEK: All right. A really small one but very important is on Page 16, in the applicability section. The second black bullet point, second line says: Any map change currently. That needs to be a map change.

And that's not on the overhead. That's just me reading. Sorry, that's the next page.

CHAIRMAN STRAIN: Okay, so don't pay attention to the overhead. I was trying to follow your comments from the overhead. And I'm like, where are you.

MS. CILEK: Sorry. I took the type lapse to go over there.

No, that's the only change I have on Page 16.

CHAIRMAN STRAIN: Okay, anybody Page 17?

COMMISSIONER ROSEN: I have a question.

CHAIRMAN STRAIN: Sure.

COMMISSIONER ROSEN: I'm not sure if I'm in the right order of asking questions at this point, but this is the notification, public notification, and I'm on specifically the bottom of Page 17 where we call for mail notices and then there's usually signs and there's a legal notice. I didn't see, is there a -- does a petitioner have a choice of one of those three or are all three mandatory?

MS. CILEK: Yes, all five are required.

COMMISSIONER ROSEN: Are required.

MS. CILEK: Uh-huh.

COMMISSIONER ROSEN: Okay, including mailed out notices.

MS. CILEK: Uh-huh.

COMMISSIONER ROSEN: Okay, thank you. I asked that question because I had an experience with that many years ago and I want to make sure that was correct. Thank you.

CHAIRMAN STRAIN: It's required now. I guess the state's laws are a little less stringent than ours, but these are -- we've made ours to make sure that everybody that can get a notice does. And the state doesn't require as much as we do.

COMMISSIONER ROSEN: Right. And years ago I think you could put one of three up, if I recall many, many years ago. And I had an experience where there was just a sign put up where you couldn't even see it and didn't know what was going on, so I particularly made a remark down. Thank you.

MS. CILEK: Of course.

MS. ASHTON-CICKO: Under the number three, bullet four where it talks about the size and the number of columns, that was prior a statutory requirement, but as of a year or two when they made some statutory changes it's not statutorily required, but staff is still supporting that.

COMMISSIONER ROSEN: Great. Thank you.

COMMISSIONER EBERT: I do have one question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: This sounds crazy, but the large signs, is there a time frame where they can take them down after the hearing? Because what I am seeing is these are still around 60, 90 days later.

MS. CILEK: I understand. They are to be removed following the decision of the Board.

COMMISSIONER EBERT: Is there a date, like 30 days, kind of like the political ones, or is there no time given?

CHAIRMAN STRAIN: No, there's a required time frame. I don't remember what it was. But you're right, some people don't catch it. It becomes a Code Enforcement Board issue. But there is a required time for them to take those down.

Now they will stay up, though, Diane, until all the hearings are done. And sometimes the hearings get continued and they go on for a longer period of time. So generally they're up a little bit longer in some cases, so --

Okay, we're on Page 17. Anybody else?

MS. CILEK: I have a couple of items on the overhead.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Pretty easy. First is that I recognize that the first bullet point under small-scale amendment was inconsistent with the other bullet points, so I just wanted to bring that into consistency, same language used throughout.

Next you can see right here that I put that NIM in. That makes it a little clearer for everyone that's a global change. Just wanted to show you that. And then there's a typo, missing "of". That's it.

CHAIRMAN STRAIN: Okay. Page 18?

COMMISSIONER EBERT: Yes, question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Because of the changes that have come about, Page 18, before it goes to the BCC on the 24th, some things need to look like they should be changed, like the EAC shall hold any -- because -- will this -- if it has to be corrected --

MS. CILEK: Sure.

COMMISSIONER EBERT: -- would now be the time to correct it so it goes to the commissioners?

CHAIRMAN STRAIN: In October we are the EAC.

COMMISSIONER EBERT: I understa--

CHAIRMAN STRAIN: So when it says it will go to the EAC, it comes to us starting in October.

MS. CILEK: The duties have been rolled into the Planning Commission. But Heidi can speak on it.

CHAIRMAN STRAIN: Yeah, we didn't dissolve the language for the EAC. So if someone was typically having to go to the EAC, they will go the combined new board starting October 1st.

COMMISSIONER EBERT: But what this is saying is where I'm saying is the EAC shall hold at least one advertised meeting, the Planning Commission will hold one advertised hearing. We're not going to hold those separately.

CHAIRMAN STRAIN: No, we're combining them. Or we will be combined in October.

COMMISSIONER EBERT: But should this be cleared up a little bit, Caroline, I guess is what I'm asking?

MS. CILEK: Do you want to speak to it?

MS. ASHTON-CICKO: Mrs. Ebert, we'll keep it this way. And the reason is because the EAC ordinance is still in existence. It just says that the Planning Commission shall, you know, serve as the EAC. So we still need to keep it as --

COMMISSIONER EBERT: Okay, so at a later date it might be changed on paper?

MS. ASHTON-CICKO: It would only be if we eliminated the EAC and merged it, and under the CCPC. So right now the CCPC is filling in for the EAC, as opposed to merging those duties into the CCPC functions.

COMMISSIONER EBERT: Okay, very good, thank you.

MS. CILEK: It's a good question.

CHAIRMAN STRAIN: That's Page 18.

Okay, anybody on Page 19?

(No response.)

CHAIRMAN STRAIN: 20?

(No response.)

CHAIRMAN STRAIN: 21?

(No response.)

CHAIRMAN STRAIN: That takes us through chapter two and into a longer chapter, which is chapter three, and we'll just work through a grouping of pages at a time. I'll just call them out. And if anybody has a question, just sing out.

This is a quasi judicial procedure with a public hearing. First page is 23.

The next page is 24. Anybody have any issues on 24?

MS. CILEK: I have something for the appeal of the O.I. of the LDC. I'm taking a look. Just so you can see it, this is where the reference has been updated for the public notice section, so just a little change of the cross-reference.

The version you have says the BZA. This will actually be heard by the hearing examiner, so we've modified that.

Moving down, here's the biggest change is that you have a number two under notice, and that needs to be struck. There is no mail notice required for an appeal of an official interpretation of an O.I.

And then down here you can see the staff report how that looks in the --

CHAIRMAN STRAIN: And that's your global change. And that's one example of what you gave us

in the beginning, right?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Anybody else have any other issues on Page 24?

(No response.)

CHAIRMAN STRAIN: Okay, 25? Nothing on it.

26?

(No response.)

CHAIRMAN STRAIN: Boat dock establishment.

27?

MS. CILEK: I have something for 27. We've added a bit of information.

CHAIRMAN STRAIN: Okay, well, it's not -- her pages are one page off in some instances. In others it might be right on. So you can't pay attention to her page numbers.

MS. CILEK: I'm trying. I wrote in where -- try to sync it up as much as possible, but it's not getting perfect.

CHAIRMAN STRAIN: So this is on -- what you're looking at that she has is really on our Page 27, so --

MS. CILEK: Yes. Okay. And what we've done is we've added the information for an application for a boat dock canopy, which is done administratively. So very similar information.

CHAIRMAN STRAIN: Okay, page --

COMMISSIONER BROUGHAM: Caroline, you changed that on item number 14 on Page 27?

MS. CILEK: Yes. Yes. The hearing examiner. It says the Planning Commission. It's been amended.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: Okay, Page 28?

MS. CILEK: I have a small change on Page 28. Just for clarity, we put what the notice requirement is for in the title over here. It was previously integrated into the language. We just wanted to make sure it was clear. So it's over here.

So the notice is for a boat dock establishment with a boat house, because that goes to the hearing examiner, as well as a boat dock extension and a boat lift canopy deviation. So those are when notice is required. And there was some Planning Commission language remaining, so we amended that as well.

CHAIRMAN STRAIN: Page 29?

(No response.)

CHAIRMAN STRAIN: Now you've made some changes I believe on Page 29, so that the boat dock facility with a boathouse. Could you --

MS. CILEK: The changes on your Page 29 are in the review process, I believe; is that correct?

CHAIRMAN STRAIN: Yes. Under the first bullet I think you said -- you added something at the end of the --

MS. CILEK: Actually it's exactly the same language as all the other staff reviews now, because it goes to the hearing examiner. So I just modified it as a global change. And it reflects just as all of the other sections do for review.

CHAIRMAN STRAIN: Okay.

MS. CILEK: I think I also added some for formatting.

CHAIRMAN STRAIN: Page 30, anybody?

(No response.)

CHAIRMAN STRAIN: Page 31?

MS. CILEK: I have something for 30.

CHAIRMAN STRAIN: 30? Okay.

MS. CILEK: Yep, conditional uses.

We had some duplication of information within the application contents, so we just cleaned it up a little bit and relocated previously what was in 15. And we moved it over to 10.

CHAIRMAN STRAIN: So on Page 31, number 15 is now incorporated into a bullet on 10.

MS. CILEK: That's correct. Just by a legal description.

CHAIRMAN STRAIN: Okay, that's 30. Anything else on 31?

(No response.)

CHAIRMAN STRAIN: 32?

MS. CILEK: All right, I got a big change on 32, which is the inclusion of notice requirements for a minor conditional use, which will be heard by the hearing examiner. So what we did is we separated it out so that you'd have your minor conditional use notice requirements separate from your regular conditional use notice requirements. They're exactly the same except for one thing and that is the NIM requirement. The NIM requirement for the minor conditional use heard by the hearing examiner is that the NIM shall be held 15 days before the hearing examiner receives the staff report.

And this allows the hearing examiner to gather the input from the NIM and help make a decision on whether it will be a minor conditional use or a regular conditional use. So that language change is on number one under the NIM.

CHAIRMAN STRAIN: Right now the way the other NIMs are held, it's 15 days before the advertised public hearing. And that doesn't always give the staff enough time to include it in their report, because sometimes it could be pretty close. So by the time it gets disbursed to staff and staff has to send it to us, it's missed. And this way it would always be before the staff report's issued.

COMMISSIONER EBERT: I have a question. And maybe this is for Commissioner Strain. Being this is the first time this is going through, and I kind of understand, could you be so kind as to explain what the hearing examiner -- because people are listening, what you will be doing? Will these be televised? Is it -- you know, what will the hearing examiner kind of take over?

CHAIRMAN STRAIN: There's a lot of land use applications that are more minor in nature than obviously zoning applications. Nothing that changes -- that rezones a piece of land will go before the hearing examiner, but the applications that deal with other issues will.

The process will be handled over in Developmental Services, room 610. It has audio and a court reporter will be present. It does not have video. The dates will be the second and fourth Thursday of every month. Same time as the Planning Commission meeting but held over there. And that's where these other cases will be taking place.

And then the benefits to the hearing examiner's process is it finishes it at that particular hearing. A decision is rendered within 30 days and the applicant then is done.

COMMISSIONER EBERT: This is going to be held when, Mark?

CHAIRMAN STRAIN: The second and fourth Thursday of every month.

COMMISSIONER EBERT: So the opposite of the Planning Commission.

CHAIRMAN STRAIN: Right. And there's a reason for that.

COMMISSIONER EBERT: Yes, I do know that. I'm just trying to get this out so people understand. But it will not be televised is --

CHAIRMAN STRAIN: No.

COMMISSIONER EBERT: -- what you're saying at this point. Because someone asked me about that, they said where is the transparency, why aren't these going -- and I said I will ask that question.

CHAIRMAN STRAIN: Well, the availability of this room on a continuing basis, the convenience of having staff and everybody in the room over there where it can be more readily responded to, and the fact that a lot of people come into these meetings very intimidated by the process. This will be a much lower key process. It will still be transparent, it will have audio, it will be transcribed. So everything's -- it's an advertised public meeting, there will be notices. Just like -- exactly like we're doing today except it will not be televised at this point. I mean, anything like that could change in the future but that's not the way it's set up for right now.

COMMISSIONER EBERT: Thank you for explaining kind of what you're going to be doing here. I think it's important that people know.

CHAIRMAN STRAIN: Okay, thank you.

MS. CILEK: One more thing to add to that. We'll be going over chapter nine, which is the hearing examiner section. And in there we actually line out all of the items that the hearing examiner will be hearing

in a much easier format. So when we get there, I think that will help. And I have a handout for you at that time.

CHAIRMAN STRAIN: And there is a new process that's going to be introduced to you all today that's being worked on. It's been discussed for a while. It's called a site plan with deviations. That process will probably generate more than all the other processes together, and that's why it's very inten-- it's brand new in Collier County, and it will be very staff intensive.

Because the input from staff is going to be intricate to that process. And having that many staff members sit here for a period of time is a very waste of taxpayers money when we can do it near their offices over at Developmental Services. That's another reason why it's over there.

COMMISSIONER EBERT: That's this extra sheet.

CHAIRMAN STRAIN: Well, there's more to it than that. I mean -- yeah, the backup to that sheet, yes.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay, let's move on to -- we left off on let's say 32.

MS. CILEK: I want to show you a global change on 33 so you can get a feel for it.

CHAIRMAN STRAIN: Let's go to 33 then, okay.

MS. CILEK: Here's an instance where I identify where the project location map is needed. And in this case for a Planning Commission meeting for the conditional use.

CHAIRMAN STRAIN: Okay. Page 34 is just about blank.

So let's go to 35, conditional use extensions.

(No response.)

CHAIRMAN STRAIN: 36?

MS. CILEK: I have one item.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Under the notice requirements, no NIM is required for a conditional use extension. So that has been struck.

CHAIRMAN STRAIN: That would be item one on Page 36 is being deleted, and that would be item one towards the bottom of the page.

Page 37?

(No response.)

CHAIRMAN STRAIN: Page 38?

(No response.)

CHAIRMAN STRAIN: 39?

MS. CILEK: I have an item on the intro to conditional use re-review. The pages might be one off. There's a typo. It should be hearing examiner rather than the BZA in the applicability section.

CHAIRMAN STRAIN: It would be the third line down in the paragraph titled Applicability under C.3. And where the BZA says, it will be changed to hearing examiner.

Page 40?

(No response.)

CHAIRMAN STRAIN: Page 41?

(No response.)

CHAIRMAN STRAIN: 42?

COMMISSIONER ROSEN: Mr. Chairman?

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER ROSEN: Question. Again, just to make sure I'm, you know, going through the proper procedure. Is this the time to question certain procedures within this, since we're just transferring, I thought as you said, language from one spot to another?

MS. CILEK: Comments are welcome so we have them and know about them in the future. Specifically if it's related to the notice requirements. But at this time we won't be making actual LDC amendment changes referencing notice sections.

COMMISSIONER ROSEN: Okay, thank you.

CHAIRMAN STRAIN: And the reason for that, Mike, is this change is really moving language back and forth. And if we had to do any substantial changes, we should have gone out and met with the groups and did stakeholder meetings preceding ours. And so that's the next step in the process after this gets cleaned up, so --

COMMISSIONER ROSEN: Okay, thank you.

MS. CILEK: But if you want to touch base with me afterwards, I'd be happy to know which one you're interested in.

COMMISSIONER ROSEN: Very good, thank you.

CHAIRMAN STRAIN: 42?

(No response.)

CHAIRMAN STRAIN: 43?

(No response.)

CHAIRMAN STRAIN: 44?

(No response.)

CHAIRMAN STRAIN: 45, which is almost blank.

(No response.)

CHAIRMAN STRAIN: 46?

(No response.)

CHAIRMAN STRAIN: 47?

(No response.)

CHAIRMAN STRAIN: 48?

(No response.)

CHAIRMAN STRAIN: 49?

(No response.)

CHAIRMAN STRAIN: 50?

MS. CILEK: I have one under parking exemption with the public hearing. The last page of that one under the notice requirements.

CHAIRMAN STRAIN: That's actually on our page it would be 49.

MS. CILEK: I apologize.

CHAIRMAN STRAIN: I have notes on things where you have comments. And if you don't say anything, should I mention it? Because I think you're a page off on a lot of these. That's why you --

MS. CILEK: There are some global changes that I'm not going over.

CHAIRMAN STRAIN: Okay.

MS. CILEK: If you have a question about anything specifically. There was a global change under mixed use, which was that I had a --

CHAIRMAN STRAIN: That's okay. No, I understand. I just wanted to catch some of the changes. After I get past a page you hit your page, which is one page after ours. But on our Page 49 at the very bottom of the page, number one, I think is where you're trying to be. And it's your Page 50.

MS. CILEK: I have under notice, number three is the newspaper advertisement. And I've removed the map requirement.

CHAIRMAN STRAIN: That went to 50, okay.

MS. CILEK: And I inserted the language: Clear explanation of the parking relief sought. So that the newspaper advertisement has a little bit more direction than just the date, time and location.

CHAIRMAN STRAIN: One of the considerations to be modified in the next round when we can make changes and we can air them with everybody is to suggest that a two-by-three map of the project location be included in every advertisement. Because if you see legal advertisement in the paper, very few people are going to sit there and read all that capital and size type and then look at a legal description and try to figure out if it's in their neighborhood. But a location map with every advertisement would be certainly more helpful to the public.

MS. CILEK: Right. And in particular some of the hearing examiner legal ads right now, because they were previously approved by the Board don't have legal advertisements. So that's something we want to

come back and make sure that hearing examiner advertisements will have a project location map, because they're very helpful for people to know where petitions are occurring.

COMMISSIONER EBERT: Very good.

CHAIRMAN STRAIN: Page 51?

(No response.)

CHAIRMAN STRAIN: 52?

(No response.)

CHAIRMAN STRAIN: 53?

(No response.)

CHAIRMAN STRAIN: 54?

(No response.)

CHAIRMAN STRAIN: 55?

(No response.)

CHAIRMAN STRAIN: And 56.

(No response.)

CHAIRMAN STRAIN: Now, I was going to -- if -- I was intending to call out every page like I'm doing, but I'm picking it up a little bit in speed because we've got 500 pages or so to go through. But if this is too fast or you guys have a better idea, let me know before we get into this. I just want to make sure that as we turn the pages we can -- if we have to speed it up, we can. Because at some point we've got to get done.

Page 57 starts with the PUD amendments.

(No response.)

CHAIRMAN STRAIN: Goes on to Page 58.

(No response.)

CHAIRMAN STRAIN: 59 starts with a PUD insubstantial change.

(No response.)

CHAIRMAN STRAIN: Continues on Page 60.

(No response.)

CHAIRMAN STRAIN: Page 61?

(No response.)

CHAIRMAN STRAIN: On Page 62 we start with a PUD minor change.

(No response.)

CHAIRMAN STRAIN: Goes on to Page 63.

MS. CILEK: I have one for 63.

CHAIRMAN STRAIN: Okay.

MS. CILEK: And that is public hearing number two. Make the change to a hearing before the hearing examiner may be required to remove. That's the new language. Just cleans up the sentence a little bit.

COMMISSIONER BROUGHAM: How does it read?

MS. CILEK: A hearing before the hearing examiner may be required to remove. Which is a little change.

COMMISSIONER BROUGHAM: But not shall be?

MS. CILEK: May be. Because there are notice requirements sent out prior to the affordable housing units going to the hearing examiner. So if there's an objection then it goes to the hearing examiner. Otherwise it's deemed approved.

CHAIRMAN LEFEBVRE: It's a staff process unless there's an objection, basically.

Page 64?

(No response.)

CHAIRMAN STRAIN: By the way, if members of the audience, if we get to a section that you want to comment on, just raise your hand so one of us will see you and we can get you involved.

Page 65?

(No response.)

CHAIRMAN STRAIN: 66?

(No response.)

CHAIRMAN STRAIN: 67?

(No response.)

CHAIRMAN STRAIN: Next section is on Page 68 and it's PUD annual monitoring report. So we'll start with Page 68 and move on to 69.

MS. CILEK: I have one for 68, I believe --

CHAIRMAN STRAIN: Okay.

MS. CILEK: -- which is zoning verification letter. Am I close?

CHAIRMAN STRAIN: Yes, it is actually on our 68. We're still good.

MS. CILEK: Just a little typo in the last sentence of the applicability section. The last line is: The following methods of consent by the -- needs to be hearing examiner -- will occur.

CHAIRMAN STRAIN: Then we'll go 69.

(No response.)

CHAIRMAN STRAIN: 70?

(No response.)

CHAIRMAN STRAIN: 71?

MS. CILEK: I have one for 71.

CHAIRMAN STRAIN: Okay.

MS. CILEK: This is the rezoning standards section. And we have inserted language. We've removed number seven, the old number seven, and inserted language regarding the existing requested zoning classifications and the present and proposed uses of the property. Just a cleanup of the structure of the language.

COMMISSIONER ROSEN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir, go ahead.

COMMISSIONER ROSEN: I'm sorry. Can you hear me? Good, thank you.

Back some years ago there was a mediation, if I recall, regarding rezoning out in the eastern lands. And I was curious, because I had not followed that, if the definition of rezoning had been incorporated now into -- when I say definition of rezoning, let me be clear. What is considered being rezoned as opposed to when we have the overlay districts, like the Rural Land Stewardship District, I think the argument was that it wasn't a rezoning.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROSEN: The super majority versus majority vote.

CHAIRMAN STRAIN: That's correct.

COMMISSIONER ROSEN: Has that been incorporated into this?

MS. CILEK: You ask a really good question. And that is to remember that this is a core Administrative Code so it doesn't include all of the different overlays in other provisions, applications that are in the LDC, and even the Growth Management Plan. So SSRAs, SSAs, those aren't in here. And in the instance that you're speaking about, I think that would be not a rezoning, so that's not in here today. It could be at one point in time, but not today.

CHAIRMAN STRAIN: Okay, that was -- we left off on Page 70. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, Page 71 starts out rezoning standard.

MS. CILEK: Can you all see this?

CHAIRMAN STRAIN: Yeah, did we finish?

Do you have anything else you want to add to that?

MS. CILEK: I have one on the next page.

CHAIRMAN STRAIN: Okay.

MS. CILEK: And that is just adding information from the application regarding HOA's and a survey. I missed this in our -- so it reads: The name and the mailing address of all registered homeowners associations that could be affected by the application. As well as 16: Signed and sealed survey by a licensed

professional surveyor and mapper are required for a rezoning petition.

CHAIRMAN STRAIN: Okay, that's on Page 72.

72?

(No response.)

CHAIRMAN STRAIN: 74?

(No response.)

CHAIRMAN STRAIN: 75?

(No response.)

CHAIRMAN STRAIN: 76?

(No response.)

CHAIRMAN STRAIN: 77?

(No response.)

CHAIRMAN STRAIN: 78?

(No response.)

CHAIRMAN STRAIN: 79?

(No response.)

CHAIRMAN STRAIN: And 30 (sic). Takes us to the end of chapter three.

Next chapter is a little bit larger chapter, chapter four, and it's the administrative procedures.

Starting on Page 82 we start with architectural plans.

Page 83 is your coastal construction setback line permit. And my goodness, there's a major error on this page.

MS. CILEK: It's huge, yes. I have a really hard time spelling the word coastal, so I have misspelled it multiple times throughout both of these documents. So coastal is spelled incorrectly under initiation and site plan depicting the following, the third bullet point. And I have corrected all of them.

CHAIRMAN STRAIN: Just out of curiosity, spell check didn't catch that one?

MS. CILEK: No. No. We actually had a couple things in here that spell check didn't catch. I think it's the formatting in the LDC, who knows.

CHAIRMAN STRAIN: Okay, that's on Page 83.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Continues on Page 84.

(No response.)

CHAIRMAN STRAIN: Page 85 is your Certificate of Public Facility Adequacies, the COAs. Starting out with the COA for roadways.

Page 86, and that ends on Page 87.

(No response.)

CHAIRMAN STRAIN: The Page 88 is for COAs for non-roadway public facilities.

Page 89 is your early work authorization.

MS. CILEK: I have one on early work authorization. Under applicability, the fourth bullet point down, construction of stormwater management facilities limited to ponds. And we're adding the word lakes to make it clear that this also would apply to lakes. Construction of lakes, retention/detention areas and interconnection culverts and swale systems.

CHAIRMAN STRAIN: Okay, then we'll move to Page 90.

(No response.)

CHAIRMAN STRAIN: Page 91 is the vegetation removal applications, and it starts with agricultural land clearing permit.

(No response.)

CHAIRMAN STRAIN: Page 92?

(No response.)

CHAIRMAN STRAIN: Page 93 begins with agricultural clearing notice.

(No response.)

CHAIRMAN STRAIN: Ends on 94.

(No response.)

CHAIRMAN STRAIN: Page 95 begins with cultivated tree removal permit.

(No response.)

CHAIRMAN STRAIN: It ends with 96.

(No response.)

CHAIRMAN STRAIN: Page 97 is vegetation removal permit.

(No response.)

CHAIRMAN STRAIN: Page 98, the same thing.

(No response.)

CHAIRMAN STRAIN: It ends on our Page 99, and Caroline has a new Page 100 in which starts vegetation removal site filling permit.

MS. CILEK: Correct. We're on page 100, yay.

CHAIRMAN STRAIN: We're on Page 100. We're one-fifth through this.

But our Page 100, anybody?

(No response.)

CHAIRMAN STRAIN: And Page 101?

(No response.)

CHAIRMAN STRAIN: Page 102 is the mixed use project administrative approval.

(No response.)

CHAIRMAN STRAIN: Page 103 is the official interpretation of the LDC. And I had gotten a comment from Bruce Anderson in a discussion with him on this matter and it was something I guess I need to address to Heidi. On Page 103.G, all the way to the bottom under notice for interpretation of countywide application of the GMP and LDC, number one newspaper advertisements. Bruce made a note that the advertisement shall include and it lists a series of things, but not all of the advertisements for the GMP and LDC may involve locations. They could be general or generic language. And he thought we ought to address that. And I don't know -- and he was supposed to call Caroline so it could be --

MS. CILEK: Right. And we talked about something, but it wasn't specifically related to the newspaper advertisement. And so I -- and I talked to him about the LDC amendment as well. But perhaps it would be location of affected property as applicable?

CHAIRMAN STRAIN: Well, that might be a better way to put it, just so we know that there's some room there in case someone has some language changes that aren't location specific.

MS. CILEK: Sure. As well, look at just below that is notice for interpretations affecting a specific parcel of land. So perhaps that language could just be struck in the county-wide section.

MS. ASHTON-CICKO: Well, it doesn't say a map has to be provided, so if it was countywide application you would just simply state that in your ad.

CHAIRMAN STRAIN: Oh, so you wouldn't do a map, you'd just say it would be countywide. So that way you address the location issue. That would work. Okay. No issue then.

Page 104?

(No response.)

CHAIRMAN STRAIN: 105?

(No response.)

CHAIRMAN STRAIN: 106?

(No response.)

CHAIRMAN STRAIN: And 107 starts with Site Development Plan, Conceptual Site Plan, CSP.

(No response.)

CHAIRMAN STRAIN: That wraps up on Page 108.

And on Page 109 we have the beginning of some more changes and other site development plans, SDPs.

Caroline?

MS. CILEK: The numbering was very off on this section, so that has been corrected. I think eight was in there multiple times. I apologize.

Under application contents and site plan requirement submittal credentials, this is a global change, but the first sentence is: The engineering plans shall be signed and sealed by the applicant's professional engineer. So that is the way that the revision will read.

CHAIRMAN STRAIN: Currently says the construction plan. So that word construction will be struck and engineering will go in its place.

MS. CILEK: And then just below that it used to say file size and it's going to be saying sheet size.

CHAIRMAN STRAIN: And the numerics, like you said in the beginning, at the bottom of the page are all being corrected.

MS. CILEK: Yes, absolutely.

CHAIRMAN STRAIN: Okay, the SDP.

COMMISSIONER EBERT: I have a question --

CHAIRMAN STRAIN: Sure.

MS. CILEK: Sure.

COMMISSIONER EBERT: -- on this. Where it says engineer, landscape architect, sign and seal, which is fine. But I have a question as to -- on this, and I know it's in the Land Development Code. In fact, it is 4.06.05.M where they are also supposed to go out to the site. I'd like to work on landscaping a little bit after. I think it's important. And it's not quite fully in here. So can I work with you on this, Caroline?

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: You're suggesting some changes for upcoming LDC amendments then, right?

COMMISSIONER EBERT: Well, I just think -- it's in the LDC, but I just think it should be added here so it's very plain, is that they also have your registered architect for your landscape must go to the site, make sure everything that he put in there is in there. And that's in our Land Development Code.

CHAIRMAN STRAIN: And it's staying there. It's not coming out of the Land Development Code.

COMMISSIONER EBERT: That's correct. But I just would like it fully explained so people -- because something is falling apart here, and I would just like to close that gap.

CHAIRMAN STRAIN: Okay.

MS. CILEK: We can definitely chat about it.

COMMISSIONER EBERT: Okay, thank you, Caroline.

CHAIRMAN STRAIN: Okay, Page 110.

(No response.)

CHAIRMAN STRAIN: 111?

MS. CILEK: Just going to make a note, all of these sections, the construction plans, they're being changed to engineering plans. That's all in the submittal credential section.

CHAIRMAN STRAIN: 112?

(No response.)

CHAIRMAN STRAIN: 113?

(No response.)

CHAIRMAN STRAIN: 114?

(No response.)

CHAIRMAN STRAIN: 115?

(No response.)

CHAIRMAN STRAIN: This is a lot. The SDP section is a big one.

116?

(No response.)

CHAIRMAN STRAIN: 117?

(No response.)

CHAIRMAN STRAIN: Brings us to the end of the SDP section.

On Page 118 we start with the Site Improvement Plan, which is the SIP. Any changes on 118?

(No response.)

CHAIRMAN STRAIN: Well, now, in this one I had made a note, in the application contents and

site plan requirements paragraph, the site plan reference there, has that wording been changed?

MS. CILEK: Yes. Submittal credentials pursuant to LDC Subsection 10.03.E, the engineering plans shall be signed and sealed.

CHAIRMAN STRAIN: Okay. So in this case we didn't -- we substituted engineer for site plans, where previously we substituted engineer for construction plans.

MS. CILEK: Right. So that -- that's a good catch. And they might be the same for -- no, that's site improvement plans. So there's going to be two, two different types.

CHAIRMAN STRAIN: Okay. But the intention here was for the -- that site plans are engineering plans and the engineer will be the one signing and sealing them.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Page 119?

(No response.)

CHAIRMAN STRAIN: And 120 wraps that one up.

(No response.)

CHAIRMAN STRAIN: The Site Development Plan Amendment, SDPA, starts on Page 121.

(No response.)

CHAIRMAN STRAIN: And I think this is another one where you have in your application contents and site plan requirements under submittal credentials, that one changes as well to engineering plans as well, right?

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. Page 122?

(No response.)

CHAIRMAN STRAIN: Okay. On, Page 123 we start with the insubstantial change to an SDP or

SIP.

MS. CILEK: This section was missing, the submittal credentials and the sheet size, so I've inserted it. It's the same as all of the others.

CHAIRMAN STRAIN: Okay, and that just talks about how to sign and seal it and the size of the drawings. Okay.

MS. CILEK: Correct.

CHAIRMAN STRAIN: That's on 123.

124?

(No response.)

CHAIRMAN STRAIN: On Page 125 we start with temporary permits. Some of these you're going to find interesting. I never even knew we had some of these temporary permits. The first one's okay. Amplified sound permit?

So I guess you get a temporary permit to blast as loud as you want to.

MS. CILEK: Yes, you do. No, I'm just joking. There are limitations.

COMMISSIONER EBERT: Mark, going to take care of your problem from the church?

CHAIRMAN STRAIN: No, I'm not a -- you know, the church is just an inconvenience, but I wanted to make sure we didn't have any more. That's their special events, they've got to have those.

Page 127 we have the annual beach events permit.

(No response.)

CHAIRMAN STRAIN: Now the next one is fun. Page 128, we have a special permit for carnivals and circuses, of which we don't have enough in this county, so maybe that permit section is written too strongly.

MS. CILEK: And it's a confusing section too.

COMMISSIONER BROUGHAM: Just a question.

MS. CILEK: Sure.

COMMISSIONER BROUGHAM: What if you just want to have a beach event but it's not annual? It's the first --

MS. CILEK: I don't know.

COMMISSIONER BROUGHAM: -- time ever.

MS. CILEK: I don't know.

COMMISSIONER BROUGHAM: I'm not being facetious. I mean, I just picked up on that.

CHAIRMAN STRAIN: It would be a temporary use permit for just the event then.

COMMISSIONER BROUGHAM: Okay. Whether it's on -- what if it's on --

MR. BELLOWS: Well, it would be -- if it's affiliated with a hotel, there may be some other permit requirements. But if it's some other special or temporary use permit, there's a --

COMMISSIONER BROUGHAM: I'm just sort of pointing at the word annual. Seems to confine it to something that had its origin a long time ago and happens every year.

MR. BELLOWS: Yeah, there are a lot of events, like Golden Gate has the --

CHAIRMAN STRAIN: Frontier Days, yeah.

MR. BELLOWS: Yeah. And there's several of them that happen annually. So why have the applicant submit the same information over and over and over again. You record it and put in your insurance and all that other stuff it make it -- it streamlines that process if you're an annual --

COMMISSIONER BROUGHAM: Not that I plan on doing this, but if I want to initiate an event and I get a temporary use permit for that event but then next year I want the same event, could I submit -- is that an annual?

MR. BELLOWS: You could still do it as a T.U. permit. The annual thing is for when you know you're going to be --

COMMISSIONER BROUGHAM: You sort of --

MR. BELLOWS: -- and why go through that -- it helps streamline your process.

COMMISSIONER BROUGHAM: Okay, just wanted, you know, to think about that.

MS. CILEK: A lot of temporary use permits have other -- they ask for additional things. So once you line that up the first time, it's nice to have that on record so you --

COMMISSIONER BROUGHAM: So it just saves you time --

MS. CILEK: It does.

COMMISSIONER BROUGHAM: -- once you do it the first time. Okay.

CHAIRMAN STRAIN: Okay, and that's on Page 128 and 129, and finishes on Page 130.

We have a film permit on Page 131. Which I didn't know we had those either, which I thought was interesting.

Have we ever issued a film permit, Ray?

MR. BELLOWS: I believe so, yes. Years ago. I don't recall any recent.

CHAIRMAN STRAIN: Then it continues on Page 132.

Then we get into more traditional permits for model homes and model sales centers. That's on Page 133.

(No response.)

CHAIRMAN STRAIN: Page 134 continues that.

(No response.)

CHAIRMAN STRAIN: Page 135 we start with special events.

(No response.)

CHAIRMAN STRAIN: That finishes on 136.

(No response.)

CHAIRMAN STRAIN: Page 137 we start with temporary uses during construction.

Finishes on 138.

And 139 we have the zoning certificate.

Continues and finishes on Page 140.

141 is the zoning verification letters. The first one is for the general letter, which is two pages.

Takes us to 143, and that's the zoning verification letter for nonresidential farm buildings.

Finishes on Page 144.

Page 145 is the zoning verification letter fence finished side-out waiver. That's got to be a strange one. And that ends that.

Then we move into chapter five.

Well, when you put a fence up, the good side is supposed to face your neighbors. But if you want it to face you, you've got to get a waiver for it. That's what I think it is.

Is that right, Ray?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay, we move on to chapter five. Page 147 is the title page.

We'll move to 148. This is the lot split section of our process. Goes on for two pages, 148 and 149.

MS. CILEK: I'm going to just make a note that there are two big global changes that occurred in chapter five. And the first is the update of the professional surveyor and mapper title for the previously planned surveyor. And the other is the permit language. And when we get there, I'll show it to you, just as a -- just to remind you.

CHAIRMAN STRAIN: Page 150 is lot line adjustment. And that finishes on Page 151.

Page 152 is your preliminary subdivision plat. And the first one is the standard PSP. It starts on 152, goes to 153, 154, and 155.

(No response.)

CHAIRMAN STRAIN: On 156 we start with the preliminary subdivision plat amendment, the PSPA.

On 157 we have construction plans and final subdivision plat, the PPL. The first one is the standard process. And that goes on to 158, 159, 160.

(No response.)

CHAIRMAN STRAIN: 161?

MS. CILEK: Here's the language for the -- on Page 160, I believe, for the permits. This was changed throughout the section. Anywhere this language was previously. So the last sentence changed in that little paragraph.

COMMISSIONER EBERT: Will we get these corrections?

MS. CILEK: Sure. Yes, actually they'll be -- there's a current update on the website as of today or yesterday, and then afterwards we'll do another one if we catch anything else today.

CHAIRMAN STRAIN: Something I just noticed on this one, Caroline. The first sentence reads: All federal, state and local permits, including but not limited to the following shall be submitted prior to construction before preconstruction meeting.

MS. CILEK: Uh-huh.

CHAIRMAN STRAIN: Then the second sentence says: If approved by the county manager or designee an applicant may submit the agency permits at the preconstruction meeting.

Isn't that -- don't those two conflict?

MS. CILEK: The standard would be that they provide the permits prior to the preconstruction. If there's an outstanding one they can't get until right before the meeting, then at the approval, after the request and approval of staff they can submit the permits at the preconstruction meeting. But it's not something that we want to do on a normal basis.

CHAIRMAN LEFEBVRE: Okay, so the shall is waived by the second sentence under special conditions.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay, Page 161?

(No response.)

CHAIRMAN STRAIN: 162?

(No response.)

CHAIRMAN STRAIN: 163?

(No response.)

CHAIRMAN STRAIN: 164?

(No response.)

CHAIRMAN STRAIN: 165?

(No response.)

CHAIRMAN STRAIN: 166?

(No response.)

CHAIRMAN STRAIN: 167?

(No response.)

CHAIRMAN STRAIN: And 168?

(No response.)

CHAIRMAN STRAIN: On Page 169 we start the final subdivision plat for townhouse fee simple development.

COMMISSIONER ROSEN: About time. I had issues with this many years ago. It's good.

MS. CILEK: Good, I'm glad.

CHAIRMAN STRAIN: 169 and 170?

(No response.)

CHAIRMAN STRAIN: 171, and that finishes on 172.

(No response.)

CHAIRMAN STRAIN: And on 173 we start with the construction plans. The first grouping is the construction plans standard.

(No response.)

CHAIRMAN STRAIN: 173, 174 and 175?

(No response.)

CHAIRMAN STRAIN: On Page 176 we have insubstantial change to construction plans, and it finishes on Page 177.

(No response.)

CHAIRMAN STRAIN: Page 178 we have the minor final subdivision plat.

(No response.)

CHAIRMAN STRAIN: That goes on to 179 and 180.

(No response.)

CHAIRMAN STRAIN: 181 is plat recording.

(No response.)

CHAIRMAN STRAIN: And it goes to 182 and 183.

(No response.)

CHAIRMAN STRAIN: 184 is just a very -- reference for vacation of subdivision plats.

(No response.)

CHAIRMAN STRAIN: And that takes us to chapter six.

Page 185 in chapter six is the title page for waivers, exemptions and reductions. The first one on 186 is the administrative fence and wall waiver.

Caroline, on that particular page, 186, on the bottom we have administrative parking reduction. Should that start a new page?

MS. CILEK: Absolutely. It has been fixed.

CHAIRMAN STRAIN: Okay. Page 187, that continues. And finishes on 188.

(No response.)

CHAIRMAN STRAIN: Page 189 is the administrative parking exemption.

That continues to Page 190 and finishes on page 191.

COMMISSIONER ROSEN: Quick question for Caroline.

CHAIRMAN STRAIN: Go right ahead.

COMMISSIONER ROSEN: The administrative parking exemption, does that relate to a development asking for an exemption from required parking for town centers, things like that, that would like to see more interaction in the community and less in traffic to those types of areas? Is that the purpose of that?

MS. CILEK: Sure, and I'm going to defer to Ray, because he handles more of these on a routine basis.

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

The administrative parking reduction can be used for a new proposed project at the time of the Site Development Plan review where they determine that the parking space requirement is not quite applicable to the particular use and they have justification or other studies, planning studies that show a lesser amount has been approved elsewhere. And we will consider those justifications when staff reviews.

COMMISSIONER ROSEN: So this is the vehicle that allows you to do that if you find --

MR. BELLOWS: Yes.

COMMISSIONER ROSEN: Thank you very much, I appreciate that, sir. Good.

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

What if you really need more parking? I mean, I know this is reduction, but I am thinking of Trader Joe's where there is not enough parking and they are only taking up a small space.

MR. BELLOWS: At the time of Site Development Plan, the parking requirements provided in the Land Development Code provides the minimum amount of parking required. Now, if a use determines that they need more than the minimum and they don't have room to provide it on-site, there are some provisions to get off-site parking through a parking exemption. Or you would either have shared parking with the adjacent commercial lot, Land Development Code allows for that, or if there is an adjacent unused residential lot you could conceivably get that done, but that requires additional landscaping and a wall to buffer the remaining residential units. But that requires Board of Zoning Appeals approval.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Okay, we left off on Page 192, the administrative variance process. Finishes on Page 193.

(No response.)

CHAIRMAN STRAIN: Page 194, we started with the alcohol distance waiver.

MS. CILEK: And I have one change on the following page, 195. Under the decision maker, the new language is: The hearing examiner may grant a waiver of part or the entire minimum distance requirement. So we're removing "by resolution." Throughout its being the term is the decision. But that's in the next section, which is review process right below it.

CHAIRMAN STRAIN: That's on Page 195.

On Page 196 we start with the alternative architectural design.

(No response.)

CHAIRMAN STRAIN: Continues on Page 197.

(No response.)

CHAIRMAN STRAIN: Page 198 we start with the automobile service station waiver.

(No response.)

CHAIRMAN STRAIN: And that finishes on Page 199.

(No response.)

CHAIRMAN STRAIN: On Page 200 we start with a nonconforming use change.

(No response.)

CHAIRMAN STRAIN: It continues on 201 and 202.

MS. CILEK: I have one change on 202. Adding for clarity under the notice section, newspaper advertisement, adding a second bullet, clear explanation of the nonconforming use change.

CHAIRMAN STRAIN: And that's on 201, 202.

MS. CILEK: Uh-huh.

CHAIRMAN STRAIN: And the next one is all brand new.

MS. CILEK: It is.

CHAIRMAN STRAIN: 203. This is a site plan with deviations for redevelopment projects.

And this was actually initiated and thought of by Nick through the input he had from many people coming into the process over at developmental services. And it's designed to help alleviate some lost causes when it comes to people having to make decisions on whether or not to use an existing site. That's why it's titled redevelopment. It helps modify in an expeditious way, while the SDP is being reviewed, the site for any deviations that may be needed between new codes and old codes. And I'll let Caroline jump in. I didn't mean to --

MS. CILEK: No, no. We're going to be reviewing the LDC amendment language this afternoon I believe, and at that time I have a handout that perhaps you can just skim over. And that really provides an overview of our goal here.

CHAIRMAN STRAIN: Slow down a little bit; she's got to type as fast as you talk.

MS. CILEK: And that will provide an overview of our goal with this new land use petition.

As Commissioner Strain identified, it will follow very similar to an SDP process. Applicant will submit. And then in the middle of the review by staff, it will go through the Planning Commissioner's office to approve the deviations.

CHAIRMAN STRAIN: No, go through the hearing examiner's office.

MS. CILEK: Oh, what did I say?

CHAIRMAN STRAIN: The Planning Commissioner's.

MS. CILEK: Planning Commissioner. I meant the hearing examiner. My apologies.

It's important to note that this comes from the City of Naples. So I've spoken with their planning staff multiple times to kind of identify their experience with this, how this actually works on the ground, in the field and their projects. And the handout that I have today is going to identify a site that has gone through this and with great success. So that should be really helpful and will head up the actual language for this this afternoon.

CHAIRMAN STRAIN: That will be in the LDC section. This is just the process to implement the LDC section.

MS. CILEK: Correct. And the most important parts about this are under the application contents one, two and three. And that's where the applicant needs to provide justification for the deviations being requested.

Sorry.

CHAIRMAN STRAIN: I do the same thing and she gets really mad at me. But she's being nice to you today.

Okay, that's the new 203, and it ends on the new 204.

But the old 203 has the post-take plan. And that goes on through Page 204 and 205.

(No response.)

CHAIRMAN STRAIN: Then on Page 206 we have the vested rights determination, which is just a reference to the LDC.

And that takes us to chapter seven.

Chapter seven, the title page is 207, it's supplementary submittal requirements for land use applications. These are some cleanup issues. A is the environmental data requirements for PUD zoning and conditional uses on Page 208.

On Page 209 it's the Traffic Impact Study. We know it as the TIS.

And on Page 10 (sic) is the soil erosion and sediment control plan. And that's all that's in chapter seven.

MS. CILEK: Just to note, I've actually added one to chapter seven. We added the PUD annual monitoring report. Because it's not actually a petition or a process for the Board to review. So that's going to be located here. So that's the new C. And then the soil erosion and sediment control plan is the new D.

CHAIRMAN STRAIN: Just so the record's clear, can you put the new C on the overhead so --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- we have seen it?

This is the existing process that's already in place, it's just being recodified into the Admin. Code.

MS. CILEK: Yes, you can see my scribble, relocated. No changes.

CHAIRMAN STRAIN: Notice the green pen on that one. It's not consistent with today's process.

MS. CILEK: No, not wearing green.

This is a better location for this requirement. Chapter seven.

That's it for me on chapter seven.

CHAIRMAN STRAIN: Chapter eight is a fairly short chapter on public notice. Starts out on the cover page for general public notices on Page 211 and moves into Page 212, neighborhood information

meeting.

MS. CILEK: I have one on Page 212 and that is the very first line in applicability and it reads: A neighborhood informational meeting, NIM, shall be conducted after. And we're going to replace that word "after" with "when".

CHAIRMAN STRAIN: That's on Page 212, and it continues on Page 213.

MS. CILEK: I have one change on Page 213. We're deleting number two under meeting followup.

CHAIRMAN STRAIN: On Page 214 we start out with mail notice.

MS. CILEK: Did you get your new insert for that one? It came in the site plan with deviations packet.

CHAIRMAN STRAIN: Yes.

MS. CILEK: Okay, perfect.

CHAIRMAN STRAIN: So that's the -- it actually 214 is the -- the new format came out as Page 217. So I guess we should be reading off of Page 217?

MS. CILEK: That would be best.

CHAIRMAN STRAIN: So the new Page 217 and 218 have some changes that were sent to us. So do you need to go over those at all, or are you --

MS. CILEK: Sure. The first one -- both are highlighted in yellow -- is under the notice requirements. Third paragraph: The written notice must include date, time and location of the NIM meeting or public hearing.

Because this is covering both the mail notice for the NIM and the public hearing. So we need to identify whether it was one or the other.

The second addition is in reference to the site plan with deviations and that the notice, the mail notice must also include the type of deviation sought.

CHAIRMAN STRAIN: Okay. On the old Page 216 that was in our books, there was the newspaper advertisement section, which is fairly short.

MS. CILEK: I have one change on this one. Just for consistency under placement and content, last bullet point: Two by three-inch map of the project location as applicable. It's not required in all instances of a newspaper advertisement. But the Admin. Code thoroughly outlines when it is necessary.

CHAIRMAN STRAIN: On Page 217 we have the posting of the sign. That wraps up chapter eight. And chapter nine.

Chapter nine is all brand new. And while we're starting into this chapter, Nicole and Jeremy, what sections -- we're getting close to lunch and I'm trying to figure out the best way to handle what sections you're here for. Could you mind walking up and telling us what in particular would help release you for the day, if you need to be?

MS. JOHNSON: Thank you. For the record, Nicole John here on behalf of The Conservancy.

I have a couple of quick comments for the -- for chapter nine for the Administrative Code and then some comments for Section 8.10 for the LDC.

I can certainly, you know, wait till this afternoon for the LDC and I can wait till this afternoon for the chapter nine comments, but it sounds like you're there.

CHAIRMAN STRAIN: Well, the problem with chapter nine is it's been rewritten, and I'm not sure what our intention was today. The intent was the same, it's just got a little clearer. Have you seen the rewrite?

MS. JOHNSON: I have not.

CHAIRMAN STRAIN: Okay. Do you have an extra copy for Nicole? Caroline, do you have an extra copy for Nicole? And you'll need to leave one with the court reporter, too.

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: Okay, if you could give her a copy.

What I'd like to do is we'll take an early lunch break, provide a little extra time for lunch so you all can read this, and you're going to get a couple more. And then when we get back from lunch we'll jump into the chapter nine and we'll move to the section that Nicole is here for. And I don't know if Jeremy is here for the same one.

Jeremy, what section are you here for? Or sections or the whole book?

MR. FRANTZ: I'll be here all day.

CHAIRMAN STRAIN: You're just going to be here all day no matter what. There's a dedicated individual.

Okay, so what we'll do is get all the handouts right now, and she's got several. We'll leave for lunch when that's done but we'll come back at 1:00. At 1:00 we'll go into chapter nine and we'll go into the section in the LDC that Nicole is interested in so that she can free her day up from that point forward.

Now, what you're getting in handouts, the first one was a rewritten chapter nine. The basics are the same, it just lays it out in a; little more detail, and there's some clarifications.

The second handout is the comments from the DSAC sub-committee in their meetings that they had.

Actually, the third handout was the DSAC comments. The second handout were general public comments.

That's the last of the handouts?

MS. CILEK: Yes, sir.

CHAIRMAN STRAIN: Okay, anything you wanted to add to the handout comments or anything?

MS. CILEK: I think you covered it. The yellow highlight in chapter nine identifies what has been added since that time and I've tried to show where things have been deleted as well.

There is two sections or at least one of the LDC. It's a really confusing section, so I wanted you all to have a handout so we could follow it at the beginning because we hit the hard stuff first. And then the site plan deviations. Same language that you received in your packet a week ago, but I wanted to provide a good overview for you and for the record as well.

And then the two public notice -- or public comments, and then DSAC's LDR sub-committee recommendations.

CHAIRMAN STRAIN: So I think the request is if we could read these over because they had either new information or more changes than normal during our early lunch. And when we come back we'll hit chapter nine in the Admin. Code and go right into the LDC after that. We'll hit the LDC section 8.03.010 or whatever the section Nicole is looking for, and then we'll move into the beginning of it again and go through there.

I think we'll hold off and vote on the two different documents at the end of the day to make sure something we may question the LDC isn't reflected --

MS. CILEK: Sure.

CHAIRMAN STRAIN: -- in the Admin. Code.

So with that, let's take a break and we'll come back from lunch at 1:00.

MS. CILEK: Thank you very much.

(Luncheon recess.)

CHAIRMAN STRAIN: Okay, everybody, we're back from our lunch break and going to move into the next sections of the Admin. Code, which is the last section. Then we'll go specifically to section eight of the LDC to accommodate the remaining people in the audience.

So with that, let's go to chapter nine, Page 223 of the Admin. Code.

And this is the hearing examiner's office. It basically goes to Page 227. Most of the changes are on the first page. They were itemized listings instead of putting them in a paragraph like some of them were before.

So with that, anybody have any comments?

Phil?

COMMISSIONER BROUGHAM: Just more of a question. Under applicability, you've removed a lot of the former language, but you left the definition of a minor conditional use. It just sort of jumped out as to why did you leave that where you struck the rest of it?

MS. CILEK: That's a good question.

I think that it's pretty integral to the hearing examiner's review of the conditional use. I think it's important that it goes in chapter nine. Perhaps we could relocate it somewhere else under the assignment. But it was originally there, so I left it there. We also go into the recusal in the next sect-- like just below that

that's highlighted.

And I think the applicability with regards to the minor conditional use is helpful just having it up front and people know about it. And it's connected to the reference as well.

COMMISSIONER BROUGHAM: I mean, it doesn't have any harm to be in there. It was just --

MS. CILEK: Yeah, I understand. If you have a suggested location for it, let me know.

It's also located in the LDC. But we did feel it was really important to include it in chapter nine as well.

COMMISSIONER BROUGHAM: No harm.

CHAIRMAN STRAIN: Okay, it's Page 223. This is of the new section that was passed out before lunchtime.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Page 224?

MS. CILEK: I'm just going to go into a little bit of the -- oh, thanks. The Page 224 notice has changed since your previous version, and this is because all of the notice provisions that a hearing examiner will see, they're different. Each petition has its own separate notice requirements. They're not all uniform.

So we wanted to limit confusion and just refer applicants to those specific sections to identify what their notice provisions are.

CHAIRMAN STRAIN: One of the interesting things that Caroline discovered, may have known prior to this, but in doing the conversion, our notices are all different for so many things. One of the attempts next round is going to be to standardize the notices. We have notices that some are 150 feet distant from the applicant's area, some are 300 feet, some are 500 feet, some are 1,000 feet. And it's just confusing. So it's going to be an attempt to hopefully standardize as many as we can. It will make life simpler for all those trying to keep up with it.

COMMISSIONER BROUGHAM: A question on 224 again.

MS. CILEK: Sure.

COMMISSIONER BROUGHAM: Under motions for disqualification, unless good cause is shown. Who chose good cause and to whom is it shown? To the hearing examiner or staff or --

CHAIRMAN STRAIN: Well, the applicant would have to -- the applicant would be concerned for a conflict. I don't know if it's limited to the applicant offhand. That's what the original intent was. Because if an applicant comes in and he feels he's got a bias or there's a bias going to be -- then he can offer a reason for disqualification.

COMMISSIONER BROUGHAM: So first there's an advertised -- the hearing is advertised in advance and that's specified by the type of petition it is?

CHAIRMAN STRAIN: Yes.

COMMISSIONER BROUGHAM: In terms of the number of days.

CHAIRMAN STRAIN: Right.

COMMISSIONER BROUGHAM: And so that's the first time presumably that an applicant would know that it's going -- well, he should know before that that you're going to hear it.

CHAIRMAN STRAIN: Oh, he'll know it as soon as he puts his application in.

COMMISSIONER BROUGHAM: Then this really says that the applicant has to show good -- I still am a little confused. Unless good cause is shown, all motions for disqualification of the hearing examiner shall be filed no later than 10 working days prior --

CHAIRMAN STRAIN: Right.

COMMISSIONER BROUGHAM: -- to the schedule. Okay.

CHAIRMAN STRAIN: Now remember, that's -- 10 working days prior to the hearing is five days after the hearing advertising starts but more than a number of days, quite a few days, after the completed staff report is received. So the staff report process will be developed over a long period of time. So the applicant's going to have all that time to do whatever research that he's --

COMMISSIONER BROUGHAM: This seems to say that he can make the motion in less than 10 days if he shows good cause. That's the way I'm interpreting this. If he shows good cause why he doesn't -- he hasn't filed a motion for disqualification prior to 10 days, okay, then he can file it two days before the

hearing, perhaps.

MS. CILEK: That's the way I'm also reading it. I just want to confirm with Heidi. It's basically an exception to the 10-day filing rule.

COMMISSIONER BROUGHAM: So I'm --

MS. CILEK: So you're right.

COMMISSIONER BROUGHAM: -- reading it correctly. Not that he would know that -- but this is saying hey, if something comes up and all of a sudden you found out that hearing examiner --

MS. CILEK: Nine days before something comes up, if it's really evident that something needs to be addressed with the hearing examiner, that's providing for that situation.

COMMISSIONER BROUGHAM: So then if he wants to take advantage of that provision, he must quote, unquote, have evidence of good cause.

MS. CILEK: Uh-huh.

COMMISSIONER BROUGHAM: However he shows that evidence, I don't know, it's not specific. And he has to show that to somebody, which is not specific. I know I'm nitpicking here, but --

CHAIRMAN STRAIN: Well, he'd show it to the hearing examiner.

MS. CILEK: Yeah, I believe it would be --

COMMISSIONER BROUGHAM: But it doesn't say that. That's all I'm saying. Unless good cause is shown. I would question what's the format of good cause, he makes a phone call to somebody, or what evidence does he have to have? Is there a minimum amount of evidence?

CHAIRMAN STRAIN: Well, see, it says unless denied as untimely, the motion shall be ruled on by the hearing examiner for whom the case is pending. So that's the person who would actually hear the --

COMMISSIONER BROUGHAM: I'm honing in on motions for disqualification.

CHAIRMAN STRAIN: So am I. That's the fourth sentence down, I think, or fifth.

MS. CILEK: Yeah, the hearing examiner would need to be notified of -- within 10 days. And if not, with good cause shown for telling him. And there'd be other people notified as well, I'm sure. The applicant would need to be notified, the county would need to be notified. But most certainly the hearing examiner.

COMMISSIONER BROUGHAM: I guess everybody's happy with it. But if I was an applicant I would want to know what kind of evidence I would have to bring to the table to show good cause, and it doesn't say that.

MS. CILEK: Well, good cause is a term of art. So, you know, a lot of things can probably fall under that.

CHAIRMAN STRAIN: Honestly, that paragraph was taken from the Lee County process, so --

COMMISSIONER BROUGHAM: That doesn't make it any better.

CHAIRMAN STRAIN: No, I'm just saying it's --

MS. CILEK: Being used --

CHAIRMAN STRAIN: -- almost standard, so --

COMMISSIONER BROUGHAM: Yeah, I'm just -- we're trying to be specific here, folks, that's all I'm trying to do --

MS. CILEK: No, it's a good question.

COMMISSIONER BROUGHAM: -- is be specific.

CHAIRMAN STRAIN: Okay, anybody else on 224?

(No response.)

CHAIRMAN STRAIN: 225?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Public hearing, order of proceedings, item one, second bullet. The announcement of the matter to be heard and if applicable, hearing examiner discloses all ex parte communication. If any?

CHAIRMAN STRAIN: Well, if applicable. So if you don't have any, you wouldn't disclose any. If there are some, they would be disclosed.

MS. CILEK: This sentence is structured so that the "if applicable" falls in front of "the hearing

examiner discloses all ex parte communications." So that's what it's referring to, though.

COMMISSIONER BROUGHAM: Okay. So if you've had any ex parte communications.

MS. CILEK: Uh-huh. Yeah.

CHAIRMAN STRAIN: Right. Kind of just like here. Same thing we do here.

COMMISSIONER BROUGHAM: But it's either a yes or a no, I would think. You either have had or you haven't had. So it's always applicable. If you have had ex parte --

CHAIRMAN STRAIN: You always disclose it.

COMMISSIONER BROUGHAM: -- you always disclose it.

CHAIRMAN STRAIN: Right.

Okay, anything else on 225?

(No response.)

CHAIRMAN STRAIN: 226?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Down at the bottom, public hearing decisions to be notated on zoning map.

Just for clarification, how is that done? I mean, decisions? The decisions themselves are noted on the zoning map or just a reference to a decision? Or how is that done?

CHAIRMAN STRAIN: Just like they are now.

MS. CILEK: Right.

COMMISSIONER BROUGHAM: I don't understand.

CHAIRMAN STRAIN: Right now they're done by footnote, like a footnote -- a hyper note in the -- next to the zoning. Like if it's a variance, it will have a V. And up there it will be a little red number. Well, there will be another number and the number would refer to the resolution by the hearing examiner.

MS. CILEK: Right.

COMMISSIONER BROUGHAM: Public hearing. On motion by a party and upon such terms as are just.

MS. CILEK: Can you --

CHAIRMAN STRAIN: Where are you?

MS. CILEK: -- provide a reference?

COMMISSIONER BROUGHAM: Page 226, public hearing decisions. Public hearing, item number one, bottom of the page. On motion by a party and upon such terms as are just.

MS. CILEK: Legal language.

COMMISSIONER EBERT: That's you, Heidi.

MS. CILEK: So a motion by a party and the terms are just. The hearing examiner --

COMMISSIONER BROUGHAM: I'm looking for a definition. And upon such terms as are just. What's just to me may not be just to Barry.

MS. CILEK: I mean, anyone -- Heidi, want to weigh in on that one?

MS. ASHTON-CICKO: Well, I think that the reasons that the rehearing can be granted are laid out with the next three bullet points on the next page. So when you read it all together, those are the reasons.

COMMISSIONER BROUGHAM: Why not just refer to those three conditions then?

Terms as are just to me is an additional qualification, rather than just saying on motion by a party and based upon blah, blah, blah, blah, may grant a hearing on application for the following reasons, one, two, three.

MS. ASHTON-CICKO: It can go either way.

CHAIRMAN STRAIN: Doesn't matter. I mean, I understood it the way it was written, but it doesn't matter. If it needs clarification, we should clarify it, I guess.

Mike?

MR. BOSI: I think it says the same thing. If you think -- you're right, it's more direct the manner in which you stated upon the reasons stated below. I mean, the three items are basically what --

COMMISSIONER BROUGHAM: Historically we've tried to strip out extraneous phrasing and

words and so forth. Just pointing it out. It's not up to me.

CHAIRMAN STRAIN: Doesn't matter. Go ahead, does anybody care?

Go ahead and make an adjustment to it then.

MS. ASHTON-CICKO: Take it out.

MS. CILEK: Phil, do you want to read it out?

COMMISSIONER BROUGHAM: I would just remove -- motion by a party, the hearing examiner may grant a rehearing on application for the following reasons.

MS. CILEK: All righty.

COMMISSIONER BROUGHAM: Boom.

CHAIRMAN STRAIN: Well, the party's important, because not anybody should be able to request a rehearing. So you may want to --

MS. CILEK: I kept that part. I removed upon such terms as are just.

CHAIRMAN STRAIN: Motion by a party, the hearing examiner, right.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay.

The last page is 227. Any comments there?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Top of the page, item number two. The time -- the last sentence: The time for filing an appeal shall begin anew in full upon the hearing examiner's denial of such a motion.

Can you just explain how that would work, Mark?

CHAIRMAN STRAIN: If someone wants the hearing examiner to reconsider a motion that was made for the rehearing and they don't agree with it, then they have a time frame to appeal it.

COMMISSIONER BROUGHAM: So then the time frame -- the deadline begins.

CHAIRMAN STRAIN: At each time a motion is made, right. After that -- after the decision is made not to rehear it, if that was the decision, then the timeframe to rehear it would begin.

COMMISSIONER BROUGHAM: On the next paragraph down on continuances, you can continue -- I'm paraphrasing, if the continuance of the public hearing is to a specific date and time, then a readvertisement of the hearing shall not be required.

CHAIRMAN STRAIN: Which is like what we do here.

COMMISSIONER BROUGHAM: What if it's not a specific date and time?

MS. CILEK: It needs to be.

COMMISSIONER BROUGHAM: It's always a --

MS. ASHTON-CICKO: Then it needs to be readvertised.

CHAIRMAN STRAIN: We do -- the same process that we have here. In fact, most of this was supposed to mirror our process, so --

MR. BOSI: Mike Bosi.

And there could be a case where there is some ambiguity as to whether the results that -- that that may be the sticking point of the issue and they won't be able to have a specific time at some issue that needs resolved, that they're not quite confident they can get done in a specific time. So there may be instances where it is continued and they will have to readvertise.

COMMISSIONER BROUGHAM: But the way this reads, it says "if". If the continuance of the public hearing is to a specific date and time.

MS. ASHTON-CICKO: Correct.

MS. CILEK: So it's if not, then they'll need to be advertised.

COMMISSIONER BROUGHAM: Because you just said it's always -- if it's continued it always is to a specific date and time.

MS. CILEK: If it is continued, then they need to identify a specific date and time.

MS. ASHTON-CICKO: So at the hearing they would have to say we're going to continue it to September 1st, you know, hearing examiner hearing. And if that does not occur, then a readvertisement

would be necessary.

It's also possible this section could also be read that if the hearing examiner determines that it's not something that he should hear, then he could continue it to a Planning Commission meeting or a BCC meeting, as long as it went to a time certain -- date and time certain so the public would be informed.

COMMISSIONER BROUGHAM: As I read this, it leaves the door open to perhaps not continuing to a specific date and time, that's all. Because it says, if the continuance of the public meeting is to a specific date and time, then readvertisement of the hearing shall not be required.

The other side of that coin, if it's not continued to a specific date and time.

CHAIRMAN STRAIN: Then an advertisement would be required.

MS. ASHTON-CICKO: Correct.

COMMISSIONER BROUGHAM: Okay. But it doesn't say that. But okay.

CHAIRMAN STRAIN: Any other questions?

Nicole, is this one you wanted to weigh in on?

COMMISSIONER BROUGHAM: I've got one more.

CHAIRMAN STRAIN: Oh, you've got another one? Never mind.

Hold on a second, Nicole.

COMMISSIONER BROUGHAM: You can come on up. This is a short one.

Same page, 227, item number two, second bullet, reject. The Board of County Commissioners may reject the hearing officer's -- should that be capitalized, by the way?

MS. CILEK: I will capital it.

COMMISSIONER BROUGHAM: Determination except that the board blah, blah, blah.

If rejected, than what? If the Board of County Commissioners rejects. What status does that put the

--

CHAIRMAN STRAIN: Then the board makes their own findings. They come back with their own decision. They would only reject it if they most likely disagreed with it. Then they would produce their own determination. That's the purpose of the appeal.

COMMISSIONER BROUGHAM: Is that specified somewhere else that they do that, Mark, or is this it?

CHAIRMAN STRAIN: Well, we've got a section in the LDC, but I'm not sure it gives any more definition than this.

COMMISSIONER BROUGHAM: But this just says they have the option as the BCC --

CHAIRMAN STRAIN: Right.

COMMISSIONER BROUGHAM: -- to reject it, except they may not modify the determination or impose conditions or reject the hearing officer's determination, unless the board expressly finds one or more of the findings or fact or conclusions not -- blah, blah, blah, blah.

But it doesn't really speak to the actions taken by the BCC or someone else if it's rejected. They can -- as the BCC they can make their own determination. Maybe that's within their power.

MS. CILEK: Well, it states a couple different things. Except that the board may not modify the determination or impose conditions or reject hearing examiner -- hearing examiner, not hearing officer -- examiner's determination, unless. And then it goes into what the board can do.

COMMISSIONER BROUGHAM: I don't see that it goes into what the board can and can't do. I'm sorry, I don't read that.

CHAIRMAN STRAIN: Well, they would have to determine that something that the hearing examiner ruled on --

COMMISSIONER BROUGHAM: Correct.

CHAIRMAN STRAIN: -- was insufficient or incomplete or inaccurate.

COMMISSIONER BROUGHAM: Correct.

CHAIRMAN STRAIN: And that's what they're referring to when they're referring to the hearing officer's findings of fact or conclusions of law is not supported.

COMMISSIONER BROUGHAM: Correct.

CHAIRMAN STRAIN: Right.

COMMISSIONER BROUGHAM: And they reject your determination. What's the status then? That's my question, what is the status of --

CHAIRMAN STRAIN: It would have been -- see, this would have come about as a result of an appeal. The appeal would be that the applicant disagrees with the hearing examiner's decision and he wants the board to review it. The board would review it. If they agree with the applicant, then the board will re-rule on it to whatever effect they feel is adequate based on the evidence that they have in front of them.

But they first got (sic) to agree that the hearing examiner's findings are inaccurate. And that's what this addresses. Or however they want to decide. They're not --

COMMISSIONER BROUGHAM: So if they reject it, in effect they're siding with the person appealing then.

CHAIRMAN STRAIN: Yes.

COMMISSIONER BROUGHAM: Okay, done.

COMMISSIONER EBERT: It is the same way now, is it not, with our board -- with the Planning Commission to the BCC? Like the Wahl boat dock.

CHAIRMAN STRAIN: Yeah, same thing.

COMMISSIONER EBERT: Same thing.

CHAIRMAN STRAIN: That's a good example, in fact. The Wahl boat dock decision on the hardship of the variance was rejected by the board. The board instead in essence by doing that established a new policy which becomes the way we do things from now on.

COMMISSIONER HOMIAK: We're advisory. Your decisions would be final. Hearing examiner's decisions are final.

CHAIRMAN STRAIN: Right. But they're appealable.

COMMISSIONER HOMIAK: Right. But there's a difference.

CHAIRMAN STRAIN: Well, boat dock decisions here are final, and that was appealable. Same thing. Same process. They appealed our final decision from the Planning Commission to the Board, just like an applicant in front of the hearing examiner will do the same thing. Same process we have here. They would appeal that decision to the Board. The Board would handle it just like they did the one here.

COMMISSIONER EBERT: One other thing. Just to bring a little light to this, are you going to be known as the hearing examiner?

CHAIRMAN STRAIN: Yes.

COMMISSIONER EBERT: Or --

CHAIRMAN STRAIN: Well, I don't know what I'm going to be known as, but that's --

COMMISSIONER EBERT: Well, that's the only reason. Because you know how I love acronyms, right? So I didn't know whether you were going to be a HE or a HO.

CHAIRMAN STRAIN: Actually, the acronym that -- John Pod's not here, he seemed to like, was HEX, H-E-X.

MS. CILEK: There's a typo. It says hearing officer.

COMMISSIONER EBERT: That's why I asked Mark at this time, is it going to be a HE or a HO.

CHAIRMAN STRAIN: I'll have to remember that.

MS. CILEK: You caught me. Very last one.

CHAIRMAN STRAIN: Okay, Nicole, it's your turn.

COMMISSIONER BROUGHAM: Top that.

MS. JOHNSON: Good afternoon. For the record, Nicole Johnson here on behalf of The Conservancy.

Just a couple quick suggestions. On Page 225 at the bottom it talks about the matters to be considered by the hearing examiner. And it isn't intended to be an all-inclusive list, but it does list 11 very specific types of evidence. And The Conservancy would suggest that you put in there a twelfth bullet that indicates relevant technical and factual information as provided by members of the public. It would be captured under the "and other relevant information." But since other items have been pulled out and specifically identified, we thought that that might be appropriate to be identified in here.

CHAIRMAN STRAIN: Heidi, any concerns from your side?

MS. ASHTON-CICKO: It's going to be up to the policymakers whether they want to add that in. I mean, that's something that's already -- evidence that needs to be considered in determining whether you have substantial competent evidence. So if they have someone who comes in as an expert, is recognized as an expert, that is weighed as part of the substantial competent evidence evaluation. Whether this board wants to specify it, that's I guess a policy decision.

CHAIRMAN STRAIN: Did you realize that it was as inclusive as Heidi just mentioned?

MS. JOHNSON: I did. But since there were 11 other items which were identified there, we --

CHAIRMAN STRAIN: Is there any downside to including it, Heidi?

MS. ASHTON-CICKO: Can you read it again?

MS. JOHNSON: Relevant, technical and factual information as provided by members of the public.

COMMISSIONER MIDNEY: Public will be invited to attend anyway.

CHAIRMAN STRAIN: Yeah, it's a public meeting. I just wanted to make sure there's --

MS. ASHTON-CICKO: Well, I guess the only concern that I would have with this language as proposed is we get a lot of lay testimony that doesn't rise to the level of substantial competent evidence. And so as you've written it, any relevant, tech and factual info, some of the factual info. may not rise to the level of competent substantial evidence. But putting it in in this fashion, you'd be required to consider it.

So in my opinion, just hearing this now, it appears to me that you might be adding some stuff in as -- that you would have to consider that you wouldn't necessarily consider.

MS. JOHNSON: Well, I was trying to capture with the term relevant, if there was a better term than relevant.

CHAIRMAN STRAIN: Maybe substantial and competent evidence as supplied by the public.

MS. JOHNSON: Substantial.

CHAIRMAN STRAIN: But see, that's almost a given, though, to be honest with you.

MS. JOHNSON: Well, it would be captured under the general consideration. But since 11 particulars were identified, we thought it --

CHAIRMAN STRAIN: The public comments should be considered and highlighted. So Heidi, if we were to --

MS. ASHTON-CICKO: I don't think you need to put it in. I think, you know, he can take note and the rest of us here take note of what your concern is. But I don't think that the concern that you're raising isn't addressed in the process. Because, you know, we will take expert and lay testimony at the hearings.

MS. JOHNSON: And I wasn't concerned that the way that it's written, The Conservancy or anyone else wouldn't be able to provide that information. I just thought that it was worth considering, since there are 11 other things that are being pulled out and specified that it could make sense to include it. But it doesn't have to be.

CHAIRMAN STRAIN: Well, let's see what else you've got to say and we'll try to --

MS. JOHNSON: And just a clarification for the -- under the public records section for having written communications provided by the public, would that be considered as part of the accompanying documents for the application? Would that be considered under the exhibits and documentary evidence?

CHAIRMAN STRAIN: Well, if it's brought forward in the hearing it would be part of the exhibits.

MS. JOHNSON: If it was submitted to the hearing examiner perhaps after the staff report had already been --

CHAIRMAN STRAIN: Still be entered into the record.

MS. JOHNSON: So that would be under --

CHAIRMAN STRAIN: That would be under all exhibits and documentary evidence.

MS. JOHNSON: Okay, I just wanted to make sure that it was covered by that.

CHAIRMAN STRAIN: There's nothing supposed to be admitted that's brought forward.

MS. JOHNSON: And just -- and I'm not sure, this probably would need to go in the NIM section, but if the time when the public is going to be able to take a look at make the assessment that this is something of heightened public interest and concern, the NIM would be one of those times when that was triggered and the people in the immediate area would get their public notice. But is there a place or could there be a place on the county's website where all NIMs are listed out so that you could go in once a week and take a look at

all of the NIMs and just stay on top of what's happening and going on?

CHAIRMAN STRAIN: That's not a bad idea. But that's a broader scope of application than what we're here for today. But it is also something we could look at as a possibility for the changes coming up that we're looking at next term, next cycle.

MR. BOSI: And we do internally keep for coordination with Connie Dean, the Public Information Officer for Growth Management, we keep a centralized location of all the neighborhood information meetings that are upcoming because we don't want to -- we wouldn't want to create a neighborhood information meeting in the same location that transportation maybe is having a transportation meeting at the same time. So we do keep that internally.

We can note that down for maybe talking with Jamie on the operations side to see if we can post that regularly to a specific web page on the county's web server.

CHAIRMAN STRAIN: Okay, that would work.

MS. JOHNSON: Or just give us your password, whichever.

MS. CILEK: Nicole, I'll make note of that too. Because we're looking at different ways of addressing some of these notice provisions. And web-based materials as well as people can figure out where things are going on in the county. So I'll make a note of that as well. It's a good idea.

MS. JOHNSON: Okay. And that's it for the Admin. Code.

CHAIRMAN STRAIN: Thank you, Nicole.

The point she originally started to -- one of them she talked about was adding substantial and competent evidence to that list of criteria that the hearing examiner would consider. And as you look at it, Heidi, if there's not a -- if there is isn't any legal negative to adding that, I can't see where it would hurt, so --

MS. ASHTON-CICKO: Well, I think we're back at the section where it says the hearing examiner shall not be limited to the evidence presented by the applicant or the county at the hearing.

CHAIRMAN STRAIN: Right.

MS. ASHTON-CICKO: You may consider additional relevant evidence including but not limited to.

CHAIRMAN STRAIN: And it all would have to be introduced in order to make a decision on it. It's not something that you can --

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: -- look up and keep in your back pocket and not tell anybody and have that be part of the decision. So the fact that it's all going to be produced and whatever's produced at the hearing will be part of the record. That's what I'm thinking, that what she's suggesting may not have any downside effect.

COMMISSIONER ROSEN: A legal question about that. Would that by any chance give any heavier legal weight or standing to that information that's supplied if that number 12 was added, as opposed to a -- you know, an organization or person coming up to a hearing and presenting that information the day of the hearing as the documents call for? In other words, if that is added to, does that give any more weight?

MS. ASHTON-CICKO: I don't think it would give it any more weight. I think the point of this section is that the hearing examiner can bring in some information and add it to the record. That's what this section allows in addition to the evidence presented at the hearing.

I mean, if it provides more comfort, you could add: The hearing examiner shall not be limited to the evidence presented by the applicant or the county or the public at the hearing.

CHAIRMAN STRAIN: Yeah, I don't think that makes it -- I don't think that makes a difference.

MS. ASHTON-CICKO: It doesn't make a difference. I think it's addressed but if as a matter of policy you want to add it.

CHAIRMAN STRAIN: I'm comfortable with it. I just wanted to make sure we didn't exclude it in any matter, and it doesn't sound like we have.

COMMISSIONER BROUGHAM: Just a brief addition on that same paragraph, second sentence. You just may want to add "or she."

MS. CILEK: I'm going to probably change it to the hearing examiner. I circled it.

COMMISSIONER BROUGHAM: I'm looking out for you.

CHAIRMAN STRAIN: Any other questions on that chapter?

(No response.)

CHAIRMAN STRAIN: If not, lets roll into the LDC.

Oh, wait a minute, we've got chapter 10. But that's just a listing of sources of information.

Does anybody have any questions on all of chapter 10? It's your acronym list.

(No response.)

CHAIRMAN STRAIN: The LDC starts on chapter one, after you get past the table of contents.

Actually, Page 9.

MS. CILEK: Perhaps do we want to go over the hearing examiner LDC section?

CHAIRMAN STRAIN: Oh, that's right. Because I -- yes, thank you for reminding me. Which means we're going to turn to 803.

MS. CILEK: Correct. And I have one change on that.

CHAIRMAN STRAIN: That's the last section of the -- last page in our whole document. So that's where we need to be.

MS. CILEK: Yes. And my change is that the LDC reference is actually going to be 810.00, we're going to create a new section. We don't want to interrupt any of the notes that are currently in Muni. Code that exist under 803.00. No change to the actual language.

CHAIRMAN STRAIN: Okay, and there's only one page for the now new 810. Does anybody have any comments, questions or concerns?

Nicole?

MS. JOHNSON: Again, for the record, Nicole Johnson, here on behalf of The Conservancy.

I think one of the things that The Conservancy really grappled with was most of the substance of the hearing examiner and what they do was set up in the rules and procedures as part of the Administrative Code. And so while there isn't a lot of detail in the LDC, I don't think that's a problem.

But one of the things that The Conservancy was really very concerned about in creating a Collier hearing examiner is to make sure that the hearing examiner is allowed and it's understood that they're allowed and encouraged even to communicate with the applicant, with interested parties prior to the actual hearing. Lee County has a very different process and it works for Lee County, but we don't want to replicate that here.

So one of the things that we would ask that you consider is either replacing or having in both places in the Admin. Code Page 224 where it says the hearing examiner may have ex parte communications with any party or person. We would like to see that as part of the LDC. So it's very clear that while the hearing examiner, when each new hearing examiner or chief hearing examiner comes on board, they'll be setting up their specific rules and procedures, this ability to have ex parte communication is still the intent of the hearing examiner's office. So we would ask that that be included.

And one other suggestion. We went back and forth when the ordinance was being created about the conditional use. And if it's a minor conditional use the hearing examiner will hear it. And if it's something that's of heightened public interest, then it goes through the regular process. And so really identifying what is a heightened public interest has been something that we've been watching closely as this has evolved.

And in the LDC, starting -- I hope I have the most recent version, it looks like starting on line 15 it says: For purposes of this section a minor conditional use is one which does not require Environmental Advisory Council review and which is not a case of great public interest or concern, as determined in the discretion of the hearing examiner.

And we would ask that you consider adding to that that the commissioner of the district and perhaps even the adjacent district would also be able to take something and kind of heighten that public concern standard so that it would be sent through the regular process.

CHAIRMAN STRAIN: Well, let's take them one at a time. The first item that you asked about was adding the ability for ex parte communication to be somewhere included in the LDC.

Is there a problem with that, Heidi?

MS. ASHTON-CICKO: No, there's not a problem with that. But I think that it's more of a procedural nature that it would go in the Administrative Code. You know, we had the ordinance, the 2013.225, I think, or no, 2013.25 is the base ordinance. And I just minimally added what was needed in the LDC to implement that ordinance.

CHAIRMAN STRAIN: I can't remember --

MS. ASHTON-CICKO: So I don't think it needs to be in there, frankly. I don't recommend that you put it in there, because we don't generally discuss ex parte communications in the LDC. But that will be a policy decision.

CHAIRMAN STRAIN: Okay. It would be a policy decision of the Board.

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. Well, I'm sure you're going to be bringing it up to the Board.

MS. JOHNSON: Yes.

CHAIRMAN STRAIN: Okay. The next point that she brought up was the decision regarding the public interest, how it's determined. And the reference to the commission possibly being consulted with. What are your thoughts on that, Heidi?

MS. ASHTON-CICKO: Well, I think it would be difficult to establish the adjacent districts, because you might have more than one. And I think it complicates it more than is necessary. When we try to identify what a minor conditional use was, we thought that if we -- if it was something that would go to the EAC, then that was very clear, you know, black-and-white, we know what to do with it.

MS. JOHNSON: How about for the commissioner of the district in which the proposal is located?

MS. ASHTON-CICKO: Well, I would think that if the hearing examiner hears things that the commissioners don't want him to hear, then I don't think he's going to be here very long. Sorry. So I don't know that you really need to have that in here, because, you know, he does not have -- you know, the commissioner of the district can contact the hearing examiner. There's no prohibition on that.

CHAIRMAN STRAIN: The intent would be that the commissioner would be aware of the situation, and if there was any request or, you know, simply move it to the Planning Commission, it would be done that way. The Board of County Commissioners is ultimately in control. So, I mean, I don't know if by putting it in causes any concerns from a legal perspective.

I am concerned about the notification of adjacent districts. Because then it's almost like a conduit moving from commissioner to commissioner, and I think that might be real problematic.

MS. JOHNSON: So sticking with maybe, you know, looking at the commissioner of the applicable district.

CHAIRMAN STRAIN: But I think that intention is intuitive in the way the documents have been written. And I guess it depends on who's reading them too. You could make a choice on that.

MS. ASHTON-CICKO: I mean, I suppose you could add at the end of the sentence where you say is not a case of great public interest or concern as determined by the discretion of the hearing examiner after consultation with the commissioner whose district the property is located. We could put something like that in there.

CHAIRMAN STRAIN: The only caution I have there is the time frames in which that has to happen. Because where this is set up now is the staff report would come in and within 30 days it would be required to schedule a hearing. It takes, including the staff writeup of the legal notice and the approvals process to get the legal notice right, and then get it scheduled in the newspaper, that takes 20 days. So from the time the notice is issued -- from the time the staff report is issued, there's a very short window to make this determination and then contact the commissioners about their preference in that matter.

For example, during the summer. The hearing examiner's office won't stop during the summer, but it does bring up an accessibility concern in a time frame that's real tight. And that's the only caveat I have, Nicole, in trying to figure that out.

I'll certainly leave it to the County Attorney's Office to explore before it goes to the Board from my perspective. I'm not sure if the other board members are okay with that or not, but --

MS. JOHNSON: Our thinking on that was because heightened public interest, especially with conditional uses, can be fairly subjective. And so if the public would be going to their specific commissioner because that's the person they elected to deal with these compatibility issues, that can be because of the conditional use standard subjective, should the commissioner have the ability to say this is something that is concerning to my constituents, I would like it to go through the regular process. We're not concerned about the current hearing examiner. It's just in the future with someone new, we want to make sure that this process

is really going to be solid as it moves forward decades from now.

CHAIRMAN STRAIN: Well, maybe there's another way to phrase it, something to the effect that it's either determined by the discretion of the hearing examiner or as requested by the Board of County Commissioners, or a board member of the County Commission, something of that nature.

Because honestly, it would be stupid to do something contrary to their wishes in that regard to begin with. It's like shooting yourself in the foot. I don't think anybody's intending to do that.

COMMISSIONER HOMIAK: That doesn't mean somebody won't. Doesn't mean it's you.

CHAIRMAN STRAIN: No, but, I mean, if it's somebody else, then the Board can write the rules differently for anybody that moves in, so --

COMMISSIONER HOMIAK: Well, why not just do it now?

MS. ASHTON-CICKO: I mean, many of the conditional uses are pretty routine. You've got churches and, you know, equestrian stables. And then you've got ones that are a little more obvious that there would be a concern, like a mine or a landfill.

MS. JOHNSON: Sure, yeah.

MS. ASHTON-CICKO: You know, some of the other ones that are more routine that might rise to a higher level of public importance, that might not be apparent right in the beginning of the process. It might be towards the end of the process that people come forward and we discover there's an issue.

So I think it's meant to provide some flexibility. But you know, we could add something about or as requested by --

CHAIRMAN STRAIN: Or as requested by a member of the Board of County Commissioners. That might get us there.

MS. JOHNSON: Yeah, that certainly would resolve our concern.

CHAIRMAN STRAIN: I mean, that should go without saying. But if that needs to be said, then it's there.

COMMISSIONER EBERT: You would just feel better if it is in, okay.

MS. JOHNSON: Okay, and that's it. Thank you.

CHAIRMAN STRAIN: Thank you, Nicole.

So does that mean you're able to leave or do you have anything else you'd like to us hit while you're here, while you're waiting for it?

MS. JOHNSON: I think I will go ahead and exit. Jeremy will go --

CHAIRMAN STRAIN: Well, he's going to sit here all day, he already said that.

Okay, well, let's move back to chapter one of the Land Development Code. And it starts on actually Page 9.

MS. CILEK: Commissioner Strain, do you want to go over the public comments as we go through the LDC, as well as the DSAC LDR?

CHAIRMAN STRAIN: That would be helpful if you could. The ones that haven't been resolved. If they've been resolved I don't think it's necessary. Or the ones that can be resolved. Some of the public comments weren't relative to this process, so we don't need to --

MS. CILEK: Honestly, we've worked really hard to resolve like 99.9 percent of the public comments. They've been really helpful as they've come forward. And A lot of them are future LDC amendments.

CHAIRMAN STRAIN: Right. We don't need to hear about those.

MS. CILEK: Okay. So actually, I think we covered them then.

CHAIRMAN STRAIN: Okay. There's no sense of being redundant. If you've already resolved them then why go into redundancy to --

MS. CILEK: Right.

CHAIRMAN STRAIN: -- bring it all up again.

MS. CILEK: I didn't actually include them.

And then for the DSAC LDR sub-committee, do we want to go over those briefly? They all deal with the Administrative Code.

CHAIRMAN STRAIN: Oh, so we're going to go back to the Administrative -- okay.

MS. CILEK: I'm going to highlight them for you. You don't have to turn any pages.

CHAIRMAN STRAIN: Thank you.

MS. CILEK: The first one is to consider proposing to remove the Board of County Commissioners' mail notice for a comprehensive plan amendment. This is something we're going to take a look at at the next LDC cycle when we address the notice requirements. So something for the future.

CHAIRMAN STRAIN: Why don't we stick to the ones that are relevant to what we had to deal with today, if there are any.

MS. CILEK: That was in the comprehensive plan amendment section in the very first chapter.

CHAIRMAN STRAIN: Oh, I know. But if we can't deal with it today and we're going to deal with it in the future --

MS. CILEK: Okay.

CHAIRMAN STRAIN: -- we don't need to hear about it today.

MS. CILEK: All right. The other two are related to the chapter nine, which we just reviewed. And I can put them on the overhead. You have a hard copy in front of you.

The first is a recommendation for the continuance time frame. So it was recommended that a six-month time frame be identified in chapter nine. However, we discussed that it will be a set date and time.

CHAIRMAN STRAIN: Right. I mean, six months is more than what we even allow on this board. And that doesn't work very well.

MS. CILEK: I believe it might be --

CHAIRMAN STRAIN: Then you lose the ability for the advertising. Those signs that Diane hates so long will still be sitting up there.

COMMISSIONER EBERT: Absolutely.

CHAIRMAN STRAIN: I think that's a long time.

MS. CILEK: Right, it is a long time.

And the next one is on the following page. And this deals with cross-examination. And the underlined language under recommendation to replace number two is a request to be added.

CHAIRMAN STRAIN: You need to move that up so we can see it.

MS. CILEK: Yeah, right there.

I just wanted to share this with you for the --

CHAIRMAN STRAIN: Yeah, I just -- Heidi, do you have -- I need you to comment on it. I think what the point is, that the cross-examination will be limited to the parties involved, which I think was the intention. So I'm not sure why they would have thought otherwise.

MS. CILEK: I think that we have met them halfway in what they're looking for, and I think that's a good start.

MS. ASHTON-CICKO: I mean, I think the way it would play out is if a public member has a question, you might say what's your question but not through cross-examination, and then it would be up to you -- or the hearing examiner whether or not they wanted to ask whether the hearing examiner wants to ask the question to the applicant or staff, so --

CHAIRMAN STRAIN: It's kind of like we're doing now.

MS. ASHTON-CICKO: Yeah.

CHAIRMAN STRAIN: I mean, it's no different than the way we operate now, so I don't have a problem with that.

MS. CILEK: It would be at your discretion. All right, that's it.

CHAIRMAN STRAIN: That's it?

So now are we back to the LDC?

MS. CILEK: Yes.

CHAIRMAN STRAIN: This is the second time -- third time. We'll get there.

MS. CILEK: Sorry.

CHAIRMAN STRAIN: That's okay.

So now we're back on chapter one and Page 9. Did you have any beginning global comments you wanted to make or anything like that, Caroline?

MS. CILEK: You know, the global comments that I had actually revert back to the overhead shot I provided. So throughout we've updated the LDC notice section, subsection, cross-section, so we changed that. It's off by a couple now. So that happened throughout the Admin. Code and the LDC.

Professional survey mapper has been updated through the LDC. And I'll look, but I think that's actually it for global changes. Obviously we've corrected a lot of typos and inadvertent insertions by accidents and underlines and strike-through, small discrepancies. So we've been doing cleanup, lots and lots of cleanup. And I think that's it.

CHAIRMAN STRAIN: By the way, Margie, you didn't come up and tell us any specific section you're interested in. Are you here today to observe or you got -- because if you're waiting for something, we can move it forward to accommodate you.

MS. STUDENT-STIRLING: Thank you for your consideration. I was just here generally to observe for my client. Thank you.

CHAIRMAN STRAIN: Thank you.

Okay.

MS. CILEK: Perfect.

CHAIRMAN STRAIN: And Jeremy's here all day, so --

COMMISSIONER EBERT: But we won't ignore him.

CHAIRMAN STRAIN: No.

So let's move on to Page 9 then and we'll just walk through the pages. Although this is sure a more intense layout in writing than what you previously produced.

MS. CILEK: It is.

CHAIRMAN STRAIN: By the way, did you notice that folder I left for you yesterday?

MS. CILEK: I did. Oh, my.

CHAIRMAN STRAIN: We had previously attempted years ago to do an Admin. Code. And we had gotten it into what, 600 pages, whatever that document was?

MS. CILEK: It's this big. It completely almost like goes outside of the binder that it's in. It doesn't even fit in the binder. It's giant.

CHAIRMAN STRAIN: I left that with Caroline to show what we almost walked into. And I got -- the format that you have created is much, much better than what that document did. It was more written like our LDC, which is a jumble of lot of words, hard to find.

MS. CILEK: That's a lot of information in there. And with staff and County Attorney's Office, we've created this, which I think will be really good to move forward with.

CHAIRMAN STRAIN: Yep, I think it's a very good process.

Okay, on Page 9 we start with 1.06.01, responsibility for interpretations. Does anybody have any comments on nine?

(No response.)

CHAIRMAN STRAIN: Or 10?

(No response.)

CHAIRMAN STRAIN: And 11 we go into section 1.07.00, laws adopted by reference.

(No response.)

CHAIRMAN STRAIN: 12 is blank.

Then we go into chapter two already. There's two pages in chapter two, zoning districts and uses. And we have some underlines in Section 2.03.01, agricultural districts.

MS. CILEK: Right. And I have two little typos. The first is under C, conditional uses. Line 28 should be permitted rather than permissible. And this was a copy error.

The next line should read instead of travel trailer, recreation vehicle, campground district, TTRVC, it should read Rural Agricultural District A.

COMMISSIONER EBERT: That's another one of those acronyms.

CHAIRMAN STRAIN: Okay, that's 13.

14? 14 is 2.03.06, planned unit development districts.

(No response.)

CHAIRMAN STRAIN: Moving on, chapter three is a new section. One of the sections that was handed out at lunch time. It's 3.05.02, exemptions from requirements for vegetation protection and preservation.

MS. CILEK: Yes. Let me prepare you. This is the hardest one we will approach in the LDC today. There's a lot going on.

I have to give a shout out to Jeremy, he's the one who found this error. So thank you very much.

All right, we'll start at the top. There's coastal. Spelling has been corrected. That is on line 12 of your hand-out.

Then next you'll find a bunch of strike-through language in red, double strike-through red. And this was included in your binder. And this language comes from chapter 10, 10.02.02. And we included it, but we didn't need to. This language is actually included in G. It's not verbatim but the intent is all there. There's no need to copy it from 10, it's identified in G.

G is on the bottom of the page, line 47 of your hand-out, and it's in yellow. And if you flip it over, there's the rest of G.

And in G we've made a couple of corrections following what we had done previously with the red strike-through. So we updated the final local development order, and I folded it, as well as updating professional surveyor and mapper title. And we updated two cross-references. They were off by a letter.

On Page 17, which is the back, there's also a typo. It says approve on line 40 -- or approved on line 40. No "D", just approve.

CHAIRMAN STRAIN: Okay, that's Pages 16 and 17 that are new, being here today.

That is for Section 3.05.02. And on the end is 3.05.03.

Any questions or comments?

(No response.)

MS. CILEK: Great.

CHAIRMAN STRAIN: The old Page 15 also had 3.02.10. That's on the old Page 15. It carries over through 16, which is the -- what has been replaced over to Page 71, which is back to our original folder language.

On Page 17 we start out with 3.05.07 at the very top of the page, and 3.08.00 after that.

You go to Page 18. We're continuing with the environmental data requirements. This is going to go on for a little bit.

MS. CILEK: I have one update on Page 19. It's under C, native vegetation preservation, and it's the last line of that paragraph. And there are three cross-references to 3.05.05, 3.05.07 and 10.02.06. And we would like to replace the two cross-references in chapter three with just the words "chapter three." That way we include all of the information there. Because we did move some language around and we want to make sure it's covered.

CHAIRMAN STRAIN: Okay. Page 20 is -- now, this is all existing language --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- just moved around, that's why it's all underlined.

Page 21?

MS. CILEK: Small typo on 21. 5.C, agricultural uses. No zero.

CHAIRMAN STRAIN: Make a good password.

Page 22? And that wraps up that chapter and that section. All of it's underlined language brought from other sections of the LDC with the exception of the few that Caroline has notified us of.

Under chapter four we start on Page 23 and the first section is 4.03.01.

MS. CILEK: Yes. And in here what we're going to do is switch around some of the language. We're going to take the language that is in your binder, A and B, which is underlined which comes from the Code of Laws section. We're going to actually locate it under the existing language in the LDC. It's just a formatting situation. We want to start off with the purpose section at the top of 4.03.01.

CHAIRMAN STRAIN: So if you move that sheet so we can see more of it, you'll see that language repeated after where, down there on --

MS. CILEK: Yep. Relettered it as B and C. No change, just moved down.

CHAIRMAN STRAIN: Okay. Move on to Page 24.

(No response.)

CHAIRMAN STRAIN: Page 25 -- 24, by the way, starts with exemptions, 4.03.03.

MS. CILEK: Here's another page. A little bit more switching around. This is just formatting again. We're going to -- instead of titling the first paragraph, we're going to put that title in the title of the section, 4.03.03. Just movement there.

And then we're going to get rid of these empty letters, B, C and D. They're reserved. There's no notes associated with them, so we're just going to clean up the section a little bit and move everything up. So the remaining sections underneath those have been relettered.

CHAIRMAN STRAIN: Okay, on to Page 25.

(No response.)

CHAIRMAN STRAIN: 26?

(No response.)

CHAIRMAN STRAIN: 27?

(No response.)

On Page 28 we start a new section, 4.03.04.

MS. CILEK: I have something on 28.

CHAIRMAN STRAIN: Okay.

MS. CILEK: It actually comes from the previous section so at the very top of the page you'll have Golden Gate Estate lot divisions. That needs to be its own letter section. It's currently under Chokoloskee Island in the existing LDC, and we just are moving it over and it's going to be letter L.

CHAIRMAN STRAIN: Okay. That's certainly not part of Chokoloskee Island, although I wish it was.

MS. CILEK: No, very different location.

CHAIRMAN STRAIN: Chokoloskee is a nice place.

Page 29?

(No response.)

CHAIRMAN STRAIN: Page 30, we have Sections 4.05.04 and 4.07.02. Any issues?

(No response.)

CHAIRMAN STRAIN: Takes us to chapter five.

It's on Page 31. The first item under chapter five on Page 31 is 5.03.06, dock facilities, and continues on that page to 5.04.01.

(No response.)

CHAIRMAN STRAIN: Page 32, continuation. Page 33 is 5.04.05 and 5.04.08.

(No response.)

CHAIRMAN STRAIN: Page 34, move into 5.05.01.

(No response.)

CHAIRMAN STRAIN: Page 35 is 5.05.05.

You'll all notice that the titles on these are similar to what we've already seen in the Admin. Code. And that's where most of the documentation there came from. It's just showing you where we got it all.

Page 36, continuation of another one.

Page 37?

MS. CILEK: Oh, something on 36.

CHAIRMAN STRAIN: 36, okay.

MS. CILEK: So this continues the 5.05.05 automobile service station waiver, and we're just going to reorganize it a bit. We're moving the table to the top; providing a title to the table; and then a title to the waiver. So all formatting and then renumbering it following that.

CHAIRMAN STRAIN: That's on Page 36.

On Page 37 continues.

(No response.)

CHAIRMAN STRAIN: Page 38 we go into 5.05.08.

MS. CILEK: I have one item on 5.05.08.

We needed to include the highlighted yellow language. It's existing language in the section. We needed to reletter it.

CHAIRMAN STRAIN: It's existing language from the LDC.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay, on Page 39, Section 5.06.02.

(No response.)

CHAIRMAN STRAIN: Page 40 is 5.06.04.

(No response.)

CHAIRMAN STRAIN: Page 41 is 5.06.11.

(No response.)

CHAIRMAN STRAIN: That continues on Page 42 and finishes on Page 43.

MS. CILEK: I have one item on 42 to highlight. Under B, appeal to the Board of Zoning Appeals and Building Board of Adjustments and Appeals. The first sentence in one, I'm going to read it out loud: Within 30 days of the date of the written denial. And then I'm going to delete the next three words, "the applicant denial." And it's just going to keep on going with "sent by certified mail return." Those three words make the sentence very confusing.

CHAIRMAN STRAIN: Okay, that takes us to the end of chapter five. We move into chapter six. Start out in chapter six with 6.01.02, easements. Pages 45.

(No response.)

CHAIRMAN STRAIN: Continues on Page 46 and goes into section 6.01.05, which is short.

On Page 47, 6.02.01.

(No response.)

CHAIRMAN STRAIN: Page 48 is 6.02.03. And you have a change on that page.

MS. CILEK: I do. A small but important one. The H for proportionate share of payments needs to be an F, for a proportionate share of payments. Relettering.

CHAIRMAN STRAIN: Page 49 is 6.04.03.

(No response.)

CHAIRMAN STRAIN: Page 50, 6.05.01.

MS. CILEK: And on this one we have some additional language just to clarify the sentence, and we're looking at I.2. And the overhead shows the highlighted new language. Lakes, artificial lakes and retention basins proposed as part of a stormwater retention system for on-site water management must be designed -- new language -- "and shall be consistent with other ordinances or regulations of Collier County." And then the state and the region.

CHAIRMAN LEFEBVRE: Okay. That's on Page 50. It continues on Page 51 and 52 and 53 where we go to Section 6.06.01 on Page 53.

(No response.)

CHAIRMAN STRAIN: Page 54 is 6.06.02. Continues on Page 55. That ends the chapter.

(No response.)

CHAIRMAN STRAIN: We move to chapter nine of the LDC. Page 57 starts with 9.02.06.

MS. CILEK: I have some reformatting, relettering. I was off a letter or number. So looking at A.1.A. I believe your 1 is missing.

CHAIRMAN STRAIN: Ours is quite a bit difference. We've got little i's and small letters for a series. You've got numbers, so -- so anyway, just a renumbering.

Page 58 continues that and then we have a new Section 9.03.07.

MS. CILEK: On Page 58 I have two words to introduce. Page 58.D, Post Take Plan. And 1 reads: The Administrative Code shall establish the submittal requirements for a post take plan and the applicant. So the new language, the applicant shall provide the following.

CHAIRMAN STRAIN: Okay, Page 59?

(No response.)

CHAIRMAN STRAIN: Page 60?

(No response.)

CHAIRMAN STRAIN: Page 61 is complete section actually deleted, 9.04.07. That finishes out on Page 62 and ends that chapter, or that section.

New section is on Page 63 and it starts with 10.01.02.

(No response.)

CHAIRMAN STRAIN: Page 64 continues that, as does 65.

(No response.)

CHAIRMAN STRAIN: On Page 65 we have 10.02.02. Yeah, the first one was 10.01.02, this is 10.02.02.

(No response.)

CHAIRMAN STRAIN: Page 66 continues 10.02.02. As does Page 67.

MS. CILEK: We have a typo on 67. Line 35. The end of the sentence, after ready for inspection, there's a period and there's the word correct. Just a typo.

CHAIRMAN STRAIN: What was that, a memo to yourself, correct.

MS. CILEK: Correct, yeah.

CHAIRMAN STRAIN: It continues on 68 and it continues on 69 and 70. This is all strike-throughs. And 71 and 72 and 73 and 74. 75, 76, 77, 78, 79. It ends on Page 80 where we have 10.02.03.

Is there any questions of anybody through those pages?

(No response.)

CHAIRMAN STRAIN: All of those were strike-throughs so there wasn't any language really to be added or anything else.

And the new section -- now we're moving into 10.02.03, which is one of the handouts before lunch. That's just after -- that's the site plan with deviations for redevelopment projects.

MS. CILEK: Well, there's actually the existing 10.02.03.A through G.

CHAIRMAN STRAIN: Oh, I'm sorry, I put my page in the middle of it. There we go.

Yeah, let me take that out so it reads better.

On Page 81 we continue 10.02.03 first.

(No response.)

CHAIRMAN STRAIN: Goes on to Page 82, 83.

(No response.)

CHAIRMAN STRAIN: And most of it's existing language with just renumbering. Page 84.

(No response.)

CHAIRMAN STRAIN: Page 85. You've got a change?

MS. CILEK: I do, I have two of them. Looking at N, little N.

CHAIRMAN STRAIN: On the top of Page 85.

MS. CILEK: We're going to put in the word site. Site construction plans, including all technical specifications, design computations.

CHAIRMAN STRAIN: Should that be engineering plans?

MS. CILEK: That one's broad. And then down here when we're referring to who's actually signing and sealing them, three, the engineering plans shall be signed and sealed by the applicants.

CHAIRMAN STRAIN: So instead of saying site development plan on number three, which is line 19, it would say site engineering plan.

MS. CILEK: The engineering plans, yes.

CHAIRMAN STRAIN: Engineering plans, okay.

MS. CILEK: And that's consistent with what we put in the Admin. Code and in the SDP section.

CHAIRMAN STRAIN: That's on Page 85.

Then the strike-throughs start on Page 86, go through 87, 88, 89, 90, 91, and finally end in '92 with some moved language which continues on Page 93 and 94.

Is there a change in the site -- reference to the Site Improvement Plan in 94.2.C?

MS. CILEK: Yes, there is. It's the engineering plans shall be signed and sealed. So same as before.

CHAIRMAN STRAIN: Then we go to 95, 96, 97, and it ends on 98.

When do you want to discuss the site plan with deviations? At this point?

MS. CILEK: That's fine with me.

CHAIRMAN STRAIN: Okay, that was one of the handouts that had the LDC amendment request as the starting page when we went to lunch.

Okay.

MS. CILEK: This was passed out a week ago in your Planning Commission packets, and I just wanted to provide an overview and intro to it. Hopefully that was helpful. It is modeled off the City of Naples plan, or site plan deviations, but the big difference is that this is for redevelopment only. So these are existing sites with either existing buildings or existing infrastructure.

CHAIRMAN STRAIN: We have -- it's only five pages. So the first two pages are basically a narrative and some examples. Third page is the actual LDC language, and it's titled amendment to the LDC as follows: F, site plan with deviations for redevelopment projects.

So any concerns or changes with the language starting at Page 3 and taking it to the end, 4 or 5, did anybody during their lunch break find anything that stood out?

(No response.)

CHAIRMAN STRAIN: Okay. Now we get to move to another new section. It would be Section 10.02.04, requirements for preliminary and final subdivision plats. This is all existing or relocated language. Page 99?

MS. CILEK: Yeah, 99. First page of the section. We had struck through this language and we'd like to reintroduce it. So we modified it a bit but I'm going to read it. It starts on -- it's under A.1.A, and it's at the end of that subsection.

It reads: However, the zoning application and the preliminary subdivision plat may be processed concurrently by the County Manager or designee at the request of the applicant.

CHAIRMAN STRAIN: And that's what we do -- that's current.

MS. CILEK: Right.

CHAIRMAN STRAIN: Right. Okay. And you changed professional surveyor or mapper down at C on the bottom, which is one of your global changes in a couple different locations.

MS. CILEK: Yes. The original language for this provision included PUDs as well, but you do PUD deviations at the public hearing -- through the public hearing process, you don't do them -- you typically don't do a PSP, a preliminary subdivision plat, and a PUD. Each provide their own way for deviations.

CHAIRMAN STRAIN: That's our Page 99. Her pages are different.

That continues on Page 100.

MS. CILEK: Just two little language changes. Under 4, amendments. Going to replace desired with submitted. And according to is the new language instead of utilize on that same line. No intent, just semantics.

MS. ASHTON-CICKO: Which page is that?

MS. CILEK: That's under 100, my version.

CHAIRMAN STRAIN: Would be line eight.

Okay, Page 101.

MS. CILEK: I have a small addition on the very bottom of that page. Under E, little I, it's going to read: Streets, sidewalks, paving, grading and stormwater management drainage. So we're introducing the word storm to make it clear it's stormwater we're talking about.

CHAIRMAN STRAIN: Page 102?

(No response.)

CHAIRMAN STRAIN: 103?

(No response.)

CHAIRMAN STRAIN: 104?

(No response.)

CHAIRMAN STRAIN: 105?

MS. CILEK: I have one on 105. On line one, number eight, we're going to make it consistent with the section that it is referencing, 6.06.01.0.1, and it is landscaping and buffers is the new language.

CHAIRMAN STRAIN: Okay, that's on Page 105.

Go to 106?

(No response.)

CHAIRMAN STRAIN: 107?

(No response.)

CHAIRMAN STRAIN: 108?

(No response.)

CHAIRMAN STRAIN: Then we start cross-outs on Page 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 21, 122, 123. It ends on 124.

(No response.)

COMMISSIONER BROUGHAM: Good job.

CHAIRMAN STRAIN: It was a tough one; hard to go through them cross-outs.

One thing I've noticed when I've gone back through the record to try to find out when a board discussed something and changed something in the LDC because I -- if you look at sometimes the older LDCs and then the new language you can't figure out how we got there. So a lot of times I go back through the minutes and there's no tracking from the discussion on the board. You open up the pages and you can't see on the minutes what you're visualizing at this podium. That's why I'm trying to be careful to talk about pages and sections, because if we ever got to go back and figure out what we did, it just makes it a little easier, but it's a little more difficult right now, so bear with me, we'll get there.

Page 125 we started Section 10.02.05.

MS. CILEK: I have one item on the overhead. Going to keep the existing language, and it is under A.1. I'm going to read it: The applicant shall request the preconstruction meeting and provide at least 48 hours for the preconstruction meeting to be scheduled by the engineering services department. The preconstruction meeting shall be attended by representatives. And then it goes on.

CHAIRMAN STRAIN: And that's as it is today.

MS. CILEK: Yeah, that's an existing policy, and we just want to make sure it's still in the LDC.

CHAIRMAN STRAIN: Okay. Page 126?

(No response.)

CHAIRMAN STRAIN: 127?

MS. CILEK: I have a small one on 127, line 23. Instead of certified we want to just put signed and sealed. Certified is an older term, I believe.

CHAIRMAN STRAIN: Okay, 128?

(No response.)

CHAIRMAN STRAIN: 129?

(No response.)

CHAIRMAN STRAIN: 130?

(No response.)

CHAIRMAN STRAIN: Now we start with cross-outs again. 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150. That's all cross-outs, so --

MS. CILEK: Yes.

CHAIRMAN STRAIN: Now, this should lighten up our LDC, right? We'll have less pages?

MS. CILEK: There might be fewer pages.

CHAIRMAN STRAIN: I hope so.

MS. CILEK: We tried to reduce duplicity. So where things were duplicated over and over in a section, we really tried to streamline them.

CHAIRMAN STRAIN: Just out of curiosity, for Cherie', when you type the numbered pages that I'm reading, do you type the number or do you type -- you type it all out as words?

THE COURT REPORTER: No words. It would be heard to read if I wrote them out.

CHAIRMAN STRAIN: Oh, I know. That's why I was hoping you didn't have to do that.

I learned that Cherie's company charges by the page. And so I'm trying to minimize the pages.

COMMISSIONER BROUGHAM: Use more acronyms.

CHAIRMAN STRAIN: I know.

COMMISSIONER HOMIAK: Now that I think of it.

CHAIRMAN STRAIN: The next section starts on Page 151 and it's Section 10.02.06, requirements for permits. Existing language with some relocations.

(No response.)

CHAIRMAN STRAIN: 152?

(No response.)

CHAIRMAN STRAIN: 153?

(No response.)

CHAIRMAN STRAIN: 154?

(No response.)

CHAIRMAN STRAIN: 155? Starts with the agricultural land clearing area.

(No response.)

CHAIRMAN STRAIN: 156?

(No response.)

CHAIRMAN STRAIN: 157?

(No response.)

CHAIRMAN STRAIN: 158?

(No response.)

CHAIRMAN STRAIN: 159?

(No response.)

CHAIRMAN STRAIN: We go into temporary permits.

160 is all cross-outs, 161, 162 and 163 are cross-outs.

Page 164 we get into coastal construction setback line permits.

MS. CILEK: And one little one on 164. Under 5.A, little I, bottom of the page, first violation, second violation, third or more violations. We're going to make those A, B and C with the parentheses. So I just want to make sure that they are identified by subsection.

CHAIRMAN STRAIN: Okay.

165? That begins with the cultivated tree removal permit.

(No response.)

CHAIRMAN STRAIN: 166.

MS. CILEK: There's a little bit of formatting on 166. I had my numbers mixed up. So application is five and approval is six.

CHAIRMAN STRAIN: That's the way it reads here.

MS. CILEK: Yeah, my four was in the wrong place. I think my four was under -- it was in the wrong place. I'm sorry.

CHAIRMAN STRAIN: Okay.

Page 167, starts with zoning verification letter.

(No response.)

CHAIRMAN STRAIN: Go to Page 168 and we go to a new section, 10.02.07.

Continues on 169 with the strikeouts. 170, 171 and 172. 172 begins with a COA for roadways.

Continues on 173, 174, 175. Then the strikeouts start on 176, go to 177, 178, 179, 180, 181, 182, 183, 184 and 185. On Page 186 we go into 10.02.08.

You got anything?

MS. CILEK: No.

CHAIRMAN STRAIN: Oh, you were nodding your head yes.

COMMISSIONER BROUGHAM: We're on a roll.

CHAIRMAN STRAIN: 187?

(No response.)

COMMISSIONER HOMIAK: We're getting to the end.

CHAIRMAN STRAIN: We're getting through it because you've done a good job. I mean, this has

probably been one of the longest in regards to number of pages but one of the most easiest to say understand, so I think you've done real well.

188?

(No response.)

CHAIRMAN STRAIN: 189?

MS. CILEK: I will say for 188, I changed the term petitioner to applicant, which is a defined term. So G, adequate public facilities. The applicant. And under G.2, the second to last word is petitioner as well, changed it to applicant. Pretty easy.

CHAIRMAN STRAIN: That's on 188, okay.

189?

(No response.)

CHAIRMAN STRAIN: 190?

(No response.)

CHAIRMAN STRAIN: 191?

MS. CILEK: Same thing on 190. The top, we had developers, plural. We're changing that to the applicant as well.

CHAIRMAN STRAIN: What line is that?

MS. CILEK: That is line 10.

CHAIRMAN STRAIN: Okay. 191?

(No response.)

CHAIRMAN STRAIN: And 192 starts with a new section, 10.02.09. It's very short and goes to 193, another section, 10.02.13.

(No response.)

CHAIRMAN STRAIN: That's on 193.

MS. CILEK: On 194 I have an item.

CHAIRMAN STRAIN: Okay, 194?

MS. CILEK: 194.2, which is PUD application, we're going to insert a sentence at the end of that provision. And what we're inserting is existing language which comes from little I at the bottom of the page, and I think it continues on to the top of your next page. What that language is is: Dimensional standards shall be based upon the established zoning district that most closely resembles the development strategy, particularly the type, density and intensity of each proposed land use. However, that was more of a standard and belonged in the LDC rather than the Administrative Code.

CHAIRMAN STRAIN: Okay. That goes -- then we move on to 195.

(No response.)

CHAIRMAN STRAIN: 196, which is all existing language.

CHAIRMAN STRAIN: 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207.

MS. CILEK: I have one on 206. And that's J, which starts off: Planned unit development districts and application processing. It's struck through in your binder, we'd like to un-strike it. We'd like to retain it. Keep it in the LDC and then keep the lettering for K and L. So dedication of the public facilities, which is K, and common open space, which is L. So un-strike J.

CHAIRMAN STRAIN: That takes us to the end of the section, and we are moving into the next section.

But it's about that time to give Cherie' a break. We don't have long to go, so let's just finish up, have a break now and then we'll come back and finish up. So let's take a 15-minute break.

THE COURT REPORTER: How about five minutes?

CHAIRMAN STRAIN: How about 10 minutes? We'll comp -- right in the middle. So let's come back at 2:35.

(Recess.)

CHAIRMAN STRAIN: Okay, welcome back from our break, and we are going to move into the final episode of Caroline's presentation today.

We're on Page 209, Section 10.02.15. It's existing language. And 210.

211 we have a change.

MS. CILEK: Yes. On 211, what we'd like to do is just remove the title, which is in italics. So we're looking at lines 10 and 11 first, deviations and alternative compliance. We're just going to remove the title. Typically when we cross-reference a section in the LDC, we just provide the numbers, 5.05.08 and then F in this case. We don't also include the title. So we're just going to clean up those sentences to make them consistent. And we're going to do that under 2.A, 2.B and 2.C. No real change, just to clean up.

CHAIRMAN STRAIN: Okay, Page 212?

(No response.)

CHAIRMAN STRAIN: Page 213 we start with Section 10.03.05. This is the required methods for providing public notice.

MS. CILEK: Right. I have one change. Under B.2 the middle sentence, I'm going to read it out loud: Accordingly provided a good faith attempt for mail notice is made. We're going to remove the petitioner and it will continue to read: Made, failure to mail or to timely mail the notice, and on and on.

And that just relays that if it's the petitioner or the county, doesn't matter, this clause will provide for either of those situations.

COMMISSIONER ROSEN: Fast question, if you don't mind.

CHAIRMAN STRAIN: Sure.

COMMISSIONER ROSEN: Just to inform me. When you get down to line number 34, when it quotes the Florida Statute, 125.66, is that the statute that tells you what type of newspaper, what type of circulation? Is that what governs that? Newspaper with so much circulation, is that what that means?

MS. ASHTON-CICKO: It just says in a newspaper of general circulation, so it doesn't say which or how --

COMMISSIONER ROSEN: Doesn't just how many. Okay, thank you, thank you.

MS. CILEK: And we'll make a note that what's really helpful about this section is the very top, it says to read this in conjunction with chapter eight of the Administrative Code. There's a lot more information about each these in that chapter. These are like the bear minimum requirements to meet for each of these types of notice.

CHAIRMAN STRAIN: Okay. 214?

(No response.)

CHAIRMAN STRAIN: Then we start our strike-outs there and continue: 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228.

We finally get to some new section, 10.03.06, public notice required hearings for land use petitions.

MS. CILEK: Yes.

CHAIRMAN STRAIN: This is one we were passed out at lunchtime.

MS. CILEK: Yes, it was.

It has a lot of yellow highlight on it. That is modified language. I'm going to go over the five main points of what we did when we revised this since you last saw it.

The first is that we updated it to accommodate the hearing examiner notice requirements. So your version in your binder didn't include those. So this will allow for the hearing examiner notice procedures, they're incorporated in here.

The second is that we added two different sections that are new. The first is under C, which is all in yellow: Ordinance or resolution for a minor conditional use. So that is the one that the hearing examiner will see. And the other one is the site plan with deviations for redevelopment. That is on the last page and it is R.

Next we cleaned up the administrative appeal section, which is --

COMMISSIONER BROUGHAM: Caroline, could I just suggest a minor strike-out or -- if you go on 232, line 36, why don't you just delete that word F-O-R at the end, and it would be consistent with item number two below it. So it would read: Public hearings are required, colon, A, instead of required for.

MS. CILEK: Okay.

COMMISSIONER BROUGHAM: You see -- then if you drop down to two that's the way you have it, the following notice procedures are required, then you list them. Saving words.

MS. CILEK: Anything else?

CHAIRMAN STRAIN: Why don't you continue with your corrections.

MS. CILEK: Correct, thank you.

We cleaned up the administrative appeal section, so that's Q. So if you want to turn to that page, it's the last one, and --

CHAIRMAN STRAIN: That's Page 236 in our book.

MS. CILEK: Perfect.

Q is an appeal -- or administrative appeal previously. And what we've done is made this specific to appeals for an official interpretation. And in doing so we removed the mail notice requirement that was previously there. It's not needed for an appeal of an O.I.

And then the last thing is that we cleaned up where project location map was necessary and either included it in here, if it wasn't addressed in the Administrative Code. If it's addressed in the Administrative Code, we didn't include it here. So it's just the most simplest we could go -- put forward on paper.

CHAIRMAN STRAIN: Okay. That takes us -- that will be 232, 233, 234, 235, 236 and 237 on the handout that we had before lunch. Anybody had any comments from that one?

(No response.)

CHAIRMAN STRAIN: We go back to our -- well, let's see, 229 has been replaced by all this, so let's see where our next pages are.

Next section would be 10.08.00, and it's on Page 234.

Then we have 235.

MS. CILEK: I have one under 10.08.00; is that where we are?

CHAIRMAN STRAIN: Yep.

MS. CILEK: Okay. First one is the title. I don't know if you have it in there. But it's actually in Muni. Code conditional uses, plural. We're just going to revise it to be conditional use procedures. It makes more sense and it looks a lot better in legal advertisements that way.

And the second is under C, application. One, we replaced petitioner with applicant. And I believe it's the second sentence.

CHAIRMAN STRAIN: What page is that you're on again?

MS. CILEK: It's under 10.08.00.

CHAIRMAN STRAIN: Right.

MS. CILEK: And then I'm under C, application.

CHAIRMAN STRAIN: Right.

MS. CILEK: C.1, conditional use application processing time.

CHAIRMAN STRAIN: Right.

MS. CILEK: And it is the second sentence.

CHAIRMAN STRAIN: Oh, the second sentence. Give me a number. Those numbers on the side, you know? They help.

MS. CILEK: Yes, but mine's going to be different.

CHAIRMAN STRAIN: Oh, yours -- I was wondering why you were avoiding that. That's the easiest way to find something.

MS. CILEK: That's exactly why I wasn't giving you the line.

CHAIRMAN STRAIN: Okay, thank you, now I can --

MS. CILEK: I'm sorry.

COMMISSIONER EBERT: Just trying to make it complicated.

CHAIRMAN STRAIN: Well, after she issued these books, she made some corrections on her machine, republished it for herself and all the numbers came out different. So then we're in a meeting talking about this and she's referring to pages that aren't the same as hers. And of course it took a little while to figure out what happened. But she's got a completely different book than we have.

MS. CILEK: Yes, I do.

CHAIRMAN STRAIN: Page 235, 236, 237, and 238.

(No response.)

CHAIRMAN STRAIN: Then that takes us through the LDC sections. We have the Code of Laws,

that's the second to the last tab and we have number one on that. But it's all -- what she's simply showing here is that all the sections that are in the Code of Laws and it's Pages 1 through 16 in our book, are all struck-throughs that were brought over into one of the other documents, so --

MS. CILEK: Yeah, I don't have any corrections on these.

CHAIRMAN STRAIN: And with that, I think, Caroline, we've finished up, have we not?

MS. CILEK: I believe so.

CHAIRMAN STRAIN: Okay. Then I think what we'd be looking for is two separate motions, one on the Admin. Code. Corby's coming in with a book.

MS. CILEK: Oh, no.

CHAIRMAN STRAIN: I thought we had more to do.

And one on the LDC section.

COMMISSIONER EBERT: Mark, have I a question.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: We had this also put in?

MS. CILEK: Uh-huh.

COMMISSIONER EBERT: In our packet --

MS. CILEK: Yes.

COMMISSIONER EBERT: -- which I went over separately, which I think is -- got some neat things put in here, Caroline.

MS. CILEK: Oh, good.

COMMISSIONER EBERT: And some very important things where everyone has to be licensed by the State of Florida, where they certify stuff. I can't tell you how important that is.

And also, the fact that you also put in here under number seven on Page 1 that the hearing examiner shall consider the applicant's justification. And I'm glad. I underlined it. I think that's very important too.

I just think so many good things have come out of this rewrite. I can't tell you, I just think between this and what's going on is going to be great.

MS. CILEK: Thank you.

COMMISSIONER EBERT: If we can just follow through. Because I find sometimes the SDP process there were -- things can kind of start going wrong. So we need a complete circle in this. But it's -- you did a beautiful job.

MS. CILEK: Well, thank you very much.

COMMISSIONER EBERT: And I didn't know if we were going to do this separately or not, but I wanted to bring it up.

MS. CILEK: Okay.

CHAIRMAN STRAIN: What document is --

MS. CILEK: She's looking at a site plan with deviations.

CHAIRMAN STRAIN: Yeah, that's the one we already went -- we went through that one earlier, just in a different format.

COMMISSIONER EBERT: Yeah, in a different format. But I had this one marked up and at the side of the book and it was in there, and that's why I wanted to bring it up. And yes, I know it was in there, but --

CHAIRMAN STRAIN: And I think the compliment on how well you did your job, as well as your assistant Ellen --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- and especially the County Attorney's Office and all their assistants. And I can tell you firsthand that everybody over at Developmental Services was individually contacted practically and provided input to Caroline as she went through this. So everybody did a real great job. We're much better off at what you've produced today, so thank you.

MS. CILEK: Definitely team work.

CHAIRMAN STRAIN: And if you ever want to think of the way it could have been, look at that 500, 600 pages I dropped off.

MS. CILEK: Like a giant door step.

CHAIRMAN STRAIN: It never saw the light of day. I don't think it ever -- it never went anywhere.

COMMISSIONER BROUGHAM: Should we bring the old ones back? I've got one at home.

CHAIRMAN STRAIN: Yeah. Well, it's got quite a bid.

So anyway, with that, we ought to consider -- we now need to look at a recommendation to the Board of County Commissioners. And I think the recommendation would be pursuant to the discussion that occurred today. And we noted as we went through this with all the conditions and amendments presented by staff and discussed by us. And we should do one separately for the Admin. Code and then another one for the sections of the LDC.

And Heidi, do we need to do the sections separately or can we just do it in a one lump recommendation?

MS. ASHTON-CICKO: A lump recommendation is fine. But as to the LDC amendments, you'll need to make a finding that it's consistent with the Growth Management Plan.

CHAIRMAN STRAIN: Great. Thank you.

So let's start with the Admin. Code. Does anybody want to consider a motion for the Admin. Code? Go ahead, Mike.

COMMISSIONER ROSEN: I consider a motion to approve to Admin. Code.

THE COURT REPORTER: I'm sorry, please move your mic closer.

CHAIRMAN STRAIN: It's going to take a while.

COMMISSIONER ROSEN: Yeah, I'm going to learn. Sorry.

I would consider a motion to approve the Admin. Code as presented, with the amendments as discussed this morning.

CHAIRMAN STRAIN: It's a --

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: -- recommendation of approval to the Board.

Seconded by Ms. Homiak.

Discussion?

(No response.)

CHAIRMAN STRAIN: I'm going to support the motion, but I am going to isolate out chapter nine. I will not be -- my affirmative vote would not be for chapter nine, I'm going to abstain from that one.

So with that, all those in favor of this motion, signify by saying aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Again, I will abstain from chapter nine, thank you.

The next one is the LDC language that has been modified, deleted, moved, changed slightly, with all the comments by staff. Is there a recommendation on the LDC language?

COMMISSIONER EBERT: I make a recommendation that we approve that also.

CHAIRMAN STRAIN: Recommend approval to the Board.

Is there a second?

COMMISSIONER BROUGHAM: I'll second.

CHAIRMAN STRAIN: Seconded by -- Barry had his hand up.

COMMISSIONER KLEIN: No go ahead.

COMMISSIONER BROUGHAM: I'm just looking forward.

CHAIRMAN STRAIN: Okay, Barry made the second.

Discussion?

(No response.)

CHAIRMAN STRAIN: I will be supporting the motion but I will be abstaining from my support for 8.10.00 which is the new number for the reasons I announced earlier at the meeting.

So with that in mind, all those in favor, signify by saying aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: All those opposed?

(No response.)

CHAIRMAN STRAIN: And I will abstain from, as I just said, 8.10.

So with that in mind I think we've completed our task for today.

Caroline, thank you. And again, everybody that worked on this, I think it's going to be a good outcome and I hope the Board agrees with it.

So with that --

MS. CILEK: Thank you. Thank very much.

CHAIRMAN STRAIN: If there's nothing else, any comments from the audience? Since Jeremy, you sat here all day, you've got nothing to say.


Okay, then is there a motion to adjourn?

COMMISSIONER BROUGHAM: So moved.

CHAIRMAN STRAIN: Okay, moved by Phil. We are out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:49 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 9.19.13 as presented or as corrected .

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