

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 15, 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
Stan Chrzanowski
Diane Ebert
Karen Homiak
ABSENT: Joe Schmitt

ALSO PRESENT:

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

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

CHAIRMAN STRAIN: Ladies and gentlemen, good morning. If everybody will settle down for just a minute.

Welcome to the Thursday, September 15th meeting of the Collier County Planning Commission. We're going to say the Pledge of Allegiance, but before we do, once you rise, I'd like to make an announcement. So if everybody will please rise for Pledge of Allegiance, we'll start with something else first.

On October 18th, we had a Planning Commission meeting, and two days prior to that meeting, a gentleman called me who was on this board, who was on this board, and said that he couldn't be here that day.

And since August we've not had a meeting. The gentleman that said that was Commissioner Wafaa Assaad. Three days after that meeting, he passed away. And this board hasn't met since that time.

Wafaa brought with him a long, long history of decades of involvement in Collier County and the City of Naples. He volunteered for not only this board but at times the city board. His depth of knowledge was unbelievable, and his professionalism on this board will be truly missed by all of us here.

And with that, I'd like to ask for a moment of silence.

Thank you, all. And our condolences go out to his family and friends.

With that, I've asked for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Roll call by the secretary, please.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda: There's a representative for Items 9B and 9C here. I think it's Mr. Wilkison. Would you mind coming to the podium, sir.

MR. WILKISON: Good morning, Chairman Strain and Planning Commissioners. My name is David Wilkison. I am the head of the Collier County Growth Management Department.

CHAIRMAN STRAIN: Thank you. And it's Collier County that's moving forward with the PUDA, which is Item 9B, and a rezone, which is Item 9C.

This Planning Commission has had numerous correspondence with the Conservancy concerning issues involving the memorandum of understanding and other points involving these two actions.

There is obviously some time needed to sort those out. And in conversations I had with you, you've expressed to me you would not object if the Planning Commission asked for you to continue until October 20th; is that still in agreement?

MR. WILKISON: Yes, that's correct.

CHAIRMAN STRAIN: Thank you very much. And I'll turn to the Planning Commission --

MR. WILKISON: Thank you for your indulgence.

CHAIRMAN STRAIN: Anybody have any other questions on that matter other than a request to continue Item PUDA-PL20150002550 and RZ-PL20160000382 to the October 20th meeting?

COMMISSIONER EBERT: I make that motion.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Second by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

The next item, I need to know from the Planning Commission's perspective who -- if we had a special meeting on October 3rd -- it's the first Monday of October, the meeting would be the same time in this room. If it happens, does anybody know if they cannot make that meeting date?

(No response.)

CHAIRMAN STRAIN: So at this point all of you could be here on October 3rd?

COMMISSIONER HOMIAK: Third?

CHAIRMAN STRAIN: The 3rd of October. It's a Monday. Now, we have a regular meeting that Thursday, so this is a special meeting we'd hold on October 3rd.

COMMISSIONER EBERT: No, I'll be there.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER CHRZANOWSKI: Can I ask why we're having a special meeting?

CHAIRMAN STRAIN: Soon you might find out.

COMMISSIONER CHRZANOWSKI: I like surprises.

COMMISSIONER HOMIAK: Not September 29th like we were asked?

CHAIRMAN STRAIN: No. I know we were all polled for September 29th on the possibility of a continuance for the project that's up here today called Creekside. The attorney for Creekside could not make that meeting for -- not for Creekside, I'm sorry. The attorney that represents some of the residents in the area especially wanted to be there. He cannot make that meeting, so I started looking for another date, and that's one of the dates.

So if the applicant wishes to continue, that's one of the dates that might be available based on our availability and this room's availability.

Planning Commission absences for -- the next regular meeting is October 6th, which is a Thursday. Does anybody know that they're -- if they're not going to be here on a Thursday?

(No response.)

CHAIRMAN STRAIN: Okay. Then I will assume we have a quorum.

The other item is, for some of you on that date, you'll see a familiar face that we've all known from the past; Joe Schmitt has been appointed as the environmental representative for this panel, and he will start on the next -- probably the next meeting we have. I know he's out of the country right now, but when he gets back, he'll be greeted with membership on this panel.

Approval of minutes: We were issued a packet of minutes for the August 18th meeting. Has everybody read those? If there's no changes, is there a motion to approve?

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER CHRZANOWSKI: Move to --

CHAIRMAN STRAIN: Made by Karen, seconded by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

BCC report and recaps: Ray, I guess they're back. So how'd the last meeting go?

MR. BELLOWS: For the record, Ray Bellows. The -- last Tuesday the Board of County Commissioners heard the PUD rezone for the RMC Enclave; that was approved subject to CCPC conditions, and the companion items for Pelican Marsh PUD amendment and development order, that was also approved by the Board.

CHAIRMAN STRAIN: Were there any changes to any stipulations by the Planning Commission, or did they all survive the discussion?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Thank you.

Chairman's report: The only thing I'd like to mention to Mike and Ray is that I know the applications today have been intense. But as the Planning Commission has asked from the past, when you provide something to this Planning Commission, it's okay to email it, but most commissioners can't print more than -- I think we set a limit at 10 pages. Everybody uses their own equipment to do that with. So try to remember if we have more than 10 pages going out, to follow it up with a hard copy.

That brings us to the next item, which is consent agenda. There is nothing from our last meeting, and we'll move right into our -- we have two advertised public hearings remaining.

***The first one is 9A. It's PUDA-PL201600001865. It's the Creekside Commerce Park Commercial Planned Unit Development located south of Immokalee Road on the east and west side of Goodlette-Frank Road.

For all those wishing to testify on this item, if you plan to speak on this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Thank you.

That crash you heard was all Mike's paperwork. I'm sure it's not going to be in order again.

Disclosures from the Planning Commission: We'll start with Mr. Eastman on my right.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: None?

I think over 150 emails, emails from staff. I've talked to Mr. Yovanovich. I'm sorry, Mr. Pritt, I didn't return your call, but I did read your comments at the neighborhood information meeting. I've talked to people from the business sector, and I guess that might be about it.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Yes. I attended the neighborhood information meeting to listen. I also spoke with staff and with Mr. Arnold and Nicole Johnson.

CHAIRMAN STRAIN: I bet you received about 150 emails.

COMMISSIONER EBERT: Oh, at least.

COMMISSIONER CHRZANOWSKI: Right. I forgot about Nicole Johnson, too.

CHAIRMAN STRAIN: And I, like the others, we all received a substantial amount of emails. There's probably about 150-plus. I have met with the applicant's team once or twice over procedural issues and then substantive issues on the content of the material.

I've met with Mr. Pritt and several members that he represents from organizations in the adjoining residential communities. I've talked with staff, I've talked to Nicole Ryan, talked to Kristi Bartlett. That's about all I can remember right now, but it's been a busy couple of weeks.

With that, I'll turn to Karen.

COMMISSIONER HOMIAK: Spoke to Mr. Yovanovich and all the emails.

CHAIRMAN STRAIN: Okay. Thank you. Tom?

MR. EASTMAN: Mr. Chair, I'd just like to clarify what it is for disclosures, the requirements. If we receive an email that will become part of the permanent record and part of public record, is that something that we need to disclose, or is this more of the nature of telephone conversations and things that are not captured within the public record?

CHAIRMAN STRAIN: I disclose everything on the premise that some of it may not make it to the

public record, and I'd rather be safe than sorry, so -- but I guess that part of it's your call. But as far as technically how much you've got to disclose, I'll turn to the County Attorney's Office.

MR. KLATZKOW: What you're disclosing are ex parte communications, communications that are not conducted within this room before you, and you're generally well before the Planning Commission meetings. The communications could be oral or written. The purpose of the ex parte disclosure is that it gives the other side the ability to want to know what was said and to be able to question you as to that.

It's a fairness issue. The way it typically would be is that both sides would know what the other side's doing because they're in front of you. Ex parte communications before the meeting, the other side doesn't know that they're being conducted. So you're giving him notice of, oh, by the way, one side did talk to me. This is what they said.

They gave me documents. These are the documents. If the other side wishes to look at the documents, they're entitled to look at the documents. So it's a method curing the ex parte communications.

In a judicial -- from a judicial arena, you wouldn't have those. You wouldn't be allowed. These are quasi-judicial. People have the right to talk to their representatives beforehand, so you've got this sort of compromise that was done over the years, well, okay, you can talk to these people beforehand, but you've got to disclose it.

COMMISSIONER CHRZANOWSKI: So could I ask a question?

MR. KLATZKOW: Sure.

COMMISSIONER CHRZANOWSKI: I think where he was -- where Tom was headed with this was we get these emails and we know that they've come through staff and they're public information, and if we disclose that this morning, these people have no way of finding out what that was all about.

MR. KLATZKOW: Well, no, but, for example, Mr. Yovanovich would have the opportunity to ask you for a copy of all those emails and, if required, give him 20 minutes to read through them, you would have to table this for 20 minutes so he could read through them.

COMMISSIONER CHRZANOWSKI: Cool.

CHAIRMAN STRAIN: Well, just so the record is clear, most of the emails that all of you have received, at least that I know of, were originated from staff or from my office to staff. Every single piece of correspondence goes -- I have sent to staff for distribution to all of you. And each time I do, I said, please distribute. Typically they always do, which means to everybody. So they're a part of the record. We've all received them.

COMMISSIONER HOMIAK: Twice.

CHAIRMAN STRAIN: Well, yes. You might get them twice, but I'd rather be safe than sorry. So that's how it happens, and I think out of disclosures purposes, it's better to err on the side of conservativeness than not, so...

MR. EASTMAN: I'd like to amend mine. I did receive the emails that are part of the public record.

CHAIRMAN STRAIN: Thank you, Tom.

Okay. And that takes us to the discussion on the Creekside item. And the first part of that up is we've had a request -- this board has had a request through my office by Mr. Pritt to consider a continuation on this. And the parties that can continue are the applicant and staff and this board.

I told Mr. Pritt we would discuss the idea of a continuance to see if, under this unique situation, which is this expedited permitting issue, if this Board felt that a continuance was something we wanted to see, so I'm giving each party, which will be Mr. Pritt and Mr. Yovanovich, 10 minutes to state their either -- if Mr. Yovanovich wants to respond.

But, Mr. Pritt, you have 10 minutes to state your issue involving the reasons for the continuance, and we'll certainly entertain that as a discussion.

MR. PRITT: Thank you, Mr. Chair, members of the Board; my name is Robert Pritt. I'm here on behalf of Bay Colony Golf Club, Estates at Bay Colony Neighborhood Association, and Colliers Reserve Association, Inc. Those are my clients. There are a lot of other people who live in those neighborhoods and perhaps other neighborhoods. I do not represent them directly. I represent the three entities.

On the issue of emails, by the way, we did our very best to try to consolidate them and coordinate, but that's not a perfect system either. Per Mr. Bellow's recommendation, we sent -- anything I got I sent to

Mr. Bellows, and then he was -- he took it from there. So that's how a lot of that got to you, I think.

On August 26th, 2016, I did ask for two things: One, a continuance of the matter to give our experts and our neighbors, our clients sufficient time to be able to digest the information that's coming to you. As far as I know -- that was the first thing. The second thing is party intervenor status, which I'll talk about in a minute.

The reason for this is that as far as we know this is unique in the -- in Collier County, the fast-tracking of this. The application was made on July 29th or July 30th. I'm not quite sure which day it was actually filed.

There was a neighborhood information meeting on August 30th. There was a re-submittal shortly after that, I think it was the 3rd of September, which gave the staff and everybody else, really, only until the 8th to be able to get this information, the new re-submittal reviewed, and any -- to get experts to make sure that the experts are up to speed, et cetera.

I got a copy of the new submittal -- or the staff report late last Friday. And, again, thank you, Mr. Bellows, for personally making sure I got that. It was very difficult, by the way, because of the size, to get that onto your portal, and there was a lot of trouble getting that off of the portal. I'm still not sure whether or not the portal has all of the documentation. There are 600 and some pages, maybe 700 by now.

Even this week, on Tuesday, I received a supplemental traffic -- supplemental report from your traffic people.

I don't sit here with you every day or anything like that and see everything that happened, but I'm almost sure on any application I've ever been involved in that certain things have to happen, and one of them is that the staff has to be given reasonable time to do a good report, a reasonable time for review, and that report has to be approved and the application has to be ready to go to the Planning Commission, or if it's the County Commission, it has to be ready to go, and you just don't get something set on the agenda and scheduled that quickly.

Again, I understand that this was set out to be a fast track by -- fast track and due process between a state or local fast-track process and the due process clause of the 14th amendment of the United States Constitution. You knew I'd use that, Mr. Klatzkow, but it is -- it does apply. There must be a reasonable, meaningful opportunity for persons to be able to prepare for and lawyer up, if that's a word, or expert up, if that's a word, and be able to come to a hearing and participate in a meaningful manner. So that is the reason for that request.

Do you want me to turn to the other request concerning status, or do you want me to hold off?

CHAIRMAN STRAIN: Well, your status of what -- your party intervenor is more an application for the Board of County Commissioners than us. I don't know how that pertains to this meeting, so I'm reluctant to think we need a discussion on it.

MR. PRITT: Well, the main thing on that is I would like to have enough time to be able to present a case on behalf of my clients and have our experts -- one expert, I think.

I'll try to keep it to -- mine to 10 minutes, but one of our experts is probably going to need 20 minutes and the other about 10 minutes. So I wanted to make sure that we at least have time to do that and time -- the reasonable opportunity to ask questions of the applicants and their experts.

CHAIRMAN STRAIN: Yesterday when we spoke, I told you I could take care of the issue of timing. You wanted up to 10 or 15 minutes, and I said 10, 15 minutes would be -- no more -- would be fine for your presentation.

Your experts combined would be no more than 30 minutes, and I thought we agreed to that yesterday, so that would take that need off the table.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: So I don't know of any other -- as far as cross-examination, when you speak as part of the time that you have, if you'll provide me with the questions you want asked of anybody that has come prior to you, I'll be certainly willing to ask those questions, get that information on record for you.

MR. PRITT: Thank you. Okay.

CHAIRMAN STRAIN: Okay. So that would leave just the continuance issue.

Mr. Yovanovich -- are you finished on that issue, sir?

MR. PRITT: Yes, I am. And I'm looking for my experts. One of them's here.

CHAIRMAN STRAIN: They're not experts on the continuance. They're experts --

MR. PRITT: No. I just wanted to make sure if there's any date that -- if you do entertain that and if there's another date, I want to make sure that they're available.

CHAIRMAN STRAIN: If it's entertained, it's only going to be October 3rd, because that's the only date we have available --

MR. PRITT: October 3rd.

CHAIRMAN STRAIN: -- for this room and for various parties that want to be there. So the 29th, the previous one I tried to set up, I know you can't make it to that one, so we're still trying to accommodate.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: Mr. Yovanovich?

MR. YOVANOVICH: Well, can Mr. Pritt confirm that his expert is available October 3rd before I respond?

CHAIRMAN STRAIN: Sure.

MR. PRITT: Yes.

MR. YOVANOVICH: Well, we don't have an objection to Mr. Pritt's request to continue this to October 3rd. I assume that will address all of his due-process concerns, since he's asked for and been granted the continuance, to do whatever he needs to do to represent his clients.

CHAIRMAN STRAIN: Okay. Mr. Klatzkow, do you have any comments on the request for continuance that need to be vetted in any manner beyond what you've heard here today so far?

MR. KLATZKOW: No. The only comment I'll make for you two gentlemen to consider is we have a razor-thin membership on the Planning Commission right now and that, although it sounds like we'll have at least four members here, I don't know what Mr. Schmitt's status will be then. You are taking the risk of illness or whatever, and you are taking that risk that you will not have a quorum on that day.

MR. YOVANOVICH: And I have one other -- thank you for bringing that up, Mr. Klatzkow. I want to -- I don't know if there will be anybody speaking today on this even though it may be continued. I just want to make sure that if you invite public comment from people who cannot be here on the 3rd, that will not disqualify Mr. Schmitt from reading the record and sitting as one of the Planning Commissioners, because then I have five opportunities to -- I have five bodies that might fill four seats, which I need.

MR. KLATZKOW: If Mr. Schmitt would represent that he has -- and I keep using the word "tape." We do record these proceedings. I don't know if a transcript will be ready then, but we do record these proceedings. If Mr. Schmitt would state for the record that he did watch the recorded proceedings and did read the package, then I wouldn't have an issue.

MR. YOVANOVICH: Well, hopefully you're all healthy, nobody has pneumonia or anything that we don't know about. So I would like all of your medical records before I make the decision whether or not to continue.

MR. KLATZKOW: I can just assure you that sometimes things happen.

MR. YOVANOVICH: I know. I'm looking at you. So I understand that, and I understand -- and if we have an issue with that, hopefully we can find a way to address that by possibly moving to another location and recording it like we've done it at development services. I would like that flexibility and commitment from Mr. Pritt that that would be acceptable to him if we run into an issue.

CHAIRMAN STRAIN: Well, I was going to -- if this gets worked out and you two are in agreement, then I was going to take a five-minute break to go verify with Mr. Brownlee next door that my request for the 3rd that he said was okay got locked in based on my email to him last night, because I came in at quarter to six this morning, and the email had not been answered yet. So he wasn't up all night doing his email. But I do want to see if he had responded to it, because I've been here at this building outside of email for quite some time.

MR. BROWNLEE: Yes, sir.

CHAIRMAN STRAIN: We're good? Okay. Well, there. This room is available. He's been listening, and so we'd be in good shape for --

MR. YOVANOVICH: Just out of concern, is the 4th also a date that's acceptable in case one of you

is sick on the 3rd?

CHAIRMAN STRAIN: Does anybody on this panel know if they can't make it on the 4th?

COMMISSIONER EBERT: We don't know whether we're going to be sick or not.

COMMISSIONER CHRZANOWSKI: That's not a Wednesday, is it?

CHAIRMAN STRAIN: That's a Tuesday.

COMMISSIONER CHRZANOWSKI: Good.

CHAIRMAN STRAIN: So either the 3rd or 4th. Now, I've set aside the 3rd, but we can have a spillover if we -- if someone doesn't show up, we can always reconvene on the 4th instead.

MR. YOVANOVICH: Is that acceptable to Mr. Pritt?

MR. PRITT: It's okay with me. Yes.

MR. YOVANOVICH: Hopefully nobody will have any illnesses, and it will be okay the 3rd.

MR. KLATZKOW: And just while we have these two gentlemen at the lecterns, I don't know how many people who wanted to speak today are going to be able to make it.

CHAIRMAN STRAIN: That was going to be my next question.

MR. KLATZKOW: Yes; and whether or not they would consent to that.

CHAIRMAN STRAIN: And a lot of you stood up when I asked how many people want to speak today. It would be preferable to this board that if you can come back on the 3rd and speak at that time so we can hear all of your testimony at one time -- and that will be a day dedicated to just this project. There will be no other items on the agenda.

If you can hold off till that time, we'd prefer it. But if you can't, I need to know that now. If anybody must speak today and cannot be here on the 3rd, then we will -- I need to know. Okay. So there are going to be five people who will need to speak today. Thank you.

So we will hear from five members of the public today. Mr. Schmitt can follow up with that by watching the tape -- you got me doing that now -- the digital recording of this meeting, and we'll proceed from there.

Before we continue, we'll hear the speakers, and then I'll ask the Planning Commission to confirm the continuance to October 3rd at 9 o'clock at the request of the applicant.

MR. YOVANOVICH: No, no. The request was Mr. Pritt's request, and we've agreed to that request.

CHAIRMAN STRAIN: I have no problem with that if we want to -- well, from a staff's perspective, does that mess anything up in regards to -- there's no additional advertising needed. I think everybody's covered still by the 3rd, right? So there's no hidden cost that we have to worry it.

MR. BELLOWS: For the record, that is correct. There are no additional advertising fees. We are being continued to a date certain. It doesn't matter who's initiated the request.

CHAIRMAN STRAIN: Okay. Any problems from the County Attorney's Office?

MR. KLATZKOW: No, sir.

CHAIRMAN STRAIN: Okay. With that, we'll talk -- we have five speakers. We'll listen to the five speakers right now, and then we will take a vote on continuing the rest of the meeting until October 3rd.

So the gentlemen -- or the ladies and/or gentlemen that raised your hands, we'll start with the man closest to the front. If you'll come to one of the speakers, we need your name and address when you -- before you go too far. And if you have a complicated last name, please spell it for the court reporter.

MR. KLATZKOW: And just note, anybody speaking today will not be given the opportunity to speak at the next date.

CHAIRMAN STRAIN: That's right.

MR. LUKAC: I'm Eugene Lukac, spelled L-u-k-a-c. I'm a resident of Pelican Marsh, and I urge the commission to not accept the proposed amendment that would grant a permission to change the norms under which we live here in Collier County. These norms protect the quality of life that we have adopted here and the environment that protects that quality of life.

I have seen with my own eyes how granting such changes to the established norms has destroyed the quality of life in other communities and overwhelmed the infrastructure that is designed to support it and becomes unsustainable.

So I strongly urge the rejection of this potential Miami-fication of Collier County. And I thank you

for your attention.

CHAIRMAN STRAIN: Thank you. The next gentleman on the left. Sir, if you don't mind coming up.

And, Ray, when there's -- if they have speaker slips, be sure to remove them and hold the rest till the 3rd.

MR. ADAMCZYK: Mr. Chair, Commissioners, good morning. I'm Steve Adamczyk, and I'm an attorney from Goede, Adamczyk, DeBoest, and Cross on behalf of the foundation of Pelican Marsh, approximately 4,000 residents whose documents encumber (sic) the Bay Colony Estates as well as the property adjacent to the Creekside PUD.

For the record, I am not available on October 3rd. I'd also urge the commission to consider it is Rosh Hashanah that day, which may affect the participation or attendance from the public.

Now, moving forward, I might need six or seven. There is a person who signed up to speak who is yielding one or two minutes to me if the commission would give me that --

CHAIRMAN STRAIN: Well, you represent a group. That's fine. Continue.

MR. ADAMCZYK: Yes, sir. Thank you.

First, as Mr. Pritt indicated, the timeline here is unprecedented. Your zoning plan is not made to move this quickly. It's not intended to move this quickly. Despite the fact that the timelines or procedural requirements may fit into a box of timelines, the public participation is paramount, and we don't believe that the intent or the spirit of the process is being fulfilled with this hastened and rushed process.

Public participation is paramount. To put it simply, when you have a project of this magnitude moving this quickly, it should be perfect. The procedure should be perfect. And we have a couple objections for the record which go to the notice, density, and intensity of the development, the transportation facilities, and the environmental impact, which I'm going to speak on briefly.

First, we don't believe the application on its face is sufficient. We feel it's deficient on its face. The Land Development Code provides that the application must include the name and mailing address of all registered homeowners associations that could be affected by the application. There are four associations listed on that application, one of them being Pelican Marsh Owners (sic) Association. It appears to be an attempt by the applicant to include a sufficient notice on the application for the Pelican Marsh Homeowners Association, which is known as the Foundation of Pelican Marsh.

The entity that is Pelican Marsh Owners Association is a corporation that has been dissolved for 16 years. Not one of the members or constituents of my client is a member of Pelican Marsh Owners Association. The person who was notified on the application is a representative of WCI, the developer of Pelican Marsh.

So the 4,000 residents who are comprised of my client are not listed on the application which says by the code that the application must include the name and mailing address of all registered homeowners associations that could be affected by the application.

We're not aware of what this economic stimulus is for this project, and we're not sure what the utility of that stimulus is, but I can't imagine that the stimulus outweighs the importance and the paramount importance of public participation. It should be perfect. If we're going to have a hastened application process, the opportunity for public participation should be maximized. And the fact that we're not on the application -- my opinion even to today, we're not on the application -- is a flaw.

Second, we don't believe that there was an adequate pre-application meeting. The record indicates an email from Mr. Bosi that a meeting took place on July 22nd and that it was at the County Manager's Office and that pursuant to the Assistant County Manager it would suffice for the pre-application meeting.

There was no notice, there were no minutes, there was no attendance sheet, and there were no notes. The Land Development Code states that the pre-application meeting must be held at the Growth Management building. There's literally a map in the Land Development Code of where this meeting should take place.

So, first of all, it didn't take place at the proper location. Secondly, the Land Development Code provides that the county must provide notes to the applicant at the meeting that discuss needs, concerns, issues with the project. There were no notes taken. Despite the fact that we had a letter of noncompliance or a letter of insufficiency approximately 15 pages long, I would like to believe that there were some genuine

notes from that meeting that should be part of the record, and there are none. The public has no ability to know what were the concerns at the outset of the county for this project.

I believe you're going to hear testimony on October 3rd, if that happens, about traffic, but we echo those sentiments for the record.

Finally, I would like the commission to look to this point one year ago today because we believe that there are concerns with respect to the commercial Growth Management Plan and compliance with that plan of this proposed amendment.

One year ago today the industrial commercial portion of this project permitted 480,000 square feet. Earlier this year this PUD was amended, increase of 70,000 to a total of 550,000. Now, the proposed amendment would reflect 716,000 square feet of industrial commercial.

So from this time, a year ago today, that's 236,000 more square feet of industrial commercial capacity. That's a 49.2 percent increase from this time last year.

Next, if we look at the business and office section this time ago one year (sic), there's a maximum of 150,000 square feet. Earlier this year there's an amendment which would increase the 50,000 to a total of 200-. If this proposed amendment is passed, it would be an additional 44,000 or a total of 244,000 square feet, an addition from a year ago today of 94,000 square feet. That's a 62.7 percent increase in business and office commercial capacity.

The point is I'm not aware of any construction or increase in square footage in the last six months let alone the last year. So to say that the effect of this application is what it states on the application is somewhat misleading because the true effect would be what we've experienced over what it was a year ago, which is going to be, again, 49 percent industrial commercial, 236,000 more square feet; and 62.7 percent of business office, 94,000 more square feet from a year ago today.

I don't believe the public will enjoy, will appreciate this effect from the statement of the application because, if you look at a year ago today, the numbers are much more than what we are looking at merely on this application.

So I thank you, and I would request that this meeting be continued beyond October 3rd for the holiday, for my inability to attend, although I am able to speak today for the record. We further ask that the pre-application meeting be re-conducted and that the neighborhood information meeting be re-conducted as well, considering the fact, as Mr. Pritt said, there's information coming out as early as Tuesday with supplemental traffic information that's going to be important to the neighbors and the residents of this community who are already stating that they're at capacity for traffic. I thank you for your time.

CHAIRMAN STRAIN: Thank you. I have a question for you.

MR. ADAMCZYK: Yes, sir.

CHAIRMAN STRAIN: You represent the foundation that, from your concerns, hadn't been properly noticed. Since you now know about it, am I to assume, then, that your membership has been noticed?

MR. ADAMCZYK: The membership is aware of what's going on, that's correct.

CHAIRMAN STRAIN: Okay.

MR. ADAMCZYK: But the application is deficient on its face in that it doesn't state the name of my client.

CHAIRMAN STRAIN: But the issue at hand has been resolved in regards to your membership knowing that this case is pending?

MR. ADAMCZYK: My board of directors know. There have been attempts to communicate to the membership, but if a member of my public, who is not on the email blast from the foundation -- would look at the public record and not see the Foundation of Pelican Marsh as a party to this application.

CHAIRMAN STRAIN: Okay. Thank you.

MR. YOVANOVICH: May I ask for one -- can I make a correction to the record?

CHAIRMAN STRAIN: Yes, sir.

MR. YOVANOVICH: I'm sorry. I didn't catch your name.

MR. ADAMCZYK: It's Steve Adamczyk, sir.

MR. YOVANOVICH: Mr. Adamczyk, are you referring to the changes that occurred in Ordinance No. 16-05 when you're talking about the changes that occurred this year?

MR. ADAMCZYK: Yes.

MR. YOVANOVICH: You're aware that what happened in that ordinance was actually a reduction in the IC of 70,000 square feet and an increase in the business of 50,000 square feet? So, in fact, there was a net reduction the last time we did this and not a net increase.

MR. ADAMCZYK: My recollection is that some of the square footage was decreased, other portions were increased.

MR. YOVANOVICH: Are you aware that there was an actual net decrease in the square footage that occurred at the last review of this PUD?

MR. ADAMCZYK: I'm aware that the proposed application would increase the 716,000.

MR. YOVANOVICH: I know. I just wanted to make sure we got it correct on the math.

CHAIRMAN STRAIN: This Planning Commission heard that action item, and I know that what you're saying is accurate. You might want to check your sources of information.

MR. ADAMCZYK: Yes, sir.

MR. YOVANOVICH: Just out of curiosity, are you prepared to put your presentation on today? Because I'm willing to sit here and listen to your entire presentation today and continue Mr. Pritt's portion of the presentation.

MR. ADAMCZYK: My statements are concluded.

MR. YOVANOVICH: So you're not prepared to go today?

CHAIRMAN STRAIN: Well, he just -- I think the presentation he just gave us was his --

MR. YOVANOVICH: Was his entire presentation?

CHAIRMAN STRAIN: That's what I'm understanding.

MR. KLATZKOW: Let me -- just for clarity. Was that your entire presentation, or did you intend to present more?

MR. ADAMCZYK: We were intending to echo the sentiments of Mr. Pritt and our neighbors, but this was my presentation for today.

MR. KLATZKOW: So are you going to bring any expert witnesses with you or any other witnesses, for that matter?

MR. ADAMCZYK: The foundation did not have an opportunity to or, I believe, a reasonable amount of time to engage those witnesses. The Collier's Reserve and Bay Colony had more notice and had actual meetings with the applicant prior to the NIM, which we were not afforded that opportunity.

CHAIRMAN STRAIN: Okay. Thank you, sir.

COMMISSIONER CHRZANOWSKI: Sir, could I ask, are you and Mr. Pritt the only two attorneys? Because a lot of emails I got seemed to have lawyers' signature blocks at the bottom, but maybe they don't represent people, just themselves. Are you the only two lawyers?

CHAIRMAN STRAIN: I don't think he'd know that answer.

MR. ADAMCZYK: I'm not aware, sir.

MR. PRITT: I don't know either.

COMMISSIONER CHRZANOWSKI: Oh, okay. Thanks.

MR. KLATZKOW: Just for the record, Mr. Bosi, was the NIM publicly advertised?

MR. BOSI: Yes.

CHAIRMAN STRAIN: Thank you, sir.

MR. ADAMCZYK: Thank you.

CHAIRMAN STRAIN: And as a point of clarification, and I'm -- since I know Mike is listening and maybe we can, at the final speaker for today, discuss whether the 3rd or 4th makes much of a difference. And if there is an honored holiday on the 3rd and it doesn't hurt to move it to the 4th, that might be something we should consider.

But I'll wait until we hear the rest of the speakers, Rich. And I also want -- maybe if you see Mike show up, ask him if the 4th is still open, because those two days were open, and we can confirm that.

Is the next speaker -- there were three people left that wanted to speak that said they had to speak today. So will one of you raise your hand. Sir, come on up.

MR. CRAWFORD: My name is Richard Crawford. I live in Bay Colony.

I would approach this from a little different angle. I'm sure that you're going to be deluged with the traffic issues and a lot of other practical issues for people living here. But I'm talking more from a developer's perspective, having 40 years experience, including doing the Fifth Third building here, which I think currently is the largest commercial building.

To me, based on 40 years experience, this is a very clear case of spot zoning. And if it goes forward, I think it's going to be an annuity for the attorneys involved because I don't think this gets done quickly or easily.

The other thing I'd like you to think about is the precedent you're setting. What are you going to do when the next owner of property in this area wants to build a 200-foot-tall building? How are you going to say no? You just approved one.

You're going to totally change the nature of the community, but from my perspective, even more importantly, you're going to change the economics of the real estate. In other words, if I have a piece of property, even if it has a building on it or a shopping center on it, the economics now are almost going to demand that I look at building a 20-story building because you've approved that, and the economics are much better than what I'm currently experiencing.

So I'm just trying to raise some practical issues that, based on my experience, you really need to think about. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

COMMISSIONER CHRZANOWSKI: Mr. Crawford?

MR. CRAWFORD: Yes.

COMMISSIONER CHRZANOWSKI: Will you see this building from your house?

MR. CRAWFORD: Probably, although I'm not sure. I'd have to -- I'm on the other side of the street, so I'm not sure I would see it.

COMMISSIONER CHRZANOWSKI: Okay.

MR. CRAWFORD: I'm really speaking more from a precedent-setting issue and a legal issue. Thank you.

CHAIRMAN STRAIN: Okay. There were two other people that needed to speak today. Sir, come on up.

MR. JOHANNSEN: Good morning. Jim Johannsen, J-o-h-a-n-n-s-e-n. I live in Collier's Reserve. Third time I've been in front of this group in 10 years, all at this time of year. The last neighborhood information meeting was the day after Labor Day. This time it was before Labor Day.

I only want to speak about traffic. Our understanding is that some 6- to 7,000 housing units are either being built or planned for off of Immokalee Road east of I-75. And those residents will use Immokalee Road to get to Veterans Park, to NCH, Wiggins State Park, to Highway 41 so they can turn right to get to the Toyota dealership or the other six dealerships that are up there.

Regardless of what any traffic expert says, when you're going to add those units, the buildout of the southeast corner of Goodlette and Immokalee is just occurring. The hotel hasn't been built. The retail shops are still opening. Other buildings have yet to be built. The post office is always busy.

Creekside Road, the part they want to close, is a three-lane road. We urge you to keep it open as an important part of the road network that has been in place. That road was a condition of the approval of the PUD for the Granada Shoppes in 2001. It was a condition of use in the Naples Daily News PUD approved 10 years ago.

Traffic has only become busier in that whole area, and if there's one thing that we're lacking in Collier County, it's connecting roads between Goodlette-Frank and Highway 41 with stoplights.

I urge you to go back and just think about how many roads there are going all the way down to the Coastland Mall. You have a hard time coming up with one, don't you?

So with a stoplight that's going to be put in place at Goodlette and Creekside, that is a through connector road to 41, and there is no alternative. The alternative proposed, you know, I don't think will be used, and that's for another story.

Keep in mind this whole industrial park was created after Collier's Reserve and Bay Colony and Pelican Marsh were started. There's a reason why there's a 35-foot height.

With the Arthrex expansion – which we support. We want the jobs. Make no mistake, none of us are against the development. We're just against the form that it's in.

Do something that doesn't hurt our road system. It's already congested. I can tell you, you know, all the years that I went to work, it was two stoplights, most of the year, of red to turn left off of Immokalee onto 41. Even at this time of year, you come south on 41 to turn left on Immokalee, 3 o'clock in the afternoon, you can wait two stoplights to turn left. This is even before the busy season.

Don't make the mistake of effectively closing off an effective corridor that impacts thousands of people. And you have no remedy in the future. You can't have a flyover bridge like at Golden Gate and Airport. You're out of land. There is no east/west road north of Immokalee till you get to Bonita Beach Road.

It's an important road. There are ways this building can be built using skyway systems, walkways aboveground between buildings as are used in Minneapolis and Louisville and Cincinnati and all sorts of cities in the country that would allow that road, an important road, to continue to be used.

Closing a public road in an already traffic-challenged county for a private purpose, terrible precedent. There's got to be another way. There's no future remedy, and if there is, at what cost? Huge cost.

We don't have the land or the money to build a flyover like at Golden Gate and Airport. Keep Creekside open as it is. There's not an effective alternative that has been proposed that's really usable. And I would suggest, in the length of time, if you put that traffic pattern that's out there right now in front of the high school students, in front of people that are -- that shop at Publix or anybody driving the 18-wheelers that will now, you know, be at our intersection, they'll say they won't use it.

So keep Creekside open, please.

CHAIRMAN STRAIN: Thank you, sir.

And the last gentleman that wanted to speak today?

MR. BREITHAUPT: Thank you, Mr. Commissioner and other commissioners. My name is Richard Breithaupt, B-r-e-i-t-h-a-u-p-t.

I'm a resident of Collier Reserve, and I had planned to speak after the presentation of the applicant.

But I have a couple of questions for the commission. Number one, does the applicant plan on compensating any of the homeowners whose property will be devalued as a result of this application if it's accepted?

The second question that I have -- and this is personal to the Commissioners -- would any of you like to have a 200-foot building put in the backyard of your neighbor?

My third comment -- I was hopeful of speaking after the applicant had presented, but at the public hearing last month they made several representations, as I understand it, that are not part of their public record, but they made a lot of representations. And if they, again, make representations like they did at the public hearing as to what would go forward, I would hope that the commission, if it does grant the application, would make those applications (sic) part of the requirement and impose some sort of financial requirement upon them to maintain those and comply with all of their representations.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

And I believe that's the five people who couldn't make it to the continued date, so we will -- that is the end of the public comments for today.

And with that, Mr. Yovanovich -- or first of all, has Mike Brownlee contacted or said anything to you about -- have you guys contact -- has he come out? I have not been watching him.

MR. BOSI: No, he hasn't. Ray had indicated that the 3rd and the 4th are both dates that are related to that religious holiday.

CHAIRMAN STRAIN: Oh, is it? Then we'll just --

MR. BELLOWS: It starts on Sunday the 2nd and ends on the 4th.

CHAIRMAN STRAIN: Okay. Well, we'll just leave it the 4th then.

MR. YOVANOVICH: I do know that the court system is open on that date. The schools are closed, but county government, I believe, is open, and so is -- so are the courts.

I was aware that it was Rosh Hashanah, but I was also aware that the court system, for what I

think -- it's not closed that day.

CHAIRMAN STRAIN: Mr. Schmitt -- Mr. Pritt. I was thinking of Joe Schmitt.

MR. PRITT: I was going to come up there and sit with you there.

CHAIRMAN STRAIN: Yeah. There would be no conflict in that.

MR. PRITT: Well, maybe -- if Rosh Hashanah -- I don't know -- I think it goes from sundown to sundown. I'm not sure which -- the 3rd is the day. Is the 4th not included? The 4th might be fine. That might be a better day.

MR. YOVANOVICH: I'm okay with that; I just don't want to be insensitive.

MR. PRITT: I really -- I did not know the 3rd was Rosh Hashanah, and I really think that we ought to, if we possibly can, if you're going to continue it, let's do it till the 4th so that's not an issue.

CHAIRMAN STRAIN: That's what I'm trying to get to. I just want to make sure that everybody's on the same page.

MR. YOVANOVICH: I'm okay with that.

CHAIRMAN STRAIN: I think if you've got schools and other facilities closed for that holiday, it would still be safer to do it on the 4th? It would be more.

MR. YOVANOVICH: Again, I don't have an objection to do that.

MR. KLATZKOW: I mean, this is Mr. Pritt's request for the continuance. My understanding is Mr. Yovanovich is simply agreeing to it, so it's -- are you okay with the 4th?

MR. PRITT: Yes. Let's make it the 4th if --

CHAIRMAN STRAIN: Okay.

MR. PRITT: -- we can make that the request, I guess.

MR. KLATZKOW: And do we have this room on the 4th?

CHAIRMAN STRAIN: Yes. We just got the signal from Michael, and then Ray had already confirmed as well. So the 4th would be a day that works.

MR. YOVANOVICH: Can we have a commitment that we'll go until it's over? If we need to take a dinner break, we'll come back. Because I lost the contingency date. I had the 3rd; we carried over to the 4th.

CHAIRMAN STRAIN: I have no problem with it, but I just want to make sure I've got a Planning Commission to do it.

MR. YOVANOVICH: I understand. I'm just asking that right now because I'm --

MR. KLATZKOW: Do you want to start at 8:30?

CHAIRMAN STRAIN: Well, we could always -- I think -- I know the 5th is open, but it would have to be in the afternoon, so we could always continue to the afternoon.

MR. YOVANOVICH: I start losing consultants on the 5th.

CHAIRMAN STRAIN: And we also have the 6th in the afternoon.

MR. YOVANOVICH: I am out of town the 6th and 7th. I mean, again -- I mean, I'm trying to accommodate the request of Mr. Pritt.

CHAIRMAN STRAIN: I don't care what time it gets over.

MR. KLATZKOW: Do you want to start this at 8:30 like we used to do? It would buy you an extra half hour.

CHAIRMAN STRAIN: I have no problem with that.

MR. YOVANOVICH: I'm fine.

CHAIRMAN STRAIN: Mr. Pritt?

MR. PRITT: I have no problem with that.

CHAIRMAN STRAIN: Okay. And I know the room's open all day, so 8:30 would be fine. I'd just as soon we just start at 5:30. Would you guys mind that?

MR. YOVANOVICH: I'm good. I'm up.

MR. PRITT: If you've seen some of the emails, probably 5:30 a.m. would be just fine.

CHAIRMAN STRAIN: Yeah. If you see mine, that's when I send most of them, so -- okay. Well, then --

MR. KLATZKOW: So just for the public's knowledge, it will be October 4th, this room, commencing 8:30, and we will continue this until done --

CHAIRMAN STRAIN: That's correct.

MR. KLATZKOW: -- if possible.

CHAIRMAN STRAIN: And we'll continue it to the most immediate time. If we can't finish that day, I can assure you it will be Wednesday is the day that I've already been told part of that day's open, so --

MR. YOVANOVICH: Again, I think you can't be here on that day. My consultants have problems with going on the 5th, and I can't be here on the 6th and 7th.

CHAIRMAN STRAIN: I've got no problem finishing it up on the 4th. How about the rest of you staying -- if we have to stay longer?

MR. KLATZKOW: I'll make coffee.

CHAIRMAN STRAIN: If it looks like we've got an issue with time, we'll just have to shorten the time frames. A lot of people are going to be saying the same thing, and one of the things -- we usually start out a meeting when we have public speakers is if you're going to say the same thing as someone before you, to save time, just simply come up and acknowledge you support the person who just spoke. That works just as effectively as restating the whole thing all over again.

So I don't see with the amount of people that are here, and possibly the overflow, we couldn't get through that meeting --

MR. YOVANOVICH: I think we can.

CHAIRMAN STRAIN: -- in the time frame we're allotted for.

MR. PRITT: Just one last thing. I want to make sure -- I am not available on the 5th. I doubt if Rich is available on the 5th either.

MR. YOVANOVICH: I am. You have City Council. I do not.

MR. PRITT: You may be in the same place that I will be at.

MR. YOVANOVICH: I don't think I have a city council meeting.

MR. PRITT: I have city counsel. I have to go all day on the 5th. So I'm good from 8:30 a.m. on the 4th until about 7:30 a.m. on the 5th.

CHAIRMAN STRAIN: We will efficiently manage the time on the 4th, and we'll get through.

MR. PRITT: Thank you.

CHAIRMAN STRAIN: With that, we have all parties in agreement. Is there a motion to continue PUDA-PL20160001865 to October 4th at 8:30 in the morning in these chambers?

COMMISSIONER EBERT: I make that motion.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: Whatever. Second.

CHAIRMAN STRAIN: Okay. Motion made by Diane, seconded by Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

We'll see you then, and we'll take a 10-minute break so the room can change out.

(A brief recess was had.)

CHAIRMAN STRAIN: Ladies and gentlemen, the Planning Commission has to resume its business. If you were with the last action, please leave, if you could.

And the Planning Commission members, as soon as they wander back up here -- we'll find you out there in the audience somewhere.

***Okay. We have one other item on today's agenda. It's 10A. It's under new business. It's the PL20160000760, the Cemex Construction Materials Florida, LLC. It's for the sand mine located on State

Road -- west of State Road 29 by about a mile and a half off of State Road 82. This is an item for an EAC review, so we are sitting on this item as the EAC, not as the Planning Commission. So the elements of this are relative to the EAC review.

First of all, 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 from the Planning Commission?

COMMISSIONER CHRZANOWSKI: Absolutely nothing.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: No.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Okay. And I have spoke a couple times with various staff members. I've talked to Emilio Robau. I don't know how to say his last name, but he's the engineer for the record. I've talked with Mr. Anderson. Those issues that I've brought up to the three of them will be rediscussed today.

With that, Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Okay. Bruce, it's yours.

MR. ANDERSON: Thank you, Mr. Chairman, Commissioners. My name is Bruce Anderson from the law firm of Cheffy Passidomo. And I'd like to introduce some of the folks here with me today, members of the project team. First of all, Mr. James Morris from Cemex Construction Materials Florida; Emilio Robau, the project engineer; Tim Hall, the ecological consultant on the project; Steve Leung from the -- is the transportation consultant; and we also have Mark Stephens, a geologist.

This is an application for an excavation -- commercial excavation permit for an 890-acre sand mine along State Road 82 next to the Hendry County line. A conditional use is already approved for the earth mine, and it contains conditions of approval with which this application complies except with regard to an acceleration lane which FDOT no longer uses or requires on state roads. Staff has no objection to that.

As Mr. Strain mentioned today, you're wearing your hat as the county's Environmental Advisory Council and are guided by the county's excavation ordinance, and the standards are contained in the staff report which recommends approval.

There was an issue with county staff regarding littoral zones, but we have acquiesced to staff on that issue but reserve the right to revisit it sometime in the next 30 years. And the project team members are available for questions, and we respectfully request your recommendation of approval.

CHAIRMAN STRAIN: Thank you, sir.

I don't know -- I'll turn to the Planning Commission members first to see if they have any questions or concerns from the EAC viewpoint on this issue. Stan?

COMMISSIONER CHRZANOWSKI: Is it too early to move to approve?

CHAIRMAN STRAIN: I do have some questions.

COMMISSIONER CHRZANOWSKI: Okay. It is too early.

CHAIRMAN STRAIN: Diane, Karen, if you've got nothing.

The acceleration lane issue is something between the staff and the applicant as far as how it applies, so it's not an EAC issue. I understand that is being worked -- staff has found a solution to it.

The littoral zones that were on the plans that were submitted were inconsistent with the conditional use requests or requirement for littoral zones. I've talked to Amelio and staff as well, and they've agreed that the littoral zone cross-sections will be redone to match what the conditional use required.

And other than that, I didn't have anything that I saw wrong with the plans. We'll -- so with that, we'll need the staff report.

MR. McLEAN: For the record, Matt McLean, the director of developmental review. Our staff did the review of the particular commercial excavation application, which the applicant has submitted to us, and we concur with the additional clarification questions which Mr. Anderson has put on the table, specifically the FDOT's request to not have an acceleration lane as they're leaving the site. That's one item that they no

longer utilize in their particular design.

So we do have an email correspondence to that effect if we'd like to put that into the record just so that we've got a copy of that.

CHAIRMAN STRAIN: It will be for the record, but it is an Environmental Advisory Board Council -- Commission's issue, but certainly you can leave it for the record --

MR. McLEAN: Okay.

CHAIRMAN STRAIN: -- as long as you leave a cope with the court reporter.

MR. McLEAN: Excellent. And then, secondly, with respect to littorals, yes, Mr. Chair, the littorals that are defined within your current plans that you have in your packet will need to be changed out to make sure that the littorals are consistent with the conditional use application.

We did review those respective documents prior to the hearing with the applicant, and we both are in concurrence with the littorals moving forward. Essentially, it is a 4-1 slope that's 12-feet wide that essentially rings the entire lake. That is not required to be placed while they're in their commercial excavation activities but is required to be completed after they're done with the commercial excavation activities as they feed out to their final restoration.

CHAIRMAN STRAIN: Okay.

MR. McLEAN: With that, staff is supportive and recommend approval.

CHAIRMAN STRAIN: Okay. Any other questions from the Planning Commission?

COMMISSIONER CHRZANOWSKI: Just one comment.

CHAIRMAN STRAIN: Well, is there -- okay.

COMMISSIONER CHRZANOWSKI: There is only one correct pronunciation of that word, and it is littoral. I say that over and over. It doesn't matter; nobody listens.

CHAIRMAN STRAIN: Well --

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: -- somebody might think we're literally trying to say anything, so...

Is there any members of the public that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there -- if there's no further comments from the Planning Commission, is there a motion for PL20160000760?

COMMISSIONER CHRZANOWSKI: Move to approve.

CHAIRMAN STRAIN: With the changes recommended?

COMMISSIONER CHRZANOWSKI: Yes, with the changes.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

That takes us to the next thing on our agenda.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

And we are going to have a discussion. First of all, it's old business. We have old business next, and we have a problem. It seems that the calendar posted on the website and the calendar that Ray used and the calendar that Mike Brownlee used is not right. The 4th is occupied by the Board of County Commissioners at one o'clock in the afternoon.

So I don't know -- I'm not sure how this works. But what I'm suggesting -- what I think we can do is we can meet here at 8:30, break at lunchtime and reconvene over at 609/610 if Ray or Mike can clear 609/610 on the 4th in the afternoon.

Heidi, do you have any suggestions?

MS. ASHTON-CICKO: I agree that would be the appropriate way to schedule it.

CHAIRMAN STRAIN: Okay. I mean, I don't know what else to do. I mean, everybody checked and rechecked, and somehow something wasn't on the calendar.

COMMISSIONER EBERT: Back to the 3rd.

CHAIRMAN STRAIN: Well, everybody that was -- I'm more concerned about the people.

MS. ASHTON-CICKO: Everyone that was here was noticed for --

CHAIRMAN STRAIN: Your mike isn't picking up.

MS. ASHTON-CICKO: So everyone that was here was noticed that it would be at 8:30 a.m. here on October 4th, so that's when we need to meet. The room is available. And then we'll continue it to, you know, the alternate location.

CHAIRMAN STRAIN: That's all we can do unless -- I mean, the Board, if they've got something scheduled -- maybe the -- Jeff seems to be very certain. He double-checked, and he said, nope, they are definitely going to be meeting on the 1st -- at one o'clock that day.

So, if something changes between now and then, it may free up the afternoon. If not, we'll just have to plan on -- I'll get together with Troy Miller and see if we can make sure that room over at CDES is set up, and I don't know if it's available.

Do you, Mike?

MS. ASHTON-CICKO: If that's not available, there might be other alternate locations because we do have a very large group of people that were here today, and we do need to accommodate the public. So if that's not available, we'll look at other locations.

MR. BOSI: There are -- excuse me. Mike Bosi. There are two meetings already scheduled, one o'clock and a three o'clock.

CHAIRMAN STRAIN: On when, the 4th?

MR. BOSI: The 4th at 609/610.

CHAIRMAN STRAIN: Oh, 609. Oh, well, on 609 -- oh.

MS. ASHTON-CICKO: Well, I don't think we need to determine the location of where it's going to be moved as long as everybody's noticed, and we can put a notice up here if anybody shows up in the afternoon after we move it. Maybe there's something at the Lely Cultural Building, because I know that they have pretty large rooms over there. But there are some other options, and we'll look into it.

COMMISSIONER CHRZANOWSKI: North County Park.

CHAIRMAN STRAIN: And we do have a -- pardon me?

COMMISSIONER CHRZANOWSKI: North County Park has a big room, and it's a lot closer to these people.

MS. ASHTON-CICKO: Right.

CHAIRMAN STRAIN: And upstairs here we have the fifth room training room that's pretty large. But we need to find something --

MS. ASHTON-CICKO: The regional park has a huge room. So let's look at the options, and we'll -- we can send out an email blast as to where it will be moved in the afternoon once that's determined.

CHAIRMAN STRAIN: Well, it will only be moved if we can't complete it in the morning as well. So, I mean, I'd hate to see people say, well, heck, I'll just wait till it comes up to North Naples and go to that room. We won't need the room if nobody shows up here and speaks, so --

MS. ASHTON-CICKO: Well, correct, but I think we're all expecting a full day.

CHAIRMAN STRAIN: Okay. We'll see where that goes. And I just wanted to let everybody know we have this little problem that came up after-the-fact. So we will still continue with the time -- start time we had planned for the 4th.

Is there any members of the public here wishing to comment on any items at this time?

(No response.)

CHAIRMAN STRAIN: Okay. With that, is there a motion to adjourn?
COMMISSIONER CHRZANOWSKI: No.
COMMISSIONER EBERT: I'll make a motion to adjourn.
CHAIRMAN STRAIN: Diane made the motion. Seconded by --
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: -- Karen. All in favor, signify by saying aye.
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Opposed?
(No response.)
CHAIRMAN STRAIN: Then we're out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:14 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 10-20-16, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
U.S. LEGAL SUPPORT, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.