

TRANSCRIPT OF THE 5:05 MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
June 8, 2015

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:

Mark Strain, Chairman  
Stan Chrzanowski  
Brian Doyle  
Diane Ebert  
Karen Homiak  
Charlette Roman

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney  
Ray Bellows, Zoning Manager

CHAIRMAN STRAIN: Okay, good evening, welcome. Welcome to the 5:05 p.m. meeting of the Collier County Planning Commission. It will be for Land Development Code amendments.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay, if the secretary could please do the roll call.

COMMISSIONER EBERT: Yes. Good evening.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Eastman 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.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Okay. And Mr. Eastman did notify me he couldn't make it. It will be an excused absence.

Addenda to the agenda. This is a special meeting, so there's no need for our agenda template to have four, which is family commission absences; five, approval of minutes; six, BCC report; seven, chairman's report; eight, consent agenda item; 10, old business; or 11, new business.

And the only other comment I have to our agenda is I'd like to welcome a soon hopefully some day to be Planning Commissioner, Richie Nottingham is in the audience working hard at one of his games on his computer. Richie, it's good to see you tonight.

And your mother just had to type down everything I just said.

So with that, we'll move into the first advertised public hearing. Actually, we have three -- two items -- three items to discuss tonight. The first one up will be the Land Development Code items for the automobile service station waiver section of our code. The second one will be to do -- have to do with open space and setbacks for golf course, maintenance and recreation facilities. And the last one will be the correction of a chart from last Thursday's meeting that was continued over to today.

So with that, Caroline, I'll let you start out with introductions to the first item.

MS. CILEK: Perfect, thank you.

We're returning following the Planning Commission meeting on May 7th with revisions to the automobile service station LDC amendment. We are following the Board's direction to address compatibility, and the changes from the last amendment are highlighted in yellow.

I think it would suit just to go page by page to discuss?

CHAIRMAN STRAIN: Sure. And we should start with the first page or two of the staff report and we'll work our way through it.

For the members of the audience who are here for the automobile service station amendment, as soon as we get done reviewing the document, asking questions of staff, we'll turn to public speakers and get your input, obviously. So bear with us.

With that, we'll turn to Page 1 and 2 of the staff report. Does anybody have any questions from the staff comments on Pages 1 and 2?

(No response.)

CHAIRMAN STRAIN: Caroline, I've got two questions on Page 2 on the top on your bullets. Just some clarification.

The third bullet, contact the compliance officers from three area gas stations. Those are employees of the gas station facilities?

MS. CILEK: Correct.

CHAIRMAN STRAIN: Not county employees.

MS. CILEK: Correct. And if you look to attachment --

CHAIRMAN STRAIN: I found them in the -- I just wanted to make the --

MS. CILEK: -- attachment five, we reached out to three RaceTracs, 7-Eleven, Handy Food Stores, and these were individuals who were familiar with the environmental regulations for gas stations.

CHAIRMAN STRAIN: Okay. Is that someone who was working locally or that you reached at corporate headquarters?

MS. CILEK: They were regional positions.

CHAIRMAN STRAIN: Okay.

MS. CILEK: So someone who's in charge of the region.

CHAIRMAN STRAIN: Then the last bullet said you reached out to Dr. Pat Breyse, a health expert regarding gas station compatibility with residential property. Can you tell us what he had to say?

MS. CILEK: Sure. We reached out to Dr. Breyse; however, he was unavailable to answer any of our questions, so the office called back and staff on May 27th was able to talk to Markus Hilpert with the University of John Hopkins, and he relayed that this issue is something that he's looking into studying in the future, but he doesn't have any concrete information at this point in time.

CHAIRMAN STRAIN: The issue specifically is?

MS. CILEK: He was looking at the distance of 300 feet from residential to gas stations, or I think he's hoping to look at that in the future.

CHAIRMAN STRAIN: And the distance he would be looking at under and the basis for his research would be what?

MS. CILEK: Looking at fuel vapors.

CHAIRMAN STRAIN: Fuel vapors, okay. That's what I was trying to find out.

And so we don't have any new information or any additional information on the fuel vapor issue.

MS. CILEK: Correct. Not at this time from that contact source.

CHAIRMAN STRAIN: Okay. Well, we'll move on to Page 3 from the staff report. Where it begins the LDC language with the definition from the last Planning Commission meeting added concerning facilities with fuel pumps.

Does anybody have any questions?

COMMISSIONER EBERT: Yeah, I don't -- I just like automobile service stations, but you do know that, so -- I don't particularly care for facilities with pumps.

CHAIRMAN STRAIN: Keep that close to you when you talk now.

On the top of that page, a third bullet. It says proposed -- in the top of it it says: Proposed standards available to all gas stations. And the third one says: New lighting standards require all lighting to meet Dark Sky requirements.

That isn't quite the way it's written.

MS. CILEK: It would be better phrased if we relayed that they were to meet the principles or requirements of Dark Sky requirements. Dark Sky is its own approval process, and so we're looking to have that concept applied but not actually require the approval process for that, so --

CHAIRMAN STRAIN: Okay.

MS. CILEK: Sorry for --

CHAIRMAN STRAIN: No, I just want to make clarification so if any members of the public need to understand what's been written here and why we get the answers ahead of time.

Well, that takes us to the first full page of the LDC language. Does anybody from the planning -- any Planning Commission members have any questions from that page?

(No response.)

CHAIRMAN STRAIN: I'd like to move to table B on that page. And the last two items it says side yard and rear yard, and the changes were to go to 50 feet instead of 40. The whole premise behind this meeting and the whole idea of bringing the LDCAs forward in this manner was their relationship to residential. I might suggest that we leave this table alone, because it -- it's not all -- doesn't apply to just residential. And we look at the additional distances for side and rear yard to be placed under the section of

this new code that addresses standards for facilities with fuel pumps adjacent to residential property, and add it there and then put the 50 feet there where it's more compatibility wise warranted than just everywhere across the board. Does that --

MS. CILEK: It works.

COMMISSIONER EBERT: So we're going to --

CHAIRMAN STRAIN: We're going to leave the table where it says side and rear yard at 40 feet, but then under the residential compatibility standards we're going to increase the side and rear yard to 50 feet.

COMMISSIONER EBERT: Okay.

MS. CILEK: So it would go on Page 6.E. You would add it there.

CHAIRMAN STRAIN: Caroline, this -- after this meeting this has to move on to the Board. So you're going to be making adequate notes to take all of this down?

MS. CILEK: Yes.

CHAIRMAN STRAIN: You won't be able to get it back to us with a --

MS. CILEK: Correct.

CHAIRMAN STRAIN: -- another review, so --

MS. CILEK: I will take notes as we go along, so before you provide your final recommendation we'll go through those, if that works for everyone.

CHAIRMAN STRAIN: Okay.

Okay, the next page is Page 5. Anybody have any questions on Page 5?

(No response.)

CHAIRMAN STRAIN: This is just some new language in yellow on that page. Karen?

COMMISSIONER HOMIAK: But on line 16 where it says automobile service station, that should also be changed.

MS. CILEK: Oh, thank you.

CHAIRMAN STRAIN: Very good.

COMMISSIONER HOMIAK: And then on line 45, at the end where it says gasoline, that probably should be fueling. On gasoline canopies, should be fueling canopy.

MS. CILEK: Yes, we'll make it consistent.

COMMISSIONER HOMIAK: Okay.

COMMISSIONER ROMAN: I have a question --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: -- in reference to paragraph C. It talks about facilities with eight or more fuel pumps shall be reviewed through the conditional use process if they meet those conditions.

If they don't meet those conditions, then what is the process, the normal approval process? Or how do they proceed?

MS. CILEK: Well, actually, let me just restate that. What C is aiming to do is that facilities with fuel pumps with eight or more fuel pumps are reviewed through a Conditional Use process when located within 250 feet except for when there are certain barriers between the fuel -- facilities with fuel pumps and the residential. So --

COMMISSIONER ROMAN: Then they what, go through the normal process?

MS. CILEK: Correct. They would go -- yes, they would go through the site plan process and they would still be required to follow D, which applies to all gas stations.

CHAIRMAN STRAIN: And then E, if it is adjacent to residential.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. And I think what this is trying to provide is some options, and we have a -- you saw the tables that were attached and colored, so when the Board looks at this they can look at C and it says location standards, facilities with fuel pumps with eight or more. Well, that's a decision the Board can change to six or 10 or 12 or whatever they'd like, but it's pointed out in that table. That's one of the options they should consider.

Then it says should be reviewed through a Conditional Use process and located within -- okay, the

250 feet is another option. That needs to be addressed on the basis of what the Board would want to use.

We're throwing numbers in here as placeholders right now in response to what some of the inquiries started at. But then it says residentially zoned or residentially developed properties unless the use is separated by at least 100 feet.

Now the distance and the width of those items, which are non-developable wetlands, designated preserve areas or a minimum of four-lane arterial or collector road right-of-ways, those are equally options. The Board can say they have to be 200 feet wide or 50 feet wide. And instead of just leaving those in there, they may want to put in other types of separations. So all those are options that really don't say that in paragraph C, but that's the intent of paragraph C, to get whatever options the Board wants to pick. And this time we've laid it out in a list format so that it might help picking and seeing which ones are there.

Then the last one, it says: As measured from the property line in the fuel facility with pumps that are residential property line (sic), that's another option. Because they could be measured from the pumps to the property line or from property line to property line. So --

COMMISSIONER ROMAN: Yeah, I understand that. I just think that paragraph C is a very positive step in the right direction, and we'll see how it does.

CHAIRMAN STRAIN: Well, I figured you understood. I was kind of going through in detail because the members of the public here and everybody else that isn't as familiar with these documents so that helps get us at least an explanation of what can be done with C.

Anybody else have any --

COMMISSIONER HOMIAK: I have a question.

CHAIRMAN STRAIN: -- questions?

Go ahead.

COMMISSIONER HOMIAK: We're only just focusing on the residential and not schools or churches or any of the other locations that some of the other counties in Florida have restricted -- I mean, made the same restrictions to?

CHAIRMAN STRAIN: They did. Well, I mean, this board can recommend whatever we want to. The problem is that the further astray we go from what the Board of County Commissioners wanted us to focus on, the more difficult it may be to get something finalized through the system. And we've been trying to stick to what the Board had asked us to look at; at least I thought that was the best way to go.

Go ahead.

COMMISSIONER ROMAN: I think that we could -- if we didn't incorporate that into the code, because this has come up before, and I support that consideration, Karen, we could make a recommendation at the end of this that goes forward to the Board of County Commissioners that say not only we recommend their consideration of this code amendment but that we also recommend it be expanded for schools and churches. That might be a way to approach it.

CHAIRMAN STRAIN: But I think any approach that we have ought to be linked to a standard that is as a result of a compatibility issue. And that -- therein lies the problem. Because, you know, it's easy to say whether something is compatible or not to residential in the sense of its massing and what it performs as. But when you put it up against other uses, it brings it different. We've got to make sure we address it from that standard, though.

Karen?

COMMISSIONER HOMIAK: Well, if that would end up being a suggestion to the Board, on Page 10 on line six through eight under "I" where there is a listing of those same locations that I was mentioning that, you know, the driveways can't be within 200 feet. But it's the same listing and it's the same as what other counties have incorporated into their code, into their ordinances or whatever.

COMMISSIONER ROMAN: That seems to focus on the driveway --

COMMISSIONER HOMIAK: Right.

COMMISSIONER ROMAN: -- versus the fuel pumps.

COMMISSIONER HOMIAK: Right. But the listing says school, public playground, child care center, et cetera.

CHAIRMAN STRAIN: The only difference might be in some of those other municipalities that

were able to incorporate those standards in, it may have happened at a time when their zoning wasn't being changed after it was already in position for 40 years. And that's been a little bit of a touchy subject on this one. If you take too many property rights away, it could rise to the level of a Burt Harris claim. And I think we're trying to make sure we don't trigger that by the methods that we're looking at in how we approve this.

I'm not saying we will, I'm just suggesting one or -- you have to proceed cautiously and make sure we've got strong compatibility requirements to make the argument.

On Page 5 towards the end under D.1.B.4.B, it talks about E, fascia of the canopy shall be one color. Then it says color accent banding on gasoline canopy structures is permitted through the deviations and alternative compliance process established in LDC Section 5.05.08.

Caroline, can you tell us what that process is?

MS. CILEK: So the deviations and alternative compliance process is an administrative process that allows for an applicant to come forward with an alternative design option for a structure. That means the criteria. And so in this instance they would be able to come forward with a design that would still meet the intent of the code but would allow for in this case accent banding.

CHAIRMAN STRAIN: Okay. And if an applicant came through with a deviation alternative compliance review as done administratively, but I understand if they appeal it it gets appealed to an architectural review board.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Do we have one in place?

MS. CILEK: From what I understand last year there were members that were nominated to be on it. I think it would need to go through a formal process, but it's something that in the past has not been utilized administratively. These have always been able to be worked out.

CHAIRMAN STRAIN: Okay. And then the last thing, do you have any visuals of the two stand-- you've got two different types: You've got one that has a pitch and one that is a more or less architecturally -- architectural flat roof --

MS. CILEK: Yes.

CHAIRMAN STRAIN: -- for the sake of better words.

MS. CILEK: So if we're looking at C.i, this is an example. An example, so it obviously could be done in a number of different ways. But this canopy would meet the requirement of C.i.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Okay? And then the next one, and please note that it's one or the other, would be another example of what would meet the requirement of C.2.

CHAIRMAN STRAIN: Okay.

MS. CILEK: And we pulled the language from 5.05.08, which is our architectural and site design requirements, so they're not new concepts by any means.

COMMISSIONER ROMAN: Consistent.

CHAIRMAN STRAIN: Okay. Page 6. Does anybody have any questions on Page 6?

(No response.)

COMMISSIONER HOMIAK: Just the same thing on line 34. Says automobile service stations.

MS. CILEK: Thank you.

COMMISSIONER HOMIAK: You're welcome.

MS. CILEK: We corrected so many -- or we changed so many, we figured we got them all. I appreciate your eye.

COMMISSIONER HOMIAK: They all look the same after awhile, I would imagine.

CHAIRMAN STRAIN: Anybody else have anything on Page 6?

MS. CILEK: I have one change.

CHAIRMAN STRAIN: Okay, what's yours?

MS. CILEK: Under four, signage for facilities with fuel pumps. We do have proposed language change to b, 4.b.

So it would read a little bit differently. We wanted to be consistent with the language on the prior section regarding accent banding. And we wanted to fix a grammatical sentence structure for the first

sentence.

CHAIRMAN STRAIN: That reference to 5.05.05.D.1.B.4.b kicks you back to the administrative review subject to an appeal to the architectural board.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay.

MS. CILEK: So we're going to swap out the language that's on the visualizer for the language that's in the LDC text, or in the amendment text.

CHAIRMAN STRAIN: It says the same thing but a lot clearer.

On that same Page 6, Caroline, 3.a, lighting standards: All lighting shall meet the applicable Illuminating Engineering Society, IES, uniformity criteria.

And I don't like to have items brought into our code as a standard without being able to read them. So I went on-line to read this, and they wouldn't let me read it unless I paid them \$595. And that didn't seem reasonable. So can you provide me with that handbook so I can read it, or how did you want to --

MS. CILEK: I can work on that. But I did speak with staff and we're comfortable just utilizing 3.d, which provides a minimum average and a maximum average of foot candles across the seat, which is what we want so that the entire site is illuminated at a consistent level. So we're comfortable removing A and simply going with D.

COMMISSIONER CHRZANOWSKI: Just curious, when you do that, I know you get a drawing from the engineer that did the illumination, and it shows what he estimates the foot candles are.

MS. CILEK: Uh-huh.

COMMISSIONER CHRZANOWSKI: Everywhere.

Does anybody go out with an actual instrument and measure the foot candles? Like where you talk in G about average foot candles, how do you do that? Do you take five measurements and take the average and if one is 100 and one is five, the average is 50, or what?

MS. CILEK: I believe that we are going off the professional signing and sealing of documents that is they are providing these foot candles as required by the code.

COMMISSIONER CHRZANOWSKI: So no, you don't check it.

MS. CILEK: I do not believe so.

COMMISSIONER CHRZANOWSKI: Okay.

COMMISSIONER EBERT: I have a question. So are we --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: -- crossing out A?

CHAIRMAN STRAIN: Yes, 3.a will come out because we don't have those standards.

Then under 4.c we're talking about a ground sign. And just last week we initiated LDC changes for visibility. And involving these kind of signs and visibility triangles. Will this provide the opportunity for the applicant in one of these sites to utilize that?

MS. CILEK: From what I understand, yes.

CHAIRMAN STRAIN: Okay.

Then at the bottom of six we start on a new section, an entirely new section that goes on for over the next -- most of the next page. It's section E. And it says supplemental standards for facilities with fuel pumps adjacent to residential property.

And that's a lot -- almost the new language that brings in a lot of the issues we've been discussing.

So let's move on to Page 7. Does anybody have any questions on Page 7?

(No response.)

CHAIRMAN STRAIN: Now, on the top under facility of fuel pumps, it gets into the landscape buffer. And the width of that buffer and the height of the fence has a standard if it's against residential. And all of these things are subject to variables. So that means when the Board gets it, if they want to change any of them, obviously it's their prerogative to do so.

I don't know if this board -- we're moving up to a 30-foot wide landscape buffer, eight-foot wall, and the word module is being dropped or left in?

MS. CILEK: I would like to replace it for a different term.

MR. WILSON: Okay.

MS. CILEK: That term would be pattern. So the idea here, and the term, that whole phrase, color, module and texture, that came from a section farther down that we just relocated to here. However, to be clear to the public and to the applicant, we want to use the word pattern.

This is supposed to have a consistent pattern, the wall being consistent all the way down the way, so that's what we'd like to replace it with.

CHAIRMAN STRAIN: Okay. Under B we talk about landscaping along the residential side or the residential yard. And we get into a rather detailed buffer. On the residential property wall side, a hedge row consisting of number 10 shrubs spaced three feet on center, four feet high at planting and five feet high within one year shall be provided. In addition, a row of canopy trees spaced 30 feet on center and 10 feet in height at planting are required.

On a facility side you're going to have another row of canopy trees spaced 30 feet on center and 12 feet in height at planting, and a hedge row of number 10 shrubs spaced three feet on center, four feet high and five feet within one year shall be provided.

Required canopy trees shall be staggered to accommodate the canopy trees on the residential property wall side.

So what you end up with is a double row of canopy trees at 10 to 14 feet -- 10 to 12 feet with an eight-foot wall in between them and then hedges up to five feet on both sides of the wall. And that's on a 30-foot wide landscape buffer.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Can that landscape buffer and can that wall be on an elevated mound?

MS. CILEK: This is not requiring it. However, that could be consideration of the Planning Commission or the Board.

CHAIRMAN STRAIN: Because if it is, it would boost the wall height up above the eight feet, and it might be a good way of accomplishing that. It doesn't provide any more massing of a block wall, but it gives some contour to the property, of which would be better with landscaping. So I might suggest that within 30 feet at a three-to-one or a four-to-one slope you could easily put in a three-foot high wall and provide plenty of mow-able slope and maintainable area.

MS. CILEK: Yeah, it's something that the Planning Commission can absolutely recommend.

CHAIRMAN STRAIN: Well, since the space is there, I'd suggest we utilize it. So that would add a three-foot berm to the landscape pattern in the back.

COMMISSIONER EBERT: Mark?

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Could we also add maintain?

CHAIRMAN STRAIN: Well, it's required to be maintained. I mean, you can say it, but it's already in the code.

MS. CILEK: It's required.

CHAIRMAN STRAIN: Code Enforcement does respond, so -- now, in contrast to the right-of-way plantings that we require, they're 20 feet side-to-side and 25 feet back-to-back. This would be based on my discussions with Jeremy, this would end up a little more dense, because back-to-back is 15 feet; is that right, Jeremy?

MR. FRANTZ: Jeremy Frantz, for the record.

Yeah, that's correct. There's two 30-foot -- two rows spaced 30 foot on center, and they'll be staggered so that they'll be spaced evenly.

CHAIRMAN STRAIN: So that will be a denser hedge with a wall than we have in the front.

COMMISSIONER ROMAN: Yeah, I was real pleased with the recommendation on that. I thought that was a good amount of landscaping around that wall.

CHAIRMAN STRAIN: Okay. If we move on down towards the center of Page 3.a, I'd like to suggest we drop that language again for the same reason.

MS. CILEK: Yeah.

CHAIRMAN STRAIN: Down at the bottom under four you added new language, drive-thru



windows and menu boards shall not be placed between the primary structure and the residential property.

And I think more of the time I see those placed on the sides of the building. So this is saying you can't put it in the back. So would we expect then that they're going to be placing these on the sides?

MS. CILEK: I'm not sure I follow. This is giving the flexibility of placing it either in the back or the side as long as it's not between the residential property and the structure.

CHAIRMAN STRAIN: But if you had an adjacent residential property that the side was facing, you couldn't have it there.

MS. CILEK: So you'd have to put it in the back, or on the other --

CHAIRMAN STRAIN: The vehicles would come into the site and they'd drive through against the side of the building and back out. I'm wondering if that's a good idea.

How many drive-throughs occur with gas stations? I mean, I know the one on Pine Ridge by the hospital, they've got one there.

MS. CILEK: Yes.

CHAIRMAN STRAIN: But that's the only one I've ever -- I don't remember seeing another one.

MS. CILEK: So I think that may be the only one. Maybe there's another one I'm unaware of. But they are popular in other jurisdictions, and it was something that we saw in the guide books about gas stations just to consider, consider where the menu boards go.

CHAIRMAN STRAIN: We'll have to reserve that for after we hear from the public. I'm not sure that's a good idea to even just open the door for that, but --

Okay, we'll move to -- anybody else? Page 8, does anybody have any questions on Page 8? This is mostly -- in fact, it's all existing language. It's the current berms and buffers that are required in the right-of-way sides of the project.

(No response.)

CHAIRMAN STRAIN: And then three drops the landscaping from there and puts it elsewhere.

MS. CILEK: Right, there was inconsistencies with provisions in 4.06.02 and in 3.a and b. So we just wanted to go with the more restrictive in this case, and that was actually in chapter four.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, we'll move to Page 9, and it starts out with an illustration and then some strike-through language, because we're moving the -- we're actually modifying that language.

I think it's interesting, if you look at the chart -- the graphic, notice how small the canopy is compared to the building? I don't think we have any in this county that's being built like that. Most of them are bigger. They go a lot wider than the buildings do.

On Page 9, does anybody have any issues with Page 9?

COMMISSIONER EBERT: It's pretty much all crossed out.

CHAIRMAN STRAIN: Well, Page 9 is the -- yeah, on Page 10 we'll move to next.

Number eight on Page 10, I know this isn't necessarily part of the standards we're looking at for compatibility, but the last part after the comma, we ought to strike that and move the period to after the word customers. It says --

MS. CILEK: You're under K.8, correct?

CHAIRMAN STRAIN: K.8, line number 29. Sales of cold drinks, candies, tobacco and similar convenience goods for service station customers, period. Instead of adding -- leaving in but strictly and only as accessory and incidental to the principal business operation. That isn't exactly true to what we have today in regards to service stations, they have a lot more than that.

COMMISSIONER EBERT: I have a --

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: I have a question.

On line 13, which is now J, it says that they shall provide the necessary infrastructure and pre wiring in order to provide the capabilities for generator service in case of emergencies.

Being this is new to Collier County that we are changing this after this long, being that we are also a hurricane state, I would think that these places of business would want to have a generator there for the gas

pumps so people will, if they have to evacuate, so that they can get out of town. Also, I'm sure there's quite a few refrigerated components inside. Just a question I had on this. This can be brought to the Board.

CHAIRMAN STRAIN: I think that's getting a ways out of what we're trying to do with the compatibility standards for the distance waiver that the Board asked us to study. I mean, you're getting into refining some of the existing emergency standards, and I'm not sure they're -- we don't even know if they're needed. So I would suggest we hold off and wait for that to be properly researched and vetted.

Generators are very expensive. If they're not --

COMMISSIONER EBERT: Yes, I know.

CHAIRMAN STRAIN: -- if they're not exercised all the time they go to waste. These facilities would be shut down after a hurricane come through, but they would have power and everything right up to the time -- probably 12 hours before the hurricane. By then everybody better be gone if they are not. And if they're -- you know, if the attendants aren't there to monitor it, it would still be no good to have it.

And FEMA's going to be coming in with backup supplies and stations.

Stan?

COMMISSIONER CHRZANOWSKI: After the last hurricane when all of the cell towers failed, all the people with cell towers came in and applied for generators. We made them all get permits to put generators in.

I'm curious how many of those generators work, because that was a long time ago. Like you say, you've got to start them up, you've got to keep them going. I'm curious when the next storm comes if they're going to work.

CHAIRMAN STRAIN: And I would imagine they'd bring portable generators in and the government, everybody that would be bringing in assistance would have those. That might be a better way to accomplish the goal than require them to have a --

COMMISSIONER EBERT: That's fine.

CHAIRMAN STRAIN: -- piece of equipment.

COMMISSIONER EBERT: As long as they have the facilities that all they have to do is plug it in and it takes care of it.

CHAIRMAN STRAIN: That's what it's for.

COMMISSIONER EBERT: We'll listen to the audience on that.

CHAIRMAN STRAIN: Next item -- our next page is Page 11. Quite a bit of cross-out language. Some new changes.

Under the carwash section of the code we're adding in vacuum stations and compressed air stations.

And I guess, Scott, so you can see for Heidi and Heidi, so you can talk after what Scott shows you -- and by the way, Heidi had some eye work so she's wearing dark glasses tonight.

The L.1 has a date on it in which the standards set forth in this section are to be effective. Do either of you see a need to change that date or revise that language in regards to the fact that these are new additions that we're starting in again and we want to be looking at those that aren't vested or grandfathered in, I would assume?

MS. ASHTON-CICKO: I don't think that we need to change the date.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: You are adding some additional requirements, but if there's any vesting or -- you know, of any sites that are out there, we can address that through staff and the zoning director, rather than putting it in here. It might create some unintended consequences.

CHAIRMAN STRAIN: Okay. Well, the provisions that are currently in there then, what would their reasoning be for being there? I mean, it's just saying -- we're not rendering existing facilities nonconforming and we're making much wider and broader changes than the original. I just want to make sure we're not going to be making someone nonconforming if we don't so notice it. That's all. But I'll take your direction on it. I just want to make sure you understood my question.

MS. ASHTON-CICKO: Okay. Well, I guess my issue is that you're referring to a PUD which has specific architectural renderings or site plans. And we have an opinion of our zoning manager as of a week ago that indicated that PUDs were going to be subject to the automobile service station section and that's how

they've been applying this for the X number of years, so PUDs are subject to the new requirements. And the way they've interpreted it, since all PUDs come with a conceptual site plan, is not to vest anything in there, so I really -- I guess if you want to change that opinion, then yeah, that would be the effect if you wanted to add the date.

CHAIRMAN STRAIN: Well, I mean, I do, but it's not worth challenging tonight.

MS. ASHTON-CICKO: You know, so that's what my concern is by adding the date. But --

CHAIRMAN STRAIN: That's fine. I don't need to start a new argument on that issue tonight, but I don't necessarily agree with everything you said, so we'll just move on.

The next item up, Caroline, I think we'll be moving to your two tables. If you could put the -- I guess it's the purple one up on the overhead to begin with.

MS. CILEK: Ignore the circle. I was talking about that one at the time. I've looked -- when I was looking at it.

So there are two tables in your packet in attachment one. In the first one, identifies compatibility standards that are included in your text that we just reviewed that could be changed. These are numbers, these are how you measure distances, these are things that are up for discussion by both the Planning Commission and the Board when they see it in a couple of weeks. So I'd like to go through here, and I can -- and you've all made some suggestions, but I just want to make sure that there's no other recommendations you have for their consideration.

CHAIRMAN STRAIN: And I think to understand how this table works, and there's another table that follows this one, the Board has got to reach some kind of consensus. And if they don't and it takes a supermajority, which is four votes, if they don't reach a consensus it falls back to the current code and the code stays where it is.

So in order to try to figure out where the four might lie, these kind of bullet options, they can work their way through step by step if they so choose to pick out where their commonality is and where maybe their disagreements are --

MS. CILEK: Exactly.

CHAIRMAN STRAIN: -- and get to -- we can hopefully get something that's better than what we've got today.

So -- and that -- under that light the breadth of this is not just for the structures on the site but it's also for how they're separated, whether or not they're kicked into a conditional use process based on the types of barriers between the facility and the residential. These are all the things that staff and myself and we could come up with that might be variables to choose from. So -- and Caroline, I don't mean to interfere or jump in on you, but I thought if you wanted to next just take this and walk us through it first, then we'll come back after you explain each piece of it, and then if we have any input on it we can provide it.

MS. CILEK: Sure.

CHAIRMAN STRAIN: And by the way, on the back side of that, is that where you had your compatibility standards?

MS. CILEK: So yes, let's look at the blue table just briefly, just so we understand the difference.

The blue table is designed to identify the base standards, and then additional standards that can be considered through the conditional use process.

So part of the amendment would provide a conditional use when you're within 250 feet of residential zoning and you don't meet the exceptions to that.

And so those people would go through -- those facilities with fuel pumps would go through a conditional use process.

The top portion are the standards that would be the base line. You're not going to go below those.

But through the conditional use process you can apply more restrictive standards or higher standards. And so that is the second part of the table. And those are bullet points about what could be made more restrictive or a higher standard.

And these are suggestions, this is not all encompassing. If the Planning Commission has recommendations and again the Board in the future, if they do, they can add to this.

The blue table is really an awareness table.

COMMISSIONER ROMAN: Does the blue table reflect what we just went over in the document, those items that we focused on?

MS. CILEK: Yes, the top portion is the baseline standard. That would be the LDC text that is proposed.

CHAIRMAN STRAIN: And kind of like if you have two properties on a -- across a six-lane road and both are gas stations and on the one side of the six-lane road the property behind it had residential, then it wouldn't meet enough standards not to trigger a conditional use. But across the six-lane road, that gas station, because it's on the opposite side of a six-lane road would more than likely meet the minimum standards to be out of the conditional use process because of that barrier. And it's those kind of barriers that will add weight.

And if you look at most of the C-4 zoning and a lot of the other zoning in the county, we have a lot of it which is surrounded by roads. Not all of it, but when someone's on the opposite side of that road it's kind of -- doesn't seem useful to bring them into a conditional use process, so --

That's the intent of these two sections.

Let's go back to that purple table and see what we can do with it.

MS. CILEK: So on the far left-hand section is the LDC section where this standard is first introduced.

Why don't we walk through the bullet points that are provided, and then if you have any other ones to add, that would be the perfect time.

So under 5.05.05.B.1, we're looking at distance. And here we're talking about setbacks. And so the Planning Commission has relayed that they would like the 50-foot side and rear yard setbacks to apply just to residential. So that would be something that I would put over on the far right side, Planning Commission recommendation.

CHAIRMAN STRAIN: Okay, and I think there's consensus here for that at this time. Now, it may change after we hear comments from the public, but for now we'll scratch something in --

MS. CILEK: Okay.

CHAIRMAN STRAIN: -- and we can save some time.

MS. CILEK: All right, the next one is distance from facility with fuel pumps to residential property. So this one is discussed under 5.05.05.C on Page 5. And right now it's line 27, 250 feet.

CHAIRMAN STRAIN: Now, the genesis of that 250 is the Board started with 300 was their initial direction. But because we now have 50 feet for the setback to begin with, you add the 250, you're at the 300, and that was the thought process, the suggestion why it was suggested as somewhat of a compromise to get there.

MS. CILEK: So is the Planning Commission comfortable with the existing proposed 250?

COMMISSIONER ROMAN: I am.

CHAIRMAN STRAIN: I think so.

COMMISSIONER EBERT: Yes.

MS. CILEK: The next one is how the distance would be measured. And that's the distance between the facility with fuel pumps and the residential property. It's proposed to address compatibility that is from the property line to property line. But there are other ways to measure it.

CHAIRMAN STRAIN: Okay, anybody?

COMMISSIONER ROMAN: No, I'm fine with that.

CHAIRMAN STRAIN: And had we had sufficient support or acknowledged studies to bring the vapor into play, that might have had a different outcome, but at this point the focus is on compatibility, and I think the only way you could do that is property line to property line.

MS. CILEK: Okay, great.

And that's what I have under distance. Are there any other things that you all would like to discuss under this category?

(No response.)

CHAIRMAN STRAIN: Let's move on.

MS. CILEK: Okay, next one is the number of fuel pumps. So we're still in the same section, 5.05.05.C. And we have proposed eight fuel pumps -- eight or more fuel pumps, excuse me, so that could

change. It could go down to six or four or it could go up to 10 to 12, to whatever the Planning Commission suggests.

CHAIRMAN STRAIN: I mean, the Board started with eight. I think if they get that as a starting point for their discussions, it gives them what they started with. And again, we're trying to posture something so that the Board has a good starting point, and that was their starting point, so --

MS. CILEK: Okay.

COMMISSIONER EBERT: So they can change that.

MS. CILEK: Yes, they will see this exact same table, just updated. And they are capable of, you know, proposing a different number of fuel pumps.

Next section, looking at barriers in distance. So there are a couple bullet points here. The first one is actually a new suggestion, buildings of a certain size could be introduced. Then the following three, road right-of-ways, dedicated preserve, non-developable wetlands, those are what are listed here already under C. And that's the 100-foot distance. That's the exception to the conditional use process when you're within 250 feet of residential.

CHAIRMAN STRAIN: Now, aren't those similar to the -- aren't those all listed and similar to some of the listings that we have in the distance waiver as well? So they're already part of the code for another use --

MS. CILEK: Right.

CHAIRMAN STRAIN: -- involving service stations.

MS. CILEK: On Page 4, 2.A.i, there is a list. Now, we looked at that list and we didn't use all of them. We took out those that we felt were most compatibility to provide a distance and a barrier and we went with those. But there are others and there are others that could be added as well.

CHAIRMAN STRAIN: You know, the building size based on, for example, the graphic that we had looked at earlier that's already existing in the code and I pointed out the relationship between the canopy and the building, that's a good example of another barrier that could be utilized. But I think it would have to be an off-site building, because you can't argue the compatibility with the same building that you're trying to be compatible to on-site. So I think if you were separated by another building that was larger than the canopy by some size, that might be an appropriate barrier as well. Because you couldn't get past the other building. The other building would function as a barrier.

And I had tried to figure out how to justify the size. I mean, the canopies that we're looking at today, the last one I saw was 220 feet long, it was for an 18 pump, I believe. So you're looking at canopies up to 250 feet. That's -- so that means your building would have to be that plus in order to be an adequate barrier between the activities of a convenience store with -- a fuel facility with pumps versus residential. And I don't know what the right number is, but we ought to put something down as a suggestion to the Board if they wanted to consider this as an adequate barrier, they'd have something to start with.

COMMISSIONER ROMAN: I have a question, Mr. Chair.

When you're mentioning a building that might be located between that fueling station, are you talking about it in between the fueling station and the residential, is that --

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROMAN: -- how you're -- so --

CHAIRMAN STRAIN: It wouldn't be the building, though, that's servicing the fueling station. That would be kind of --

COMMISSIONER ROMAN: Right, that would be another building.

CHAIRMAN STRAIN: It wouldn't accomplish anything.

COMMISSIONER ROMAN: Yeah, it would be another building like --

CHAIRMAN STRAIN: Well, there's a -- for example, there's a -- I'm thinking of a 7-Eleven that has a commercial area across the street from it. Now, whether the street's a two-lane or a four-lane, let's say it's only a two-lane road, but that commercial area is a long stretch of buildings, and it's good enough block or barrier between the pumps and the facility, the intensity of the convenience store to the residential behind the other commercial building.

COMMISSIONER ROMAN: Buildings across the street. I'm following you.

CHAIRMAN STRAIN: That's the scenario I was thinking of. It makes sense. Sam's Club, for example, has a fuel facility, a fuel field out there in the middle of -- now, they happen to have -- they set theirs way way in the north end corner. But their building would have been adequate to suffice from the residential behind it. Although that would have been the building that services the fuel -- well, no, they had a kiosk in that one. But that's -- I'm trying to think of examples where we've gotten barriers like that that work. And I'm not sure if we can figure that one out.

COMMISSIONER ROMAN: As far as the terminology, I think it would be key, but I understand your point.

CHAIRMAN STRAIN: Well, then the other items, the road right-of-way, four or more lanes of arterial collector roads dedicated preserves. You know, we're looking at 100 whatever feet. And we ought to look at opacity too. Because you could have a preserve or a wetlands that doesn't grow enough to have any opacity to it and you're just like a water body, doesn't offer much. So I think a combination of width and opacity in those two might send something that could be considered.

I know that there's a RaceTrac going in on Radio and Davis. That one happens to be across the six-lane road now. It was a two-lane road, it's a six-lane road. So -- but there's a preserve on the other side and the preserve is 300 feet deep. I mean, it's a big, big long preserve and you can't see the Cedar Hammock properties past that preserve. So I mean, that would have been a good barrier, that preserve, it would seem.

I don't know, does the Planning Commission want to weigh in on any kind of width or opacity?

COMMISSIONER ROMAN: I could support that opacity. It makes sense. Because there could be non-developable wetlands that are just basically, you know, offering minimal --

CHAIRMAN STRAIN: That doesn't offer --

COMMISSIONER ROMAN: -- protection. Actually, if they're addressing the fuel vapors as well. That's part of the reason the vegetation is so important.

CHAIRMAN STRAIN: Well, to get the BCC on some kind of discussion format so they can start at some point, let's go back to the buildings of a certain size.

You might want to consider an off-site building that's equal to 125 percent or greater the width of the canopy. And that way we know it's bigger than a canopy so it would at least be some kind of barrier.

COMMISSIONER ROMAN: 125 percent greater than the canopy length, is that what you --

CHAIRMAN STRAIN: Right, so if you have a 240 -- you'd be needing a 300-foot building. That's 125 percent. So these are just ideas for talking. You guys got any input, throw it in. I'm trying to move this forward and move it -- next one is the road right-of-ways. I think the four lanes of traffic as an arterial or collector roadway would be sufficient.

Then under dedicated preserves and non-developable wetlands, I would suggest 100 feet at 80 percent opacity. And that gets them both.

COMMISSIONER ROMAN: I was thinking 80 percent.

MS. CILEK: And it's consistent with other requirements.

COMMISSIONER ROMAN: Right, after the first year, isn't it, that --

MS. CILEK: Yes.

COMMISSIONER ROMAN: -- comes into other code into play?

CHAIRMAN STRAIN: That -- I don't know of any other land uses that offer anything. I mean, open bodies of water don't, unless they're super wide. Then the sound does travel across those. That's something though the Board could decide, a 200-foot wide lake or canal works. I mean, that's -- but those are all the options that would allow the Board to work in some more elements, if needed.

The last one, how barrier distance is calculated, I'm not sure -- yeah, the first one probably doesn't really apply.

How did you -- I couldn't figure out how that first one applies. Can you?

MS. CILEK: The size height scaled mention?

CHAIRMAN STRAIN: Yeah.

MS. CILEK: Well, when it comes to the building, I think you've already covered that because you've given a dimension of 125 percent required of the canopy lengths, so I think you've already covered that one --

CHAIRMAN STRAIN: Okay.

MS. CILEK: -- when it refers to the building.

The width of the road right-of-way, and it can be four lanes but the width could be different, depending on --

CHAIRMAN STRAIN: I think at 100 feet you're not going to fit a four-lane road in less than 100 feet, so I think 100's a good starting point.

Then depth and width of dedicated preserve, we already addressed that.

So that's some ideas for compatibility standards as a means to send it forward.

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Then the standards to consider when a conditional use is required, most of those will be based on what the standards are that are being added to the code. If they better those, then that's a positive thing to consider. And that would take some effort to better them. I mean, we've got 30-foot buffers with double rows of trees and wall on top of a three-foot berm. So by the time you get all that added up, they'd have to come in with substantially higher walls, changes in the lighting, reduced heights of canopies and things like that would all offer alternatives that could be considered under conditional use.

And just so everybody knows, a conditional use isn't something that is utilized to say no. It's to verify standard that can be improved for the zoning that's allowed. So if they can't meet any of those standards, that's a different threshold, then yeah, you it can be -- you can say -- it would be easier to say no, but it's got to be conditioned on some kind of standard that we have in our code. And that's why it's important, we want to consider additional standards above and beyond what's already placed in the code.

With that, does anybody else on the Planning Commission have any discussions on the documentation before we hear from the public?

COMMISSIONER ROMAN: I have one question, Mr. Chair.

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROMAN: For staff. Just so that I'm clear on the drive-thru window menu board. When you're talking about where those are located in your recommendations, you're talking where they are located in relationship to the residential parcel; is that correct?

MS. CILEK: Correct.

COMMISSIONER ROMAN: And when you're talking about the drive-thru window and the menu board, you're talking the location that someone is actually ordering their food or whatever and then the window that's actually handing it out; is that correct?

MS. CILEK: Well, most -- it's important to keep in mind, I mean, if they're on two sides of the building then they're going to have to be more restrictive for them. But it would really be both, because it would be the intercom system that we're most concerned about because of the noise that it would create.

COMMISSIONER ROMAN: Right.

MS. CILEK: So that would be the primary concern here.

If the window, you know, that they're getting the food from is not on the same side, I don't know if that would fall under the same issue because there's no actual menu board there.

COMMISSIONER ROMAN: That's what I'm trying to clarify. Because it said drive-thru window -- I took the slash to be or menu board. So I understand that what you're talking about is the loud speaker phone --

MS. CILEK: That's our intent. Correct, that's our intent.

COMMISSIONER ROMAN: And we may need to clarify that.

MS. CILEK: That's one of the things we needed to come back to anyway.

CHAIRMAN STRAIN: Okay, and that could be something that's factored in under a Conditional Use as an improvement above the standards to the property. That might be the way to approach it.

COMMISSIONER ROMAN: Yeah.

MS. CILEK: That's perfectly fine. They're not super common.

CHAIRMAN STRAIN: No, I can only think of one that I know of right now in the county. That one isn't -- it's difficult enough to get in and out of, so --

COMMISSIONER ROMAN: And the other thing is the length of the drive-thru windows are such

now, or the lines, that that amplified ordering board is some distance away from the window where you get your food or whatever, your beverage or whatever, so that's why I asked the question.

CHAIRMAN STRAIN: That's a good point, thank you.

MS. CILEK: No, that's great.

CHAIRMAN STRAIN: Okay, any other comments?

(No response.)

CHAIRMAN STRAIN: If not, we'll go to public speakers. And we have a list of registered public speakers. And we're not here to not hear you, so after we get done with the registered public speakers, I'll ask for anybody else that would like to speak as well.

So with that, Caroline, you want to -- when she calls your name, if you'll come up to either mic and identify yourself for the record. And if you have a complicated last name, please spell it for our court reporter.

We will be taking a break at 6:30 for the court reporter and then we'll continue after that.

MS. CILEK: Great. We have four registered public speakers. The first one, Roy Wilson.

CHAIRMAN STRAIN: Either one, sir.

MR. WILSON: Roy Wilson, 336 Pier C.

Just an interested taxpayer in Collier County, and not a technician as it gets to these codes.

First of all, my observation that I'd like to make is the separation of gas stations from existing gas stations I think is too small. I think that when you drive up and down 41, which is where I drive most of the time, you can see the manifestation of that 500-foot rule on how close a fueling station can be from another existing one. I think that should be a lot further.

Barrier walls. I really enjoyed the discussion on the barrier walls between residential. I was going to recommend that the wall be higher. I think the idea of the three-foot berm and an eight-foot wall starts getting it up to around where my recommendation was going to be 12 feet, somewhat predicated by looking at the walls that go along the major highways that people are being put in. And also with the idea that if there are fumes involved, you're pushing them up higher. Not scientific.

Related to noise, you have information and regulations related to music. Not noise but also lighting. The conversation about the outdoor speakers at the fuel pumps might want to be addressed. I don't know how you would do it. But if they have outdoor speakers there where they're talking back and forth to the people at the fuel pump. And then add into that the conversation that you've just had on the menu boards. I think the menu boards is very important to be somehow added in there. Placement would help it, but that's where people are at all hours sitting there yelling into a speaker for somebody to hear them.

Not addressed, and I don't know how to do it, but I just feel compelled to mention it, is the noise of delivery vehicles, especially trash removal vehicles. Most of these establishments are going to have the trash maintenance area behind the facility which I think in many cases is going to be closest to residential neighborhoods.

Where I live right now, I'm telling you, at 6:00 in the morning we can hear bang, bang, banging from Waste Management or others coming and picking up those big dumpsters. So I don't know if there's a way to restrict when the trash removal people come to pick up things.

There is a question in my mind at all with the lack of information and the lack of scientific studies that we have on the air pollution from fuel stations, gas stations. Why we would allow any until we have good data near existing residential neighborhoods.

I don't have a lot of empathy for somebody who buys a house next to an existing gas station. But if you have a house and somebody comes and wants to build one, and we're in a situation where by what I've heard on the record we don't know a lot about scientifically the pollution from fuel and fuel vapors. It just makes me ask the question. I think it's probably beyond anything you can deal with, but I just wanted to make the observation. Thank you.

CHAIRMAN STRAIN: Well, just one comment. Fuel vapors were looked at on a series of studies that staff brought to this board. The studies were done at a time in 2005 and they were done in a state not quite with the same atmospheric conditions we have in Florida. The studies that -- we have not been able to find studies done under the conditions we have here, or with the vapor collection items that they currently



have on the nozzles and in the cars. And until someone can get a study done that says and can support a distance, it's hard to use one. We have not found one. We have asked representatives of the gas stations to supply us with anything they have, and we've -- I don't believe we've gotten any -- maybe one study or -- I don't think we got anything that provided the information such as you're talking about.

MR. WILSON: Yeah, I know there's a real dilemma there. I just make it as an observation.

CHAIRMAN STRAIN: See, when you're going to change someone's zoning, you're taking away a property right. And you've got to have something strong to hang your hat on. And that's why we've been trying to be very careful about how far we go with that.

And then the other issue I wanted to mention is you're on the CRA board, are you not?

MR. WILSON: No, I'm not.

CHAIRMAN STRAIN: Oh, I thought you were. You're in that --

MR. WILSON: I'm on an MSTU --

CHAIRMAN STRAIN: Oh, for the Bayshore area?

MR. WILSON: For the Haldeman Creek.

CHAIRMAN STRAIN: Okay. I got mixed up. I was hoping you were with the CRA, because it's in their jurisdiction. It would be helpful if they weighed in on this as well through their board. So if you have any input with them, it would be nice to know what they think.

MR. WILSON: Okay. I'll pass that on.

CHAIRMAN STRAIN: Thank you, sir.

MR. WILSON: No, I'm just here as a resident.

CHAIRMAN STRAIN: Okay, thank you.

(Applause.)

CHAIRMAN STRAIN: Next speaker, Caroline?

Ladies and gentlemen, I'll have to ask you to refrain from that kind of stuff, thank you. It's a public meeting and she has to record, and she has a hard time recording claps.

Go ahead, Caroline.

MS. CILEK: Please excuse my pronunciation of the last name. Mike Fahr.

MR. FACH: I'm Mike Fach. I live on Sandpiper at The Cottages, Naples Bay Resort.

CHAIRMAN STRAIN: How do you spell your name? Because Fahr and Fach are a long distance. I don't know how she made that --

MR. FACH: F-A-C-H.

CHAIRMAN STRAIN: Okay, thank you.

MR. FACH: I'll just go through my list.

As a resident I'm concerned about the quality of life that is going to be there, especially with the pool at Naples Bay Resort being so close. So as a property owner I'm concerned.

Certainly we're -- I'm sure you discussed this, the noise from the 16 or 18-wheeler trucks going by. The pollution.

The wrong initial image for our town from my perspective. You know, the triangle portion of Davis and 41 is the entrance to Naples. And to have a RaceTrac gas station a couple hundred yards from that, especially with the corridor going down 41 from my perspective, Treviso Bay and the Isles of Collier Preserve, that's a movement. So the people that are going to be living in that area that go by the RaceTrac I think is personally an eyesore.

The RaceTrac at the airport, from my perspective, every time I go by it it's kind of overpowering, just for the area. And granted, it's near the airport, but again, on 41 just off of Davis, I think it's the wrong location for it.

It will impact I think the values of the property all along that corridor, that 41 as you make the left-hand turn off of Davis. So again, I question why a RaceTrac service station should be there. And the other gentleman that said the 500 foot distance, I would agree with him, it should probably make that a greater distance. There's a service station over at 7-Eleven. So in my opinion that certainly services the area. Thank you.

CHAIRMAN STRAIN: You do realize that no matter what we do here today or the Board does on

the issue that we're talking about tonight will have no impact on that location at 41 and Palm? Because that was vested before all this came about. So I understand a lot of speakers may feel that this has an impact on that particular location, and it doesn't under the current conditions.

MR. FACH: Well, maybe the current conditions -- change the current conditions. I mean, it's still not too late.

CHAIRMAN STRAIN: Well, we can't take away the permits they've already received. That's the problem. So -- thank you.

MR. FACH: Thank you.

CHAIRMAN STRAIN: Next speaker?

MS. CILEK: Our next speaker is Vern Hammett.

MR. HAMMETT: Good afternoon -- or excuse me, good evening. Vern Hammett for the record. First of all, as far as I know there have been no permits that have been received.

CHAIRMAN STRAIN: They've received an SDP. That's a development order. It's the same -- I mean, all the -- I'm sorry, you're talking about a building permit. No, they have not received a building permit. But that's a series -- an SDP is your first permit.

MR. HAMMETT: Right, okay. All right. So I just want to make that clear, that that project has not been approved yet.

CHAIRMAN STRAIN: It has been approved for an SDP but not as a building permit -- well, not approved. It's going through the process because of the ASW distance, correct.

MR. HAMMETT: I'm well aware that this has nothing to do with this project.

CHAIRMAN STRAIN: Okay.

MR. HAMMETT: So I definitely -- I believe that the language that's presented tonight is better than the last draft that was presented. However, I do have a couple of questions and points of concern. And I'm not sure from a procedural standpoint, does it make sense as I ask the question that it can be answered or should I just ask all of my questions?

CHAIRMAN STRAIN: Well, Vern, we're here to help. We'll try to answer. I don't want -- I would like no one to leave confused. And if --

MR. HAMMETT: No, I'm just saying, should I just ask the question and let the question be answered, or should I just ask all of the questions --

CHAIRMAN STRAIN: Why don't we start and hit them one at a time and see what we can do for you. We'll do our best.

MR. HAMMETT: Okay. All right. Okay.

So first of all, so with regard to 5.05.05 Section C, staff writes with regard to that language, it says: The Conditional Use process will not be required if a separation from residential property consisting of at least 100 feet of non-developable wetlands, designated preserve areas or a minimum of a four-lane arterial or collector right-of-way is provided.

And then as you've already mentioned it says: Please note, these land uses, roadway and non-developable wetlands, designated preserve areas are existing land uses utilized in this section to address separation requirements between two gas stations.

CHAIRMAN STRAIN: You have to slow down a little bit because she has to type as fast as you talk. And you're doing a great job.

MR. HAMMETT: All right.

So first of all, the 100 feet, I mean, where does that come from? It just seems arbitrary to me.

CHAIRMAN STRAIN: It is.

MR. HAMMETT: Okay.

CHAIRMAN STRAIN: What we're trying -- we're a board to recommend to the BCC, and as you know, the BCC has heard this two or three times -- two times already. We're trying to give them a starting point. And if through the discussion tonight the starting point needs to be wider, then that's what we'll recommend. But we're trying to get to a point where we have something to start. I threw that on the table to initiate the discussion. That's all.

MR. HAMMETT: All right, the next question is, is with regard to non-developable wetlands, what

exactly does that mean? How is that defined?

CHAIRMAN STRAIN: Like a cypress head.

MR. HAMMETT: Okay. Is that something that can be manmade?

CHAIRMAN STRAIN: They can create wetlands. I don't know if anybody would want to create cypress heads, but -- it would take a while.

MR. HAMMETT: I think with regard to -- you know, if I'm bound and determined to get my project through, I take and I -- I take 100-foot swath of my land and then I create a wetland. Then all of a sudden I've got the ability to forego the public process.

CHAIRMAN STRAIN: Well, I mean, besides the 100 feet, we also raise the question of opacity.

MR. HAMMETT: Right.

CHAIRMAN STRAIN: It has to be pretty dense. I mean, that --

MR. HAMMETT: You said 80 percent, was that correct?

CHAIRMAN STRAIN: That's what we suggested as a starting, because that's what our current code reads for a lot of buffers.

MR. HAMMETT: I'm sorry, could you just explain that in clearer terms so we could all understand that?

CHAIRMAN STRAIN: Sure. If you're putting a buffer in and you're growing canopy trees and hedges, 80 percent opacity means that 80 percent of the view through that buffer is blocked.

MR. HAMMETT: Okay. And at what height? I mean, at six inches?

CHAIRMAN STRAIN: It depend on the kind of buffer. In the case of the wetlands, I mean, basically we haven't even specified a height. A wetlands would be comprised of a series of different stages of either canopy trees and understory. I don't have a height in mind right now.

MR. HAMMETT: Because I looked at what -- there's some pretty heavy documentation with regard to wetlands in Florida. And, you know, like for example, my understanding is that if you look at some of these developments where they have lakes and then they have vegetation around the edges of them, that can be considered a wetland. And there's not much -- I mean, there's not much height to those. And so how -- that really doesn't do any good --

CHAIRMAN STRAIN: Vern, it's something the Board -- we're putting as much on the plate for the Board to consider. For example, the example that's already in the code just above the point, the area that you're talking, or below it, it lists other things, like canals and water bodies. Well, we know those aren't even -- there's no height or opacity to those, so we didn't even introduce those. This is -- the Board may agree with you, it may say yes, it's -- this board may before the night's over.

MR. HAMMETT: So I'm just bringing in --

CHAIRMAN STRAIN: Doesn't weigh in. No.

MR. HAMMETT: I'm just bringing it up because I think it's an important question to ask.

CHAIRMAN STRAIN: Absolutely.

MR. HAMMETT: It's not well defined at all in this language. And so -- and I think it's extremely important. Because if there is a developer that's interested in working around the intent of this, I wouldn't be surprised if they tried to pull it off.

CHAIRMAN STRAIN: Well, if they can produce a wetlands with 100 percent wide and 80 percent opacity, that's pretty good. I mean --

MR. HAMMETT: Anyway, stranger things have happened, I'm sure.

So the next question I have is with regard to the designated preserve area. Again, I'm not an expert so I don't know what that means. I mean, can I take part of my hand as a homeowner and say okay, part of this land is designated preserve?

CHAIRMAN STRAIN: We have qualifications for dedicated preserves. Usually it's done in a conservation easement and they have to have very -- different kinds of vegetation. Generally the one I was talking about in front of I think it's Cedar Hammock off Davis Boulevard, when you drive down Davis on the right side as you go past that big curve by Radio Road, you notice all those dense trees, that's a dedicated conservation preserve for Cedar Hammock. That's a high quality preserve. That's a real dense preserve. But that's the kind of vegetation we're talking about.

MR. HAMMETT: And I think -- I think it's important to define height. Because I think, you know, these are again vague terms. And I think we need to define the height of those things.

CHAIRMAN STRAIN: Okay.

MR. HAMMETT: Let's see. And then finally, and I think this question has been answered but I just want to make it absolutely clear that I understand it for sure.

So with regard to the four-lane arterial roadway and then the collector right-of-way, does that four-lane also apply to the collector right-of-way or is it --

CHAIRMAN STRAIN: Yes.

MR. HAMMETT: -- just a basic definition of a collector right-of-way?

CHAIRMAN STRAIN: No, that four-lane would apply to any -- yeah, it would have to -- whether it's collector or arterial.

MR. HAMMETT: Okay. All right.

And lastly, I know you had mentioned the studies out of the State of California with regard to fuel vapor and how it relates to distance and volume in terms of pumping capacity. And I know that there's statements that have been made about whether that could apply to this environment or not. I mean, making that statement, without being an expert in this field, I think it's not really responsible. You know, the only way for us to know whether that data applies here or not is to get somebody to do a study. And I think, I've had a conversation, not with Dr. Breyse directly, but my understanding is -- and he now works for -- he's on loan to the CDC as an expert in toxicology. He's even said that I think under the right set of circumstances and if you go through the right channels, the CDC would even be willing to do a study on an existing gas station if it was adjacent to residential areas.

CHAIRMAN STRAIN: And the point I was trying to make, Vern, that study is from California. Do you have a -- and it has been challenged by the Board as being different conditions than we might have here in Florida.

Do you have a study relative to the conditions here in Florida?

MR. HAMMETT: Unfortunately I do not. But I can also say that by making the statement that it doesn't actually apply to the State of Florida, that also doesn't hold water either, because we're not experts.

CHAIRMAN STRAIN: Well, in 2005 when that study was originally done, I'm not sure that all of the safety and vapor collection techniques were into play.

Caroline, do you remember when you questioned that if they had captured all of the safety features in both the -- that are in the pump and on the vehicles at that time?

MS. CILEK: So ORVR, which is the internal capture within cars, has been in place quite some time before 2005, so that had been included in the study.

CHAIRMAN STRAIN: Okay, what about the pump device?

MS. CILEK: So the pump device is the extra nozz -- the external vacuum basically at the end of the nozzle. Is one only allowed in certain jurisdictions in the State of Florida, and you have to get approval through the state. And it's for areas that have been identified as poor airsheds, for lack of a better term.

CHAIRMAN STRAIN: Are we one of those?

MS. CILEK: We have to my knowledge not been identified as a poor airshed.

CHAIRMAN STRAIN: Okay. I don't know of any study, Vern. If you ever come across one, I think it would be handy to tell us and show it to us or provide it to us, we would be much appreciative of that.

MR. HAMMETT: Well, like I said, you know, as far as I know, and this is secondhand information, I didn't talk to him directly, but under the right -- if you go through the right channels, the CDC might even be willing to do a study on the basis of addressing a gas station as it's located next to a residential area and the toxicology at risk.

And I think, you know, based on where I sit, the responsible thing to do is to see if we can make that happen, and if we can make that happen, we should do it before we approve any of this.

CHAIRMAN STRAIN: Appreciate your thoughts, sir, thank you.

MR. HAMMETT: And that's all I have, thanks.

CHAIRMAN STRAIN: Okay, Vern, thank you.

Yes, sir?

COMMISSIONER CHRZANOWSKI: If you're not careful, you're going to get a study that's so site specific it's only going to be for the site that the study is done for.

CHAIRMAN STRAIN: Oh, I'm not asking for any study.

COMMISSIONER CHRZANOWSKI: Okay. Because I'm thinking, you know, if you get one that's out near the farm fields where there's no trees blocking any wind, you're going to get a different set of values than if you get one that's surrounded by highrises. It's just --

CHAIRMAN STRAIN: And I think that part of that the determination on whether we even need one or not is to what extent are vapors actually being lost and not captured by the new systems we have in place? Because that was one of the items that was heavily discussed from the various studies that we've seen. And I don't know what that answer is. So before we might even consider doing a study, we might want to make sure it warrants it. And I don't have that answer. So I wasn't suggesting we go there. And I'm sure that if someone wants to challenge whatever happens with whatever properties in the county with gas stations, they could go there with a challenge. I don't have -- I'm certainly not going there.

Next speaker?

MS. CILEK: Yes, is Eric Donihoo.

MR. DONIHOO: Good evening. Hope you all are doing well. Last name is Donihoo. D-O-N-I-H-O-O. First name's Eric.

I had some things I wanted to go over with, but as you move through the document and you're reviewing a few things, it did spur a few other questions, so if I could kind of get those out of the way, I'd greatly appreciate it.

I saw on here where they had ride to reach out to Mr. Breyse on Page 2 and they were unsuccessful in doing so. I understand he is a hard man to reach. I was able to reach him. He returned my phone call and called back. And he did state that while he is currently the director for the CDC, he is no longer able to offer his opinion outside the scope of his position as the director for the CDC.

CHAIRMAN STRAIN: Could you slow down a little bit? She has to type.

MR. DONIHOO: My apologies.

But that he stands by any published or written documents he has put out. And as you said earlier, that was from 2005, okay.

There were comments made that in the State of Florida that we have some different air qualities, the wetlands around, things of that nature that would make our situation different. I can understand someone having that opinion, but I would like to remind all of us that our mission statement when you go to our county website is in the interest of protecting the health, safety and general welfare of the public. So we need to not base someone coming out with an opinion that's different than what somebody's put forward and say well, our situation is different, when we don't really have anything to base that off of.

So Mr. Breyse couldn't provide me anything in his current position. All he could say was if there is an existing facility and a county or state requests a study to be done on an existing facility, we can do so, but we cannot do one on a potential based off the CDC.

However, he did refer me to experts in the area, one of which out of West Palm Beach, who I did contact.

When I suggested to him there was an opinion that our side of the state or any part of Southern Florida would be different than California or other states, he started laughing at me, and he said that has no value whatsoever. He said he is a preeminent expert for this field. It is what he does for a living. However, he's very expensive to produce a study which he's more than happy to do, whether the state requests one that they can then pass to all counties or a county requests one or a group of individuals requests one. His charge is \$30,000.

CHAIRMAN STRAIN: You have to slow down just a little bit.

MR. DONIHOO: I apologize.

So he's \$30,000 to do the study. But he made it clear that being from West Palm Beach himself and being very familiar with Naples, the Fort Myers and that whole area and down long Alligator Alley, he said that our conditions would have no difference in the ability of benzene to travel through the air, which is a known carcinogen and serious health risk, that our proximity or our state, that would not make any difference.

So he's willing to do the study. But again, a very expensive person to have it done.

CHAIRMAN STRAIN: Did he give you anything, like an email or something that you could put on record?

MR. DONIHOO: Actually, I don't have it on me. I have his phone number. He's out of West Palm. I got his information from Dr. Breyse. He told me that this was an expert that was used in the same Costco versus Homeowners debacle that was going on that's available through the Internet and everything. And I've got his contact info. I think I passed it on to Vern.

CHAIRMAN STRAIN: No, I mean something about his conclusions. It would be handy to have. That's the kind of information we've been looking for for six or eight months now, so --

MR. DONIHOO: He will not put anything in writing without payment.

CHAIRMAN STRAIN: But if you pay him, he'll put what you want in writing?

MR. DONIHOO: No, he actually stated: I don't care if the state pays me, the county pays me or homeowners pay me, I'll do a study, but these are my fees. And he goes, it will be in-depth.

I went through our state Representative and kind of made it clear to them, you know, we have county out there who's saying who are we? Where's guidance from state, federal, other levels? And I was advised by our representative that that is something that they would have to go through legislation out of Tallahassee, put it on the budget review and could not be accomplished in this year. It would have to -- they're that far out with those type of things.

But, you know, he was an easy person to get ahold of. Vern can pass his information on if someone from the county wishes to call him. And he might answer the question the same way he did for me, which is does Florida have different air qualities to such a degree that we shouldn't be concerned with this the same way any other states would. And his comment to me at the time was absolutely no, we should have the same concerns.

Moving on beyond that, though, definition of wetlands, I heard what Vern had to say and I heard your answer, and yours really helped. But I would tell you that when you go through our documents, and I think one of the things which -- by the way, much better job this time around in my opinion. So whoever really got under this, they --

CHAIRMAN STRAIN: It's that young lady right there.

MR. DONIHOO: -- they did a nice job. I think there may be a few loopholes in some areas, but I understand you're trying to give a base, okay, and that's really your job, okay.

But if you go through, we bold printed the word wetlands a few times in there, which is supposed to mean that there is a definition that we use on county records. When you go to the county website and you pull it up, it is very, very weak and very vague and would be one that you could easily make, okay. It even then goes so far as to say please refer to, and it gives you a code, 379.019 or something like that. But then I had to go to another website and pull that up and read it.

Our definition of wetlands, the way we're using it on our records when you look it up as a citizen would lead you to -- a lot of concern.

And I guess what brought that up was we're proposing here gas stations 250 feet away. Okay, great starting point, okay. Nice job. But by the same token we say, but hey, you could be, you know, 100 feet and then the setbacks if you have these criteria. And oh, by the way, you could have as many as 20, 24 pumps, because you've got this criteria, whether it be this 100-foot plus buffer or it be one of these others that are listed.

Now, I understand those items listed came from the list of gas station to gas station proximity. Those were some of them that were used. I would kind of ask and challenge why have it at all? Why have the exceptions? Let those come as part of the conditional review and let them state why they should get an exception. Because if we think about it --

CHAIRMAN STRAIN: Slow down a little bit.

MR. DONIHOO: No problem.

CHAIRMAN STRAIN: When her face gets that stern look on it, she's having a --

MR. DONIHOO: Oh, you're looking for the redness.

CHAIRMAN STRAIN: -- really, really hard time.

MR. DONIHOO: The redness factor should tell me, huh?

CHAIRMAN STRAIN: You've got to slow down just a little bit, okay?

MR. DONIHOO: All right. When you look at gas station to gas station, we're going under the old premise of many years ago that we didn't want too many gas stations in a tight proximity. One would put the other out of business, it would create a blight on the community, you'd have these out of business stations all over. So we came out and said you know what, 500 foot, that's our number. Maybe it's a good number, maybe it's not, I'm not here to debate that, okay. But we put in there, you know what, maybe it doesn't have to be 500 foot if you have certain conditions, and we listed them. And those conditions are around convenience to the person driving a car, the ease to get from that proposed site to the other one. Okay? Such as a large roadway or a lake or a marsh. Well, I'm not driving my car across the marsh, right? So, you know, if you have one on one side and one on the other, then yeah, you know, you're probably not taking business from this other guy, you've got a marsh between you or something.

But if I'm a toxic substance that floats through the air, I don't care there's a marsh there, and I don't care if there's a road there, I'm coming straight across it.

You know, those barriers were made for people driving cars and convenience of it, not for toxic fumes in the air that travel via the air.

So I would ask, do we really want to go there? Should we just say 250 foot's our number unless you get a conditional? Let them state why they think they deserve the conditional, what factors are at play.

But to pull those items from the proximity distance of gas station to gas station when one is talking convenience and the other is about air quality and safety, health and welfare, I think we might be making a mistake there. That's my opinion, though, okay.

CHAIRMAN STRAIN: I've got to ask that you start wrapping it up a little bit. We need to take a break for the court reporter.

MR. DONIHOO: I will try very hard here.

Somebody mentioned earlier proximity to churches, schools and should it be different. I would challenge and say no, I agree with the way you have it written. On roadways, sure, more people out and about, gotcha, okay. But I don't think you need it different just because there's churches or whatever in the area. If you live at your home and you have kids in your backyard, they're there 24/7. I don't go to church 24 hours a day, but I do go regularly. So I'm more at risk as a homeowner than I am someone going to a school or a church. So I would say if anything, you're more restrictive for those people that are there 24 hours a day.

Moving on here. Mark, you mentioned on Page 10, line 29 about sales of drinks, candies and all that. And you're right, it's very out of date. Most convenient stores now have food, ice cream, things of that nature. Those aren't really in here at all. We might be a little out of date in our items there.

Ma'am, forgive me, I don't recognize your name, you asked about generators. There are some gas stations that have generators on-site. Their failure rate is quite high. You usually have someone come by once a year to check on those. I can tell you that from an expert standpoint. Most of the companies in this area, whether it be 7-Eleven, a Circle K or whatever, they keep facilities with 20 to 30 generators sitting in a storage facility where they have someone fire them up every single month, check and maintenance them. They're all there in -- there's one in Orlando, there's another one in Tampa, then there's one over in West Palm Beach. When a hurricane's path is determined and we know where it's going, those are then dispatched to stores along the evacuation routes to better service that, rather than station them in areas and then lo and behold the hurricane goes somewhere else. So I hope that answers your question there.

The code is written quite well there, Mark, in respect to you have to be prewired and everything to allow for a plug-in.

Page 11, I think this is missed. So in the essence of just being thorough, line 36, 37, it's really talking about carwashes. But we've got 40 feet there when it's next to residential. And I think you're wanting to change that to 50.

And then down on 43, surely you don't want a six-foot wall behind a carwash, but you want an eight-foot wall behind the convenience store. You probably meant to change that to eight as well, but it was missed.

CHAIRMAN STRAIN: Well, no, we're not addressing car -- that's a whole nother land use, and

we've got enough problems trying to take away land property rights on this first land use.

MR. DONIHOO: I'm with you, Mark. I only looked at it because it was what was provided.

CHAIRMAN STRAIN: I mean, it's going to stir up a hornet's nest no matter what way you look at it, so we might want to minimize it to get something passed.

MR. DONIHOO: No problem.

And a question for you there, Mark. If you're looking at 250 feet as a starting point, let's say it goes through from there, is that 250 feet in addition to the 50-foot setback?

CHAIRMAN STRAIN: Yes, that's why 250 was selected.

MR. DONIHOO: Okay, so the 50 feet isn't part of it.

CHAIRMAN STRAIN: No.

MR. DONIHOO: Okay, thank you for the clarification. I do appreciate it.

And I believe that concludes it from my part. I would just ask you to take a hard look at that whole exception basis of 100 foot or whatever. I think you're better off to just not have even have it and say hey, you want more than eight pumps, get a conditional deal and tell us why.

CHAIRMAN STRAIN: We have to follow direction of the Board.

MR. DONIHOO: I'm with you.

CHAIRMAN STRAIN: There are five different people on the Board, there are three different opinions. We're trying to match every one of them.

MR. DONIHOO: Okay.

CHAIRMAN STRAIN: So we're giving them all something they can work with, and that's how it's going to have to be, so --

MR. DONIHOO: Thank you for your time.

CHAIRMAN STRAIN: Thank you.

And with that, we will take a break, we'll come back at 6:45 and resume.

(Recess.)

CHAIRMAN STRAIN: Okay, if everybody will please take their seats, we'll resume the meeting. And I don't know if you all heard at break that Vern has ordered dinner for all of us. I appreciate that, Vern, thank you.

Next speaker, Caroline?

MS. CILEK: That concludes our registered public speakers.

CHAIRMAN STRAIN: Okay. Is there anybody in the audience that would like to speak who did not register? You need to come up and state your name and address for the record and we'll be fine. We'd like to hear what you've got to say.

MR. McCUNE: William McCune. M-C-C-U-N-E. I own a property on Georgetown Boulevard. I just want to make a couple of observations.

I was a full-time resident up 'til six years ago. I had to move out of state to take a job. And I moved next to a gas station, so I can testify with firsthand experience what a miserable experience that is with the noise and the litter. And I ended up moving from there. I hope I don't have to do that with my property on Georgetown, because I really love Naples.

But the other observation I wanted to make is at one time when I lived in Naples year round I was associated with an expert acoustical engineer, and I asked a question of a couple people here: Has the planning board or has Collier County ever retained the services of an expert acoustical engineer who can review a design and determine the effectiveness of the noise mitigation that's being planned into the design? Because that can be done. It can be done for a lot less than \$30,000.

And I'm not an expert, but based on what I saw I didn't really see much to mitigate the noise. And where I lived in St. Louis, we had a structure between the pumps and the residents and it had absolutely no effect. We had fuel delivery trucks with air brakes, we had refrigerated trucks who had to keep their diesel engines running while making their delivery. There's no way to control what the customers of the gas stations do with their radios and the noise they generate. And I'm really concerned about that. Somebody else made a comment about you can already hear enough noise from the Main Street, from 41 as it is. So I would like to see, you know, for any future planning done in Collier County, that that kind of -- it has to be



site specific. But like I said, it's not expensive. And I would look for it to protect me as a homeowner. So that's all.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, please.

Ma'am?

MS. BEATTY: Hello, I'm Karen Beatty with the community, and I am on the Community Redevelopment Agency for the Gateway Triangle.

CHAIRMAN STRAIN: Could you spell your last name? B-E-A-T-T-Y?

MS. BEATTY: Uh-huh.

CHAIRMAN STRAIN: Okay, thank you.

MS. BEATTY: I'm on the advisory board.

CHAIRMAN STRAIN: Great.

MS. BEATTY: Advisory board can't weigh in on something like this as a whole. As an individual I feel very strongly about the changes that you've made. I think the amendment is really good for the most part. However, I think it would be better to keep the memorium (sic) that you have on it and not make anymore changes or vote on anything right now and do a study on the vapors. I think that's what should happen. I think the moratorium should stay in place and a study should be done relative to the atmosphere in Florida, in Southwest Florida.

CHAIRMAN STRAIN: Okay.

MS. BEATTY: Because we can't really go on what's -- what was done in '05 in California. Because we just don't know. I don't think it's right to vote on something and change something when you have no knowledge. You know, nowadays with the technology that we have they should be able to do a study on it. And I think to vote on something that's going to affect so many people is wrong. I think the moratorium should just stay in place indefinitely until a study is done.

So I agree with a lot of the things that Roy Wilson spoke of, and I don't want to repeat it, but I think some good points have been made here today, and I really hope you take them to heart.

CHAIRMAN STRAIN: Okay, thank you very much.

MS. BEATTY: I do know that some of the advisory board members did picket the RaceTrac on 41 and so I do know that some of them feel strongly about this. But they're not here today. But I can't speak for all of them. Thank you.

CHAIRMAN STRAIN: Okay, thank you.

Is there anybody else that would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay, with that we'll move back to the panel and discuss how to finish our recommendation to the Board of County Commissioners.

We've had some issues come up, and as we walk through the document I'm going to repeat some of the ones that we've already more or less agreed to, and then we'll talk about a few that have been brought up since.

First of all, the 50-foot standard will not be on the table. It's going to be moved to the new section for residential.

MS. CILEK: Yes, it's going to be moved to E. And likely it actually will go E.1, just because of how we apply dimensional standards first.

CHAIRMAN STRAIN: Okay. We're going to drop the two references to the IES lighting.

And we're going to change the word module to pattern.

We've agreed that in the back where the eight-foot wall is going to go, an addition will be on a three-foot berm. That's the rear.

Now, let's discuss, there's several issues that were brought up from the various speakers. One of the first ones I made note of was the outdoor speakers at the fuel and the menu board. How would this board like to see that addressed?

And I think Charlette, you had provided the initial input on that. Have you had some additional thought on it?

COMMISSIONER ROMAN: Well, my only thought is where that placement's going to be. And that there'd be adequate safeguards if in fact it's near that residential boundary. And I think a lot of it has to do with how loud that speaker is as well. Because even if it's on the side of the building, the noise is going to travel, like a couple of public speakers said. So I just think that we need to consider how we want to make that more specific than the way it's listed. And I'm looking for that section, Caroline, if you --

CHAIRMAN STRAIN: It's on Page 7 towards the bottom.

COMMISSIONER ROMAN: Right, okay.

CHAIRMAN STRAIN: Number four.

Says drive-thru windows, a menu board shall not be placed between the primary structure and residential property.

Now, you know the location of drive-thru windows and menu boards may be something that would trigger the need for a Conditional Use, and through that process they can be specifically located, instead of having it as an accepted statement in this document. And that might --

COMMISSIONER ROMAN: That's an adequate approach there.

CHAIRMAN STRAIN: See, say if they want a drive-thru window and they trigger the locational criteria, they'd have to go into the Conditional Use process and a drive-thru window would be determined through that process.

Because they could come out with a location that is not harmful or not involving the residential.

MS. CILEK: So do you want to require that when there is a drive-thru window and menu board that it triggers that Conditional Use process? Because it can obviously be addressed through the Conditional Use process if they have one. But I think it's in those situations where they don't go through the Conditional Use that we need to discuss.

CHAIRMAN STRAIN: Well, I think it would trigger it if it's on the side or rear --

MS. CILEK: Okay.

CHAIRMAN STRAIN: -- where there's residential. If it's in the front of the building, I mean, I don't know if anybody would want to design it like that, but if someone designed a drive-thru in the front, as long as it's facing the same traffic that is on the street that it's coming from, I don't know why anybody would care about that. It would be no different than the rest of the site. But I think the menu board and all those being towards the rear of the buildings or the sides where the residential developments could hear it, that would be something we're concerned about.

MS. CILEK: Okay.

CHAIRMAN STRAIN: Then the location of the trash removal. That's important. Trash removal is problematic just about -- even in apartment buildings. Everywhere in this county, it seems. I think that's another element that could be improved upon. And I'm trying to figure out how we would structure it. Because they don't necessarily go to the rear, they go to the sides with those. But I think the separation of the trash component would have to be equal to the principal structure at a minimum, instead of being considered -- there's really no setback for -- they're like parking lots, they go wherever you can put a parking space. And that's usually right up much closer to the property lines.

MS. CILEK: Right. Another thing to consider is the hours of when they could deliver in that --

CHAIRMAN STRAIN: Well, that's --

MS. CILEK: It's hard to address.

CHAIRMAN STRAIN: How do you do that? That's Waste Management's contract with the county. That would be substantial to try to figure that one out.

MS. CILEK: And then the applicability of it would be when they're not going through a Conditional Use and they're not separated, it would really be when they're very small gas stations, just to kind of put into perspective of when this would apply. Because otherwise there would be a 100-foot separation if that remains in the LDC text or they would be going through a CU process.

CHAIRMAN STRAIN: So they'd still have a substantial -- what I'm suggesting is as far as a site location, they'd have to be at least equal to the principal structure.

MS. CILEK: Sure.

CHAIRMAN STRAIN: And then what happens is if someone triggers a Conditional Use process,

then they'd have to better that. And they could do that by site locational design by moving it around closer to a thoroughfare or wherever they have to get it out of the way. Some of them are actually up front as you come in parking lots, so that would at least get us that minimum distance. And then whatever the separation distance is.

MS. CILEK: All right, so say it one more time. Separation of --

CHAIRMAN STRAIN: Equal to the principal structure.

MS. CILEK: Okay.

CHAIRMAN STRAIN: And then in one of the discussions, I think it was Vern talked about the height of the material in the preserves and wetlands, and it was a good point, you can have 80 percent opacity two feet off the ground, it's not going to do any good.

COMMISSIONER ROMAN: However, the intent of canopy trees is for that height to be captured in the mature growth of that tree.

CHAIRMAN STRAIN: So what do you think a height for preserves and wetlands ought to be in distance, Charlette? Do you have any thoughts on that? Since I think that's more along the lines of what --

COMMISSIONER ROMAN: No, I think that I took note of the comment that was made by the public speakers in that is our definition so, you know, general that someone could do a manmade type of wetland? And I don't have that definition in front of me. I don't have it. And in fact --

CHAIRMAN STRAIN: The definition of wetland --

COMMISSIONER ROMAN: As it is per our code.

CHAIRMAN STRAIN: I got it.

COMMISSIONER ROMAN: Stan might know this too.

CHAIRMAN STRAIN: I've got it. Actually, I was just looking at it a little earlier. Let me see if I can pull it back up again.

Stan, did you want to say something?

COMMISSIONER CHRZANOWSKI: I was just going to ask, since like cypress trees lose their leaves in the wintertime when all the tourists are down here and the opacity changes, what do you do about that?

CHAIRMAN STRAIN: Well, everything you're saying leads to the conclusion that wetlands may not be one of the elements that we leave in. And we leave preserves in because they're trees that don't drop their leaves every year, generally.

And here's the definition of wetlands. This is a really good definition. Wetlands: Wetlands as set forth in Section 373.019, Florida Statutes. The term wetlands and jurisdictional wetlands as used in this code shall be synonymous.

So that tells us nothing. But that's what a wetland is. It's whatever the statute says it is. And that means it could be anything from a bog that collects low-lying plants to a cypress head that's very dense. And based on that, it might not be a smart thing to include that as one of the barriers then.

COMMISSIONER ROMAN: I'm thinking that after you read the definition and hearing the public speakers' comments --

CHAIRMAN STRAIN: Okay, so let's remove wetland as one of the considerations.

And that takes us back to the opacity and distance of a preserve, since we still have preserves in there, and I think that's warranted because there are plenty of ample preserves in the county. We had originally talked just for the Board's consideration 100 feet at 80 percent opacity. The height of that preserve may be something we should address. If the distance is satisfactory with an opacity of 80 percent, if you can attain that, it would be up to the applicant to make sure it's attained.

COMMISSIONER ROMAN: The challenge I see with this is that, you know, does preserve give enough definition so that it's the preserve that we're thinking in our mind right now? You know, we're thinking of those preserves like we set part of a preserve aside when we're going through our reviews of PUDs and PUD amendments. You know, we're thinking of a dense preserve.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: And if that dedicated preserve is one of those types, then definitely it gives you not only the density of the vegetation but the height and everything that goes with it, such as the

cabbage palms and the royal palms or whatever else is included in there.

So that's what I question, if that's the type of preserve we're talking about.

CHAIRMAN STRAIN: I think we're talking about a preserve of a certain width with an 80 percent opacity, and I think we need to say a certain height. If you do that, then whatever we're talking about has to meet those criteria regardless. And if they meet those criteria are they sufficient to offer a barrier between a gas station and residential, you know.

So I mean -- I know what you and I understand to be preserves on a PUD. But if we add to that what our thoughts are and what we recall, a width and an opacity and a height, doesn't matter if it's -- what we're thinking, it's going to have to reach that criteria.

COMMISSIONER ROMAN: Because we expect a preserve with trees. And you're absolutely right, there could be preserves that don't have trees.

CHAIRMAN STRAIN: Well, and we're going to have preserves where the trees are Brazilian pepper and they're all going to come out.

COMMISSIONER ROMAN: Yeah, exactly.

CHAIRMAN STRAIN: That's why the opacity is so critical, because it says dedicated preserve. That means it's got to be under a conservation easement or something like that. And that means that it's going to be maintained in perpetuity and it's going to have the opacity --

COMMISSIONER ROMAN: Exactly.

CHAIRMAN STRAIN: -- that we'll require it to. I mean -- so if we leave it -- we leave the opacity at 80, that gets us consistent with the other aspects of the code. Now it's the distance in the height.

MS. CILEK: One thing to be -- one thing to consider would be the height of the landscape buffer. I would think that would be kind of the bar.

CHAIRMAN STRAIN: Which is 14 feet.

MS. CILEK: You wouldn't want anything lower than that.

CHAIRMAN STRAIN: 12 feet I think it is, yeah.

MS. CILEK: It's 12 feet. So I would think you wouldn't want anything lower than that.

COMMISSIONER ROMAN: Right, that's when it starts and it's first planted.

MS. CILEK: Exactly.

COMMISSIONER ROMAN: Yeah, it would get taller than that, hopefully.

CHAIRMAN STRAIN: Well, it will, yeah. So we're looking at canopy height of 12 feet.

I mean, these are -- so everyone knows, we're putting something here so the Board has something to discuss and consider when they hear this. If we put nothing here, it's not going to help. So we're trying to get to a starting point and that can evolve into whatever happens when the Board's final decision comes out.

COMMISSIONER EBERT: It's good to start at 12.

COMMISSIONER ROMAN: Uh-huh.

CHAIRMAN STRAIN: Okay, does anybody -- I think that gets most of the issues I made notes on. We tried to answer the questions as they came up.

Does anybody else have anything?

COMMISSIONER EBERT: Well, I -- Mark, I marked down the speaker at the pumps, because --

CHAIRMAN STRAIN: I thought we -- well, yeah, the speaker at the pumps has got a -- well, that's an amplified sound issue. By the State of Florida I think there's some requirements they have to have -- be able to contact the attendant inside. But I'm not sure --

MS. CILEK: I'm not very familiar with the speaker at the pump.

CHAIRMAN STRAIN: Well, I know that when you pull up to a gas station, if they really like the music they're playing they'll turn it up on the inside and you've got to listen to it on the outside. So I think the argument is warranted.

MS. CILEK: Sure.

CHAIRMAN STRAIN: It varies. I don't know how to get there though. We have a restriction in hours of operation for amplified sound.

MS. CILEK: For music.

COMMISSIONER ROMAN: Music.

CHAIRMAN STRAIN: Right.

COMMISSIONER HOMIAK: It also says the music can't be audible from the residential property line.

CHAIRMAN STRAIN: You know, Caroline, I don't mean to catch you off guard on this, but that statement that music cannot be audible for the residential property line, that's better than our code for the decibel levels, if I'm not mistaken.

COMMISSIONER ROMAN: Uh-huh.

MS. CILEK: Yes, it's more restrictive.

CHAIRMAN STRAIN: So if a Code Enforcement officer came out and wanted to use his decibel meter to measure sound at the property line, if he could hear it he's measured it.

MS. CILEK: More or less, yes.

CHAIRMAN STRAIN: Okay, well I don't -- I don't know how we could do better than that.

COMMISSIONER ROMAN: It says music, and we were just talking about a speaker.

MS. CILEK: Right, that's the difference.

COMMISSIONER ROMAN: But, you know, I don't know, amplified music, I don't know if that does the --

MS. CILEK: You could do music and amplified sound.

CHAIRMAN STRAIN: I was just going to say, why don't we say music and other amplified sounds.

COMMISSIONER ROMAN: That works with me.

And would that be in the number two, it would be music and amplified sound standards.

CHAIRMAN STRAIN: Yes.

MS. CILEK: That also may cover the menu boards for the most part as well.

CHAIRMAN STRAIN: You know, that's a good point, it would.

MS. CILEK: Something to consider.

COMMISSIONER ROMAN: We could incorporate it all.

CHAIRMAN STRAIN: I like the idea. Let's add the amplified sound, that would reduce the disruption.

Diane, did you have any other notes?

COMMISSIONER EBERT: No. No, on attachment four, the second page where we're just kind of going through things, I did on the --

MS. CILEK: Commissioner, can you pull your mic -- thank you.

COMMISSIONER EBERT: I did on the back on attachment four where the general comments were discuss regulating how many pumps at each island. Most gas stations that I see have two. There is the one they just put on Airport, I believe, is one. Now, that's the city's. To me that makes that canopy quite a bit longer by only having one there. I don't know whether it was a turn radius or what.

MS. CILEK: Sure. I do believe there's actually one per fuel pump position. But I'm not sure, okay, so --

CHAIRMAN STRAIN: Well, you've got one per every -- one pump services two.

MS. CILEK: There's two fueling positions per one pump. But I understand what you're saying. That is very common to have, when you pull up you have two cars in front of you and you're at a fueling pump with two.

That's something that could be addressed through the Conditional Use process. It can make the canopy longer if there are more fuel pumps and more fueling positions. I understand what you're saying.

COMMISSIONER EBERT: It's mainly on the canopy lengths, because that one seems so long. And with most of them where we drive up and where we originally started this, there was going to be, and I understand that it is one on either side. But most of them have two --

MS. CILEK: Understood.

COMMISSIONER EBERT: -- and so actually it really takes care of four cars at a time.

MS. CILEK: Yes.

COMMISSIONER EBERT: And makes the canopy much shorter.

MS. CILEK: Makes the canopy shorter, I understand.

CHAIRMAN STRAIN: But see, the one loading pump does allow the building and the pumps to be further to the roadway, which brings them farther away from the residential in the back. So it's probably not a bad thing to lay them out like that.

MS. CILEK: I think it's going to depend on the site and, you know, what they're looking to provide for, you know, it can be just dependent on the site conditions.

But I understand what you're saying, it can produce a longer canopy and it's something that could be considered through the Conditional Use process.

CHAIRMAN STRAIN: That is one of the Conditional Use standards we already have written in what we've suggested to the Board.

MS. CILEK: Let me check.

CHAIRMAN STRAIN: Well, it is. It's on Page 2 of 3, fuel pumps, location of fuel pumps, structures, location of buildings, vehicular and pedestrian access, location of access points, drive-thru windows -- it's already there. Carwashes, vacuums, locations, it's already there.

COMMISSIONER EBERT: That's fine. I'm just going, Mark, on these --

CHAIRMAN STRAIN: No, I want to make sure everybody in the audience who can't see these documents, all of this is already recommended to the Board as part of considerations for conditional uses.

And for what -- I was asked this question earlier today. A Conditional Use by the way requires a public process. That's why it's being considered. If someone needs a Conditional Use, they have to go through a lot -- similar to what you're going through tonight. There's a public process required and everybody gets notified and you get to express your concerns and hopefully a solution's found in the process, so --

COMMISSIONER EBERT: So that one would also -- the only one I marked on there was the Conditional Use to address the cumulative effects of multiple gas stations in a small area.

That would be in the Conditional Use so it would be site specific.

CHAIRMAN STRAIN: We already have that as an ASW standard. That's what that does. If you have a station closer than 500 feet to another station, that addresses the cluster of stations in a small area. That's what that does.

I mean, what do you think, it doesn't meet --

COMMISSIONER EBERT: No, no, that's not what I'm saying. I guess someone had said to me, and it wasn't today, it was from one of our other meetings, that they live in an area and he said that there are 10 gas stations within a half mile of each other. And that was why I brought that up.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Well, the Conditional Use process addresses compatibility, and A of the Section 5.05.05.A is looking -- one of the things it's looking at is the residential compatibility. So it's in the purpose and intent and that will be reviewed when it goes through the CU process.

COMMISSIONER EBERT: Very good, thank you. Just wanted to make sure it was answered.

CHAIRMAN STRAIN: Okay, are there any other comments or questions?

Brian?

COMMISSIONER DOYLE: Well, we've addressed sight and sound very well, but agreeing with our speaker, Ms. Beatty, who has left, until we are -- our staff is able to implement and provide the Board with some type of study, whether it's California or one gas station for benzene effects, I'm not sure how we can go forward with this.

CHAIRMAN STRAIN: I'm not sure how we know there's an effect. I mean, I -- we can't spend the county's money. And if the Board of County Commissioners wants to see a study done on benzene, I think they certainly can initiate it. This board can't.

COMMISSIONER DOYLE: I understand that, Chairman. But if the California study is good enough and we can verify that the expert in the other coast chuckles at the question, then use that.

CHAIRMAN STRAIN: Use it for what?

COMMISSIONER DOYLE: The study from California that we were told wouldn't be any good because of our humidity factors.

CHAIRMAN STRAIN: The Board has already been offered that study and I believe they didn't accept it. I mean, I don't know what to do with it. Tell me, Brian. I don't know how to -- how are you

suggesting to proceed?

COMMISSIONER DOYLE: That something be used. One gas station for a baseline to put in to say okay, here's what we feel the effects of benzene are, whether it's cumulative gas stations or property line or however the study is done. But I thought that was -- that's like the elephant in the room, isn't it, the benzene study?

CHAIRMAN STRAIN: The benzene study was what we originally started on. The Board made it clear they didn't consider that a source of information to use, from what I could tell. It watched both shows and it seems like they didn't -- that wasn't an item that they put a lot of I guess basis on for making the decisions in this regard. That's the impression I got. If I'm wrong, someone -- I mean, did any of you watch the shows?

Caroline, did you see anything different from the study?

MS. CILEK: No. And following that meeting we were directed to speak with the environmental consultants -- well, consultants -- compliance officers, excuse me, with the gasoline industry, as well as the Florida DEP and other state agencies, and we weren't able to find any studies that were particular to Florida. So that's where we are on that issue.

CHAIRMAN STRAIN: Did the Board want something else in regards to vapor or did you feel they were kind of -- unless we had something specific to Florida, did they want us to --

MS. CILEK: I didn't receive specific direction to ask for a study, but to look for them. So that's kind of what we did.

COMMISSIONER EBERT: Okay, I did watch. Mark, you asked -- I watched one for over two hours. They took quite a bit of time on it too. And they -- different commissioners, one was concerned about the benzene. And the other one is the one who said but we're not California. So that's -- they were still concerned about benzene. But the other one just said we're not California.

CHAIRMAN STRAIN: Why don't we look at it.

And Brian, that's a good point. Why don't we just make a note to the Board that if there are concerns about vapor that the way to resolve it would be to initiate a study specific to Florida for vapor from gas stations. I mean, if the Board wants to do it, they can do it. It's nothing that we have -- we don't have the ability tonight to have that information. All we can do is forward something on to them at this point. If they feel it's warranted, then -- so we'll add that to a Planning Commission consideration to the Board.

MS. CILEK: Sounds good.

CHAIRMAN STRAIN: Okay.

UNIDENTIFIED MEMBER OF THE AUDIENCE: Mark, are you --

CHAIRMAN STRAIN: We can't -- I'm sorry, we can't do it that way. It doesn't work. Otherwise we'd be doing it at every meeting.

So anybody else?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay, at this point Caroline, do you have enough notes on this subject?

MS. CILEK: Yes, I do. I just want to make sure we're good to use the staff changes that are noted for addressing the accent banding. I just want to make sure we can include that.

CHAIRMAN STRAIN: I think that was a good rewrite, yeah.

MS. CILEK: Great. I think there may have been one other. Maybe just pattern -- no, that was it, just accent banding.

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

(No response.)

CHAIRMAN STRAIN: Is there anyone want to make a motion to forward this to the Board of County Commissioners with the discussions and recommendation set forth?

COMMISSIONER ROMAN: I'll make that recommendation.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROMAN: So moved, rather.

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 DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0 (sic).

COMMISSIONER ROMAN: And we're going to add those other considerations as well?

CHAIRMAN STRAIN: Yes. Everything that Caroline took down, it has to go to the Board from this meeting because they're on a tight schedule to hear it. So we have to get something to them tonight.

Thank you all for your participation tonight and your patience, we appreciate it.

Planning Commission has two other items to discuss tonight. The first one that we'll hit is the golf course setbacks. It was already presented to us, we already went over it. But because it wasn't finalized at an evening hearing we are obliged to go through it again.

So Caroline, do you have anything you want to add?

MS. CILEK: There were no changes to the amendment since you last saw it. If you have any questions, I'd be happy to answer them.

COMMISSIONER ROMAN: Is that 2.03.09? Is that the one?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay, if there's no other -- no questions?

COMMISSIONER ROMAN: I'll move to approve.

CHAIRMAN STRAIN: Made by Charlette.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. Next item up is -- 6-0, I'm sorry. Thank you. You can see better than I can, and you've got shades on.

MS. CILEK: Oh, was the automobile service station also 6-0?

CHAIRMAN STRAIN: Yes.

And the last item up for tonight is the 4.08.07 SRA designation. It's the criteria tables. We have a choice: The ugly and terribly written previous one or the new modern one with all the nice layouts. Which one would you like?

Basically what happened is the first table, one of them was on an 11-by-17 and that can't be used at Muni. Code in that size. So staff split the table in two, and you've got your tables D-1 and D-2 I believe they're referred to it as.



MS. CILEK: Correct.

COMMISSIONER ROMAN: What pages are those on?

CHAIRMAN STRAIN: They're the last --

MS. CILEK: Eight and nine.

COMMISSIONER ROMAN: Eight and nine.

CHAIRMAN STRAIN: -- couple pages.

MS. CILEK: Not the last ones, just the --

CHAIRMAN STRAIN: Not the last one, that's another rewrite.

COMMISSIONER ROMAN: Okay.

MS. CILEK: And the reason why staff believes these are helpful is that they include all the footnotes into the tables themselves so when a reader is looking at it they don't have to jump around and find additional information below. It consolidates everything.

COMMISSIONER ROMAN: And were there any changes on --

MS. CILEK: No.

COMMISSIONER ROMAN: -- these? I'm going back to --

MS. CILEK: All we did was Type D-2. And then we kind of titled each one so it would be easy to tell the difference between them, and put them on two different pages. That's it.

CHAIRMAN STRAIN: Okay, anybody have any questions?

(No response.)

CHAIRMAN STRAIN: I'm waiting, if you're ready you can make a motion if you feel like it.

COMMISSIONER HOMIAK: Make a motion to approve.

CHAIRMAN STRAIN: Made by Karen.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Second by -- see, notice Stan jumps in and makes motions when he's anxious to leave.

Okay, discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Okay, we have six more things on the agenda to go over.

Am I getting to you yet, Stan?

Public comments?

COMMISSIONER CHRZANOWSKI: My wife is watching this.

CHAIRMAN STRAIN: Well, good, it will get her in a good mood by the time you get home, huh?

Public comment? And there's nobody left, so I'm assuming there won't be unless Richie, you got anything you want to tell us tonight? Okay, Rich, thank you.

With that, is there a motion to adjourn? Stan?

COMMISSIONER ROMAN: I'll move to adjourn.

CHAIRMAN STRAIN: Oh, okay, Charlette beats Stan. Stan will second it. We're out of here. Everybody in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.  
COMMISSIONER HOMIAK: Aye.  
COMMISSIONER ROMAN: Aye.  
MR. WILSON: Okay, motion carries.  
MS. CILEK: Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 6:40 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, Chairman

These minutes approved by the board on 7-16-2015 as presented      or as corrected   ✓  .

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