

May 5, 2016

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, May 5, 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  
Charlette Roman  
Andrew Solis

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager  
Heidi Ashton-Cicko, Managing Assistant County Attorney  
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, May 5th 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.

Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes.

Good morning. Mr. Eastman here?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Assaad?

COMMISSIONER ASSAAD: Here.

COMMISSIONER EBERT: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. That brings us to the addenda to the agenda. There are a couple of changes. The first one I'd like the Planning Commission to consider is a continuation of Item 9A to the June 2nd meeting. I think it's June 2nd, isn't it, Ray? Is that the first meeting in June?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Yes, okay. The package was distributed, but it was missing information, and it hadn't had final review by the engineering staff, so that just needs to get done.

Is there a motion to continue 9A?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Made by Charlette. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: By Karen.

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.

The second item is the applicant for 9C and D, or the applicant's representative, asked if they could go first after 9A, or whatever we did with 9A today. They have a time constraint for late this morning. And I had no problem with it as long as they got the approval of 9B, which is Mr. Mulhere's client.

Mr. Mulhere, I understand that that's satisfactory.

MR. MULHERE: Yes. Yes, it is.

CHAIRMAN STRAIN: Oh, okay.

So unless there's a concern with the Planning Commission, we'll move C -- and 9C and D are companion items. We'll move those up first. If there's no -- hearing no concern, then that's how the agenda will be amended, and 9B will be right after those.

9B is the Naples Heritage. 9C and D is the storage facility at Radio and Davis, so we will hear Radio and Davis the first thing up on our call out for cases.

Planning Commission absences. I've talked with staff, and the only item left for the 19th would be one LDC amendment that we hadn't heard, but we are scheduled on the 25th, as required by law, to have an evening meeting for a couple LDC amendments. That one could easily be added to that schedule. So, in essence, we really don't need to have a meeting on May 19th.

Ray, there is nothing, then, needed from a hearing viewpoint for May 19th at this point; you've nothing scheduled for cases, right?

MR. BELLOWS: Let me just double-check real quick. The 19th?

CHAIRMAN STRAIN: Right.

MR. BELLOWS: That's correct, there's nothing.

CHAIRMAN STRAIN: Okay. So with that, the meeting on the 19th will be canceled, and we will hear what we need to do for cleanup for LDC amendments on the 25th in the evening, and then the next meeting that we will have is June 2nd. That's after 5/25.

So, first of all, does anybody know if they're not going to make it to the May 25th evening meeting? And hopefully it's not going to be too long. We don't have a -- there are certain LDC amendments that have to be discussed due to their nature involving zoning, and that's what will be limited to at that meeting other than some cleanup items. Does anybody know if they're not going to make it in the evening?

COMMISSIONER ASSAAD: I'm not going to be able to make it.

CHAIRMAN STRAIN: Okay. Thank you, sir. That means we still have a quorum of six, so we're good to go.

The June 2nd meeting, that's the first meeting in June. Does anybody know if they're not going to make it to that meeting?

(No response.)

CHAIRMAN STRAIN: Okay. We've got a quorum again. We're good.

Approval of minutes. There were no minutes available this time.

So, Ray, that takes us to BCC report and recaps.

MR. BELLOWS: I don't have all the updates just yet, so I'll have to present that at the end of the meeting, if you don't mind.

CHAIRMAN STRAIN: That's fine. I mean, I just -- it's normally on the agenda because you always have added something to it --

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: -- but that's no problem.

Chairman's report. There are a couple items that I do want to discuss today, and it's involving the processes that we are dealing with.

First of all, I'm going to wait for Heidi to come back for one, and -- oh, what were you hiding under the desk for?

MS. ASHTON-CICKO: My computer's not working, so I was trying to fix it.

CHAIRMAN STRAIN: Well, you surprised me on that one.

Okay. We've -- there's a couple of issues involving scheduling with the packages that come before the Planning Commission, and Highview Roost -- Highview Road, it's on Roost Road, is one of them, the PUD that was continued first off this morning. It was 9A.

When the package was distributed last week, I noticed that the issue involving its original continuation was not included in the package, which was the whole purpose it have being continued.

The response I got was that it had -- it's going to be coming in and going through engineering, and engineering will get a review of it and get to us before meeting.

Well, that's not the way we should be doing things. And I've got to ask staff, when you have an

incomplete package, for whatever reason, we need to look at quality over expediency. And I know that staff feels that they're under pressure to get things out rapidly, but I have yet to hear the Board -- any board member, Board of County Commissioners, suggest that we should sacrifice quality over expediency.

So unless you-all come back with some finding from the Board that says just push them through, I'm asking that you take your time and make sure the packages are complete.

Which leads me to another concern why I needed to make sure Heidi was here. Legal review. There are some issues in the legal review that aren't resolved by the time the package gets advertised and sent out, and that needs to be resolved.

Legal review is important. If something's not consistent with the County Attorney's Office, that review -- that package needs to be held until the County Attorney's Office says it's legally sufficient and everything's done right.

And, Heidi, I'd like to ask that from now on your department take a look at that, and if something's missing from your behalf, don't go forward with the advertising until it's complete.

Is there -- do you see that as a problem to follow in that rule, or is that something that would be problematic for your department to do?

MS. ASHTON-CICKO: No. We can follow your direction, certainly.

CHAIRMAN STRAIN: Okay. I think that would help us make sure we got complete packages.

And then the last thing is there's a series of reviews in developmental services that apparently seems to be getting missed, and it's because we have -- we have a building that's kind of got two sides to it, and then in one side we still have two more sides.

Zoning and Comprehensive Planning are one element, and then there's the SDP review element. And there's -- it seems that the engineering people that review are under the SDP side of the building, so they don't get to see the packages where they may offer some really valuable assistance, and that's occurred in two areas.

Number one is, for example, the Code of Laws and Excavation. That's what the Highview PUD's all about. That's the issue that we discovered there. The engineers hadn't gotten it, hadn't seen it. They had knowledge about that project, and I'm imploring county staff to include that other element in the other piece of that other side of the building in some of these PUD reviews where it's obviously more complex and needs to have engineering review.

At the same time, transportation. I know that we have a transportation engineer under the SDP review side. We don't have a transportation engineer under the zoning side. I'd like to ask that when you get into some complicated matters involving transportation, take a look at the -- take a look at bringing in the transportation engineer we have, and that might be helpful in making sure we've got the best of all things addressed when we have either transportation or engineering issues.

It's not being done consistently now. I just want staff to kind of look at that in the future. It might avoid some of the continuations we've had lately.

I went back and looked since January, and case after case after case after case has been continued. And Mr. Assaad made a comment about it when he first came on the Board. He noticed it, too. He's absolutely right. We have way too many continuances, and I hope we can try to avoid some of those in the future by checking the packages out more thoroughly before they get scheduled for this board.

So with that in mind, I'll move on to the consent agenda. There is nothing indicated for that today.

Which brings us to No. 9, and I hope Judy Puig's watching. Judy, when you look at your form, "advertised" is spelled wrong. But No. 9 is for advertised public hearings. The first item, 9A, has been continued, and 9B is going to be heard after 9C and D.

\*\*\*We'll move directly into 9C and D. We'll hear those as companion items and then vote on them separately. 9C is PL20150002541/CPSS2015-4. It's the small-scale Growth Management Plan amendment for the Davis/Radio commercial subdistrict located on the south side of Radio Road west of Davis Boulevard and Radio Road intersection.

The one that's going to be companion to it is the rezoning element. It's RZ-PL20140002642. Same location, same project. This is zoning from a C3 to one limited use of a C4.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

This is for the self-storage area at Davis and Radio.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Thank you.

And disclosures. We'll start with Tom on my right.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Oddly enough, none.

COMMISSIONER SOLIS: None.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Oddly enough -- no, un-oddly enough, I've had quite a bit of communications as recently as yesterday with the -- and I did call the applicant. I've talked to Rich. There's been some language cleanup that was -- I had caught, and they have been working on it. I have talked with staff about it as well.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: No.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No.

CHAIRMAN STRAIN: Okay. With that, Rich, I guess it's yours to go forward with.

MR. YOVANOVICH: Thank you. Good morning. For the record, Rich Yovanovich on behalf of the applicant and petitioner for both items.

With me is Fred Hood, who's the planner on the project, and Bob Morande, who's the property owner.

What you have in front of you is roughly -- are two petitions, the Growth Management Plan amendment for roughly 4.81 acres. On the visualizer, it shows you the location of the property. We're right next to the Collier County CAT transportation facility, and we're on Davis Boulevard almost at the intersection of Davis and Radio Road.

As we were going through the process of rezoning property to what I will call C4 minus to add indoor self storage, it was determined that a concurrent small-scale Comp Plan amendment was also necessary because this property was originally deemed consistent with the Comprehensive Plan by policy because it was basically existing commercial at the time that the Comp Plan was changed in 1989.

And staff considered picking a C4 use, which is indoor self storage, as an intensification, although indoor self storage has been approved in a lot of areas next to residential. And like I said, it really is a low-intensity, low-traffic-generator use.

So Comprehensive Planning felt that this was an intensification because it's a C4 use in a C3 zoning district, so we added the Comp Plan amendment to the process.

Your staff is recommending approval of both Growth Management Plan amendment with a cap of 105,000 square feet of commercial or indoor self-storage use. They are also -- they have -- I think staff is going to hand out or has already handed out some changes to the rezone petition that they want to talk about, but otherwise they're recommending approval of that.

I have some comments to the proposed staff language on the rezone that I'd like to make, and I don't know if you have it in front of you yet or not.

CHAIRMAN STRAIN: I received it. Did the rest of the Planning Commission receive something that should have been on your space or passed out by Mr. Mulhere after you got here?

Okay. Could you put that on the overhead if you have an extra copy.

MR. YOVANOVICH: Now, that was something I would do is I'd put it on there like that, and then I'd ask you to read it.

The intent of this application was basically to keep the C3 zoning district allowed uses as well as the conditional uses that already exist in the C3 zoning, add the one use, which is indoor self storage.

So my comments are, some of these recommended revisions are intended to address, I think, some

unintended consequences of both the application and the staff comments.

The change that staff's recommending regarding the indoor self storage is generally fine with us; however, the -- and I hate to give publicity to other indoor self storage, but I don't know how to explain this other than talk about the Lock Up self-storage projects I've gotten approved in the past.

Your code allows -- does not allow any roll-up access on the front of the building but does allow roll-up access on the sides of the building and the rear of the building. And the intent is to basically be just the same quality as Lock Up; pretty much everything is indoor access except for there are some allowed roll-up units on the exteriors, on the sides, and the rear.

The way this language is written, it basically prohibits those side and rear storage units that have been approved in other similarly office-looking type indoor self storage of a high quality.

So our desire would be to make the clarification that we'd still have to meet the code requirements for the side access but allow those side-access units to occur in other similar indoor self-storage units.

Then we get down to No. 7, which is the cap on trips. And I'm okay about that cap on trips if it relates to the indoor self storage, because that's all we were really adding new.

Today we would have the right to do any other C3 use on that property, and I would probably assume that many if not all of the C3 uses may trip a higher trip cap than 47 peak-hour trips.

I don't think the intent was when we went through this rezone was to take away our ability to do something -- a different C3 use and go through the concurrency management system that typically occurs on straight zoning.

Now, this is kind of -- you know, we usually do PUDs, but we're not large enough to do a PUD, so we did straight zoning minus. So I can understand how we might applied some PUD concepts. And I would just ask that you limit the 47 trips to the indoor self-storage option and that we leave the regular C3 use process in place for concurrency management for other C3 related use.

The 105,000 square foot cap in the Comp Plan, I'm okay either way, but I thought we were getting away from, in the Comp Plan, including development standards. We were going basically to, uses would in the Comp Plan, and then development standards would find their way into the zoning applications.

I don't object to staff, you know, putting that in the Comp Plan. If that's going to be the new process, I'm okay with that. I just -- I would just want to -- I'm just trying to understand the process. I thought we were going with the Comp Plan being less -- less development-standard oriented and just more use oriented, and then the development standards would find their way into usually the concurrent application for rezone.

Other than that, those couple of changes to the staff recommendations, I don't think this is a very controversial or difficult rezone application, and we request that you recommend approval.

CHAIRMAN STRAIN: Okay. I'm sure there'll be questions. Any of the Planning Commission members want to start with any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Wafaa?

COMMISSIONER ASSAAD: You're asking for a rezoning from C3 to C4?

MR. YOVANOVICH: C4 -- only one C4 use. The only C4 use we're asking for is the indoor self storage. So it's C4 minus for -- I don't know another way to describe it.

COMMISSIONER ASSAAD: Thank you. You're asking for rezoning from C3 to C4, but you're picking and choosing the use that you will get from the C4 district.

MR. YOVANOVICH: I'm only picking one use from the C4.

COMMISSIONER ASSAAD: Yes. And you're asking for an extra height.

MR. YOVANOVICH: No.

COMMISSIONER ASSAAD: No.

MR. YOVANOVICH: I'm meeting the C3 development standards. We're doing -- the only thing we're getting out of this petition is the right to do indoor self storage, which is a C4 use. All the C3 uses -- base permitted uses is all I get. The development standards for C3 is all I get.

If I want to do a conditional use that's in the C3, I have to come back through the conditional use process. And that's basically what the Comprehensive Plan says we can do, and that's what the zoning application says.

COMMISSIONER ASSAAD: My question to staff is -- my understanding is that if you're asking for a conventional zoning district, like C3 or C4 or whatever, then you're only subject to that zoning district requirement. You cannot add; you cannot make conditions; you cannot alter it in any way, shape, or form.

MR. YOVANOVICH: Unless you have a concurrent Comprehensive Plan amendment that tells you you can do that, and that's why we did the concurrent Comprehensive Plan amendment.

COMMISSIONER ASSAAD: The Comprehensive Plan tells you what? You can --

MR. YOVANOVICH: It tells me I can come in and ask for zoning that allows C3 uses plus indoor self storage.

COMMISSIONER ASSAAD: Then why wouldn't you pick up the PUD route --

MR. YOVANOVICH: I don't have enough --

COMMISSIONER ASSAAD: -- and create your own Planned Unit Development?

MR. YOVANOVICH: I don't have enough acres.

COMMISSIONER ASSAAD: Excuse me?

MR. YOVANOVICH: I don't have enough acres.

COMMISSIONER ASSAAD: You don't have enough acres. So is that -- is that legal? Is that correct about the conventional zoning?

MS. ASHTON-CICKO: We have rezoned to a zoning district and added conditions of approval, and we commonly do that. So in this case you have the same thing where he's agreed to rezone -- well, he's requesting C4, but he's really only limiting it to one use, and it's conditioned on retaining the C3 development standards.

COMMISSIONER ASSAAD: You're saying he has to apply for a conventional zoning such as C3 and ask for one or more additional uses?

MS. ASHTON-CICKO: Yes.

COMMISSIONER ASSAAD: Where do you get that interpretation from? What basis allows the county to do that?

MS. ASHTON-CICKO: What basis says you can't?

COMMISSIONER ASSAAD: Traditionally, and the court upheld, and it's been a planning practice ever since I was in business, that when you apply for a conventional zoning district, you're limited to that and you cannot even enforce additional conditions on the applicants. This is why everybody started using PUD, because it's a negotiated zoning.

MS. ASHTON-CICKO: Yeah. We've done conditions of approval for a very long time, and the applicant generally agrees with the conditions of approval. If they don't, then they can get a denial and go another route and do a PUD or another option if they want.

But in this case he's not seeking any deviations and he's actually agreeing to a more restrictive development standards of the C3.

MR. YOVANOVICH: Mr. Assaad, I will -- I'm aware that there are differences of interpretations by municipal attorneys. For instance, in the City of Naples, the city attorney has opined that we can't do straight zoning minus or with conditions and all that. There are other jurisdictions where municipal attorneys don't agree with that interpretation. Collier County is one of those.

It's been that way for a long, long time, back -- I remember doing a straight zoning minus probably in 1996.

But be that as it may, I also did a concurrent GMP amendment that specifically creates this subdistrict. And in this subdistrict, I put on -- I didn't put all of it up there for you, but on the visualizer you will see that this specific subdistrict allows exactly what I'm asking for.

So I'm 100 percent consistent with the Comprehensive Plan, and that's one of the reasons we also did the Comprehensive Plan, was to make sure we didn't run into an issue with someone potentially challenging this and saying you can't do C4 minus. That's why we -- one of the benefits of the GMP amendment is it takes that issue off the table if someone were later on to challenge the county's process.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Well, let's start with the handout for the recommendations.

On No. 1 in the corrected language, after the -- the beginning of the second line, you still have the word "and" in there. The intent, I believe, was to strike those references to the word "and" because it would open up to multiple uses and not restrict it to a single use. So I'd suggest, No. 1, second line, "and" be struck.

The applicant has made a point about the access. I recall that that has been allowed. I would suggest that at the end of the sentence on No. 1 we add "except non-primary first-floor access is allowed," and that would, I think, accomplish the ability to have some doors on the non-primary sides of the building, which would be the sides or the backs.

MR. YOVANOVICH: Or if we were to just simply -- if we were to just simply say "consistent with the Land Development Code," because the Land Development Code specifically says I can't have them on the front; I can only have them on the side.

CHAIRMAN STRAIN: If the --

MR. YOVANOVICH: Either way.

CHAIRMAN STRAIN: -- county staff thinks that would work, then I'm fine with that.

MR. SMITH: Primary; is that correct?

CHAIRMAN STRAIN: Yeah. Consistent with the Land Development Code.

MR. SMITH: Fine.

CHAIRMAN STRAIN: And I guess that will take care of it.

Number 2, the word "and" towards the end of the sentence needs to be struck.

Number 3, the second line of the first bullet, the word "and" needs to be struck. It's the first word on that line.

Number 4, middle of the sentence is the word "and," needs to be struck.

And when we get to No. 6, of what value is limiting the peak hour two-way trips on this if the overall project has a higher peak value anyway? And I don't know what the theory was behind limiting it to 47 versus what it could go if it was all C3 commercial. Is that the same peak it had under C3 commercial? Because if it isn't, why would we care to limit it?

MR. SMITH: Daniel Smith, principal planner. I'll have Mike Sawyer -- he did the review for transportation.

MR. YOVANOVICH: I can't -- do you want me to answer that or --

MR. SMITH: I'd rather have Mike come.

CHAIRMAN STRAIN: Oh, let Mike come up. Give him something to do. He's going to be sitting here all morning, so...

MR. SAWYER: Thank you, Chairman. Mike Sawyer, for the record, transportation planning.

Quite honestly, I did not actually do the review on this particular petition, but I do -- I'm familiar with it, with the reviewer that did do the review on it.

Because the TIS that we received was specific to actually two uses -- and I could actually show you what those were.

CHAIRMAN STRAIN: Well, do you know what -- if you were to take a look at the C3 only category and calculate out the most intense use allowed by that C3 for the amount of square footage that could be on the lot, would it be greater than 47 trips?

MR. SAWYER: Quite likely it could certainly be.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: We did not receive that information, however, with the TIS that we received.

So what we've got is a request for a conditional use for this specific use, and we reviewed it to that specific use. And, actually, as you see, actually, there's actually two uses in there, and we actually have a larger number being generated by that second use, and we're fine with that.

We did not, quite honestly, intend to restrict in any way what could be, you know, allowed currently with C3 uses allowed in there. We're just reviewing this specific use with this particular petition. That's all we're trying to do.

And if we need to add additional information -- or additional language that makes it clear that all standard C3 uses are still allowed and not subject to this limit, we would be fine with that as well.



CHAIRMAN STRAIN: But I think you missed the point of my question. If you can have a multitude of -- first of all, it's 143 C4 uses. There's probably over 100 C3 uses. If you could have any one of those C3 uses and it's known -- and it's acknowledged that those would be greater than the 47, why are we caring to limit it at all?

It could be used for any C3 use. What good does the limitation do on just one use when the overall package could be greater?

So why are we even going into this scenario that we have to articulate it like you're proposing on this recommendation?

MR. SAWYER: Normally what we receive from the -- with the TIS is the highest/best use. My suggestion, and I believe this was actually at -- requested from the applicant, was to have both the highest/best use that would be allowed in addition to this, and that's normally what we receive.

We get the highest/best use of the uses being proposed as well as what is being proposed with this particular petition.

In this case it's a little confusing because we do have standard C3 uses that actually have much larger or potentially larger trip generation than what's being requested with the use that's actually in C4.

Because we did not get that information from the applicant, we were requested just to, you know, review this, push it through; that's what we did.

CHAIRMAN STRAIN: When did you ask for the information from the applicant, and when did the applicant refuse?

MR. SAWYER: I would have to go back through the review. My inform -- the -- from what I understand, when it was requested by staff, it was on the first review. I may be mistaken by that, but I believe that's what --

CHAIRMAN STRAIN: Who was the planner? It was you, right, Dan?

MR. SMITH: Correct. I'm the principal planner.

CHAIRMAN STRAIN: Okay. On the first review, did you send them back a review from your office that said that this traffic count was needed?

MR. SMITH: I'll be honest with you, I can't remember what was said at the first review.

CHAIRMAN STRAIN: Okay. I'm just -- you know, I can't understand how we can have a C3 retail commercial use on this property with a hundred -- whatever number of thousands of square foot can fit there. Obviously, it's going to be more intense than 47 trips of a -- or whatever the storage is. Storage is kind of a low traffic generator.

So I'm sure why -- I can't see the need to confuse the whole issue over putting a maximum trip count in something that is going to be -- never be surpassed -- never be -- it's going to be surpassed by many of the other uses anyway.

MR. YOVANOVICH: And I just need to say something. I can assure you I have never refused to provide any information to staff under any application including a highest-and-best-use analysis when there's straight zoning on the property.

As you know, you don't get a lot of straight zoning applications. They're mostly PUDs in Collier County. So one of the things we have to do is show you that the use we're adding isn't going to create any problems on your transportation network, and that's what that study shows you is that the use we're requesting is going to generate very limited trips and is not going to create a problem for you, unlike -- unlike a PUD where we do a highest-and-best calculation.

So there -- this is an unusual application. There was some concepts that kind of crossed each other, and what I'm just simply saying, if there was a misunderstanding, let's clarify it here on the record.

And I agree with you, Mr. Chairman, that since we know that pretty much every C3 use could be a higher trip generator, you don't need the cap of 47. But I'll leave the cap in if that makes comfortable -- staff comfortable, as long as it's only limited to the new use we're adding.

CHAIRMAN STRAIN: Well --

MR. YOVANOVICH: You know, I'm a lover not a fighter, so I try to -- try to --

CHAIRMAN STRAIN: Well, I just don't see the need to clutter this up with an item like this that is obviously not necessary when we know it could be substantially higher anyway. Everything -- you're TIS

and everything is on record, so I'm sure that's going to be sufficient if there needs to be a challenge to the number of cars generated out of your storage, but I doubt if you'll ever get to a number that is close to what the retail's going to.

And staff, not having any other option to show us, I'm reluctant to consider 6 as one of the recommendations.

COMMISSIONER EBERT: So eliminate 6?

CHAIRMAN STRAIN: That's what -- when we get to the stipulations, we'll see about going that route.

I do have questions about -- let me start with -- it's not of you, Mike. Let's start with the GMP. Go ahead, Andy.

COMMISSIONER SOLIS: I was just going to have a question for Mike. And I apologize. What was -- well, Mike just left. Maybe I wasn't completely clear then why staff was wanting this condition. Can you just explain what -- can you say that one more time? I'm sorry.

MR. SAWYER: No problem at all, Commissioner.

What we were trying to do was to reflect the information that we received with the application and make sure that it was clear that that's what -- that was the information that we received was the trip generation for this particular use, which is a C4 use.

COMMISSIONER SOLIS: Right. So it's just -- this is -- relates to just the C4 use.

MR. SAWYER: Absolutely. It should not --

COMMISSIONER SOLIS: I mean, how do you -- how do you separate the traffic from a C4 use or a C3 use in one project? I guess I don't -- is that even possible?

CHAIRMAN STRAIN: I think what staff -- if this project is built out with 105,000 square feet, the maximum it could be, the most trips it would generate with this use is 47 peak-hour trips. And my -- that's what the --

COMMISSIONER SOLIS: Can that be -- I mean, that can be determined?

CHAIRMAN STRAIN: That's what the TIS does.

MR. SAWYER: Correct. That's the information that we receive as far as what the trip generation is going to be with that particular use with the square footage that's being proposed.

COMMISSIONER SOLIS: For that particular use.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Maximum building.

MR. SAWYER: That singular use in this case.

COMMISSIONER SOLIS: Okay.

CHAIRMAN STRAIN: The problem is, if you picked numerous of the other standard C3 uses, the number would most likely be higher.

COMMISSIONER SOLIS: Right.

CHAIRMAN STRAIN: But we have no evidence that staff has to provide that. Staff believes that the applicant was asked and refused. The applicant has provided testimony they have not. Planning staff does not recall if it was a specific request or not.

So in looking at that, I would default to the applicant as this being not necessary for numbers of reasons.

So I'm suggesting that Recommendation 6 just be dropped. It's not necessary, so that's what started it.

Thank you, Mike.

MR. SAWYER: No problem.

CHAIRMAN STRAIN: Back to the GMP. Mr. Mulhere, you're going to love this. You're not part of this one, are you?

MR. MULHERE: No, sir.

COMMISSIONER EBERT: But you're in trouble.

CHAIRMAN STRAIN: The Amerisite project is on a similar -- I'm asking Mr. Mulhere as a witness to step forward. I don't have to subpoena.

MR. MULHERE: I gave him my time; now I have to help him up here?

CHAIRMAN STRAIN: Were you sworn in? Were you sworn in?

MR. MULHERE: No, I wasn't.

CHAIRMAN STRAIN: Raise your right hand.

(The speaker was duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Okay. I had asked -- I think I'd mentioned to you the other day that the -- this site was coming through, and I had caught something in their market analysis.

Now, I don't hold a lot of credence in the market request, although it needs to be accurate. The Amerisite project on 951 that is similar to this, they went to a singular C4 use for self storage, like this one's asking for.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Did you get a conditional use on that project for that use?

MR. MULHERE: Yes, we did.

CHAIRMAN STRAIN: Subsequent to the rezone?

MR. MULHERE: Yes, we did.

CHAIRMAN STRAIN: Okay. I thought I found that. And the reason is -- and that's all I needed you to acknowledge.

MR. MULHERE: It actually all went -- they all went at the same time but -- same hearings, but yes.

CHAIRMAN STRAIN: And it was this board that heard it. I remember it.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So that's what I needed to understand. Thank you.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: The only reason I'm bringing it up is because the applicant's comparative analysis said that that site had not gone through the conditional use process to attain its ability to be self storage. It had. And I didn't know if that affected Corby's review from the market perspective, or the review. I'd emailed Corby this issue last week. And, Corby, if that impacts your position, I'd like to know it. If it doesn't, we're good.

MR. SCHMIDT: You're good.

CHAIRMAN STRAIN: Thank you, sir.

Next thing, Corby, last week I also emailed you a concern over the word verbiage in the comp planning referencing the air conditioned and mini and self storage, suggesting that we dropped the words "and" in the various places of A and B that it's found. Do you have any objection to that?

MR. SCHMIDT: For the record, Corby Schmidt with the comprehensive planning section of -- for the county.

No, we do not.

CHAIRMAN STRAIN: Thank you, sir.

And for the -- since you yelled from the back and -- not yelled, but tried to indicate, you don't have any issues with the marketing even though that other item wasn't properly stated?

MR. SCHMIDT: No, we do not.

CHAIRMAN STRAIN: Thank you.

That takes us to the rezone. And the recommendations have been changed, so I'm going to skip that section and see if there's anything else that we haven't talked about.

I think we're -- I think we're okay. A couple more to check. Okay. We're good.

Thank you. That's all the questions I have. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: If not, is there a staff report?

MR. SMITH: There's a staff report. Daniel Smith, principal planner.

Just for the record regarding trip generation, that wasn't -- I didn't know that was an issue until today, so I just want to put that for the record.

But staff recommends Collier County Planning Commission forward Petition RZ-PL201400002642 (sic) to the BCC with a recommendation of approval with the following conditions that we stated with the

changes stated, and we're going to drop Item 6, the maximum trip generation for 47 peak hours.

CHAIRMAN STRAIN: Okay. Thank you, Dan.

Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Ray, do I have any public speakers?

MR. BELLOWS: No one has registered.

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

(No response.)

CHAIRMAN STRAIN: Okay. Anything else, Richard?

MR. YOVANOVICH: One small but significant thing.

Your staff recommendation from Comprehensive Planning is to recommend denial of my request as I wrote it because I didn't include the cap of 105,000 square feet. They're recommending approval if I do agree to the cap of 105,000 square feet.

Assuming -- which is always a dangerous thing to do -- I don't have any issues from the Planning Commission and I have a shot at getting unanimous approval from the Planning Commission, I must agree to include the 105,000 square feet in the -- my language to avoid coming off of summary -- not qualifying for summary agenda.

So I will. And as I said, I don't care either way. I just want to understand how we're going to be doing amendments in the future. I don't want to -- I don't want to then the next one I submit I include a cap and then it gets struck and now I'm going back and forth. Because, as you know, we've done it both ways over the years.

I would -- again, assuming this is going to go unanimous for the rezone and GMP amendment, I will agree to staff's condition of 105,000-square-foot cap in the GMP amendment.

CHAIRMAN STRAIN: Well, from my part, I wasn't suggesting that be taken out. I think it's worthwhile to leave in. So if you think in the future you shouldn't do that, I'm suggesting in the future you still should consider that. I think comprehensive staff was right in including that in the GMP language.

MR. YOVANOVICH: And I'm fine with that. Just whatever the process is going to be, I will make sure I do that in the future. So I'm asking for your direction on that.

CHAIRMAN STRAIN: Okay. Thank you. And I think that wraps up the public hearing, so we'll close the public hearing for discussion.

Each one of these needs to be voted on separately, starting with the small-scale plan amendment. If the desire of the motion maker is to recommend approval, I would suggest that it be done with the staff recommendation with the exception of the cleanup language removing the words "and" for the particular uses that are there.

So let's start with that one. I don't have any other notes on the GMP.

COMMISSIONER EBERT: Are we deleting 6?

CHAIRMAN STRAIN: Well, 6 is a recommendation of the rezone. We're still on -- we're going to do the GMP first.

Does anybody have anything they'd like to add to the GMP discussion?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion?

COMMISSIONER ROMAN: Move for approval.

CHAIRMAN STRAIN: Charlette. Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: By Karen.

Further discussion? By the way, that motion for approval was subject to the changes of deleting the word "and" in the GMP staff recommendation?

COMMISSIONER HOMIAK: Yes.

COMMISSIONER ROMAN: Yes.

CHAIRMAN STRAIN: Okay. With that in mind, 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.

\*\*\*Now we'll move on to the rezone. The rezone had a handout from staff. We had walked through the recommendations from staff that have been revised. There's been the dropping of the word "and" in several categories. There's been provision that would allow ground floor access doors subject to the LDC, and staff has withdrawn their request for the trip generation cap for No. 6.

And I don't have any other notes that really pertain to that other than what we've already put on record for corrections. Is there anything the Planning Commission would like to add?

(No response.)

CHAIRMAN STRAIN: If not, subject to the change in the recommendations that we've gone over, is there a motion?

COMMISSIONER ROMAN: I'll make the motion to approve -- recommend approval of RZ-PL20140002642, Davis/Radio rezone with the recommendations as corrected.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody oppose?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Thank you.

MR. YOVANOVICH: Thank you, Bob.

\*\*\*The next item up is Petition PUDA-PL20150001416. It's the Naples Heritage Golf and Country Club Planned Unit Development. It's located at the south of Davis Boulevard and west of Collier. Actually, it's not too far from the one we just discussed.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're here to talk about it or want to speak on this matter at all, please rise.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Okay. That takes us to disclosures. We'll start with Tom.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: I had correspondence with Mr. Mulhere.

COMMISSIONER SOLIS: I also had some correspondence with Mr. Mulhere.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No, just a letter from Mr. Mulhere.

CHAIRMAN STRAIN: And I have had numerous discussions, emails back and forth with the applicant's representatives, Mr. Mulhere, Paula, I think we had a meeting as well, talked to staff numerous times, and we have a handout that has been reviewed a couple of times. It's now in front of us to discuss some of the changes to clear up some of the issues that came up during some of those discussions.

Karen?

COMMISSIONER HOMIAK: Just email with Mr. Mulhere.

CHAIRMAN STRAIN: Assaad?

COMMISSIONER ASSAAD: No, no contact.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Contact with Mr. Mulhere.

COMMISSIONER ASSAAD: Oh, I take that back. I got an email from Mr. Mulhere, sorry.

CHAIRMAN STRAIN: Okay. Thank you.

With that, Bob, if you want to move forward and try to explain to us what all this new paperwork is.

MR. MULHERE: Yes. Thank you.

For the record, Bob Mulhere with Hole Montes. Here with me this morning is David Beiser, who is the president of the HOA for Naples Heritage, and Patrick Dorbad, who's the general manager. There are also several other members of the HOA that may speak.

Gina Green is the civil engineer. She's here with me as well. Craig Smith is the ecologist that worked on this project with Dex Bender. Paul McMichael works with me at Hole Montes and worked with me on this project.

Naples Heritage -- Mr. Strain indicated the location. It is in East Naples and is accessible through Davis Boulevard. It's a -- it's a 799-unit residential golf course community. It's a very beautiful community, nicely landscaped. Very attractive. It is actually built out.

So what transpired is over a period of time the parking demand at the -- their amenity center became pretty significant, and so they began to look and see if there was an opportunity to somehow resolve that. This five-acre parcel, which is immediately adjacent to the PUD -- 5.2-acre parcel that we are incorporating into the PUD, was purchased for the purpose of relocating their tennis facilities; make it a tennis center. And then that area where the tennis centers are currently located will be additional parking and other amenity improvements and enhancements.

We did have a meeting as late as, I think, about 4 o'clock yesterday afternoon to resolve some minor language issues and some corrections, and I would like to go over those for you. And I should mention that we did have a NIM. There were a number of emails received by staff and a number of folks at the NIM, all of whom were from the community of Cedar Hammock. And once they saw where the location was, pretty significantly far removed from Cedar Hammock, there were no objections. And so we didn't receive any objections to this request.

The handout I gave you is -- has in red the changes that were made that we discussed with staff yesterday afternoon. They're relatively minor, but they do clarify things.

So on page -- basically Page 3 of 6 of that handout, the first change, under Paragraph 4 of uses permitted, recreation area, we inserted "labeled RA on the master plan" for clarification purposes, because we do show that as RA on the master plan, and I'll show you that on the visualizer.

Is this on? Yes.

Right here is the proposed tennis court facility. It's labeled "RA." The actual 5.21-acre piece is this entire rectangle, although this piece here, .9 acres, will be preserve. This is an existing 100-foot-wide right-of-way easement that will be vacated, and the PUD requires that to be vacated. That will also be put into preserve.

So this three acres plus-or-minus, plus the .9 is the four acres that the staff report referred to as going into preservation.

On the next page under minimum yard requirements we have struck through the qualifications on the setbacks and simply made them very clear. The front setback is 50 feet, the side is 25, the rear is 25, and from a preserve is 25. And I'll show you in just a minute the site plan which is dimensioned. It's in the pages that we handed out to you.

As far as the lighting, there were a couple of paragraphs relating to lighting or a couple of sentences or subparagraphs. We've struck through those and simply said, all pole lighting shall be limited to flat panel fixtures with full cutoff shields and limited to 15 feet in height. At this point in time, there is no intention to light this facility, but we do want to have that flexibility down the road. It does get dark early in the winter, and maybe a couple hours of lighted playtime would be advantageous.

The maximum height of any structures is limited to 30 feet actual. There will be a little refreshment and kind of pro shop; selling, restringing rackets, and those kind of things.

The hours of operation will be limited to 8 a.m. to 9 p.m., and we will be prohibited from utilizing any amplified sound that can be heard from the adjacent property line. They don't use any amplified sound anyway, but to be safe we put that condition in the PUD.

If you turn the page to the landscape drawing, we are proposing to install a Type B buffer adjacent to the residential. Perhaps we ought to go first to the site plan. I apologize. Let me put this on the visualizer.

So the -- this is Colonial Court here. And as you can see, there are a few lots here that will be very close to and, this particular lot here, adjacent to the proposed facility. The dimensions here -- this is actually 70 -- boy, I can't even see that -- 75 feet, and it's 75 feet to the edge of the building. So that's the closest structure. Everything else is actually further than that.

And, of course, once you go past this lot, these other lots are also separated by Colonial Court. This will be preserve, stormwater, and then the tennis facility with the little amenities building right there. This is parking.

So what I was talking about was the landscape buffer that we will install along this area here. In the discussions that were had with these lot owners, unit owners -- and the members of the HOA did talk to all of those lot owners -- there was discussion about an enhanced landscape buffer there. There was not a preference to install a wall.

And you have a little bit of a grade drop there as well. So our intention was to install a Type B landscape buffer, which would be 15 feet in width, with enhanced plantings, including hedges as required by the Type B buffer, which have to be 80 percent opaque within a year -- they're significantly larger plant sizes -- and then a midstory shrub, and then canopy trees. That will provide a very nice landscape buffer and, of course, there's a significant separation, as I said.

I believe that addresses all of the issues in all of the -- oh, there was one other minor change; I apologize.

On the master plan, while we changed everything when we created the RA rather than the -- thank you -- the PUD, a clubhouse center, is actually permitted or located within the golf course tract, or Tract A on the PUD. At the request of staff, we actually created a separate district for this tennis court facility called RA, which we called out in the language that I just read to you.

When we added that to this table, recreation area 4.3 acres, we neglected to subtract it from that 107.3 for Tract A and from the golf course acreage because we had added that 4.3 acres to that. So not to complicate things, but we need to subtract 4.3 acres out of the total of 107 for Tract A and out of the golf course acreage, and then the numbers will jive, because we added it as a separate RA tract.

CHAIRMAN STRAIN: Wait a minute. You're saying the 107.5 -- okay. That's the new golf course calculation with the RA.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And it used to be 5.21 acres less; is that correct?

MR. MULHERE: It used to be 4.3 acres left, because we put the other .9 in preserve.

CHAIRMAN STRAIN: Gotcha.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. So you are going -- you -- okay. I just want to make sure -- we're going to attempt to get you through consent today as well, so I want to make sure that all the issues are resolved.

MR. MULHERE: Well, it's pretty simple. This 107.8, we need to subtract 4.3 acres, which is the acreage that we have added below here under recreation area.

MR. JOHNSON: Mr. Chair?

MR. MULHERE: When we added that, we forgot to subtract it out of that total.

CHAIRMAN STRAIN: Okay. Eric?

MR. JOHNSON: Eric Johnson, principal planner, zoning.

So if you were to look at the table, the golf acreage, which is now proposed at 107.8, would actually become 103.5, and then the tees, greens, and fairways would not be 90.2 but rather it would be 86.0, and that would be consistent with the last approved plan.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MULHERE: By the way, kudos to Eric because he pointed it out to me this morning, so thank you.

CHAIRMAN STRAIN: Good.

MR. MULHERE: That concludes. I'm open for questions and also have my team here as well.

CHAIRMAN STRAIN: Questions from the Planning Commission? Anybody? Mr. Assaad?

COMMISSIONER ASSAAD: Do we have any sidewalks going up to the tennis complex?

MS. GREEN: Good morning. Gina Green, for the record; engineer.

There is not a sidewalk on Colonial Court, but we are providing a sidewalk from Colonial Court to the tennis facility.

COMMISSIONER ASSAAD: So the tennis facility will have a sidewalk going up?

MS. GREEN: It will just have it to the edge of the valley gutter or curbing on Colonial Court. The Naples Heritage project, when it was built back in the '90s, did not require sidewalks on cul-de-sacs of this sort, so the actual Colonial Court does not have a sidewalk on it.

MR. MULHERE: So it's right here.

MS. GREEN: Yes. The site plan that was handed out does show a sidewalk.

COMMISSIONER ASSAAD: Could you point it out?

MR. MULHERE: Right here.

COMMISSIONER ASSAAD: Okay. Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I have some questions, but it might help me understand, is there a Mr. or Mrs. Huber here in the audience?

MR. MULHERE: No, they're not here, but I do know that there was discussion with them. Patrick could probably speak to that.

CHAIRMAN STRAIN: Well, that's okay. I first needed to know if they were here, and regardless of whether -- since they're not here, I'm still going to be asking some questions.

They are the most contiguous property owner with a house built at the very end of the cul-de-sac right there next to the property according to the tax assessor's website.

So I had wanted to see if they were here to express any concerns they may have. Absence that, we'll still go into some of the questions.

Why don't we start with the site plan you have up there then, Bob. As soon as I pull the right one up.

The 25-foot landscape buffer that you have towards the bottom of the property in question, it looks like you're moving your drain field or your dry detention over into that landscape buffer area; is that true? And you're doing it right alongside the house that is going to be the most impacted?

MS. GREEN: Actually, that area is going to be left as natural vegetation. That is actually just the toe of the slope of the existing ground that's there now. And we won't be filling it, and we're leaving the trees and everything. We're just -- I'm just containing it. The house actually acts as the water management berm, the side yard of it does. So that area there will be treed. You know, they'll remove the exotics, but it will be left natural, and water will be allowed to go in there to store on the site. So it's a natural detention area, not a created one.

MR. MULHERE: And I do want to add that we do still have plenty of distance in here, more than 15 feet within which to put the actual landscape plantings.

CHAIRMAN STRAIN: Well, we're going to discuss that 15 feet in a minute.

So you take that detention area, and you connected it by pipe to move the water north, right?



MS. GREEN: Yes.

CHAIRMAN STRAIN: And then it goes through that detention area on the north side, which means those trees are going to be taken out as well?

MS. GREEN: No. In that area, too, we're leaving the natural grade. We want to leave as many trees on this site as possible because there's a lot of nice pines, palms, everything on this site, so we want to clean out the exotics; leave as much natural as possible. Only clear where we have to. So both of those detention areas will be left as natural -- natural grade with trees detention areas.

CHAIRMAN STRAIN: Why do you show contour lines, then, around them?

MS. GREEN: Because I have to contain them with water management berm. So along the perimeter of it there will be water management berm, and I have to calculate areas so it's an approximate toe of slope.

CHAIRMAN STRAIN: Oh, and I figured that, but that means you're not going to leave the trees and natural vegetation in place where the contour lines are, right?

MS. GREEN: From the contour lines towards the property line, no, because that -- we'll have to construct a water management berm in that area, so the trees will be removed in those areas where the water management berm lies.

CHAIRMAN STRAIN: Okay. And you've got -- your outfall from that area goes to a small, looks like, a detention area on the west side of the property; is that right?

MS. GREEN: Yes.

CHAIRMAN STRAIN: Okay. The 25-foot landscape buffer area, Bob had stated, and your -- one of your exhibits shows 25 feet, but Bob stated it's 15 feet. A Type B buffer is 15 feet, but you're calling 25 feet out on your plan. So which it is you're intending to do, 25 or 15?

MS. GREEN: We're planning on doing the 25 to provide the extra enhancement to shelter those houses from this facility.

CHAIRMAN STRAIN: And the enhancements being what, ten more feet of land?

MS. GREEN: Well, the 10 more feet of land and creating -- you know, the Type B just requires shrubs and trees. We're adding a midstory in there, you know, requiring a certain height plants, everything.

CHAIRMAN STRAIN: Okay. Now, that 25-foot buffer, according to the site plan that's here, looks like it's outside the 5.21-acre parcel that you're here about today; is that true?

MS. GREEN: Yes. That's in an existing buffer that was already in Naples Heritage between Colonial Court and the perimeter property line that's required prior.

CHAIRMAN STRAIN: So you're not really adding any 25-foot landscape buffer; you're utilizing one that's already there?

MS. GREEN: Right. Well, yes. We're utilizing it and -- utilizing it as an existing buffer because it was a perimeter buffer because the -- the agricultural parcel next to it was not part of the PUD. That 25 feet was required in the original PUD. Now that we're putting this five acres into it, it's no longer on the perimeter. This is -- the required buffer will become now an enhanced landscape buffer to shelter it from the residential properties.

CHAIRMAN STRAIN: If you noticed on the south -- well, on your plan it would be to the left of the last lot on the cul-de-sac. There's some verbiage that's not too legible on the plan you've got on the overhead, but it basically says, Tract C, conservation area, Naples Heritage Golf Course, Phase 1, Plat Book 26, Pages 71 to 80.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And if you notice on the north side of the property, which is to the right of the plan that you have there, that's the same point -- that's the same verbiage up on the top.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: If you go to the tax assessor's site between the verbiage on the top and verbiage on the bottom, it shows as all one contiguous parcel.

MS. GREEN: Yes.

CHAIRMAN STRAIN: So do you have anything with you today that shows that the piece you're going to put the landscape buffer in is not part of conservation easement?

MS. GREEN: It actually is a conservation easement that will be vacated. We've already discussed this with the county and with South Florida Water Management District, and so it's going to be -- that section is going to be vacated.

CHAIRMAN STRAIN: So what's the vacation process for that conservation easement? Does it go before the Board of County Commissioners?

MS. GREEN: Yes. It will be along with the -- we're vacating the right-of-way tract also on the very south and putting that into preserve. Those will go in together.

CHAIRMAN STRAIN: When will you be doing those?

MS. GREEN: They're -- probably next week.

CHAIRMAN STRAIN: So it will be going to the Board with this PUD modification?

MS. GREEN: Yes.

CHAIRMAN STRAIN: Okay.

MS. GREEN: That is the plan.

CHAIRMAN STRAIN: Because I -- we can't prejudge what the Board's going to do. So I'm a little concerned that this hasn't been addressed with us. I would like to have seen the conservation easement, some of that language, because we're going to -- you're asking us to vote on this plan and this site plan with conditions that are going to require the Board of County Commissioners to perfect some vacations in order for the zoning to be as it is as you've submitted.

MS. GREEN: Yes. We've been dealing with South Florida, because it is a South Florida conservation easement, and that is why, with the vacation process, we have been having meetings with them regarding how to handle this 25 feet and crossing it with the driveway, everything.

And so we finally got everything squared away with them so that we could proceed with the vacation process.

CHAIRMAN STRAIN: And from the County Attorney's Office, Heidi, that -- the methodology of this process, is there any issues there that we need -- and the way we review this today, since it's going to be subject to two vacations, one for a conservation easement and one for a right-of-way, do we have to look at that in a different manner today in regards to passing it on to the Board? Our findings, then, I would assume, would be subject to those two vacations; is that fair enough?

MS. ASHTON-CICKO: I'm not clear exactly what you're asking me. If you're going to have a condition of approval subject to the vacations or you're --

CHAIRMAN STRAIN: That's what I'm suggesting is that we make a condition of approval subject to the two vacations that got to be attained in order to meet the commitments they're making on the -- in the PUD change that they're asking for today.

MR. MULHERE: And it's already conditioned on the one vacation. We would be adding the --

CHAIRMAN STRAIN: You're going to be adding two.

MR. MULHERE: Yeah.

MS. ASHTON-CICKO: Well, I'd suggest that they be companion items when it goes to the Board.

CHAIRMAN STRAIN: That's what we just -- they just said they're going to be.

MS. ASHTON-CICKO: Yeah. As long as it's companion items when it goes to the Board, yeah.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: How much are you going to vacate -- are you going to -- will you be leaving any shrubbery or anything going -- after the sidewalk going north to the parking lots so the people across the street aren't just staring into a parking lot?

MR. MULHERE: Yes, yes. This -- this area here, we'll be leaving as much of the vegetation as we can once we take out the exotics, and also the same down here. And there's another natural area over here, and right there.

COMMISSIONER EBERT: That's the area I was talking about.

MR. MULHERE: And we're going to supplement that with the landscape buffer that we discussed.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay. Bob, I'm going to move into the actual document that you provided, the PUD format, and see if I have anything left after -- I know you've cleaned up a lot of the stuff we've

talked about.

On the staff report on Page 4, top of it, Conservation and Coastal Management Element, CCME, it seems to -- it indicates there's going to be four acres of preserve added to the PUD. It talks about the 252 acres as a total.

I couldn't find how that's correlated with your acreage table on your master plan.

MR. MULHERE: So the -- let me go to the site plan.

CHAIRMAN STRAIN: Are you looking -- do you know what language I'm talking about on Page 4 under CCME review?

MR. MULHERE: Yes. I'm looking at it right now.

CHAIRMAN STRAIN: See the last line? It says, in total, approximately 252 acres, 45 percent of the PUD, have been set aside as preserve.

Can you show me how those numbers are -- come together?

MR. MULHERE: Yes. In Tract A --

CHAIRMAN STRAIN: Can you pull that down a little bit, Bob.

MR. MULHERE: Sorry. In Tract A -- I'm trying to find Tract A preserve. Right here.

CHAIRMAN STRAIN: It's 225.

MR. MULHERE: It's 225.9, almost 226.

CHAIRMAN STRAIN: Right.

MR. MULHERE: Tract B.

CHAIRMAN STRAIN: Okay. So you've -- those two together. And then the four acres will be added to that once the vacation's completed on the right-of-way.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: And this piece is brought into the PUD.

MR. MULHERE: That is correct.

CHAIRMAN STRAIN: I think you've gotten all the issues that I know we had discussed at one time. I'm just double-checking.

I have two questions of transportation staff while we're on the master plan that you're submitting, and that -- where both -- are you suggesting both of these plans that you've submitted and passed out be entered as exhibits to the PUD?

MR. MULHERE: That would be fine with us. We would label them Exhibits A1 and A2.

CHAIRMAN STRAIN: A2, okay.

And for Mike's -- for my question of Mike, could you put the site plan back on that shows the tennis courts.

Mike, the question I have is here in the lower right-hand side you'll see an access going at an angle; looks to be about 45 degrees onto Colonial Boulevard (sic). Is that going to be something that your department is going to find acceptable, or will it seek -- will there be further modifications to it?

MR. SAWYER: For the record, Mike Sawyer, transportation planning.

That actually would be more commonly done, quite honestly, when the actual SDP gets submitted but, quite honestly, it appears -- you know, we don't like to see those types of things when we've got a public roadway, but these are all public or private roadways within the development itself.

And because of that we can allow a certain amount of freedom on angled access points like that. Quite honestly, you know, I do not -- I do not see that. It looks like they've got adequate radii in the access itself.

I don't believe that there's going to be any need for a dramatic change to that, that radii. You know, going down towards the cul-de-sac may have to be increased slightly, but I can only assume that that would be the only issue that might possibly come up.

CHAIRMAN STRAIN: Okay. I just didn't want us to go forward with something that was on a plan that's going to later come back and be a problem when they come in for an SDP, and if you feel that this is going to be -- the modifications to this, whatever they are, would be insignificant enough that they could be handled at SDP, I'm fine with that.

MR. SAWYER: Correct. And just for the record, that's easily something that staff can review to just

to reassure you on that point. I can also tell you, too, we do have weekly meetings where we do have all of the various transportation reviewers as well as our operation engineers. We meet once a week, and so we do go through all of these petitions as well as the SDP projects.

CHAIRMAN STRAIN: Yeah. I know you do meet. The difference is, you are reviewing it as a planner, not a traffic engineer. And when it comes in for SDP, it's reviewed by a traffic engineer. And I'm concerned about the discrepancies between the two disciplines looking at it. That's why I'm asking the question now to make sure at least we can be on the same page when it comes in for SDP.

MR. SAWYER: And we're trying -- and we certainly make all those efforts and try and increase that communication wherever possible, and we are working on that.

CHAIRMAN STRAIN: Thank you, sir.

COMMISSIONER CHRZANOWSKI: And make sure that you don't put landscaping so that it interferes with sight distance.

MR. SAWYER: Yes, sir.

MR. MULHERE: And I just wanted to add, the basis for that design -- I'm glad to hear that -- was to minimize the impacts on those residential properties, so...

CHAIRMAN STRAIN: Okay. Thank you.

Bob, could you put the overall master plan back up and focus in on the RA site.

If you notice, you've got a series of buffers there. You've got a 15-foot buffer and a 10-foot buffer. It's blurred out, but that's on the east side. And you're now saying you're going to have a 25-foot buffer. So are you going to make the correction on that or leave it two separate buffers at 10 and 15?

MR. MULHERE: We will correct that.

CHAIRMAN STRAIN: Okay. On the west side you call out a 10-foot buffer, but the site plan you passed out has a retention area right up on top of the western property line. How are you accomplishing the 10-foot buffer over there?

MR. MULHERE: Sorry. I want to make sure I'm following you.

CHAIRMAN STRAIN: Okay. Put the site plan back on. And, first of all, you acknowledge on the west side you show a 10-foot buffer? Do you agree with that from the master plan?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Then see the plan you just put on?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: How do you do the 10-foot buffer with the --

MR. MULHERE: You talking about here?

CHAIRMAN STRAIN: Well, you're off the -- pull it down.

MR. MULHERE: Sorry.

CHAIRMAN STRAIN: Yes. You've got an outfall going into a retention area, and you've got what we've been told is going to be area cleared to put in berms. So what are you going to do with the buffer?

MS. GREEN: The water management berm will act as the buffer, and we can do planting. That made it wide enough on the top to put the plantings right on top.

CHAIRMAN STRAIN: Well, how do you handle that outfall area?

MS. GREEN: It would be outside of that. If there is a problem with the fact of the angle, there being that small -- you know, it's a natural grade spreader swale for the outfall so that it doesn't point discharge.

CHAIRMAN STRAIN: Well, the only thing I'm concerned about is at some point that area to the west could be populated with another development. They'll look at whatever you've got there, and whatever defenses they need or compatibility issues, they'll certainly probably address.

I just want to make sure that you can put your -- you can address your side. And based on this plan, it looks like you're right on top of the property line with some of those areas that would theoretically be cleared in order to accomplish what they've got to do. And I just want to make sure that you're going to be able to fit in the 10-foot buffer you say you're going to put in there.

MS. GREEN: Yes. And we're actually -- you know, we're still, like I said, dealing with some stuff on South Florida where actually that control structure may be moving on the site to a different location anyway. So that spreader swale that you're looking at there could be eliminated anyway.

CHAIRMAN STRAIN: Okay.

MS. GREEN: So, I mean, the water management berm is wide enough to be able to put a 10-foot buffer on top of it.

CHAIRMAN STRAIN: Thank you.

MR. JOHNSON: Mr. Chair?

CHAIRMAN STRAIN: Yes.

MR. JOHNSON: Over here; staff.

Just for my own edification, I'd like to put the master plan on the visualizer and ask a couple questions, if that would be okay with you.

CHAIRMAN STRAIN: It's okay with me, yes. I'm sorry. I thought you were asking Bob.

MR. MULHERE: He is.

MR. JOHNSON: Thank you.

Just for my own edification, this is the RA tract here that's being added. Are we going to relabel these differently? Is this going to say 25 feet in --

MR. MULHERE: Yes.

MR. JOHNSON: Okay. And that's going to be on the subject property, not the property --

MR. MULHERE: It's all going to be part of subject property because it's all --

CHAIRMAN STRAIN: Common owner.

MR. MULHERE: It's all part of the PUD.

MR. JOHNSON: All right. So that's going to be 25 feet. And then on the opposite side, which is the west side, what's that going to say? Is that going to remain the same?

MR. MULHERE: It's going to remain the same.

MR. JOHNSON: Okay. Thank you.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Okay. And, Bob, the last cleanup item is your Exhibit A2, which will be the landscape buffer easement adjacent to Colonial Court. You start out the type -- the text on the top by saying Type B buffer, 15-foot wide. That needs to be changed to 25-foot wide?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And I will -- I will also indicate the midstory. I think that's shown on the drawing. I don't know if it's in the text, so I will also include that in the text.

CHAIRMAN STRAIN: That's all I have. Anybody else have anything?

MR. MULHERE: I have to hold that out here to read it, but...

CHAIRMAN STRAIN: Well, that's how -- you passed it out. See, wear glasses. They do work. Especially bifocals. They're great.

MR. MULHERE: I've got contacts in. It doesn't help.

CHAIRMAN STRAIN: Of course, that's a sign of age.

Eric, do you have a staff report?

MR. JOHNSON: Eric Johnson, planner -- principal planner.

Staff recommends approval, even with the changes that are proposed here today. I did want to point out that when this is advertised for the Board of County Commissioners, the labeling, PUDA, will be changed to PUDZ. So I just wanted to -- that's a housekeeping measure. I just wanted to say that for the record.

I understand that you probably are going to be making a motion sooner rather than later. If it is to approve, the way I understand it, the -- it's subject -- it would be subject to approval of the vacation of the road easement and the buffer easement; is that correct?

CHAIRMAN STRAIN: Yes. That's stipulation language that we'll read off as we get into the motion.

MR. JOHNSON: Oh, great, great. I just want it to not get lost in the tide. Just want to be able to jot everything down.

And also -- so I think Mr. Mulhere said that the two exhibits that he showed here today were going to be labeled Exhibit A1 and A2; is that correct?

MR. MULHERE: Yes.

MR. JOHNSON: Outstanding. And then we're going to change the numbers in the master plan from 107.8 to 103.5 and then 90.2 to 86.0?

MR. MULHERE: Yes.

MR. JOHNSON: Thank you.

CHAIRMAN STRAIN: Okay. Is that the end of the staff report?

MR. JOHNSON: Yes, sir.

CHAIRMAN STRAIN: Okay. Those members of the public that wish to speak.

Ray, would you call out any registered speakers, and then I'll ask for anybody who is not registered, if they'd like to speak.

MR. BELLOWS: Yeah. No one has registered.

CHAIRMAN STRAIN: Okay. So let's start with whoever -- anybody from the public like to speak on this item today?

(No response.)

CHAIRMAN STRAIN: Hearing none, I have one question that I do need answered. I need to have someone put -- that were sworn in under oath, that Mr. and Mrs. Huber had a knowledge of this action going on today and then discussion was held. If someone could come up and provide that testimony, that would be excellent.

MR. MULHERE: They were notified, obviously, through all the usual, but I'll let Patrick talk about the specific context.

CHAIRMAN STRAIN: Thank you.

MR. DORBAD: Good morning, Mr. Chairman. I'm Patrick Dorbad. I'm the general manager.

I spoke with all the residents, to include Joe. And Joe was not truly in favor of it when we started it, but we were sensitive to the landscaping area, and we're working with him regularly as soon as -- via email just this week. So we're very sensitive to him. He's a good man, and he's supporting the project that we want to do overall, and we're working with him.

CHAIRMAN STRAIN: And, you know, I have not spoke to him. I have not received any correspondence from him. I simply looked up in the tax assessor's map who was the most affected party, and he certainly is.

I had asked Bob earlier about putting a wall alongside his property to provide a further buffer to him, and I was told that the residents there prefer not to have a wall. Is that a true statement?

MR. DORBAD: From Joe Huber, not generally. We had a meeting as soon as yesterday, as Bob reported, and there were several residents in the meeting, and everybody was frowning on a wall in that area.

In our community, we had options of trying to get a wall similar to a community across the way, Monterey, and there was big objections at that point. So I believe Bob's basing his thoughts on that.

CHAIRMAN STRAIN: Okay. Thank you very much, sir. Appreciate it.

Does anybody else have any questions of anyone at this time?

(No response.)

CHAIRMAN STRAIN: Okay. And, Bob, there's no need -- anything else you want to add before we close the public hearing?

MR. MULHERE: That's good. Thank you.

CHAIRMAN STRAIN: Okay. We'll close the public hearing and then open for discussion. If someone on the Planning Commission feels (sic) to make a recommendation, here's some considerations: Number one, an easement will be required to be vacated where the right-of-way is, and that vacated area will have to be added to the PUD as preserve.

There was a handout provided suggesting we accept the language that's in the handout. There's been two plans submitted. They need to be accepted as exhibits to the PUD. One is a site plan. The other is a landscape buffer plan. It will be A1 and A2.

We need some changes to the acreage on the table on the master plan. And the references to the 25 -- the references to the 15-foot buffer on the exhibit that's being added needs to be changed to 25 feet, and the master plan needs to be reflective of the same kind of change.

And I believe that's all the notes I have. Anybody have any other things they want to consider adding or changing?

(No response.)

CHAIRMAN STRAIN: Is there a motion? Stan?

COMMISSIONER CHRZANOWSKI: I'll move to approve PUDA-PL20150001416, Naples Heritage Golf and Country Club PUD, with the comments and revisions and stipulations you just enumerated.

CHAIRMAN STRAIN: Thank you. Is there a second?

COMMISSIONER ROMAN: Second.

MR. JOHNSON: Mr. Chair? Mr. Chair? May I interrupt one more moment?

CHAIRMAN STRAIN: Let me see if there's a second first.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Okay. Eric.

MR. JOHNSON: Just for the record, the exhibit that's going to be labeled Naples Heritage tennis center conceptual site plan, that has not been reviewed by staff, so the applicant's proceeding at his own risk -- the applicant is -- staff has not reviewed that for total compliance, so I just wanted to say, when staff is recommending approval, that was not --

CHAIRMAN STRAIN: It is labeled as conceptual. I think that's understood.

MR. JOHNSON: Thank you.

MS. ASHTON-CICKO: And that will be an exhibit to the ordinance.

CHAIRMAN STRAIN: Right.

MS. ASHTON-CICKO: That's what you stated. Thank you.

CHAIRMAN STRAIN: Both of them will be, Exhibit A1 and A2, I think we -- were the numerics.

MR. JOHNSON: Correct.

CHAIRMAN STRAIN: Okay. There was a motion and a second.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Next time you guys ask for some deviations, will you? Make this more lively.

That's for Wafaa's --

COMMISSIONER ASSAAD: I was very happy that so far we haven't had any.

CHAIRMAN STRAIN: I figured you'd be happy about that.

We have one more regular item, and then we'll be moving into the LDC amendments. Let's take a 10-minute break and come back at 10:30 before we proceed with the next one.

(A brief recess was had.)

CHAIRMAN STRAIN: \*\*\*Okay. If everybody will please take their seats, we'll resume the meeting and move into one of the last land use actions we have today.

The item is PUDA-PL20160000132. It's for the Pine Ridge Center West planned unit development located south of Pine Ridge Road on the east of Livingston Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission. Tom?

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Correspondence with Bob Mulhere.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: None.

CHAIRMAN STRAIN: Diane?

MR. MULHERE: It was in that email.

COMMISSIONER EBERT: In the -- yeah, the email.

COMMISSIONER SOLIS: I take that back. I believe the email that I received from Mulhere -- Mr. Mulhere was for this project.

MR. MULHERE: It was for both.

COMMISSIONER SOLIS: For both. It was for both, okay. I'm sorry. I stand corrected. I received an email from Mr. Mulhere.

CHAIRMAN STRAIN: And I've had emails and a couple conversations with Bob on this one as well.

Karen?

COMMISSIONER HOMIAK: Email from Mr. Mulhere.

CHAIRMAN STRAIN: Wafaa?

COMMISSIONER ASSAAD: No. No correspondence.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Contact.

MR. MULHERE: It was the same.

COMMISSIONER ASSAAD: Sorry. I got an email from Bob. It's the same email about that. Thank you.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Contact with Bob Mulhere.

CHAIRMAN STRAIN: Okay. And we'll move right into it. Bob, it's all yours. Oh -- yeah, we already swore in. Go ahead. I'm sorry.

MR. MULHERE: Thank you, Mr. Chairman. Bob Mulhere with Hole Montes here representing the applicant, also is K.P. Pezeshkan and Alex Pezeshkan here this morning. Fred Pezeshkan was unable to be here this morning, but otherwise he would be. He sent the A team in in case -- in his absence.

This is really a relatively minor amendment. I hate to say it, but we were before you not that long ago amending this PUD, and we did not have -- we really didn't have final architectural plans. We had some architectural plans. And as you'll recall, we -- that last amendment last year created the opportunity for us to build the office building at four stories, not to exceed 50 feet of actual height.

That -- when we actually got the final architectural designs in, considering the parapet wall and the roof design, we need an extra eight feet to be able to really do the kind of building that would be very attractive and match the Kraft building, which is also an attractive building in terms of its design compatibility. And so that really is the purpose of this amendment.

Now, there is one other additional slight change. There was some concern relative to the parking garage where we had limited the height to 30 feet and two stories that there not be any confusion that that would be a ground floor and two elevated stories.

Subsequently, I've had some discussions with you-all, and there was sort of -- a couple members of the Planning Commission mentioned to me that we could simplify that quite a bit.

And so if we -- if we look at Page 2 of the proposed ordinance, which has the changes on it -- I can put this on the visualizer if it's easier.

So the language that we wrote to change this had -- under parking structures, we had added a parenthetical, three levels of parking which includes the ground level. And it was suggested that we could simply strike through both the new language and this phrase "limited to two stories" such that this would read "parking structures not to exceed 30 feet in actual height," and it's a lot more simple, and it makes more sense.



So -- and then this second change was four stories or 58 feet actual height, whichever is more restrictive. So I think that that language was okay. But, anyway, those are the -- those are the two changes that we were proposing.

CHAIRMAN STRAIN: Actually, E, 3.4E, I think the suggestion was 58 feet actual height, just -- that's it.

MR. MULHERE: Yes, that's correct. Then we would strike through this.

CHAIRMAN STRAIN: We don't need the stories. I don't know what it matters. If you put 100 stories in there, who cares? It's going to be 58 feet.

MR. MULHERE: Capital F.

COMMISSIONER ASSAAD: Could you get four stories within that height --

MR. MULHERE: Yes.

COMMISSIONER ASSAAD: -- for the parking?

MR. MULHERE: Yes. No, the parking would be limited to the 30 feet. The building -- the parking's going to be -- let me show you the site plan.

So the parking is -- the building is proposed here, and the parking is proposed to be next to it on the side. So the building will be four stories not to exceed 58 feet, and the parking will be adjacent to the side, not to exceed 30 feet.

COMMISSIONER ASSAAD: But within the 30 feet of parking structure height --

MR. MULHERE: Yes.

COMMISSIONER ASSAAD: -- can you get four levels of parking?

MR. MULHERE: No. We're going to -- only proposing to do three, and that's sufficient.

COMMISSIONER ASSAAD: So you're going to say ground and two?

MR. MULHERE: Yes.

COMMISSIONER ASSAAD: Not to exceed 30 feet in height?

MR. MULHERE: Correct, yes.

COMMISSIONER ASSAAD: Okay.

CHAIRMAN STRAIN: Well, no, no. I think what Wafaa said is you're going to say ground and two not to exceed 30 feet. I think the correction is just leave it 30 feet.

MR. MULHERE: We're just going to leave it at 30 feet, but we only need three floors, ground and two elevated, and we can do that within 30 feet. So we're okay with that. So the height will just say garages not exceed 30 feet.

MR. BELLOWS: And that's actual.

MR. MULHERE: Yes, actual. And that's the highest point.

COMMISSIONER ASSAAD: Okay. How high is the existing Kraft office building, the highest one, the tallest one?

MR. MULHERE: It's four stories. I don't know what the height, but this will be very comparable with that.

COMMISSIONER ASSAAD: And this will be also four stories?

MR. MULHERE: Correct.

COMMISSIONER ASSAAD: And those changes apply only to Tract B?

MR. MULHERE: Oh, I take that back. Kraft is three stories. This will be four. It's still going to be comparable in terms of height.

COMMISSIONER ASSAAD: This will be taller than the existing building?

MR. MULHERE: It might be a little bit taller, yeah. I don't know the height of that building, but looking at it, it's pretty tall.

COMMISSIONER ASSAAD: And those additional height and parking provisions, could they apply to the vacant piece of property at the front?

MR. MULHERE: No.

COMMISSIONER ASSAAD: They are just limited to Tract B?

MR. MULHERE: Yeah. It's no longer vacant. Germain has built a retail automotive --

COMMISSIONER ASSAAD: So there is no more vacant land?

MR. MULHERE: Correct.

COMMISSIONER ASSAAD: This is the last piece?

MR. MULHERE: Yes.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Any other questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl with zoning division.

Staff's recommending approval with no deviations.

COMMISSIONER ASSAAD: Thank you.

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

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, Bob, do you have anything else you want to add?

MR. MULHERE: I feel like I'm missing something with the deviations.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER EBERT: Bob, the only other thing I was going to say, I would have thought you would have had the height of the Kraft building because it's right next to it.

MR. MULHERE: Yes. I appreciate that. I should have. I apologize.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing.

There's been some corrective language suggested. Is there any discussion from the Planning Commission or motion? Anybody?

COMMISSIONER ROMAN: I'll make a motion to approve PUDA-PL20160000132 with those corrections.

COMMISSIONER EBERT: And I'll second.

CHAIRMAN STRAIN: Motion made and seconded. When we say "those corrections," I'll just read them to make sure it's clear.

Number 4 will read, parking structures, and then after that it will say "not to exceed 30 feet in actual height" and go on with the rest of the paragraph.

Number 3.4E under maximum height, we'll start out 58 feet actual height and that's it.

That's the corrected language we discussed. Is there any other comments?

(No response.)

CHAIRMAN STRAIN: Hearing none, 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.

Thank you.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: \*\*\*And that takes us into the next item up on the agenda, which is our -- I'll pull it up -- our LDC amendments.

Caroline, I know there's two or three people waiting for the LDC amendments. I'd like to move right into theirs first, which I believe is Item F; is that correct? Because there's Item F and Item G. Item G is the architectural standards, and there's nobody waiting here for those, I believe.

MS. CILEK: Correct. We'd like to go into the regular Cycle 2 amendments first.

CHAIRMAN STRAIN: Okay. So with this, we'll move into Item 9F, which will be adoption of

amendments to the Land Development Code, the Cycle 2 amendments.

And we have three people waiting, and I would like to take the amendments in order of those people that are waiting here, Immokalee mobile home overlay first, the ALF/FAR second, and then the conservation item third.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. And if you'll tell us the page all this occurs on, because I've got it all electronically, I'd sure appreciate it.

MS. CILEK: All right. We're going to be going to 2.03.07 and 10.02.05, Immokalee mobile homes. It is the one, two, three -- fourth amendment in your packet for today.

CHAIRMAN STRAIN: I'll let you make your normal introduction, and we'll go forward.

MS. CILEK: Thank you.

So here we're proposing a new application and process for Immokalee non-conforming mobile home parks and sites. It's important to note this is specific to the Immokalee urban boundary.

The goal is to enable these sites to be able to replace units and thereby providing improved units and potentially maintaining the affordable housing in Immokalee.

The minimum requirements are those that are established by the fire district. And we're providing for a new application which is a companion item, and those application requirements are identified in the administrative code section, which is new.

The goal here is to have a process where they will be identifying the existing conditions and taking that forward through the new process identified as existing conditions site improvement plan.

And I'd be happy to answer questions.

CHAIRMAN STRAIN: Okay. I know that we have one item -- one gentleman here from the -- who is a mobile home owner in Immokalee. I'd sure like to get his input, and it would probably be better before we spoke than after so we understand what his concerns are in our discussion.

Mr. Davenport, if you'd like to come up and identify yourself for the record.

Heidi, do we need to be swearing people in for these?

MS. ASHTON-CICKO: For the speakers on the LDC amendments?

CHAIRMAN STRAIN: Yes.

MS. ASHTON-CICKO: No.

CHAIRMAN STRAIN: Okay.

MR. DAVENPORT: For the record, my name is Robert Davenport, and I am an owner of a park, and my sons have two parks that are in dire need of upgrading.

The amendment, the way it is presented, we've gone through it. There's been more than myself working on this project. Unfortunately, some of them couldn't get here today.

But the way it's presented, the staff has been well versed on doing what we would like to see done, and we thank you very much.

CHAIRMAN STRAIN: Okay. So you're in support of the amendment, then, as written?

MR. DAVENPORT: Yes.

CHAIRMAN STRAIN: Okay. With that, I'll move into discussion from the Planning Commission. Is there any corrections or changes or questions of county staff in regards to what's being proposed for this new mobile home language?

(No response.)

CHAIRMAN STRAIN: Okay. And I have had the opportunity in all these to talk with staff as they've been developed, and I don't have any questions left on them. So I think it's fine the way it is, and let's hope it goes forward to the Board.

So, Heidi, we won't be hearing these again, will we? Or is this part of the ones that will be on the 25th?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay.

MS. CILEK: This is going to be heard again on the nighttime hearing on Wednesday, May 25th, at 5:05 p.m.

CHAIRMAN STRAIN: So in order to make everything as complete as possible, if we -- if on the ones we discuss today that can be resolved today, let me know --

MS. CILEK: Okay.

CHAIRMAN STRAIN: -- and we'll take a final vote on those, and the ones we can't, we'll just go on to the next one once we've asked all the questions we have. And if we don't have any, obviously, then the 25th might be a little bit shorter --

MS. CILEK: Perfect.

CHAIRMAN STRAIN: -- because there will be no language changes then.

MS. CILEK: I can do that.

CHAIRMAN STRAIN: Okay. Stan -- oh, you looked like you were going to say something.

COMMISSIONER CHRZANOWSKI: No. I'm just glad to see another Immokalee mobile home change come through. It's --

COMMISSIONER EBERT: It's overdue.

COMMISSIONER CHRZANOWSKI: Well, they've had a long history of doing this.

CHAIRMAN STRAIN: It's been a very complicated process to get this far, and it's taken a lot of work. And I have to credit Caroline and her team with the way they've handled this. You guys have come up with a good proposal. So hopefully this will meet the approval of the Board. I know we've attempted a couple of times, and it just hasn't been ferreted out as well as you guys have done it. So thank you all.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: Let's move on to the next one. And what section are we moving to next?

MS. CILEK: Okay. We are going to go to 5.05.04, group housing.

CHAIRMAN STRAIN: I hate to ask you this, Caroline, because you're probably not going to provide an answer to me that's going to work. When I get my package, it's -- this one is 86 pages of your LDC amendments in order, Page 1 to 86.

COMMISSIONER SOLIS: Yeah, I have the same issue.

CHAIRMAN STRAIN: Andy's got the same issue. When we get them out of order that the package was presented to Judy when she copied these --

MS. CILEK: Sure.

CHAIRMAN STRAIN: -- we don't have any way of following you without going through 86 pages to see where you're at.

MS. CILEK: At the next meeting I have an idea that we will share with you, and you can either bookmark the PDF, or I can write down the pages and I can share with you the page numbers. There's two ways to handle it, and we'll make sure to do that before the 25th.

CHAIRMAN STRAIN: Okay. So --

COMMISSIONER SOLIS: Bookmark would probably work perfectly.

MS. CILEK: Bookmarks would be great, because then you can just click on it, and it will take you right there.

COMMISSIONER SOLIS: Right.

CHAIRMAN STRAIN: Now, the bookmark's the PDF function? And that will work. Because I happen to be the only one using Apple, and --

MS. CILEK: It's a fantastic --

CHAIRMAN STRAIN: -- Apple's a much better system to use than Windows for me. Andy's going to switch over one of these days.

COMMISSIONER SOLIS: Product placement here.

MS. CILEK: It will work for both of you.

CHAIRMAN STRAIN: See the Apple folks.

But, anyway, whereabouts in this 86 pages is the -- approximately? Halfway? Quarter way?

MS. CILEK: It's the next. So go past the one we were just on. It's the one after that. So you're going to pass Conservation Collier.

COMMISSIONER SOLIS: It's after Conservation Collier.

MS. CILEK: Right.

CHAIRMAN STRAIN: After Conservation Collier.

MS. CILEK: And it's starting with 2.03.03 commercial zoning district, and 5.05.04, group housing.

COMMISSIONER SOLIS: It is Page 70.

CHAIRMAN STRAIN: Thank you, sir. And I guess what you and I can do is if I find it first, I'll let you know. If you find it first, you can let me know. Thank you. There it is.

Okay. Go ahead.

MR. HENDERLONG: Good morning, Commissioners. Rich Henderlong, for the record, principal planner.

This -- the purpose of this amendment is to grant relief to conventional commercial zoning districts by allowing floor area ratios greater than 0.45 and up to 0.60 to be approved by conditional use for group housing units.

Generally, group housing units consist of dwelling units such as care units, assisted living facilities, and continuing care facilities and nursing homes.

The amendment change allows equitable treatment of the commercial zoning districts through the conditional use review process when compared to the FAR deviations by PUD approvals. The proposed conditional use process requires a public hearing with several forms of public notice to surrounding property owners which is similar to a PUD rezone process.

The amendment has been reviewed and approved by DSAC and LDR subcommittee. There is one additional note we'd like to give you this morning is -- because group housing is currently a conditional use in residential zoning districts, the Commission may want to consider to bring back at a later date the equivalent changes for residential zoning districts as well.

So Caroline also has an email she'd like to share with you from Kim Grant she'd like to address.

CHAIRMAN STRAIN: Thank you. And I noticed Kim's here, too, so she'll hopefully be able to address us in her issue.

Did you want to bring it up first?

MS. CILEK: Sure. We sent out an email with the attached email from Kim Grant to me identifying the possibility of adding to this amendment that when applicants are seeking a deviation above 0.45, FAR, that a certain percentage of that excess going up to .6 would be dedicated to Medicare and Medicaid beds within these group housing units. So this is something for you-all to consider, and this comes from the advisory board that handles affordable housing.

CHAIRMAN STRAIN: And it was also presented to the Board of County Commissioners, and I believe it was one of the items they wanted further review and --

MS. CILEK: Yes, thank you.

CHAIRMAN STRAIN: -- they seemed to promote, so hopefully Kim can shed some light on that for us.

Hi, Kim.

MS. GRANT: That's correct. Would you like me to make a couple of comments about this for background?

CHAIRMAN STRAIN: Yes. Just identify yourself for the record, and we'll be good.

MS. GRANT: Very good. Kim Grant, director of community and human services here at the county.

By way of background, for a year, year and a half or so, the Board of County Commissioners and the Affordable Housing Advisory Committee have been looking to address solutions for the need for additional affordable housing/workforce housing in our community.

Last December the Affordable Housing Advisory Committee brought forth to the Board of County Commissioners an extensive list of the potential recommendations for them to consider. One of the ideas was that we somehow incorporate when there's an -- when this type of request is made for an increase in the FAR rate, that we look to somehow have some portion of that go towards either affordable or senior housing.

So at the time it was presented to the Board of County Commissioners, it was still conceptual, and the Board directed staff and the Affordable Housing Advisory Committee to look at all -- look at that incentive as well as lots of other incentives as part of a process to develop a plan for addressing the needs in

our community.

In the meantime, this LDC amendment came through, so it became an opportunity to potentially piggyback on this LDC amendment and incorporate one of the ideas that had been considered.

So as has already been stated, the idea is that should this amendment be accepted, if there is an approved increase in the FAR, some percentage -- and AHAC was recommending 50 percent of the increased units or beds -- would be made for Medicaid or Medicare eligible.

That's the background, and I'd be happy to answer any questions.

COMMISSIONER ASSAAD: Excuse my ignorance.

CHAIRMAN STRAIN: Go ahead, Mr. Assaad.

COMMISSIONER ASSAAD: What is FAR?

CHAIRMAN STRAIN: Floor area ratio.

COMMISSIONER ASSAAD: What FAR stands for?

CHAIRMAN STRAIN: Floor area ratio. There's a -- the few pages back -- and Charlette, right there in her book, is an explanation of how it's calculated.

COMMISSIONER ASSAAD: Thank you.

Kim, just some clarifications. This is only going to be for straight zoning, so it's a good trial balloon to put forth.

The Medicaid and Medicare beds available in Collier County for dementia, Alzheimer's, senior living where you've got to have some assisted -- let's say assisted living, which is what this generally applies to, group care facilities, do you know how many are available in the county now? I mean, I know it's very minimal, if any.

MS. GRANT: It's very few. I do not know the count.

CHAIRMAN STRAIN: Okay.

MS. GRANT: But I will tell you that in our work there's been extensive community input, including from the senior community as well as people in the health industry and so forth that are involved in these types of facilities, and it was a general consensus that there were very few, if any and, at any rate, there's a need for more.

CHAIRMAN STRAIN: And I've had to experience a need for those, not for myself but for relatives, and some of you probably think it should be for me. But in my research there, I've found that in this county it's almost impossible. There's one place over on Goodlette Road, I believe, may accept some. Most of them say they'll accept Medicaid but as an offset to the 6,000 a month they want, and so it ends up you've still got to come out-of-pocket 4- or 5,000 a month, so that isn't really a true Medicare/Medicare bed. That's just a portion allowance.

I'm hoping that with this recommendation, as it goes to the Board, it will give them a chance to talk and vet it out from their perspective. And we'd be looking at Medicaid and Medicare beds funded; not portions of the overall price, but a funded Medicare/Medicaid bed situation.

I fully -- I think it's a great idea. I think it's badly needed in this county. We shouldn't have to move away when we get older because it's too expensive to live here as we get older. So I think it's an absolutely wonderful idea to start with, so I appreciate it very much.

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: How do we see this working with PUDs?

CHAIRMAN STRAIN: We haven't got there yet, but I think we'd be looking at this -- if the Board accepts this as a standard, I would suggest this board then follow up with an inclusive recommendation when we have these come through to the Board, and they can consider it in PUDs until such time as we change the code further to make it a more prominent requirement.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: It basically starts to set a template of where we want to go.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: At least that's how I would suggest. Does anybody else have any?  
(No response.)

CHAIRMAN STRAIN: Okay. Kim, thank you very much.

And I think, Caroline, we're looking at adding the language to provide as Kim has indicated the need for the Medicare/Medicaid allowances for it, so this will come back on the 25th with some refined language?

MS. CILEK: Yes, we can do that.

CHAIRMAN STRAIN: Okay. Let's go to the next one. And anybody else have any other questions?

COMMISSIONER EBERT: No. I think it's excellent also.

CHAIRMAN STRAIN: Next item up?

MS. CILEK: Okay. We're going to 3.05.07, native vegetation requirements, and this one is addressing the changes to offsite native vegetation. Rich will be presenting.

CHAIRMAN STRAIN: Fifty-six, Andy.

MR. HENDERLONG: Rich Henderlong, principal planner.

This amendment follows board direction of March 22nd this year to prepare and publicly vet an LDC amendment to modify monetary payments to meet offsite native vegetation retention requirements.

Basically, it changes the long-term land and land management payment amounts from a percentage of average land purchase in the county to a fixed payment amount that will be re-evaluated every three years through the Collier Conservation program.

The recommended payment amounts proposed by the amendment have been vetted, they have been reviewed, and they have been approved by DSAC and Conservation Collier Land Acquisition Committee and the respective subcommittees.

The Planning Commission today is being asked to select and recommend to the Board one of the proposed payment amounts by DSAC or CCLAC.

Based on your recommendation today and at a subsequent later date, the Board will amend, by resolution, the growth management development fee schedule in accordance with the recommendation.

With that, we're happy to ask -- answer any questions you may have. Along here with me today is Kim -- is Alex Slay (sic) with the Collier Conservation group and the CCLAC committee to answer any questions you may have in followup.

CHAIRMAN STRAIN: There's going to be some needed explanation, at least on my part.

MR. HENDERLONG: Okay.

CHAIRMAN STRAIN: When we start talking about land cost, either DSAC or Collier Conservation, where do they get that initial land-cost value from?

MR. HENDERLONG: The initial land-cost value started with about \$25,000 an acre on an average base from the acquisitions for all of Collier Conservation. During the vetting with DSAC LDR subcommittee, Jeremy -- I forget Jeremy's last name -- one of the members, and basically talked about what the current costs have been, that his experiences have been with lands in terms of trading. They were coming up average somewhere around 30-, 32,000 an acre, and they basically made that adjustment predicated on some of the acquisition costs and then also for what their clients have been able to buy and bring into play.

If there's further explanation, maybe Alex can address it.

CHAIRMAN STRAIN: No. I thought that's where you pulled it from. Let me give you an example. I think we had a -- we had a small triangular-shaped project down by Bear's Paw come in here a couple years ago, and we got into this issue of how much should they -- they want to do everything off site, and there was an issue, okay, well, what's the land value to move it off site?

They wanted to go out to Winchester Head or someplace and pick up a parcel of land for a few thousand bucks, or whatever number it was, and say, okay, there's their offsite mitigation.

Now, in return, that freed up more land in the urban area for them to build their density on. The value that we ended up looking at was some mixture -- and I can't remember without going back and reading it all -- between what their land value was in their project for what they wanted to do with it versus what they were to purchase off site.

I think if you go to any development and say, we're going to base a land value for you to purchase off site by that remote offsite value of the land, not the land that you're gaining for additional development in the urban area that's probably worth 10 times as much.

And I'm wondering if anybody looked at that as part of the equation, and does that fit in anywhere in the numbers that you provided to us?

MR. HENDERLONG: Initially it did. CCLAC started out with a higher value, somewhere around 86,000 an acre, and during the vetting process, it got worked down.

The project you're talking about, Bear's Paw, that used the 125 percent rule, and that was a negotiated value that came about.

The observation (sic) has been that the movement of developers taking a closer look at this have been a problem for them trying to negotiate between buyer and seller and not having a fixed term that they can go after in the event for Conservation Collier to go along.

Also, it was also vetted that the sellers' sides have been holding out for some of the higher prices. And the perception is that by starting with this on a three-year evaluation period as a trial basis, that given a fixed amount, it allows that due diligence period for which a buyer and seller can enter into and incentivize them to come to terms and agreement. Nothing occurs until there's an agreement between both the buyer and seller.

CHAIRMAN STRAIN: I know, but I'm not -- and I may not be saying this correctly, because I don't think we're on the same discussion.

Why are we basing the land value on remote land? Why aren't we basing the land value on the value that the developer is gaining from the price he paid for that land that he now can make into pure development?

It's like in the RLSA, when you build a town out there, you don't need to provide water management within the town's developed area because you can use the WRAs that surround it. That's worth 15 percent additional land for development.

So we're doing the same thing, but here we're doing it in the urban area, but the land values in that urban area are a lot higher.

So did we -- how did we consider those land values?

MR. HENDERLONG: Okay. That's a very good point. The coastal urban area values are much higher. The debate was dealing with rural lands. Those lands were somewhere around 2,000 to \$3,000 an acre they had discussed and talked about. So the number that both committees were struggling with was coming up with a blended number, and that's how they came to it, for whatever reason, but that was the general discussion.

CHAIRMAN STRAIN: Okay. Because, you know, I think we know -- when a development comes in, we have a couple known factors. We know what the contract price is, or we got doc stamps to show what the price was for the latest transaction, and/or we have the property appraiser's value that was made on the property from its most recent reevaluation based on similar sales.

Now, that's always a little bit lower than market at the time because they're a year behind. So why aren't we looking at that as the basis to start the valuation? Because that's the real gain to the development.

MR. HENDERLONG: I'm going to let Alex answer that.

CHAIRMAN STRAIN: Okay.

MS. SULECKI: Good morning. For the record, Alex Sulecki, coordinator of the Conservation Collier program.

That's a very good question, and it's one that we considered in the beginning of this amendment in 2010. And so it's why we had separated the payments based on where they were located.

So if a project was located in the urban area, they were supposed to either pay that -- the thinking was that Conservation Collier had been acquiring property in the urban area. It was very expensive, as you note. And so if developers were going to be allowed to off-site preservation out of the urban area, they should be, essentially, compensating Conservation Collier for the monies that it has paid for urban preserves.

So that's why it was based on 125 percent of the property values in the urban area if they chose that monetary value.

CHAIRMAN STRAIN: So you're equating urban preserve value to what Conservation Collier paid for the most like -- most similarly market urban preserve that you bought --

MS. SULECKI: Yes.



CHAIRMAN STRAIN: -- not the value of the development land that developer's building on?

MS. SULECKI: That was the thinking at the time, yes.

CHAIRMAN STRAIN: Okay. I'm trying to figure out -- first of all, you've built into a system here that every three years you'd re-evaluate the land, and the land you'd be revaluating is the cost of the rural land or the mitigation land instead of the land that developer's building on.

Well, if you focused on the land that the developer's gaining and building on, you'd have several opportunities not to have to reevaluate because you've got a tax assessor already evaluating the land based on the most recent sales, and/or the amount of recorded value that the developer himself would have contracted the land for when we recorded the purchase.

And I'm just wondering, wouldn't those two be better from a fairness for both sides to say, you're gaining a value of X by allowing you to go off site with this. We should at least gain a proportionate share of that value instead of letting you go out and find the lowest priced land or some basis based on the lowest priced land as an average out in the rural area.

I think this is a shortfall, not a -- it's shorter than it should be. It's less value than it should be.

MS. SULECKI: Well, that's certainly a way to look at it.

The way we looked at it initially was in 2010 we were asked to come up with an amount that we wanted for management. At that time, Conservation Collier was separated, when the income came in it was separated; 85 percent to land acquisition, 15 percent to land management.

We had just acquired the bulk of our land, so we were at that time, and only then, able to really look forward and see how much that land was going to cost us to manage into the future.

What we determined was that we should have been setting aside 25 percent was our land -- of our income for land management, because it was going to be approximately 25 percent to manage these lands.

When we did the first amendment, I think we erred in tying it to property values, because that wasn't the whole program, and it wasn't 25 percent of the whole entire income.

So at this point what we've done is switch from that percentage to actual cost -- actual cost. Because when I did the comparisons with the state and federal agencies who do this type of thing, their overreaching principle was full cost accounting.

So I'm sure you could do it a number of different ways. We chose to look at what it would actually cost to manage those lands and charge that.

CHAIRMAN STRAIN: Okay. Well, I mean, I understand what you did. I just thought there might be a better gain to do it in more relationship to what's value gained by the development for doing this off site. Not 100 percent, obviously, but there should be some percentage of the value gained, and I was more looking at that as an opportunity than the way it's been done here.

COMMISSIONER ASSAAD: Do you have an objection to the way Mark is proposing it? You explained your position, how you arrived at your numbers, and there was a proposal or an idea presented by the chair. Do you object to his idea?

MS. SULECKI: No. I mean, the devil's in details, certainly, but no, I don't object to it. I think there are probably a number of ways you can arrive at the same or roughly the same result, which is paying for the management for these properties in some time period that approximates perpetuity, because that really is the sticking point here, because you can't plan for perpetuity.

CHAIRMAN STRAIN: And you've incorporated that into your proposed numbers, but the base number that you started with is the piece that I'm pointing out.

MS. SULECKI: Okay. And we just followed the district's formula, basically --

CHAIRMAN STRAIN: District being?

MS. SULECKI: The South Florida Water Management District. This is their formula for mitigation for a conservation bank.

CHAIRMAN STRAIN: Okay. And, obviously, mitigation, if it's lower value, it's encouraged then by the development community to participate in it, but at the same time it all -- it decreased the amount of green space and open space and preservation we have in the urban area because we're incentivizing them to go elsewhere because we're giving them a better price.

So if you can buy something for 50- here and the property you're flipping to keep it -- to develop it is

worth 150-, my goodness, who wouldn't do that deal?

And I'm not sure that's the right mix. In fact, I would rather see the character of community -- of Collier County protected by dis-incentivizing off-site mitigation and --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- encouraging more mitigation in our urban area. I think that makes it more walkable, it makes it more appealing, it gives the character that this community, I think, was founded on at least in the years I've been here.

So I'm not particularly liking the way this is going. I understand why you've done it now, and I appreciate your input. But I'm just concerned about incentivizing such issues.

Go ahead.

COMMISSIONER ROMAN: Mark, I also shared that concern when I met with Alex, and we spent a couple hours together. And, obviously, the property in the urban area is more valuable in terms of what it would cost to purchase that land but, also, the developer has the opportunity to go and buy the land and then donate land to Conservation Collier.

So with that option -- with that option there, even if we valued that contribution higher, the developer could still go out and buy a parcel for less money.

So maybe since there's been so much work done on this for -- since 2010, they've come up with some good formulas, and I think the CCLAC and DSAC both did a lot of work on this -- maybe there's a way to use a multiplier in certain regions in the county so that -- where we take these solid numbers here but use -- and I'm thinking off the top of my head here, but some way that we could use a multiplier so this figure is multiplied to determine their contribution.

If the property is in a band that's, you know, higher value than what would be moving further east -- I don't know. I'm just throwing that out there -- so that these numbers have been really worked on to a point where they've captured a lot of the costs but maybe not the reciprocal amount that's donated by the parcel of property that is being requested for mitigation.

CHAIRMAN STRAIN: Well, I was hoping if we could utilize a basis that reflects something that's already on the books, it would save a lot of the -- trying to understand what's -- what is comparable.

Basically, if a developer's gaining something, he's got a value; he knows what it is. The comparable's right there. And if it's a piece of property that's in the urban area, it's got an assessed value, it's got a contract value, those elements would give us a less ambiguous way of approaching the land value that the developer's gaining in relationship to how much mitigation value off site would be. I really don't think we ought to be incentivizing mitigation out of the urban area because --

COMMISSIONER ROMAN: Well, you know, that's my --

CHAIRMAN STRAIN: Well, our urban areas, the way we've constructed it with the architecture, with the landscaping, and with the green space is what's made Collier County number one in a whole bunch of categories in this, and I want -- I don't want to see this turned to be used against us to de-incentivize what we've got in the urban area, and I'm worried that this methodology will.

I would rather see the land cost basis be the land cost tied to the land that's being opened for development. Then we'll get a number that's less likely to incentivize people to move out. Now, that's going to hurt, obviously, the ability for some mitigation in the rural area, but we've got multiple programs generating more mitigation in the rural area now, and we've got more coming up, because the replanning exercise that Kris VanLengen's doing is going to come back with more incentivizations for this rural mitigation.

So I think the rural area's going to be able to take care of itself. I don't think the urban area needs to incentivize itself that much to help the rural area, because we are going to have good mitigation out there. I think the basis for this is somewhat -- maybe we ought to turn it around. And I'm concerned about it for that reason.

I'd like to walk through that and at least tell you the comments on some of the cleanup items that may help but that's, overall, my concern for the way the whole program's been approached. And I'm sorry that it came this late, but I've just seen this when it was given to me last week by Caroline. So it's the first opportunity I've had.

But with that in mind, if the Board doesn't mind otherwise, we'll just walk through with any comments. I know Heidi had some comments, and I do.

COMMISSIONER ASSAAD: I agree with your point of view.

COMMISSIONER EBERT: Yes. Yes.

CHAIRMAN STRAIN: Great. Thank you. Okay. Well, that's somewhat of a consensus from this board.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: I know you can only go so far with what you've got to do, Caroline, and this will come back to us on the 25th. And if there's -- if there's no change in feeling based on what we see on the 25th, it just may go forward with a recommendation for the Board to consider another opportunity from the Planning Commission's perspective, so...

MS. CILEK: Okay. That will work.

COMMISSIONER EBERT: Yeah. I agree with you, too, Mark, on this, because they're wanting now to take this stuff closer to the beach and just put it way, way out and it's -- you're right, the money value is just not there.

COMMISSIONER ROMAN: And the management of that land that's --

COMMISSIONER EBERT: Is becoming --

COMMISSIONER ROMAN: -- out there, I mean, when I looked at the chart -- and a picture's worth a thousand words -- and you see how few parcels have been purchased that are contiguous out there.

I had issues with one of the assumptions by DSAC in this report that said in five years, you know, the management would go down because of more integrity with the parcels. I'm not sure, because when I looked at how many parcels had been purchased, I really expected to see more green, but there wasn't. And I think that there's some challenges with some of the assumptions as well.

CHAIRMAN STRAIN: Okay. Well, that's just the general comments and specifics.

Stan, did you have something you wanted to --

COMMISSIONER CHRZANOWSKI: Yeah. I've got a question and maybe a comment. Rich, that was Jeremy Sterk you were talking about.

MR. HENDERLONG: Yep.

COMMISSIONER CHRZANOWSKI: A question, maintenance on these areas, how much of that is exotic removal and how much is other maintenance? A percentage, rough.

MS. SULECKI: One hundred.

COMMISSIONER CHRZANOWSKI: One hundred is exotic removal?

MS. SULECKI: Well, no. It's staff time and exotic removal. The work is all exotic removal.

COMMISSIONER CHRZANOWSKI: Okay. Fifteen hundred acres out of 2,000 in this county is in preserves of some kind. I spend a lot of time out in the woods, and I see exotics everywhere. I'm starting to think it's a waste of time and money to do exotic removal. I don't see a program that's working. I mean, we're losing the fight, and we're spending a lot of money.

It's just a comment. And you're going to hear it over and over. I don't know how good a job you're doing at taking exotics out of the land you own, but I've been out to Winchester Head and looked at those parcels, and they have a lot of exotics on them, and you're not -- and they're going to spread. And you're not taking them out yet, right?

MS. SULECKI: That's correct. Until we own a contiguous block where it makes economic sense to go in and remove the exotics, we have an interim management plan in place that allows us to monitor that.

We have -- we have done a little bit of work where there's been just really awful exotics, but for the most part what we want to do is wait until we have a contiguous area to manage that efficiently and effectively, cost effectively.

COMMISSIONER ASSAAD: How big that contiguous area should be in your view?

MS. SULECKI: That's tricky. We have -- we own about 50 percent in Winchester Head right now. We don't -- it looks more like a checkerboard pattern. We own about 66 percent of the other multi-parcel project, Red Maple Swamp, and we have already started exotic removal on a 53-acre area on the western side that is contiguous, and it's also contiguous with state lands where they do exotic removal. So, really, what we

do is look for the best opportunity, the most cost-efficient way to address the problem.

COMMISSIONER CHRZANOWSKI: Where is that 53 acres again?

MS. SULECKI: It's in Red Maple Swamp on the furthest western edge, Unit 53.

COMMISSIONER CHRZANOWSKI: And how are you removing the exotics?

MS. SULECKI: We are contracting it out to an exotic removal company who uses herbicide.

COMMISSIONER CHRZANOWSKI: They cut and spray?

MS. SULECKI: They cut and spray, yes.

COMMISSIONER CHRZANOWSKI: And they're just -- what are they, earleaf acacia and Brazilian pepper?

MS. SULECKI: I'm not sure exactly. I don't manage that preserve, so I can't say exactly, but I'm sure Brazilian pepper is a big component of it. We've been doing that for two years, too, so it looks pretty good. You should go out and visit it.

COMMISSIONER CHRZANOWSKI: Unit 53?

MS. SULECKI: Yes.

COMMISSIONER CHRZANOWSKI: Thank you.

MS. SULECKI: You're welcome.

CHAIRMAN STRAIN: Okay. Let's move through the document, the pages that were supplied, just for any comments from the Planning Commission.

The first page is the typical amendment request page with the origin reasons and the rest of it. If we move on, on Page 3 we come to a table.

And, Alex or Rich, on the table under land costs for CCLAAC (sic), you're missing a zero. It has a -- that's a big zero.

MR. HENDERLONG: Got it.

CHAIRMAN STRAIN: Okay. If anybody else has any questions on these pages as we go through, kind of just speak out.

I don't -- I think we've got -- Heidi, I know you've got some. I think on the page that starts with the LDC language; it's the top of Page 7 which starts out 3.05.07, preservation standards.

MR. HENDERLONG: Should be H1.

CHAIRMAN STRAIN: H1.

MR. HENDERLONG: Reverse. We've got to change the order.

CHAIRMAN STRAIN: I think there needs to be some reference that this is being reviewed; this is going to be reviewed on a per-acre basis, is that -- Heidi, I'm trying to remember some of your comments from these.

MS. ASHTON-CICKO: Yeah. I was just suggesting that on line -- Line 17, that "the payment amount shall be," and insert based on the per-acre value.

MR. HENDERLONG: Yes.

MS. ASHTON-CICKO: And then reflect that again on line -- Page 51, that "the payment amount per acre shall be," so the insert would be "per acre."

MR. HENDERLONG: So it's consistent in A and B.

CHAIRMAN STRAIN: Right. The line -- the next page under C where it talks about the voluntary payment being reevaluated every three years, that's a -- that could be a substantial issue in time consumption. We have opportunities to look at land value cost changes automatically being done by other departments such as the County Appraiser's Office and things like that. Maybe we ought to -- or we have the AUIR which has a per-acre basis for purchases of road right-of-way, for purchases of parks. You can look at those as percentage increases or decreases over the years, and maybe that's what we should be looking at instead of trying to redo it all.

I can see this could get real involved if we have to reevaluate it every three years and we have a contested valuation.

So maybe as an option looking for an alternative, something that's already established, to look at that.

MS. ASHTON-CICKO: And I had a comment on that one as well --

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON-CICKO: -- that it be taken out of the LDC and that the direction be provided separately, because that's a policy decision and direct -- staff direction.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Thank you, Heidi. And we've spoken with Alex, and she's going to pursue having the direction through the executive summary that will go to the Board.

MS. ASHTON-CICKO: Okay, great. Thanks.

MS. SULECKI: I'm a little confused. Are you talking about the price of property? Because this isn't based on the price of the per-acre property. It's really based on the actual costs, the management costs for that parcel.

CHAIRMAN STRAIN: So it's everything but the base price of the property?

MS. SULECKI: Yes, yes.

CHAIRMAN STRAIN: Okay. Well, no, that's fine. I understand better now. Thank you.

MS. SULECKI: You're welcome.

CHAIRMAN STRAIN: As we move on through the document, we have all the tables from both groups talking about how they've looked at the valuation, and that ends it on, I don't know, about a couple pages past at the end of one of the tables.

I don't have any more questions. I didn't know if anybody from the Planning Commission has?  
(No response.)

CHAIRMAN STRAIN: And -- okay, Caroline, I think from a consensus viewpoint, you've heard our concerns over the incentivization of offsite mitigation versus looking at the values based on the land that's in question for being gained by the development industry, so...

MS. CILEK: Yes. Apart from the changes to the LDC text, per Heidi and per you-all, would you like us to work on a revised figure to come back for the 25th?

CHAIRMAN STRAIN: I think that if the two groups or the Conservation Collier group wants to consider our suggestion and they want to do something in that regard, fine. If they feel they want to go forward with this, that's fine, too. We can take a final vote on the 25th and decide which way we prefer to go and let the Board know our recommendation.

MS. CILEK: Sounds like a plan.

MS. SULECKI: Excuse me. Alex Sulecki again.

We won't be meeting until July, so I don't know if that fits into the time frame.

CHAIRMAN STRAIN: Well, if you feel our position is something you want to investigate because it might be beneficial to your cause, then you may want to withdraw this for this cycle and bring it back again at another time, but that's your call. Where I'm suggesting, and I think some of this board is suggesting, we probably think there might be another way to look at this than you're -- not necessarily you're looking at it, but the way that it's evolved.

MS. SULECKI: That seems to be like a policy decision, so that would be up to you if you wanted to look at it that way.

CHAIRMAN STRAIN: Well, we don't set the policy. The Board does.  
Andy?

COMMISSIONER SOLIS: Yeah. A quick question for me is, this is all being reviewed at the direction of the Board, right?

MS. SULECKI: Correct.

COMMISSIONER SOLIS: And the Board directed -- made some policy decisions as to how and what should be reviewed, right?

MR. HENDERLONG: Yes, they did, and they directed to come up with the payment amount and get it vetted and come back.

There's a third alternative that will be brought back later on an option that's not for discussion here today. That's being extended, but it was narrowed down just to work on the land donation and the monetary long-term payment amount.

Perpetuity, just keep in mind, money's -- the 25 percent rule that was engaged before was only generating enough money for seven years of maintenance. What these formulas are doing, it pushed it out

from 20 years into 50 years, and both committees have agreed on a 50-year management cost number.

So there's actually two values there in front of you. One's for the management cost. The second one is actually when somebody opts to do the land donation plus the long-term management; that's the second value. So you can -- you can probably vote on each or one of them separately. That's an alternative.

COMMISSIONER SOLIS: Because the management number is just on the management of it.

MR. HENDERLONG: That's correct. So if there's a person that goes out there, he goes, buys the land and donates it or he makes a land donation, he still has to provide a cost of -- a number. He has to pay for the long-term management of it.

COMMISSIONER SOLIS: Right.

MR. HENDERLONG: And that's where that 13,200 comes up for the long-term management. In the past they were only getting about seven years -- 25 percent off of the land trades, and that amount of money was only working for seven years, and the Board said -- the Board specifically, in July of 2015, said, that's not enough. Please come back with a better alternative for a longer term management program.

CHAIRMAN STRAIN: So back to Andy's question. So the Board as a policy directed you to look at the land costs in the rural area as a basis for the donation and not consider the land cost that is being gained by the development in which the request is being made from?

MR. HENDERLONG: No, they didn't.

CHAIRMAN STRAIN: That's fine. No was the answer, right? That's fine.

MR. HENDERLONG: No, they did not.

CHAIRMAN STRAIN: I didn't think so. And I still will stay by the position I've already established, so...

Thank you. Anybody else have any questions on this particular item?

(No response.)

CHAIRMAN STRAIN: Okay. Let's move on, Caroline, to the next one of your choice.

MS. CILEK: All right. We're going to start from the beginning and look at the scrivener's error amendment 1.08.02, so this should be in the beginning part of your PDF packet.

CHAIRMAN STRAIN: Well, the -- Andy and I, the beginning part of our packet is 6.06.03 and 1002.11. Whatever order you provided these to to staff to distribute electronically, it's PDF'ed in exactly that order.

So it might be helpful to especially Andy and I, maybe the others that eventually convert over to electronic, that the order you give them to Judy is the order that you want them in so we can follow with you.

COMMISSIONER EBERT: You are so cute.

CHAIRMAN STRAIN: Well, we've got to fish through this thing again. So what's the number, again, 108?

MS. CILEK: 1.08.02, definitions is the first, and there's a long string of LDC sections that is in this amendment.

MR. HENDERLONG: It has one, two, three --

CHAIRMAN STRAIN: It's on Page 14, Andy.

MR. HENDERLONG: There's eight LD (sic) sections being involved with this amendment.

And -- Rich Henderlong, again, for the record, principal planner.

Just give you four bullet points on it. All of these amendments are intended to either (sic) address one of these four points: Correct a cross-reference error, clear up definitions that were in the sign code -- or actually in the definitions section of 108 that appropriately belong in the sign code. A definitions section, we're relocating that there. We're also correcting some figure titles, and we're also removing a figure title that no longer is in effect.

So there are scrivener's errors and their corrections, and no other changes than what was presented to you in the narrative and for your review.

CHAIRMAN STRAIN: Okay. A lot of small changes. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Page 11, we're adding to the ground sign the reference to its height. Isn't that in the -- something that would be in the standards following the section where it discusses ground signs

in the sign code? Is it something you want in the definition?

MS. CILEK: So the height is one of the defining factors for the ground sign, and it does separate it from the pole sign definition.

CHAIRMAN STRAIN: Okay. Then that's fine. That's the only question I had.

Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I don't think there's any issues.

MS. CILEK: Okay.

CHAIRMAN STRAIN: So we should take a motion on this particular one, or is this one that you're going to have to rehear on the 25th?

MS. CILEK: I prefer just to have this on the 25th because it does have changes to Chapter 2, which is our zoning.

CHAIRMAN STRAIN: Okay. Let's move to the next one.

MS. CILEK: Okay, great. Our next one is the next in your packet, which will be 2.03.01 and 5.05.14, a new section addressing public schools.

CHAIRMAN STRAIN: Page 25 for Andy's benefit.

COMMISSIONER SOLIS: Thank you.

MS. CILEK: If Mike Bosi wants to join me, that would be great.

This amendment does follow a moratorium put forward by the Board to address charter schools. And here we are looking to address the traffic impacts of those schools who are moving into, more or less, existing commercial businesses as well as those that are in other residential zoning districts.

CHAIRMAN STRAIN: Mike, did you want to get into an argument now, or do you just want to tell us what you're thinking?

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

No argument. This is a directive that was provided to the staff related to a new charter school being proposed off Immokalee Road just east of Twin Eagles in the Estates.

The statutes -- the Florida Statutes require that local governments treat charter schools as public schools. They recognize that our existing public schools district has an interlocal agreement with the county that ensures compatibility review at the acquisition stage, also at the Site Development Plan stage.

Charter schools designated as public schools by the Florida Statutes have not established that same interlocal agreement to ensure that compatibility review. So the Board of County Commissioners, recognizing that there was a hole within the process for how we would review charter schools, said to go out and modify the Land Development Code to address that exemption that sort of -- that was created by that designation by the Florida Statutes.

This amendment is designed to provide for compatibility review, and also one of the components of the Florida Statutes says that we're required to treat charter schools to the same regulatory processes and development processes that our public schools are developed.

So when you see the amendments, we make a distinction. We say a charter school is a permitted use within the Estates within residential zoning districts as long as they've had -- established an interlocal agreement which would address compatibility concerns.

If they have not established that interlocal agreement, they have to go through the conditional use process, and the conditional use process, as you-all know, is designed to provide for compatibility review of any one use, in this case being the schools. So that was the genesis.

We also added on to a provision related to the commercial zoning districts for when charter schools move into existing facilities. One of the things that has created -- some of the past issues for -- some existing charter schools have moved into prior office buildings. Those office buildings weren't designed for the stacking, the queuing, and we just want to have an extra review of that from a traffic impact analysis related to making sure that there's enough stacking and queuing and there's no spillage into the public right-of-way.

And those are the -- that's the overview of the amendments that's being proposed.

CHAIRMAN STRAIN: Okay. Anybody? Wafaa?

COMMISSIONER ASSAAD: Could that be accomplished by just adding a definition that says that

charter school are equal to and are included into any public school provisions? Could you just change the definition or add a definition that they include charter schools?

MR. BOSI: The statutes say that they are public schools. What they're trying to do is add a distinction that public schools and charter schools, even though they are both under the category of public schools, that there is a distinction between the two categories, because the charter schools have not entered into that interlocal agreement, have not provided for assurance of compatibility; therefore, what we're trying to do is provide a distinction between that subgrouping of "public."

And I think Mr. -- or Commissioner Strain will point out that that led to some of the confusion that has happened specifically within the Estates zoning district of that distinction between a category of public schools.

COMMISSIONER ASSAAD: Thank you.

CHAIRMAN STRAIN: Well, thank you for the entry. And the issue is specifically different in the Estates than it is elsewhere in the county. When the governor said that charter schools are to be equivalent to public schools, I'm not sure of the intent, and I don't think anybody can say it was. That it -- and under all conditions.

In Golden Gate Estates, the only time public schools were allowed as a principal use by right was when they were considered essential services. Essential services are government facilities. They are essential. They're not optional. Charter schools, by definition, are optional. They're not essential.

I have argued repeatedly that in Golden Gate Estates, if you look at the history of the code changes and how public schools were added as a principal use, it was done by an executive summary by County Attorney's Office in 2003. In that executive summary, the county attorney at the time said that this is being done to clarify that the intent of the essential systems was to allow public schools because under conditional uses public schools and private schools were required to have a conditional use.

That created confusion because our essential service provision for just the Estates -- and it's Section 2.01.03.D -- said that you could have a public school as a condition -- as an essential service.

So people would come out and say, well, we want a public school here, or the school system, because it's an essential service. It's allowed as a principal. Then you could say on the other hand, well, no, it says public schools are conditional uses.

To clarify that, in 2003 or '04, the County Attorney's Office asked for a clarification to the LDC to include them as principal uses, but the intent was, and it stated in the executive summary, as an essential service.

And so my argument has been continuously that the public schools in Golden Gate Estates are only allowed as essential services. And the one correction I'd like to see to this presentation that the planning staff has provided, was in 2.03.01 where it says, A, permitted uses, education plans, my suggestion is that it say, as an essential service per Section 2.01.03.D, and that puts it back to the way it was intended and the way the change was intended that now has gotten -- and as Mike has said, he reads the plain, simple language of the code.

Well, you can't see the intent if you do that and, unfortunately, the intent, how that plain, simple language got to be so plain and simple didn't get thoroughly vetted in the language that was finally adopted by the code.

So I'm suggesting that that be added back in so the intent matches what the original intent of public schools was in the Estates, so...

COMMISSIONER ROMAN: Where is the addition, again?

CHAIRMAN STRAIN: It would be on the first section of the actual language change where it says 2.03.01, agricultural districts --

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: -- B, Estates, and then it says, Estates, E and A.4. I would suggest we add that -- add the language referencing as an -- and where it says educational plans and public schools, as an essential service per Section 2.01.03.D. And that's the only issue I have with this whole thing.

So other than that, I don't --

COMMISSIONER ROMAN: I'm following you now.



CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: I'm curious about something.

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: Totally -- maybe on the same topic. If I go to North Horseshoe Drive at the wrong time in the afternoon, there's -- you're laughing.

CHAIRMAN STRAIN: You can thank the City of Naples for that.

COMMISSIONER CHRZANOWSKI: There's a half-mile line of cars. What is that all about?

MR. BOSI: That's about -- Mason academy occupied a -- it was a long vacant commercial building that was on the east portion of South Horseshoe Drive. Mason academy moved in -- that's the City of Naples, too, so it's really outside of our zoning, but it was one of the issues that spurred the commercial modifications within there.

They moved in as a permitted use, and there was no review required for it. That's about a facility that's designed as a school without the contemplation of the stacking issues that are associated with schools at the morning time at the dropoff and then in the afternoon. You're right, it circles around. And they've at least now developed a pattern of getting --

COMMISSIONER CHRZANOWSKI: It's got to be a half mile.

MR. BOSI: They've now developed a pattern of to get off the roadway to the right-of-way to sit kind of on the berm of the property that sits to the south of the road, so, yes.

And that's part of the motivation that we addressed and Carolina has addressed related to the commercial component of these amendments, and that specifically what we're going to look for, that traffic circulation, the queuing, the dropoff, those aspects. That's what --

COMMISSIONER CHRZANOWSKI: And that's going to be like that forever?

MR. BOSI: That will be like that forever because I think they've occupied now that entire facility.

COMMISSIONER ROMAN: I seem to recall something about that academy. Was it because of the airport? I seem to recall something that came before this board because of the flight pattern with the airport or whether that school -- there was something, because --

CHAIRMAN STRAIN: That would have gone before the city planning board but, unfortunately, there was -- I don't think there's a lot of communications when these things happen in the county and they're -- but they're part of the city and vice versa. So I wish both municipalities on these ventures where they impact us so badly we could communicate better, but --

MR. BOSI: And, Stan, interestingly, just across the street of Airport Road and Radio, another facility moved into another existing commercial establishment that creates similar issues heading from the east to the west of the intersection of 41 and Radio where they -- we have some stacking within the right-of-way; that's another one that has kind of highlighted the issue as to -- not that we don't want to allow for these facilities to occupy it. We just want to allow that we have a better understanding for how they're going to accommodate those initial demands.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: And, Heidi, I had a couple notes that you had an issue on -- with the references to Florida Statutes and it's outdated.

MS. ASHTON-CICKO: I just have a couple changes on Page 7 --

CHAIRMAN STRAIN: Sure.

MS. ASHTON-CICKO: -- Line 42. The Statute 1000.33 should be 1013.33. And then on Page 8, Lines 16 and 21, at the end of the sentence would add "regarding traffic impacts" on both those lines. Any additional information requested by the County Manager or designee regarding traffic impacts.

CHAIRMAN STRAIN: Okay. Anybody else have any issues on this one?

(No response.)

CHAIRMAN STRAIN: Caroline, is this coming back to us on the 25th, too?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay. Let's move on.

Thank you, Mike.

MS. CILEK: All right, great.

The next amendment is the next in your packet, and we are looking at 2.03.07 and the Immokalee Main Street overlay.

COMMISSIONER SOLIS: Thirty-three.

CHAIRMAN STRAIN: Yes, sir. Thank you.

MR. HENDERLONG: Rich Henderlong, for the record, again, principal planner.

This specific amendment has been requested and reviewed by the Immokalee Community Redevelopment Local Advisory Board. It seeks to allow current prohibited commercial uses to become conditional uses in the Main Street overlay subdistrict for properties with frontage on North Street, North First Street, South First Street, and North Ninth Street. That's the area on the visualizer shown in yellow.

It further seeks to maintain prohibited uses in the Main Street overlay subdistrict for properties fronting on Main Street in between First Street and Ninth Street. That's the area shown in the blue. There are no other changes to this use map.

Lastly, the amendment change, updates, and informational map to the Main Street overlay district boundary legend -- and to the legend and a term for gasoline service stations to facilities with fuel pumps which is based on the direction the Board took on adopting a previous amendment last year.

One additional note is that during the Immokalee CRA's review of the amendment, they included in the recommendation that the Board consider releasing or reducing impact and application filing fees to incentivize commercial business development in Immokalee.

CHAIRMAN STRAIN: Okay. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: As you know, Rich, I've been -- you and I have talked about this one at length, and I went out and talked with the CRA board, so I don't really have anything left. I think what they've boiled it down to and what you've written it up as works to the direction that they had, so I don't have any issues.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Anybody -- I see Mr. Davenport back there. Are you here for any other --

MR. DAVENPORT: (Shakes head.)

CHAIRMAN STRAIN: Okay. Then with that, Caroline, this is back on 25th for final, right?

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. Let's move to the next one.

MS. CILEK: I believe that takes us to the amendment regarding streetlights and engineer versus electrical engineer. That's at the very beginning of your packet. We provided you additional information as requested regarding the Florida Statutes.

CHAIRMAN STRAIN: Page 6.

COMMISSIONER ASSAAD: What item are we on?

CHAIRMAN STRAIN: We're on the very -- 6.06.03 and 10.02.11.

MR. HENDERLONG: Correct.

CHAIRMAN STRAIN: It's on Page 6, Andy, of your electronic version.

MS. CILEK: Correct. And I'll take you to the Florida Statutes, the last page, 471.005, and we've highlighted No. 7. And that one is relaying that a professional engineer can provide for signing and sealing documents that is under their professional abilities, more or less. And this is what we've used to pursue having all engineers apply streetlight plans.

And so far the county has received those from professionals who are qualified, and it's become like their niche area.

CHAIRMAN STRAIN: Questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Heidi, the fact that the Florida Statutes says an engineer can do electrical, is there anything that prohibits us from suggesting that it needs to be an electrical engineer to do that work? I mean, I have a master electrician's license. I deal with electrical all the time. I certainly understand the

difference between what a civil engineer does in digging a drainage ditch and what an electrical engineer does in order to compute the electricity, the amperage, voltage, phasing, and other elements to tie in electrical. It's much more -- it's a little different. I mean, if a drainage ditch overflows, it's going to have a different reaction than if you've miscalculated on your power needs.

I would suggest we leave this with electrical engineer, but I don't want to do that if you're -- if you have the opinion that we have to -- we have to allow regular engineers to do it, regular --

MS. ASHTON-CICKO: No. It's within your discretion. Currently you do have the heightened standard of a PE with an electrical engineering degree, which would make him an electrical engineer, as opposed to just a general PE that could have various engineering backgrounds.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: She's right. PEs aren't licensed as electrical engineers. You're licensed as a PE. But when you graduate, you get, like, a BCE, bachelor of civil engineering, BSME, bachelor of science mechanical engineering.

If you have a degree in electrical engineering, that has -- you're an electrical engineer. In the PE rules, it makes it unethical for you to do something that you're not trained in. So, you know, being a PE, I wouldn't care if you left it as an electrical engineer, but that's kind of an ambiguous thing.

CHAIRMAN STRAIN: Well, the only thing I have, Stan, is I know that like all professions, you have ethics to abide by but, like all professions, not everybody that's in that profession necessarily follows the line.

COMMISSIONER CHRZANOWSKI: The PE license doesn't say anything about the practice that you're in, but Heidi's right, if you put down that the PE has to have a bachelor's degree in electrical engineering, that would probably cover it.

CHAIRMAN STRAIN: I think that would be fine. I would have no problem using that as a basis, but I really think we're shorting our public health, safety, and welfare by just not looking at a more stringent code when it comes to matters as grave as -- well, electrical work can be very dangerous. It's a lot different than some of the other methods of engineering. So I'd still like to see it left as electrical engineer.

MS. CILEK: Okay.

COMMISSIONER CHRZANOWSKI: Mark, when the aerospace industry went under, a lot of aerospace engineers decided that they could do structural design. And you remember that we had some failures, so, you know, it's -- people should not do what they're not trained to do.

CHAIRMAN STRAIN: Well -- and I've been told that a lot of the civil engineers will sub out the electrical component of it to someone specializing in it. Well, then there's nothing wrong, then, with saying electrical engineers should do it. They're doing it anyway. And if that's the case, why not leave it like that to assure that higher level of safety? I don't see the need for the change.

MS. CILEK: And we can bring back the amendment to reflect that we do want the LDC to be consistent if it is to relay an electrical engineer is to supply the streetlight plans. I will say that in conversations with staff, the plans that we are -- that applicants are required to provide are not super difficult when it comes to the electrical aspects of it, and so many professional engineers have become experts, more or less, in the area.

And there is going to be an opportunity to look at a higher level of lighting in the coming years when we go back and, per board direction, talking about sort of the Dark Sky concepts. That will definitely require more expertise than we do today, but we can bring the amendment back to reflect the electrical engineer.

COMMISSIONER CHRZANOWSKI: If it's just the siting of the streetlights, you know, one every 250 feet or one every 400 feet, anybody can do that. But if you're putting wires in of a certain size, then that should be an electrical engineer.

CHAIRMAN STRAIN: That's where I'm coming from, so...

MS. CILEK: Okay. Well, we'll take that information back to staff, and we'll bring forward a revised amendment.

CHAIRMAN STRAIN: Anybody else have any issues?

Caroline, what's the next one?

MS. CILEK: Okay. That brings us to approving amendments from last time.

CHAIRMAN STRAIN: You mean the architectural?

MS. CILEK: Let's stay on this cycle. What I'd like to do -- regular amendments. What I'd like to do is go forward and do -- if you have your packet from last week, we have preserve signs and some amendments that you-all had no changes to that we could approve so that we don't have to do them on the 25th.

CHAIRMAN STRAIN: Okay. What agenda item is that, 9F or 9G?

MS. CILEK: Good question.

CHAIRMAN STRAIN: Well, it has to be on the agenda, because if it isn't in 9F packet or it isn't in 9G packet, it's not on the agenda.

MS. CILEK: Well, we can do them on the 25th then.

CHAIRMAN STRAIN: Well, I'm not saying I want to, Caroline.

MS. CILEK: Okay.

CHAIRMAN STRAIN: Just tell me where to find them.

MS. CILEK: At the last meeting, it was Agenda Item 9D.

CHAIRMAN STRAIN: Okay. But 9D never got carried over to this meeting or at least advertised --

MS. CILEK: Oh, it did. We're still under that advertisement.

CHAIRMAN STRAIN: It was never contained in our packet, was it?

MS. CILEK: Not in today's packet. It was in last -- last packet.

CHAIRMAN STRAIN: Did you have a -- maybe it was missed. Did someone put a single-page note that 9D from last meeting will be heard today?

MS. CILEK: We are under the same LDC amendments from last time.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SOLIS: In the electronic file that I got, there's a file that says "continued items," and it's in there.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SOLIS: Did you get it the same way?

CHAIRMAN STRAIN: What page is your file on?

COMMISSIONER SOLIS: Well, it's on a thumb drive. So when I get it --

CHAIRMAN STRAIN: Oh, well, I didn't get it like that. I got it on the "I" drive.

COMMISSIONER SOLIS: It's something that says -- it says, 5/5/2016 CCPC meeting, and then underneath that there's another file that says "continued items," so...

MS. CILEK: We can do it on the 25th. It won't take long.

CHAIRMAN STRAIN: What I'd like you to do on the 25th, if those have been cleaned up -- and some did not need to be cleaned up --

MS. CILEK: Correct.

CHAIRMAN STRAIN: -- right on the 25th start with a list of all the ones that have been finalized already. We can read them off and vote on them and be done with them and then go to the meat of the rest of the meeting, if --

MS. CILEK: Perfect. We can do that.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Okay. And I believe that takes us to our next agenda item, which is architectural.

CHAIRMAN STRAIN: And this is item -- let me read it. This is Agenda Item 9G, architectural and site design standards. It's a continuation and a finalization of what we previously had reviewed.

And, Jeremy, it's all yours.

MR. FRANTZ: Hello, Jeremy Frantz, for the record.

We're really just today going to be looking at a companion item to the rest of the architectural amendment in 5.05.08. All of these amendment -- all of these cross-referenced changes are just updating the sections that have been changed by the ad hoc committee's amendment or adding new cross-references to kind of clarify processes where there's some interaction between different sections in the LDC and 5.05.08.

We do have one correction to make to this document, but we can take your questions or comments first, or we can start with that.

CHAIRMAN STRAIN: Are we going to be hearing this again, or is this the final day?

MS. CILEK: We would like for -- we'd like to move forward with this one and then combine it with the amendment when it comes back on June 2nd, which will be the full narrative and full LDC text for all of 5.05.08.

CHAIRMAN STRAIN: Okay. So 5.05.08, including this, will come back to us on the 2nd of June.

MS. CILEK: Correct.

MR. FRANTZ: Correct.

CHAIRMAN STRAIN: And that will be where we vote finally. Today is just a follow-up with these.

MS. CILEK: (Nods head.)

CHAIRMAN STRAIN: Okay. Anybody from the Planning Commission have any questions?

(No response.)

CHAIRMAN STRAIN: I didn't either, so, Jeremy --

MR. FRANTZ: Okay. So the section that we'll be changing is to 2.03.07. Based on the conversation at the last Planning Commission meeting, there's not going to be any need to change the interim deviations in Immokalee. So that section has got some strikethrough. That will no longer be there.

CHAIRMAN STRAIN: Okay. Anything else?

(No response.)

MS. CILEK: That's it.

CHAIRMAN STRAIN: That's the last thing on today's agenda.

COMMISSIONER HOMIAK: All of these were on this -- listed on here.

CHAIRMAN STRAIN: All what?

COMMISSIONER HOMIAK: The other --

CHAIRMAN STRAIN: Well, that's why I asked -- okay. I asked Caroline, and she says -- okay. Karen's saying that 9D, include -- 9F included all the 9D elements from the previous one.

MS. CILEK: It does.

CHAIRMAN STRAIN: But they weren't in the packet.

MS. CILEK: Correct. They were in the last -- because there were no changes, we didn't supply them again.

CHAIRMAN STRAIN: Okay. It's the Board's -- whatever this board wants to do. If you want to go back and do 9D from the last meeting, that's fine. If you're prepared for it, I -- my notes from the last meeting will be as relevant today as they were then. But I didn't see it clearly noted that that was going to be part of today's agenda.

I understand where it's written here, but since it wasn't in the packet that was redistributed or -- I didn't have a note to that effect. I'm not sure how many of you may have known that it was going to be discussed and are ready to discuss it today. Because while I have 9D -- and I'm sure that Andy does --

COMMISSIONER SOLIS: But these are ones that are coming back because there were no changes.

MS. CILEK: Correct.

COMMISSIONER ROMAN: I've got my old packet with me, and I talked to Caroline, so I knew that that was her intent. But I thought you had a good plan, Mr. Chair, and we could just do it quickly before our evening meeting, you know, at the beginning of it, like you said. List these and let's just get everybody on the same sheet of music.

CHAIRMAN STRAIN: Do you have an objection to that, Karen?

COMMISSIONER HOMIAK: I'm fine.

COMMISSIONER ROMAN: And I can do it, but I think you have a good plan.

CHAIRMAN STRAIN: Okay. Well, then, let's just move that and finish it -- clean it up on the 25th then.

MS. CILEK: Sounds great.

CHAIRMAN STRAIN: Okay. And that brings us to the -- we're done with all our regularly scheduled items, and the old business, I did not schedule the discussion of deviations and exotic vegetation because of the length of today's agenda. I'll try to move that to the 2nd, if the agenda stays in a short manner.

COMMISSIONER EBERT: We're going to be here till midnight on the 2nd from everything that's being continued to the 2nd, to the 2nd, from what --

CHAIRMAN STRAIN: We've only got one item continued. What are you talking about?

MS. CILEK: On this one, we'll have it organized. I say, though, if you could bring your materials from the last meeting, many of those amendments don't have any changes, and so we'll just look at them briefly and go over them, if you need a fresh reminder, and then we can approve them.

COMMISSIONER EBERT: It's not yours, Caroline. It's what's on our agenda for the second.

MS. CILEK: Gotcha.

CHAIRMAN STRAIN: Can we just back up for a minute? The only thing that's been continued to the 2nd that I'm aware of is the Highview project on Roost Road. Does anybody else -- where's -- who else is here that could tell us what our agenda is for the 2nd?

COMMISSIONER EBERT: We've got Pelican Marsh.

CHAIRMAN STRAIN: We don't have any other continuances for the 2nd --

MS. CILEK: Okay.

CHAIRMAN STRAIN: -- that I know of other than Highview. Does anybody else know of any other continuance for the 2nd?

MR. BOSI: None that I know of. There was going -- we were planning -- Nancy Gundlach was planning on putting Pelican Marsh, but their requests have actually extended that to the first meeting in July, so there's nothing.

CHAIRMAN STRAIN: Yeah. I heard that was moved, too.

MR. BOSI: Yes.

CHAIRMAN STRAIN: So the 2nd looks like it could be light, and if it is, we will try to address the two other issues we've had on old business when we've got a meeting that's shorter than longer.

MS. CILEK: And we'll be very clear what we're looking for you-all to review on the 25th, so that will be efficient.

CHAIRMAN STRAIN: Okay. Any new business?

(No response.)

CHAIRMAN STRAIN: Public comment? Anybody in the public here wishing to comment on anything today?

(No response.)

CHAIRMAN STRAIN: With that, motion to adjourn by anybody?

COMMISSIONER HOMIAK: Motion to adjourn.

COMMISSIONER EBERT: Motion.

CHAIRMAN STRAIN: By Karen, seconded by Diana.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ASSAAD: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Okay. We're out of here.

May 5, 2016

\*\*\*\*\*

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:52 a.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6-2-16, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICE, INC.,  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.