

December 17, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, December 17, 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 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain
Wafaa F. Assaad
Stan Chrzanowski
Diane Ebert
Karen Homiak
Charlette Roman
Andrew Solis (absent for
roll call)
ABSENT: Tom Eastman

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney

CHAIRMAN STRAIN: Well, when this is actually heard, I would imagine our environmental staff will be attending since the environmental is a big issue.

COMMISSIONER CHRZANOWSKI: Yeah. But I don't want them to say, well, you know, that's code and whatever. I would like someone here that can answer the questions.

CHAIRMAN STRAIN: Well, staff's so notified. So it's not going to happen till the 7th of January. So at that time please make sure environmental staff is aware of the concern and that they come prepared to respond.

COMMISSIONER EBERT: Mark, we also got an email saying that Mr. White can't be here on the 7th, and they still want to continue it further.

CHAIRMAN STRAIN: Well, you know, I -- it was continued once. It's continued twice. There's talk about continuing it further. It's the applicant's case. It's not the opposing party's, and I don't see why the applicant would need to do it if they don't feel it's necessary.

Now, they may want to do it to be more -- to work closer with the neighborhood if there are some issues there, but at this time I'm not suggesting or I wouldn't suggest that we let opposing parties just arbitrarily set the dates for applicants. They're not the ones paying for the process.

COMMISSIONER EBERT: Okay. I was just reading the emails.

CHAIRMAN STRAIN: Right. And I understand.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Is there a motion, then, to continue this to January 7th?

COMMISSIONER ASSAAD: So moved.

COMMISSIONER ROMAN: So moved. I'll second.

CHAIRMAN STRAIN: Made by Wafaa, seconded by Charlette.

COMMISSIONER SOLIS: And I'm going to abstain from voting because I have a conflict.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: (Abstains.)

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody those opposed?

(No response.)

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

COMMISSIONER EBERT: For the record, Mr. Solis --

CHAIRMAN STRAIN: Yeah. And, for the record, Ms. Ebert just noted. Andy Solis is here today, so...

During the addenda to the agenda section of our discussion today, I'd like to ask this board to consider how to handle the remaining new item on the agenda. We have two consent items which we will immediately get into after this discussion, but we have left on the agenda a substantial change to the Collier County Land Development Code under the architectural criteria.

Now, that section of the code is a very important section of our code. There's a lot to it. It's very complicated. We could probably spend quite some time on it.

I would suggest to this board that we at least get into some discussion on it today, where our concerns are in the first read of it so that staff's aware of what we may need some refinement on and some clarification on but that we do not finalize a vote on it today. I think there's -- after we get into it, there may be some responses that we will need more information on.

And I also would like to suggest we end the meeting as close to noon today as we can. I think it's a pretty intense subject to carry on for five or six hours. Originally we were going to have Pelican Marsh first, which would have probably taken us till lunch or after, and then I had -- if you noticed on the agenda this

COMMISSIONER CHRZANOWSKI: Am I allowed to talk about that a little, seeing as how I attended that meeting?

CHAIRMAN STRAIN: You can talk. It's a public meeting. Go ahead.

COMMISSIONER CHRZANOWSKI: Something happened that -- they made it sound like we did something wrong in our approval. They -- for some -- my understanding was what we did was we made a motion to approve, the motion was seconded but not -- didn't pass. There was no motion made to deny. There were some modifications made, a second motion was made for approval, and that one passed.

Now, somebody made the inference that that was wrong, that we should have killed everything then. I always -- and I went home and looked at Robert's Rules of Order, and, you know, because everybody was talking about violation of Robert's Rules.

And did we do something wrong?

CHAIRMAN STRAIN: Mike?

MR. BOSI: Mike Bosi, planning and zoning director. I was at the BCC hearing, and the appellant, the individual who -- Mr. Pires, who was representing the appellant who was appealing the boat dock decision, made the inference that the motion was incorrectly passed at the Board of County -- or at the Planning Commission meeting. And Jeff Klatzkow basically said it was messy. It wasn't as clean as possible, but it was most certainly within the order and within the law.

So there was -- there was the assertion that it was incorrectly made, but -- the County Attorney's Office had opined that it was a little messy, but in the end it was a legal motion that was made by this Planning Commission.

COMMISSIONER CHRZANOWSKI: I just didn't like the way that went.

MR. BOSI: Yes.

COMMISSIONER CHRZANOWSKI: And a second comment I have, I'm fascinated that you can take the professional opinion of three licensed engineers that there is not a problem and you can take a statement by a -- by an attorney that there might be a problem and put any weight on that. That just blows my mind. Why do we bother using experts? That's all.

MR. BOSI: We'll leave that as it stands.

CHAIRMAN STRAIN: Heidi, did you have anything you wanted to add, or are you okay with what Mike described?

MS. ASHTON-CICKO: It probably would be better to talk off line.

CHAIRMAN STRAIN: I don't have anything to talk about. I just didn't -- you were looking like you wanted to say something. I didn't know if you did. I wanted to make sure you had an opportunity, so -- but if --

MS. ASHTON-CICKO: Yeah. The issue was whether or not the public --

CHAIRMAN STRAIN: Your mike's not working.

MS. ASHTON-CICKO: -- comments should have been reopened because we took new evidence, so that was the issue.

CHAIRMAN STRAIN: Okay. Thank you.

Chairman's report. Oh, are there any other BCC report recaps, Ray, or those two items, that's it?

MR. BELLOWS: Those two items.

CHAIRMAN STRAIN: Okay. Chairman's report. One important issue for today. Eric Johnson, it's his birthday today. And I think, what, are you 64, 65, Eric?

MR. JOHNSON: Funny.

CHAIRMAN STRAIN: Well, Happy Birthday, and it's good to have you aboard as usual, so. We're going to have you up here in just a minute.

***That brings us to the first consent agenda item, and it's PUDA-PL20150000178. It's the Briarwood PUD, and this has been continued from the December 3rd meeting, and I think we heard it back in November.

So with that, I'll ask the Planning Commission if there are any questions, corrections, any issues with your reading of the Briarwood consent item?

COMMISSIONER ASSAAD: Why is this back to us?

time. That's how I would interpret it. So -- because trees are what's -- are what are required along there; not shrubs but trees.

CHAIRMAN STRAIN: Okay. So the spacing isn't going to be something you'd be looking at. You'll be just counting the number of trunks.

MR. SMITH: That's correct.

CHAIRMAN STRAIN: And they would have to be double what would normally be required.

MR. SMITH: That's correct.

CHAIRMAN STRAIN: So if you could fit three in 90 feet, you'd have to have at least six.

MR. SMITH: That's correct. That's how I would interpret it.

CHAIRMAN STRAIN: Okay. I just wanted to make sure that's how you understand it so there's no question about it later on.

MR. SMITH: Correct.

CHAIRMAN STRAIN: Thank you. That -- by the way, that issue of the minimum/maximum occurs a couple times in this document, so we're going to have to correct it everywhere.

The other item that I'm not clear on how it came about is the issue of the 15-foot setback for the garage-facing portion of the building in order to park a car in front of the building. The way this is written, the --

COMMISSIONER EBERT: What page are you on, Mark?

CHAIRMAN STRAIN: This is on Page 5, Item O.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: The additional parking spaces for some units apparently can be now collectively placed somewhere else on the property that isn't on the plan currently, apparently.

MR. HOOD: No. What we're trying to achieve with Section O of 637 is that in front of -- in front of each of the units, we agreed at the last hearing that we would have to have at least one of the parking spaces outside the unit.

CHAIRMAN STRAIN: Right.

MR. HOOD: So what we did is in the areas that we can have them as 90-degree parking, we were providing 23 feet from the front of the -- from the front of the garage to the edge of pavement. For areas that we weren't able to do them perpendicular at 90-degree parking, we were proposing parallel parking in front of the units, and in this instance we were looking at providing 15 feet between the front of the garage to the edge of pavement.

When we went back and looked at it and tried to fit that instance into the parallel parking scenario, we realized that on several places on the plan there was not enough distance between the front of the garage to the edge of pavement.

So I actually prepared an exhibit showing those distances throughout the plan where we had issues. And I can actually hand those out so you can take a look at them. But there's significant areas that have been impacted that I don't think was the intent of ourselves and/or the Board. If you would let me show these to you.

CHAIRMAN STRAIN: Yeah. Please pass it out. I'd like to see how this would work out.

Heidi, if Brad Schiffer tries to give you a speaker slip, he's not allowed to speak.

Do you want to explain to us what this is?

MR. HOOD: I wanted to make sure that Eric had a chance to pass everything out.

CHAIRMAN STRAIN: Okay.

MR. HOOD: Okay. So on the first page I've highlight in green -- thank you, Eric. I've highlighted in green the areas showing the distance between the buildings, because I think that was a concern that we discussed at the last hearing.

The shortest distance, if you look to the right side of the plan or the east side of the plan -- between Buildings 15 and 12 is the shortest distance of about 46.64 feet.

On the second page of the 11 by 17 document shows these highlighted areas throughout the plan of where the 15-foot setback would become problematic from the building to the edge of pavement. Those are highlighted in the red areas.

landscaping or something so the place doesn't look so stern. So, I mean, the answer is you can't do it because I have to redesign the building.

MR. HOOD: That's not the only issue. We would have to redesign. That's a big issue, but the other issue is that we are providing enough building permit or planting/landscaping with this reduction from the 15-foot setback to the 10-foot setback. Also, with that 5-foot reduction that we're asking for, we still have enough room to be able to travel around the vehicles when they park.

So the additional five feet I don't think was the intended consequence that we're seeing now. Yes, we could potentially shrink some of these buildings in the areas that, you know, have been highlighted but, again, as I was discussing, I think that that would have an effect on the PUD master plan that potentially would make us have to come back and revise this plan after it has been redone, because that means I have to move -- you know, let's say I have to move Building 5 or chop it up and make it look different. I don't know how, you know, engineering or planning staff will look at that to say that that is a departure from what we provided here. This is a very specific plan.

CHAIRMAN STRAIN: You know, let's back up a minute. This is a consent hearing.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: And you're getting into new submittals and new testimony, and I'm not sure that's appropriate for a consent. But I also want to understand, from the basis of the minutes that we voted on last time, where is your basis to suggest that the consent hearing that -- the stipulations we provided were different than what was supposed to be subject to that hearing?

MR. HOOD: I didn't mean to say that they were different. I'm just saying that we were -- I'm trying to discuss what the intent of those were with that 15-foot setback, because there was a question that came from me, I believe, wondering what the actual setback was coming from. Was it supposed to be to the edge of pavement? Was it supposed to be to the back of curb? Was it the intent that this setback be for the areas for parking in front of the buildings, or was it supposed to be for edge of pavement, period?

CHAIRMAN STRAIN: Well, let's take those one at a time. First of all, when PUDs come through and the setback is measured for the parking space, it's measured from the back of curb if curbed, if not, from the edge of pavement. In this case you are curbed so, theoretically, to fit with the other PUDs, the intention, unless you had stated otherwise -- and I haven't got the record in front of me to find out if you did or not -- it would have been from back of curb.

Now, you're saying you intended it to be from back of pavement, which is three feet different. So I'm not sure we're on the same page there.

Second of all, the stipulation was for 15 feet. And I don't know if you've brought the minutes with you to show us where that 15 feet was disputed enough to get us down to 10, because 10 is not 15. And if you're trying to change something we stipulated, we can't do that at a consent hearing. That's got to be done -- we've got to re-open the hearing up. So we're not on the same page with this stuff.

A couple of other things I want to mention. This all started because on the third -- second -- yeah, third and fourth line it says, additional required parking space may be provided within the individual unit and then a designated off-street parking area within the development.

Now, apparently you're not going to do that because that wasn't thoroughly understood, I believe, at our last meeting in which this was discussed, and you don't have anyplace on your plan where you're showing where you're going to have off-street parking for 60 spaces.

MR. HOOD: Right.

CHAIRMAN STRAIN: So now we're back to how do you fit it in front of the unit? You're suggesting you can parallel park at 10 feet, and we had said 15. I think we also, though, acknowledged that we would accept parallel parking.

MR. HOOD: Yes.

CHAIRMAN STRAIN: Now your measurement is the difference. Now your measurement for the 10 feet for the parallel parking would come from the asphalt in or from the back of curb?

MR. HOOD: From the asphalt -- from the asphalt in.

CHAIRMAN STRAIN: So you're only going to be six feet back from the back of curb with the building?

CHAIRMAN STRAIN: Heidi wanted to interrupt with a comment.

MS. ASHTON-CICKO: Yeah. I just wanted to comment. As the chair explained earlier in the meeting to Mr. Assaad, the purpose of consent is to make sure that all your stipulations and changes were made in the document.

COMMISSIONER ASSAAD: So --

MS. ASHTON-CICKO: It was pretty clear at the end when the stips were made that it was 15 feet. So the only way for you to entertain the 10 is if the record reflected that there was a mistake.

CHAIRMAN STRAIN: All right. And I don't --

COMMISSIONER ASSAAD: So we cannot get into discussions about it?

CHAIRMAN STRAIN: Well, we can --

MS. ASHTON-CICKO: Well, it's 15 unless there was an error in the record, but I don't think there was.

CHAIRMAN STRAIN: And he's not -- do you have anything in the record that talks about a number less than 15?

MR. HOOD: No.

CHAIRMAN STRAIN: Okay. I also would like to ask Ray something on this matter. When you measure for a 23-foot space for a car to be parked in someone's driveway, do you measure from the asphalt or from the curb?

MR. BELLOWS: If there's a sidewalk, you go from the sidewalk.

CHAIRMAN STRAIN: I understand.

MR. BELLOWS: If there's not a sidewalk, then it's back of curb.

CHAIRMAN STRAIN: Back of curb. All right. So that's another -- and this is being requested to measure from the back of asphalt. Would that need to be a deviation?

MR. BELLOWS: I don't believe so in this case since we're really looking at something more akin to a commercial project where these are drive aisles and not roadways, and --

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: -- in this case this is a 3-foot type of gutter.

CHAIRMAN STRAIN: Well, I'm not comfortable going to the 10 feet in the manner in which it's been described when we had stipulated 15 feet. I do agree that we also talked about allowing parallel, but your way of measuring parallel to me is not a, necessarily, safest way to do it when you're going to have a wall right at the edge of where the car's going to be maneuvering at an angle off the roadway to get in and out and backing in and out.

So at this point I don't agree with the way the document's been written in reflection of the Planning Commission's stipulations from before in two cases, one being Item O in regards to the 15-foot and the second being the minimum/maximum we previously talked about.

Now, with that in mind, we either can vote to accept this on a consent as consistent with our stipulations, or we can vote that, from consent, it's not consistent with our stipulations.

The applicant, on the other hand, could agree to make the changes to make it consistent and then argue your case in front of the Board of County Commissioners to prevent another opening of this hearing all through the Planning Commission again.

Which would you prefer?

MR. HOOD: The latter.

CHAIRMAN STRAIN: Okay. So we will look at this with some corrections needed to bring it in line with what the Planning Commission stipulations were intended.

I guess we haven't had this happen before, so I'll ask the staff or County Attorney, how do we accomplish that and know it's been accomplished correctly since this project has been so difficult to get corrected to this point anyway?

MR. BELLOWS: For the record, Ray Bellows. I think we're down to a very minor change to what was submitted today. So if you stipulate whatever corrections you think are necessary, we can forward an email to each of the planning commissioners to verify that, but then we will proceed and load that document into the packet that goes to the Board of County Commissioners.

CHAIRMAN STRAIN: The only comment I've got is concerning the -- well, first of all, the staff made the corrections to be consistent with the GMP for the interconnections, and the previous discussion talked about having the ordinances referred to at the time of review of Site Development Plan or subdivision plat.

We had talked about building permit. The language that's here says approval of each development order. I think that's sufficient. Whether it's a building permit or whatever, it still covers it that way.

So I think from that perspective, I didn't see anything else that needs -- we're consistent then. Anybody?

COMMISSIONER HOMIAK: Make a motion to approve.

CHAIRMAN STRAIN: Motion made by Karen. Seconded --

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: -- by Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0 with Charlette abstaining, or were you here for that one?

COMMISSIONER ROMAN: I was here for that one.

CHAIRMAN STRAIN: Motion carries 7-0. Thank you.

MR. SMITH: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

***That brings us to our --

COMMISSIONER EBERT: Hot topic today.

CHAIRMAN STRAIN: -- next agenda and remaining agenda item. This is 9C. It's the Collier County Land Development Code changes for the architectural standards review section of our code. This has been going on for quite a while with the review staff. It's gone to DSAC. Jeremy Frantz has been the lead individual regarding staff.

First of all, Jeremy, I want to thank you for an incredible job you did. I had seen multiple ways of displaying and laying things out, and I thoroughly enjoyed being able to see the old and new versions in the last spreadsheets that you attached and some of the discussion so that everything was concise in a row. We could follow it better. I thought that was very helpful for my review.

And for this panel's discussion, I noticed that in the 109 pages of this there are three different methodologies for explaining what's happening. There is a narrative section, which is the first chunk of it, that staff just did it as a typical staff report, there's a middle section that actually takes the sections of the code or the strikethrough and underline, and then there's a final section which are in landscape format. They're the spreadsheet format where staff has compared each change to the language that was there and then with explanations as to what that could or could not mean.

And so I don't know where the Planning Commission wants to start in discussing this. But I think Jeremy's going to start off with some presentation. We'll start with that, and then we'll decide on how to tackle this thing after we hear from Jeremy.

Hello, Jeremy.

MR. FRANTZ: Hello. Jeremy Frantz, for the record. I'm a senior planner with the development review division. I'll just briefly touch on a few issues before we begin the review.

innumerable ways when we were originally getting in -- when he was here originally and we got into a lot of architectural issues, so...

And one thing that Brad was very careful and conscious of is massing, and that will be a focal point for discussions with him today as well since they're striking all the massing. So we'll have an entertaining discussion, I'm sure.

But I need to know where to start. And since we have three sections that basically mirror each other in regards to what they accomplish, is it easiest for this Planning Commission to use the spreadsheets on the last section or the cross-throughs or the narrative? And we -- because we don't need to read every page of three different -- of having it said three different ways, but I don't know how you-all approached this when you reviewed it.

To me, the easiest way would be to use the spreadsheets that start on Page 69 or 70 of the electronic version and walk through those a page at a time, but I don't know if that works for the rest of you based on where you may have made your notes and markups on your paperwork. Anybody?

COMMISSIONER SOLIS: I used the spreadsheet.

CHAIRMAN STRAIN: So did I, and I -- so if -- why don't we start there and see how we can work our way through it. And before we go too far, though, there is a couple general statements that I wanted to understand in the very beginning, and this is on Page 2 -- Page 1 of 1, but it's Page 2 of the packet.

In that table that shows the reviewing entities for this, there are only three; DSAC, CCPC, and BCC. I don't believe that DSAC-LDR should be represented on that table. They're a part of DSAC, and I'd rather that that be incorporated when it goes to the Board as one review by DSAC. To be fair to this panel and everybody else, then we would have seven separate columns to review seven different ways. And if there --

MR. FRANTZ: I'll make that change.

CHAIRMAN STRAIN: Okay. And the other general statement I want to make is the beginning of your LDC amendment request, the second paragraph from the bottom, last line it says, this ordinance included -- and it's referring to the architectural ordinance. Numerous illustrations which were intended to visually depict the standards; however, this had the unintended consequence of architectural features frequently being designed exactly as illustrated.

I don't know who thought that was unintended. I thought it was intended when we adopted those, and I like the idea. So I'd just like to make -- that's my first, I guess, disagreement with the way the approach on this may have been.

The second one was that on January 9, 2014, as discussed on Page 2, the committee members present voted 4-1 to eliminate standards entirely. Now, did those same committee members continue to amend -- recommend these amendments to those sections, Jeremy, the same participants?

MR. FRANTZ: Yes.

CHAIRMAN STRAIN: Okay. So on one hand they didn't want them at all, but for some reason they continued to rewrite them, but there their mindset was they didn't want them at all. I mean, that's kind of what's displayed here.

MR. FRANTZ: Yeah. I don't want to speak for the committee, but that's the way it's outlined in the narrative.

CHAIRMAN STRAIN: Okay. With that, I don't know if anybody else has any general comments from the first few pages.

COMMISSIONER SOLIS: Can I just ask a question because --

CHAIRMAN STRAIN: Sure.

COMMISSIONER SOLIS: -- at the beginning of the presentation you said this wasn't a staff proposal, and that confused me. Whose proposal is this thing?

MR. FRANTZ: This is coming from the Architectural and Site Design Standards Ad Hoc Committee.

COMMISSIONER SOLIS: From the committee, okay. But staff, obviously, was involved in preparing all this?

MR. FRANTZ: Right.

COMMISSIONER SOLIS: Okay.

COMMISSIONER CHRZANOWSKI: It's a benign question.

MR. FRANTZ: Yeah.

COMMISSIONER EBERT: Well, it says in there it's not.

CHAIRMAN STRAIN: Mike?

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

Just related to the comment to the Dover-Kohl study. That is an adopted study, but it is a nonbinding study. I just wanted you to know there's a lot of different suggestions. There's a lot of different areas that are covered within that study. It talks about design community development, how the interconnection between separation of land uses in a play of land uses.

It's advisory in its nature. We most certainly can review it against the suggestions so we give a better feedback to the Planning Commission. But I just wanted to let you know that the suggestions within that study are, indeed, suggestions and as kind of like guidelines for good planning principles. And we most certainly can look at that and provide commentary related to some of the suggestions within the proposed amendments against that.

CHAIRMAN STRAIN: Right. And that's what I have done, and that's why I raised the question is because some of the suggestions here are not consistent with that plan, and I didn't know if staff had taken that into consideration in regards to how they evaluate it, so...

Planning Commission members, we're on the bottom of Page 2, the applicability.

Jeremy, as we go through these, do you want to provide a narrative with each one explaining what they are, or does the Planning Commission need that? I am -- I know how -- I know what I've got to do to get through, but I don't know if that's what you-all want to do. So I'm certainly open ears to any ideas that this panel may have on how to approach this document. Okay.

COMMISSIONER ROMAN: I'd like to hear from Jeremy a little bit, you know, to make sure our conversation is focused.

CHAIRMAN STRAIN: I agree, and that's what I was -- so what I'd like to do, Jeremy, is could you introduce each separated section that we're going to talk about here, or would you rather have Brad do that? I know you'd probably rather have Brad do that, but --

MR. FRANTZ: Do you want to walk through each section, or do you want an introduction to specific sections only?

CHAIRMAN STRAIN: Well, the only --

MR. FRANTZ: I can do either way.

CHAIRMAN STRAIN: I have -- well, we have a series of different changes to different sections of the code. If anybody on this panel has a -- not in agreement with any of those sections, we need to know it. For example, on Page 2.B which takes the architectural applicability out of certain sections of our community and only applies it to a less number than currently is applied for, I need to understand that, because at this point I don't know why we would do such a thing.

If you're not the right person to ask for that, maybe one of the architects who are here would like to. I'm sure they're anxious to argue.

MR. FRANTZ: I think I understand then. Yeah, you want to -- if you want to hear from the committee about justifications or intention, that probably would be more appropriate than having staff describe that.

CHAIRMAN STRAIN: Okay. So of the -- I'm sorry, gentlemen. Of the three of you that are here, do any of you prefer to respond to our questions? Go ahead.

MS. ASHTON-CICKO: I just need to make a note for the record. I believe we have team members of DSAC here, and we have two members of the architectural ad hoc committee. I have not seen anything that noticed this as a meeting of that committee. We've got two or more members here. It has not been noticed. So to the extent that this item could go back to them, this could be construed as a meeting.

And so, if they're going to speak, I just have to caution them of the potential violation.

CHAIRMAN STRAIN: So that means if the -- if all of you could electively speak one uniform tone together, we'd be okay. But if you individually speak, I think we have a problem with the exception of maybe a direct question; is that --

COMMISSIONER EBERT: That's good.

MS. ASHTON-CICKO: And that covers DSAC and the Ad Hoc Advisory Committee?

MR. McLEAN: Yes.

CHAIRMAN STRAIN: Okay. So now it appears that proper notice has been had. So now we can go back to you guys being able to talk to us.

So with that in mind, Jeremy would love to sit down. Who would like to stand up?

COMMISSIONER SOLIS: Can I ask one question? And this is the first set of these revisions, I think, that have come up since I've been on the Planning Commission. And I see, going through the spreadsheet, that there are -- there are staff notes. And this goes back to my earlier question about whose proposal is this. And I'm just -- you know, staff is usually who we rely upon for opinions as to everything, and so I'm curious, are there -- and I haven't -- I don't think I've seen any.

Are there any, you know, statements from staff as to whether or not they're in favor of this, I mean, each one of these, or -- I've seen notes and things about what staff presented to the committee, but I'm just confused as to what staff's role is in advising us.

CHAIRMAN STRAIN: And, Jamie, I'm going to ask you to respond to that in a minute, but I do want to make it -- the biggest problem we have today is the in-house architect we had who would be, you know, employed as a staff member who would normally be presenting this and normally be here to discuss it left employment with this county not too long ago, and she was the one that was most familiar with it, so we don't have a staff member who's that familiar with architectural criteria of this nature that they could respond to our questions today with the exception of Jeremy's background by writing what he was told to write by the committee.

So I don't know -- I'm trying to figure out a better way to approach it other than just us interpreting it ourselves and saying yea or nay, we like it or don't like it, and I'm not sure that's the best way to do this. I'd rather understand it before we weigh in on it.

COMMISSIONER CHRZANOWSKI: The committee is architects. Why not just -- why do we need staff? I mean, they're professionals.

CHAIRMAN STRAIN: Well, Stan, I would rather hear from a staff member who would look at it maybe differently than a group of professionals employed in the community. Not saying they looked at it wrong or anything, but I'd like to have the balance of both sides, and we don't have that. We've only still got the committee's presentation, and we don't have a different perspective.

COMMISSIONER EBERT: Well, doesn't Matt handle that?

CHAIRMAN STRAIN: No. Matt loves to be called an architect, but he's not.

MR. McLEAN: Just for the record, though, Matt McLean. I'm the manager of the development review division. And over the course of the two years that we were engaged in this work with the committee, we actually went through three staff architects, so it wasn't just Madeline. Carolina Valera started the initiative. Tammy Scott was subsequent to Carolina, and then Madeline Bunster, ultimately, was the one to work towards the completion of the document.

Madeline's departure of the county was prior to the time when we actually completed the section. So throughout the entire section of our work with the ad hoc committee, we did have our LDC staff members affiliated with all of the public meetings that we held throughout the entire process.

COMMISSIONER EBERT: Thank you, Matt.

CHAIRMAN STRAIN: And, Jeremy, did you have anything you wanted to add to respond to Andy's question?

COMMISSIONER SOLIS: Let me -- maybe I can simplify it.

So would it be my -- would I -- let me see if I can simplify it. Can I assume, then, that these proposal -- changes to the LDC, these proposed changes, that staff would be recommending approval of these changes? Because that's my question.

MR. FRANTZ: In this case the amendment was -- or this process was directed by the Board, and we didn't receive specific direction -- staff didn't receive specific direction to provide that same kind of, you know, a recommendation that you would get on, say, a land use petition.

COMMISSIONER SOLIS: Correct.

you may have -- if you had recommended something that would address that kind of issue, that would have taken a big change in the standards probably with not being noticed by the public in general.

MR. SCHMITT: Correct.

CHAIRMAN STRAIN: But, anyway, I didn't see that in here.

From staff's perspective, Jeremy, in your review of this, would staff have interpreted the remaining application area to be just as Brad said, it would still apply to those areas where staff says it wouldn't apply because those areas would be facing, if they did face, arterial or collector roads?

MR. FRANTZ: Yeah. I think that would be caught under the next section in B.2 as nonresidential buildings that is -- if you want to skip to Page 3. In 2.A it states, the project site is abutting an arterial or collector road and is located in a nonindustrial zoning district.

CHAIRMAN STRAIN: Well, I caught that, but it says "abutting," and abutting doesn't mean anything. Abutting means you have a road and an industrial building right next to it, but you put a 1-foot cheater strip in as an easement, and you're not abutting anymore. So I think we don't -- I don't like the use -- that particular word for some applications like that, because abutting means you've got to be touching, and there's been creative ways to avoid that.

MR. FRANTZ: Yeah. We -- there is also -- the second sentence in that statement is, this shall include project sites separated from an arterial or collector road by up to 150 feet of right-of-ways or easements.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: But you're correct, it would only apply to those PUDs mentioned early in that instance.

CHAIRMAN STRAIN: Why wouldn't we suggest the word "adjacent" and in that location?

MR. SCHIFFER: I mean, we really spent too much time on this, you know --

CHAIRMAN STRAIN: "We" meaning your group or --

MR. SCHIFFER: Our group.

CHAIRMAN STRAIN: We just started.

MR. SCHIFFER: Yeah, you just started, and we can add to that. The -- we went through all the definitions multiple times. And prior to that it just said it was located on the road, and that, we felt, had more problems. We did try to fix the cheater strip with the 150 feet. And "abutting" and "adjacent," we settled on "abutting."

CHAIRMAN STRAIN: Well, in B we've limited it to project size located on arterial roads, so you've eliminated collector roads?

MR. SCHIFFER: Correct.

CHAIRMAN STRAIN: Okay. The collector roads are traveled by the public probably as much as arterials in this county, so why would you eliminate the collector records?

MR. SCHMITT: When we researched it, there were hardly any collector roads. I mean, that was the -- we had a lot of conversation on that, too. We've been together for a long time on this thing. So there was no real need for it. The only place it would cause trouble again is inside some of the industrial areas.

MS. ASHTON-CICKO: Mr. Chair?

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON-CICKO: I do have the notice in front of me that we're going to give to the clerk, and it doesn't include the architectural ad hoc committee, so I would recommend sticking with just one of the committee members speaking.

CHAIRMAN STRAIN: Okay. We're on and we're off. And everybody gets to relax except Brad.

MR. SCHIFFER: And I can't consult him, right?

COMMISSIONER SOLIS: I mean, that's already happened.

MR. FRANTZ: Before we continue, maybe we could take a five-minute break. I think that maybe we are looking at the wrong version or something.

CHAIRMAN STRAIN: Yeah. Let's take a break. We'll -- let's come back at 10:15 and resume, try to figure out how to approach this.

(A brief recess was had.)

And, Ray, as far as elements in the LDC that are impacted by how that's interpreted, wouldn't that necessarily mean that staff would have to see -- if they're requesting a clarification and we make the clarification one way or the other, do we know, based on this writeup, how many sections of the code are affected by that?

If we say all ALFs, wherever they are, are commercial whether they're in a residential PUD or not, how does that change things? For example, will the RPUD be a CPUD? Will the conditions of that PUD change in the way it's looked at for percentages and other elements?

I mean, those kind of -- I think Charlette's question is valid, but we need to know the ramifications if we weigh in on a subject like that before we jump into it.

COMMISSIONER ROMAN: Or the process, if that's a part of this discussion as well.

CHAIRMAN STRAIN: I don't think it needs to be, but I think if we see this as a concern, we can instruct staff to prepare an analysis of that so we can address it later in the future. So out of this we can utilize that as a way to look at that in the future. That might be the best way to approach it.

MR. BELLOWS: Yeah. And, for the record, Ray Bellows. That's typically what happens with these LDC amendments. They can affect other sections of the code, and we typically try to list those sections that we identify that are -- could be affected in that way in other parts of the code.

CHAIRMAN STRAIN: Okay. So as we go through the spreadsheets that are on the -- the last sections of this document we've got -- and we'll do this for whenever we continue this to. Those kind of questions, make notes, and then we will separately discuss those and ask staff to either proceed with a review of those or not depending on the notes. Does that work?

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay. So with that, let's talk about a time frame in which we can continue the discussion of these architectural standards.

Jeremy, we need a little bit of work from you on the Dover-Kohl. I took a look at that. There aren't a lot of pages that are architectural in nature, but there are some. There's a half a dozen in the middle of the document. I think it starts at Page 100 or something like that. I think it's important you review that against these as well so you could offer that.

I know Brad and your committee -- I don't know who's in charge of the committee, so I'll just -- I know Brad easiest. Rocco, okay. If you've not seen a copy of that Dover-Kohl study, we have it at the county. It's 176 megabytes, so it can't be emailed too easily. But I -- next -- if I can catch up with you guys, I'll make sure that you get a copy of it on a flash drive or something, so -- and then you can see yourself where my concern was and see if it's valid or not.

So from that perspective, Jeremy, what would be a time frame that staff could compare that item and we could continue this meeting to?

And I would like some time for myself to get together with the architectural committee, however that has to be arranged so that -- I have questions on every single page. I don't mean to waste you-all's time with all of my questions when a lot of them I could -- they're technical in nature in the sense that I could get a clarification from them and then come back and better understand how to proceed. So I would like some time to get together with them to minimize my time of yours.

COMMISSIONER ROMAN: And I was wondering if their contact information would be made available to the individual commissioners. Like, if I had a question and I couldn't go to Jeremy, I don't know the members of the committee as well as you do.

CHAIRMAN STRAIN: Well, could -- Ray, could you make sure we're emailed all their -- it's public record. They're on a public committee, on an advisory board. So, yeah, please email all of us all the contact information. One thing you can't do is be a conduit between members.

COMMISSIONER ROMAN: I understand.

CHAIRMAN STRAIN: So it's not, well, he said this. Can you verify it?

Yes, sir, Mr. Assaad.

COMMISSIONER ASSAAD: A couple things. The gentlemen are here from the committee, and they took the time out of their practice to be here. Is there something that you want to add today? And, of

COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: All those opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:24 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 2-18-16, as presented or as corrected _____.

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