

February 4, 2016

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, February 4, 2016

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, 3299 East Tamiami Trail, Naples, Florida, with the following members present:

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

ALSO PRESENT:

Mike Bosi, Planning and Zoning Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the -- sorry. It's been confusing here this morning -- Thursday, February 4th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Roll call by the secretary. And before we do, Mr. Solis may have had a conflict today, so he may or may not be able to make it.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis is not here.

Ms. Ebert is here.

Commissioner Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak is absent.

Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: And, Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda: A couple of things. I'd like to add under new business a discussion for recommendation to staff for an LDC amendment concerning luxury vehicle storage. That will be a discussion item. That will be 11A. Does anybody have any concerns with that?

(No response.)

CHAIRMAN STRAIN: Okay. The other item for consideration is the Abaco meeting (sic), which is 9A. It's been continued from our January 7th meeting, which was previously continued, and it's on the south side of Immokalee Road. There's another request for continuance that probably needs some discussion.

And I think Mr. Anderson is here.

Bruce, because of some of the issues involving this particular piece of property, instead of continuing for a date certain, I wonder if you might want to continue indefinitely until all the T's are crossed and I's are dotted.

MR. ANDERSON: Respectfully, sir, no.

CHAIRMAN STRAIN: Okay.

County Attorney, Heidi Ashton, part of the need for Abaco is density acquired from a piece of property owned by the county. I don't recall the deed for that piece of property being transferred yet. It's pursuant to a settlement agreement.

Can you tell us if they can proceed with the zoning for the density on that property owned by the county without having the deed transferred?

MS. ASHTON-CICKO: Well, clearly the Board of County Commissioners can't consider it unless the deed is recorded. And my recommendation would be that you might want to continue it and see if some of the issues can be resolved before you hear it.

CHAIRMAN STRAIN: Okay. From my last understanding -- and I think maybe you had looked at it, too -- I didn't see the deed on Tuesday's agenda, did you?

MS. ASHTON-CICKO: No, it's not on Tuesday's agenda.

CHAIRMAN STRAIN: Is there another board hearing between the 18th for the Board, from Tuesday, which I don't believe there'd be because Tuesday is the -- what is the date on Tuesday? I haven't got a calendar in front of me.

MS. ASHTON-CICKO: The next board hearings are February 9th, and then February 23rd.

CHAIRMAN STRAIN: Right. So there wouldn't be an opportunity for that deed to be signed between now and the 18th, which is where Bruce wants to continued to, which means he still wouldn't, then, have a deed for the property that he's using the density from to help the density he needs on the remaining piece.

Bruce, did you --

MR. ANDERSON: Well, sir --

CHAIRMAN STRAIN: I'm trying to offer you a solution.

MR. ANDERSON: Sure. No, I appreciate that.

In my view, this is no different than if my client had this property under contract from a private party. There is an obligation under a court order to convey the property back to the owner, a Mrs. Wagner, and that obligation exists independently of any zoning issues.

And we are -- have the approval of the county to include this land in the application, and I believe Ms. Ashton-Cicko's comments stated that it would merely be an impediment if we didn't have it disposed of when we went to the Board of County Commissioners.

CHAIRMAN STRAIN: Okay. And Wafaa, did you want to --

MS. ASHTON-CICKO: Well, let me just clarify that, okay, because the request to have the deed transferred included one issue that was not addressed in the stipulated final judgment and is a discretionary issue for the record, and that is their request to release the mineral rights.

(Commissioner Homiak and Commissioner Solis entered the boardroom.)

MS. ASHTON-CICKO: So it's possible that the deed could go forward without that, you know, deed -- that release of mineral rights, but I'd need to follow up with staff and --

CHAIRMAN STRAIN: And, Bruce, the difference here is it is a stipulated agreement through the courts. And my concern is that the taxpayers paid three quarter million dollars for the property, 125,000 or so in legal fees for your side, and then another whatever for their own. So the taxpayers have got nearly a million dollars wrapped up in this. And the stipulated agreement simply says, upon request within a 10-year period, your client, or not your client, but the owners of the property, can retain -- can, by deed, receive the property back. I mean, we've paid nearly a million dollars, and you get the property back, and you get the density from the property.

I don't see how that is a contractual relationship in a pure sense compared to a settlement from the courts. And the terms of the transfer of that deed have not been all worked out yet, and those are issues that are certainly involving water management, access, other things that need to be worked out.

How this board can weigh in on a zoning matter of that nature without knowing all those details and how it comes together, I don't see it the same as a simple contractual relationship as a seller and buyer.

MR. ANDERSON: Well, I can assure you that we have been working feverishly to resolve the issues related to the county retaining an easement over the drainage pond.

And, you know, how much the county paid or didn't pay, that's a matter of history. That was part of the agreement, part of the bargain 10 years ago that these were the circumstances under which the county was going to take title to the property with that understanding. And I wasn't a party to that, but I assume that that was factored into the price.

CHAIRMAN STRAIN: And as far as the county taking -- or your client getting the property back, do you recall from the stipulated agreement -- I think you just said it was 10 years, right? I know that's right, so you can --

MR. ANDERSON: Eleven, actually.

CHAIRMAN STRAIN: Oh, 11 years. You said 10 years from the time --

MR. ANDERSON: Ten and a half.

CHAIRMAN STRAIN: Ten and a half?

MR. ANDERSON: To be precise, yes.

CHAIRMAN STRAIN: How did you come to 10 and a half?

MR. ANDERSON: This is dated September 14, 2005.

CHAIRMAN STRAIN: Right. When did you ask for the property back? December -- September 9,

2015.

So you waited nine years, 360 days out of a 10-year commitment to ask for the property, and now we're supposed to rush it through on a quick turnaround because of some time frame you've self-imposed on yourself. I'm not thinking that's in the best interest of the taxpayers.

MR. ANDERSON: It was not my client --

CHAIRMAN STRAIN: Okay. Well --

MR. ANDERSON: -- who gave the notice or entered into the agreement.

CHAIRMAN STRAIN: I'm not inclined -- I, personally, don't see the need for the rush. All the T's need to be crossed and the I's need to be dotted properly. And that's all I'm suggesting. You may want to, rather than come back here every two weeks, ask for an indefinite continuance, and then we'll go from there whenever you get all these matters resolved.

But that's up to you. And, Mr. Assaad, I'm sorry. You had your hand up earlier. Did you have something you wanted to --

COMMISSIONER ASSAAD: Is there a requirement that you have to own the property or hold a deed before you apply?

CHAIRMAN STRAIN: Not -- no, there is not, but in this case there's a stipulated agreement that specifies that. That's the difference. There's not a -- the courts --

COMMISSIONER ASSAAD: As long as they have the concern --

COMMISSIONER EBERT: You have to speak into your mike.

COMMISSIONER ASSAAD: It's right here. I mean, how much can -- thank you.

As long as they have the consent of the owner of record to apply for the zoning change, I think that's all that we need for our review.

CHAIRMAN STRAIN: Well, the other -- the problem is that the consent from the owner of record is based on the transfer consistent with the settlement agreement. The rights of us as owners of the property have to be guaranteed through the conversion from an ownership of the property to an easement holder.

The details of that easement would have to provide for "hold harmless" and other non-liability issues for the county, because we're still going to use that pond for drainage. That's the issues that haven't been worked out.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: So -- and, Bruce, do you still want a two-week, or you want an indefinite?

MR. ANDERSON: Sir, I would respectfully request two weeks so we can continue the hard work that is ongoing to resolve these matters.

CHAIRMAN STRAIN: Okay. I'm just giving you a heads-up. In two weeks -- if you want to come before this board with a package in two weeks for this property, I would think that the conditions and needs to protect the taxpayers from any change in ownership of that property will have to be straightened out by then and, also, I'll need the County Attorney's opinion regarding whether or not the density can be used pursuant to that settlement agreement in an action in front of us prior to the deed actually being transferred.

So with those two comments, that's the -- is there a motion to continue this until the December -- February 18th meeting?

COMMISSIONER CHRZANOWSKI: Could I ask a question?

CHAIRMAN STRAIN: Sure.

COMMISSIONER CHRZANOWSKI: What's the worst that could happen?

CHAIRMAN STRAIN: Two things: The settlement -- this 5.3-acre pond, if you remember the case when it came before us before, they reduced it down to a 3.73-acre pond, and they were going to use it. Well, that reduces the ability for the county to use its capacity as it would need for that pond, potentially, number one.

It reduces the land size that we paid for, number two.

The third is the easement. If we have an easement and it's not structured as though we have the same rights as though we were owners -- for example, say you have an accident on Immokalee Road and the oil spills and gasoline and materials have to run off into the catch basins and end up in lake, and it's owned by -- and the maintenance is the responsibility by the HOA. And the HOA gets up one morning, look out

their windows and sees dead plants and dead fish floating in the water.

I want to make sure the county taxpayers don't have a liability to address that because, as owners of the property, we would only address it to the extent of our ownership needs.

When you're dealing with third parties who come and inherit it afterwards, I think that would be a concern to be protected from. So that's part of the concerns I have.

COMMISSIONER CHRZANOWSKI: And Bruce is going to answer those when you come back?

CHAIRMAN STRAIN: I'm going to ask him, so...

COMMISSIONER ASSAAD: Good luck.

COMMISSIONER CHRZANOWSKI: Okay.

MR. ANDERSON: Well, I don't know that I would concede necessarily that all those issues are appropriately in need to be addressed in two weeks. I don't want to argue about what the judge's order means. That's a discussion that Heidi and I will most certainly have -- have had and will continue to have, and there's a meeting scheduled this afternoon to work on these issues. So we're working very hard to resolve these.

CHAIRMAN STRAIN: And I agree with you, I've attended some of those -- in fact, I think I've attended all the meetings, and the only part that I'm asking about today is -- really, it's a technicality of when that zoning density can be utilized pursuant to the settlement agreement, and that's what we'll ask the County Attorney's Office to confirm by next meeting, and then we'll go from there.

MR. ANDERSON: Okay.

CHAIRMAN STRAIN: Any further questions from the Board?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion to continue to February 18th?

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: So moved by Charlette, seconded by Diane.

Discussion?

(No response.)

CHAIRMAN STRAIN: All those 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 7-0.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: And also let the record note that Mr. Solis is here.

COMMISSIONER HOMIAK: And me, too.

CHAIRMAN STRAIN: Oh, and Karen, too. I forgot. You just kind of snuck in.

COMMISSIONER HOMIAK: Yeah. No parking for us.

CHAIRMAN STRAIN: Yeah, they didn't come it this time.

COMMISSIONER ASSAAD: Are we still on the agenda, or we moved away from the agenda?

CHAIRMAN STRAIN: No. We're still on the agenda.

COMMISSIONER ASSAAD: Then I would like to add the discussion about the continuance of applications, in general.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: How many times could petitioners continue? Is there an additional fee? Is there -- are there limitations? Can they continue to come here and ask two weeks after two weeks after two weeks? That's a discussion that I would like to have.

CHAIRMAN STRAIN: Okay. And I'm -- Mr. Bosi, between you and Ms. Ashton, would you be prepared to answer that today, or do we need to discuss that at another -- when you've had time to prepare for it?

MR. BOSI: Mike Bosi, Planning Zoning Director. We'd probably be able to answer some high-level questions, but down into the specifics of the detail, we may be cautious in terms of wanting to address too specifically as to some of the limitations. Maybe I'll defer to Heidi in terms of her comments.

CHAIRMAN STRAIN: Well, what we can do is keep it on -- we'll put it on the agenda as requested, and then if it -- if we can't get enough answers today, we can just follow up at the next meeting.

COMMISSIONER ASSAAD: Doesn't need to be today.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: It's just an item that I would like to have a discussion on.

CHAIRMAN STRAIN: Got it.

MR. ANDERSON: Just, if you would, please.

CHAIRMAN STRAIN: Bruce?

MR. ANDERSON: One clarification. Staff requested this continuance, and we agreed to it.

CHAIRMAN STRAIN: I understand, yes. I know. I've got the email from staff.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: I was just offering you to go on an indefinite in case it would help you so you wouldn't have to show up here every two weeks until it's resolved, but that's fine.

Okay. Planning Commission absences. The next meeting is for February 18th. Does anybody know if they're not going to make it here on February 18th?

(No response.)

CHAIRMAN STRAIN: Okay. We'll have a quorum.

Approval of minutes. The January 7th meeting minutes were sent to us by email. Does anybody have any --

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: -- corrections?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Motion made by Ms. Homiak, seconded 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: (Abstains.)

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER ASSAAD: I abstain.

CHAIRMAN STRAIN: Okay. The motion carries 6-0 with one abstention.

Now, on BCC report and recaps, did you have anything? That's normally done by Ray, Mike. Did you have anything you wanted to do as a BCC report?

MR. BOSI: None prepared, Chair.

CHAIRMAN STRAIN: Okay. I have no chairman's report.

There's no consent agenda.

***We've just continued Item 9A, so we'll move right into Item 9B. This is also a continued item from the December 17th meeting. It's a legislative issue regarding changes to the Land Development Code which is the architectural standards in our LDC, Ordinance 04-41, mostly in Sections 4.02, 4.06, 6.06, et cetera.

So with that, we will move right into the discussion. And Jeremy has done a fabulous job in getting us this information, as complicated as it is, in as most concise form possible.

Most recently he had sent out a comparison after last meeting compared to the Dover-Kohl study. The Dover-Kohl study has been something that was initiated years ago by the Board of County Commissioners, was an independent outside consultant who wrote up -- did a study, a very in-depth study with a lot of stakeholders throughout the county and a lot of involved meetings, to come back and write up some standards that -- guidelines on how the community could, characteristically, evolve.

Many of those have been used to implement policies, objectives -- and objectives in our GMP and language in our LDC.

The last meeting that this was discussed at, this Architectural Standard Committee information, we asked the staff to go back and compare the Dover-Kohl characterizations to the changes in the architectural code proposed by the Architectural Review Committee.

They came back with another I think it's 17-page analysis of the many sections of Dover-Kohl that would have been impacted or at least discussed the same issues, and that was distributed to us just recently.

What I'd like to do is go through the architectural standards from the 11-by-17 spreadsheets page by page -- there are 41 pages -- and at the same time as we go through them, where those standards are affected or discussed in the Dover-Kohl analysis that Jeremy did, for him to point that out, and then we will have that mutual discussion of both items at the same time to help move us through this.

I also would like to request that this board convene until 12 o'clock today, and then we'll finish up to whatever extent we can by 12 and then reconvene on this issue at our next meeting. Staying on this all day long is a pretty tedious task, and I think three hours is ample time, unless somebody has objection to that.

COMMISSIONER HOMIAK: No, I don't.

CHAIRMAN STRAIN: You don't? We might even be able to get through it in that amount of time. But just as a cautionary note, I --

COMMISSIONER ASSAAD: May I?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ASSAAD: A lot of the stuff that the committee suggest -- recommended and it ended up being here, the draft that we're looking at, is very subjective. It is very subjective. And those are very well-qualified architects. They know what they're doing. They worked all the detail with stuff -- with staff.

So I don't know, how could we have a meaningful discussion about subjective items. It's not quantitative. It's not -- it's a matter of aesthetics. It's a matter of architectural principles. It's a matter of design preferences.

So I don't see the need for a lengthy discussion on this item unless there is some special item that Jeremy or the committee would like to bring to our attention.

CHAIRMAN STRAIN: Well, I've got 41 pages of point-to-point comments to make, and I intend to walk through every paragraph of all 41 pages. So we're here as the land -- the land planning organization for the county. We are tasked with reviewing GMP and LDC amendments. And, honestly, this one will have a major impact on the character of our community, especially when a lot of the standards are being reduced to only apply to larger buildings when now they apply to all buildings.

So I think all that needs to be openly discussed by this panel. And my intention was to walk through it unless there is a majority wishing not to.

(No response.)

CHAIRMAN STRAIN: Okay. We'll start on Page 1 of the spreadsheet, and it's -- it's just, more or less, a narrative that starts the discussion. There are some points in there, Jeremy, two of them -- a couple of them I wanted to ask you about.

The panel recommended to eliminate the architectural standards entirely on a 4-1 vote. And as we went through this, they made a lot of changes, but did that -- was it made from the presumption that we shouldn't even have architectural standards to begin with? Is that something that you can comment on?

MR. FRANTZ: You're asking, the changes that were suggested, were they made in the context of there should not be any architectural standards at all, so this is what we think in the context?

CHAIRMAN STRAIN: Right.

MR. FRANTZ: I couldn't answer that entirely, but there was, you know, pretty lengthy discussions about the individual provisions and, you know, it was, from our perspective, taken seriously about if this is a standard that we have, what does it need to look like.

CHAIRMAN STRAIN: The other item I noticed on that front page was that the architectural panel believed that these standards had the unintended consequence of architectural features frequently being designed exactly as illustrated.

There are a lot of options within the program. But even if it was designed as illustrated, was there something that was felt to be wrong with that, could you sense?

MR. FRANTZ: I don't think that I could answer that question. I can clarify that there weren't any illustrations that were removed in this particular amendment. That's a reference to the previous set of -- or previous amendment that went through.

CHAIRMAN STRAIN: Okay. Well, there's -- as we get into the second page, I'll always defer to the rest of the panel first. Does anybody on the panel have any questions from Page 2?

(No response.)

CHAIRMAN STRAIN: Well, the first item, which is your purpose and intent, basically added a new line, and I don't -- and that was just about bird collisions at the request of one of the environmental groups. I think that's not a problem. I think it's harmless, so I don't see a -- I don't have an objection to it, and if the Board doesn't weigh in any differently, then I think that can be the assumption for that one.

Under the applicability section, now that's a little more intense. They're actually rewriting the section to remove certain standards on whether or not the type of road that they're on applies to the architectural review.

Can you explain what starts as B on Page 2 and goes through and finishes on Page 3 in regards to the changes?

MR. FRANTZ: Sure. So the existing language -- just to make sure everybody in the room or watching is on the same page, we've got the proposed language on the very far left-hand side, the existing language with any strike-throughs shown in the middle column, and the explanation on the right-hand side.

So in the new -- in the new language on the left-hand side, the applicability is initially set out by various zoning districts. The changes -- the substantive changes to that section include the removal of non-residential PUD districts. So that includes districts like mixed-use PUDs, research or technology park PUDs, industrial PUDs, or community facility PUDs. So, you know, the types of uses that you see there might be schools, churches, community facilities.

CHAIRMAN STRAIN: But it did -- in number two, they didn't take them out in the sense completely. They allowed nonresidential buildings and projects to be applicable to the standards, but there were some changes to the times and concurrences in which they were applied.

MR. FRANTZ: Yeah, that's correct. And, you know, my previous explanation is for that very first section in B.1. In B.2 it does capture some nonresidential buildings, specifically when those project sites are abutting an arterial or collector road or when the project site is separated from an arterial or collector road by 150 feet.

CHAIRMAN STRAIN: And on B it says, the project site is located on an arterial road and is located in an industrial zoning district. So if you have a collector road going through an industrial zoning district, they don't have to have the architectural standards apply; is that correct?

MR. FRANTZ: Yes. And, actually, I should correct my previous statement. The -- this section comes into play when a project site is abutting an arterial or collector road and is located in a nonindustrial zoning district.

B is for when it is in an industrial zoning district, and in that case it is only when the project is on an arterial road.

CHAIRMAN STRAIN: As far as examples of collector roads, we have a couple of urbanized or industrial districts, J&C Boulevard, Trade Winds, Prospect, Enterprise, do you know if those are collector or arterial roads?

MR. FRANTZ: I have a map of the traffic element. I don't know that we could see it, but I could try

to put it on the visualizer.

CHAIRMAN STRAIN: Well, Mike's here. If he -- Mike, if you know that answer, come on up. If I see you don't come up, I know you don't want to answer the question. Okay.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

I never want to not come up and talk to you guys.

CHAIRMAN STRAIN: Well, we're used to seeing you under a different hat, so...

MR. SAWYER: Exactly. As far as, you know, the road classifications, we really should go off of the map that we've got in the GMP.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: So, quite honestly, I think I would rather, you know, just rely on that because that is the language that's being proposed.

CHAIRMAN STRAIN: Okay. As far as the map, then, it's the map that we're going to -- that hopefully Jeremy's going to show us?

MR. SAWYER: Yeah. We can put that on the visualizer. It -- you know, we don't have a lot of detail with this. So keep in mind what we're looking at are really just the major urban corridors as far as the collectors and arterials.

CHAIRMAN STRAIN: Well, then, the interior to those parks wouldn't apply not because of not being arterials roads. It doesn't look like they're considered collector roads either; is that correct?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. Then what would be the disadvantage of having B applied to arterials and collector roads as well, just -- I mean, why would we need to separate A and B out?

MR. SAWYER: That's probably a question that would have to be asked of the committee. I don't see that there would need to be a difference if we're going to do them on both those types of corridors.

CHAIRMAN STRAIN: Because all those roads you're showing there are pretty well-traveled roads. If they're all collector roads, I don't know what would be the downside of leaving -- basically leaving the language as it was previously presented and not even making this change to this section, B.1 and 2. Just leaving it like it was, so...

COMMISSIONER ROMAN: Yeah, I have a tendency to agree with you on that, because those are highly visible roads all the way through. I would think that we would want architectural standards there.

CHAIRMAN STRAIN: I would agree, and I like the catching of all the nonresidential, because some of those nonresidential structures can be quite large, and I don't see the downside for them being reviewed, so...

Okay. By the way, if anybody wants to comment in the audience, just raise your hand, and we'll recognize you. You can come up and comment.

Okay. Then --

COMMISSIONER SOLIS: Someone's raising --

MS. OLSON: I have comments on the bird.

CHAIRMAN STRAIN: Come on up and use the microphone, and please identify yourself for the record.

MS. OLSON: Okay.

CHAIRMAN STRAIN: And, by the way, Heidi, this is legislative, so I didn't swear in or do disclosures; is that appropriate?

MS. ASHTON-CICKO: That's appropriate.

CHAIRMAN STRAIN: Okay. Thank you.

MS. OLSON: For the record, my name is April Olson. I'm here on behalf of the Conservancy of Southwest Florida and over 6,500 members.

You briefly mentioned the bird collision section.

CHAIRMAN STRAIN: We accepted it.

MS. OLSON: Okay. All right.

CHAIRMAN STRAIN: Maybe you can -- what is that? You can snatch success from the jaws of -- there's some saying like that.

MS. OLSON: But you hadn't voted, so --

CHAIRMAN STRAIN: We're already good with that. I think we already passed that one by, and no one had a negative comment.

MS. OLSON: Okay. Thank you.

COMMISSIONER CHRZANOWSKI: Just so long as you understand it's encouraged. It's not required.

MS. OLSON: Correct, correct. Thank you.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Thank you.

Okay. Well, then, as far as items on Page 2 and 3, B1 and 2, from my perspective, I'm going to recommend not to change the language. We'll have to see where the Board wants to go. Do any of you have any issues?

(No response.)

CHAIRMAN STRAIN: Is that the consensus of this board? Does anybody object to leaving the old language on that particular -- that particular item?

(No response.)

CHAIRMAN STRAIN: Okay. We'll move on then.

Page 3 -- well, that's the Item C. That's the same thing. That's part of the same issue involving the distance.

So basically we moved on to Page 5, which should be Item 3, and that is part of the same discussion except it's referring to alterations to an existing building.

COMMISSIONER ROMAN: Excuse me, Mr. Chair. I have a question before we go on to Page 5.

CHAIRMAN STRAIN: Uh-huh.

COMMISSIONER ROMAN: Page 4, are we embracing the 150-foot boundary?

CHAIRMAN STRAIN: I would -- I had assumed that Page 4 would read -- would be left as we previously discussed for Item 2. We wouldn't add -- we wouldn't utilize the C. It was carried over as a continuation of 2. So 2A, B, and C, from my perspective, aren't necessary to change, and my thought will be to leave 2 the way it is.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: So that means C would not be part of that.

COMMISSIONER ROMAN: That's what I wanted to clarify. Thank you very much.

CHAIRMAN STRAIN: That would, then, take us down to Page 5 and the alterations to existing buildings.

And, Jeremy, I know you lived this issue, these issues, for -- God, for months now, so to get a clarification on each one of these like you just previously did would be helpful, so would you reiterate how this one -- what change this one really affects.

I know we can read it, but it's written like traffic engineers know their reports. It's a little ambiguous to some of us.

MR. FRANTZ: Okay. And before I begin, I'd also like to point out this provision is also mentioned in that comparison with the Dover-Kohl report, so during your discussion we can bring that up as well.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: So this section is related to alterations, and it identifies that when an alteration is greater than 4,000 square feet, the alteration itself, that that area that's changed is what must comply with the architectural standards. The portion of the building that is not altered does not need to comply. That's in 3A.

If you want me to go through the rest of this, I can do that now as well.

CHAIRMAN STRAIN: Well --

MR. FRANTZ: So in 3 --

CHAIRMAN STRAIN: I can tell you -- and it would be Page 6. Why don't we finish all of 3. So it would be 3A, B, and C and D.

MR. FRANTZ: Okay. So in 3B, then it's discussing facade improvements specifically, and here the change is that the facade improvements are required to comply only when the building is greater than 20,000

square feet and results in a change to more than 50 percent of the facade area. That 50 percent of the facade area is from the existing language, so the only change here is the 20,000-square-foot addition.

In 3C, nonconforming buildings shall not be altered -- enlarged or altered in a way that increases the nonconformity. So the -- this is similar to 3A where the altered portion of a nonconforming building is required to comply with the architectural standards but the remainder of the building is not.

And in D, it relates to the repainting of a building and simply identifies that when a building is painted it shall comply with the color standards, which are located in 5.05.08.D.12.B.

The change here is that previously, upon repainting, they were required to comply with both materials and colors. And we can skip to that section if you'd like. Essentially, the materials that it talks about are corrugated -- corrugated metal sheeting and --

MS. CILEK: Metal panels.

MR. FRANTZ: Excuse me?

MS. CILEK: Metal panels.

MR. FRANTZ: Thank you. Metal panels.

MS. CILEK: And smooth concrete.

CHAIRMAN STRAIN: Right.

MR. FRANTZ: Yeah. And also neon tubing. I'm sorry, I forgot.

So that brings you up to D. If you want, I can take you through the Dover-Kohl analysis as well.

CHAIRMAN STRAIN: Yes, I would. And why don't we go back to A, start with the Dover-Kohl there, and then walk through each one. It won't take but a few minutes. I have a couple comments, and the others may have as well.

So if we go back to 3A, this one involves from -- a concern that I think one of the things is if they do something to the interior and it doesn't affect the external appearance of the building, it should be excluded. That part of it I don't have a problem with.

And I'm just wondering, we could modify the existing language to indicate that issue, that if you're doing something on the interior, why would you be obligated to change the exterior? And I think that would be a reasonable expectation in the way these things are done.

And I noticed that the committee's goal was to ensure that architectural standards are focused on big-box stores, according to the column in the right on Page 5. And, again, I didn't know or I didn't see that their architectural standards should only be limited to big-box stores. The fact that we apply it to all the stores in all sizes, to me, is an advantage to Collier County. And if you want to put a box up, that's what Lee County's for, and that's what Dade and Broward are for, but I didn't see that necessarily useful to Collier County.

So the 3A, as proposed, I don't see why that would be reasonable to put into Collier County. So out of 3A, or the prelude -- or the preamble to 3 and then 3A itself, I would suggest we take the old language and modify it so that if there are interior changes that don't affect the exterior appearance, then they don't trigger that percentage change needed to bring the whole thing up to -- the exterior up to standard. At least that would be my recommendation on that one.

COMMISSIONER EBERT: I agree. I agree. Absolutely.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER HOMIAK: Yeah.

COMMISSIONER ROMAN: Yeah. I agree, too. And one other point that I'd like to make is when I read through this, I saw this as a cost-saving measure for the developer or the person -- the owner, because if they were putting on an addition or they wanted to make an improvement, if they have a large project, then it would trigger the whole building having to be brought up to code, and maybe that building is so old that it would be very cost prohibited.

So I saw this more as a cost-saving measure for that owner/developer so that if they did decide to improve the building and -- by an addition or one portion, that they didn't trigger all the requirements of having to bring the entire project up to code and -- just a point, but I track with what you're saying, because I thought that architectural standards is what makes -- are what make Collier County different. And why we would want to limit it to big-box stores only, I think, would be shortsighted.

COMMISSIONER HOMIAK: I agree.

CHAIRMAN STRAIN: Okay. Anybody else? Agreed. Okay.

COMMISSIONER EBERT: No, I agree.

CHAIRMAN STRAIN: So it looks like the consensus is that 3.A and -- 3 and 3.A should remain as they are written with the exception of adding some language to exclude the internal improvements from having impacts on the external.

MR. FRANTZ: Okay. And we can bring any suggested changes back to you.

To go back to the Dover-Kohl analysis, really, you-all have spoken a little bit to that first section that we'll go to.

So on Page 3 of the handout from today, the committee change labeled CC3 addresses that issue of excluding some smaller building from the standards. And so the finding here is that the changes to 3.A and B do not advance the plans' recommendations to coordinate architectural and site design standards throughout the community regardless of building size.

CHAIRMAN STRAIN: And that's pursuant to the recommendations of Dover-Kohl?

MR. FRANTZ: Correct. And if you'd like me to read the explanation of the recommendation as well, I can do that.

CHAIRMAN STRAIN: I don't need it. I think -- unless somebody here wants it, I think we can expedite and move forward on that.

So on the next page of the table, which would be where B starts, B is similar to A in the sense B was trying to relegate it to 20,000 square foot or larger buildings, and I think the consensus from this panel is that we don't need to make that change.

So on Page 6, B would not be effective. We'd stay with little I.

MR. FRANTZ: Okay. And I'd just like to point out one more section in the Dover-Kohl analysis that's related to this section as well.

I actually skipped to 3. So this will be on the first page, the committee change labeled CC1. It's actually Page 2, sorry.

CHAIRMAN STRAIN: Yep.

MR. FRANTZ: And here it's a little -- a little more complicated. So the recommendation is to encourage the transformation of communities. As communities age -- and sometimes commercial developments can become, you know, kind of blighted. And so there's kind of two separate recommendations here.

One is to require that projects meet the architectural standards, you know, throughout the life of the project, and so when they come in for changes that they're brought up to the current standards. At the same time, that recommendation to encourage the transformation of those -- of those projects is, you know, in line with these kinds of changes that would facilitate updates to buildings.

CHAIRMAN STRAIN: Okay. So we'll move on to Page 7, which is Items C and D of No. 3. And we're back. And in C we're talking about nonconforming buildings, and they've changed the value there.

In the discussion on the right-hand column, they talk about some concerns; 50 percent of the assessed value -- how they regulate it -- and 25 percent of the square footage of the gross area, and that seemed to be part of the reasoning in changing some of the language.

Instead, what if we increased the impact to this gross area of the existing structures from 25 to 50 feet as an alternative to wiping out that section altogether and putting in the new language?

And part of the reason I'm concerned is one thing that Collier County lacks, and it's something that staff -- or at some point we need to really consider implementing a code for our infill and redevelopment sections of our county. We take these old -- we take these architectural standards, which are primarily mostly thought of as for new structures, and we're trying to fit too much into what would be considered redevelopment and infill.

And if we had a separate code to encourage and enhance redevelopment and infill that would be more flexible for those buildings that have restrictions on them that are inconsistent with today's code, that might be the way to resolve some of the concerns from the architectural folks who are frustrated with our code when it applies to older buildings, and it's just a suggestion.

I don't know if the committee has considered a redevelopment or infill code, but it might be something to look at because, as you may realize from our Land Development Code and our site planning, we have site conditions that have changed over time and from our older codes to our newer code, and it's making a lot of those infill sites practically unbuildable.

And that, I think, could be looked at from a refreshed code specifically focused on those kind of issues. I don't see that in here because it wasn't asked for, but that might be a suggestion that could be passed on to the Board of County Commissioners to consider.

A prime example is the trouble and the confusion over RaceTrac right now. That's an infill parcel. That parcel may have had a different way to look at it and have different scenarios applied to it if we had a code that was more written around those kind of strip zoning up and down 41 that's been there for -- well, that piece was there since -- zoned commercial since the 1960s.

It is hard to fit today's code into some of those parcels effectively and today's standards to those.

So I strongly suggest that maybe that's something that the county as a whole ought to consider writing as an infill and redevelopment code. We're maturing, so -- I'm not. They are.

Next -- so as far as C goes, nonconforming buildings should not be enlarged or altered in any way which increases the nonconformity.

I'm suggesting that we leave the existing language, consider a percentage increase, and this would still be subject to external, not internal, because internal would be independent now. It wouldn't carry any weight to the external.

Does that work with most of you?

COMMISSIONER HOMIAK: Are you saying to leave it as is?

CHAIRMAN STRAIN: Leave it as is but consider changing the percentage and making sure that there's no conflict with the way that's written and the interior versus exterior improvements.

And Brad's coming up. See, now, Brad, in all the days you were on this panel, now is when we could really have used you on this panel.

MR. SCHIFFER: Okay. Well, I would probably disagree with you on this one.

CHAIRMAN STRAIN: Okay.

MR. SCHIFFER: The concern we had, especially when we went through the recession, there was a lot of vacant buildings that could not be improved, added, or upgraded because it would trigger the fact that you'd have to build a whole building.

So the intent of this is that if it's nonconforming, it exists. As long as you don't increase that nonconformity, you can maintain the existing building.

CHAIRMAN STRAIN: Okay. Then how does the current language not accomplish that?

MR. SCHIFFER: Well, because it has -- I mean, what's magic about 50 percent? What's magic about 25 percent? These are numbers picked out of the air back then. And if you -- and you'd think the realtors would be the ones in here, you know, making this pitch. But, you know, why diminish the value of that existing building or make every piece of parcel in Collier have a negative liability because it doesn't meet the code?

CHAIRMAN STRAIN: Well, let's take an example, the Rex building on the East Trail. That's sat vacant for 10, 11, 12 years because of -- no one could utilize it the way it was developed, and it was bigger than our code currently allowed for one use, and there was all kinds of problems with it. A group finally went in there, and they came in for a series of deviations to the architectural standards, as well as others, to get that building online.

How would -- did you see any of -- are you familiar -- first of all, are you familiar with that project?

MR. SCHIFFER: I am, and what you said is true is they had to come and get deviations; otherwise, they couldn't use the existing building.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: The prior people that looked at that realized with the code that there's a negative situation here because it doesn't meet the current architectural standards.

CHAIRMAN STRAIN: So if we took out Paragraph C, they wouldn't have had to come in and ask for deviations. They could have just moved into the building and operated it?

MR. SCHIFFER: I'm not that close with that project, but if -- you mean take out the current C and put this C in?

CHAIRMAN STRAIN: Right. No. Say we -- yeah. Say we put your C in and took out the current C.

MR. SCHIFFER: Right. Then based upon what they were doing to the existing building, they probably could have just theoretically moved straight into it.

CHAIRMAN STRAIN: And that's where my concern has come from is I saw an advantage to -- that is an old building, and it was pretty run down. To go in and require it to be fixed up to some extent, with the ability to get deviations that were reasonable -- and their architect came in, he got reasonable requests put forth. He mitigated those with additional enhancements on the site.

On a case-by-case basis, until we have an infill code that addresses it more thoroughly, that seemed to be a pretty good way of accomplishing a better outcome on basically what was at one time a derelict building.

MR. SCHIFFER: But remember, as architects, we would like to read the code and design the buildings to the code, not base what we're doing on deviations or variances.

So why don't we try to get a code that allows people to do what's fair? And in this case it's fair to the owner of the existing building.

CHAIRMAN STRAIN: Well, it might be fair to the owner of the existing building, but it doesn't accomplish the goal of upgrading the neighborhood. Basically, you've got that same 12- or 15-year-old building sitting there like it always looked, which was pretty dilapidated. They'd put a fresh coat of paint on it and say, okay, we're moving in.

After that amount of time and the changes in our code, there's nothing wrong with requiring it to be upgraded.

MR. SCHIFFER: But what if it wasn't dilapidated? What if it was an interesting old building that was built -- you know, and it just doesn't conform to the current code? Why would you want to -- I mean, we'll never have historic buildings if we have to keep upgrading.

CHAIRMAN STRAIN: Well, there was -- well, first of all, that's not considered an historic building.

MR. SCHIFFER: I wouldn't think so.

COMMISSIONER SOLIS: Well, no, but, I mean, I think he's got a point that -- this particular building aside, in general, if there's an existing building, it's an older building, that's still been in use, it's not been dilapidated, maybe it's a historic building or something, then for a new owner to come in and use it, to make them have to comply, I agree with -- I agree that it puts a negative --

MR. SCHIFFER: Value.

COMMISSIONER SOLIS: -- value on it because there's automatically this requirement to upgrade to the standards.

CHAIRMAN STRAIN: And that's not the part I was going towards. The Rex building was vacant for 11 or 12 years. It wasn't a new owner coming in and changing the use from what was in operation. It wasn't used for 11 or 12 years. It was vacant.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: And so there's a difference when a building sits vacant for that long versus someone who throws out one tenant and puts another in. I wasn't aiming for that -- to catch that. I was more concerned that if a building has been vacant for that amount of time and we have an opportunity to improve its appearance, why wouldn't we want to do that?

COMMISSIONER SOLIS: But then that's a time issue. Because whether or not there's one tenant besides -- or another tenant, you're just talking about a matter of time between the tenants is what I'm saying.

If it's a nonconforming building and it can be used as it is, I mean, I just see that it puts a negative value on the building for someone to come in and use it the way it is. If it's nonconforming, it's nonconforming. If they're not going to make it more nonconforming by doing something to it, then I don't -- it seems to me that it's going to lower the value.

MR. SCHIFFER: And, Mark, you're kind of proving the point because you state where someone had to come in and get deviations to use it. That means people who were looking at it prior with their architects

are saying, wait, you touch this building, you've got a lot of money to bring this up to code by these standards.

COMMISSIONER SOLIS: Yeah. That could have been one of the reasons that it sat vacant for so long.

MR. SCHIFFER: You know, Collier had this vacant building recovery task force group. It was a bunch of people who volunteered to look at -- in the recession, and that was the big problem is how to back off the regulations because these vacant buildings couldn't be used. The guy wanting to do something to his little shopping center had to bring the whole shopping -- or his little strip up. He's got parking problems. He's got all kinds of landscape issues he didn't have before when he was just happily living with his 1960 building.

So anyway...

CHAIRMAN STRAIN: Okay. I mean, I understand what you're saying, and I mean, I'll certainly not buck the trend on this one if the rest of the panel wants to make the change.

COMMISSIONER HOMIAK: So --

MR. SCHIFFER: And let me -- for comfort, the language comes from -- and Heidi can verify -- the vested rights section of the code, which is a section of the Land Development Code that gives people, if they own something, the rights to use it. And that's essentially -- the language is cribbed from that section saying if you have a legal nonconformity you can continue it so long as you never make it a greater nonconformity.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: So --

CHAIRMAN STRAIN: And then Charlette.

COMMISSIONER HOMIAK: -- I noticed in the community character plan there was a lot of -- through this charette, a lot of the pictures there that people -- the public didn't like were taken in East Naples. For instance, Towne Center. And now, so -- and that, over time, has changed, and it looks better.

MR. SCHIFFER: Yes.

COMMISSIONER HOMIAK: So that wouldn't have to happen with this. They could just keep the old -- keep putting the old crappy awnings up and no change? So it would still be something people don't like?

MR. SCHIFFER: There are strip centers. I mean, we -- Pavilion in North Naples is being renovated. It looks great. I mean, there's no crappiness to it just because it's a strip center.

But be careful of the Community Character Plan, too, because -- and we, honestly -- it wasn't presented. We never weighed it in the hearings that we were having -- it has things like zero setbacks. In other words, what they would want to do in your case is put the building on the front property line. Well, there's so much stuff in that plan to go through and kind of play with it against these things, it isn't really fair. Because if you did what the Community Character Plan said, there would be an awful lot of changes to what we're doing here.

If you'd like, send us back to make architectural standards that match that plan. That plan, while it was adopted for recommendation, I believe, right --

MS. CILEK: Accepted.

MR. SCHIFFER: -- you know, a lot of people didn't like it, especially, you know, Naples Park where it was tried to be applied.

COMMISSIONER HOMIAK: Although, there are -- a lot of the recommendations are applied to this -- to the county now.

MR. SCHIFFER: I don't think there's as many as you would -- you know, if I was a betting man, there's a lot less than --

COMMISSIONER HOMIAK: Well, the interconnection. There's a lot of things at the end of that plan I was reading that they're still --

MR. SCHIFFER: Some of that's --

COMMISSIONER HOMIAK: You've been using it.

MR. SCHIFFER: But it's based on a totally different community, a totally different, you know, urban development and urban geometry.

But, anyway. I'm just fighting for C.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yeah, I think that there's got to be some way where we come closer together on this, because I don't think the goal should be to simply not continue the nonconformity. And I think it's -- like Karen said, how do we actually update the buildings, and how do we encourage that so that we lift everything forward in the community?

Aside from historical buildings that are declared historical and actually registered, that's a whole different thing. But I think that we have to find a way to encourage updates to buildings that have existed for many years as nonconformities.

MR. SCHIFFER: Well, I think --

CHAIRMAN STRAIN: Caroline may have to contribute -- did you have something you wanted to add?

MS. CILEK: Yes, just for the record, we -- the community did provide an exception for historical sites, so we have covered that issue.

And then staff would be happy to work together and -- or with the committee to look at these two sections and see if we can find a balance. Perhaps if we seriously increase the percentages, all of those underneath that percentage would fall under C. So only if you're doing a massive overhaul to a building would you actually have to come up to current standards. But we'd be happy to work with the committee and try to find a balance.

COMMISSIONER ROMAN: What I would look for is where the owner/developer could do part of a plaza that, let's say, was a nonconformity in our community without having to trigger the whole thing all at once. And I think this would allow some updates without everything having to be updated. That's just my personal thought.

CHAIRMAN STRAIN: Brad?

MR. SCHIFFER: Yeah. Charlette, the point is making them as historical wasn't -- historical buildings are something separate.

COMMISSIONER ROMAN: Yeah, separate. Yeah. I thought Andy kind of mixed it in there, though.

MR. SCHIFFER: We'll never get an historical building if -- you know, as an architect, we remodel buildings, so we pull off stucco and curtain wall, and we pull off brown tile. That was another phase. Then we pull off wood siding, and then we find the beautiful, old building in there.

So leave the beautiful, old building alone if he's not hurting anybody. This is not an issue of blight. I mean, blight's a totally different subject. But, you know, there's nothing wrong with a nonconforming legal building.

CHAIRMAN STRAIN: Well, you know, Caroline hit on a good idea. When we finish walking through this, there's going to be some that we may not have agreement on or we may be split on and you'll hear conversation. I'd rather send as much as possible to the Board with a consensus. So where we've expressed concerns, rather than say no and go to the Board with that issue saying no, would you guys mind taking the time, when we finish with this, whether it's today or next week --

MR. SCHIFFER: No.

CHAIRMAN STRAIN: -- and re-meet, consider our concerns, and take a look at compromises that we all could go to the Board on the same page? Because if we could keep this on a consent issue for the Board, we're all on the same -- on the same page, it really helps the process a lot. And would that be something you guys could do?

MR. SCHIFFER: Mark, we met for two years once a month at least, maybe more. I mean, we're not going to walk away from it. And I think if you spend a second looking at something, we would certainly like to come back with why we chose to do some of these things. I mean, some of these are disappearing fast, and there were good reasons for them to be put in.

Some of the reasons came from the people in the industry. You know, the thing about the industrial park, well, why in the bowels of an industrial park are we applying the architectural standards? Just because it's a busy road? It's a busy road for the people in the industrial park. They're all in there, you know, acting industrial. They don't care about fancy facades on things.

CHAIRMAN STRAIN: Well -- and that probably goes to the crux of maybe some concerns that I have, and that's the overall character of our community. Whether you drive on a road -- main road or not, the character of Collier County is an upgrade to most counties that I've ever been in.

And I've traveled -- as you know, I drive; I don't fly. And in all the communities I've driven through, we have an exceptional community here, and I would hate to see it reduced for the benefit of someone saying, "I don't want to spend the money on a facade."

MR. SCHIFFER: But again --

CHAIRMAN STRAIN: Maybe we can fix it, but not quite that extreme.

MR. SCHIFFER: It's only the industrial park, which is industrial activities. Why are they worried about some of these --

COMMISSIONER ASSAAD: What about the economics of all of that?

MR. SCHIFFER: Right.

COMMISSIONER ASSAAD: I mean, if you have a low-rent district, an area of town where the trades need the reasonable rent to occupy and do business and you keep adding all of those items, you have to upgrade, you have to renovate, you have your nonconforming, you have to do this and that. And then it's not going to happen because the owner of the building is going to say, I cannot spend so many dollars unless I get the return on my money.

So that building is going to get demolished eventually, after 20 years or something when everybody gives up, and you're going to have an eyesore in the community for a long time because it's sitting vacant.

So would you rather have an ugly vacant building or an ugly occupied building? That's the question in my mind, as long as the health issues and the occupancy rules are complied with.

But if you push it too much to beautification and renovation and, of course, Collier County will look much nicer, and I'm all for that, but there has to be a limit where the economics come into it because you're looking at a commercial building. It's not the house that I can build my own house and spend as much money. It's for my own enjoyment. This is an income-producing business for somebody.

CHAIRMAN STRAIN: I can tell you as a licensed general contractor in this state, and especially this county and one who had numerous businesses here, you get a higher price for everything you do in this county, which means you can pay a higher rent, which means you can have a better building.

COMMISSIONER ASSAAD: If you are in the right location. If you are in the right location. You take the hot spot in town, like, any -- pick up a hot spot in town, and if you renovate, you get the higher rent. But if you go to the more modest part of the county, you cannot be expected to do the same type of improvements and spend the same amount of money that you spend over there because you're not going to get the rents. So it's not going to happen.

CHAIRMAN STRAIN: Mike?

MR. BOSI: Yeah. And this comment doesn't -- I don't think helps this -- make this an easier discussion, but it does give a much better context to it, because the cost of the actions associated with all these architectural proposed changes or requirements is really what was the heart of some of the motivation that was original direction to the this Board of County Commissioners in reaction, you know, to the economic downturn and trying to spur some more activity and some of the costs -- the cost occurrences that were associated with that current code. But on the same venue, the character of our community is of high importance to a majority of our population.

So it's that individual balancing act that tries to get -- that this whole discussion is about. I think, Wafaa, you had mentioned, this is -- this is subjective determinations, and how much do you weigh the community character and the protection of the visual environment versus the recognition for the need for reinvestment and for investment moving forward?

So it's a very difficult decision, and it's that constant balancing act. And I have to say that it's probably one of the more difficult discussions the Planning Commission's going to engage in because of the individual subjectivity towards how you make that individual balance. So it is very difficult.

But I think with Brad's acknowledgment that if we can find these issues and maybe have the architectural committee meet again and kind of see if there's a potential closer area for compromise, hopefully that could bring us more towards agreement.

CHAIRMAN STRAIN: From your experience over at GMD, are we in an economic downturn right now?

MR. BOSI: Oh, by no -- we are on the upswing of the economic cycle, which we know that economic cycles have downswings and upswings. We are most certainly on the upswing of economic activity.

CHAIRMAN STRAIN: Based on the popularity of Collier County and its national and international status, do you see this county not being in the top ranking of popular communities? I mean, there's been some studies done which were in the top 10 of some of the most sought-after sites in the county (sic).

I think the opposite's happening to Collier County. Incentivizing more probably is not as necessary as controlling what's going on. So that's the part that I'm looking at.

COMMISSIONER SOLIS: And I would just follow up on what Mr. Assaad was saying, that -- and I think the Pavilion may be a good example of this, and I'm assuming that part of the motivation to redo the facades of the Pavilion was the market in that area drove it. There was the Mercato, there was the other shopping center on the other side of Vanderbilt, and the market drove the developer or the owner to redo the facade because he needed to to stay with the market.

So I don't think we can force this. And allowing the nonconformities to continue because it's a nonconforming use is consistent with all the other parts of the Land Development Code that say as long as you've got -- your use is nonconforming and you're not going to increase it, you're not going to change it somehow, that you can continue using that. I mean, I think those are -- and that's probably a discussion for the County Attorney's Office, too, that there are property rights involved in that.

And I don't think that, in a way, legislating that just because you -- you know, you haven't used the building or, you know, it's been there a certain amount of time that you can't continue to use it the way it is. I think the market ultimately takes care of a lot of those issues.

CHAIRMAN STRAIN: You do realize that it only was triggered upon a value expenditure, a value of cost analysis? Kind of like FEMA does if you're in -- if you have a structure that's not built to standards and it's 50 percent or more destroyed, you've got to rebuild the whole thing to the new standards.

Here we've got a similar kind of operation, a certain percentage of value if it's -- if it's renovated to a certain percentage, then the percentage triggers the nonconformity to be brought into compliance and not otherwise.

MR. SCHIFFER: Or 25 percent increase in area.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: And as an architect, I mean, we have 50 percent in FEMA code and --

COMMISSIONER EBERT: Brad, could you get in to the microphone a little more, please.

MR. SCHIFFER: Whatever that means. We could --

COMMISSIONER ROMAN: Speak up.

MR. SCHIFFER: As someone from the -- that uses the building code, you know I'm on the Building Commission, that 50 percent is a disaster to try to figure out what 50 percent is.

I mean, it's an important part of FEMA. It's -- it does have sections of the existing building code. So that just really doesn't mean anything as to -- you know, the nonconformity of an existing building, what does 50 percent improvement mean? I'm coming to that site with cash of a value, and now I've got to upgrade an old building. Well, maybe I'll go to another site.

CHAIRMAN STRAIN: Okay. I think the -- this one we're kind of split on based on the input that I've heard, at least. Maybe this is one, when the committee takes a look at all of our review of this, they'll take a closer look at this one as far as finding some solution, if there's one out there.

Thanks, Brad.

MR. SCHIFFER: And we'll come back on the 150 feet. I mean --

CHAIRMAN STRAIN: Yeah, all of them that we're finding a problem with, I would love for you guys to come back and say, well, there's another way to look at this. And if that turns out to be a compromise that we can be on a more similar page and it avoids a long, prolonged discussion at the board level because everybody is satisfied and the Board reads it and feels it was competent -- you know, it was adequately looked at, then that may just resolve a lot of issues, so...

MR. SCHIFFER: Right, Rocco?

This is the chairman. He'll nod and let us know.

CHAIRMAN STRAIN: Well, that takes us to D. D is purely an issue about repainting the exterior. I didn't see a problem with the change. Did anybody else?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: So I think that D would be -- we'd accept the committee's position on D. That's on Page 7, by the way.

MS. CILEK: Mark?

CHAIRMAN STRAIN: Yes.

MS. CILEK: Jeremy and I were reviewing it yesterday and -- oh, Caroline Cilek, for the record. And we noted that materials includes a prohibit -- like, a limitation on certain materials to be used, and then also a prohibition on neon tubing. And staff would like to take a look at that neon tubing and perhaps pull it out of materials and perhaps make it its own section. We could work with the committee on it, but we didn't know if we should wrap it in with materials, because it's kind of its own issue.

CHAIRMAN STRAIN: Don't have that already addressed in the sign code?

MS. CILEK: Well, it's for signs, and this would be neon tubing on just the exterior of the building --

CHAIRMAN STRAIN: Okay. I mean, yeah, bring it when we come back --

MS. CILEK: Perfect. Thank you.

CHAIRMAN STRAIN: -- for final review, that would work.

On Page 7, we get into No. 4, and No. 4 goes on through Page -- yeah, to Page 9. Well, 9 is your visual. So Page 7 and 8.

Jeremy, would you walk us through 4 on Pages 7 and 8.

MR. FRANTZ: Sure.

CHAIRMAN STRAIN: And that also was an item that you commented on in Dover-Kohl as well.

MR. FRANTZ: Correct. So in 4, it identifies exceptions from the architectural standards. And in 4A, B, and C, these items are exempt from the standards in general. So that includes historic sites, structures or -- buildings, districts, or property. And, of course, that's sites that are actually designated historic. Rural agricultural A zoning district, and facades located interior to courtyards. So this would be a facade that is not seen from the right-of-way.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: In D it identifies some items that are exempt from the standards but do need to comply with the color standards, and so that includes routine repairs and maintenance, buildings that are less than -- that are 4,000 square feet or less, the Immokalee CRA area, the community redevelopment area, and public utility ancillary systems.

So if we want to look at the Dover-Kohl study as well, this will begin on Page 2 and the change that's labeled CC2. This falls under that same recommendation that talks about updating buildings throughout the life of the building and at the same time encouraging redevelopment and encouraging the transformation of some of those areas.

So, again, this is a proposal that does not advance the concept of bringing buildings up to current standards but does advance the idea of transforming community -- buildings and projects to the extent that these projects would be exempt from complying with the standards.

CHAIRMAN STRAIN: Jeremy, on d.ii on Page 8, that's the piece that bothered me with this whole section. I mean, the rest of it I thought was a good change, but d.ii, why would we want to except buildings with 4,000 square feet or less of floor area? What was the reasoning behind that?

MR. FRANTZ: The committee was focused on applying architectural standards to big-box stores.

CHAIRMAN STRAIN: Okay.

MR. FRANTZ: And this particular provision that you point out is also identified in the Dover-Kohl analysis. This would be on Page 3 in the coordinated design of streets and building section.

This is the change labeled CC4, and in this case. The plan calls for the coordination of buildings in general in the community and doesn't specify a building size or that certain buildings should be exempt from the standards, and so in that way we found that to be -- to not advance that recommendation.

COMMISSIONER ROMAN: Yeah, I agree with you, Mr. Chair. I had that circled on my sheet. On the examples that are in our packet, these are good examples where the code works, and it shows that the code can work with corporate operations as well.

CHAIRMAN STRAIN: Well, I think that whole Number 4 and all of its subnotes work except for d.ii.

COMMISSIONER ROMAN: Yep.

CHAIRMAN STRAIN: So that's the only piece of it that I found concerning. If there's no other comment --

MR. FRANTZ: I think just to add, again, Caroline and I are looking at this section. In 4.B, the rural agricultural zoning district, there may need to be some clarification on that point as well but, again, we could bring that back to you if necessary.

CHAIRMAN STRAIN: Okay.

MS. CILEK: With regards to the rural ag in the urbanized area of the county, coastal urban area, excuse me.

CHAIRMAN STRAIN: That's right. I remember you and I spoke about that, yeah. Okay. Well, then --

COMMISSIONER SOLIS: Can I --

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SOLIS: -- just have some more clarification on what the intent was behind this 4.d.ii? I mean, there's -- it seems like there's a -- a huge gap between a 4,000-square-foot building and a big box. What -- there's -- it seems that there would be more than just that distinction. Is it that a 4,000-square-foot building is such a small size that make -- requiring the consistency with the architectural standards would somehow make it burdensome, or what exactly --

MR. FRANTZ: I think the committee can answer that.

COMMISSIONER SOLIS: Okay.

MR. COSTA: For the record, Rocco Costa, chairman of the Ad Hoc Architectural Committee.

What we had proposed was everything with 4,000 square feet. And most of these building that are corporate designed are already designed and already have the color scheme, and most of the color schemes that we've noticed from these buildings are within our limitations of the standards currently.

There's -- and, again, we were going back to the big box to the original code that was way back, that we're trying to limit the costs and the effects to the developers and move it back towards the big buildings where we felt that we needed a little bit more restriction to keep in with the character.

CHAIRMAN STRAIN: But you took it a step further. It says, the following shall be exempt from the standards of LDC Section 5.05.08. So you're not focusing on the colors. You're saying entire exemption from 5.05.08. That's, I think, where my concern was. The colors don't bother me too much. We ran into that with Chili's over at 951 and Davis and places like that. Their national branding, they use certain colors, and they were fine.

But I was concerned the way this was trying to exempt them from everything in 5.05.08, which I believe was your intent, but that's the piece of it that triggered my concern over ii.

MR. COSTA: Correct.

CHAIRMAN STRAIN: It wasn't the color as much as --

MR. COSTA: The 4,000 square foot, it was difficult to apply a lot of these standards to those buildings because the footprint is such a small element that you have two roof changes and you have to have, you know, so much glazing that it becomes too much for these little buildings, and it just makes those buildings too awkward, in a sense, that they -- there's just so much going on with those buildings that it didn't make sense.

COMMISSIONER SOLIS: Okay. Well, that was really the question I had is why the 4,000. Why not 2,000 or 5,000 or 6,000? And I guess that's the answer is that that's about the tipping point where the standards make something --

MR. COSTA: Correct.

COMMISSIONER SOLIS: -- really unusable, unworkable.

MR. COSTA: Correct. Most 4,000-square-foot buildings have so many different functions going on in there that there's a great deal of articulation already on those buildings.

When you get into the large big box, larger square footage, there's not so much. It's typically a warehouse. So we were trying to, in one sense, reduce some of those requirements that didn't make sense and help alleviate some of the concerns with the cost for the developers. But the 4,000 is just a small building, a small footprint. It's tough to -- there's so much going on with the articulation that it didn't make sense.

COMMISSIONER SOLIS: That makes sense to me.

CHAIRMAN STRAIN: Before you leave, if the 4,000 or smaller were more of a magnified concern with your group, why don't we look at suggesting that certain of our standards shouldn't apply to 4,000 or lower because of the impracticality as you're alluding to, such as the differences in roof styles or the ins and outs, instead of just trashing the whole section?

Because I would hate to see us get a square box pizza drive-through with a flat roof and a facade around it and, you know, a parapet, and that's it. And that can happen. And I think that's the concern, not so much that you would not do it right, but there are those that take advantage of any tweak in our language that misses anything. And we've seen that happen time and time again, and it's very frustrating. That's the concern I have.

So would it be -- could your committee look at this and more specifically for those things that might be difficult to do with a 4,000-foot (sic) building instead of just taking them all out?

MR. COSTA: We certainly could. I don't know how many of the committee members are probably left, but we'll -- you know, we can always go back and take a look at it, certainly.

MS. CILEK: And we'd be happy to coordinate that. In looking into the future sections of this provision, we can see what the committee's already recommended to remove for requirements for building that are 4,000, because there are those suggestions already in here as well.

CHAIRMAN STRAIN: Okay. I mean, if we had a list that we understood, and for your -- your reasoning is sound. I'm not saying you're wrong. I'm just trying to figure out a way not to just blanket wipe everything out and end up with something, an eyesore that we never anticipated, because there are some architects that may not be as good as your group is.

MR. COSTA: Correct. And that's the tipping point where we've -- why we initially had voted not to and then went through the code to review it. But, again, you know, from our standpoint, there's a lot of large buildings that are following the current code that, in my opinion, are terrible anyway, because it's just a shopping list. And it's just a matter of the developer or the contractor, architect that are doing those projects, and it doesn't become a design and a service. It's more or less a shopping list.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER EBERT: Can we take a break?

CHAIRMAN STRAIN: Yeah. I was going to just suggest a break. I know, Caroline, you had a time need, too, so we'll take a break until 10:30 and come back and resume, and we'll quit at no later than 12 o'clock.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: Thank you.

(A brief recess was had.)

MR. BOSI: Mr. Chair, you have a live mike.

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the break.

Before we went on break, we finished up with Item 4A, B, C, D. We left a question about one item there that the committee will take a second look at after we finish our discussions on this overall process.

Page 9 are the visuals, which we've already -- applicable to one we just discussed.

Page 10 is a beginning of a chart that continues on Page 11, and on Page 11 we get into the submittal requirements and changes to 5.05.08.C, which is at the bottom of the page.

And, Jeremy, we have -- as far as C goes, there's no issue with Dover-Kohl, and I didn't -- I mean, it's just a clarification. I didn't have much concern about it. Does anybody on the panel?

(No response.)

CHAIRMAN STRAIN: Okay. So the changes in C aren't objectionable. We'll just keep moving

then to -- let's do D. It starts on Page 11 and goes to Page 13 and 14. Wow, we'll just take a section at a time. It's several pages.

COMMISSIONER EBERT: I've got 12 on D.

CHAIRMAN STRAIN: Well, D.1 and 2 are on Page 12. So let's just take D.1 for now. We'll go to D.1, then D.2. D.1 is -- D.1 is on Page 12, and it's A through C.

MR. FRANTZ: Okay. So this is where your actual building standards start in the architectural code. In D.1, it identifies when the primary facade elements are required, and I'll just go through it.

CHAIRMAN STRAIN: Well, before we go through it, let's first see if we have any issues in D.1, A through C. Does anybody on the committee have any concerns or questions about D.1, A through C?

(No response.)

CHAIRMAN STRAIN: I didn't find anything. That, to me, was more of a clarification, and I didn't see any issues there either, so we could save some time. And if there's no questions on D1, we'd move to D.2. D.2 starts on Page 2 and continues on Page 13 and 14 and -- well, let's just take it through Page 13.

MR. FRANTZ: Okay. So, in general, the primary facade standards, these are the specific elements that they are required to choose from for the primary facade. And so, again, I can walk through the individual elements. That might be helpful.

In general, in the primary facade elements, there is a glazing requirement associated with each of the -- with each of the requirements, with the exception of one.

The first standard begins on Page 13 in D.2.b.i, and this is just a general -- and, again, before I get into this, there are a number of standards listed here. As identified in D.2.b, each building is only required to select two of these standards. So it's kind of a menu list of items that they will apply to the building.

So with that said, the initial standard is for glazing covering a minimum of 25 percent of the primary facade.

CHAIRMAN STRAIN: Well, Jeremy, before you walk through all the standards, because they go on for several pages, why don't we just see if there's any questions from the group. And it would be through Page 16 to the top of Page 17. And, basically, it's a laundry list of standards that can be used. And I don't know if anybody has any concerns about them, and did staff have any specific clarifications on them?

MR. FRANTZ: There are a couple of items in the Dover-Kohl report that we can --

CHAIRMAN STRAIN: Yeah, I saw those. Okay.

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

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: What page?

COMMISSIONER ROMAN: On Page 13, b.i, on the glazing. And, Jeremy, I had discussed this with you, that in the notes regarding it, we talked about it being an alternative for the PUDs; that's currently an option. And I had discussed with you, roughly, how frequently is the option used with PUDs these days.

MR. FRANTZ: And, you know, I don't have a specific number of how frequently that occurs, but all I know is that it is used regularly.

COMMISSIONER ROMAN: Okay. Because I don't remember trellis and plants being suggested since I've been on the Board, but --

CHAIRMAN STRAIN: Well, I don't know if we'd see it at the PUD stage.

COMMISSIONER ROMAN: You'd probably see it at the site development.

CHAIRMAN STRAIN: Yeah, when they submit.

COMMISSIONER ROMAN: But it said PUDs here; that's what prompted my question.

CHAIRMAN STRAIN: Well, it means that PUDs are included in it, but it's regulated to the PUDs, I believe, but it's not something I think we'd see necessarily in the language that we see at this level, at the zoning level.

MR. FRANTZ: Further along in the standards there's a section with standards specific to PUDs. And this is an option that's been -- that exists for PUDs now, and so it's -- the addition of this alternative here is just applying that to other zoning districts.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: And the option, though, is utilized at the time of SDP, not zoning, right?

MR. FRANTZ: Yeah, I believe so.

CHAIRMAN STRAIN: Okay. That's, I think, the clarification that Charlette was looking for. Well, that --

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Jeremy, what's the rule on the opacity of glass, black glass and whatever?

MR. FRANTZ: So there's a standard regarding false or applied windows; however, in speaking with the architect, my understanding is that as long as it is actually a window, there's no standard relating to, you know, a heavily tinted window. So as long as it is, in fact, a window, then it is a window.

COMMISSIONER CHRZANOWSKI: But how about opaque glass?

MR. FRANTZ: Oh, I'm sorry. Opaque? Maybe rephrase the question.

COMMISSIONER CHRZANOWSKI: Yeah. There was a building that had some mechanical features behind the windows and you didn't see it in the daytime, because, you know, the tinted glass you don't see through, but at night when the building was lit up, all you saw was all this mechanical stuff behind it. And I'm thinking, you know, at night, you know, who really cares? In the daytime you care that it's a window. You know, it gives a certain look to it.

I always wondered why they didn't like opaque glass.

MR. FRANTZ: That sounds like --

CHAIRMAN STRAIN: You're going to be saved, Jamie.

MR. FRANTZ: Yeah, the committee might answer that better.

MR. COSTA: The use of opaque glass was prohibited within the original standard.

COMMISSIONER CHRZANOWSKI: Right.

MR. COSTA: So we weren't allowed to use opaque glass in those situations where we had glazing up high above a ceiling line. We couldn't paint it black. We weren't -- it was against the original standard, so that's why it was tinted. But we would -- we would -- that's one of the questions and why we had brought into using opaque or spandrel glass is in those instances where we needed the glass, but it was looking through a structure that didn't make sense that that opaque glass is glazing, and it would be acceptable then.

COMMISSIONER CHRZANOWSKI: So the new standards will allow opaque glass?

MR. COSTA: Correct, correct.

COMMISSIONER CHRZANOWSKI: Okay.

COMMISSIONER ASSAAD: Would -- assuming those rules would get adopted and they become the code for the county, would the development, like Coastland Mall, survive these type of design features?

MR. COSTA: I think that would be --

COMMISSIONER ASSAAD: Did somebody -- did somebody -- did we think about what is the ultimate effect of that? You're thinking about the Sports Authority, the Toys Are Us, the ugly buildings that are located right in the middle of, you know, the intersection, but when you get into big shopping centers, the Pavilion is a good example, Coastland Mall, if it was in the county, all of the new shopping centers that are coming up, Walmart, stuff like that, can they survive this type of scrutiny --

MS. CILEK: Well --

COMMISSIONER ASSAAD: -- or are you going to get somebody here with 200 pages of deviations?

MR. SCHIFFER: And I think that's why it's important that the vested rights section be written properly. First of all, they would be a PUD, and they probably --

COMMISSIONER ASSAAD: So the answer is no?

MR. SCHIFFER: I think they probably would. I think if we looked at the Pavilion permit, the work they're doing now went through the architectural review, so the answer is that the changes they made, you know, enhanced. If there was a nonconformity, it wasn't expanded. So it's very important that existing buildings do survive, as you put it.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Caroline?

MS. CILEK: Really, Brad said it well. Those projects are coming through under the existing LDC 5.05.08 section. So, you know, speaking to projects looking to enhance their facades, you know, they're working within the existing conditions and the existing deviations and alternative design procedures already.

MR. FRANTZ: And I could also add that in the primary facades features that they're able to select from, the committee's proposal adds additional choices, and so there's some additional flexibility with this proposal.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: And I don't know if the rest of the committee -- the primary facades standards that have been suggested, I don't have any, really, questions or concerns about them other than what -- you explained them, and I'm satisfied. Is anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Well, that will take us to Page 17, which is the transition elements and variation in massing.

And, Jamie, I think on Page 17 and Page 18 until you get to 19, you don't have a side-by-side comparison because the first couple pages are basically all struck through. And I believe what that does is takes out the variations required for the different sizes of buildings involved and reduces it to buildings of just the larger size that the committee was aiming for, which is the big box. This says 20,000 to 40,000.

MR. FRANTZ: In this particular section, I think the best way to explain it will be to look at the picture on 18, on Page 18. So all of this strikethrough language in old Section C.3, it was intended -- or the existing language is intended to -- when there is a larger building next to a smaller building within 150 feet, that there would be some elements on -- especially on the first floor, that would affect the scale of the building so that it's -- the scale at the pedestrian level of a large building is aligned with the scale of a smaller building nearby.

CHAIRMAN STRAIN: Okay. And I -- do you know why this was thought not to be needed anymore? Before we get to No. 3, but we've crossed out -- there's been -- No. 3 on Page 17 and 18 have entirely been crossed out and the top of Page 19, then No. 3 is rewritten on Page 19, and it compares to the old No. 4, but basically what it did is remove the prior section completely.

MR. FRANTZ: Right. The justification that's provided in the narrative indicates that the transition elements that you see on Page 18 would be provided through the regular primary facade standards that are selected, and so they would have that same effect. That's the committee's justification.

CHAIRMAN STRAIN: Okay. So a primary facade on a taller building, how does that reflect massing of a scale compared to the buildings next to it?

MR. FRANTZ: Well, I think that it's --

CHAIRMAN STRAIN: You're going to be saved again.

MR. COSTA: For this instance, the transitional elements, the county doesn't have a great height variation except for a couple locations. So those transitions are typically picked up when buildings go in side by side. Even if it's a separate project, separate architect, there's only so much you can do with a transitional element. So those elements within those building heights are being picked up normally instead of having to be addressed or be asked to do it.

CHAIRMAN STRAIN: Well, a couple comments. First of all, I don't know if you've been keeping track of what's happening at the Triangle, the intersection of U.S. 41 and Davis, but the Board, I think they -- I think they accepted, or not accepted, but suggested that the style they like is one that shows 12- and 18-story buildings potentially going there, which is a height change that we don't normally see in Collier County. I'm not saying it's bad or good. I'm just suggesting I think as we build out, the value of going up is probably going to be more sought after than the value of sprawling out because we're running out of that sprawled-out area.

So I think height is going to become more of a prominent issue in the urban area, which is why removing the requirement for transitioning is a little concerning.

Your comment is, well, we do it anyway. Then, if that's the case, why would we need to remove it since you're already doing it and it's not hurting anything? I'd rather see, for those that are not as capable as you and those on the committee, at least have some standards to adhere to.

MR. COSTA: Correct. And the transitional elements, though, when you get into the buildings, you're typically picking those design elements and treating the building with, you know, floor elements. When you get into a 12-story, 18-story building trying to address it and pick up a transitional element on a one- or two-story building, it truly doesn't make sense because of the scale.

It's difficult to pick up those elements that you find in a one- or two-story building and incorporate it into an 18-story or 12-story building.

You're still trying to create a pedestrian space within those taller elements, but placing a 12-inch band because the building adjacent to you is doing that, if we can address it with an aesthetic with window banding or treatments in that respect, then -- and those are the elements that we're picking up in the other elements of the building code.

CHAIRMAN STRAIN: If those are the types of concerns in the transition, I wonder if those could be more focused on rather than the massing issue. The massing is what bothers -- bothered me the most. And we had a gentleman who was an architect on this panel who was really big on massing at one time, and he insisted on PUDs coming through be limited because of their massing and things like that, and I thought that was a good idea, and we saw that happen, and the product, I think, was better.

Again, it's similar to that concern we had with the 4,000 square feet and just eliminating everything. Maybe those pieces that are more exceptionable in transitioning that are problematic, we focus on those and not doing away with the massing part of transition in a sense that we've got to have some breakup of the buildings. Instead of multiple monoliths going straight up in the air, there's got to be some stepping in between them. I saw that as a more of a value than anything else out of this piece.

MR. COSTA: We can certainly look at it. I'm opposite of Brad. I like big block buildings, and articulation is -- I view it differently. So we can, of course, certainly go back and take a look at -- and see what we can do.

CHAIRMAN STRAIN: Are you from an urban area, big city?

MR. COSTA: No.

CHAIRMAN STRAIN: No? I have spent some time in New York City, and one of the things that I never liked about there was the blocks of buildings going up footprint after footprint after footprint. And I'm so glad we haven't followed that, but I understand your points.

While you're there, on Page 19 there were some other changes in No. 4 that now become No. 3. But one of the most prominent, and I'm trying to understand the reasoning behind it, is you took the words "building area" and simply crossed them out and made them "floor area." What was the thought behind that? Oh, Jeremy. Okay.

MR. FRANTZ: That change was actually recommended by staff. Floor area is a defined term that we use frequently. Building area is not. And so if there is a question about what the building area is, the staff would default to the floor area. And so it made sense to just change this to floor area and, I think, in all the other cases where building area comes up as well.

CHAIRMAN STRAIN: Okay. Well, that change -- I mean, I didn't know if it was good or bad. I don't see any problem with it. I think it's probably sound reasoning.

On that change they also recommended a reduction in depth of projections. I didn't see a problem with that either. But as we got into the balance of it, and it continues over on Page 20, you basically struck everything out for the smaller buildings because I know you don't like to do that stuff for smaller buildings. And I, myself, have a concern over that. I didn't see the need to strike that, but that goes back to your concern over sticking to just big boxes as application.

By the way, some of the big boxes, when they come through with their PUDs, like Walmart did in Immokalee, they rewrite their standards to more or less fit their corporate image as they've had. So that has been utilized as a tool to already circumvent some of these requirements. But, regardless, I'm -- some of the changes are good. Some I'm -- I'm not too comfortable with, but -- Charlette?

COMMISSIONER ROMAN: Yeah, I agree. I think we need to safeguard the variations in massing, particularly as we move forward with redevelopment of some projects that are adjacent to newer projects and to safeguard that for the visual appeal.

And also, going back to the 4,000-square-foot building, I agree that that should also apply.

CHAIRMAN STRAIN: Anybody else have any comments? I think, lacking any other comments, maybe the committee could look at this as being more specific in the transition elements that are of a concern, and I don't think the size of the buildings are something that we think necessitated only being in a larger building. I think we need to look at it for other sizes, too. So that's something else maybe you guys could chew on a little bit and consider our concerns?

MR. COSTA: Yep.

CHAIRMAN STRAIN: Thank you.

That takes us through Page 19 to the top of -- bottom of Page 20. Well, that's still -- that's your building design. Yeah, starting on Page 20 we have, on the bottom, building design treatments, and it continues with a No. 5, project standards. That's something -- I didn't see an issue with deleting that section. I don't know if anybody does.

Caroline?

MS. CILEK: I believe we relocated this provision to earlier.

CHAIRMAN STRAIN: Right. So we're deleting it from this area and putting it somewhere else, right.

So that would take us to Page 21, No. 4. These are the design treatments, and they go on for several pages.

Page 21, that's a continuation of some of the design changes we have. They've added -- they've added some modifications to it and optional design features. Anybody have any issues, let's say, through the middle of Page 22 to where other design criteria are?

(No response.)

CHAIRMAN STRAIN: I don't have any concerns over the changes that are being recommended. Nobody else does, so I think we can move on to Page 22 at the bottom. It's titled "other design criteria," and that section has been dropped because it's been moved, I believe, right?

MR. FRANTZ: Correct, yeah. The site design elements have been moved to what's now Section F. So we will see these again. We could cover them at that time, if you'd like.

CHAIRMAN STRAIN: Yeah, that would be better, since moving them from there is not much of an issue.

We get to Page 23, we go with No. 5 and No. 6. No. 6 was discussed in your Dover-Kohl analysis. No. 5 is something -- some new language. Anybody have any concerns with 5 or 6?

(No response.)

CHAIRMAN STRAIN: This is on Page 23. I didn't have any.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: No, okay.

Let's move to Page 24. This one is on overhead doors. I know this one's come into play numerous times, because I've heard discussions of it in processes that have gone through.

COMMISSIONER ASSAAD: Can I ask?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ASSAAD: Can we go back to 23?

CHAIRMAN STRAIN: Absolutely.

COMMISSIONER ASSAAD: Item 6A. Why are false windows not counted for as part of the glazing requirement?

MR. FRANTZ: I might actually have to defer to the committee.

COMMISSIONER ASSAAD: Okay.

CHAIRMAN STRAIN: Now, we did remove the amount of -- we reduced the amount of glazing required, I believe, from some percentage down to 15 or something like that.

Go ahead, sir.

MR. DISNEY: Dalas Disney, for your records.

We talked long and hard about spandrel glass. Some of us feel that it should be included in calculations and others feel not.

In evenings with lights on you can tell the difference between a vision panel and a spandrel panel. In

the daytime with certain types of glass you're not able to do that.

It was a consensus as a part of the committee that we would -- we would allow it. Previously it was disallowed, if I remember correctly. And you just don't put spandrel glass in.

Well, we're to a point where spandrel glass can be utilized, but we want vision glass in buildings and, therefore, the spandrel would not be counted towards the applicable minimum requirements.

I hope that answers your question.

COMMISSIONER ASSAAD: So if the function of the building or the use of the building is mainly storage or some type where it doesn't require lighting, they just need the wall space. Are we're going to make him put 25 percent in windows or glazing?

MR. DISNEY: We have in the past, and I believe --

COMMISSIONER ASSAAD: Doesn't that defeat --

MR. DISNEY: -- when we get to that --

COMMISSIONER ASSAAD: Doesn't that defeat the functionality of the building?

MR. DISNEY: Yes.

COMMISSIONER ASSAAD: Because you need the wall space, you need the display area, you need the controlled lighting. I mean --

MR. DISNEY: I'm perfectly happy if you would -- if you would say that spandrel glass would be allowed as a part of it. I am a proponent of it. Others have not been.

COMMISSIONER ASSAAD: All I'm saying is that it all has to do with the function and the use of the buildings.

MR. DISNEY: Yes.

COMMISSIONER ASSAAD: Certain uses, like art galleries, as an example, they control the lighting. They don't want to have too many windows. They need the wall space. And to function as an art gallery, you need a solid wall with a lot of controlled environment. You don't need windows or skylights, so...

MR. FRANTZ: I'd just like to jump in and clarify.

COMMISSIONER ASSAAD: Okay.

MR. FRANTZ: In this section there are two different standards that apply for windows. Spandrel panels would be counted under the proposed change towards the minimum required. It's only false or applied windows that would not count towards the minimum.

CHAIRMAN STRAIN: And the reason probably for the spandrels is, it's part of, like, a curtain wall system where you can't fit standard windows within the curtain wall, and so you've got to have the spandrel included as part of that. That's reasonable.

MR. SCHIFFER: And it's only allowed in a curtain wall according to that.

And, Stan, that's the situation that you were describing is where they could see the mechanical stuff, because they didn't have spandrel glass there. The reason it's -- first of all, remember, this is a series of menu items. The person doesn't have to pick glazing to comply with the facade.

And what we don't want is a bunch of people putting picture frames with, you know, black glass or mirrors in it, saying, hey, look at all my windows.

And the urban design and the Community Character Plan really stress this, is that the ability to look into buildings is very important. Look at our -- on the corner, all of our pharmacies, you'll see a lot of glass, most of it high because of wall space. None of those people wanted to put windows in, but that was them having to deal with this.

And as a community, we drive by and we see lights, we see activity in the window. The window's important for a lot of reasons. One of them isn't to be picture frame black glass.

COMMISSIONER ASSAAD: Thank you.

COMMISSIONER CHRZANOWSKI: What's an applied window?

MR. SCHIFFER: Picture frame with black glass glued to the wall, applied to the wall.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: You bet. We'll go to 24 on overhead doors. This one I certainly have some

questions. Does anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Under your rewrite, you're looking at a reduction in the amount of overhead door theoretically, I think, because you're reducing it to a height and not a percentage. Is that an accurate statement, Jeremy, from my reading of this?

MR. FRANTZ: I'm not sure I understood you correctly.

CHAIRMAN STRAIN: Well, previously you had to have 90 percent of the overhead door height covered so you couldn't see it to be an overhead door. Now they're saying, basically, you measure six feet up from the center line of the adjacent road.

MR. FRANTZ: For the wall, for the screen wall.

CHAIRMAN STRAIN: Right.

MR. FRANTZ: Yeah, correct.

CHAIRMAN STRAIN: So that means more of the door could -- there's not a percentage of the door. I mean, more of it could actually be seen.

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: I don't mind the exception they put in, but I'm not sure it's better to see more overhead doors. I could see us have a proliferation of storage units, and I'm not sure that would make it appear well. Was there an exception to that?

MS. CILEK: Yes. I'd like to look at D.7.A just to remind myself about that. So we're not allowing them on loading docks or receiving areas. Perhaps we could include the storage facilities as well.

The intent behind this exception is to allow them to be used for such uses as restaurants, fire stations, that type of -- that type of use, and to allow to see into it. But you bring up storage units, and that might be something we can look at as well.

MR. FRANTZ: And I think we can keep in mind also that there's a specific section for self-storage buildings as well that addresses windows and overhead doors to keep that in mind.

MS. CILEK: That's correct. And we did spend a lot of time on that section as well, so we can go over the proposed changes there.

CHAIRMAN STRAIN: Okay. And a couple of the language tweaks the 7.A, the new 7.A language, required screening. It says, adequate screening, and then under the new language, then it starts the next sentence, sufficient screening. What's the difference between adequate and sufficient screening?

MR. FRANTZ: I think either one of those terms should be used consistently.

MS. CILEK: Yes.

CHAIRMAN STRAIN: Right. So make it one or the other, right? And if you're going to use them, though, how do we know what that is? Is it what is defined as the 6-foot measurement then?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Okay. So I guess from this board's perspective, do we want to see a minimum height of six feet measured from the center line of the road, or do we want to see a minimum height to cover up 90 percent of the door as the standard? I think that's what this boils down to. And I don't know why we would want to see more of an overhead door.

Is there a reason why anybody would -- I mean, maybe the architects could explain to us what the advantage is to see more of an overhead door.

MR. FRANTZ: Sure.

MR. COSTA: On this particular instance, most overhead doors are -- if they're facing a roadway, you're in a vehicle, or if you're a pedestrian on the sidewalk in front of a building, a 6-foot blockade or screening element would block the door almost in its entirety. The only time you're really seeing it is from a distance or if you're elevated within, you know, a higher vehicle.

CHAIRMAN STRAIN: See, wouldn't you be, then, assuming that the overhead door is of a standard 8-foot height?

MR. COSTA: It's more based on a visual angle instead of just looking at it, an elevation which you would never see in real life. It's a controlled view based on the screening element, based on either a vehicular or a pedestrian walking past or moving past the building.

CHAIRMAN STRAIN: Would this be something that you would need in something other -- what kind of applications? This would be commercial applications most likely -- well, storage facility could be one, but there's gasoline stations and things like that. Is that how you were thinking this -- how does this apply? Where -- I'm trying to figure out -- I'm trying to figure out why the objection -- why there's an objection, because I can't figure out why it would apply in a manner that anybody would care.

MR. COSTA: In some instances there's the new car washes that are coming -- that are being built in the area that are glass, and those are up during the day because of the use of that building. So we're restricting those buildings because they have overhead doors that are closed after hours and, therefore, limiting the view of the building and the use of the building.

So it's restricting that client or the developer on using that -- trying to draw in customers or users for that space. That was one of the instances.

CHAIRMAN STRAIN: Oh, that's the kind of application I was trying to understand.

MR. COSTA: And then the other case is that if you're blocking 90 percent of that space, you're almost screening the entire frontage of the site. And so you're going down where we're trying to create a pedestrian community. You have a building that's green completely, or 90 percent, at the street with adjacent buildings, and then you get into the fact, you know, looking at the other elements. Why should you mask the building because it's screened? And transitional elements and implied (sic) windows and --

CHAIRMAN STRAIN: Okay. Well, I appreciate. That helps.

Anybody else have anything on Page 24? I mean, I don't have an issue with the changes they're suggesting at this point then, based on what we've just heard. Does anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Well, 24 will be as written with -- you're going to change -- you're going to clean up the word "sufficient" and "adequate" then?

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Okay. That takes us to Page 25, actually, the middle of Page 25. There's two relocated sections, 8.A and 8.B, so those shouldn't be an issue. They've just being relocated.

Then we get down to the new 8 on the end of -- bottom of Page 25, and it continues 25 and 26.

Jeremy, you want to -- that's additional standards for outparcels. Let's first see if we have any questions. Anybody have any questions on the standards for outparcels, No. 8?

(No response.)

CHAIRMAN STRAIN: I didn't have any. So I think 8A, B, C, D look like they'll -- they're fine, which takes us down to Page 27, No. 9, roof treatments. And that goes on for a couple of pages as -- well, that goes on one page, to Page 28. And I didn't -- again, I didn't have any issues with roof treatments. Anybody else?

COMMISSIONER ROMAN: Doesn't this relate back to the massing portion of the document where we were addressing smaller buildings, and now this is rewritten to include 10,000 square feet?

CHAIRMAN STRAIN: Well, I think that helps the argument that they were saying was part of their complication for when you get down to 4,000 square feet and smaller. In this one they're saying that the roof treatments, basically, the changes are 10,000 and greater. I believe it's larger than 10,000 square feet.

So, I mean, I think that coincides with their presentation and discussion on having the, I'll say, complicatedness, difficulty in the smaller building massing. But it's a transitional element, not a massing element; is that fair?

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Jeremy?

MR. FRANTZ: You're asking about this particular --

CHAIRMAN STRAIN: Yes. This is more of a transition element than a massing element. It helps to reduce the appearance of massing. But in the end it's a transition element. It's a roof edge. It's not a -- it's not really --

MR. FRANTZ: Yeah. I think, if I understand your question, I don't believe there's any depth to -- required for the change. It's just a roof-line change.

CHAIRMAN STRAIN: I didn't have any issues with it.

Charlette, is there something that -- anything specific?

COMMISSIONER ROMAN: Well, when this comes back -- well, in looking at this diagram here, the illustrations would remain. It just seemed that the square footage was different than the square footage that we had before for any of our standards. Maybe it was --

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROMAN: -- because they tried to make the others 10,000 square feet, too, and we changed them back. Go ahead.

MS. CILEK: Yeah. If I may, what we'll do is we'll note the provisions that are changing from a for instance, 5,000 to a 10,000, and share what all those different provisions are when we come back and address the 4,000-square-foot concept so you can see which provisions are being changed to accommodate the difficulty with architecturally meeting these standards for small buildings.

COMMISSIONER ROMAN: Okay. Thanks. That will be great.

CHAIRMAN STRAIN: That will take us to the bottom of Page 28. We start with No. 10, and it's awning --

COMMISSIONER HOMIAK: Wait.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER HOMIAK: Can we go back to -- it's 26 and it goes onto 27. They want to take out the interconnection.

CHAIRMAN STRAIN: Sure. Twenty-six?

COMMISSIONER HOMIAK: Why would you want to take out the vehicular and pedestrian interconnection between --

CHAIRMAN STRAIN: We're on Page 26.

COMMISSIONER HOMIAK: -- outparcels?

CHAIRMAN STRAIN: Can you --

COMMISSIONER ROMAN: 26 C.

COMMISSIONER HOMIAK: 26 C, at the bottom, and it continues onto 27.

COMMISSIONER ROMAN: It's in the notes.

CHAIRMAN STRAIN: I thought it was addressed in other sections of the LDC. That's what my note says. I would have made that as a result of some conversations I had. If that's wrong, it would be certainly good to know.

MR. FRANTZ: That's what's indicated in the narrative.

CHAIRMAN STRAIN: Yeah. That's why. It's covered elsewhere. It's a requirement under our pathways or one of the other sections of the code.

MR. FRANTZ: This is another section that is addressed in Dover-Kohl if you'd like to go over that as well.

CHAIRMAN STRAIN: Well, it's not consistent with Dover-Kohl.

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: Right, which is -- but if it's addressed elsewhere in the code, wouldn't that then bring it back into compliance?

MS. CILEK: We can take a look at those code provisions where it is addressed elsewhere and share those with you, if that --

CHAIRMAN STRAIN: Yeah, I mean, it wouldn't necessarily mean it's not consistent with Dover-Kohl because it's struck from the 5.05.08. It just means it's not there and it's somewhere else. It would still be consistent then if it's elsewhere, which is what I had thought the notes indicated.

MS. CILEK: Right. Why don't we provide those sections to you so that you can do a comparison between what's being removed here and elsewhere in the code.

CHAIRMAN STRAIN: Okay. Does that work, Karen?

COMMISSIONER HOMIAK: Yep.

CHAIRMAN STRAIN: Okay. Let's go back to Page 28 and 29 where we're talking about awning standards. I mean, it wasn't a lot of change. I didn't have any issues with that. Does anybody else have any issues with No. 10? It's on Page 28 and 29.

(No response.)

CHAIRMAN STRAIN: If not, then we'll go to No. 11, which is your entry and customer service treatment. I didn't -- I have no questions. Anybody else?

(No response.)

CHAIRMAN STRAIN: Then we go to Page 30. By the way, where we have no questions or concerns, Caroline, that means we're not objecting to the changes made by the committee.

MS. CILEK: Understood. Thank you.

CHAIRMAN STRAIN: Page 30 we have a section titled -- it starts with design standards for specific building uses. It's No. E. And this does address some specifics for the storage units and windows. Anybody have any issues with Page 30?

(No response.)

CHAIRMAN STRAIN: Okay. Then that'll take us to Page 31.

And this one, I probably need to understand some of the committee's thoughts on this. I read the narrative. It says, the committee proposed to delete this section as it dictates the internal workings of the building and exceeds the intent of the architectural standards. Additionally, there are other requirements in the proposed standards that control the design of big-box stores. And it crossed out No. 3, which was your mercantile section.

How did it get in there in the first place if it wasn't -- if it's thought now to be not applicable? I mean, isn't the same committee that's here wrote parts of it or were involved in the original design standards?

MR. SCHIFFER: I could be more helpful on how it got in there.

CHAIRMAN STRAIN: Yeah.

MR. SCHIFFER: Remember our mixed use standards in the Bayshore when we were looking at urban design kind of following after the community character plan, it was determined that ground floor mercantile units should have a tall ceiling so that when people look in they really see a more traditional store set up. That's how it got in.

The committee -- and the committee decisions are made by a vote; maybe not all unanimous. The committee wanted to remove that because there were circumstances where you could design a good mercantile building without having the 16-foot tall ceiling visible.

Some of the arguments against it are, you know, what you're looking at is a florescent light grid, much like we have here, so there's really nothing that you're gaining up high. It's not like the old days with a tin ceiling.

CHAIRMAN STRAIN: I didn't have a problem with it. I was just curious as to why it was there in the first place. I thought there must have been some reason to put it there, and now you guys say no. I don't --

MR. SCHIFFER: I think if you look at Bayshore in the mixed use you'll find that. When we did Ave Maria, Mark, I think that's kind of what their ground floor requirements are too. So it was trending at the time.

CHAIRMAN STRAIN: You know, you just reminded me of something I need to, again, suggest as something we ought to look at. Nowhere in here did I find provisions where communities such as Ave Maria that are large, internal to themselves, where they couldn't have their own set of architectural standards. We don't seem to allow them to do their own architectural review. We require it to be done through the county. I'm wondering if there's any latitude ever considered for that by your group.

MR. SCHIFFER: We do have one up in facades, or when we were discussing about applicability. It does not apply to facades within a shopping center. This is kind of what I call the Waterside, you know, amendment, that there are large portions of Waterside that is not visible from the street or an adjoining area. It's up in the applicability we do state that these requirements aren't required if you can't see it from a public road or a residential site. It's -- you have to page back, but it's there.

CHAIRMAN STRAIN: Well, but in the case of Ave Maria, it's all -- their roads are public going through there from -- at least I thought they were. And their town center, for example, where they've got the Publix, their Publix went through a lot of effort to have to have primary facades on multiple sides where it was subject -- it was really whatever the town wanted. It's their own community.

I was wondering if there's a possibility to consider letting some of these communities that are internal have some latitude to not -- to do their own architectural standards.

MR. SCHIFFER: Well, wasn't that a mistake in the PUD because the PUD --

CHAIRMAN STRAIN: SRA, but yeah.

MR. SCHIFFER: You and I sat side by side on that -- had a lot of standards for construction and everything. So, you know, whenever I heard about that -- and I'm not intimate with that Publix but, you know, it always seemed to me like why wasn't that covered in the PUD? Alls they'd have to do is just take out the standards like some PUDs try to do.

CHAIRMAN STRAIN: Well, the Walmart in north Immokalee basically did that. Caroline?

MS. CILEK: Thank you. Most recently when the SRA came through for an LDC amendment, they included in their changes to allow for SRAs to be able to do their own architectural standards as well as landscaping standards, so --

CHAIRMAN STRAIN: Okay.

MS. CILEK: -- I believe that your concern would be covered by those most recent changes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: It's a long time ago, but, Mike, I thought Ave Maria had their own architectural standards.

MR. SCHIFFER: Me, too.

MR. BOSI: They have 5.05.08 as their basis, but then they have modifications that are suggested in specific areas. But for the whole part, they are applicable -- 5.05.08 is applicable except for where they've exempted themselves or provided deviations.

COMMISSIONER CHRZANOWSKI: Oh, okay. That's probably -- it's been 10 years. That's probably what I'm thinking of.

MR. BOSI: And the next SRA that is coming through basically has a component of 5.05.08 which you'll adhere to, but they are proposing a low country-style architectural, so there's a lot of deviations that -- or alternatives that will be proposed that this board will be reviewing within the coming months.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: Okay, thank you.

Well, if there's no other questions on Page 31 in the middle, Page 31 on the bottom we start some design feature rewrites for the hotel/motel side of things. I don't know if anybody has any questions on those. I don't have any. I didn't see anything wrong with that.

(No response.)

CHAIRMAN STRAIN: Page 32 on the bottom we talk about warehouse and distribution. Previously, the -- this was written for addressing facades and facades facing residential streets for warehousing and distribution, and it was modified to require facing residential zoning districts within 150 feet of the property line.

(Andrew Solis is leaving the boardroom for the remainder of the meeting.)

CHAIRMAN STRAIN: Just -- how did that 150 -- why does that 150 feet become significant? Why was it chosen; do we know? I mean, if you're -- 150 feet isn't narrower than most of our roads. So if you're on one side of 41 and you've got a warehouse district on the other side, it can look like -- it doesn't have to have the facade capabilities, and it's -- I'm not sure how that protects the public's view.

MR. DISNEY: Hi. Dalas Disney again.

I can talk generally about the 150 feet and how we got there. Some projects with the prior 300-foot separation were being penalized unnecessarily. And I advanced a project that I did, St. John Neumann High School physical education building and a concession stand across the football field just within the 300 feet, and that had to apply because the opposite side of the football field on the -- on the roadway side faced residential.

Now, we cut that back to -- after much discussion, to 150 feet, and we carried through with the 150 feet as a consistency as the 300 had been.

So in this instance, the -- where are we on your book here?

CHAIRMAN STRAIN: Yeah. This is warehousing and distribution. So St. John Neumann.

MR. DISNEY: Warehousing -- well, that's how we got to the 150 feet and trying to maintain that consistency.

What we looked at in warehousing districts, J&C, up and down Livingston, which really became the backs -- it was originally the backside of the industrial park, then Livingston comes through and it becomes an arterial or collector.

Three hundred feet put us deep into that center for -- in that warehousing district, and off of arterial buildings were being picked up by this, and large costs were being -- were being spent on buildings that, frankly, were back in the industrial park, and that just did not seem to -- we wanted to catch those.

So the 150 catches the front tier along the arterials, that which is highly visible on well-trafficked roads, and we felt -- we feel that that is perfectly adequate to screen those types of buildings.

The buildings on those frontages would comply and would be caught by this 150 feet.

CHAIRMAN STRAIN: So let's take the industrial park right up the street on Airport Road. If you've got the industrial park on the east side of Airport Road and you've got residential on the west side, this wouldn't -- you'd have no requirement for variation of massing because Airport Road is 250 feet wide. Is that --

MR. DISNEY: Well, there's no -- and there's no residential across the street.

CHAIRMAN STRAIN: Not on that one. I'm trying to think of what locations. I mean, we've got residential further up, but --

MR. DISNEY: Livingston is your better example, perhaps, because the --

CHAIRMAN STRAIN: Yeah. We have Briarwood on one side, and we have the industrial park on the other, same industrial park, just on the opposite side.

MR. DISNEY: That's correct. So those buildings fronting Livingston within 150 feet will comply.

CHAIRMAN STRAIN: But it says within 150 feet of the property line. The property line's going to be outside the right-of-way, which means you won't get to the residential because of the width of the right-of-way.

MR. DISNEY: Well, let's see.

CHAIRMAN STRAIN: Your four-lane roads are generally 250 feet wide.

MR. DISNEY: I'm going from recollection now, but there was discussion relative to wetland areas and buffer areas. We were going from that -- we got to the property line to exclude some of those areas. I'm not sure that I've got -- I've got the recollection correct here. Maybe I'll get some assistance here.

CHAIRMAN STRAIN: Okay.

MR. COSTA: Again, the 150 feet is from the property line. Because it's on a collector or arterial road, it would be picked up.

CHAIRMAN STRAIN: Meaning?

MR. COSTA: That the warehouse district, since it fronts Livingston Road, it would be the property line of that parcel to the building line. So if they built that warehouse within that distance, it would be picked up, and it would have to go through 5.05.08.

CHAIRMAN STRAIN: Okay. Let's say you're going to build the -- there's a UPS --

COMMISSIONER EBERT: Yep, there is.

CHAIRMAN STRAIN: -- receiving area on the west side of Livingston Road, and its property line goes up to the right-of-way --

MR. DISNEY: Right.

CHAIRMAN STRAIN: -- I believe, is 200 feet or more, and then you hit Briarwood, and Briarwood is a residential community.

So by the way this is worded, variation massing applies only to primary facades and to facades facing residential zoning districts within 150 feet of the property line.

So basically it wouldn't apply on the east side of that -- it wouldn't apply on the Livingston Road corridor.

MR. COSTA: It would be picked up as the -- towards the front section, it would be applied then.

This is more or less if the residential is directly behind in a case where, I guess it's Trade Center Way backs up to the residential portion where we have some of those elements there where we're -- that was one of the --

CHAIRMAN STRAIN: So your intent is not to not do it in a situation like Briarwood in the industrial park. Your intent is it should meet those requirements. So all I would suggest to staff, then, is that we take that intent and get it better written into this section of the code so it's clearer because, to me, I can't see -- I can't see how Briarwood -- how this particular circumstance fits with the exception of 150 feet in here.

MR. COSTA: Well, in the case of Briarwood, we would be picked up because Livingston Road is an arterial road, so we would be picked up because of that, not necessarily the residential.

CHAIRMAN STRAIN: Well, which creates an internal conflict to the code between that section and this one.

MS. CILEK: Well, if I may, the table does an excellent job of walking us through the proposed changes, but there are other provisions in 5.05.08 that are not included on the table.

So to give everyone a better picture of this warehousing and distribution section, I'd request that you look at Page 49 of your -- the regular amendment format, and that way you can see where this falls.

CHAIRMAN STRAIN: Okay. So just tell me, from the writing and the complete picture, is his comment that Briarwood would trigger the facades on those buildings so that we don't have the situation that wipes out that requirement? Just --

MS. CILEK: I don't know if I --

CHAIRMAN STRAIN: I haven't -- I can't -- I mean, I haven't brought all that paperwork.

MS. CILEK: It's probably too deep of a question for me at the moment. I know that --

CHAIRMAN STRAIN: Okay. When we come back, can you explain --

MS. CILEK: Sure.

CHAIRMAN STRAIN: Can you take a look at this one and try to clarify it?

MS. CILEK: Yes, but there are more provisions related to warehousing and more exceptions for these structures that are listed on Page 49.

CHAIRMAN STRAIN: Okay. And that may take care of it fine. And if it does, I don't need to belabor the point. We'll just catch it when we come back and do it as a cleanup issue. Yes?

COMMISSIONER ROMAN: I had another question, because I was looking at Figure 13, and --

MS. ASHTON-CICKO: The way this is written is only a primary facade would require --

CHAIRMAN STRAIN: Right.

MS. ASHTON-CICKO: -- would meet the requirement, yeah.

MS. CILEK: And, furthermore, on Page 49 of the regular amendment, the primary facade standards are modified for warehousing. It's not the primary facades standards for the rest of the -- subject to 5.05.08.

CHAIRMAN STRAIN: Right, yeah. I know that.

Go ahead, Charlette.

COMMISSIONER ROMAN: Yeah. I was looking at Figure 13. And in those examples, there's not an arterial road there. And earlier in our discussion -- I don't know if that's a different section. I don't think it is. Yeah, I guess I'm in 7. I'm jumping ahead.

CHAIRMAN STRAIN: No, you're in Figure 13 on Page 34 is where you're at, right?

COMMISSIONER ROMAN: Right, right.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER ROMAN: And our discussion was using arterial roads such as Briarwood in the industrial park.

CHAIRMAN STRAIN: And here we're using the back door --

COMMISSIONER ROMAN: Property line, yeah.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER ROMAN: And I am not sure 150 feet is the right answer here.

CHAIRMAN STRAIN: But I think what Caroline's saying is that in the case of example Figure 13, on the backside of that building, because it's within 150 feet of a single-family zoned area, you wouldn't need to put in a primary facade.

MS. CILEK: The primary facade is required, but it is limited. It is different than the primary facade

we were talking about earlier.

CHAIRMAN STRAIN: Okay. But let me back up then. Maybe we've gone into a tangent here that I didn't expect. In the example in 13, why would we want a primary facade on the back of that building?

MS. CILEK: The way the code is written today is because that is facing residential.

CHAIRMAN STRAIN: But it's backyard to backyard.

MS. CILEK: The way the code is written today is that it is facing residential and they are subject to 5.05.08.

CHAIRMAN STRAIN: Did these guys fix that, or are they still liking that as an idea?

MS. CILEK: They are limiting it to -- if it's -- if that single-family home was within 150 feet of the property line of the industrial.

COMMISSIONER ROMAN: Right now the code applies no matter how --

MS. CILEK: Correct.

COMMISSIONER ROMAN: -- large the distance is.

MS. CILEK: Yes. The term is "facing."

CHAIRMAN STRAIN: But I thought primary facades were primary because they were facing a roadway. So how did we get a primary facade in the backyard of an industrial building with a backyard of a residential?

COMMISSIONER ROMAN: Caroline said --

CHAIRMAN STRAIN: Well, maybe this needs a bigger fix than we've anticipated.

MR. COSTA: Well, a primary facade in most cases consider all three sides of a building, though -- in most cases. I know it's called secondary, but it's still --

MS. CILEK: It also may be that it's primary facade, and then it says, and two facades facing the residential zoning district. There are other requirements for the regular facades. So perhaps not a primary, but just the regular design treatments for --

CHAIRMAN STRAIN: Could you take a closer look at this and try to --

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: -- come back with a better explanation?

COMMISSIONER ROMAN: It may go to your "limited" comment before Caroline, the limited, when you said there would be limited treatment.

MS. CILEK: Right.

COMMISSIONER ROMAN: Yeah, thank you.

MS. CILEK: Yes. Under that section there is limited design standards for primary facades as well as regular building design facades, and that just may need to be clarified in this section.

CHAIRMAN STRAIN: Okay. And the next one's on Page 33, Section 7, and it's industrial and factory buildings. I had no questions on most of it with the exception of C, and we're back to the 150 feet again. And it goes back to 13. I'm just trying to figure out what we need these standards for in the backside of a building when we have a buffer requirement, and the buffer requirement should do all it's supposed to do to ensure the compatibility, and that includes putting enough -- then in this particular case, commercial against residential, it would be a more substantial buffer.

We're not supposed to see -- the buffer's supposed to ensure compatibility. We're not supposed to see most the building anyway, so why are we so worried about the facades?

MR. SCHIFFER: And remember, this is just a variation in massing part of the code.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: And what that is is nobody particularly wanted a big, blank wall on the back of a residential thing. So this requires some ins and outs, some ups and downs just to take -- you know, the wall is still a massive element. It's just the massings are broken up on it so it's just -- you know, it's not huge.

COMMISSIONER ROMAN: And the other thing is, depending on what's adjacent in terms of the industrial product, your landscape buffer may or may not -- it may take 20 years to get to the point where it would soften that in terms of the massing.

MR. SCHIFFER: Or they could have a wall with setbacks very close. And, other than make a big movie screen, it's not desirable.

CHAIRMAN STRAIN: Okay. Well, I don't have any other questions on that section.

MS. CILEK: Yeah. We'll take a look at it. And I actually do believe I misspoke because Brad is right, this is about the variation and massing element.

CHAIRMAN STRAIN: Right.

MS. CILEK: They're just talking about the different facades in there.

CHAIRMAN STRAIN: Not the transition as much as variation in massing. There's transition elements and variation in massing elements.

MS. CILEK: Yeah, that section that we're looking at. So we'll take a look at it.

CHAIRMAN STRAIN: That brings us down to Page 34.

Anybody have any questions on Page 34? It's a change to project standards.

(No response.)

CHAIRMAN STRAIN: And then that continues on the top of Page 35. Anybody have any questions through the middle of Page 35, which is site design standards?

COMMISSIONER ROMAN: I had a question regarding F.1.a at the bottom of Page 35.

CHAIRMAN STRAIN: Yep. That's the next piece we're going to, and I --

COMMISSIONER ROMAN: Okay. I'm sorry.

CHAIRMAN STRAIN: No, that's fine. We're finishing up through -- to site design standards. Okay. Let's get on site design standards, and we have -- I think Charlette's got the first question. Go ahead.

COMMISSIONER ROMAN: Yeah, I was questioning whether -- why we wanted to remove the term "shaded" regarding the shading of these areas.

CHAIRMAN STRAIN: That's the same question I had, Charlette.

COMMISSIONER ROMAN: Uh-oh.

COMMISSIONER HOMIAK: You two.

CHAIRMAN STRAIN: We're in trouble now.

MR. FRANTZ: The explanation provided in the narrative was related to defining the term "shaded" and how that is actually provided. I can let them speak.

MR. SCHIFFER: It was solely that it's not a predictable word. I mean, the success of the code, at least designers think that there's a word, and when you achieve that word, you achieve compliance. "Shaded," nobody could figure out what that really meant. So it was kind of pulled out. I mean --

CHAIRMAN STRAIN: Why don't we figure out a way to define it here in this section of the code so we can have something, right -- and you're, I guess I'll say, for lack of a better word -- you're fair skinned. I am. I know I have continuous problems because of my life in the sun. And we should discourage the removal of shading. We should encourage more types of shading, but maybe it's time we took a look at defining it instead of removing it.

MR. SCHIFFER: And then, you know, if it was with landscape, what did that mean? Percentage? And trellis, what did that mean? Size? And, you know, these are spots along a walkway. We don't want that to become a huge burden for everybody. But you're right, I mean, I would -- well, in my case, I'd probably want it air conditioned, too.

CHAIRMAN STRAIN: But, you know, I've got a lot of people who have talked about sidewalks, and they've become a hot issue lately. And there's a lot of thought going into the fact that people don't use sidewalks as much is because they're sitting out there in the blistering sun. And if we had more shading, more people might use them.

So instead of taking this out, maybe we ought to try to capitalize on it and provide a way that we can define shading that would only (sic) benefit here, but where else in the code it might benefit.

MR. SCHIFFER: Good. And remember, shading's moving around all day. You know, what's shaded at 10 a.m. is not shaded at two, you know, p.m. So you know, it becomes kind of a nightmare.

If somebody could come up with a good shaded term, I don't think anybody on the committee would have a concern about putting it in but -- unless it's an extremely expensive thing that you're putting every 100, 150 feet down the sidewalk.

CHAIRMAN STRAIN: Well, for this application, which is your planters and -- I mean, outside areas, we ought to take a look, Caroline, instead of removing that term, to make it something we could define

a little easier.

MS. CILEK: I took the note down. Thank you.

CHAIRMAN STRAIN: Okay. Other than that, on Page 35, are there any other comments?

(No response.)

CHAIRMAN STRAIN: I don't think there are.

Then let's move to Page 36. The first part, the top of it, I didn't see any issues with the site sculptures or water fountains, but on No. 2, I don't follow the reasoning here. And, basically, if you have more parking spaces than you need, which means you have more asphalt than you need, it's penalizing those smaller projects because they have to put more landscaping in because that's what's required when you do 20 percent more, and 20 percent of 10 is a lot different than 20 percent of 100, but then your landscaping would be 80 percent less, because you'd only put landscape in consistent with the 20 percent of 10, not consistent with the 20 percent of 100.

So how is this a problem? Isn't it a ratio of -- I mean, as you increase asphalt, you increase the need for landscaping based on this. If you only increase the asphalt based on the number of spaces you start with, your ratio of increased landscaping ought to remain the same, too. So why is this -- why is this a problem? Do we know? Unless --

MS. CILEK: We can let the committee speak, if they'd like. First, at least.

CHAIRMAN STRAIN: Okay.

MR. SCHIFFER: Brad Schiffer again. And, remember, there were engineers on this committee, civil engineers, so...

CHAIRMAN STRAIN: Well, that doesn't help us any.

MR. SCHIFFER: So this may not have come from design --

CHAIRMAN STRAIN: Engineers don't make good architects.

COMMISSIONER CHRZANOWSKI: Carefully now.

MR. SCHIFFER: In the code currently there is a requirement that if you start to exceed the size of your parking lot you have to upgrade the landscaping. And I think historically the legacy of it is that nobody wanted somebody to build a huge parking lot way in excess of what's required or what's scaled and not have it landscaped adequately, so -- and I think it was pretty well pushed, Dalas, by the engineers that they didn't see the reason why the landscaping should be anything exceptional for this and, thus, crossed it out.

MS. CILEK: If I may, Jeremy and I have chatted about this provision as well, and perhaps we could work with the community to find a balance in looking at a threshold for when the extra landscaping would start. I know perhaps for smaller parking lots, if you're then providing a little bit extra, you get triggered into it. Perhaps a threshold would be helpful, and so --

CHAIRMAN STRAIN: Well, why don't we see if the statement's true. Because here's what it says. The committee determined that current language punished smaller parking lots by requiring much more landscaping. How can that be when a smaller parking lot goes from 10 to 12 spaces to get the 20 percent, and a parking lot with 100 goes to 120? You're still -- you're talking 20 more spaces in one instance and two in the other.

So what they're saying is, the smaller -- the two is required to have much more landscaping than the other. That doesn't make -- that's not even -- that doesn't make sense. How did we get to that conclusion? Because if -- you're going to be required to do the landscaping on the ratio of number of spaces or asphalt square footage that you've increased, not necessarily -- so I'm just wondering how that statement's even true.

Could someone look into that and get back with us next time?

MR. SCHIFFER: And it would depend on the layout of parking lot. I mean, adding two spaces, what kind of trouble could that cause? Well, maybe it could cause an extra tree planting in the ratio of tree planting in the parking size. But let's -- we'll get back to you with a civil engineer's response.

COMMISSIONER EBERT: Have you been --

CHAIRMAN STRAIN: Well, no. This -- yeah, okay.

Well, that takes us to Page 37, which is a discussion that parking for projects shall be designed to adhere to the following standards, and we've got a whole list of issues. I need -- Jeremy, can you provide some clarification on what's going on with this?

MR. FRANTZ: I'm sorry. Could you --

CHAIRMAN STRAIN: This is, I believe, where they're trying to put the parking lots in front of the buildings or -- instead of to the rear where Dover-Kohl and other instances that we've had come before us try to put them in the rear, not the front. Is that what this is trying to do?

MR. FRANTZ: Correct. And as stated before, the Dover-Kohl wants buildings at the street line and for parking lots to be behind. And I'll let them speak to their motivations, so there's some, you know, difference in the way that they organized the site.

CHAIRMAN STRAIN: Okay.

MR. SCHIFFER: Remember, this will be the third edition of the landscape. The second edition was already done. The first edition, I understand -- I wasn't around -- but the legacy was that Sports Authority got everybody excited, and look at how small it is today. Imagine getting excited over Sports Authority. But -- because all the parking was in front. They took the site, pushed the building back in the corner, and put all the parking where everybody could see all the parking.

Well, the original version of this had that, and we carried it forward. And I agree that it really doesn't make sense. I mean, there were a lot of people that would argue from a mercantile standpoint that they want people to see parking. But that's why it was there, from the rumors I've heard, so...

CHAIRMAN STRAIN: But instead of taking it and trashing the whole thing, why don't we look at some kind of balance between what's in the front and what's in the back. I think seeing some parking lot on the front isn't bad, but look at -- look at that mall going by the arena. You go north, and you hit Corkscrew Road. And there's a big mall there. I forgot what it's called.

MR. BOSI: Miromar?

CHAIRMAN STRAIN: Miromar Mall.

COMMISSIONER EBERT: Miromar Outlet.

CHAIRMAN STRAIN: You drive -- I drive by there a lot, and in the front they have a section of their parking lot. I mean, that's a huge mall. But the amount of parking that they have is phenomenal behind the buildings. So they've got a little bit of a balance. Maybe too much in the front but, still, they've got some in the front, and it doesn't look bad. They've got landscaped islands and things like that.

So why don't we look at a situation that has more balance than just taking it out?

COMMISSIONER EBERT: Mark, have you ever been to Miromar?

CHAIRMAN STRAIN: I've been to that one next to the arena. Is that Miromar?

COMMISSIONER EBERT: Yeah. I mean, you can't get a parking place, I don't care where you park there. People leave because they cannot find a parking place.

CHAIRMAN STRAIN: Huh.

COMMISSIONER EBERT: As crazy as it is.

CHAIRMAN STRAIN: I've never had a problem parking there, but I just thought it was -- that was the example I was thinking of.

COMMISSIONER EBERT: Yeah. Then have you been to Trader Joe's? That is an absolute nightmare. I mean, the police should sit there because --

CHAIRMAN STRAIN: Trader Joe's is a grocery store, right?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. Have you been to Home Depot? Pine Ridge and Airport Road? Okay. That's just as bad.

MR. SCHIFFER: There was an example that was given to us as a problem this has caused, and that's, you know the shopping center right across Airport, crosses Immokalee, Fernandez the Bull's in there?

CHAIRMAN STRAIN: Yes.

MR. SCHIFFER: There's a lot of parking behind it, and there's a strip of parking in the front. So when it was built -- and I've been told that they made them put the parking behind it because of this section of the code. And when you go there, the parking out in the front's jammed. I knew that, went around back. Nobody in the parking lot. So, you know, hiding the parking behind the building may not be the best thing for the community either.

COMMISSIONER CHRZANOWSKI: There's parking back there?

MR. SCHIFFER: See. Yes.

COMMISSIONER CHRZANOWSKI: Oh. I'll have to look next time.

COMMISSIONER ASSAAD: I agree with you.

MR. SCHIFFER: There's a lot of parking back there.

CHAIRMAN STRAIN: I do, too. I just think there's --

COMMISSIONER ASSAAD: I think more parking in the front is better for the consumer, for the --

MR. SCHIFFER: And make that look good. What Mark's saying is, look, there's a whole bunch of parking. And, again, just look at the history. You know, Sports Authority to us today is a small building, and that is not a big parking lot by what we've seen since then.

CHAIRMAN STRAIN: But, see, to avoid someone who'd want to come in, and say the -- what's that Miromar, did you call it?

COMMISSIONER EBERT: Uh-huh.

CHAIRMAN STRAIN: Say Miromar took their entire field of parking and put their buildings in a horseshoe shape around the parking lot and put the whole thing out front, that would have been bigger than a football field. It would have looked hideous. So there needs to be a balance. And striking the whole thing out may not be the way to get there.

COMMISSIONER ASSAAD: That's not a good example because they have multiple tenants --

MR. SCHIFFER: Multiple --

COMMISSIONER ASSAAD: -- and has to do with walking distances. I mean, there's so many factors into it.

COMMISSIONER ROMAN: There's plenty of landscaping.

CHAIRMAN STRAIN: Just out of curiosity. If --

COMMISSIONER ASSAAD: Then if you put the parking behind the building, does it get the same illumination? Does it get the same landscaping qualities? Would the ladies be worried in the evening parking behind the buildings where there isn't enough visibility? I mean, there's so much to it. There's no sense in tinkering with it.

COMMISSIONER CHRZANOWSKI: Brad, you used Sports Authority as an example a couple of times, but you've got to remember across the street from that was Toys R Us.

MR. SCHIFFER: Right.

COMMISSIONER CHRZANOWSKI: And it was the fact that the two of them went in right there. And Toys R Us to me looked -- you know, it fronts right on -- there's no parking in front of it. It looks much worse than Sports Authority.

MR. SCHIFFER: And that was --

COMMISSIONER CHRZANOWSKI: And if they're listening, you know, I don't want to get sued, but --

MR. SCHIFFER: But that was an example of putting a blank wall right on the property line right on an arterial road. That was -- a lot of these regulations came in response to that, too.

COMMISSIONER ROMAN: Plus it's a square box, and it's right up against the pedestrian walkway. So the mass thing, you feel like you're being towered by this big --

COMMISSIONER ASSAAD: But the Toys R Us should fall under the category of an outparcel of a shopping center. It should have the same architect feature. It should have so many other things that will tie it into the shopping center. But the wall right at the property line on Pine Ridge Road is not -- on Airport Road is not --

MR. SCHIFFER: And those two buildings we mentioned caused Version 1, which started to bring those things in.

COMMISSIONER ROMAN: And this is Version 3, did you say?

MR. SCHIFFER: This will be three.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: You know, to follow up on a comment Brad made about the shopping center where Fernando the Bull is up across from Immokalee Road and how they were required to put some parking behind the facility, how did we end up with Tamiami Crossings the way it's laid out? That's a brand

new project going in, and the entire parking field's facing 41 and 951. There's nothing behind it but preserve.

MS. CILEK: I'm not familiar with that project, but I know Fernandez (sic) the Bull shopping center. I actually live right near there. There is actually -- there are offices and other uses behind there that you access with the other parking lot.

CHAIRMAN STRAIN: Ah, gotcha. That may have been the difference then.

Okay. Let's move on to Page -- well, I think Page 37, if the committee could take a look at it just to see if there's some way to balance between front and back instead of -- so we don't end up with 100 percent in front, that might be -- help.

On Page 38 we've got building pedestrian pathways, new language on the left-hand side. Anybody have any issues?

MS. CILEK: And there is a bit of pathways on Page 37 as well at the bottom.

CHAIRMAN STRAIN: You're right. Just out of curiosity, on Page 38, the committee left in the word "shaded" under G, which I thought was interesting since it was such a problem elsewhere. So maybe when we look at the way to describe "shaded," we could figure it out in relationship to all of these applications.

Okay. If there's no questions or comments, let's move on to Page 39. It starts with the full section, No. 4 up on top, service function areas. And it says the -- under the far right, the analysis, currently this section requires all visual and acoustics impacts to be screened and fully contained. The committee determined acoustic impacts are impossible to fully contain and propose removing the requirement to screen acoustic impacts.

Under the No. 4.a, purpose and intent, to diminish the visual and acoustic impact of service functions. That's the new language. I'm kind of curious how that meets the intent of the committee.

It doesn't look like they changed it, because that's the same language in A before. So what is it -- what happened here that --

MR. FRANTZ: The change to the term "acoustic" is in the old Section 3.b. So the purpose and intent retains that acoustic language, but B is lost.

CHAIRMAN STRAIN: Okay. But if your purpose and intent is addressing it and you're not explaining how you're addressing it, is that -- should we just take it out of both sections if that's --

MR. FRANTZ: If I remember correctly, I believe the issue in that case was with the term "fully contained." And so I think that the purpose and intent of screening acoustic -- or diminishing acoustic impacts, I think -- I won't speak for them, but I believe they're comfortable with that. It's the way that it's phrased in B.

CHAIRMAN STRAIN: "Fully contained." Well, that helps. Thank you.

Diane?

COMMISSIONER EBERT: Could I -- yeah. Can we go back, Page 38. Mike and I did talk yesterday with pathways and stuff, and they've crossed that out. And, Mike, can you get up and address this, please.

MR. SAWYER: Again, for the record, Mike Sawyer, Transportation Planning.

We read this particular section of the code, and we understand that, at least from the appearance, it looks like the intent is to reduce the number of sidewalk connections to a single location on a project instead of one at each of the access points to the projects.

I can tell you that from a transportation standpoint, we would certainly prefer to have the retention of all access points having a sidewalk connection. If you simply look at most developments, such as, you know, most of the shopping centers that we've got, they are going to have multiple access points, but most of those are going to be out more along the perimeter of the project itself, more at the corners. Not at the major corners of intersections, certainly, because we do have access management which says that you need to be a certain distance from those major intersections.

I can tell you that day in and day out we are constantly being requested to look at this particular area or that particular area throughout the county as far as needing sidewalks. We are doing what we can as far as increasing the amount of sidewalks throughout the county. And we've got a lot of catching up to do to do that, and we've got limited budgets, but we're doing what we can to do those. We've got them all on a priority

list.

The idea that we would reduce sidewalks and sidewalk connections, I don't feel that it really is consistent with our other activity trying to get as many pedestrian connections made throughout the county.

CHAIRMAN STRAIN: Mike, could you look at the language that's being proposed and tell us exactly what part of it you are concerned about? Because it says, the continuous building perimeter path interconnecting all public entrances and exits of a building is required. For the purposes of this section, employee, service or delivery entrances or emergency-exit-onlys are excluded.

If parking area is proposed along the building facade within 15 feet from a building wall, the pedestrian pathway shall be provided along the full length of the road; parking spaces facing building. Which part of that is what you're addressing?

MR. SAWYER: It's actually just the portion just before that.

CHAIRMAN STRAIN: Well, then you're -- okay.

MR. SAWYER: Sorry. It's actually --

CHAIRMAN STRAIN: Can you show us where?

MR. SAWYER: I think it's at the bottom of Page 37.

CHAIRMAN STRAIN: Thirty-seven, okay.

MR. SAWYER: And it's true, ADA, as far as I'm -- my knowledge base is, ADA requires one access point to be provided for each development; whereas, our code is more stringent and requires to have one at each access point.

CHAIRMAN STRAIN: Okay. But if you've got to provide a continuous building perimeter path interconnecting all public entrances and exits of the building, how is that not really getting you where you need to be in 2.c, the one that's been struck?

MR. SAWYER: We're looking at two different -- two different cases.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: What you're doing in one is you're looking at the accesses into the overall development itself. So if you've got, you know, whatever type of development that you've got, whether you've got one access point to a major road or two or three, that's principally what I'm talking about currently; whereas, the second provision, E, is looking at the -- you know, the building perimeter sidewalks themselves. And I can certainly talk about that, too, if you want to.

CHAIRMAN STRAIN: No, I understand. I see your point. Thank you.

MR. SAWYER: Okay. You know, just for what it's worth as far as the pedestrian walkways or pathways around the buildings themselves, perhaps there could be a consideration that if a building does, in fact, have a paved area and they've got accesses, you know -- you know, ingress/egress, and those locations, that probably could be just marked off and -- you know, with paint, and everybody would be just fine. It would certainly be safe. Something of that nature might be possible as well.

I don't -- I will tell you right now I'm not as familiar as I should be with this particular section of the code when it comes to the architectural code. I know that the provision has been there, and it has been required. But just as a suggestion, that might be a possibility.

CHAIRMAN STRAIN: That piece that's been struck has two different issues; pedestrian pathway connections must be provided from the building to the adjacent road pathways at a ratio of one for each vehicular entrance to the project. Then the second part says, drive aisles leading to the main entrances must have at least a walkway on one side of the drive aisle.

Okay. If it's a drive aisle, wouldn't that require -- wouldn't that then fall under our sidewalk code?

MR. SAWYER: Not necessarily, because our pathways and the sidewalks actually go to right-of-ways, and those may not necessarily be designated right-of-ways or actual roads. We tend to look at internal access points as just that, internal roads or internal accesses through the development itself.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: It's a way of having just one path or one sidewalk on one side where you don't have a designated or platted right-of-way.

CHAIRMAN STRAIN: Okay. I mean, I understand. I think it's a good point.

Brad, did you have something you want to add?

MR. SCHIFFER: Just quick. And, again, this was the civil engineering issues. What they were concerned about is the requirement that every place they bring an access drive in, they had to have sidewalks on it. And there were a lot of examples shown to us where maybe that isn't the best place to put the sidewalk. Maybe a little bit further over straight into a main entrance is better. But they're being held, because of this, to put the sidewalk on the side of the access drive.

CHAIRMAN STRAIN: But see, to get to Diane's concern -- which I'm glad she brought us back to this page -- if there is a need to do it in a different manner, which is more practical, why don't we just change this to meet that need instead of striking it altogether? It goes back to, maybe you guys could take a second look and come back with a suggestion that improves the situation. Even though it deletes this exact language, it gives us a better outcome.

MR. SCHIFFER: We can do that.

CHAIRMAN STRAIN: Okay.

MR. SCHIFFER: And the other one was there are a lot of doors on buildings that don't necessarily cause traffic. For example, I could put an exit door, I can discharge on the grass, so why am I being held to have to have a sidewalk connecting to heaven knows where?

CHAIRMAN STRAIN: I think you put that exception in under e.i.

MR. SCHIFFER: Right.

CHAIRMAN STRAIN: Right.

MR. SCHIFFER: So that was the other thing we wanted to cover.

CHAIRMAN STRAIN: Okay. If you'd relook at the one Diane's brought up, I think that'd be advantageous, and then under the Section E and G on Page 38, anybody have any other issues? If not, we can move -- we're past that. We're already on 4. We talked about the acoustics.

That takes us to the bottom of Page 39, drive-through facility standards. And that's another one that I've -- Page 39, and it continues on 40. I don't know why we would want to reduce that for small structures. They're still drive-throughs. And I just don't know what's to gain by that. I think the picture examples of what occurred up in Cape Coral show us a good alternative of what could happen. So I'm -- I don't see the need to make the change.

Anybody else have anything?

COMMISSIONER HOMIAK: I don't either.

CHAIRMAN STRAIN: You neither?

COMMISSIONER HOMIAK: (Shakes head.)

CHAIRMAN STRAIN: Okay. So I think that one doesn't work for us, Jeremy.

And on the bottom of Page 40 and the top of Page 41, we have lighting issues that they've recommended changes for, and then on the bottom -- very bottom of Page 40 is water management and buffer areas.

Anybody have any issues with those?

(No response.)

CHAIRMAN STRAIN: I don't. But Brad's got an issue with something.

MR. SCHIFFER: Just on the drive-through.

CHAIRMAN STRAIN: Yeah.

MR. SCHIFFER: I mean, personally I'm kind of with you. If you don't have a limitation for floor area, you have a bunch of Orange Julius' sitting in the parking lot.

But what about the 5,000 feet? What it's saying is you're allowed more. Do we not want to encourage smaller spaces? For example, you get the Dunkin Donuts in the same mall with the -- or the same strip building with the Starbucks and stuff. Is the 5,000 -- the 1,500 okay?

CHAIRMAN STRAIN: Well, I think what you'd end up having is a PUD or some other commercial component where they've got a whole pile of small drive-throughs, and I'm not sure that was the intention. Maybe by 5,000 square feet you'd be forced to use up more valuable commercial space, and you would then limit -- minimize the amount of drive-throughs you'd have.

MR. SCHIFFER: But this could be for a conventionally zoned site.

CHAIRMAN STRAIN: Yeah, straight zoning.

MR. SCHIFFER: Yeah. And they could be using that.

CHAIRMAN STRAIN: Yeah.

MR. SCHIFFER: And if you saw what the impact fees on a drive-through are, I think they're 150 thou. I think I would encourage them for the county.

Anyway, is the 5,000 a heartburn, or is it -- the prior one, I'm kind of with you on that.

CHAIRMAN STRAIN: Well, the prior one's the one that bothers me. I can't see that thousand being struck. I never really -- the 5,000 seems pretty arbitrary. I mean, does anybody have a reason that number was selected?

MR. SCHIFFER: In code writing, every number is arbitrary, so...

CHAIRMAN STRAIN: I mean, removing the 5,000 doesn't bother me.

MR. SCHIFFER: Okay.

CHAIRMAN STRAIN: I'm not there. Anybody else?

MR. FRANTZ: I could just point out, that provision is specific to multi-tenant buildings, so there's a lot of other site issues that are going to constrain a site from having a multitude of drive-throughs.

CHAIRMAN STRAIN: Okay. Well, that gets us to the bottom of Page -- oh, we already talked -- there's no issues there with anybody on Page 40 and 41? If not --

COMMISSIONER EBERT: Nope.

CHAIRMAN STRAIN: Okay. Well, I guess that actually got us through all of the architectural --

COMMISSIONER EBERT: Boy, by one minute.

COMMISSIONER CHRZANOWSKI: With a minute to spare.

CHAIRMAN STRAIN: Well, we're not done yet. I've got to talk to the court reporter here in a second about a quickie discussion on our balance of our agenda. But first, I kind of want to wrap it up as, we finished our comments. If the committee wouldn't mind taking a look at our comments and, after you've heard it today, meet one more time and come back with any solutions to seed our comments if you think some of them have -- you know, carry some weight, and that way we can hopefully find more compromise on the handful that we're in disagreement on, and when it goes to the Board it would be a lot simpler task to get it through the Board than having to open it all up and go piece by piece.

Okay. Jeremy, do you have any --

MS. ASHTON-CICKO: Mr. Chair, would you like to continue this item to another date? Because we did readvertise for today.

CHAIRMAN STRAIN: Yes. We probably should continue it to when the committee -- how about -- how much time can we continue it to, or can we continue indefinitely?

MS. ASHTON-CICKO: I'd only continue it for a month.

CHAIRMAN STRAIN: Okay. Let's continue it to the first meeting next month.

MR. BOSI: March 4th.

CHAIRMAN STRAIN: Which is -- pardon me?

MR. BOSI: March 4th.

CHAIRMAN STRAIN: March 4th. Is there a motion to continue to March 4th?

COMMISSIONER ASSAAD: So moved.

CHAIRMAN STRAIN: By Mr. Assaad.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Diane.
Discussion?

MR. BOSI: It's March 3rd, I'm sorry.

CHAIRMAN STRAIN: March 3rd. Motion maker and second accept the change?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: (Nods head.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: (Absent.)

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries five -- yeah, there's five of us left. Oh, Charlette was here. She must have stepped out.

COMMISSIONER ASSAAD: She just stepped out.

CHAIRMAN STRAIN: Okay. 5-0.

With that, we'll move on to the rest of our agenda.

Jeremy and Caroline, thank you so very much for all the hard work you've done. Jeremy, it's an exceptional job, so we appreciate it. It made us -- it got us through it today in a reasonable amount of time, so thank you.

And for the committee and Brad, you guys, thanks for attending and helping us through this today. We sure appreciate all your time.

And with that we will -- let me open up and get into the rest of the agenda.

We have no old business listed, but we do have two items under new business. The first one I'd asked to add a discussion for staff involvement in -- the man cave project is the simple way of saying it.

As we all know, that was a very difficult project to get through not only this board but its process in front of the Board of County Commissioners. And a lot of difficulty stemmed on the fact that there wasn't a clear definition in the code on where such a use should go.

In fact, a lot of the concern was, how did it get to this location in the first place, and that was one of those judgment calls that staff had to make through analysis, and that's how it happened.

But it didn't turn out very well in the end for the applicant, and after all that time and it didn't happen, the possibility of a storage facility such as that coming to Collier County may be real, and I would suggest that instead of waiting for it to happen again and come through as a decision that has to be battled about as we go forward, could we look at -- I would like to direct staff, but it would take this board to do it, to take a look at doing an LDC amendment to incorporate luxury vehicle storage, or whatever you want to call it -- and that's another thing, we never did come up with a name -- and classify it into a use category that Collier County could say applies to certain zoning districts, and then we would have a comparable/compatible ability with it, we'll have other abilities with it to look at the older PUDs that have certain zoning districts in them.

That would -- that would make it easier in the future to handle this kind of an issue. Mike?

MR. BOSI: I will just point out that during that -- the Auto Suites discussion, I was asked by Commissioner Taylor to make a comparison between Auto Suites being proposed and the Vault. The Vault is a facility in the City of Naples. It's at the city -- the airport property. And the characteristics of that facility was they -- you store your cars in their facility. They maintain it. They clean it. They do all the things that would keep the upkeep of the car, then they bring that from that one individual spot that it's assigned, and then brings it out, and you visit your car and get to utilize it.

And I was asked to provide a comparison between that and what was being proposed at Auto Suites, individual ownership of units for cars parking or storage, whatever the term you wanted to utilize.

So that's one of the things I think we may have to do is there have to be some distinction within that characteristic of ownership. And I guess maybe the clarification, are you looking for the -- you know, how we would classify the proposal that was proposed within Briarwood? Because I think the Vault was something that was more clearly an industrial use, and I think the one at Briarwood was -- kind of the foot was in both of those doors.

CHAIRMAN STRAIN: Repeatedly through the Briarwood experience at all levels, we kept hearing, well, we don't know how to deal with this. We don't have this in Collier County. It's a hybrid use. It's this. I agree, it is.

What I'm suggesting is, take the parameters of what we learned from Briarwood -- which was not only the example of Briarwood, but we pulled up examples from all over the country -- and see what that

should -- there's no SIC code. There's no NAICS code for that. Classify it as some kind of use, and then find the zoning districts that it should adhere to by right, and then from that point we would have something as a sound basis to go forward.

I would hate to see us have another attempt like we had and go through years of effort and end up the way it was.

COMMISSIONER EBERT: Yeah, it's sad.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Mr. Chairman, as well, I think with the project, the man cave project, there was an element of club or fraternal organization.

CHAIRMAN STRAIN: Right.

MR. EASTMAN: And spelling out those parameters may be a good idea as well, because I know there were certain members of the community that found this as a stretch to be called a club when they saw it more as an industrial storage use.

CHAIRMAN STRAIN: Absolutely. And that's --

MR. EASTMAN: So maybe this club aspect could be further defined as well.

CHAIRMAN STRAIN: So that when you have the use as a club in a storage facility, it becomes a hybrid use that's now classified to fit somewhere, and it will just make our jobs easier going forward trying to understand how the zoning applies.

COMMISSIONER HOMIAK: It's also like memberships, like a condominium.

CHAIRMAN STRAIN: Yes. It was --

COMMISSIONER ASSAAD: I think the classification that existed in Briarwood was fraternal clubs, private clubs.

CHAIRMAN STRAIN: I think it said private clubs, yeah.

COMMISSIONER ASSAAD: And the question was, how did the automobile storage facility get to be interpreted as a private fraternal or private club. And if the emphasis is on the word "private club," then anything could be done anywhere. You could make private clubs of anything. And --

CHAIRMAN STRAIN: That just emphasizes the need for clarification on it.

COMMISSIONER ASSAAD: Yeah.

CHAIRMAN STRAIN: Okay. Well, does staff understand that direction?

MS. CILEK: Yes, thank you.

CHAIRMAN STRAIN: Okay. And then the second thing up under new business was the brief explanation of how often and the frequencies we're allowed to do continuances, and I think this is more of a County Attorney's discussion or response.

And before we go, Terri, we just wanted to finish this up. Are you okay for a little bit? Okay. Because normally we'd have a break by now, and I appreciate it.

Heidi?

MS. ASHTON-CICKO: The continuances are governed by an old Board of County Commissioner resolution that allows for continuance, and it's been interpreted that it can go, you know, up to about a month at a time as long as you continue to continue it to a date certain.

Now, there's going to be a point where the continuances are then continued to a point that could be deemed as unreasonable. So we would continue it for a certain period of time, but then we would not continue it. And I don't really have a date that would be unreasonable that I can give you, because that's not been defined. But that's how we're proceeding with the continuances to date-certain.

COMMISSIONER EBERT: Heidi, I have a question for you then. It has to do with advertising also. You can only go so --

COMMISSIONER ASSAAD: No.

MS. ASHTON-CICKO: It has to do with the advertisement. That's why we're continuing it to a date certain, and we're making sure that these things are posted and provided in the agendas so that the public can follow it.

CHAIRMAN STRAIN: And this was Wafaa's agenda item.

COMMISSIONER ASSAAD: Yeah. If you continue it to a date certain, then you don't have to

readvertise.

MS. ASHTON-CICKO: Yes.

COMMISSIONER ASSAAD: Okay.

MS. ASHTON-CICKO: Yeah.

COMMISSIONER ASSAAD: But the question and the annoyance in my mind is that you can continue for a date certain, and then you continue for another date certain so many times, that it gets to be a joke.

If you're not ready to come before the planning board, why are you scheduled before the planning board in the first instance? So I find that unacceptable practice. I find that to be a little bit unprofessional. I find it to be very annoying to have an item continued then continued then continued it given the amount of time that we put, or I put -- and I'm the least among our group -- that I spend in reviewing the applications and trying to read and get acquainted only to come here or get an email the day before telling me it's been continued.

Well, why did I waste my weekend reading a big stack of paper for somebody to tell me it's continued?

So my suggestion is that the number of continuances should be limited to a specific number for a legitimate reason and there may be a fee associated with it, severe or significant application fee that compensates staff and the county for the time that we put on behalf of anybody, any petitioner. They can take their application and re-file.

So this is my personal view about it. And I'm very sorry that I feel so strongly about it --

COMMISSIONER EBERT: No, Wafaa, I --

COMMISSIONER ASSAAD: -- but it's really annoying.

COMMISSIONER EBERT: Wafaa, I agree with you. On a couple of them, you read it, but it's continued. And by the time it comes back, and usually they have changes, you have to read it all over again, because it is -- you know, so many things have come in between, and so I see your point there.

COMMISSIONER ASSAAD: There has to be also maybe a cutoff date. If we know that we have a meeting on the 4th, then there's no further correspondence at least a week or two weeks or something in advance. This last-minute email, these last-minute attachments, I mean, it's too much work for you guys and for us as well. It only confuses me, and I don't think that's fair for us or for them.

CHAIRMAN STRAIN: There are some things that need to be considered, and number one is the staff report isn't issued for a week -- until a week before we have our hearing.

Once the staff report is issued and the public gets to read it, there is opportunity for additional input, and we should allow the public to have their input. So the emails and correspondence and documentation that comes in is coming in in response to the documents that were just released explaining their staff's recommendations and reports. I think it's our duty to have to accept and review that.

Now, what we accept for evidence at our hearings is a little different. We've put a stop to having voluminous information we can't read on the fly. But at the same time, when Planning Commission members get a packet a week before and we read them -- I read mine over the weekends -- a lot of us will come in Monday or Tuesday and find issues that may have been missed or not as completely thought about as we may have reviewed them, which then get back to the applicant through staff, and the applicant says, oh, well, if that's their issue, I need to readjust my application to accommodate that. That, then, calls for a possibility of a continuance.

Now, the one that continued today, Abaco, they have an incomplete application. It was scheduled incomplete. They're trying to complete it. Now there's a disagreement over the manner in which they want to complete it before they come before this board.

Well, at the maximum time, if they disagree -- if they can get a continuance and give us a better product, that has been the philosophy under which we've tried to apply.

COMMISSIONER ASSAAD: Alternatively, we can decide that we're not going to accept the continuance, and we're going to make a decision based on the facts as we know them today, and we can say, move along.

CHAIRMAN STRAIN: Well, but then you're sending something to the Board of County

Commissioners that is going to cause more problems at their end than at ours. So if anybody has to vet something and clean it up, this is what this board's supposed to do.

COMMISSIONER ASSAAD: Right.

CHAIRMAN STRAIN: If we send something to the Board that's half baked but it finishes getting cooked before they get it but we haven't seen it, then that makes it much more difficult for the Board of County Commissioners to handle it because they've got to spend a lot more time on it, and their schedule's a lot busier than ours.

COMMISSIONER ASSAAD: I totally agree.

CHAIRMAN STRAIN: Okay. Tom?

MR. EASTMAN: I think it's important to focus on whether the application is complete and also focus on the source and reason for the continuance. To have a hard rule against continuances may not be our best path, especially if it's a case where the application is complete and this board -- and frequently -- and I've seen Mr. Strain do this repeatedly where the developer has a complete application but there's community upheaval, and he wants the developer to go back to those community folks and meet with them and try to sort things out, and in those instances the continuance has really helped us get a better project.

COMMISSIONER ASSAAD: Oh, I understand.

MR. EASTMAN: I don't know that the developer should be faulted for that in those instances. So I think there should be some type of flexibility where if the continuance is generated by this board and the application is complete, then that should not be a strike against them in terms of their limited number.

COMMISSIONER ASSAAD: I think we all agree about that. I think we -- the idea is that you become helpful to the petitioner and we're going to afford them the opportunity and the fair consideration of their application. So there's no doubt that we want to be helpful and accommodating, and we want to move things along.

But just to continue it for another two weeks, for another two weeks, for another two weeks with no apparent legitimate -- I shouldn't say legitimate -- you know, not an acceptable reason, is not --

COMMISSIONER EBERT: In other words, continuing it for a month.

CHAIRMAN STRAIN: Well, and I think the frustration part is that we're -- we've been encouraged to continue things on a two-week basis where I had tried this morning to suggest an indefinite continuance so it wouldn't have to be done again.

Pelican Marsh was 1,065 pages. I read that three times because of three continuances. We cannot -- we cannot keep that information readily in our minds between every two weeks unless we reread it. It's a real pain to have to do that.

And I think, by Mr. Assaad highlighting this today and staff present -- and, Mike, you're the director of that department. I would strongly suggest we try to work to minimize these continuances before we have to ask the Board to put something into play that strongly tries to restrict them.

MR. BOSI: And we most certainly appreciate the time that you guys give is uncompensated and is given as volunteer, and those burdens that these continuances do place upon you is an additional constraint upon that time that's given.

It's -- our staff is in a precarious situation in which we provide customer service to the development community, a development community that always has the time ticking on them, and they always want things sooner than were later. And they want to take the risk of pushing things and scheduling items before the Board while some information is still maybe being gathered. We try to be -- we try to be flexible, but we also try to understand that we don't want to bring an application that we know is going to be continued, and we try to convey that message.

We will reiterate to our applicant community this discussion that the Board had in saying that we only want to be able to get you to the Planning Commission if you're ready to get there.

So we'll continue to work with the development community and try to work with our individual planners, especially within our zoning staff, to make sure that if we're -- if we're ready to send that advertising notice out to the Naples Daily News that we're ready, that we're ready and secure that we're going to have the information that the Planning Commission needs, because we understand that it is your time, and your time is being duplicated, and sometimes more than that in terms of -- over the same information that's being

continued.

CHAIRMAN STRAIN: Well, I appreciate that, Mike, and I -- the projects that come forward that need supplemental information that should be included in order for us to evaluate them, it all needs to be in the original packet. If it isn't, then -- that's what causes some continuances.

Abaco is a prime example. It's being continued for documents that should have been done way before they were scheduled for hearing, and they weren't, so...

COMMISSIONER ROMAN: I just wanted to say one thing. It just seems that they're more frequent. You know, I haven't been on the board as long as some members of this Planning Commission, but it seems that recently there have been more continuances than I've seen in the years that I've been on this Planning Commission, so it's something different.

MR. BOSI: And that relates -- that relates to our earlier conversation about where we're at within the economic cycle. That's a direct relationship to that. There's more pressure for more time and more -- the product to be put into the ground earlier, and there's just a lot of pressure on all sides within the development equation. But it doesn't -- that doesn't justify trampling or not being respectful to the time that you guys provide.

COMMISSIONER ROMAN: I could attribute what you're saying to additional items on your agenda to hear, but I can't agree totally with why they'd all be continued.

CHAIRMAN STRAIN: Well, I mean, there's been a lot of reasons. And I think, especially for Wafaa's position, he comes on the board, and no sooner is he getting here and everything gets continued constantly. So we've had a higher frequency later of multiple continuances for the same project than I've seen before, and I've been here quite a few years.

COMMISSIONER ASSAAD: We can think about it, and if staff can come up with some suggested ideas to how to control it or better handle it, then we can talk about it on another day.

COMMISSIONER CHRZANOWSKI: So we're going to continue this discussion?

COMMISSIONER ROMAN: No, no.

COMMISSIONER HOMIAK: Yes, let's --

COMMISSIONER ASSAAD: We just brought it up today.

CHAIRMAN STRAIN: There's no members of the public here for public comment, so we will move to adjournment. Is there an adjournment -- recommendation to adjourn?

COMMISSIONER EBERT: I make a motion to adjourn.

COMMISSIONER CHRZANOWSKI: Second it.

CHAIRMAN STRAIN: Seconded by Stan.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: And we're out of here. Thank you-all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:19 p.m.

February 4, 2016

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 3-3-14, as presented or as corrected _____.

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