

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 19, 2014

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 5:05 p.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Stan Chrzanowski
Diane Ebert
Karen Homiak
Brian Doyle
ABSENT: Charlette Roman
Mike Rosen
Tom Eastman

ALSO PRESENT:

Caroline Cilek, Operations and Regulatory Manager
Heidi Ashton-Cicko, County Attorney's Office

PROCEEDINGS

CHAIRMAN STRAIN: Okay. Good evening, everyone. Welcome to the 5:05 meeting of the Collier County Planning Commission. This is a special meeting for Land Development Code amendments, Monday, May 19, 2014.

Will everybody please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER EBERT: Yes. Good afternoon.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Rosen is absent.

Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

And Ms. Roman is absent.

CHAIRMAN STRAIN: Okay. Does anybody -- does staff or anyone have any change to the agenda, or is the order still the same that's on their agenda?

MS. CILEK: (Nods head.)

CHAIRMAN STRAIN: Okay. For the benefit of the public, this is a special meeting. It's a zoning meeting for Land Development Code items that reflect actual zoning on the property versus just text changes and general changes in other parts of the code.

There are five zoning-related Land Development Code items that we have to address tonight, and we are going to do those five first before we get into anything else. There are 23, approximately, regular changes that are not zoning related.

I don't know what everyone's here for, but the first five are the Bayshore/Gateway zoning map change, the commercial zoning districts change in regards to conditional uses, removal of C-1/Transit zoning districts, the utilization of existing building, and adding uses to the industrial zoning district. Those are the five we'll go over first. They're required by law that we do that in the evening.

And then whatever we don't get to in the rest of the agenda tonight we will be discussing at 10 o'clock Thursday morning at the Growth Management Division building over on Horseshoe Drive. There's a big meeting room there, 609/610, and that's at 10 o'clock Thursday morning. That's where we'll continue this meeting to.

So with that, Planning Commission absences on Thursday. Does anybody know if they're not going to make it on Thursday?

(No response.)

CHAIRMAN STRAIN: Okay. Well, at least we'll have a quorum then.

***So the first advertised public hearing, or the only advertised public hearing for today, is review of the 2014 Land Development Code amendment, Cycle 1.

Caroline Cilek is the staff representative for tonight. After she makes a discussion and presentation, we will ask questions. When we get done with our questions, I'll ask members of the audience if they want to comment on that particular item.

Whether or not you've filled out a speaker slip, I'll still be asking. So if you haven't filled one out, it's no big deal. You'll still be allowed to talk.

With that, Caroline, it's all yours.

MS. CILEK: Great. Thank you so much, and good evening. Caroline Cilek, for the record.

***And the first amendment that we will be reviewing today is the GTMUD-MXD - Zoning Map

No. 0502S regarding the Bayshore/Gateway CRA, and this is an amendment to the zoning map as -- the number, as I stated, and it is going to rezone various properties located north -- on the north side of Davis Boulevard to include the overlay.

CHAIRMAN STRAIN: Could you put the map showing the overlay in red outline under the projector so everybody in the audience can see what area we're talking about?

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: Now, I noticed there was a couple articles in the paper, so if anybody was wondering or responding to that, the boxes in red towards the bottom of the page are currently zoned C-4 and C-5. Those are going to have the opportunity to enter into the Bayshore/Gateway Triangle overlay as well, and that's what tonight's action is to bring them into the overlay.

They were previously brought in by the Growth Management Plan, and this is a Land Development Code which implements that plan. And I guess we'll ask questions from there.

So, Caroline, did you have any more you wanted to add to it before we --

MS. CILEK: Nope. The important note was to include that this is just implementing the GMP as was done last year by the CRA.

CHAIRMAN STRAIN: Okay. Planning Commission questions?

COMMISSIONER CHRZANOWSKI: No.

CHAIRMAN STRAIN: I have a few. Caroline, how were the property owners notified in this area of the zoning change?

MS. CILEK: They were notified through the legal advertisement that we ran on May 1st. And in the legal advertisement, it included all of the amendments that we are here today for, including a map that identifies -- typically it's the project location, but in this instance we actually called it out that these were being -- properties that were being rezoned to include this overlay.

CHAIRMAN STRAIN: So when you said they were notified by legal advertisement, you mean just the ad in the paper?

MS. CILEK: Yes, sir.

CHAIRMAN STRAIN: So there's no mailers?

MS. CILEK: No.

CHAIRMAN STRAIN: Was there mailers for the GMP side of it?

MS. CILEK: I am unfamiliar with the GMP process.

CHAIRMAN STRAIN: Okay. I don't remember. That's why I'm asking you.

MS. CILEK: Sure.

CHAIRMAN STRAIN: Also, in reviewing the Bayshore overlay, I noticed that the uses in the Bayshore overlay don't have associated SIC codes with them, so it was hard to determine when we changed -- when someone wants to go from a C-4, as shown on here, or a C-5, and go to the uses in the Bayshore and join the Bayshore overlay, the -- there's no way to correspond those two. They just use simple verbiage instead of SIC codes. Is that something we can possibly clean up at another future change?

MS. CILEK: Well, I think that's the intent of the Bayshore when they went through their process of creating the overlay was to just utilize the generic names related to the use rather than the SIC codes. Something that we could bring up for discussion with the CRA, absolutely.

CHAIRMAN STRAIN: I think we should, because the generic -- the names can cause a problem. For example, if it says recreational, how far can you take that? Can you go to football stadiums, or can you just go to open soccer fields or what? It's not clear, and that has always got us into trouble. So maybe it's something we ought to look at at another change.

As far as the overlay, I believe the Bayshore/Gateway Triangle overlay is an opt-in or not, and I need staff to confirm that for the record so that people here know whether this is being mandatory or it's something they can join if they so decide, they can join into the overlay and how that operates. Do you have any familiarity with it?

MS. CILEK: What I understand is that the base zoning district will remain and the -- however, the design standards of the overlay do apply.

Generally, generally, those tend to be more flexible than our traditional LDC standards. So in many

cases this is a bonus. If you do, you can -- because it is an overlay, you can most certainly opt into the overlay standards for uses as well.

CHAIRMAN STRAIN: Okay. So if someone has C-4, C-5 uses there now, say they want to do retail stores or they want to do a car dealership in the case of a C-5 or even a C-4, they still have the right to do that.

MS. CILEK: Yes.

CHAIRMAN STRAIN: And they could do that under the base standards. They can retain the base standard rights, but when they lay the property out, the setbacks and other changes and architectural have to abide by the Bayshore design standards.

MS. CILEK: That is what I understand.

CHAIRMAN STRAIN: Okay. Let me make sure I don't have any more.

On the Bayshore maps, the next -- on your -- in your book there was a -- well, I'll tell you what, it would be too awkward to try to ask this question, and I can ask it separately some other time. It doesn't have relevance to anything pressing right now, so never mind.

MS. CILEK: Okay.

CHAIRMAN STRAIN: When I catch up with you, I'll show you what -- it looks like there's a typo or some kind of modification to one of the lines that doesn't seem right.

MS. CILEK: Okay. Well, we can get with our zoning map staff.

CHAIRMAN STRAIN: Okay. Anybody have any questions now?

(No response.)

CHAIRMAN STRAIN: If not, Ray, do we have any registered public speakers?

MR. BELLOWS: Yes, we have two individuals. George Stansbury, to be followed by Joseph McMackin.

CHAIRMAN STRAIN: Mr. Stansbury, if you want to come up and use one of the mikes and identify yourself for the record, we'd sure like to hear what you've got to say.

MR. STANSBURY: Good evening. Thank you very much. George Stansbury. We have heard rumors -- I live in the Brookside area, which is all of this --

CHAIRMAN STRAIN: Yeah. You've got to -- unfortunately, yeah, you've got to be on record.

MR. STANSBURY: I know. This area.

CHAIRMAN STRAIN: Okay.

MR. STANSBURY: That is a residential area. And it's bordered on some areas by water and then over to the commercial areas.

Mr. Strain, I'd like to thank you for bringing up the point of notification. If there's -- because our concerns are what these changes are going to do. And short of having caught something in the paper yesterday, we would not know that this was going on.

And so at some point if there's going to be some development or someone wants to do something, we'd like to be notified, if it's possible, by mail.

CHAIRMAN STRAIN: Unless they need a zoning, a variance, and a change to the data, they're not going -- everything is done by right. I mean, you just come in and ask for a building permit and lay your property out with an SDP when you go to --

MR. STANSBURY: Okay.

CHAIRMAN STRAIN: I mean, I don't know of any notification process within that.

MR. STANSBURY: Okay. I guess -- I've received some from the city because they kind of do a broader area of notification where -- because of the city limits close to our area.

What we have heard is that there are rumors -- and if it's not at this point, this may not be the time to bring all this up -- that they want to put condominiums -- or residential mixed use into that area. Are we at the stage of that being specific?

CHAIRMAN STRAIN: Yes. The area in red that you see there would allow mixed use. You could put -- they have a pool of surplus units in Bayshore/Gateway Triangle over the CRA. I believe it's 300 units. And those units can be spread if they meet certain criteria. You can capitalize and use some of those to add some density to some of the commercial, but it's got to be a mixed-use project.

MR. STANSBURY: Okay. The old Brookside Marina, Castaways Lounge, that area, that's where it's concerning us if there's going to be residential. One is, how does the traffic get out of there? And that's because it's hard to take a left on Davis, especially in the season.

But the specific things that the residents are looking at is light pollution. Is there some way -- or tell me at what stage that we bring up our concerns. If someone puts in residential, they'd like to put in security lights, accent lights, and all of this would be going back into bedrooms right across the water and reflecting in.

Residential noise. Are they going to put a pool in? Is there going to be a community center, you know, where everyone can have a party on Friday and Saturday night for birthdays?

Noise. Is there going to be amplified, live music? What restrictions can we put on for that?

Garbage pickup. As it is now, we get the clang and bang at 4:30 in the morning when they're picking up dumpsters at some of the restaurants around the corner in there at Brookside Marina. And is there -- you know, perhaps we could site some of those things closer to Davis.

If they put in residential, we're also -- you know, where's the parking going to be? How might the parking noise, headlights at night, again, going back into bedrooms, affect the area, affect the residential areas?

And then another concern -- and this may be all addressed under code -- is water retention and filtration into the estuary area there as well as the mangroves that are currently along that area.

CHAIRMAN STRAIN: And every one of the items you just mentioned is addressed in the code. Now, I don't know if it's to the extent you wish it to, but besides the code that has this overlay on top of it that further addressed it, are you -- does your group actively participate with the CRA, Jean Jourdan, and the CRA in Bayshore?

MR. STANSBURY: No.

CHAIRMAN STRAIN: You may want to start attending their meetings. They would get the first heads-up on any of this because the decision to move the density, they would be -- they would be involved in that. The density is really theirs. And when projects come in to qualify for the density, it has to be asked for and requested based on certain criteria.

The CRA would be involved in all of it, and they've been very responsive to the public in the area, so you may want to get together with them and start attending their meetings. And you'll get a heads-up, before we even do, as to what they're planning for that area.

MR. STANSBURY: Okay. So as I understand it, this is all to be voluntarily in?

MS. CILEK: So the overlay will be as it is outlined in red, and people -- the dimensional and design standards will apply, but people can opt into the additional uses. So -- but the base zoning is still remaining.

MR. STANSBURY: Okay.

CHAIRMAN STRAIN: If they, for example, decide to do a mixed-use project and they want some of that density, they'd have to get with the CRA, they'd have to meet the criteria for the density, but at the same time they don't get that unless they opt into the program. Under the base density, that base zoning there now, they don't have that opportunity.

MR. STANSBURY: Okay. So this is giving them the option if they want to --

CHAIRMAN STRAIN: Right.

MR. STANSBURY: Okay. That answers that.

CHAIRMAN STRAIN: And the more familiar you get with the CRA, they can give you sets of their standards and criteria -- they have all that -- and that would be a handy thing for your group to have, see how it fits with your concerns.

MR. STANSBURY: Thank you very much for your time.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Joseph McMackin.

MR. McMACKIN: Thank you. Good afternoon, Commissioners. My name is Joseph McMackin. My office is at 4001 Tamiami Trail, and I am here speaking this afternoon for Dennis R. Combs, who regrets that he is unable to attend in person, but he is in Atlanta on business.

Mr. Combs owns the property at the northwest corner of Davis Boulevard and Airport Road. It's actually described as Lots 29 through 34, Rock Creek Park.

Dennis' family acquired that property in the '50s; probably had to drive off the Seminoles in order to do so, but they have owned it continuously for over half a century, and they have operated it as a service station, a retail service station and an office for Combs Oil distributors recently.

Mr. Combs is a fine man, and I believe that the intersection of three issues has -- is causing him extreme economic hardship.

First, he has been advised by the county that they intend to condemn his property entirely in order to make a right-hand turn lane off Airport Road onto Davis Boulevard.

Now he understands that they are downzoning the property. The young lady indicated that although the C-5 use remains, the setbacks and design standards of the overlay district must be adhered to, which essentially deprives him of the right to -- because the property is small, of operating a service station or his business.

And, thirdly, anticipating that he would need a bigger and more -- a long-term location, about six years ago he purchased property. It's the property that you-all may remember had the tall fire tower on for many years, and before that it was the original Swamp Buggy grounds.

And when the state put away the need for a fire tower, he acquired the property by bid, and he subsequently built on the property a state-of-the-art oil distributor's location for storage of fuel and petroleum products. He received a permit, and he finished construction about four years ago.

Well, he's still at the corner of Airport Road and Davis Boulevard in a building which, if you drive by, you will be impressed by its grandeur, because even though he built his new storage facility in accordance with the county permit, he can't get a certificate of occupancy because the fire department has imposed either new or additional standards. They have continued to have inspections, given him instruction as to what changes he must make, came back -- comes back to inspect those changes, then has new changes they want to make. This has been going on for four years. Sometimes he's had as many as five or six inspections in a month, and he still cannot use his storage facility.

So we have a man who has been in business for more than half a century, and now he is going to lose his property, and he really has no place to go.

And I suggested to him that he speak this afternoon to express his dismay at this squeeze that he appears to be in and that you consider the hardship that this is imposing upon a man who has been in business in the community for a long, long time.

Thank you very much.

CHAIRMAN STRAIN: Some of the issues you brought up we are not involved in.

MR. McMACKIN: Yes, sir.

CHAIRMAN STRAIN: It's good background information. I am familiar with his struggle with the fire department. I think there's a lot of businesses that share that struggle.

As far as the property's go that he's operating on now, I can't say anything about the condemnation because I'm not aware of the issues there, but he can continue to operate. This -- whatever's happening here today or might happen when the board endorses it isn't going to affect his property and what he's doing on his property at all today.

MR. McMACKIN: Yes, sir.

CHAIRMAN STRAIN: In fact, if anything, the standards may enhance his ability to do more in some regards regarding setbacks, not necessarily zoning. If he stays in the base zoning district, I don't see a problem with him staying there operating like he is now. I don't know if -- does staff see anything that --

MS. CILEK: No.

CHAIRMAN STRAIN: That is not the intention of this overlay.

MR. McMACKIN: The property, Commissioner -- the problem, Commissioner, is that the property cannot be sold and a new retail petroleum facility put in there because it would not meet the standards. Essentially, yes, he can use his one-room shack and parking lot, as he has used, until at some point he can move into his facility.

But in the meantime, the county is condemning it. And when they condemn it, as a purchaser they

say, well, you know, this property has less value now because we cannot use it, you cannot use it up to its potential because of the setbacks, and that seems unkind.

CHAIRMAN STRAIN: And -- now, that is not an issue for tonight's meeting but, you know, you may want to look at doing a post-take plan in regards to that condemnation. Those are -- we have a provision in the code that allows for those kind of thing to happen, and they do address changes to the property as a result of any government taking. Changes including setbacks and buffers, parking, all the issues that you may find problems with you might find some kind of resolution in a post-take plan.

And our county attorney has a lot of experience in eminent domain cases and condemnation, and I'm sure that if you look at that as part of your operation, you may find there's some relief there for you.

MR. McMACKIN: Thank you.

CHAIRMAN STRAIN: That's nothing to do with tonight's hearing, but it's just an offer.

MR. McMACKIN: Thank you, Commissioner. I appreciate it.

CHAIRMAN STRAIN: Okay. Thank you for your time. Is there anybody else in the public that would like to speak on this particular issue?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I'm looking for a motion from the Planning Commission.

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

CHAIRMAN STRAIN: Motion would be to recommend approval of this to the Board of County Commissioners, recommend for approval.

COMMISSIONER HOMIAK: I'll make that motion.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Motion made by Ms. Homiak, seconded by Mr. Chrzanowski.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Okay. The next item up is B; is that right, Caroline?

MS. CILEK: Yep. We are moving onto the next amendment, which is 2.03.03, commercial zoning districts, et cetera, removal of obsolete C-1/T zoning district and a couple other amendments with the same issue.

And this is a staff clarification, and we are just cleaning up this -- these LDC sections. The C-1/T zoning district no longer exists. It's just the C-1.

CHAIRMAN STRAIN: And it was found in review by one of the county attorneys, Scott Stone, in reviewing documents. He couldn't figure out what that applied to. And, sure enough, it doesn't apply to anything. The slash T was something we dismissed a long time ago, so this just is a grammatical clarification.

Motion?

COMMISSIONER CHRZANOWSKI: What did it used to apply to?

CHAIRMAN STRAIN: I found it at one time. I can't remember right now. Do you remember, Caroline?

MS. CILEK: I don't. It was like --

COMMISSIONER CHRZANOWSKI: Okay. I don't really care.

MS. CILEK: Well, maybe it was a transition when they were moving from one type of zoning to

another type of zoning, and they were changing the whole code, so --

CHAIRMAN STRAIN: I think it might have been -- oh, David probably knows. He's anxious to come up to the mike.

COMMISSIONER CHRZANOWSKI: Just curiosity.

CHAIRMAN STRAIN: You know that killed the cat.

MR. WEEKS: David Weeks, Collier County comprehensive planning commission section.

Commissioners, that goes back to the early 1990s when we were implementing a zoning reevaluation program, and one of the provisions was rezoning properties to provide a transition of uses from a commercial intensity on one side to noncommercial on the other, and so that zoning district was created for that purpose and then over time was no longer needed. That program was completed and, ultimately, the zoning district was no longer needed.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Heidi, for the convenience of this board and following what we're voting on, can we reference the voting item as the letter it's been provided to in our packet? This would be Item B instead of having to repeat all the various LDC sections that are referenced in the --

MS. CILEK: I would like to make one note.

CHAIRMAN STRAIN: Pardon me?

MS. CILEK: I would like to make one note, which is that your agenda has A, B, C, D, E, F, G in letter; a lot of them have numbers. Unfortunately, the wrong one got printed off. They're the same, just different in the -- I apologize.

CHAIRMAN STRAIN: Okay. Well, whoever makes the motion, you have to read off the three LDC sections, just the numbers in your motion.

So is there a motion from the Planning Commission?

COMMISSIONER CHRZANOWSKI: Yeah. I move we approve Item 2.03.03, commercial zoning districts, et cetera/removal of obsolete C-1/T zoning district; (i) 4.06.02, buffer requirements; and (ii) 5.03.05, caretaker residences.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Seconded by Brian.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is my Agenda Item C, which nobody else has.

MS. CILEK: It's three.

CHAIRMAN STRAIN: Go ahead, Caroline.

MS. CILEK: Okay. This is Amendment 2.03.03 A, commercial zoning districts adding conditional uses to the C-1 through C-5 zoning districts. And I can -- if we want to go to that LDC amendment, there are a couple of different changes we're making.

We are adding SIC code 5812, which is eating places, with standards and additional considerations as a conditional use within the C-1 zoning district.

Within the C-2 zoning district, we are adding SIC Code 5722, household appliance stores; 4493, which is marinas; 8699, which is membership organizations not elsewhere classified; and SIC Code 7299, miscellaneous personal services not elsewhere classified. And we identified those that are not in the zoning

district, knowledge of those that are to be excluded.

Within the C-3 district, we are adding SIC Code 5511, motor vehicle dealers with limitations, I believe; SIC Code 8071, medical laboratories; SIC Code 8092, kidney dialysis centers. Actually, I should probably -- 8099, health and allied service not elsewhere classified; SIC Code 7352, medical equipment rental and leasing; and SIC Code 7997, membership sports and recreation clubs with limitations.

And within the C-4 zoning district, we are adding SIC Code 5 -- 5512, boat dealers; 5599, automotive dealers not elsewhere classified; and 5561, recreational vehicle dealers with limitations.

And then one in C-5, which is the SIC Code 4783, packing and crating.

CHAIRMAN STRAIN: That was a mouthful. Thank you.

Does anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Caroline, under the C-3 section --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- conditional uses, automotive dealers.

MS. CILEK: Yes.

CHAIRMAN STRAIN: The 5511, where it says quick lube, I think you want to strike the words "quick lube." I think it was the number of service bays.

MS. CILEK: Will do.

CHAIRMAN STRAIN: Okay. Because I don't know what quick lube is compared to anything else, so I'm not sure that's necessary.

And under the C-1 uses, eating places primarily intended to serve employees and customers of the permitted use.

MS. CILEK: Okay. So under C-1, these are all proposed conditional uses, so eating places is identified as a conditional use as well.

CHAIRMAN STRAIN: Okay. And that is -- and it's got four or five criteria. Okay, good.

MS. CILEK: It does. It has criteria for the operation of one and then additional considerations for either the Planning Commission or the hearing examiner to consider when it comes forward.

CHAIRMAN STRAIN: As far as the DSAC recommendations, can you explain those? They had three recommendations.

MS. CILEK: Absolutely. Their recommendations were for the C-1 -- well, we actually incorporated the first one. I'm not going to go into that one.

For the C-3 conditional use, consider adequacy of the buffers rather than enhancement of the buffer, so that one is dealing with the motor vehicle one, I believe. Yep.

CHAIRMAN STRAIN: I don't have a --

MS. CILEK: Page 12.

CHAIRMAN STRAIN: I don't think there's a problem with that from this side. Nope.

MS. CILEK: So would you prefer "adequacy" rather than "enhancement"?

CHAIRMAN STRAIN: I don't see that it hurts to change it if that's what DSAC recommended. I don't have a -- I don't know if anybody here's got a reason to be -- that works.

MS. CILEK: Okay. It's going to vary depending on, you know, the zoning district there and the existing conditions.

CHAIRMAN STRAIN: That will work.

MS. CILEK: Okay, "adequacy."

And then the last note is within the C-3 permitted uses section. Just a little note that this is already identified in the C-3 permitted use section as lubricating service, automotive, i.e., quick lube stations, so there might be some overlap. But if they are, indeed, going into the automotive services that's outside of that, outside of lubricating services, then they would go through the CU.

CHAIRMAN STRAIN: Okay. That was mostly informational.

MS. CILEK: Yes. That one was informational.

COMMISSIONER EBERT: If it's other than that, it's going to go to the CU?

MS. CILEK: What we're trying to say here is that there is some overlap with what is going to be --

what is permitted and what is conditional, and so just a note that you can do some types of this type of use within the C-3 district already. But if you go beyond that, then you'll go through the CU.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Any other questions?

(No response.)

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

(No response.)

CHAIRMAN STRAIN: Okay. We will be -- as soon as we get these five items done, I'll ask all of you what you're here for, and we'll go right to your item in order that we can, and that way we'll get to the thing you're most concerned about tonight, hopefully, before too long.

COMMISSIONER CHRZANOWSKI: Mark, could I ask something? Usually when people come here for one item, they talk about that item, and when we vote on it, they get up and leave. I notice you folks didn't. I assume you're staying for something else?

CHAIRMAN STRAIN: Well, we'll find that out --

COMMISSIONER CHRZANOWSKI: Just more a curiosity.

CHAIRMAN STRAIN: I'm sorry. You need to use a mike, and we'll --

COMMISSIONER CHRZANOWSKI: I can't talk to you directly.

CHAIRMAN STRAIN: No, you can talk, but we've just got to get them to use mikes, that's all.

MR. McMACKIN: I'm sorry. No, I'm not here for anything else. I just didn't want to disrupt the meeting by getting up and leaving. I was going to wait for a convenient time. I apologize.

CHAIRMAN STRAIN: No, that's fine.

MR. McMACKIN: Now that I've done it, I will leave.

CHAIRMAN STRAIN: He's the only one -- he's new, okay.

MS. CILEK: We enjoy the company.

CHAIRMAN STRAIN: He hasn't been through one of these before. And by the way, we will be taking a break at 6:30 for 15 minutes.

So there's no comment from the public -- go ahead.

MS. CILEK: I have one note. I wanted to ask what you thought. On Page 7, we have at the very top under the 5599 automotive dealers not elsewhere classified, it's basically the same language that's flipped. It says, trailers, utility-retail, and then utility trailers-retail, and there was a question as, are they just the same thing, and maybe I should just strike one, so we don't --

CHAIRMAN STRAIN: Yeah, they are the same thing.

MS. CILEK: Okay.

CHAIRMAN STRAIN: I don't know of any difference.

MS. CILEK: I'm going to strike that.

CHAIRMAN STRAIN: Yes, ma'am. Do you want to --

MS. GROSS: Just one question.

CHAIRMAN STRAIN: Go ahead and use the mike. No. You have to get close to the mike so we can -- you have to be on record; that's why the mike's used.

MS. GROSS: My name's Joni Gross, and I live in the Brookside subdivision.

CHAIRMAN STRAIN: Thank you.

MS. GROSS: I just wanted to know if we could get a -- if it's possible tonight at this meeting to get a copy of the map that was put up on the overlay, because I'm very confused on the boundaries.

CHAIRMAN STRAIN: That guy there with the full head of hair, he's the one that will be -- can -- if you leave him your contact information, he could email it to you or mail you one if he hasn't got an extra one tonight.

MS. CILEK: And I can give you mine.

CHAIRMAN STRAIN: Oh, okay, good. Mine's electronic, and I can't just send it.

MS. GROSS: Thank you very much.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: Thank you.

Okay. Is there a motion on this particular item, 2.03.03? Anybody?

COMMISSIONER HOMIAK: I'll make a motion to approve the 2.03.03 commercial zoning districts adding conditional uses to C-1 through C-5.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Second by Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you.

Next one up is --

MS. ASHTON-CICKO: And that was approval with the changes that were noted earlier, correct?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Yes. Is that okay with you, Stan? Approval was with -- or, Diane, I think you made the second.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay.

***Next item up is 2.03.03, commercial zoning districts.

MS. CILEK: Yes, utilizing existing buildings. So this amendment will allow for existing structures in the C-2 and C-3 zoning districts that exceed square foot limitations for specific uses that are permitted to be occupied by those.

So, for example, you have a building that is 2,000 square feet. This amendment would allow for that existing structure to be filled by a use that has a square foot limitation of 1,800 square feet. So slightly less can go into that existing building.

CHAIRMAN STRAIN: And the prime example of this is the Rex building on the East Trail.

MS. CILEK: Yes.

CHAIRMAN STRAIN: It's been sitting there vacant because when they built it to today, the rules have changed, and anybody trying to go in and use it as one building, it's too large. So this would fix buildings like that and, actually, they would hopefully spur improvements to our community.

MS. CILEK: And it will help out 13 different uses in the C-2 district and about 17 in the -- I actually have a number -- 17 in the C-3 use, C-3 zoning district, sorry.

CHAIRMAN STRAIN: Okay. And I didn't have any questions on the language.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Are there any members of the public wishing to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there motion?

COMMISSIONER CHRZANOWSKI: Move we approve Item 2.03.03 B, commercial zoning districts, utilizing existing buildings.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Second by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next item up is --

MS. CILEK: Make one note. Just one overlay that DSAC would like to -- the DSAC/LDR subcommittee would like to have the square foot standards in all of the commercial zoning districts looked at.

CHAIRMAN STRAIN: They already are being, aren't they? Isn't that one of the assignments that you already have?

MS. CILEK: It may be.

CHAIRMAN STRAIN: Okay. Well, no disagreement there.

***Next item, Caroline, is 2.03.03, commercial zoning districts, in particular 2.03.04, industrial zoning district.

MS. CILEK: Yes. And this amendment seeks -- well, this amendment follows a staff clarification which looked at physical fitness facilities. And what we're doing here is we're adding several uses to within the C-3 zoning district, I believe, and one within the industrial zoning -- or two within the industrial zoning district.

So this has been a long-time discussion about allowing dance-type studios, instruction of, you know, yoga and gymnastics within certain zoning districts. And so following a staff clarification, we are implementing that in the LDC.

And so what we're doing in the C-3 is removing it from the conditional use section up into the permitted use section and then also in the industrial zoning as well.

So we were adding those type of activities under No. 38, physical fitness facilities, with some limitations, and also in exception of discoteque -- just wanted to say that -- and then also miscellaneous services, which allows for some use of artist-type studios in the industrial zoning district.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Ray, do we have any registered public speakers?

MR. BELLOWS: No one has registered.

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

Mr. Pires, I knew you were sitting there for a reason.

MS. CILEK: Yeah, we do have one.

CHAIRMAN STRAIN: We do have one?

MS. CILEK: Which is Mr. Pires, yes. I was like, Ray --

CHAIRMAN STRAIN: You must have looked right over the top of him, Ray.

MR. PIRES: It's not hard to do, even when I'm standing up.

If I may, Mr. Chairman, members of the commission and members of the staff, if this is the appropriate time to discuss my letter, my correspondence, my request --

CHAIRMAN STRAIN: Yes.

MR. PIRES: -- involving the industrial district. For the record, my name is Tony Pires from the law firm of Woodward, Pires, and Lombardo, and I represent the Naples Soap Company, and they are renting a facility over in Trade Center Way in the industrial district.

About -- last year, about June or so, we had a preapplication meeting with county staff because prior

to that time my clients had invested substantial sums of money in a system designed to take care of the soap manufacturing process as well as the lotions and creams that they would manufacture at this facility, and then they found out that they couldn't get a business tax receipt because the SIC code for that soap manufacturing made that a conditional use.

Had a preapplication meeting with Nancy Gundlach in June and because of -- at that time the county was going through the process of adopting the hearing examiner or hearing that process, to adopt the hearing examiner process. And an application wasn't filed then. The decision was made, in essence, to wait and see what happened in the fall when that process finally came to fruition.

Unfortunately, there were other issues that sidetracked my filing any conditional use request. And as I was getting ready to do that about a month or so ago, I noticed this amendment cycle. And I thought, perhaps, since this is an opportunity -- and the Planning Commission historically and the county has historically been very open to public requests and participation in this process, that there'd be an opportunity, perhaps, to make some changes in the industrial zoning district to change the soap manufacturing.

And then, in rereading my notes and going back through some other notes, the lotions and cream manufacturing, move it from a conditional use to a permitted use.

In the correspondence that I provided to you, you'll see that there's some interesting permitted uses of manufacturing in the industrial district that I think are more intense than soap manufacturing and lotions and creams.

By way of example, 3471 is one of the groups, and chromium plating of metals and formed products, you know, acid dipping and chroming;

Decontaminating and cleaning of missiles and satellite parts is a permitted use, but soap manufacturing is a conditional use.

Sand blasting of metal parts is a permitted use where soap manufacturing lotions and cream is a conditional use.

Preserving of wood and creosoting of wood is a manufacturing process that's a permitted use in the industrial, and I would submit to you that soap manufacturing, creams and lotion manufacturing is much less intense and consistent with those uses as permitted uses.

What I would request, then, is the opportunity, if the Planning Commission could make a favorable recommendation to the county commission. And I know you're going to have a second -- maybe a second hearing this following Thursday depending upon how far you get tonight, but to make a recommendation to move soap manufacturing, 2841 in the SIC code, and lotions and cream manufacturing, 2844, from conditional uses to permitted uses in the industrial district and request your favorable consideration.

And, again, thank you for the opportunity. Having the amendment cycle is a good opportunity for the public to be able to come up and make their own requests for glitches; otherwise, we'd have to be paying a \$5,000 filing fee and go through that entire process. We appreciate the opportunity.

And this is a home-grown business. Naples Soap Company received Business of the Month back in January 2013, and we appreciate any favorable consideration of this request.

And we're available for any questions from the board or from staff -- or Planning Commission or staff.

CHAIRMAN STRAIN: Well, Tony, this is the opportunity to introduce things. That's why these meetings are held is to get input from the public, but we need to make it specific and understand limitations.

The 2841, do you have the SIC sheet that would describe to us what that entails?

MR. PIRES: If I may, I have copies to hand out of 2841 and 2844.

CHAIRMAN STRAIN: Why don't you put 2841 on the overhead. That would make it -- then everybody can see it. Is that --

MR. PIRES: It's small font, so Elmo better have his magnifier ready.

CHAIRMAN STRAIN: She can expand it.

MR. PIRES: I also have copies, if I can pass out to the Planning Commission members and staff.

CHAIRMAN STRAIN: Sure. Which one of the bullets on this -- when you get back to your microphone. Thank you, sir.

Tony, what I would rather -- and I read your letter, and your idea is to amend Section

2.03.04(A)(1)/C-3 to split the required conditional uses to take 2841 out of it and put it in a permitted use.

MR. PIRES: Correct.

CHAIRMAN STRAIN: I would rather we leave that section as it is and just add as a permitted use 2841 limited to the specific bullet that's on the sheet that's on the overhead.

MR. PIRES: And as I understand, Mr. Strain, we had that conversation, and I appreciate that consideration and thought. And I think that the one that fits is the bullet that says soap, granulated liquid, cake, flaked, and chip would qualify, because it's for human use. It's not dishwashing, not dye-removing cream, to my knowledge.

CHAIRMAN STRAIN: And by not changing the conditional use section, then that still stays there but for all the other uses that are intended.

MR. PIRES: I think it would be appropriate. And, again, my client is out of town, so I didn't have a chance to discuss that with them, but I believe that would be appropriate.

CHAIRMAN STRAIN: Now, if we were to apply the same scenario to 2844 --

MR. PIRES: Yeah, that one is going to be -- is more comprehensive. I think that -- I would suggest and request that all of 2844 be placed in the permitted-use category, because it talks about shampoos, hair shampoos, shaving preparation, soap, powders, creams, toilet preparations, toilet creams.

I'm not aware of any denture cleaners, but --

CHAIRMAN STRAIN: Is there any comments from the Planning Commission?

COMMISSIONER CHRZANOWSKI: I'm just curious. I assume Naples Soap Company is a small place. Would this allow, like, Lever Brothers to come in and build a massive facility somewhere?

CHAIRMAN STRAIN: If they were building soap limited to granulated, liquid, cake, flaked, and chipped (sic). Other than that, they'd need a conditional use.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: So if they're doing bars of soap like you get at the flea market, for example, or anything like that, I mean, that's all we're -- to me it seemed kind of mild. I didn't know why we had it as a conditional use in the first place, but I don't -- anybody else have any concerns?

(No response.)

CHAIRMAN STRAIN: And as far as the 2844, I mean, those are all cosmetics. And, again, I don't think those are nearly as harmful as the industrial zoning districts that we have in the county operating the way they are today, so --

MR. PIRES: I'm just fascinated by the decontaminating of missiles in the industrial district.

CHAIRMAN STRAIN: Well, if you ever go up in a missile and you need it decontaminated, you bring it here in Naples, and we'll have something for you, that's for sure.

COMMISSIONER EBERT: We can help you out.

CHAIRMAN STRAIN: Are there any other comments?

MS. ASHTON-CICKO: Could I just ask a question?

CHAIRMAN STRAIN: Sure.

MS. ASHTON-CICKO: Does that include, like, testing on animals?

MR. PIRES: I'm not aware of any testing. I think it's just -- it's the manufacturing.

MS. ASHTON-CICKO: Okay. So that would not include the testing of these perfumes and so forth on animals?

MR. PIRES: I don't believe, Heidi --

CHAIRMAN STRAIN: If it did, are you -- is it --

COMMISSIONER CHRZANOWSKI: It's not a laboratory facility.

CHAIRMAN STRAIN: Yeah.

MS. ASHTON-CICKO: Okay. I just wanted to confirm that that wouldn't be part of it.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay. Well, I don't see it on there, Heidi, anywhere, and it's not listed in the preamble either, so --

MS. ASHTON-CICKO: Thank you.

CHAIRMAN STRAIN: Okay. Did anybody else have any questions?

MR. PIRES: But I'll double-check that between now and the next meeting, Heidi, but I don't believe it does, based upon my reading of it.

CHAIRMAN STRAIN: Any members of the public wish to discuss this item further?

(No response.)

CHAIRMAN STRAIN: Okay. Then, Caroline, what we'd be adding to the principal uses is 2841 limited to soap, and those other items listed: Soap; granulated, liquid, cake, flaked, or chip; and we'll be adding No. 2844, which is perfumes, cosmetics, and other toilet preparations.

MS. CILEK: Okay.

CHAIRMAN STRAIN: With that, is there a motion from the Planning Commission?

COMMISSIONER EBERT: Yes.

COMMISSIONER CHRZANOWSKI: Yeah. I'll move we approve Item 2.03.03 C, commercial zoning districts, adding uses, and I, 2.03.04, industrial zoning district, and adding the additional uses that Mr. Pires said about soap.

CHAIRMAN STRAIN: And cosmetics.

COMMISSIONER CHRZANOWSKI: And cosmetics, yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Second made by Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. PIRES: Thank you very much for your consideration.

CHAIRMAN STRAIN: Thank you, sir.

Now, that takes us to the end -- go ahead, I'm sorry.

MS. CILEK: May it please the board if I put at the top where the origin is that this came from both staff clarifications and the Planning Commission.

CHAIRMAN STRAIN: Yes.

MS. CILEK: Okay.

CHAIRMAN STRAIN: That would be fine.

Now, Caroline, I believe that gets us past the zoning related amendments; is that correct?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay. So now we would move into item -- on mine it would be F, but I believe it's kitchens and dwelling units. Is that -- oh, no. I'm sorry.

MS. CILEK: Yes, guesthouses?

CHAIRMAN STRAIN: I forgot my -- no. Wait a minute, before we go any further, I don't know what everybody's here for, but we're here to address the concerns of the public first and foremost.

So I need you to tell me what amendment you're here for so we can move to it and not make you sit here til late in the evening unless you just enjoy this. So -- and I don't know how to do this.

Sir, could you just tell us what you're here for?

UNIDENTIFIED SPEAKER: Design standards for development in Bayshore/Gateway Triangle.

CHAIRMAN STRAIN: Okay. Well, you're the first one to stand up, so let's move right to that. As soon as Tony leaves Caroline alone for five minutes --

MS. CILEK: I'm sorry.

MR. PIRES: I'm sorry. No, my apologies. I was following up on Heidi's question. I think unfortunately, or fortunately, I think animal testing may already be a permitted use in another category in the industrial district.

CHAIRMAN STRAIN: Just don't tell PETA.

MS. CILEK: It appears --

MR. PIRES: 8734.

CHAIRMAN STRAIN: Caroline?

MS. CILEK: Yes.

CHAIRMAN STRAIN: The gentleman that stood up said that he's here for the Bayshore architectural standards. Can we move to that one, please?

MS. CILEK: Yes. That is No. 4.02.16, design standards for development in the Bayshore/Gateway Triangle redevelopment area.

CHAIRMAN STRAIN: Okay.

MS. CILEK: I'll get there myself.

Okay. So this amendment -- in this amendment we worked with the Bayshore CRA to identify that the cultural -- if you go to the last page of the amendment -- actually, I'm going to put it up there, very helpful. It has a cultural district boundary. And in this area of the CRA, more vibrant colors will be allowed, and then outside -- and vibrant colors, I mean like a hotter, more colorful -- like different colored hues. I am very bad at describing color, wow. Vibrant, kind of Key West style, you know, your hotter blues, your hotter blues.

CHAIRMAN STRAIN: Cheerfuller. Would that be --

MS. CILEK: Oh, man. And they'll be allowed, per the LDC, as a right in the cultural district boundary. And then outside of that within the CRA boundary itself, you would go through an administrative process to ask for a deviation for your paint color, and then there is criteria for staff to review. And that's -- and we just did a little bit of cleanup as well. But it's pretty simple. Really just to allow for more vibrant colors.

CHAIRMAN STRAIN: You're talking too fast for Terri. Diane had to say that to me so I can say it to you.

MS. CILEK: I will slow down.

COMMISSIONER EBERT: You know when you're reading, you just --

CHAIRMAN STRAIN: And you're not talking in the mike, so both of you are putting Terri through torture here tonight.

Does anybody from the Planning Commission have any comments on this particular one?

(No response.)

CHAIRMAN STRAIN: Okay. Sir, if you want to come up and state your name if you still have questions about it. If not --

UNIDENTIFIED SPEAKER: I'm fine.

CHAIRMAN STRAIN: Okay. With that, is there a motion from the Planning Commission?

COMMISSIONER HOMIAK: I'll make a motion to approve 4.02.16, design standards for development in the Bayshore/Gateway Triangle redevelopment area.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

COMMISSIONER DOYLE: I second.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. Thank you.

Now, who wants to stand up and tell me what they're here for, and we'll get right to your issue, and you can go home and have dinner while we can't, so -- well, if you don't say anything, we're just going to slog on through this, and we could take a while to get to your item.

Sir, in the -- did have you something?

UNIDENTIFIED SPEAKER: No. Move on.

CHAIRMAN STRAIN: Okay. We will move on then.

***Let's go back to Item F, and that was kitchens and dwelling units, guesthouses, and general definitions.

Caroline?

MS. CILEK: Yes. This is also a staff clarification. About 10 years ago, growth management staff and the building department put together two different guides. One is a staff clarification. The other is a building block, and they mirror each other.

And what we did was try to -- for the purposes of reviewing a building permit by the zoning department -- put together criteria of what a kitchen is. So we looked at these staff clarifications, and although we couldn't institute them verbatim, we tried to take the important pieces.

And I worked with staff, Ray and Mike Bosi, to identify those pieces and implement them in the LDC so that it is clear when we take a look at a site of a house, that we're identifying a kitchen versus a non-kitchen or what is a wet bar. So those are the types of things that we implemented here in this amendment.

We did -- when it comes to the numbers, for example, the 6-foot countertop for the wet bar, we continued to use the standards that had been identified long ago. So some of those we just kept with but are open for discussion once we got here.

I have some DSAC recommendations as well.

CHAIRMAN STRAIN: Okay. Why don't you go over those with us.

MS. CILEK: Okay. The first one is to remove the 6-foot countertop limitation for a wet bar and then address whether outdoor kitchens are considered a secondary kitchen.

CHAIRMAN STRAIN: From DSAC's perspective, what was their concern with the -- why'd they want that removed, the counter limitation?

MS. CILEK: Well, I believe it's because 6 feet -- they -- if they were here, they would probably say that it's an arbitrary determination of a countertop, although I believe a lot of numbers are arbitrary simply because we can't use, like, scientific methods to come up with some of these numbers.

But it was a number that was decided on long ago as a, you know, fast rule to just be able to review permits quickly. And I think that time of that six foot may have passed, and we may not need to apply that and may allow for wet bars to be -- you know, as long as they're not a kitchen and they're determined to be a wet bar, then that's okay.

CHAIRMAN STRAIN: And then the second one -- address whether the secondary kitchen can be considered an outdoor kitchen area. Well, it would have to be outdoors then, right?

MS. CILEK: Right. Sometimes they look like a full kitchen, right? They're in the barbecue area or something like that. They just wanted to make sure that either we put it in the writeup or we talked about it, that it's not considered a secondary kitchen.

CHAIRMAN STRAIN: Okay. And I -- and thinking back on the Pelican Lakes accessory sheds, remember they wanted outdoor kitchens in those? They ended up being indoors to the shed, but that wouldn't have triggered this; would it have?

MS. CILEK: Well, in this instance, did they meet the full description of a kitchen?

CHAIRMAN STRAIN: Oh, yeah. They called them kitchens, but they allowed them in a storage -- actually, it's a -- they called them a casita; isn't that it?

MR. BELLOWS: I think that's probably more appropriate, or kitchenette or --

CHAIRMAN STRAIN: Because it's a PUD, I guess, that would make it a -- it would make it

unique.

MS. CILEK: I don't believe, though, because if you look at the definition, B under 4.01.02, or it's really not a definition. It's just a description. It says a dwelling unit containing 2,500 square feet of living area or greater may have a secondary kitchen, provided all rooms are internally accessible and the secondary kitchen is only accessible to the main dwelling unit, and I think that is interpreted as being within the dwelling unit, but one can interpret it as being like you walk through the main dwelling unit and then outside.

CHAIRMAN STRAIN: So the first DSAC request would be to remove on Page -- I think it's Page 3, the A2; is that correct?

MS. CILEK: On Page 3 I have definitions of --

CHAIRMAN STRAIN: Okay. Section 4.01.02 A(2).

MS. CILEK: Well, I don't think it's to remove it. I think it's just to either make the number greater or a sink with countertop, which is not identified for use other than food preparation. So just the six foot isn't necessary. The sink part is, though, and the countertop is as well.

COMMISSIONER EBERT: So just remove the six feet.

CHAIRMAN STRAIN: The reference to six feet for the length of the countertop.

COMMISSIONER CHRZANOWSKI: Or more.

CHAIRMAN STRAIN: Yeah. The sink and a countertop, which is not identified.

MS. CILEK: And that's the important part is if it is identified for something else, like a washroom or a sewing room but you have a sink as well, then, you know, it wouldn't meet this criteria. That "identified for" is actually very important.

CHAIRMAN STRAIN: Okay. I understand.

Anybody have any questions from the Planning Commission?

(No response.)

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

(No response.)

CHAIRMAN STRAIN: Is there a vote from the Planning Commission?

Don't you guys all run over -- there's a rush now. Brian?

COMMISSIONER DOYLE: Okay. I make a motion that we amend -- approve Amendment 1.08.02, definitions guesthouses, (i) 4.01.02, kitchens and dwelling units; and (ii) 5.03.03, guesthouses.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I'll second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Diane seconded.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

MS. CILEK: With the definition of a wet bar itself, I think that's where DSAC was really looking at the six feet or less of countertop. If you take a look at that definition itself, it also includes that. So we'd want to be --

CHAIRMAN STRAIN: You're talking way too fast for her.

MS. CILEK: I'm sorry.

CHAIRMAN STRAIN: She's going to need a break real quick if we keep this up.

MS. CILEK: The definition of wet bar is also on Page 3. It's the third one down. And it says a wet bar, an area designed for mixing drinks that contains a sink with running water, has six feet or less of countertop, and is not a kitchen.

CHAIRMAN STRAIN: So it would say has a countertop.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Does the motion maker and the second accept the change? Brian?

COMMISSIONER EBERT: Yes.

COMMISSIONER DOYLE: Yes.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. That change has been accepted, so that's the way we'll define it.

Sounds good.

Okay. Let's move onto the next one.

MS. CILEK: ***The next amendment is 1.08.02, definitions, starting off with lot, corner. This is, again, a staff clarification.

This is based on a list that staff uses in their review of all of the little errors and inconsistencies within the LDC, so we wanted to pull them all together and tie them up and present them as an amendment. We can walk through each one if you'd like.

CHAIRMAN STRAIN: I mean, I've read it. It's just cleanup language, but if anybody -- however the Planning Commission would like to handle it. I'd just as soon that you tell us the highlight of the -- so everybody can hear it, and then we'll go to public speakers. And if none, we'll vote on it.

MS. CILEK: These are cleanup issues. These have been how we've been -- this is how we've been reviewing the petitions and applications that have been coming forward, so they're really just designed to make it clear to the public, when they read the LDC, what the standards are.

CHAIRMAN STRAIN: A lot of the amendments we're going to see tonight are cleanup and clarification amendments, so -- does anybody from the Planning Commission have any questions on that section -- those sections?

(No response.)

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

(No response.)

CHAIRMAN STRAIN: Okay. You know what that means.

COMMISSIONER HOMIAK: I'll make a motion to approve 1.08.02, definitions, corner lot; 4.02.10(1), dimensional standards for principal uses in base zoning districts; 4.02.03, specific standards for location of accessory buildings and structures; 5.03.02, fences and walls, excluding sound walls; and 9.03.03, types of nonconformities.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Okay. Caroline, where do you want to go next?

MS. CILEK: The next one is 2.03.07, overlay districts. And in this amendment we are proposing to extend the early entry bonus for the rural fringe mixed-use district Transfer of Development Rights, the TDR program.

And we incorporated the DSAC/LDR subcommittee's recommendations.

CHAIRMAN STRAIN: So this is simply a date change from 2012 to 2015?

MS. CILEK: Correct.

CHAIRMAN STRAIN: Yep. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Is there any member of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Is there a motion from the Planning Commission?

COMMISSIONER CHRZANOWSKI: Move to approve 2.03.07 overlay districts.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next item, Caroline?

MS. CILEK: ***The next item is 3.05.02, exemptions from requirements for vegetation, protection, and preservation; as well as 3.05.05, criteria for removal of protected vegetation. And Steve Lenberger will be speaking on this amendment as well as the next one.

CHAIRMAN STRAIN: Okay.

MR. LENBERGER: Good evening. For the record, Stephen Lenberger, natural resources department.

These amendments -- or this amendment and -- with all its changes, are all based on the EAR-based changes to the Growth Management Plan, which were approved, adopted. And I can briefly tell you what they are.

If you'd turn to Page 2, they are creating -- they created -- they changed the Coastal High Hazard Area, and in doing so, moving the line, they decided to keep the preservation requirement between the old line and the new line the same as it is today for the non-Coastal High Hazard Area versus the new restriction for the Coastal High Hazard Area. So there's a little bit of a change there. But they didn't want to change the preservation requirement.

And that would be -- and on Page 3, these are changes of state and federal parks and preserves. They're no longer required to establish preserves of management plans. It was recognized during the EAR-based amendments that they already manage their properties. And so that will have to be amended in the code, which you are doing now.

We created an exemption for industrial-zoned parcels; that came at the request of the commission, the BCC. And, basically, industrial-zoned parcels with preserve requirements of two acres or less will be exempt from preserve requirements. If you'd turn the page, Page 4, basically the same two exemptions follow the fringe.

Then we also had to add specific requirements for the Lake Trafford/Camp Keais Strand system. It's located in the urban area of Immokalee. And the amendment did not identify which particular section of the rural fringe preservation standards apply to that particular strand, and it was decided to apply the neutral standards. So that was amended in the GMP, and we are revising it here in the LDC.

And those are all the changes. If you have any questions, I could go through the text if you wish.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Hi, Steve.

MR. LENBERGER: Hi, Stan.

COMMISSIONER CHRZANOWSKI: Hey, in Golden Gate Estates, do you need a permit to remove a dead tree from your property?

MR. LENBERGER: There's no requirement to remove a dead tree.

COMMISSIONER CHRZANOWSKI: What if you want to? Say a -- one of your pine trees dies from pine tree bores?

MR. LENBERGER: There's no permit required to remove dead vegetation.

COMMISSIONER CHRZANOWSKI: Okay.

MR. LENBERGER: Yeah. The only time an issue comes in, if it has an eagle nest in it.

COMMISSIONER CHRZANOWSKI: Yeah, not that, but I've seen where people took out trees and somebody said, it shows on the aerial photo you took out the tree without the tree removal permit. How do you take their word for it that the tree was dead?

MR. LENBERGER: That's a good question. Normally they'd provide some sort of documentation.

COMMISSIONER CHRZANOWSKI: Like a picture that the tree was dead.

MR. LENBERGER: Well, when people request to have trees taken out, they'll often show us or email us a picture, and we'll just send them an email back.

And we've had people also provide documentation from the Forestry Service that -- about the infestation.

COMMISSIONER CHRZANOWSKI: But if a person that doesn't know any better out in Golden Gate Estates has a tree die on their property and they just go out and cut it down, they don't get in trouble?

MS. CILEK: They have a minimum.

MR. LENBERGER: I don't have to enforce it. But there's no permit required to remove a dead tree. And in residential development in Collier County, you can clear up to an acre with your building permit.

COMMISSIONER CHRZANOWSKI: I know that. I'm talking about above and beyond the acre. A guy's been there for 10 years, all of a sudden a big old pine trees dies. The guy just doesn't know any better, cuts it down. He won't get in trouble?

MR. LENBERGER: Well, a single tree on the size of a Golden Gate Estate lot isn't going to be really recognized.

COMMISSIONER CHRZANOWSKI: Yeah. There were some microbursts came through in one of the hurricanes, and there were a bunch of trees died on some streets.

MR. LENBERGER: My suggestion to people is to document that the trees are dead.

COMMISSIONER CHRZANOWSKI: If they know to.

MR. LENBERGER: Well, when they ask me, yeah.

COMMISSIONER CHRZANOWSKI: Okay. A lot of people, when a tree dies, they just cut it down.

MR. LENBERGER: I understand.

COMMISSIONER CHRZANOWSKI: Okay. As long as you're that understanding when it happens.

MS. CILEK: I do believe there are some minimums. I think there's, like, a 15-count minimum out in the Estates that -- as long as you meet that -- something similar.

CHAIRMAN STRAIN: That was my question.

Steve, how much -- if someone has a five-acre tract in the Estates, how much of it can be cleared?

MR. LENBERGER: For accessory uses? Well, all of it can.

CHAIRMAN STRAIN: That's what I thought.

MR. LENBERGER: You have to meet the minimum landscape requirement and the max -- it maxes out at 15 trees for the Golden Gate Estates, and I think something like 11 of them have to be native. I don't remember exactly the ratio. But they could be planted, so the question is --

CHAIRMAN STRAIN: Well, let's go to -- let's go to Page 1, No. 2. Amend the LDC section 3.05.02(G) to add the list of VRP exemptions. The following: One, hand removal of nonnative vegetation. Could we say "except in the Estates, where a mechanical removal can be used"? Because you just said there's no preservation requirement so, therefore, why would we be limited to hand removal? And the reason I run

into this, remember --

MR. LENBERGER: I must be on the wrong exemption. I'm so sorry.

COMMISSIONER EBERT: What page are you on, Mark?

CHAIRMAN STRAIN: Well, I'm on Page 1.

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: It says, change. It starts on the top of the paragraph, then it says 1, 2. I'm on No. 2, and on No. 1 of No. 2.

MS. CILEK: Okay.

MR. LENBERGER: Okay. I think I was starting with the other amendment; I apologize.

CHAIRMAN STRAIN: No wonder why we couldn't follow you. That's why I'm going to ask so many questions. Maybe I'm asking -- I thought we were on -- which one are you on, Caroline, 3.05.02 and 3.05.05?

MR. LENBERGER: I read the wrong ones, I sorry. I wasn't -- I apologize.

CHAIRMAN STRAIN: No. I may have the wrong one.

MR. LENBERGER: No. I jumped into the other one. It was my mistake.

COMMISSIONER EBERT: He just wants to go home.

MR. LENBERGER: Let me switch gears here.

CHAIRMAN STRAIN: Okay. Let's go back and do the one we're supposed to do.

MR. LENBERGER: Okay. Well, we were supposed to do other one, but I --

CHAIRMAN STRAIN: Hi, Steve. Can you make us a presentation on the one you were supposed to do?

MR. LENBERGER: I'm the one that jumped to the wrong one.

Anyway, the GMP amendments is how I read it to you. That actually would have been 5 -- 3.05.07 C. Let me just double-check that; yes, 3.05.07 C, preservation requirements, and that's the one I read to you.

CHAIRMAN STRAIN: I know, but let's pretend you didn't even come up here till just now.

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: Steve, can you tell us about 3.05.02 and 3.05.05?

MR. LENBERGER: I would be glad to.

CHAIRMAN STRAIN: Okay. Thank you.

MR. LENBERGER: Well, these are amendments to the exceptions from obtaining vegetation removal permit and from the criteria for obtaining a vegetation removal permit.

And I can go through each one, or if you wish to ask me questions -- either one.

CHAIRMAN STRAIN: I'd just as soon ask questions. Is that okay with everybody else?

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: Do any of you have questions first?

(No response.)

CHAIRMAN STRAIN: If not, let's go to No. 2 this time on Page 1.

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: And for our prior discussion on the wrong one, I think you said that there is no vegetation requirements in the Estates with the exception they've got to have 15 trees for the land -- to meet the landscaping code.

MR. LENBERGER: That's for retaining vegetation.

CHAIRMAN STRAIN: Right. So if they -- No. 2 where it says hand removal of nonnative vegetation --

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: -- is an exemption, in the Estates why couldn't we mechanically remove, since we don't have to have it anyway and we've only got to have 15 trees?

MR. LENBERGER: Okay. Well, this is an exemption from having to obtain a clearing permit.

CHAIRMAN STRAIN: Right.

MR. LENBERGER: Mechanical removal, it would require a permit, and we would go out and look for wetlands, address those issues, or listed species, but you're entitled to clear for accessory uses allowed, to

the zoning district; in the Estates, obviously, it's the residential. The home is the primary permitted use, and the building permit for that single-family structure let's you clear up to an acre.

You can request additional clearing for any accessory use in the zoning district.

CHAIRMAN STRAIN: Okay. But I thought you said that we can clear -- if I had a five-acre tract covered with trees and it was zoned Estates -- in the Estates, I could clear the whole thing.

MR. LENBERGER: You can't just clear a vacant parcel prior to its permitted use. So you're talking about unimproved property?

CHAIRMAN STRAIN: Okay. Do you remember a guy named Brian Olis (phonetic)?

MR. LENBERGER: No, I don't.

CHAIRMAN STRAIN: Okay. He came into the county; he had an Estates lot. It was covered with -- mixed with Brazilian pepper and pine. He wanted to keep the pine; he wanted to take out the Brazilian pepper. He wanted to go in and mechanically clear, and he was turned down. He had to do the whole five acres by hand.

I didn't -- I couldn't understand why it made any sense. I understand this issue here. But based on what you've previously said under the other discussion, if we're not required to keep any vegetation on an Estates lot, other than 15 trees that can be planted, then why does it matter whether they hand clear or mechanically clear?

MR. LENBERGER: Well, what you're talking to me about is a vacant parcel.

CHAIRMAN STRAIN: Okay. You put a house on it.

MR. LENBERGER: Okay. The county has always been very restrictive on clearing prior to its permitted use. Obviously, people are very sensitive about that.

Once you build your house and you clear your initial acre to build your homesite, you can come in for a permit to clear the remainder of your property for accessory uses, if you so wish; you wanted to have a garage, a guesthouse, you wanted to have a garden. Any of these uses that are allowed in the Estates zoning district, you can get a permit to clear.

Your question relating to exotics and that gentleman's lot is a different section of the code regarding protection of vegetation within the drip lines -- clearing mechanically within the drip lines of trees or protected vegetation. When you -- it's another section of the code dealing with standards like that.

So I'm not really sure what you're asking now.

CHAIRMAN STRAIN: Okay. Well, it's not protected vegetation because you just said we can clear the whole lot.

MR. LENBERGER: Well, it's all protected vegetation until you have a permitted use to allow for it to be cleared.

CHAIRMAN STRAIN: Okay. So you build a house on an Estates lot. You build on one acre that's cleared to put the house on it. You've got four acres left.

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: I want to do a football field as my accessory use. Can I go out and clear the four acres? Because all those trees are in my way.

MR. LENBERGER: I don't think a football field's allowed, but I would have to ask zoning.

CHAIRMAN STRAIN: How about a -- I like to grow just green grass, not the kind of grass the state's going towards, but the regular -- say I want to have just a garden, the whole thing. I can go out and clear the whole thing, right?

MR. LENBERGER: If you wanted to farm that whole thing for a garden for your personal use, yes, you could do that. You would have to meet the minimum landscape requirement, which is 15 trees.

CHAIRMAN STRAIN: Could I mechanically clear it?

MR. LENBERGER: Yes, you could.

CHAIRMAN STRAIN: Then that's what -- where I was trying to get at all along. Thank you.

COMMISSIONER EBERT: You're going to be busy.

CHAIRMAN STRAIN: I'm not going to do that. But I was worried about someone who tried to come in and get something -- get something done, and he had to go out and clear the whole five acres by hand, and it didn't make sense.

COMMISSIONER CHRZANOWSKI: There are a couple lots out there where people have created orchards for, you know, tree -- tree farm -- not tree farms, but fruit tree orchards.

CHAIRMAN STRAIN: Yeah. And there was one fellow out there that cleared the whole lot, and -- so he could grow grass on it.

On Page 5, 3.05.05, criteria for removal of protected vegetation. You have a new sentence that was underlined, and it says, a permit for the removal or replacement of plants installed for landscaping shall be issued in accordance with LDC Section 4.06.05.

Would it be wrong to add some language to the -- where it says plants installed as part of the code required landscaping shall be issued in accordance with LDC Section 4.06.05?

MR. LENBERGER: I'm fine with that.

CHAIRMAN STRAIN: Okay. Because a lot of people put more landscaping in than's necessary, and they should only be held to the standard.

Do you follow that, Caroline?

MS. CILEK: What letter is it -- or what -- under G? Correct, it's under G?

CHAIRMAN STRAIN: It's on Page 5, Line 48. I don't know why --

MS. CILEK: Yep, okay. And then can you read it one more time.

CHAIRMAN STRAIN: Okay. Where it -- and it starts on Line 47, a permit for the removal or replacement of plants installed -- and I would suggest adding, as part of code-required landscaping, "shall be issued in accordance with LDC Section 4.06.05."

MR. LENBERGER: Okay. I have that. That's --

CHAIRMAN STRAIN: Okay.

MS. CILEK: Yes.

MR. LENBERGER: Thank you.

CHAIRMAN STRAIN: Yep. That's the only issue I had.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Anybody in the public want to talk on this very complicated subject?

Jeremy, I should have known you were going to come up for this one.

COMMISSIONER EBERT: Mark, I have a quick question on this.

Is -- under 10, which is underlined -- Ray, can you tell me, this will --

CHAIRMAN STRAIN: Under 10?

COMMISSIONER EBERT: Yep, No. 10 on Page 5, the one with the line under it.

The creation of the fire breaks, that will be -- that will help out the new code requirement, like for Everglades and Olde Florida? Because they need this certain setback in the fire break. So you're putting it in this? Because I believe we talked about it.

CHAIRMAN STRAIN: Yes. That's what that will do.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: You're welcome.

MR. BELLOWS: I don't need to answer. That was --

CHAIRMAN STRAIN: I know what she's talking about. I could tell you may not have caught her -- the project she was talking about.

Jeremy?

MR. FRANTZ: Good evening. Jeremy Frantz with the Conservancy of Southwest Florida.

I'm really just speaking for informational purposes. Worked with Caroline and Steve on clarification in 3.05.02(G)(11) and incorporated our suggestions, and happy to work with them as always.

CHAIRMAN STRAIN: Good. Well, thank you. That's a positive note. Appreciate it.

Okay. Is there a motion on this particular item?

COMMISSIONER CHRZANOWSKI: Yeah, I'll move to approve 3.05.02, exemptions from requirements of vegetation protection and preservation; I, 3.05.05, criteria for removal of protected vegetation, with the comments made by the chairman.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Now we want to go back to the one Steve already explained.

MS. CILEK: ***I have one note on that one. I passed out a map showing the changes and where the coastal high hazard area boundary was in 2012 and where it is now, and I just wanted to make sure that you saw that.

CHAIRMAN STRAIN: Yep. I think we have it.

For those -- does anybody need Steve to restate his comments, or are we good with the familiarity he already walked us through?

(No response.)

CHAIRMAN STRAIN: Any questions on this particular item, 3.05.07, preservation standards?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: No?

Any members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Is there a motion from the Planning Commission on this item?

COMMISSIONER EBERT: I'll make a motion to approve 3.05.07(C), preservation requirements.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Steve, that was probably the shortest you've ever been up here for LDC amendments.

MR. LENBERGER: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

We did the next one, which is the Bayshore standards for the color change, which was K, or at least 4.02.16.

***Now we'll move on to temporary events, 5.04.05.

MS. CILEK: Yes, regarding open-air markets.

So this amendment follows staff taking a look at this section, 5.05.04, temporary events. Currently the LDC does allow for such events as open-air markets, mostly farmers markets; that's what we're most familiar with. But the standards aren't explicitly clear, and so we wanted to lay those out.

So here we have the application requirements, we have the location of where the open markets can be, and we are both expanding that a bit and also making sure that it is very clear to everyone, and then we also have standards, which is A, little d.

And one thing that is important about this amendment, which is on Page 5, is that we really get into the special event time limits and what we're allowing for, or proposing to allow for, excuse me, is that each different type of special event has 28 days to operate in any given location. This is a change.

Traditionally, and for probably the last decade or so, a special event would operate in one location and would have a maximum of 28 days per year in a given area. Now it will kind of depend -- or we're proposing that it would depend on the type of promotional or open-air market or temporary-use event you were holding.

I did want to bring that up for conversation to see if the Planning Commission had any either concerns or ideas about the time frames. That seems to be something that I've been talking about with upper management and maybe something that the Planning Commission may want to weigh in on.

CHAIRMAN STRAIN: Okay. Anybody have any comments on open-air markets?
Stan?

COMMISSIONER CHRZANOWSKI: Just a question. What type of event goes on for 28 days or --

MS. CILEK: Okay. Event days. So you can have a temporary-use permit, two are issued for a total of 28 days. Each permit is for 14 days. We've identified that no permit can be utilized more than seven consecutive days. But you would have a -- you would pull a 14-day permit, and you'd get to use it for, let's say, a weekend, so two days, or you could use it individually, one day here, next weekend another day. So you don't -- you don't need to use it consecutively; just grants you the ability to have that event for 28 days throughout the year.

COMMISSIONER CHRZANOWSKI: How do you track that?

MS. CILEK: Actually, our front counter zoning staff does that with our software systems, CityView.

MR. BELLOWS: They're tracked through temporary-use permit applications.

COMMISSIONER CHRZANOWSKI: So you have the original permit that says you can do 28 days, and every two-day open-air farmers market you get a separate permit.

MS. CILEK: Well, you come in, and you apply for a temporary-use permit, and you're given a certain period of time. I don't think it's 28 days consecutively. It's 14, I think.

MR. BELLOWS: No. Typically, we don't like trying to pick out days in the future for twenty -- and total up 28 days in one application. Normally, it's one event, and it could be not more than 14 consecutive days. But they would come in for another temporary-use permit to do the remaining time allowed for that property.

COMMISSIONER CHRZANOWSKI: So this is not like an open-air farmers market that's every Saturday morning for 28 weeks in a row?

MS. CILEK: Could be.

COMMISSIONER CHRZANOWSKI: And then at the 28th week, something pops up and says they can't do anymore? Somebody remembers?

MS. CILEK: Currently, it's based on location. So you come in for a TU permit and you say, I'm going to be at this location, and staff looks at that and says, okay, well, that's all right. We've only had 14 event days at that location. And then when you hit 28 event days at that location, you're done. That location's

--

COMMISSIONER CHRZANOWSKI: You're kidding.

MS. CILEK: It's been met.

COMMISSIONER CHRZANOWSKI: Why? I mean, if you have an open-air farmers market every Saturday, what do you -- and people are happy going there, why --

CHAIRMAN STRAIN: Yeah, what's wrong with that?

COMMISSIONER CHRZANOWSKI: Why make them change?

MS. CILEK: Well, that's how the code currently reads. I believe it was just --

COMMISSIONER CHRZANOWSKI: Oh, that's a good reason.

COMMISSIONER EBERT: Well, you're right, Stan. We have that across at St. Monica's Church

every Wednesday.

MS. CILEK: I think it's about finding a balance of, you know, how often do you want to have a temporary-use event at a certain location, and in the prior years they had determined that 28 days throughout the year. Usually, you know, they're for a day. So there's 28 individual weekends, per se. And I can't really do the math in my head very quickly, but that would be, you know, several months.

CHAIRMAN STRAIN: Well, but our tourist season is about six months. We would need 54 days; 4.5 weeks times six months is, I believe, 54. If you do two days in a weekend --

MS. CILEK: Well, 52 weeks in a year.

CHAIRMAN STRAIN: If you do what?

MS. CILEK: There's 52 weeks in a year.

CHAIRMAN STRAIN: Right.

MS. CILEK: So --

CHAIRMAN STRAIN: But I'm talking normally they are Friday -- Saturday and Sunday.

MS. CILEK: Some are.

CHAIRMAN STRAIN: But, I mean, those are a lot of fun. In fact, it's probably the only reason I come into town is to go to these open-air events. There's one on 3rd Street South in Naples. There's one on Golden Gate Parkway and Goodlette that's excellent. There's one on Livingston and Pine Ridge. They're all over the place, and they have really good food and stuff like that. So why would we be discouraging those people?

MS. CILEK: I mean, I think I'm relaying to you the types of conversations I've been having and -- which is that, you know, you have to think about these as being a temporary use and that oftentimes they're being held where there are established businesses.

And so previously, you know, that location could only have so many special events at any given location. And so this was a compromise, a balance of saying, okay, you can have this many outside vendors coming in to this one location to hold a temporary event, which is very enjoyable and people love it, and then also to give the ability for those established businesses the opportunity to have them as well.

CHAIRMAN STRAIN: Ray?

MR. BELLOWS: And I think I can provide some background on it. The purpose and intent of the temporary-use permit is to ensure the safety of pedestrians and customers to the site that the vendor who may not be associated with the shopping center that are just wanting to operate, like, an open-air flea market or something to that effect, that they're putting the tents up, that they're not taking required parking from one of the leased spaces within that shopping center.

So staff reviews a conceptual site plan showing where this outdoor flea market is occurring, that they're not blocking the ingress/egresses, that they're not taking up an overabundance of required parking for the other tenants of that shopping center.

So in order to provide some stability to those users, those tenants within a shopping center -- because each one of those tenants could have their own sidewalk sale or special event. So if you had 15 tenants in a shopping center, each one of them wanting their own weekend sales, it could get quite disorganized.

So this was an attempt to create some planning to ensure safety and to regulate it so it doesn't become a free-for-all.

COMMISSIONER DOYLE: May I ask, is this per event, or is it per vendor?

MS. CILEK: This is an event, so individual vendors are not coming in and obtaining TU permits. They are working with the person who orchestrates and organizes and pulls a TU permit.

COMMISSIONER DOYLE: Okay. Because I figured if it was per vendor, that would give the opportunity for somebody else to come in and try to do their craft.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Yeah. We have one of these up in Galleria off Vanderbilt and Airport. And I would assume that it's the people that run the Galleria shops that allow this.

Why are -- you know, maybe you've got to get a county permit, but I would think they'd be more restrictive than you are.

MS. CILEK: Well, what we've --

MR. BELLOWS: Some cases they are.

COMMISSIONER CHRZANOWSKI: And if they allowed the person every Saturday for a year, you wouldn't?

MS. CILEK: Well, currently what we're proposing allows for 28 days, event days.

COMMISSIONER CHRZANOWSKI: There's 52 --

MS. CILEK: So we're broadening flexibility here.

COMMISSIONER CHRZANOWSKI: -- event days.

MS. CILEK: I just wanted to make sure that's in line with what the Planning Commission was looking for. And if so, that's fine. I'll take it on.

CHAIRMAN STRAIN: Well, I don't think we're looking for it. To be honest with you, I never liked it. I think that the public likes these. I think that's part of the ambiance of Naples is you can come and go to these open-air markets. You can stroll along the streetside.

And I'd like to see the evidence that shows how many times we've had health, safety, and welfare issues by complaint or injuries or deaths relating to these open-air markets.

MR. BELLOWS: Well, hopefully there are none because we review them.

CHAIRMAN STRAIN: Okay. Well, then why are we needing this if there are none? We don't need all these changes.

MR. BELLOWS: Well, you mean, that there would be no inspection or sign off on a plan that they're not blocking --

CHAIRMAN STRAIN: Well, I think we overinspect a lot of things in Collier County. For example, you want -- a building permit may be required for the erection of a temporary structure. So if a guy, like the bookseller, he has little canvas canopy with pulls, you tell him he needs to get a building permit?

MS. CILEK: Well, don't forget this will apply to those seven-day events that are out in an unimproved area that may have a large tent with, like, antiques or, you know, a flea market under it. I mean, that may, indeed --

CHAIRMAN STRAIN: But don't they get -- they get a temporary permit for that now, don't they?

MS. CILEK: We're just including that.

CHAIRMAN STRAIN: Then why do we need this?

MS. CILEK: We're just restating it as a part of this process if we're going to apply for it.

CHAIRMAN STRAIN: Well, we're adding -- I mean, we're adding a lot. We're adding pages of stuff to this. Open-air markets -- I understand Ray's point about sidewalk sales. If every vendor had a sidewalk sale -- but see, that's self-controlled by the lessor of the shopping center. They're going to have all their contracts lined up that way. And if everybody had an open sidewalk sale and they blocked everything, when we have a health, safety concern; we can address it strictly through code enforcement. I'm not sure this is a -- this whole LDC amendment is even warranted, to be honest with you.

COMMISSIONER EBERT: I don't like it.

MS. CILEK: Well, what are the exact concerns? I mean, maybe I can --

CHAIRMAN STRAIN: Well, I just reiterated them to you.

MS. CILEK: Well, I mean, the standards are pretty, you know, what we're already applying. We're not really trying to increase them by any means. It's just -- it makes it a little clearer for everyone to understand what's required.

MR. BELLOWS: I think some of this came about in regards to some of these events that are, like, a farmers market that are held on church property or some of these other types of things where --

CHAIRMAN STRAIN: Well, what's wrong with that, Ray?

MR. BELLOWS: Well, our code didn't allow for it, so this is allowing for it.

MS. CILEK: It's very piecemeal.

CHAIRMAN STRAIN: So how did they hold them if it wasn't allowed?

MR. BELLOWS: They didn't come to the county; they just did it.

CHAIRMAN STRAIN: Well, I mean, right now -- so we're taking something that's unregulated and doesn't seem to be a problem, we're going to regulate it to death, and then I'm worried about -- because we're worried there may be a problem. Is there an easier way to go about this?

MS. CILEK: Okay. Well, previously farmers markets fell under the sales and promotional events section, which is on Page 3. So those are the standards that are currently being applied.

And if you read it, it's really designed, as it says -- I mean, this is -- when one reads it, this is the kind of essence you get. Temporary-use permit is required for temporary sales and/or promotional events on nonresidential property such as grand openings --

CHAIRMAN STRAIN: You better slow down a little bit.

MS. CILEK: Yes, I'm sorry. Thank you -- such as grand openings, going-out-of-business sales, sales -- promotional sales, sidewalk sales, overstock sales, tent sales, and -- or other similar uses for sales and promotional events related to the principal activities in operation at the subject properties or otherwise provided in this section.

That was the main way we were going about providing TUPs for open-air markets or farmers markets, and I think that staff was uncomfortable with the idea of having a farmers market when we knew that the sale of some of the goods -- which are fun and, you know, people enjoy going to -- are not necessarily related to the principal activities and operation at the subject property.

That's the impetus for this is coming down to the existing language not being exactly in line with an open-air market. But if we're okay using that, maybe --

CHAIRMAN STRAIN: I'm just curious as to what kind of system failures you've had that makes this so needed.

MS. CILEK: Well, I think the system failure is that the language we were operating under wasn't precise in the way that it allowed for open-air markets in certain zoning districts, and so we utilized that as an opportunity to provide it so that it is clear.

CHAIRMAN STRAIN: But, honestly, that's probably why it's been successful is because it wasn't so precise and our codes had -- that provided the flexibility that we don't elsewhere have in this county.

COMMISSIONER DOYLE: Though there does seem to be some structure on Page 6 that I would agree with, Line 12 -- well, actually, 7D for temporary uses. Kind of looks towards animals and hogs and fencing, and sanitary which may be needed during those types of events.

CHAIRMAN STRAIN: I can't figure out where you are, Brian.

MR. MANSOUR: Well, I'm on Page 6, Line 7D.

CHAIRMAN STRAIN: Okay.

MS. CILEK: I will say that this is actually a separate issue, letter D. It regards a temporary-use permit --

CHAIRMAN STRAIN: That's a whole different -- yeah, that's not even up for discussion. There's no changes to that page.

MS. CILEK: Well -- and it's not special event per se, so --

CHAIRMAN STRAIN: Yeah, that's the -- that's a whole different issue. Only the underlined is what they're attempting to change now.

MS. CILEK: Okay.

CHAIRMAN STRAIN: Well, let's take a break and come back and finish chewing on this after we had a breaktime. How does that sound?

MS. CILEK: Sounds good.

CHAIRMAN STRAIN: So let's make it -- let's come back at 6:50 and resume. Okay.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Thank you, Caroline.

Let's go back to our open-air markets.

Caroline, during the break you mentioned to me that we currently have a 28-day limit or a -- is that a 28-day limit or less than that?

MS. CILEK: Let's take a look at the language, and I'll point it out.

CHAIRMAN STRAIN: Okay. Give us the line.

MS. CILEK: On Page 5, it starts on -- under little -- or 4 -- new 4, special event time limits, and then Line 13 it starts, b. So if you look at both the existing language and the strikethrough language, you will see that permits are -- for a location cannot exceed 28 days.

CHAIRMAN STRAIN: Well -- but that's for sales and promotional events.

MS. CILEK: Right, which is what farmers market currently fall under because there is no other section for them.

CHAIRMAN STRAIN: What's an open-air market?

MS. CILEK: It's new. That's a new term being applied to separate them from sales and promotional events.

CHAIRMAN STRAIN: Well, maybe the problem -- I've got two problems, but the first one, open-air, why don't we increase the days? That would solve a lot of problems, number one and, number two, the standards -- why don't we just wipe the standards out?

MS. CILEK: Well --

CHAIRMAN STRAIN: I mean, the standards have got to -- they are what they are in the code currently. All these standards that you're trying to impose is a lot of -- that's Page 3, by the way.

MS. CILEK: What I can do is I can pull together the standards that currently are applied to open-air markets or farmers markets when they come through -- through the sales and promotional events and share that with you. I mean, it's already in this section.

Let's see here. It would probably be under new 2 on Page 3. There's Little C in support of the temporary sale or event, temporary sign, merchandise --

CHAIRMAN STRAIN: You've got to go a little slower, Caroline.

MS. CILEK: Okay, sorry. Two, three, so around there, those current standards, 2D of the current standards, 2E, 2F for location, 2G, and 2H.

CHAIRMAN STRAIN: Then why do we need all of the upper one page -- the top of Page 3 where it starts with D, standards for an open-air market?

MS. CILEK: Because if you look at the purpose and intent of the sales and promotional event section, those standards were designed for tent sales, grand opening sales, sales that were on the sidewalk, and these are within the parking lot, and these have created their own drive aisles. They are distinct from sales and promotional events, as we saw.

COMMISSIONER CHRZANOWSKI: And this is all spelled out in the definitions somewhere?

MS. CILEK: If you take a look on Page 2, the definition is really encompassed in the purpose of an open-air market, which is -- even though there is a formatting issue, under (A)(1)(a), purpose, the purpose of an open-air market is to allow for open-air sale of retail products in certain nonresidential zoning districts. It's very flexible.

CHAIRMAN STRAIN: Under the standards for an open-air market, couldn't we add the words "to be considered" and then a semicolon? And that means they can be considered, but they're not binding. And you could set -- the staff can establish that when they come in for the permit by however they want to get the permit issued.

I'm just -- I'm hesitant to see why we would want to overregulate this kind of activity.

MS. CILEK: I totally understand, and they -- we have some great farmers markets that are -- you know, people really, really enjoy.

I think if we -- I think that sets up staff in an interesting position to -- you know, how do you treat farmers markets when they come in? So I'm a little uncomfortable with that. But if you want to walk through the standards and maybe we can either keep or remove some, that might be an option, or --

CHAIRMAN STRAIN: What about -- let's start out with the first one, D(i), a building permit may be required for the erection of temporary structures. It is or it isn't, so you don't need to say that, do you?

MS. CILEK: Well, it just depends on the type of open-air market. That probably is covered elsewhere in the LDC or the building permits. If you want to strike that one, we could probably do that. It was just kind of like an FYI.

CHAIRMAN STRAIN: And as far as the hours of operation, unless -- I mean, why would we want to limit the hours again?

MS. CILEK: How about we have that hours of operation shall be identified on the application?

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Could you just separate farmers markets out from open-air

markets?

MS. CILEK: It's designed to be a farmer's market. It's designed to be one in the same.

COMMISSIONER CHRZANOWSKI: Why?

MS. CILEK: Well, we wanted to -- I mean, we could just call it farmers markets if you'd like, but we wanted to be a little more flexible than farmers markets since, technically, if you look up the definition of a farmers market, it's only for the sale of produce.

COMMISSIONER CHRZANOWSKI: Yeah.

MS. CILEK: That's local, and our farmers markets, the ones that we have across the county, they don't just sell produce.

COMMISSIONER CHRZANOWSKI: No, they're flea markets sometimes.

MS. CILEK: They're open-air markets. They sell art. They sell, you know, handmade goods. They sell crafts.

CHAIRMAN STRAIN: Triple I. I've been to some where they've set up, especially the artist guilds that do the heavy work. They leave them up all weekend. So this would have to be removed daily?

MS. CILEK: Okay. Well, then maybe that's one we don't need.

I do think the sanitation facilities is an important one.

CHAIRMAN STRAIN: I have no problem with that.

MS. CILEK: Okay. We want to remove little 3 iii?

CHAIRMAN STRAIN: Yeah.

MS. CILEK: Okay. We'll keep 4, sanitation facilities.

CHAIRMAN STRAIN: Five is a given, isn't it?

MS. CILEK: Well, we want them to articulate where that is in the site plan. So they just need to identify it for us.

CHAIRMAN STRAIN: Okay. And six would be same way then, right?

MS. CILEK: Correct. You're identifying it on the --

CHAIRMAN STRAIN: Seven, how would anybody be able to do that? They'd have to have the SDP for the shopping center, they have to know what every business in there is required to have by square-foot basis. How would anybody with a -- how would a small vendor know how to do 7?

MS. CILEK: Well, currently, when they come in, they are providing, like, a very generic site plan of the area. And just so everyone knows, this is regarding parking spaces. And so they're just highlighting where their open-air market is going to be and what parking spaces they're going to use. And here we're just making sure that they're not taking up the whole --

CHAIRMAN STRAIN: You're talking way too fast, young lady. You need to switch with Terri one day.

MS. CILEK: The idea here is just to make sure that they're not utilizing all of the parking but that they do have some to take care of their patrons that are being brought on site.

COMMISSIONER CHRZANOWSKI: How would you even know that? I'm puzzled. It's like at Galleria. The people that I see go to the shops come out of the shops, and they go to the farmers market. You know, they're already parked somewhere. They don't --

MS. CILEK: Okay. In another example, this is allowed on unimproved land, all right, so places that don't already have a setup for parking stalls. So in that case, you'd want to make sure that they've identified it in the area of the parcel that they can drive in and park and that they have cones laid out or they have some mechanism to identify for that parking.

COMMISSIONER CHRZANOWSKI: Grass parking or something?

MS. CILEK: Yeah. But that they've taken care of it, and it's not going to be people just driving and parking wherever.

COMMISSIONER EBERT: I don't want this one.

CHAIRMAN STRAIN: I guess -- what is IIX?

COMMISSIONER CHRZANOWSKI: Eight.

CHAIRMAN STRAIN: Oh, I know, but isn't that VIII? How did we get there?

MS. CILEK: That may be accurate.

CHAIRMAN STRAIN: No, it's not. IIX is not. There's no such thing.

MS. CILEK: No, you may be accurate.

COMMISSIONER CHRZANOWSKI: VIII.

CHAIRMAN STRAIN: Oh, okay.

MS. CILEK: I apologize.

CHAIRMAN STRAIN: I was going to say the number, but I didn't know how to say that; 10 minus

2.

MS. CILEK: I am sorry.

CHAIRMAN STRAIN: That's okay.

MS. CILEK: Are we okay with the new fee, iii, the no sales in the public right-of-way?

CHAIRMAN STRAIN: Well, that makes sense, but 9, temporary signage shall not -- that's already -- we already -- we already have an LDC section.

MS. CILEK: It's just directing you there. No change. Just showing you where to go.

CHAIRMAN STRAIN: Well, let's just drop it, redundancy, if it's already a given. I'd just as soon people never noticed it and they didn't get cited for it.

COMMISSIONER EBERT: Number 9?

CHAIRMAN STRAIN: That's No. 9. I think E and F are a given. They have to have the approvals that are required, the business license, anything like that. So basically under the standards we'd drop 1, 3, and 9.

MS. CILEK: I would like to keep E and F. I do think it --

CHAIRMAN STRAIN: I just said that.

MS. CILEK: Okay.

CHAIRMAN STRAIN: Yeah -- no. They make sense. You've got to have that stuff.

MS. CILEK: Yep. So 1, 3, and 9.

CHAIRMAN STRAIN: Now, as far as the time frames go, you're under the -- I'm just wondering -- right now, open-air markets you're going to limit to 14 event days not to exceed, and seven -- that's not enough. I don't -- why don't we -- you know, half the year tourists come here to go to these markets. They love these things; at least they're always crowded. So why don't we figure half the year? So half the year, that would be 104 for Saturdays and Sundays, right?

I mean, what do you-all think?

COMMISSIONER EBERT: I just -- you're right. I don't like this one, Caroline.

MS. CILEK: Okay. Hundred and four?

CHAIRMAN STRAIN: Pardon me? Well, what -- what's the Planning Commission's thoughts on this? If someone has an open-air market and go to it, like the one at Galleria, how many months of the year is that open for?

COMMISSIONER CHRZANOWSKI: I don't know.

CHAIRMAN STRAIN: Okay. Well, I think 14 isn't enough; that's for sure.

MS. CILEK: It's -- the permit is good for 14 event days, and then you can come back in for two. So you have 28 total event days.

CHAIRMAN STRAIN: Why make them come back in? I bet they get another fee, too, don't they?

COMMISSIONER HOMIAK: Well, why have any limit on the days at all? I mean, they have to have permission.

CHAIRMAN STRAIN: That's even a better idea, yeah.

COMMISSIONER HOMIAK: They have to have permission from some property owner to do it.

MR. BELLOWS: For the record, I think the purpose of having some dates is to protect the tenants within a shopping center. The owner of the shopping center may have all these unlimited special events and flea market sales taking up the parking spaces for the tenants and taking away their customers or making it difficult for them to be in business.

So there was some kind of attempt to say, if you're renting within a shopping center, you're not going to have a problem with some kind of special event or market that's taking up the parking spaces in front of your store or your unit.

And also, just -- if they're there an unlimited time, then you may not have time to recoup from those events.

COMMISSIONER CHRZANOWSKI: But when they come in for this permit, you don't make them get a letter from all the tenants saying it's okay.

MR. BELLOWS: Just property ownership.

MS. CILEK: Just the property manager.

COMMISSIONER CHRZANOWSKI: Right, the property manager.

MR. BELLOWS: Yeah, but they may not be as --

COMMISSIONER HOMIAK: That's not the owner of the business.

MR. BELLOWS: -- sympathetic to the tenants who are in a long-term lease.

COMMISSIONER CHRZANOWSKI: Well, the tenants have to pay the rent to the property owner.

MR. BELLOWS: Yes, and they may have their customers driven away by these special events.

MS. CILEK: Ray is just bringing up a point that this is to create a balance.

CHAIRMAN STRAIN: Why don't we take the 14 event days for open-air markets and double it to 28 days and then allow them to go in for another 28 days if they want to, in case someone wants to be there here for the full six months. That would give them six months during the tourist season to be open if they wanted to be.

Anything wrong with that? What do you guys think?

COMMISSIONER CHRZANOWSKI: What happens if I just vote to reject this?

CHAIRMAN STRAIN: Well, that would be just as easy, but I'm -- based on some of Caroline's --

MR. BELLOWS: And the current temporary revisions are in place.

MS. CILEK: Then, just so you know, they will still remain at 28 days at any given location. So it's the -- far more restrictive than what we're currently discussing.

CHAIRMAN STRAIN: That's what I learned during break was --

COMMISSIONER EBERT: So we take the 28 and --

CHAIRMAN STRAIN: We take the 14, go to 28, and then leave the other 28. So they have 14 event days to start with, and then they can go and get another 28 days, so that gives them 56 days, which is half a year. At least that's better than what they've got now, supposedly, and --

COMMISSIONER HOMIAK: So that could be one weekend day?

CHAIRMAN STRAIN: Well, one -- yeah, it would be weekend.

COMMISSIONER HOMIAK: Per year.

CHAIRMAN STRAIN: Or for six months, or two weekend days for three months.

MS. CILEK: So 56 --

MS. ASHTON-CICKO: Yeah, you'd want to change it to 56.

MS. CILEK: Okay. And do you want to amend the 4B, sales and promotional events, or do you want to leave that at 14 and 28?

CHAIRMAN STRAIN: Well, that's already in -- it's already 14 days in the code, right?

MS. CILEK: Correct.

CHAIRMAN STRAIN: And this provides them another 14 days if they want to come in and ask for it, right? No sale or promotion at any one location shall exceed 28 event days within a calendar year. So they could come in for 14 days and get 14 more.

MS. CILEK: Uh-huh.

CHAIRMAN STRAIN: Okay. And so the upper one -- we corrected the upper one to 28 days, but no open-air market will have any events greater than 56 days in any calendar year, right? That's the one above that.

MS. CILEK: Fifty-six, yes.

CHAIRMAN STRAIN: Yeah. Does that work? Does that get us there?

COMMISSIONER EBERT: It's a lot better.

CHAIRMAN STRAIN: Okay. Anybody else have any questions about this one? Go ahead.

COMMISSIONER EBERT: I think you should still work on this for the next cycle also.

MS. CILEK: Okay.

MS. ASHTON-CICKO: Well, do you want to see this one on the 22nd if we have a --

CHAIRMAN STRAIN: I'm not sure we're going to --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: Yeah. I wouldn't want to hold a meeting just for one. We just would vote no on it if that's the case.

MS. CILEK: I mean, I would -- I'll post these back online once they've been edited as you have directed today, so that -- those will be there for you to review, and then if you would like me to think -- include this in the next round of amendments, perhaps any direction you have would be helpful, too.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

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

(No response.)

CHAIRMAN STRAIN: Okay. We've made some changes, changed some length of time. Does anybody wish to make a motion?

Everybody's dead silent. I don't think anybody likes this, Caroline.

COMMISSIONER EBERT: No, nobody likes this one.

MS. CILEK: I'm so sorry. I apologize.

MR. BELLOWS: We thought we were loosening things up a little bit.

MS. CILEK: Yeah. We're trying to make it --

MR. BELLOWS: Right now it's much more restrictive.

CHAIRMAN STRAIN: Anytime you regulate, it doesn't feel like you're loosening things up. I'm just --

MR. BELLOWS: Well, you know, there was no provision for outdoor markets. Now there is.

CHAIRMAN STRAIN: Well, if there were no provisions, that means it's a free-for-all, and you can do whatever you want.

MR. BELLOWS: Well, but code enforcement closed down a lot of them in churches and other places because they weren't specifically listed.

CHAIRMAN STRAIN: Okay.

MS. CILEK: I do think this will help out.

CHAIRMAN STRAIN: What does anybody -- what do you guys want to do? There's time for a motion or -- we've got to do something.

COMMISSIONER CHRZANOWSKI: I'll make a motion that we approve 5.04.05, temporary events, open-air markets with the provision that they be allowed for a term of 56 days before they have to come in for a renewal of the permit at the same location.

MS. CILEK: We had, I believe, 28 days for the permit, and then they can come back in for a second permit for a total of 56. That's the way the language is written.

COMMISSIONER EBERT: Okay.

COMMISSIONER CHRZANOWSKI: All right.

COMMISSIONER EBERT: So 26 and 56 is what you're saying?

CHAIRMAN STRAIN: Twenty-eight and 28. You can come in for -- you get 28 initially, and then you can renew for 28, for a total of 56.

Stan was suggesting starting -- you come in for 56 and you can renew for 28.

COMMISSIONER CHRZANOWSKI: Yeah.

CHAIRMAN STRAIN: I don't have a problem with that.

COMMISSIONER EBERT: Just turn it around.

COMMISSIONER HOMIAK: Come in for 56 and renew for 28?

CHAIRMAN STRAIN: Right.

COMMISSIONER EBERT: Just the opposite.

COMMISSIONER DOYLE: Works for me.

CHAIRMAN STRAIN: I don't think we ought to be regulating it anyway, but because we already do, by loosening it up, we're making it better, not worse. So that's probably an improvement. So I like your

idea, Stan.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: And you're going to strike -- we want to strike out those three standards as well that we talked about previously?

COMMISSIONER EBERT: That's correct.

CHAIRMAN STRAIN: And so the changes on No. 4A would be for 56 event days not to exceed -- and then the -- you can extend it for 28 more.

MS. CILEK: So 56 with one permit, and then you come back in and you can extend it for 28 more?

CHAIRMAN STRAIN: Right.

MS. CILEK: So it's good for more than a year per se?

COMMISSIONER EBERT: Not necessarily.

MS. CILEK: Well, I take that back. I take that back. If you're using it on every single weekend, then you would extend over a year, but if you're using it for more than --

COMMISSIONER EBERT: One day.

CHAIRMAN STRAIN: I've got to watch the board meeting on this one. This will be fun.

COMMISSIONER CHRZANOWSKI: That's what I was thinking.

MS. ASHTON-CICKO: I think your second number needs to be 84 then. If you're going to allow 56 events days and then they can renew it for an additional 28, that would bring it up to 84, if my math is correct.

COMMISSIONER HOMIAK: No more than 84 in a calendar year.

CHAIRMAN STRAIN: But see here's -- but then that does bring up a problem is that we're going to have some of these going one day a weekend. That will take them into two -- almost two years of operation.

COMMISSIONER CHRZANOWSKI: Say no more than 84 in a calendar year.

COMMISSIONER HOMIAK: In a calendar year.

CHAIRMAN STRAIN: That would work. That's a better way to look at it.

MS. CILEK: That's how I -- I think every weekend, so --

CHAIRMAN STRAIN: Okay. So 56 event days but no more than 84 in any calendar year.

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: Okay. That will get us there.

COMMISSIONER CHRZANOWSKI: That's the motion.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second that one.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Good luck with that one, Caroline.

MS. CILEK: Yep.

CHAIRMAN STRAIN: I'm going to have to watch you explain that one.

***Next item is 5.04.05, temporary events. Seems like we just got done beating that one to death, but here we go.

COMMISSIONER EBERT: This one's fireworks.

CHAIRMAN STRAIN: Yep. All this was is making it consistent with statute; is that correct?

MS. CILEK: Yes. It's to ensure that the public understands the county is issuing temporary-use

permits for actions that are permissible under the Florida Statutes.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER CHRZANOWSKI: Oh, just a comment.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: I was in the Corps of Engineers, and I don't understand a lot of this crap.

A booby trap, a small tube with a string protruding from both sides containing not more than 16 milligrams of explosive compound. I've got no problem with it. I'm just -- how do you tell 16 milligrams of explosive compound?

MS. CILEK: It's Florida Statutes.

COMMISSIONER HOMIAK: It's the Florida Statutes.

COMMISSIONER CHRZANOWSKI: Okay. That will do.

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

(No response.)

CHAIRMAN STRAIN: Is there a motion from the Planning Commission for 5.04.05? Diane?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Oh, Ms. Homiak's made the motion. And, Diane, are you going to second it?

COMMISSIONER EBERT: I'll second it.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item is a whole bunch of stuff. It's the sign ordinance.

COMMISSIONER EBERT: This is the long one.

MS. CILEK: Correct. The next LDC amendment is within the sign ordinance, 5.06.00, sign regulations and standards by land-use classification.

And I can walk through these, but many of these are common PUD deviation requests that we have consolidated into an amendment.

A couple of them deal with community amenity signs so -- to allow for a sign, a monument sign out in front of a clubhouse that would identify that you've arrived at the clubhouse restaurant or the tennis court, something like that.

We are addressing light pole banners within residential PUDs as well.

If you have any questions, I can most certainly answer them.

CHAIRMAN STRAIN: Okay. Anybody?

MS. ASHTON-CICKO: Well, there is one issue that you need to be aware of and provide your guidance on. And you'll notice in each -- almost each of the sections, there's some language in the middle of the paragraph that starts out with "in the event of a conflict between this provision and a PUD ordinance, this language shall control."

That was requested by Mr. Klatzkow to be inserted; however, there are some PUDs where you have allowed, like, 5-foot setbacks or larger signs, and that would mean that -- the way I read it, that if there's a conflict between what's written here and the PUD ordinance, then they would lose that deviation that they would have been granted, so --

CHAIRMAN STRAIN: Well, how can we take away a deviation we granted by another ordinance?

MS. ASHTON-CICKO: Well, that's what this language would mean unless you provide some guidance to the contrary.

MS. CILEK: We also discussed this during the DSAC/LDR subcommittee, and they did note that as well when the conversation was first brought up. And I don't know if it's included.

Yeah. They had some proposed language as well. In the event of a conflict between this provision and a PUD ordinance, this language shall control, and they were to add something about whichever is least permissive.

CHAIRMAN STRAIN: Yeah, but the whole purpose of PUD is to create language that has a difference than what's in the LDC; otherwise, we wouldn't need PUDs. So how can we now turn around and say the PUD language won't control even though that's what the purpose of the PUD is for?

MR. BELLOWS: I agree. For the record, Ray Bellows. That doesn't make sense. The purpose and intent of a PUD is to allow deviations to circumvent from sign regulations or other regulations contained in the Land Development Code. It just -- that doesn't make sense, that language.

CHAIRMAN STRAIN: I'd suggest we don't support that additional sentence, and let Jeff explain it to the board. And if they're convinced based on his legal argument that he's not here to provide for us, then they can go that direction. But until then, subject to that, I'm not -- it doesn't sound like a really good idea, because the PUDs are generated to be creative and differ from the LDC; otherwise, we wouldn't need them.

MS. CILEK: Understood.

CHAIRMAN STRAIN: So does that work for everybody?

COMMISSIONER HOMIAK: We would just recommend deleting it in all --

CHAIRMAN STRAIN: No. That last sentence, wherever it appears, we would delete it.

In the event of a conflict between this provision and a PUD ordinance, this language shall control. That defeats the purpose of a PUD.

MS. CILEK: And I can note that Planning Commission recommends that to be removed, and I'll discuss with Heidi if they go to the board with that removal or if we keep it in, because it was per the --

CHAIRMAN STRAIN: And knowing the county attorney, he had a good reason for putting that sentence in there, but I'm sure he didn't mean it the way we're taking it.

So the explanation will probably be warranted, and he can make that to the board, and that will probably be a better way to understand it, so --

MS. ASHTON-CICKO: I would think that he would probably be looking at situations where the PUD might have prohibited these kind of signs. That might be where he is.

CHAIRMAN STRAIN: Well, but see, if it was prohibited in the PUD and it was voted on based on that prohibition, then, again, we've got -- running into another problem, because the circumstances of that prohibition may have been why some members of this board or the other voted for the PUD. So I don't think we want to go there either. I mean, that's what I suggest, so --

MS. CILEK: I do have some DSAC/LDR subcommittee recommendations as well.

CHAIRMAN STRAIN: Okay. What are they?

MS. CILEK: The first one is regarding the light pole banner definition to consider other types of light pole banner materials such as aluminum or plastic.

If other materials are allowed, then a following section in this amendment would need to be amended if there was no bracket.

I think that they looked at the definition on Page 5 which says light pole banners, and we have fabric panels projecting from light poles, and their idea was that maybe there are other types of projections from light poles. We used the most common, I believe, which is fabric of some sort. It's up to you.

CHAIRMAN STRAIN: Well, aluminum is so expensive. I can't imagine anybody putting up aluminum banners.

COMMISSIONER HOMIAK: But they might. They would last longer.

CHAIRMAN STRAIN: Then if they -- well, if they blow, they're going to bend. And anything would --

MS. CILEK: You'd probably have to put some, like, holes in them so that you would let the air -- like, the wind through; otherwise, they would, you know --

CHAIRMAN STRAIN: I mean, I'm --

MS. CILEK: If you're fine with fabric, I just wanted to bring it up.

CHAIRMAN STRAIN: I don't have a problem with fabric, but it doesn't -- you know, it's up to you.

COMMISSIONER EBERT: That's fine.

COMMISSIONER HOMIAK: I don't know why we'd elim -- why couldn't we just have all three? I mean, people can choose what they want. It's not --

CHAIRMAN STRAIN: I don't care.

MS. CILEK: They can also request a deviation, if they have a specific type of look they're going for or something.

CHAIRMAN STRAIN: What's this board's pleasure?

COMMISSIONER CHRZANOWSKI: When I hear "banner," I think of a flexible material, not like an aluminum or a very stiff plastic. But I don't know.

COMMISSIONER HOMIAK: That's light pole banner. I mean, it's not --

COMMISSIONER CHRZANOWSKI: I don't know how you'd define that.

CHAIRMAN STRAIN: What's -- Caroline, do you have the definition of light pole banners in 5.06.00?

MS. CILEK: We are introducing it. So that is it.

CHAIRMAN STRAIN: Okay.

MS. CILEK: And that -- so the light pole doesn't have a definition, just the banner part. So it's included as light pole banners. And that's Line 7.

CHAIRMAN STRAIN: Fabric panels projecting from light poles.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Well, so now that would be fabric, aluminum, or plastic. Why don't we just leave it panels projecting from light poles, then it would cover everything?

MS. CILEK: I think if you left it at panels, you might end up with some types of, like, very fine, like flimsy plastic that might not hold up and would look more like -- you know, usually when you think of light poles they have -- they're, like, erect at all times, and perhaps if it was just, you know, just a panel, it might not actually stand straight. It might kind of fall over. That's why fabric or aluminum or plastic, you know, are firm.

CHAIRMAN STRAIN: Well, why don't we just leave it as fabric. And if someone needs a deviation during the SDP process, they've simply got to ask for it.

MS. CILEK: That's fine.

CHAIRMAN STRAIN: I have never been on a project where they've had anything but fabric. I've never --

MS. CILEK: Okay. Well, that's really good information.

CHAIRMAN STRAIN: I mean, it doesn't hurt anything to leave it that way. You going to lose any sleep over that?

COMMISSIONER HOMIAK: Well, I don't know why they have to go through -- if somebody wants something different, where do they have to go through another process?

CHAIRMAN STRAIN: Well, I don't know the advantage to aluminum or plastic. I mean, all I can picture is plastic banners getting shattered.

MS. CILEK: Staff did recommend fabric because it is probably the most common. It is what staff has reviewed for the -- you know, when we do PUD reviews, and they go to the Planning Commission, then also from, like, an aesthetic point of view, felt most comfortable with fabric just because they are the traditional method for a light pole from our perspective.

CHAIRMAN STRAIN: Okay. Anybody have any -- what do you want to do, gang? I'm fine with fabric. If the rest of you aren't, just say so. We'll just -- we'll get the language changed, and we'll do what we've got to do to get this done.

COMMISSIONER CHRZANOWSKI: I'm fine with fabric.

COMMISSIONER EBERT: That's fine.

COMMISSIONER HOMIAK: I'm okay. If everybody's going that way, I'll go, too.

CHAIRMAN STRAIN: If we all can live with it, that makes it easy.

Anything else on this one from anybody?

MS. CILEK: Let's see. Section 5.06.02, which is on Page 7, I believe, regarding boundary markers. The subcommittee recommended that 10 feet is used for the height rather than eight feet as they relayed 10 feet is the height generally requested during the PUD process; however, staff put forward eight feet because that is what is allowed within the LDC for a wall or a fence.

CHAIRMAN STRAIN: So DSAC wants -- recommended 10 feet, and staff has a recommendation of eight feet.

Anybody have any preferences on the Planning Commission?

(No response.)

CHAIRMAN STRAIN: No?

MS. CILEK: We wanted to be consistent with the other sections in the LDC.

CHAIRMAN STRAIN: Anybody?

COMMISSIONER EBERT: Caroline, with some of these walls, I know it's -- but I see a lot of them putting them on a 3-foot berm or something to bring them up, your walls. So that's where I see the 10 feet.

MS. CILEK: Yeah. You might even be higher than that at that point, so -- and these are for boundary markers. So this is, like, you know, identifying a boundary marker, which is a sign of some sort on a wall or a fence.

CHAIRMAN STRAIN: Where is the eight feet measured from? Would it be crown of road or would it be natural grade?

MS. CILEK: It would be how they are traditionally done when you review them.

CHAIRMAN STRAIN: Why don't we just say eight feet above the crown of the road? That's much like a house is laid out.

MS. CILEK: I'm not familiar with that review portion.

CHAIRMAN STRAIN: Well, it will give you 18 inches, is what it will probably do.

MS. CILEK: Yeah. We're not sure.

CHAIRMAN STRAIN: Well, does anybody have any --

MS. CILEK: I think it might be -- I can look up the section, but it's perhaps at grade, but --

COMMISSIONER EBERT: Boundary markers are normally -- normally, aren't they, like, this tall (indicating)?

MS. CILEK: In this instance, boundary markers are going to -- it's on Page 6, No. 14, and they are going to be allowed at the edges of a development.

COMMISSIONER EBERT: Property.

MS. CILEK: Usually residential. So A is a maximum of eight feet in height. B is a sign face area cannot exceed 24 square feet in area and can't, you know, rise above the structure of what it's -- in which it's located on, so it can't be, like, on top of it, necessarily.

And then the setback is -- from the road right-of-way is 10 feet, and maximum of two boundary markers on any one road frontage provided that they are 250 feet distance from each other. Those are the standards.

COMMISSIONER EBERT: I don't have a problem with it.

MR. BELLOWS: And those are the typical type of deviations that we have been addressing in the PUD rezone, so we thought, let's make those the standards, and they won't have to be asked for as deviations.

MS. CILEK: And the other fact is is like if they are going to go above the eight feet, they would need to come in and ask for a PUD deviation, so they would just sync this up if they were, in fact, going higher than that. So they would already be in to request that.

COMMISSIONER CHRZANOWSKI: Is there a definition of boundary marker anywhere in the code?

MS. CILEK: That was actually something we talked about. We decided to just keep it here in this section itself so it's all --

COMMISSIONER CHRZANOWSKI: Because it's a confusing term.

MS. CILEK: I understand from a --

COMMISSIONER CHRZANOWSKI: Surveyors are going to --

MS. CILEK: -- surveying point of view. And, actually, I had that initial thought until I was talking

with staff and realized they were talking about, like, a sign to mark the edge of a property.

COMMISSIONER CHRZANOWSKI: I know. That's why it's confusing. Your average surveyor's not going to like this called a boundary marker. But, hey, I'm not a surveyor.

MS. CILEK: Well, I don't know if the surveyors are looking at 5.06.00 very frequently, so maybe that's the one good thing. It's -- there's no definition except in No. 14 itself, which defines them, more or less.

MS. ASHTON-CICKO: Well, do you want to just call Section 14 boundary marker sign or boundary marker signage?

MR. BELLOWS: That might help clarify.

MS. CILEK: We could do that.

CHAIRMAN STRAIN: Sounds fine with me.

Okay. We're going to leave it at eight feet, we're going to take out the language about what controls, and we're going to leave the fabric in.

Anything else?

(No response.)

CHAIRMAN STRAIN: Any members from the public wishing to speak on this item?

(No response.)

CHAIRMAN STRAIN: Is there a motion from the Planning Commission?

COMMISSIONER HOMIAK: I have to read them all?

CHAIRMAN STRAIN: No. I would just suggest that we -- 5.06.02, .04, .05, .06, and .09. Is there a motion on those?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Ms. Homiak.

Second by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is?

MS. CILEK: Sidewalks.

CHAIRMAN STRAIN: 6.06.02, sidewalks, bike lane, and pathway requirements.

MS. CILEK: So in this instance what we are doing is we are proposing to include CAD drawings that are a little bit clearer in place of our existing hand-drawn sidewalk diagrams.

CHAIRMAN STRAIN: And that's it.

MS. CILEK: That's it.

CHAIRMAN STRAIN: So take a diagram out that was hand drawn and replace it with a more refined diagram that does the same thing and changes nothing.

MS. CILEK: Yes, sir.

MR. BELLOWS: But isn't it pretty?

CHAIRMAN STRAIN: Oh, yeah.

Anybody want to talk on this one?

(No response.)

CHAIRMAN STRAIN: Any members of the public?

Go ahead, Gary.

MR. BYRANT: For the record, I'm Garrett Byrant.

I just -- I had a PUD on Davis Boulevard called Winter Park, and I was concerned about my residents riding their bicycles to the Kings Lake shopping center, so I designed a 6-foot-wide sidewalk that ran along the golf course in the rear portion of the PUD, which -- it was six feet wide so I could have bicycles and pedestrians use it.

And when it was on the MPO back in 1990, I made this same plea to the board. I said, what you should do is make all the sidewalks in planned unit developments six feet wide so that people could share them rather than putting bicycle paths out in the middle of the road, which to me was crazy, particularly like on the North 41 up by Immokalee Road where they've got bicycle paths right, literally, out in the middle of the road.

In any case, so what happened was after I put the 6-foot-wide bicycle/pedestrian pathway from Winter Park to Kings Lake -- it was about a half a mile long -- the county went out anyway and put another sidewalk out along Davis Boulevard.

And I was trying to keep the kids away from the road. So my plan worked out better in the long run, but it was only, like, I guess recently implemented, and I hope to see that somebody uses a common-sense approach to getting bicycles off the road. I mean, entirely. They're -- they're just too dangerous. I mean, people are being hit all the time, and it's just not safe to have a bicycle using the same blacktop as a car.

Thank you for letting me share that.

CHAIRMAN STRAIN: Thank you.

Any discussion from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER CHRZANOWSKI: No, I got one -- I got one question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: On that one on the "do this," "don't do this," the one intersection on the "do this" on the bottom on the right --

MS. CILEK: Are you talking about Illustration 1 or Illustration 2?

CHAIRMAN STRAIN: Top right-hand side of the page, Stan.

MS. CILEK: The illustration is identified at the bottom of each page.

COMMISSIONER CHRZANOWSKI: Illustration 2.

MS. CILEK: Okay.

COMMISSIONER CHRZANOWSKI: I have the enlarged version of that Illustration 2.

MS. CILEK: Okay.

COMMISSIONER CHRZANOWSKI: If you look at the bottom, "do this," don't -- or the bottom "do this," the one on the right, that little feature out in the road that the person is turning behind making the right turn to the top left and to the bottom right, that little feature, they usually call it a pork chop.

MS. CILEK: Okay.

COMMISSIONER CHRZANOWSKI: You see how you ran your crosswalk across all four lanes? There you go. That's the one. If you look at -- on the drawing at the bottom -- the one on the bottom left.

MS. CILEK: This one?

COMMISSIONER CHRZANOWSKI: Yeah. That's about the condition that exists at Airport and Golden Gate. And the people turning right there, they don't stop, you know. They kind of come right through.

MS. CILEK: Right here?

COMMISSIONER CHRZANOWSKI: And the guy -- yeah. And the guy crossing that crosswalk coming from the other way is going to cross in front of three parked cars and not be able to see that guy coming through.

And for some reason, the old one, the one -- the "don't do this" where it curves over and goes to the pork chop, I think that's safer, but that's only because I bike a lot, you know.

It's up to you. I don't like that.

MS. CILEK: Well, our intent isn't to change it. So let's talk about where it's being changed, because I'm -- in this instance, I don't have a blowup of the one -- this right here is the pork chop; is that correct?

COMMISSIONER CHRZANOWSKI: That's -- that's not the one I'm talking about.

MS. CILEK: Okay. Well, this one that we were just going over --

COMMISSIONER CHRZANOWSKI: Right.

MS. CILEK: -- is this section right here.

COMMISSIONER CHRZANOWSKI: Okay.

MS. CILEK: Which I obviously can't get. So they need to match up. I worked with transportation staff to make sure that we were, you know, accurately --

COMMISSIONER CHRZANOWSKI: I know. I'm telling you I think that's a bad design.

MS. CILEK: Okay. But it's not inconsistent with what we currently have in the code, correct?

COMMISSIONER CHRZANOWSKI: I don't care if it's consistent or inconsistent. It's a bad design.

MS. CILEK: Okay.

COMMISSIONER CHRZANOWSKI: You're having that person cross in front of three sets of cars that are stopped waiting for a light, and then he's going to cross in front of another car that's making that right turn.

MS. CILEK: Turning, right.

COMMISSIONER CHRZANOWSKI: That's -- where you could route him off to the side onto the pork chop, and he could sit there and wait and look what's coming and be safe out there.

MS. CILEK: Okay. So --

COMMISSIONER CHRZANOWSKI: As opposed -- I got stuck once at an intersection where, you know, something like that happened, and I was stopped. And all of a sudden the light turned green, and there's people coming behind me and people coming in front of me. And that's -- you know, I don't like that, but that's just a personal thing. Talk to your guys that bicycle.

CHAIRMAN STRAIN: But I think what we need to do is, first of all, acknowledge that the two drawings are identical in regards to what we're trying to change, and if Stan has a problem with design, you guys need to consider it for a future LDC amendment. That would get us off the dime and get us going forward.

MS. CILEK: And that's what I wanted -- sounds good.

COMMISSIONER CHRZANOWSKI: I'll buy that.

CHAIRMAN STRAIN: Okay, good.

Is there a motion? Is there anybody -- well, we already had public speakers.

Anybody want to make a motion on this one?

COMMISSIONER DOYLE: I'll make a motion to approve 6.06.02, sidewalks, bike lane, and pathway requirements.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is 10.02.13, PUD procedures.

MS. CILEK: In this amendment we are proposing to strike through the sunset provisions within

the Land Development Code, and that includes on Page 7 -- excuse me -- Page 4, No. 7, PUD buildout as well.

We did have some conversations with lots of staff members on this. We worked with Mike Bosi and Ray, and we also met with public utilities. And following their -- a conversation with them, they will have to amend the way that they do their future projections, but they are in line and are willing to do that.

We did want to have a conversation about how this will reflect, you know, moving forward for those PUDs that have sunsetted, just to get that on the record as well.

CHAIRMAN STRAIN: Okay. Well, that -- so if a PUD has already sunsetted, this would resurrect it?

MS. CILEK: From what I understand, yes.

CHAIRMAN STRAIN: Okay. So we don't have any -- this would eliminate all sunsetting, and all PUDs that have been sunsetted would now be activated again without having to go through the process that it would require. And if a PUD has language in it specifically to sunsetting, that's null and void?

MS. ASHTON-CICKO: Yes, that's what this section does.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: Now, if there's a termination date or build-out date or phasing dates, those would not be affected. Those would still remain.

CHAIRMAN STRAIN: Just the sunsetting pieces.

MS. ASHTON-CICKO: Anything that says sunsetting in the PUD or via the section that's going to be removed would no longer apply.

CHAIRMAN STRAIN: Okay. Any comments from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: One giant strikethrough.

COMMISSIONER EBERT: Is it big, Mark?

CHAIRMAN STRAIN: Huh?

COMMISSIONER EBERT: Is it a big -- how many have sunsetted; do you know?

MS. CILEK: I would say a fair share. Ray and other staff members would have a better idea.

CHAIRMAN STRAIN: But, see, all that's --

MR. BELLOWS: I know of approximately six that have sunsetted, but there's probably more.

CHAIRMAN STRAIN: The only thing sunsetting does is puts them on hold until they come back in and refresh the PUD. So they don't lose their zoning. They don't lose their vesting. They just lost their ability to move forward until they re-up the PUD, which is a costly process. And --

MR. BELLOWS: Basically you have to amend the PUD just to --

MS. CILEK: Open it up again.

MR. BELLOWS: -- open it up for --

COMMISSIONER EBERT: Okay. Not a problem.

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

(No response.)

CHAIRMAN STRAIN: All those -- okay. Any --

COMMISSIONER HOMIAK: I make a motion to approve 10.02.13 D.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: All in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is 10.02.13. Oh, that's the one we just --

MS. CILEK: Nope, it's E, 10.02.13 E.

CHAIRMAN STRAIN: Oh, 10.02.13 E, correct.

MS. CILEK: Same section, just a little earlier, and in this we are looking to strike a sentence because it has conflicts with the process that we have for amending PUDs through the substantial and insubstantial and minor changes, so just a cleanup activity.

CHAIRMAN STRAIN: Yep. That makes sense. That's a cleanup.

Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Anybody from the public?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER CHRZANOWSKI: Motion to approve 10.02.13 E, PUD procedures.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is 10.03.05, required methods of providing public notice.

MS. CILEK: Yes. This amendment does several things. One, it fixes an error that was made during the adoption of the administrative code regarding the distance that is required for a mailed notice for a public hearing. So we are fixing that here, and that was an error that we made consistently throughout a couple times. We're amending that.

And then we're also introducing the agent letter, which is something that we utilize for several different petitions, including variances and parking exemptions. It is sent by the property owner or the agent to residences or property owners within 150 feet of the subject property of the proposed resolution or ordinance, and it's something that we have had in practice -- Ray, how long would you say?

MR. BELLOWS: Since we initiated the neighborhood information meeting requirements. This is in lieu of holding a neighborhood information meeting for, say, a variance.

MS. CILEK: Correct. And then we are also including the -- on Page 8, V, which is two different notice procedure or, excuse me, two different petitions that have the same notice procedure that we already currently do. It's just that they had never been codified.

As you can see, we have a lot of different notice procedure requirements for different types of petitions.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER CHRZANOWSKI: Just a comment, that in spite of all those procedures we have, people still come in here all the time and say, okay, that's enough.

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

(No response.)

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

COMMISSIONER CHRZANOWSKI: Motion to approve 10.03.05 and 10.03.06, notice requirements.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is 4.02.01, dimensional standards for principal uses in base zoning districts.

MS. CILEK: Moving back to the front of the binder, and --

CHAIRMAN STRAIN: The whole page.

MS. CILEK: Yes. These are scrivener's errors, the next five of them. So in this case we have -- or the LDC referenced the incorrect chapter, so we are being explicit in what section and table to look at for building dimension standards and principal uses and base zoning districts.

CHAIRMAN STRAIN: Any comments?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER HOMIAK: Motion to approve 4.02.01, scrivener's error.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made and seconded.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item is 4.02.06 -- 4.06.02, buffer requirements.

MS. CILEK: This, again, is a clarification on an amendment that had gone through several years ago, but due to the overlapping amendments and cycles, they actually forgot to include it in a subsequent amendment. So we went back and did the research, and staff has been applying it because they knew that it existed. We're just recodifying it.

COMMISSIONER EBERT: This was very confusing to read.

CHAIRMAN STRAIN: So it was previously approved, correct?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: Motion?

COMMISSIONER EBERT: Motion to approve buffer requirements, 4.06.02.

CHAIRMAN STRAIN: Second?

COMMISSIONER DOYLE: Second.

CHAIRMAN STRAIN: By Brian.

Okay. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item up is 5.03.02, fences and walls, excluding sound walls.

MS. CILEK: And --

CHAIRMAN STRAIN: Caroline?

MS. CILEK: In this amendment we are looking to strike an incorrect citation in the LDC and identify where to go to apply for an administrative fence waiver, which is what this section is referring to.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: Motion?

COMMISSIONER HOMIAK: Motion to --

COMMISSIONER CHRZANOWSKI: Motion to approve 5.02.03, fences and walls, excluding sound walls.

CHAIRMAN STRAIN: Made by Stan.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***Next item is 5.04.04, model homes, model sales centers.

MS. CILEK: This amendment came up during the administrative code, our work on that, and we noticed there was an incorrect citation for where to find Site Development Plans, so we got a little correction happy, and most of the amendment is on Page 3. Just cleanup.

CHAIRMAN STRAIN: Discussion?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Motion?

COMMISSIONER DOYLE: Motion to approve 5.04.04, model homes, model sales centers.

CHAIRMAN STRAIN: Second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Those opposed?

(No response.)

CHAIRMAN STRAIN: None, 5-0.

***Last one is a scrivener's error. It's 10.02.08 I(2)(b). These scrivener's errors are really bad.

We're going to have to --

MS. CILEK: There are two of them on Page 2. We have an extra word, and then we have an incorrect word on Line 6.

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER EBERT: Make a motion.

COMMISSIONER CHRZANOWSKI: I think this guy Scrivener should be fired.

CHAIRMAN STRAIN: I think so, too. He does this a lot.

COMMISSIONER EBERT: Diane made a motion to approve 10.02.08 I(2)(b). Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER DOYLE: I second.

CHAIRMAN STRAIN: Seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Caroline, I believe we're done.

MS. CILEK: Thank you all so much.

CHAIRMAN STRAIN: Yep. Thank you. We saved Thursday. So for all of you, there will be no meeting and no need to continue to Thursday. We are done here tonight.

And with that, I believe we can -- is there anything else on the -- I can't -- there's nothing else on the agenda, so is there a motion to adjourn?

COMMISSIONER DOYLE: Motion to adjourn.

COMMISSIONER HOMIAK: Motion to adjourn.

CHAIRMAN STRAIN: Made by Brian, seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: We're out of here.

Thank you, all.

May 19, 2014 CCPC/LDC

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 7:42 p.m.

COLLIER COUNTY PLANNING COMMISSION

Karen J. Homick
602 MARK STRAIN, CHAIRMAN

ATTEST DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6/19/2014, as presented ✓ or as corrected _____.

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