TRANSCRIPT OF THE MEETING OF THE

COLLIER COUNTY PLANNING COMMISSION

Naples, Florida, July 19, 2018

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain

Stan Chrzanowski

Patrick Dearborn

Diane Ebert

Edwin Fryer

Karen Homiak

ABSENT: Joe Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager

Jeffrey Klatzkow, County Attorney

Heidi Ashton‑Cicko, Managing Assistant County Attorney

Tom Eastman, School District Representative

P R O C E E D I N G S

CHAIRMAN STRAIN: Okay. Good morning, everyone. Welcome to the Thursday, July 19th meeting of the Collier County Planning Commission. If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Roll call by the secretary, please.

COMMISSIONER EBERT: Yes, good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Fryer?

COMMISSIONER FRYER: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Commissioner Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt is absent.

And, Mr. Dearborn?

COMMISSIONER DEARBORN: Present.

CHAIRMAN STRAIN: Mr. Schmitt's absence is an excused absence. He had another meeting on an environmental issue to attend to today, which takes us to addenda to the agenda. We have two items on today's agenda. There's no changes.

Staff, is there any changes from your end?

MR. BELLOWS: No changes.

CHAIRMAN STRAIN: Okay. That will move us right into our Planning Commission absences. Our next meeting is August 2nd. Does anybody know if they're not going to make it to the August 2nd meeting?

(No response.)

CHAIRMAN STRAIN: Okay. We'll have a quorum then, too.

Approval of minutes. We were provided two dates electronically. We'll take them separately. The first one is June 7th. Does anybody have any changes or corrections needed to those minutes?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to approve?

COMMISSIONER DEARBORN: So moved.

COMMISSIONER FRYER: Move approval.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Ned. Seconded by Stan.

Is that you? Okay.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. And there's one, two, three, four, five, six of us today, 6‑0.

So the next section was June 21st minutes. Anybody have any corrections, changes?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve?

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Made by Patrick.

COMMISSIONER CHRZANOWSKI: Stan.

CHAIRMAN STRAIN: Stan. All those in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6‑0.

BCC report, Ray?

MR. BELLOWS: Yes. On July 10th, the Board of County Commissioners heard the PUD rezone for the 951 Villas. That was approved on the regular agenda 5‑0 subject to the Planning Commission changes.

We also heard the PUD amendment for Bent Creek. That was approved on their summary agenda. And the third item was the parking exemption on Rosemary Lane and North Trail, and that was continued to a subsequent board meeting.

CHAIRMAN STRAIN: Was there a ‑‑ just ‑‑ I mean, I know the Board didn't continue it. The applicant, I understood. Do you know why? I mean, that thing has been continued continuously.

MR. BELLOWS: My understanding, that one of the commissioners had an issue or concern about access, and the applicant wanted to redesign or try to redesign the plan to accommodate.

CHAIRMAN STRAIN: Is it something that may have to come back to us then?

MR. BELLOWS: Possible.

CHAIRMAN STRAIN: Okay. Chairman's report: I don't have anything to get into today.

We'll move right into our agenda. The first ‑‑ we have no consent agenda items.

\*\*\*And that takes us to the first advertised public hearing. It's Item 9A. It's PL20170004421.

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: I should have made a note, that's for Bayfront Gardens located on Bonita Beach Road. So if that changes anybody's desire to speak, just still stand up. If not, we'll continue with that.

Okay. Disclosures. We'll start with Tom on my far right.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Just some correspondence ‑‑

CHAIRMAN STRAIN: Ned?

COMMISSIONER CHRZANOWSKI: ‑‑ that came through the county.

COMMISSIONER FRYER: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: Okay. And I've had some correspondence through the meetings with staff. Well, actually, we had a discussion is all, and it wasn't necessary to meet. I also ‑‑ the applicant's counsel had contacted me to ask if a meeting was needed. I didn't see a reason to have one, so we ended up having just an email about that.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: None.

CHAIRMAN STRAIN: Okay. With that, who's presenting the ‑‑ who's here to present the case today?

MS. SPECTOR: I am.

CHAIRMAN STRAIN: Are you Sarah?

MS. SPECTOR: I am Sarah.

CHAIRMAN STRAIN: Sarah, come on up and use the microphone.

MS. SPECTOR: We have a PowerPoint.

CHAIRMAN STRAIN: Do you mind identifying yourself for the record, please.

MS. SPECTOR: Yes.

CHAIRMAN STRAIN: Thank you.

MS. SPECTOR: Good morning. My name is Sarah Spector. I'm an attorney with Roetzel & Andress here on behalf of the applicant.

I have a PowerPoint for you that will outline the request that we have regarding the amendment to the Lely Barefoot Beach PUD.

The property that's subject to this request ‑‑

CHAIRMAN STRAIN: We have our ‑‑ we have screens up here, and that's supposed to come up on our screens as well. It hasn't. Maybe you could switch somewhere. We've got our Accela agenda up, and that seems to be what's overriding it.

Here comes Troy, okay.

MS. ASHTON‑CICKO: And then when you're ready to go back to your Accela, you'll have to push that button and pick display port. So it's a button on the right bottom side. We can walk you through it, if you need to.

CHAIRMAN STRAIN: Well, the only advantage is, we all should have the agenda in some form in front of us, so maybe we wouldn't ‑‑ hopefully that won't be a problem. Okay. We're good to go.

MS. SPECTOR: All right. Perfect.

CHAIRMAN STRAIN: Thank you.

MS. SPECTOR: The property that's highlighted in yellow is the property that's subject to this request. It's a small portion of the PUD. This is a closer‑up version of that. You can see it's just a number ‑‑ a small number of lots that are actually included in this request.

The request is actually to amend the provisions that are applicable to Tract I of the Lely Barefoot Beach PUD. This actually is just a few lots of the Bayfront Gardens subdivision plat. So it doesn't encompass all of the lots of the Bayfront Gardens plat, but it does encompass everything that's within Tract I. And everything that is subject to the Bayfront Gardens Homeowners Association is Lots 11 through 33, and there's one lot, Lot 10, that is outside that association, and the owners of that lot have joined separately.

That one lot is Lot 10, and it's owned by the Grosses. They are members of the Bayside at Barefoot Beach Homeowners Association. The remainder of the lots are part of Tract H of the PUD which already has the height limit that we're requesting today.

Then Lots 11 through 33 are all of the lots that are members of the Bayfront Gardens Homeowners Association.

This is a depiction of the overall PUD, and you can see that Tract I is highlighted. Tract H is immediately adjacent to the west that the other lots within that Bayfront Gardens plat are located.

This is a history of the PUD amendments. As you'll see, there were a few amendments over the years; one of which was to increase the maximum height from two habitable floors to three habitable floors, and those are actually for the lots, which I'll show you in a moment, that are gulf front. So there's ‑‑ with that change, there are only very few lots that are still limited to two habitable floors.

Section 10 of the PUD includes two tracts, Tract H and Tract I. As you'll see here, Tract H has always allowed for four habitable floors, which is the other lots that are ‑‑ includes the other lots that are platted by the Bayfront Gardens subdivision plat, and Tract I, which only allows for two habitable floors.

The request that we're making today is to increase the habitable floors for the lots within Tract I from two to three. That's the only change that we're requesting, so there's no changes in uses, density, master concept plan, or development regulations other than the maximum building height.

This is a summary of all of the residential tracts within the PUD. As you'll see, I've highlighted in the dark blue that there's only one other tract that is limited to the two habitable floors, and then others go all the way up to six habitable floors.

A visual of this is included. As you'll see, Tract I is highlighted. The only other tract that has two floors is that small parcel that is highlighted in pink that is gulf front.

These are the other parcels within ‑‑ or other tracts, I apologize, within the PUD that are classified as single or multifamily residential parcels. So they have the same zoning classification but, as you'll see, Tract I is the only of those that is limited to two floors. The others allow for four floors and six floors.

This is a summary of the floors permissible for all residential tracts within the PUD at the moment. And so, as you'll see, it goes from two floors to six floors with two floors only being applicable to Tract I and Tract D, that very small parcel that's adjacent to the Gulf of Mexico.

If the PUD amendment is approved, this is what the building limits will look like with just that one small parcel still having two floors and all others having at least three habitable floors.

With regard to the Comprehensive Plan, it provides that new development shall be compatible with and complementary to the surrounding land uses, and this is part of the urban residential subdistrict that has been set aside for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated.

So this PUD, as staff has pointed out in its report, is supported by both the ‑‑ I'm sorry ‑‑ the Growth Management Plan and by the Land Development Code, and it is supported because there will be no changes in uses, density, master concept plan, or development regulations other than the master ‑‑ I'm sorry ‑‑ the maximum building height going from two to three habitable floors. It's complementary to the adjacent land uses with only one other small tract having two floors, and it is located in a future land‑use category that's intended to accommodate the majority of the population growth and allow for new and intensive land uses.

So with that, if you have any questions, I'd be happy to entertain them.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission; anybody? Ned?

COMMISSIONER FRYER: Just a few.

First of all, Tract M, that's within the PUD, is it not, undeveloped?

MS. SPECTOR: Yes.

COMMISSIONER FRYER: Undeveloped?

MS. SPECTOR: Everything that's undeveloped is not residential. It's either water or a preserve area.

COMMISSIONER FRYER: Okay. So is Tract M a preserve?

MS. SPECTOR: Let me go back to that. Yes.

COMMISSIONER FRYER: It is? Okay.

MS. SPECTOR: Yes. Everything ‑‑ I have highlighted all of the residential parcels. Everything that's not highlighted is part of the PUD but not residential.

COMMISSIONER FRYER: Okay. Thank you. I notice that the ‑‑ there are references in this material ‑‑ and this goes with respect to height, generally speaking. In some cases it's expressed in feet. In others it's expressed in stories. I find that confusing and potential ‑‑ giving rise potentially to disagreements and possibly inequities if it proceeds along those lines. And it seemed to me that a way of remediating that would be to impose a limit on Tract I that is expressed in feet so that it really is comparable to other residential tracts.

MS. SPECTOR: When the PUD was originally adopted, there was no height limit set by feet; it was all by floors. When tract or ‑‑

COMMISSIONER FRYER: J is 70.

MS. SPECTOR: I'm sorry?

COMMISSIONER FRYER: J is 70 feet now.

MS. SPECTOR: Right.

COMMISSIONER FRYER: Yes.

MS. SPECTOR: But first the horseshoe lots that are along the gulf that are highlighted in gray, the PUD amendment that was approved, I believe, in 2002 did impose a height limit, but it's not entirely clear when that height limit was introduced, because it's not actually underlined as being added by that ordinance. But it's not in the previous ordinance, so it's not clear that it was actually adopted and implemented, but the ordinance does impose a 70‑foot height limit there.

And then Tract J is a 70‑foot height limit. I believe the reason for that is Tract J was originally set aside for a utility site, and there was a request made to allow for one single‑family home on that site in place of the utilities. So they did place a height limit on that since it wasn't originally intended for residential development.

COMMISSIONER FRYER: I still find it confusing.

CHAIRMAN STRAIN: But I think to remedy your confusion, if the applicant has a height that they'd be willing to put on the record for what they would want to not exceed, that just might solve the confusion. I mean ‑‑

COMMISSIONER FRYER: That would be my thought.

CHAIRMAN STRAIN: Right. So have you given that any thought?

MS. SPECTOR: Not to where I have client approval to insert that. I could confer with them, though.

CHAIRMAN STRAIN: The height of 70 feet on those ‑‑ the tract that you used to discuss with Ned, does that ‑‑ what's the ‑‑ what's the floor number for that 70 feet? Is that three floors?

MS. SPECTOR: Yes.

CHAIRMAN STRAIN: Okay. So if we were to be consistent with other parts of this project, then a stipulation of 70 feet for this height of three floors, maximum, would correspond to that, then. So, I mean, that's an option that we can discuss as we move on.

COMMISSIONER FRYER: Yes.

CHAIRMAN STRAIN: But I just thought I'd throw that out for you, Ned.

COMMISSIONER FRYER: Thank you.

At the NIM there was a Mr. Tomarchio. And I apologize if I'm not pronouncing the name correctly. But he, in some of his comments, brought about other points of confusion in my mind, and I think there may be some confusion more generally with respect to this whole subject of building height and number of stories within Tract I.

Mr. Tomarchio owns No. 235 Bayfront ‑‑ Bayfront and he also ‑‑ which, of course, has a house on it. Then he bought 213 Bayfront, which is unimproved. And the question that he asked was, is what is he going to be allowed to build on that? And he ‑‑ let me see if I can get the exact language. I'll quote this from the NIM.

Ms. Spector, you said, "And when you say four stories, you're talking about the ground floor and three floors up?"

Mr. Tomarchio: "Correct."

Ms. Spector: "And that's what we're asking for here."

MS. SPECTOR: The reason for that confusion is we haven't done any historic research on it, because it wasn't necessarily germane to this request, but there are a number of homes within Tract I that already have three habitable floors that did pull permits and were allowed to build three habitable floors. So this will bring those homes into conformance with the PUD amendment ‑‑ I'm sorry ‑‑ with the PUD ordinance and allow those who are building on vacant lots to also build three habitable floors.

COMMISSIONER FRYER: So when we're talking about four stories, is there a fourth unhabitable floor on top of the three habitable ones?

MS. SPECTOR: No. The bottom story is not habitable. It's where the garage is.

COMMISSIONER FRYER: Oh, oh, okay.

MS. SPECTOR: So when we're asking for three habitable stories ‑‑ floors, I apologize ‑‑ it's actually three floors over parking.

CHAIRMAN STRAIN: Well ‑‑ and, Ned, I don't mean to interrupt ‑‑

COMMISSIONER FRYER: Please.

CHAIRMAN STRAIN: ‑‑ but I think maybe there's a disconnect in the discussion.

You want to be able to build three habitable floors, and the premise under which these non‑habitable floors were previously permitted would still apply. So you really have three habitable floors and one non‑habitable floor, and then on top of that you've got the garage below, if I'm following the thinking.

And what I found disingenuous in the minutes of the meeting of the NIM: Mr. Stein: "But the county already granted, according to this gentleman, seven building permits."

Ms. Spector: "I don't know if the building permits did allow that. I haven't pulled the building permits because you can build a third story and have it not be habitable."

Mr. Tomarchio: "Ha, ha, ha."

Ms. Spector: "That's a ha ha ha?"

Ms. Owens: "Yeah, for the record."

So I'm not sure what's gone out on that property up there, but it does sound like you've gotten building permits for a non‑habitable third floor already, and people have converted it to a habitable floor because obviously, once it's CO'd, it's hard for the county to have access to it and see how it's being used.

And, Ray, you're shaking your head yes. That's probably what's ‑‑

MR. BELLOWS: For the record, that's my understanding as well.

CHAIRMAN STRAIN: Okay. So in cleaning this up, giving them three habitable floors, those people that are already improperly using the third non‑habitable floor for habitable floor, become legal, but people coming in now can build three habitable floors and still put that non‑habitable floor on top of that that becomes a habitable floor by the mere sake no one can tell what's going on up there.

Is that a scenario that, Ray, from a building permit perspective, we'd be still obligated to issue permits for?

MR. BELLOWS: Without an actual height limit in feet, that is possible.

CHAIRMAN STRAIN: Okay. And I think that's probably where Ned's suggestion of height in a form of a footage, actually, comes into play a little bit better so...

That's ‑‑ I'm surprised this community's doing that. I guess it's common, but it just isn't right, and I'm a little surprised it was put on the record like that, so...

MS. SPECTOR: It was, from my understanding, done some time ago, and the current owners bought it that way; bought it improved not knowing that it wasn't permitted.

CHAIRMAN STRAIN: Okay. Ned, I'm sorry. Go ahead.

COMMISSIONER FRYER: No, please. You clarified. Thank you.

With respect to the unimproved lots, the vacant lots, could someone come in now and build a first level, which is a parking garage, then three habitable floors, and then an attic on top of that?

MS. SPECTOR: Well, I think that's what we would ‑‑

CHAIRMAN STRAIN: That's what I just said, yes, they can.

COMMISSIONER FRYER: So that's five floors.

MS. SPECTOR: Yes.

CHAIRMAN STRAIN: Three habitable, one considered non‑habitable space, and then the bottom one considered vehicle space, non‑habitable.

COMMISSIONER FRYER: And that would be resolved if we had a height limit expressed in feet.

CHAIRMAN STRAIN: Most likely, yes.

COMMISSIONER FRYER: That's all I had, Mr. Chairman.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I noticed on the yellow, when you told us the area, the lots you were talking about, Lot 10 is outside the other lots that are basically under the jurisdiction or some kind of control by the homeowners association?

MS. SPECTOR: Correct.

CHAIRMAN STRAIN: Okay. Now, I noticed in the very cover page of the application or the staff report it says, "There are many owners within this PUD that have not joined in this petition." I understand that. But what about the owners of the lots in yellow; have all of those joined in this petition?

MS. SPECTOR: The association at their annual meeting took a vote of the owners and had the necessary approval to move forward with the association as the applicant and with the one lot outside of the association, that owner joining in separately.

CHAIRMAN STRAIN: Okay. And I'm assuming from the County Attorney's Office that the number ‑‑ the percentage of votes required at the association meeting, whether they be present or whether they be in whole, was checked out?

MS. ASHTON‑CICKO: No, I did not review that. We can ask Ms. Spector to address that today.

CHAIRMAN STRAIN: Okay. In your HOA docs, are they required of the voting members present or of the voting members as a whole as far as percentages go to pass something like this to have this changed for all those other members?

MS. SPECTOR: This was based on what the county requires for approval.

CHAIRMAN STRAIN: Which was?

MS. SPECTOR: I'm going to have to look at that. There was a resolution in the package signed by the association that indicated the level of approval.

CHAIRMAN STRAIN: Okay.

MS. SPECTOR: I'll have to pull that.

CHAIRMAN STRAIN: Thank you. In our electronic documents, Page 89, I see the secretary certificate as to the vote.

MS. SPECTOR: Yes.

CHAIRMAN STRAIN: It just did not ‑‑ I didn't see the percentage. That's what I was asking about.

MS. SPECTOR: Oh, it's not in there? I believe it was two‑thirds.

CHAIRMAN STRAIN: Of those present at the meeting?

MS. SPECTOR: No, of all.

CHAIRMAN STRAIN: Of all of them. And it's not going to change much right now. Just, could you follow that up and confirm that after the meeting to my office or the staff planner?

MS. SPECTOR: Absolutely.

CHAIRMAN STRAIN: That will take care of it.

And the other thing I notice is there is requirement of half the building height for other setbacks, the rear and the front, especially if they abut Lely Beach Boulevard with the exception of the one that's fixed at 25 feet. You're not attempting to change any of those; I haven't found those changed anywhere.

MS. SPECTOR: No.

CHAIRMAN STRAIN: Okay. So your building envelopes will be within that.

MS. SPECTOR: Correct.

CHAIRMAN STRAIN: I don't have any other questions at this point. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Staff.

We'll go to staff report next, and, Sarah, if there's any members of the public that speak and you want to rebut, you'll have time to do that.

MS. SPECTOR: Thank you very much.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: For the record, Ray Bellows. I'm filling in for Tim Finn, who is on vacation.

The staff is in agreement with the presentation. It's consistent with the staff's understanding of the request. The petition's consistent with the Growth Management Plan and the Land Development Code, and we are recommending approval. I'd be happy to answer any questions.

CHAIRMAN STRAIN: Any questions of staff?

COMMISSIONER FRYER: I thought I did have one. It may take me a second to find it.

CHAIRMAN STRAIN: Well, I've got one while he's looking for that.

COMMISSIONER FRYER: Please.

CHAIRMAN STRAIN: Ray, if we limit this to 70 feet, that would be, then, for three stories, but overall it would have to be really actual height, wouldn't it?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Okay. Because zoned height doesn't include habitable, so ‑‑

MR. BELLOWS: That's the problem.

CHAIRMAN STRAIN: ‑‑ we'd have to move back into actual height.

MR. BELLOWS: Yeah. This PUD predated the actual‑height requirement, so I think that would be a logical choice at this time to add an actual height.

CHAIRMAN STRAIN: Okay. And in that actual‑height measurement, do we know if the other 70‑foot reference in this PUD is for actual or zoned?

MR. BELLOWS: I'd have to check, but I imagine it's actual.

CHAIRMAN STRAIN: Okay. Anybody else?

MR. BELLOWS: The reason I say that is because most of these properties have a flood ‑‑ base flood elevation issue, and that's why most of these homes have non‑habitable space on the first floor. So to get to 70 feet, that's taking into account that bottom space.

CHAIRMAN STRAIN: Okay. I have no problem with that.

Go ahead, Ned.

COMMISSIONER FRYER: I think this has been covered, but just to be sure. On Page 91, electronic material, there's an email from Ms. Velasco to a Mr. Lloyd Bardfeld and it says, "Thank you for voicing your concern, but I did want to clarify with you that the building height allowed will not be changing, rather this amendment would allow a habitable third floor for those who already have a third floor." But in addition to that it, of course, allows for new construction as well.

CHAIRMAN STRAIN: Well, that is an error, and I confirmed that with staff before the meeting.

Ms. ‑‑ I don't know why Ms. Valasco was given the responsibility to answer a zoning question, but that is not a true statement. Ms. Spector actually corrected it, and I'm glad she did; otherwise, we'd have a problem with what the public has been told prior to this meeting.

So she did correct it, and Mr. Barfield (sic) still didn't have a problem after the correction, so ‑‑ but it isn't necessarily three stories to make the existing non‑habitable but habitable uses legal; it's actually to make one above that, so...

MR. BELLOWS: Yeah.

COMMISSIONER FRYER: Thank you. That's all I had.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Is there any members of the public here wishing to speak on this matter?

Sir, come on up and use one of the microphones, and you'll need to identify yourself for the record.

MR. TOMARCHIO: Yes. I'm Joseph Tomarchio, Jr.

COMMISSIONER FRYER: Sorry. If I didn't pronounce your name ‑‑

MR. TOMARCHIO: Not a problem. I'm accustomed to it. And thank you very much for this opportunity to present this to you.

We are in agreement with the change. My wife and I have a home at 235 Bayfront, and it happens to have a third floor over and above the level that is your garage and your entryway.

We happen to have purchased a lot, a vacant lot at 213 Bayfront, which we plan on building our ‑‑ hopefully the last home we ever have to build because, as you probably know, it's the most contentious time to ‑‑ that you have with my wife of 40 years is building a home. But we're hoping this is the last one, and we can live in peace.

But with that being said, you know, there are, I believe, six, possibly seven homes in this community that already have this third or what I call a fourth floor, okay. The third ‑‑ the first floor, the ground floor being, of course, the garage space.

And I believe in the homeowners association, which my wife is a board member, I'm pretty sure it says 75 feet. Seventy feet would work. Our current home, based on the drawings that I was able to pull, I think, including the weather mane (sic) is 68 feet, including the weather mane. So alls we're looking for is to have what we currently have now.

And to reduce it would really impact the value of the homes because, one of the things that kind of sold us when we bought this home seven years ago was that you can go up on the third habitable level, which to me is the fourth floor, and you can see the Gulf of Mexico, and it's just a beautiful site. On the other side of us is a preserve which no one can build, and you can see the bay area.

And, I mean, it's just ‑‑ it's just gorgeous. I mean, we just fell in love with the views, and it really sold us. And when we had the opportunity to purchase one of the two vacant lots that are left ‑‑ there's only two vacant lots left in this community. And we were very fortunate to purchase one of the lots about six years ago with our, you know, sole desire to build our home there, and we're not even sure whether we want it to be four floors, but we don't want to be restricted saying that we can't when we already have it where we are. And there are six, it might be seven ‑‑ I might be wrong ‑‑ seven homes that already have this.

When we purchased the home, it has ‑‑ and, yes, the fourth floor in our house, or the third habitable floor, as you would call it, has a sink, you know, has a little refrigerator, so it is habitable.

We rarely use it except when we have family or friends over or, you know, we just want to enjoy the view on the 4th of July, but it is ‑‑ really adds to the value of the home. And all the homes along the beach, as she pointed out, have what we have already.

So if you limit it to the third ‑‑ I mean, two habitable floors, you lose that view entirely, and I really think it makes a major impact on the value. And I'm certainly ‑‑ I know certain that you're not going to reduce my taxes if you do that, right? So we're paying for that view in one form or another, and we're certainly paying for the vacant lot for what we believe was the value of that view.

So we're for it, and I think if you say 70 feet, I think that's fine, that works, because, like I said, our current home, including the whether mane, I think, is 68 feet based on the drawings.

So I really appreciate, you know, you approving this for us, and this way our current home will be in compliance ‑‑ we never knew it was out of compliance ‑‑ and we would be able to build our dream home, which my wife and I are really looking forward to and enjoying our life down here in beautiful Collier County.

Thank you very much for this opportunity.

COMMISSIONER FRYER: Before you leave, sir ‑‑ and thank you, because your comments clarified some issues that I had in mind both now and when you were at the NIM, so I appreciate that.

Really what we're talking about, though, if you count the parking level, we're talking about five floors, and not that that's a problem, but I think we just ‑‑ well.

MR. TOMARCHIO: Go ahead.

COMMISSIONER FRYER: It's five, though, isn't it?

MR. TOMARCHIO: No, it's four.

COMMISSIONER FRYER: The parking level, three habitable, and an attic.

MR. TOMARCHIO: Well, I have no attic. I mean, there is no attic. In my house there's no attic, sir.

COMMISSIONER FRYER: So am I ‑‑ now I'm confused. Counting the garage level ‑‑

MR. TOMARCHIO: Yes, sir.

COMMISSIONER FRYER: ‑‑ do these houses have more than four floors?

MR. TOMARCHIO: No, sir.

COMMISSIONER FRYER: None of them do?

MR. TOMARCHIO: None of them there. Oh, one has an attic?

COMMISSIONER DEARBORN: No.

CHAIRMAN STRAIN: No, no. What I think Ned's getting at, if you have a garage and you have three habitable floors ‑‑

MR. TOMARCHIO: Yes, sir.

CHAIRMAN STRAIN: ‑‑ and you're allowed to put another non‑habitable floor above that, you really have five floors. That's what he's saying.

COMMISSIONER FRYER: Exactly.

CHAIRMAN STRAIN: Yeah. You just don't count it all as habitable. That's all.

MR. TOMARCHIO: Well, again ‑‑

CHAIRMAN STRAIN: But I don't think we're saying that's wrong.

MR. TOMARCHIO: I'm not an architect or an engineer, but there's is no home in there that has ‑‑ I call it four floors. There's no home in there that has over four floors.

COMMISSIONER FRYER: Well, to the extent that I have concerns, and that extent is limited, it would be alleviated by a 70‑foot actual height maximum.

MR. TOMARCHIO: Yes, it would.

COMMISSIONER FRYER: Then it doesn't matter.

MR. TOMARCHIO: You hit it right on the head.

COMMISSIONER FRYER: It shouldn't matter how many floors you have.

MR. TOMARCHIO: I would concur. Seventy feet would do it, sir.

COMMISSIONER FRYER: Thank you, sir.

MR. TOMARCHIO: Thank you very much.

CHAIRMAN STRAIN: Just one comment. You mentioned that you believe the HOA may allow up to 75 feet.

MR. TOMARCHIO: I'm pretty sure.

CHAIRMAN STRAIN: But just so you know, that has no bearing on county zoning laws.

MR. TOMARCHIO: I absolutely, positively understand that one does not connect to the other.

CHAIRMAN STRAIN: Okay. Sometimes people think they can build the 75 feet ‑‑

COMMISSIONER FRYER: It's preempted by 70.

MR. TOMARCHIO: Understood, absolutely, and I understand that.

CHAIRMAN STRAIN: Thank you.

MR. TOMARCHIO: Thank you for the opportunity.

CHAIRMAN STRAIN: Is there anybody else ‑‑ any member of the public like to speak on this item who has not already spoken?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I don't think there's anything to rebut by Ms. Spector, and she's shaking her head no.

So, Ray, I don't ‑‑ there's no other ‑‑ there's no registered public speakers?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. We'll close the public hearing, and we'll entertain a motion. I would suggest that any motion include an actual height limitation of 70 feet.

COMMISSIONER FRYER: I would move approval of the PUDA together with an actual height ceiling of 70 feet.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Okay. Motion made and seconded. The only thing I'd suggest, instead of the word "ceiling," we just say "limit." That way there's no confusion if it's an inside ceiling or outside roof, it's actual height, and so ‑‑ all the way up.

So with that ‑‑

COMMISSIONER FRYER: Yeah.

CHAIRMAN STRAIN: ‑‑ any further discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6‑0.

Thank you.

\*\*\*And takes us to the next item on our agenda. I'll read that to everybody. It's Item 9B. It's PL20180000261/CPSP2018‑2. It's also known as the Golden Gate Area Master Plan Replanning Effort.

All those ‑‑ this is not an item that needs people sworn in or disclosures, so we'll move right into a presentation by Kris Van Lengen, who's the county member who has handled all this.

Kris, it's all yours.

And for the sake of the Planning Commission, for those that are new, the way we normally handle these kind of documents, after the presentation, we'll go through them a few pages at a time, like Pages 1 through 5, and ask, "Is there any questions on those pages?" and get through the whole document that way.

And for the benefit of the public, every 10 pages I'll turn to the public and say ‑‑ ask them if there's any members of the public have any questions on the previous 10 pages, and that way we'll get through this whole thing.

Okay, Kris.

MR. VAN LENGEN: Thank you, Mr. Chairman.

My name is Kris Van Lengen. I'm the project manager for the four area restudies that are currently underway, and we're very happy to be in front of you with the first transmittal of the Golden Gate Area Master Plan.

We'll just start with a very brief introduction, partly for benefit of the public and for this body. And it's really very, very brief before we get into the policies one by one.

We're at the transmittal hearing process today. We expect to get to the Board of County Commissioners in the transmittal process probably by September or October of this year. Then it gets transmitted to the state with adoption hearings planned toward the end of this year. So we hope to keep that schedule.

We're going to have a discussion today about goals, objectives, and policies and land‑use designation descriptions. Those closely follow what you know generally in the FLUE. In other words, the Golden Gate Area Master Plan is divided principally into those two areas: Goals, objectives, and policies and then, more specifically, land‑use designation descriptions.

So Anita Jenkins and myself will be playing a little bit of tag team here. When we get to Golden Gate City GOPs, goals, objectives, and policies, she'll jump up. I'll be back with the Estates' goals, objectives, and policies. And then likewise when we get to the land‑use designation descriptions.

Just so that you're aware we're also transmitting elements in the CCME, Conservation Coastal Management Element; the FLUE; the solid waste sub‑element; the stormwater sub‑element; the transportation sub‑element. The only issues there ‑‑ and we can go through them line by line if you wish ‑‑ they're mostly just single‑line changes that exactly mirror the language that we have here. We've been advised by experts and counsel that that's the best way to handle it, to have those ‑‑ some of those ‑‑ just a very few of those policies right in those other elements. And so those provisions you would find in the back of your packets attached to the resolution itself. They'd be at the very end of the resolution.

I might also mention that I'm very happy that we have several staff members here today who are subject‑matter experts in various areas so that if we can't answer your questions, they will do so.

Again, for the benefit of the public, when we talk about the restudy and the Growth Management Plan, we're talking about very high‑level concepts. They really implement board ‑‑ or create established board‑adopted values, and those are the policies themselves, and then those values really filter down into Land Development Code amendments. They filter down into the budget determination process and capital improvement planning. So all those things become involved. We're definitely at the higher policy level.

Some of them aspirational. Some of them are measurable. There are very different types of policies involved. They're also complementary in terms of having studies and elements. And just so that you know, the lens in which we view all of those restudies includes a look at economic vitality and land use, a look at transportation, a look at environmental sustainability, and that's pretty much the way we've looked at all of the restudies so far. That was really our charge going forward.

So public outreach; we do have an oversight committee appointed by the Board, the Growth Management Code Oversight Committee. They meet quarterly. They let us know what they think about our program going forward and meeting with the public and when, why, who, where, the topics that we cover.

In the Golden Gate Area Master Plan we had 10 public workshops. We had website materials, a whole library available to folks who wanted to take a look at them, including some of the online surveys. We had instant polling at many of our meetings, and that turned out to be very valuable to us and, of course, the correspondence that you would get with any type of plan change.

So this is a map of the restudy areas. And I'm not sure this is a good time to ‑‑ place to stop for a moment and talk about this. We studied the Golden Gate Area Master Plan in three segments. Our outreach was divided in three ways. We looked at the Eastern Estates, the Western Estates, and Golden Gate City in terms of doing those public outreaches and notifying those folks somewhat separately. So we kept track of their input and answers separately.

Where we wound up was, and somewhat to our surprise, that the Urban Estates had very, very similar opinions that the Eastern Estates residents had as well. And so that led us to believe that although we studied it in three different ways, we're packaging it in two different ways. That is to say, Golden Gate City is one package, and you'll see that under Goal 2, and Goals 4 through 7 deal exclusively with Golden Gate Estates.

There has been some discussion and, Mark, I don't know if you ‑‑ Mr. Chairman, if you want to discuss it at this point.

CHAIRMAN STRAIN: Yeah. Mark's fine, too, Kris.

MR. VAN LENGEN: Okay.

CHAIRMAN STRAIN: I feel ‑‑ anything different bothers me.

Yes, I had a suggestion come in to me requesting that the Western Estates be ‑‑ as it's shown on this map be considered as urban, and the rural ‑‑ the Eastern Estates be considered as rural. So retitle them that way.

I've talked to folks on both sides, in the urban area as well as the eastern area, and no one has said ‑‑ they potentially don't see any problem with it. I did let them know that we have until adoption in which to finalize it.

So I think the folks in the ‑‑ or the potential Urban Estates may look a little bit more at it, but there didn't seem to be any concern. I think if you don't mind that would be a good change to make.

MR. VAN LENGEN: Yeah. The only thing we would do at this point would be to, essentially, republish the same provisions for the Urban Estates. And the only advantage to me to that is that, going forward, it does give them the opportunity to make specific changes to those elements only. So that's ‑‑ that's how we did that.

So we'll transition now. And, again, we're ‑‑ this is still introductory material. This is 50,000 feet. We'll start to move down to the policy level shortly, but we just wanted to give you a quick glance at how we saw these different planning areas.

COMMISSIONER FRYER: Mr. Chairman, could I ask one question at 50,000 feet before we drill down?

CHAIRMAN STRAIN: You like feet. We just changed the other one for 70 feet for you, but we'll go 50,000 for you on this one.

COMMISSIONER FRYER: Thank you.

The Collier Boulevard dividing point between urban and rural or eastern and western, in another involvement I have with the county having to do with ambulances, the question is often raised that perhaps that's not the best dividing point; that circumstances and development have maybe made that obsolete, and it should be moved to the east. Have you given thought to that?

MR. VAN LENGEN: That's the first comment we've heard in that regard, so I appreciate that.

CHAIRMAN STRAIN: But this is just for the character of the areas, not service and things like you're asking. I would strongly suggest that we don't want to move it further east. We have a delineation line, and I would hope that we wouldn't go that far.

Mike?

MR. BOSI: Mr. Chair, I believe as that relates to Commissioner Fryer's comments, it's related to the EMS level of service. We have a level of service of eight minutes for urban response times and 12 minutes for our rural response times.

The area ‑‑ the arena where that discussion would be most appropriate would be when we bring the AUIR/CIE in September to the Planning Commission, and those type of comments could be explored with the EMS staff as to whether we think that those lines need to be changed based upon some of the growth and development patterns that we've seen. And that ‑‑ I think that would be the appropriate place for that type of a discussion.

COMMISSIONER FRYER: And I'm fine limiting that to EMS. My only question was is, has that been thought about? And I guess the answer is no, but it sounds like it's not ripe for thinking at this point.

CHAIRMAN STRAIN: Well, I honestly had thought about it during this whole discussion, and the most logical line from someone living out there and knowing both areas equally ‑‑ in fact, you can drive through both sides of Collier Boulevard and see different types of styles developing out there. I still thing Collier, Ned, makes the most sense for those of us that live out there, and I would hope that we could follow along that train of thought and leave it at that for now.

And I don't ‑‑ I don't disregard the issue for EMS. I think that's a good thing to pursue. And if we can get better response times in either side, regardless of where this characterization line is drawn, I think we still could do that.

COMMISSIONER FRYER: Thank you.

MS. JENKINS: Thanks, Kris.

Good morning, Commissioners. I'm Anita Jenkins, an urban planner with Community Planning, and I'm going to go through with you just the primary recommendations we had for Golden Gate City.

And when we started the public workshop process in the surveys, one of the first things we did with the community was to establish a vision because we wanted to make sure that our changes and our recommendations were in line with the vision of the community.

So the first slide you see here is what resulted of the workshops from Golden Gate City, and that's a vision of this community wanting to be safe, diverse, family oriented, a vibrant urban community, and very walkable. So all of our policy recommendations should reflect and implement that vision statement.

First, on our land use and economic vitality, our primary recommendations here are on try to establish more of a destination in Golden Gate City. And in this village, we're trying to focus on Golden Gate Parkway and the activity center. And you can see the activity center on this slide is the red area right in the center, and Golden Gate Parkway then abuts that and traverses the entire city area.

So we're asking to do consistent standards along this area. Right now you have three different designated areas all with different land‑use characteristics and standards. And so we would like to bring those into consistent standards for redevelopment purposes.

We are also adding several different uses to the activity center that would be more job related, and those are very specific and listed in here. We'll be adding the SIC codes to those uses so when you know that those come forward, that they're consistent with the plan as it is now.

Also for this area, along with those industrial uses in the activity center, they come from a selection of industrial uses and business park uses in this activity center. We have also started the process already of designating this area the activity center ‑‑ the Parkway as an innovation zone. That will allow financing in this area to help redevelopment purposes.

This just gives you an idea of the character and the infill that we're trying to create with this master plan. That is the activity center as shown. The buildings that are in the darker orange are existing, and this shows how the infill might occur with the lighter orange buildings. We are going to be doing a zoning overlay for this area to make it more attractive for developers to come in, be consistent with that zoning, and move forward with redevelopment activities.

On the transportation, a lot of work is being done in Golden Gate City right now. The MPO has conducted a walkable community study there. They intend to take that to their advisory committees in September and to their MPO board in October for adoption.

So one of the things that we're trying to emphasize is walkability in this neighborhood. They have a great structure for that. We just need to focus those transportation dollars in Golden Gate City on the pedestrian and bicycle system.

There's also a policy in here, and it will require a resolution change as well, and that is focusing on the request to vacate these alleyways. Alleyways in our community are a huge asset to us, and they can be used for service areas. They can also be used for walking and bicycling. So we want to make sure that we're protecting these alleyways where there may be some reasonable connection in the future for pedestrian/bicycle perhaps in the future transit activities. So we don't want to see these alleyways in Golden Gate City being vacated on a regular basis.

And that is it for the primary recommendations on Golden Gate City. I'll be happy to answer any questions. We're going to go through these in detail.

CHAIRMAN STRAIN: When we get to page by page, that will probably be best for us to ask our questions. Thank you.

MR. VAN LENGEN: Thank you. Kris Van Lengen again.

I will do the same thing. This is very, very brief, and look forward to the page‑by‑page discussion.

What we're looking at here ‑‑ obviously, it's a map of the rural estates. You can see that the density is much greater toward 951 than it is farther east. But in overall, the Estates is about 50 percent built out at this point in time.

We began this believing that there probably would be very modest proposals coming forward, both the urban and rural estates, and we were not ultimately surprised. And we think our proposals are extremely modest, and that's because of a stable public opinion and I think because of a very strong foundation for the work that was done back in 2002 to 2004 to create with what we're working about now.

So if you look at the rural character, for example, no surprise that the citizens still prefer the large lot, low density natural surroundings, quiet neighborhoods. They don't want new neighborhood centers by and large. There is some concern about functionality, and we'll get to that in the specific provisions.

And rural fringe coordination ‑‑ it actually might have said rural fringe and rural lands coordination on the concern side, to be sure that they wanted to have adequate buffering and protection from activities that occur in those particular areas, but on the positive side there was a great amount of enthusiasm among citizens to have the opportunity for goods, services, and jobs much close to where they live and in, sometimes, reverse commute. So it really adds to the mobility aspect of the entire area without having to add those additional neighborhood centers or other commercial areas within the Estates themselves.

Conditional uses, I think we'll probably have some significant discussion on this coming up. Just so that you know, conditional uses in the Estates include social clubs, daycare, assisted living, elder care, schools.

Communication towers and churches, we did add a recommendation for major intersections. We'll see how that goes. We think that the community was I wouldn't say divided; they were just slightly in favor of it. But we think it makes sense just from a policy planning standpoint, so we put it in.

Corridor for future study, I will bring up a very specific map to show you what we're talking about here. Basically, it's the Immokalee Road curve near Randall. And there are a lot of different interests involved in that location. And so what we're looking at there is suggesting that the county embark on a specific study that includes very specific notification to those residents in that area.

COMMISSIONER CHRZANOWSKI: Kris, could you go back to that slide. Can I ask a question? You have parcels with structures, parcels without structures. Now some of the lots are acre and a quarter, some are two and a half, some are five. How can you tell a five‑acre lot with one structure from four one‑and‑a‑quarters with one structure each?

MR. VAN LENGEN: Well, we actually have a separate map, and I don't have it in this PowerPoint. But we can put it on the overhead when we get to that point, because one of our recommendations in the environmental side has to do with lot combinations. And so we identified the one‑and‑a‑quarters, the 75‑foot. This still working? The 75‑foot frontage lots, and we identified which ones were vacant and which ones were not.

COMMISSIONER CHRZANOWSKI: Graphics used to have a chart that showed sections by percentage of development, you know, from like, 10 percent to up to 90 percent. I still have a copy of that. You want me to send it to you? It might come in handy.

MR. VAN LENGEN: That would be fine. Thank you. I appreciate it.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Kris, for the conditional use for schools, does that include public schools?

MR. VAN LENGEN: I'll send that one to Mike, because that's been a recent topic of conversation, I know, at the board level.

MR. BOSI: Per the interlocal agreement and the GMP, public schools are permitted uses within the Golden Gate Estates zoning district. There's been a clarification for recognizing that by statute charter schools are also considered public schools. We've amended the Land Development Code to indicate that schools ‑‑ public schools are only schools that have an existing interlocal agreement with the county to qualify for those permitted use ‑‑ for the permitted uses.

Those charter schools that do not have an interlocal agreement for how a school sitting is to take place has to go through the conditional‑use process.

MR. EASTMAN: So the document that's here today, there's no changes as far as the school district's concerned. Given the interlocal with the county, they'll still be a permitted use in this area?

MR. BOSI: Correct. There's no alteration to the existing relationship.

CHAIRMAN STRAIN: And, Tom, there was a change to the Growth Management Plan a few years back to ‑‑ or LDC, actually, to ‑‑ remember the charter school that went next door to Twin Eagles? That woke everybody's eyes up to some changes that had inadvertently caused a different interpretation of the code at the time. We fixed that, so now the conditional uses are not for public schools. They're for charter schools.

MR. EASTMAN: Thank you, Mr. Chairman.

And that was a good change. I know we coordinate and review with the county before moving forward with construction to make sure that we have adequate road services, utilities, et cetera, and, really, all schools should be required to do that.

CHAIRMAN STRAIN: Okay. Thank you.

Kris?

MR. VAN LENGEN: On the transportation side, we perceived the public's probably greatest concern in terms of mobility had to do with safety issues, and particularly the bridge study was probably tops on their list, if not the I‑75 connection.

So we called for a new bridge study. You'll see that in the policies coming up. In fact, it's already underway.

And I‑75 connection, we've just modified somewhat what it means to have a connection in the vicinity of Everglades Boulevard, and then we still think it's very, very important for the MPO to move forward with a study area in the North Belle Meade area, another east/west roadway, because that would really aid in our planning efforts in that area.

In terms of environment, we're talking about fire and water for the most part, and the Estates have had plenty of each in the last couple of years in particular.

The watershed initiatives really take off with the 2011 Watershed Management Plan. It identified a number of projects within the Golden Gate area. And so we can talk about that when we get to the policies, but it deals with flood protection, it deals with water quality, it deals with aquifer recharge.

Lot combinations and dispersed water management, they both go to that ‑‑ both ‑‑ all of those issues, really. They go to water quality, they go to floodplain management, and they go to aquifer recharge. And you won't know what we're talking about until we get there, I have a feeling.

So I'm just going to leave it at that, if you don't mind, and then move forward with wildfire protection. One of the issues that came up after the ‑‑ I think the 2017 fires ‑‑ and there wasn't much letup in 2018, but the funding issue in terms of helping out Forestry and our fire districts was an issue that we want to make sure stays on our radar.

Staging areas, we may or may not need them. I know the experience this year has been pretty positive without staging areas. So it's just something that we put in there because it was discussed about a year ago when folks thought it was a very important idea that we provide them. Update the interlocal agreements and mutual aid agreements and, obviously, continual education.

So that concludes that portion of it. That was just a really broad introduction. We would like to go through the changes that we're recommending page by page.

And so the pagination, as you see, really reflected a version that we had of the full strikethrough, full underline, which is part of the resolution, which is why the pages look a little funny. But Objective 1 ‑‑ excuse me ‑‑ Goal 1 begins, I believe, on Page 52.

CHAIRMAN STRAIN: Well ‑‑ and, Kris, you had provided us a redlined strikethrough version ‑‑

MR. VAN LENGEN: That's correct.

CHAIRMAN STRAIN: ‑‑ that was 55 pages long. Is it possible to work from that document today?

MR. VAN LENGEN: Yes, and that's what ‑‑ essentially, these page numbers that you see on the overhead, they correspondence with that red strikethrough underline so that we could analyze it in that format rather than a complete strikethrough complete underline. You wouldn't know what we were changing. So, yes, that was our purpose in going through that.

CHAIRMAN STRAIN: Okay. So we're going to move, then, to Page 1, which I guess on your document it's Page 52, or on the rest of the Planning Commission's documents. We always have this problem since we went electronic.

Let's pull up yours so we know we're starting from the right point, and then I'll explain what I think will be a good process to move forward.

MR. VAN LENGEN: Okay. So ‑‑ and this probably also says Page 1. Let's be sure; yes. There are a couple of ‑‑ looks like Page 1 through 5 is then succeeded in the goal areas at Page 52. So there are five pages of ‑‑ not introductory material but, essentially, background material ordinances that were amended and a table of contents.

CHAIRMAN STRAIN: Okay. What we'll do is we'll take the first 10 pages as one section because there's not many changes there, and move into the five pages after that. For the members of the public, every 10 pages I'll ask if anybody would like to comment on the prior 10 pages we discussed. We'll break it that way because it would be kind of tough to wait till the end of 55 pages and remember all the things that you may want to ask us about. We'll be certainly willing to hear what you've got to say.

And, Kris, if ‑‑ you know, if you reduce the size of that page a little bit, you might fit more on that ‑‑ I don't think it will hurt our viewing. Well, that works.

Okay. Let's move through the first 10 pages. On the Planning Commission's document, the first 10 pages include, as Kris had said, a lot of the table of contents and items like that, and it ends with the tenth page being ‑‑ taking us into the policy. 1.10 is the last policy on the bottom of Page 10.

So with that in mind, does anybody have any questions through those first 10 pages?

Go ahead, Ned.

COMMISSIONER FRYER: On page 1, which maybe is just something that was prepared for the Planning Commission and it shouldn't be worried about, but in case this page goes to the Board of County Commissioners, you might want to correct the typo in Line 5, spelling of September.

And I think that's all I have in the first 10. Oh, it probably is worth mentioning at this point, because I did have a very helpful, fruitful conversation with Kris yesterday that clarified the issue that had been raised by an email writer by the name of Laurie Burns, and this has to do with the concept of grocery store first.

And it's my understanding that that issue has been addressed, and it should have been addressed in a way that is to her satisfaction so we don't need to discuss it further, I believe.

MR. VAN LENGEN: We've discussed it in the sense that we understand that it will not be raised today. If the Board of County Commissioners provides direction to include that as a consideration, then it's certainly their prerogative to do so.

COMMISSIONER FRYER: Understood.

MR. VAN LENGEN: But we don't plan on raising that today.

COMMISSIONER FRYER: Okay. Good. That's all I have in the first 10.

CHAIRMAN STRAIN: Anybody else on the first 10 pages? Stan?

COMMISSIONER CHRZANOWSKI: Speaking of Laurie Burns, I think she sent a letter. I got a copy. I don't know if everybody else did. Okay. So she asked that her letter be read aloud here.

CHAIRMAN STRAIN: We don't read letters. We'd be doing that all day long forever.

COMMISSIONER CHRZANOWSKI: I know. I'm just ‑‑ in case she's listening somewhere to this, just so she knows that we thought about her.

CHAIRMAN STRAIN: I sent a letter to Kris and asked him to disperse it. And now that everybody's had it, that was the key note, so...

MR. VAN LENGEN: And I did respond to her directly. She was satisfied with that response.

COMMISSIONER CHRZANOWSKI: Good.

CHAIRMAN STRAIN: Kris, the only question I have is on Page 7, and it's the redlined additions. And Line No. 9 mentions the Estates residents were similar in the eastern and western areas. Is that one of the locations it might be better to start referring to it as urban and rural?

MR. VAN LENGEN: We'd be happy to do so. We've sort of flip‑flopped back and forth on that through the years. So we'd be happy to recharacterize.

MS. ASHTON‑CICKO: In addition to the page on PDF, could you please state the page that's on the bottom, like Page 54 or 58? Because I can't follow you. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any other questions in the ‑‑

COMMISSIONER FRYER: Is the formula to add 52 pages to the electronic numbering?

CHAIRMAN STRAIN: What?

MS. ASHTON‑CICKO: Well, if you took a look at the resolution, you'd see that there are about 53 pages of strikethroughs, so in preparing the presentation, they tried to make it easier by removing those pages.

CHAIRMAN STRAIN: Well, no. You're asking for the printed page ‑‑

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: ‑‑ that's part of the Growth Management Plan, which you said would be 53 in this case, but it's really electronic page 7. Is that what you're looking for?

MS. ASHTON‑CICKO: Yes, because I can't follow you with what you're looking at. Your electronic version is different than my electronic version and my paper version.

CHAIRMAN STRAIN: Okay. Let's move on. Anybody else have any questions on the first 10 pages? Diane?

COMMISSIONER EBERT: Mark, why are we separating 951 to west of the Estates and east of the other?

CHAIRMAN STRAIN: So that in case those two areas of Golden Gate Estates, who have different ‑‑ they're slightly built out differently. If they want something different in their areas in the future, the area's already delineated. So the residences along Oaks, for example, are quite a bit different than the residences in the rural area of the Estates. They may have different goals, different desires in their area, and that way if they want to come forward and do something independent so it doesn't affect 100 and ‑‑ well, what have we got ‑‑ the 60,000 lots out there or 40,000 lots out there, it only affects their area; that's why it's being done.

COMMISSIONER FRYER: And keep in mind we have not done that at this point. That's an option that we want to answer if the Board of County Commissioners directs us to do so.

CHAIRMAN STRAIN: Right.

COMMISSIONER EBERT: Okay.

MR. VAN LENGEN: All we were saying is that we studied them in different baskets, so to speak.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else on the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Is there any member of the public that wants to discuss the first 10 pages? Okay. We'll move onto pages ‑‑

MR. GRIEVES: I have a question.

CHAIRMAN STRAIN: I'm sorry.

MR. GRIEVES: Yes.

CHAIRMAN STRAIN: Sir, you'll have to come up and address ‑‑ identify yourself for the record, and use one of the microphones, please.

MR. GRIEVES: Okay. I live in the Estates in the area ‑‑

CHAIRMAN STRAIN: Tell us your name first, please.

MR. GRIEVES: John ‑‑ I was getting to that. John Grieves.

CHAIRMAN STRAIN: Okay.

MR. GRIEVES: And my question is this: You just discussed the area that I was here today to discuss because of the same things that were referenced earlier about the comments in the next door and letters that have been proffered to you guys.

Basically, my concern is that that commercial corner ‑‑

CHAIRMAN STRAIN: Which commercial corner?

MR. GRIEVES: Right on the corner of Wilson and Golden Gate Boulevard on the northwest corner.

CHAIRMAN STRAIN: Right.

MR. GRIEVES: I heard you mention it, but I always wondered what happened to that project, like the letter I think you were referencing.

CHAIRMAN STRAIN: You could probably get together after the meeting and ask Kris what his knowledge is on the status of that project. I don't know.

MR. GRIEVES: Is that what I heard him mention earlier that we're just not going to discuss that today?

CHAIRMAN STRAIN: There was a consideration to discuss it today. It wasn't something that was necessarily going to be ‑‑ everybody wasn't aware of it, so it's just not going to be discussed today. It didn't come through in the normal process, so I think it's better to wait on it, and I think that's what's been concluded, and it will ‑‑ if it wants to make any changes, they'll go through a process that the public's all informed about.

MR. GRIEVES: All right. I could take that. But I would just make one other comment. As a citizen out there who was heavily involved in this developing project out there ‑‑ and when it was approved by 76 percent of the citizens there, I also was in favor of it. It seemed that the commissioners and the Planning Department, which by the way, some of the people that were on the Commission subsequent to those approvals, that project was dropped, and they went for the Randall project, and that one was just ushered right in.

And my comment back then was that commissioners and planning needs to listen to the citizens, and when we proffer something that we want, we expect you to embrace that project, not push it somewhere else.

I've heard suggestions recently on our ‑‑

CHAIRMAN STRAIN: Sir, the first 10 pages of this document is what we're discussing. The issue you're bringing up has nothing to do with the first 10 pages.

MR. GRIEVES: It doesn't, but I'm at this microphone, and I want you to hear my point.

CHAIRMAN STRAIN: Sir, we're going to run this meeting in the order that we've already laid out. You want to come up at the end of the meeting, Page 55 is where that particular project is, we can discuss it at that time. But right now let's just move through this document and get all the other things done as we build up to that.

MR. GRIEVES: I'd still like to know what happened with our project.

CHAIRMAN STRAIN: It's a private project. It has nothing to do with Collier County other than the zoning action. I can't tell you anything about the ‑‑

MR. GRIEVES: Oh, it does when you guys make the decisions on whether it will fly or not.

CHAIRMAN STRAIN: Sir ‑‑

MR. KLATZKOW: Hold on.

CHAIRMAN STRAIN: That's enough, please.

MR. KLATZKOW: What we do as a county is that we zone different areas for different uses. At that point in time, people like you or people like developers decide whether or not they're going to invest and build in those areas, okay. That investment decision has nothing to do with the county.

So if Randall Boulevard comes first or Wilson comes first, that has nothing to do with the county. That's a private developer making an investment decision.

MR. GRIEVES: Well, I understand that part. I understand that part. What I don't understand is when a project on one end of this county in my neighborhood is approved and then it just somehow fritters away, and then a project that wasn't even really on the radar was the alternate project. Usually it's the usual suspects that are causing that problem.

I want you to know that I will be involved in any future goings‑on with what you're going to allow over there on that corner. But it is 40 acres of commercial development. I said back then, 20 acres of commercial actual development would have left us a very park‑like setting.

I don't like the way it turned out.

CHAIRMAN STRAIN: Sir, we are not on that topic now. So I'm going to ask you to sit down and come back up and speak if you want to when we get to that topic. But, please, let's move on with the other things ‑‑

MR. GRIEVES: Well, we were supposed to be on the topic today ‑‑

CHAIRMAN STRAIN: Well, no. We're on the first 10 pages. What you're talking about has nothing to do with that.

MR. GRIEVES: I came here for that, and I heard ‑‑

CHAIRMAN STRAIN: Then sit and patiently wait. We'll get to that point towards the end of the meeting.

Tom?

MR. EASTMAN: Mark, I believe that corner is actually for sale.

CHAIRMAN STRAIN: I don't know. I have no idea.

MR. EASTMAN: I think there are for‑sale signs there.

CHAIRMAN STRAIN: Again, it's not the county's business how a private property owner takes care of his property, as long as he's consistent with the code and the ordinances, and that's all we're concerned about.

MR. EASTMAN: Correct.

CHAIRMAN STRAIN: Okay. Kris, we'll move on to Pages 11 through 15.

MR. VAN LENGEN: We have another speaker.

CHAIRMAN STRAIN: Oh, Andrew. Is this about pages 1 through 10, please?

MR. DICKMAN: I guess 1 through 10 in the actual Comp Plan or ‑‑

CHAIRMAN STRAIN: The changes that are in front of us today are 55 pages of the actual Growth Management Plan section for Golden Gate. We're on Pages 1 through 10 of that, which takes us through Policy 1.1.10.

MR. DICKMAN: Okay.

CHAIRMAN STRAIN: And if you've got something on it ‑‑ I'd rather stay back on track, because we could talk about a lot of extraneous subjects today and never get through this document, so...

MR. DICKMAN: I totally understand. I just wanted to let you know I was here to answer any questions, unless ‑‑ and I know that staff initiated ‑‑

CHAIRMAN STRAIN: And you're concerned about the Randall property, right?

MR. DICKMAN: Well, I'm just here to answer any questions or let you know ‑‑

CHAIRMAN STRAIN: Well, I have a question about that, but when we get to that page, I'll queue you up on it, if that's okay.

MR. DICKMAN: Just wanted to be clear where we were in this process. Thank you.

CHAIRMAN STRAIN: We're working our way there, sir.

MR. DICKMAN: Gotcha.

CHAIRMAN STRAIN: Thank you.

Okay. Pages 11 through 15. Any from the Planning Commission on Pages 11 through 15? Ned?

COMMISSIONER FRYER: On electronic page 14, I think it's numbered Page 5, I believe it's the table of contents. There's ‑‑ in red there was added language "special exceptions to conditional use in Golden Gate Estate." It just needs an S on the end.

CHAIRMAN STRAIN: Okay. Now, I'm ‑‑ you went back to the pages ‑‑ the first 10 pages.

COMMISSIONER FRYER: It's ‑‑ well, I don't know how I'm going to be able to follow this if ‑‑

CHAIRMAN STRAIN: Well, I don't either. I thought it was ‑‑ we have 55 pages. We've just talked about the first 10, and we're going on for the next five. So that would be Pages 11 through 15, but I don't know ‑‑ Kris, is there some number system that would work for everybody?

MR. VAN LENGEN: I'm not sure, but I'll tell you, to make it simple, I think if we do it a couple pages at a time, and I promise to keep up with the overhead, the public then would be aware of where we are, because they don't have probably these materials in front of them.

CHAIRMAN STRAIN: Okay. And the page you're going to start with would be Page 11, which is ‑‑ for Heidi's reference, it's Page 57. Ned, I don't know what to tell you.

Peter, you can't talk from the audience; you know that.

COMMISSIONER CHRZANOWSKI: Mark, I was going to suggest that if we're having such trouble finding our way around here, I don't know how the public is ever going to know what's going on.

CHAIRMAN STRAIN: And, Stan, if you've got a better idea on how we could accomplish this, let me know.

COMMISSIONER CHRZANOWSKI: I don't.

CHAIRMAN STRAIN: But we've got, apparently, three different page references for the same page in all the different documents.

COMMISSIONER CHRZANOWSKI: That's it. I don't have a better idea. But I'm saying if we're having such problems, I don't know how they know what to talk about when it comes up.

CHAIRMAN STRAIN: Well, Kris, let's start on Page 11, because Pages 1 through 10 were pretty benign as far as the issues to raise. So let's just go to Page 11, which is the page ‑‑ so you're on Page 5.

MR. VAN LENGEN: This is the Page 5 that's ‑‑ now, from my understanding, just so that I get what everybody's talking about, your electronic versions do not include this Page 5 number down here? You can't see that? No one can see that, this Page 5?

COMMISSIONER FRYER: That's what I made a comment to.

MR. VAN LENGEN: I know. That's where you were. And I get it, we need to add an S to the Estates.

CHAIRMAN STRAIN: No. I've got.

MR. EASTMAN: They can see.

CHAIRMAN STRAIN: Yeah, that's what mine reflects.

MR. VAN LENGEN: All right. So if we go by these page numbers, I think we're good.

So then we went into the introduction. We had the vision statements, we had a little bit more history, and now we're on a new section here that's beyond your first 10 pages.

CHAIRMAN STRAIN: Okay. I'll tell you what. Why don't you just start scrolling down pages, we'll walk through them, and as people have questions on the Planning Commission, we'll ask, and every so often I'll ask the public to speak. That's the only way I can think of getting through this thing.

COMMISSIONER FRYER: I'm pretty sure I'm in sync with where we've agreed to be. My next question is going to be on the page numbered 55, but it's actually electronic page 18.

MR. VAN LENGEN: And if you stick to Page 55 convention, I'll understand where you are. That's the very ‑‑

COMMISSIONER FRYER: Do that as long as the page numbers show up on the electronic screen.

CHAIRMAN STRAIN: That's my electronic page 9, so...

COMMISSIONER FRYER: I'm out of time on it, but I'd ask leave to raise this issue or at least raise the question even though I'm beyond the first 10 pages.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: That is this: Under B, it says, "urban commercial district," and the words "mixed use" were added.

CHAIRMAN STRAIN: Can you ‑‑ okay. I hate to ask this. I have no idea where you're talking from.

MR. VAN LENGEN: Here we are, on the overhead.

CHAIRMAN STRAIN: Now I've got. Thank you.

MR. VAN LENGEN: Urban commercial. That was a clarification, a correction.

COMMISSIONER FRYER: Yes. And I need further clarification of it. When you say "mixed use," are you including residential?

MS. JENKINS: Yes.

MR. VAN LENGEN: Pardon me. Sorry. What was the question?

MS. JENKINS: I answered it.

COMMISSIONER FRYER: Maybe that should be clarified, because in A above, the urban mixed‑use district, you specify urban residential subdistrict. The word "residential" does not appear in B. Maybe it would be more clear if it did. Unless it's commonly understood that mixed use always includes residential.

MR. VAN LENGEN: Mr. David Weeks is our Comprehensive Planning manager, and he is intimately familiar with these characterizations. This was a correction, as I understand it.

MR. WEEKS: For the record, David Weeks, Growth Management manager in the Comprehensive Planning section.

That's correct. That's just a correction that those two words were missing. That's the same terminology used in the Future Land Use Element for the activity centers. We have mixed‑use activity centers, and we have interchange activity centers, and a comment you made, that is correct, mixed use does include residential and commercial ‑‑

COMMISSIONER FRYER: Okay.

MR. WEEKS: ‑‑ and other land uses.

COMMISSIONER FRYER: Thank you for the clarification. Okay. Then my next question is going to come up on ‑‑

CHAIRMAN STRAIN: Why don't we just go a page at a time, and we can ask questions as we go through each page. It will just take a bit longer, but we'll work that way.

Kris, if you want to go to the next page.

MR. WEEKS: Mr. Chairman, I'd like to offer another suggestion. In addition to page numbers, if we also reference the specific policy number or the goal or objective so that we not only get to the page but get to the location on the page. Might that be helpful?

CHAIRMAN STRAIN: Well, who knows. We can try.

MR. VAN LENGEN: If there are no other questions on Page 55, we'll go to Page 56. And this really just ties the goals, objectives, and policies to the land‑use designation descriptions. There were changes to Policy 1.11. Are there any questions on that?

Tom, you may have a question. This had to do with school.

MR. EASTMAN: I have no questions.

MR. VAN LENGEN: Okay. That was ‑‑ again, it was corrective in nature. There was no intention for substantive change there.

Anything under Objective 1.2?

(No response.)

MR. VAN LENGEN: Some of those were either relocated or are no longer relevant.

I'd be surprised if there were no questions on 1.3.2. No questions?

CHAIRMAN STRAIN: Do you want to surprise Kris, anybody? I think you're going to be surprised then.

MR. VAN LENGEN: Okay. Next?

CHAIRMAN STRAIN: Yep.

MR. VAN LENGEN: Under Goal 2 ‑‑ Anita, do you want to run us through Goal 2?

MS. JENKINS: Any questions, I'll be happy to answer, if you have any questions on Goal 2 or the objectives or policies.

CHAIRMAN STRAIN: And, Kris, you're over on the first page. Ned, do you have something on what's in front of us on the screen?

COMMISSIONER FRYER: Let's see. I have a question on Goal 2, Line 17, and it appears to be on Page 58 near the top.

My question is, why are we deleting the language to provide for the basic needs of both the local residents and the residents of the surrounding area?

MS. JENKINS: The idea is to align their goal for Golden Gate City with their vision statement. So it's to better qualify the intent to create this vibrant walkable community. It's still going to provide for the needs of those in the community and surrounding the community, but the intent is to create that walkable community for Golden Gate City.

COMMISSIONER FRYER: It just ‑‑ it sounds to me like we're going toward insularity here, which I don't think is the intent.

CHAIRMAN STRAIN: Anything else on that page, Ned?

COMMISSIONER FRYER: No.

CHAIRMAN STRAIN: Okay. Anybody else? If not, Kris, we'll just keep moving.

MR. VAN LENGEN: Objective 2.2, 2.3. That would conclude Golden Gate City in terms of goals, objectives, and policies. Again, we will get back to it with land‑use designation description. There are some significant changes there.

CHAIRMAN STRAIN: Why don't I ask members of the public, anybody have any questions on the Golden Gate City segment of this document?

(No response.)

CHAIRMAN STRAIN: Okay. Let's move on to wherever we left off. I'm afraid to reference a page, so I'll let you go, Kris.

MR. VAN LENGEN: Okay. I think we can ‑‑ Goal 3 is left there. That, essentially, is a historical marker in terms of the south blocks. So we move to Goals 4 through 7 those ‑‑ excuse me. Those deal exclusively with Golden Gate Estates.

CHAIRMAN STRAIN: Okay.

MR. VAN LENGEN: Anything under Objective 4.1?

CHAIRMAN STRAIN: Yes. Well, actually, just below that, 4.2.

MR. VAN LENGEN: Oh, okay.

CHAIRMAN STRAIN: Under 4.2, you added some new language under the objective "or other future commercial land‑use designations." What was the intention of ‑‑ what was the intent in adding that?

MR. VAN LENGEN: The intent was to add the Policy 4.2.1, which is that location that we discussed at Randall curve. And with that question in mind, I'd be happy to put a map on the overhead if Mike wants to help me out, get that aligned. I can show you what's there.

CHAIRMAN STRAIN: But this references ‑‑ it says, or any other future commercial land ‑‑ "or other future commercial land‑use designations," and you said that's a reference to Policy 4.2.1? Because there you're talking about a road study or corridor study, correct?

MR. VAN LENGEN: Well, it's a land‑use study is really what we're talking about.

CHAIRMAN STRAIN: Okay. Do you think out of that land‑use study there's going to be recommendations for some more commercial uses in that area; is that ‑‑

MR. VAN LENGEN: There may well be. At this point in time we have quite a few. And let me go through that in terms of who's ‑‑ who has contacted us at various times with interests. And as we know, and I probably should have mentioned in the introductory section, we repelled individuals who wanted site‑specific changes through this restudy process. The reason being, we didn't feel like we could do all of those neighborhood information meetings. It would be more appropriate than the broad‑based outreach that we did do.

So with that in mind, I think that's ‑‑ well, that's close enough.

CHAIRMAN STRAIN: Okay. But ‑‑ so the objective, it says, "provide for new commercial development within neighborhood centers." Then the new language "or other future commercial land‑use designations." If this replanning effort doesn't identify other future commercial land‑use designations, how would that ‑‑ what do you see developing those? How do you see those coming ‑‑ because I thought this effort was supposed to start identifying the additional commercial locations.

And this language kind of is open‑ended. It seems like someone could come in and decide that they want another commercial land‑use designation in another area because of this language and not limit it to our neighborhood centers.

MR. VAN LENGEN: I understand your concern. The objective is meant to allow for the possibility of a future commercial center, which could be the Immokalee curve area that we'll be discussing, but not necessarily. So there may be no new commercial land‑use designations.

We didn't want to foreclosure the possibility since Policy 4.2.1 essentially says, if the Board of County Commissioners endorses it, that we will begin a study on that location to look at the land uses and how they best fit together.

I mean, what we have now is a large church campus that's very interested. We have county property, including a bus barn, parks and rec, affordable housing school district swaps that have all been discussed. There are strings attached to that because of the GAC land trust. There are commercial interests coming forward, there are intersection considerations, and there are, obviously, most importantly, residential interests.

So without studying it all at one time, we feel that it would be premature for a restudy group to make specific recommendations on this particular area given that there are so many different perspectives and desires for its use. So it's really talking about land use.

The Objective 4.2 was only meant to allow the possibility, certainly not force that possibility. If there's a better way to word it, we'd be happy to entertain that.

CHAIRMAN STRAIN: Well, if someone came in and wanted to develop the Randall curve and went through all the processes to get there, which means the GAC land‑use trust and everything else, they would have to come in, as it stands now, without that language, as a small‑scale or a large‑scale GMPA probably, Growth Management Plan amendment, I would think, and then the rezone; is that correct?

MR. VAN LENGEN: I think that's correct.

CHAIRMAN STRAIN: So how does this language help us?

MR. VAN LENGEN: Well, it allows me to put it in Policy 4.2.1, because without that language, I'm not sure if a policy that says we're going to do a land‑use study ‑‑ well, maybe it's fine. I defer to other minds, perhaps, as a legal question. I just wanted to make sure that we're not foreclosed from doing that study, which is something we think is very important for that area.

CHAIRMAN STRAIN: Didn't the MPO already approve that study?

MR. VAN LENGEN: Well, there are two studies. The study that's the timing piece is the Randall/Oil Well Road corridor study. The study we're talking about is a land‑use study in the Immokalee Road curve.

And if you look at the overhead, the depiction there, you can see the black dotted line that includes quite a bit of space in there. Actually, you know, we've included the Randall Boulevard commercial subdistrict. We indicate in the white paper that the Board may wish to change the location or the extent of the delineation of the study area.

But, basically, this is what ‑‑ there's been a lot of interest from a lot of different parties, and it makes sense from a planning perspective to look at them together rather than look at them separately as separate ‑‑

CHAIRMAN STRAIN: And I agree with you. I'm just trying to understand it. So I think ‑‑ and I also can acknowledge, as you know, we've had a lot of different pieces of those properties come in for different changes. And at the same time, I notice you included the Randall shopping center parcel that has a GMP element but needs some changes to it. So those changes could occur during this study?

MR. VAN LENGEN: I don't have an opinion on that.

CHAIRMAN STRAIN: Okay. Well, then why is it included in there if that's not what you're intending?

MR. VAN LENGEN: Well, because of its character, if someone wants to make this a mixed‑use district of some kind, that would naturally be part of that district.

MS. ASHTON‑CICKO: Kris, I think the concern here that I'm hearing is that this would authorize staff to bring forward, like, subdistrict changes through a restudy like you're doing right now. So I think that's what the concern is.

CHAIRMAN STRAIN: And I would mirror that. I agree. That's what I'm trying to get to is I don't want this to open up a Pandora's box of ‑‑ acknowledge the abilities to come in and do a lot of commercial land‑use changes outside the scope of a replanning effort like we're doing today or a GMPA if the scale dictates it.

And I just wanted to make sure that wasn't the intent. That's why I'm trying to figure out why that language is so important to be added.

MR. VAN LENGEN: Yeah. Well, the intent, again, is simply to look at this particular location as a potential subdistrict of some kind, if it makes sense today so ‑‑

CHAIRMAN STRAIN: And is that ‑‑

MR. VAN LENGEN: ‑‑ to study it ‑‑ from the staff perspective, to study it all at once rather than piecemeal as different parties come in.

CHAIRMAN STRAIN: Could you reference that map in this Policy 4.2.1 ‑‑

MR. VAN LENGEN: I think so.

CHAIRMAN STRAIN: ‑‑ as the area in question? I think that would help delineate what, then, we're talking about.

MR. VAN LENGEN: Okay. And along with that, we'll make sure that the map itself is not definitive. It's illustrative, so we want to be able to make changes ‑‑ the Board will want to be able to make changes.

CHAIRMAN STRAIN: Right. But just knowing that's ‑‑ the intent was this general area, not the total 90, whatever, thousand acres we got left in Golden Gate Estates, so ‑‑ okay. I would think that would be helpful.

MR. VAN LENGEN: And with that, then, do you recommend deletion of the "or other future commercial land‑use designations in Objective 4 point ‑‑

CHAIRMAN STRAIN: As long as 4.2.1 can exist without that language, I think that would be even ‑‑ help it even more.

MR. VAN LENGEN: County Attorney, is that a difficulty at all?

MR. KLATZKOW: No, it's not. I'm not sure why it's in there to begin with, but that change would be fine.

MR. VAN LENGEN: Okay.

CHAIRMAN STRAIN: Okay. David ‑‑ or, Diane?

COMMISSIONER EBERT: Kris, in this, what you have outlined, can you tell me approximately how many acres all of that is?

MR. VAN LENGEN: Oh, gee. I didn't add it up, and I apologize. It's in the hundreds.

COMMISSIONER EBERT: It's in the hundreds?

MR. VAN LENGEN: Couple hundreds, probably.

CHAIRMAN STRAIN: It's probably about 160, maybe 180. You've got 40 just on the curve property. You take that size, multiply it out times one, two, three, about four more segments, you're four times, five times, for about close to 200, 180; somewhere around that neighborhood.

It wouldn't all be designated something different. I think that's the area they want to take a look at and figure out what areas there are practical to consider for something else.

MR. VAN LENGEN: Exactly.

CHAIRMAN STRAIN: David?

MR. WEEKS: Commissioners, I was thinking if we ‑‑ for a language change, instead of saying "or other future," we said, "and other commercial land‑use designations." That does two things: One, it recognizes that there are already other commercial land‑use designations besides neighborhood centers, including the Randall Boulevard subdistrict we're referring to here and; secondly, that being wide open like that, that would allow the policy below without any conflict.

CHAIRMAN STRAIN: I like that idea. And it takes out the insinuation that we're planning future. We're just acknowledging it as it exists at this time. So I'm fine with that.

And, Kris, for the sake of our court reporter, I think it would be a good break time right now, and we'll come back at 10:45 and resume the meeting.

(A brief recess was had.)

CHAIRMAN STRAIN: Ladies and gentlemen, if you'll please take your seats. Mr. Bosi has informed me I was late, so...

And we left off on discussion on 4.2. And, Kris, during break, one of the gentlemen that's involved with the Randall property, he had a comment he wanted to make while we're discussing his property or his area.

Andrew, if you'll identify yourself for the record. Or him ‑‑ you or Bob, whoever's willing to make ‑‑

MR. DICKMAN: Yeah, both of us.

Andrew Dickman, Dickman law firm.

I think I got clarification from Mr. Weeks that this is not going to create any kind of moratorium on us filing a zoning application. So I got clarification on that, so thank you.

MR. KLATZKOW: No, no. No moratoriums.

MR. DICKMAN: Okay, great. Thank you.

MR. KLATZKOW: Not unless the Board of County Commissioners wants to declare one, there are no moratoriums.

CHAIRMAN STRAIN: Now, Bob, your issue is later on in the document, or at least your project is. Have you got something relative to this policy you want to discuss with us right now?

MR. MULHERE: Yes, 4.2.1.

CHAIRMAN STRAIN: Yeah. Okay.

MR. MULHERE: Yes. For the record, Bob Mulhere with Hole Montes.

I am representing the Diocese of Venice, which ‑‑ who owns 40 acres of land within the area that's identified as the study area. We have no objection to that. But I did want to get one clarification. So it's ‑‑ my question isn't necessarily related specifically to the Diocese of Venice. It's more related to the policy.

I probably misunderstood, but when I read it again, understanding that there's already ‑‑ the corridor study has already been initiated, that's the transportation study, I think this language actually does make more sense than I first thought.

So "within one year of the completion of the Randall Boulevard and Oil Well Road corridor study," as long as everybody knows what that means, whether you want to put in parens "transportation" between corridor and study, but as long as everybody knows what that means.

Then it says, "The County Manager shall initiate an evaluation of the future land uses" in the area that Kris put up on the screen.

I would suggest to you that in most policies there is a time limit within which something like that should be completed. If you look down at Policy 5.1.2, it says, "The county shall initiate any architectural standard requirements within two years."

So I guess we're going to initiate this study. I'm a little concerned that it's open‑ended, but I guess I would ‑‑ there is at least a time frame within which it must be initiated. And I think as a representative of landowners in that area, I can help to address the time frame. You know, I can push for a certain completion period.

I do think also, though, that we might want to just clarify, because there are ‑‑ we were talking about two studies, and I thought it was a little bit confusing. I don't know if you ‑‑

CHAIRMAN STRAIN: Well, I knew there was the MPO amendment that just recently happened, and that included the study. This is a study area. I didn't realize that we had a separate land‑use study going on at the same time.

I'm fine. I understand what they're now doing. I think the language has been clarified to say that. I think your issue of when's the study going to start and stop, I'm sure that that will ‑‑ if you bring it up to the Board, it's going to be up to them to fund it. That's probably where the issue's going to be.

MR. MULHERE: I mean, I think it's reasonable to assume that the corridor study's going to be completed within a year, maybe a little bit more, and that's when this land‑use study will be initiated. I'm comfortable with that.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Thank you. Let's move on.

And, Kris, we're on the same page. Anybody ‑‑ and that's the bottom of Page 61 as we move further forward. Anybody have any questions on the rest of that page? Ned?

COMMISSIONER FRYER: On 5.1.2, that section is a long sentence that begins with the concept of the county initiating architectural standard requirements in the LDC, and then it ends "providing coherent and area identity." Could you give me an example of what that means or how that would be accomplished and who would pay for it?

MR. VAN LENGEN: Well, this would be a county‑initiated Land Development Code amendment study. We do have an architect on staff who could advise us. I think what we heard from the community loud and clear is that when it comes to constitutional and commercial uses, they would like to have more coherence in terms of the look.

Right now the only limitations that are in the Land Development Code have to do with the style of roof and also subdued colors, which is fine, but there's no vernacular from an architectural standpoint. And I'm not schooled enough in that area to say much more than that other than that we want to look at it and see if there's a way we can provide more of a sense of identity and coherence.

COMMISSIONER FRYER: Coherence I can understand.

MR. VAN LENGEN: Through architecture.

COMMISSIONER FRYER: It's really the identity.

MR. VAN LENGEN: Well, that would be a rural identity, Olde Florida identity, something along those lines.

COMMISSIONER FRYER: Okay. My second question on that page, 5.1.3, you're striking the sentence that this prohibited the exercise of eminent domain, and it would surprise me if any of the stakeholders or landowners in these hearings or meetings were calling for that.

MR. VAN LENGEN: That was the staff, and that was me in particular, and this may merit some discussion. I just simply saw that as a potential conflict in the terminology. Since we're talking about existing or future easements or right‑of‑ways, how can we ‑‑ how can we discount the possibility of eminent domain if there's a future right‑of‑way involved? I'm only looking at it in a logical sense.

COMMISSIONER FRYER: Eminent domain makes it a one‑sided deal. You can still get easements and rights‑of‑way by negotiating them out with landowners. But with eminent domain back in the picture, then it becomes really a one‑way thing other than litigating over value.

MR. VAN LENGEN: And if that's the case, we can put it back in.

Heidi, do you have any thoughts on that?

MS. ASHTON‑CICKO: I'm never in favor of putting a restriction on our abilities that we have by law, so I would recommend that this be taken out. When a board decides they want to condemn property, there is a public hearing and a resolution that gets adopted. So there is an opportunity for the public to come forward.

COMMISSIONER FRYER: Well, I wonder what the discussion was that led up to the inclusion of this language in the first place.

MR. VAN LENGEN: In the first place it was simply myself thinking that there was a logical inconsistency, but I think you've explained it from ‑‑

COMMISSIONER FRYER: I mean, when the language was ‑‑ the language that you're striking, when it was initially put in, was there a discussion about that?

MR. VAN LENGEN: I could not tell you. Maybe a history ‑‑

CHAIRMAN STRAIN: Yes, there was. We were concerned about greenways running anywhere in the Estates that other agencies who felt they were needed would put them, and that would include people's backyards and things where they not normally were. And we didn't want to see that happen, and that was a concern.

I had brought this question up to Kris before the meeting. I had suggested better defining the sentence previous to it with the suggestion that "all greenways shall be constructed within existing or abutting future public easements or rights‑of‑way."

If you do that, then we're keeping everything aligned to where the drainage alignments are, where the road alignments are, where things currently exist, and we're not wandering, meandering throughout the Estates in private properties through an eminent domain process to create a greenway. And that was a suggestion I had.

And, Kris, you were going to check it out. And I don't know if you did. What do you think?

MR. VAN LENGEN: Abutting? I came up with the word "adjacent." I agree with your concept.

CHAIRMAN STRAIN: Well, adjacent and abutting have two different separate definitions. I'd rather keep it abutting.

MR. VAN LENGEN: Well, we came out with the same conclusion, but that would mean that we continue to have a strikethrough in creating a greenway network that kind of shall not employ eminent domain proceedings. And the question is, is that ‑‑

CHAIRMAN STRAIN: But it almost becomes irrelevant, because if there are greenways, they will be constructed within the existing or abutting future public easements or rights‑of‑way. So that means you can go outside, I would think, unless it's not complete enough, the corridors that would be established by where they are today and enhancing those if there's needed additional square footage; is that a fair understanding of it?

MR. VAN LENGEN: Yeah. And I think we all agree in terms of policy. I think we're having trouble with the wording. So if that's acceptable ‑‑

MR. KLATZKOW: I don't know. What's the policy you want?

MR. VAN LENGEN: Well, the policy is that ‑‑

MR. KLATZKOW: Do you want greenways? Because if you want greenways, you're going to need eminent domain.

MR. VAN LENGEN: I think the policy is that folks want to have restrictions on the eminent domain exercise.

MR. KLATZKOW: Then you're not going to do greenways. It's one ‑‑ it's ‑‑ in all probability, it's one or the other or, at the very least, you're limiting the greenways. Because if you have, like, I don't know, five miles for a greenway and you need a tenth of a mile and the owner says no, that's the end of your greenway.

So it's one or the other. Do you want greenways? And if you really want greenways, you should have the right for eminent domain. If you don't want greenways, it shouldn't be in here to begin with.

MR. VAN LENGEN: The only thing I can tell you from the public standpoint is that there was an enormous assent to the idea that the county continue to pursue the idea of greenways. It was probably 85 to 15 percent or something like that.

MR. KLATZKOW: Do we have any?

MR. VAN LENGEN: I don't know where the MPO is at this point in time.

MR. KLATZKOW: Yeah. I'm just saying, if you want the greenways, you need the eminent domain.

MR. VAN LENGEN: Okay.

COMMISSIONER FRYER: So you talked about greenways, but you probably didn't talk about striking this sentence because I can't imagine that members of the public would have thought that a good idea.

From my perspective, I think that the chairman's suggestion of adding the word "abutting" would narrow the scope sufficiently so that I wouldn't need that sentence that you're proposing to strike; otherwise, it seems to be something that could just rove all over the place.

CHAIRMAN STRAIN: And that was the fear back in 2000 and 2001 when this was added, so...

MR. WEEKS: I wanted to ask a question. Mr. Chairman, your suggested language would be "All greenways shall be constructed within or abutting existing or future"; is that correct?

CHAIRMAN STRAIN: No ‑‑ well, no, because I wanted the future to be abutting, meaning "all greenways shall be constructed within existing or abutting future public easements or rights‑of‑way."

Meaning if you've got a canal and you've got a 20‑foot LME on both sides of that canal that exist today, then you need five more feet. You could, theoretically, get that five feet alongside that existing 20 LME. That's what Kris and I kind of talked about as possibly the intent of striking that language.

As long as ‑‑ what the avoidance is, meandering greenways through people's backyards is not what I think the folks in Golden Gate Estates want.

MR. WEEKS: Your point would be that it's got to be either an existing right‑of‑way or easement, or it's a future right‑of‑way or easement.

CHAIRMAN STRAIN: That abuts the existing.

MR. WEEKS: Okay.

CHAIRMAN STRAIN: Yes. That's ‑‑

MS. ASHTON‑CICKO: But it's abutting either, right? So wouldn't it be "constructed abutting existing or future public easements"?

CHAIRMAN STRAIN: No. Well ‑‑

MS. ASHTON‑CICKO: Either?

CHAIRMAN STRAIN: No, because then your future wouldn't need to be abutting something. It could be another public easement created somewhere else, then this would then abut to that.

MR. KLATZKOW: Yeah, but your public easement could just as easily be for the greenway.

MS. ASHTON‑CICKO: Yeah.

MR. KLATZKOW: The language here that throws everything a kilter is "future."

CHAIRMAN STRAIN: But it would have to be ‑‑ the future ‑‑ okay.

MR. KLATZKOW: You've got a future easement here, right? That could be your greenway.

CHAIRMAN STRAIN: The future easement would be alongside an existing easement. That's what the point was. It would abut an existing easement or right‑of‑way.

MR. KLATZKOW: So if we put a new road in, it doesn't count?

CHAIRMAN STRAIN: Well, a new road would be another ‑‑ a new right‑of‑way. That's where it says "or rights‑of‑way," but, yeah, that would count.

MS. ASHTON‑CICKO: So I think it's "abutting existing public easements or right‑of‑way or within future public road easements."

CHAIRMAN STRAIN: That would still work, yeah.

MR. WEEKS: Mr. Chairman, the point I was getting at was I was thinking that the proposed wording would mean that it would include abutting an existing easement or abutting a future easement or right‑of‑way. I don't think ‑‑ well, if it's abutting it, that means it's outside of it. So we still are going to have to go through the county. It's going to have to go through the process of getting that easement or right‑of‑way, and that takes us back to how were we going to get it. And one of the tools would be eminent domain.

CHAIRMAN STRAIN: I understand.

COMMISSIONER FRYER: But it's limited to the abutting area.

MR. WEEKS: Right.

CHAIRMAN STRAIN: So if you've already got an area that's already intruded upon by an existing easement, it needs to be widened a bit to fit a greenway, it could happen in those areas. Those areas are already disturbed. They're already acknowledged as trafficked areas to whatever extent.

MR. KLATZKOW: So you want greenways to abut roads?

CHAIRMAN STRAIN: Water management ‑‑

MR. KLATZKOW: Then not a greenway. I don't know how it's a greenway if it's abutting a road.

CHAIRMAN STRAIN: I don't know the definition of greenway that would prohibit that, but...

These aren't greenways like buffers. These are greenways with paths and things like that on them. So I don't think ‑‑ we put paths alongside 951, Immokalee Road, and other places. I don't know why we wouldn't do that here, if that was the intent.

MR. KLATZKOW: Well, the intent here is to interconnect public lands with permitted protected green space. That may not ‑‑

CHAIRMAN STRAIN: So you're saying ‑‑ your interpretation of this ‑‑ and maybe David then can ‑‑ did you say these greenways are all buffers?

MR. KLATZKOW: No, they're not buffers.

MR. WEEKS: I did not.

CHAIRMAN STRAIN: Okay. What are they?

MR. KLATZKOW: They're a corridor where people can get from public lands to permanently protected green space ‑‑

CHAIRMAN STRAIN: Right.

MR. KLATZKOW: ‑‑ which is not going to be along a road, necessarily.

CHAIRMAN STRAIN: Okay. Well, I didn't ‑‑ okay. Someone put that language in there for the rights‑of‑way. That was old language, so...

MR. KLATZKOW: And you put the language in in 2002. You don't have any yet, which is ‑‑

CHAIRMAN STRAIN: That's not a bad thing, necessarily.

MR. KLATZKOW: I'm not saying it's not a bad thing. I'm just saying if you want greenways, you're going to have to really think about what you really want here.

CHAIRMAN STRAIN: Kris, you know, you might just want to leave it the way it was and not mess with it. It doesn't seem we're going to accomplish much on it today.

COMMISSIONER EBERT: I just wrote down "change."

CHAIRMAN STRAIN: I don't have any ‑‑ I mean, I've given you the input ‑‑ I don't have any other input on it, and we'll just ‑‑ I think it's going to be an issue that we can recommend to the ‑‑ consider the language of that when it gets to the Board, and when the public speaks in a little bit, we'll find out if they have any issues with it.

MR. VAN LENGEN: And one thing we could do in the meanwhile as well is get MPO input, because they're doing the bicycle/pedestrian master plan which includes a greenways plan. I understand that there's not a lot of greenway language in there, but there is some. They're working on it. I'd be interested in their take, too. So we can bring this back possibly at adoption.

CHAIRMAN STRAIN: Okay. Let's move on.

MR. VAN LENGEN: Okay. 5.1.4.

COMMISSIONER EBERT: He's going through more.

CHAIRMAN STRAIN: There's ‑‑ policies are rolling through. If anybody has any comments on them, that's fine.

COMMISSIONER FRYER: Objective 7.3 is my next one.

CHAIRMAN STRAIN: And I was going to suggest, why don't we stop just before Goal 7, and I'll ask the public up to that point if they have any comments on the Goals 1 through 6 that we've scrolled through, and then we'll move into Goal 7, because that's the one that gets into some of the issues. So I do see ‑‑ let's get to 1 point ‑‑ Goal 7 with the Planning Commission. Anybody up through Goal 7, where Kris is approaching, have any questions?

COMMISSIONER FRYER: Up through, you said?

CHAIRMAN STRAIN: Up to Goal 7. I'm sorry. Up to Goal 7 ‑‑

COMMISSIONER FRYER: Up to.

CHAIRMAN STRAIN: ‑‑ I'm sorry. Okay.

(No response.)

CHAIRMAN STRAIN: Okay. And members of the public ‑‑ anybody in the public have any questions about what they've seen on the screen through Policy 1 through 6? Peter?

MR. GADDY: Peter Gaddy, Golden Gate Estates Area Civic Association.

I don't ‑‑ I'd like to call your attention to your discussion regarding Policy 5.1.3. I agree with the Chair that greenways should be limited to public easements, be it water line easements, canal easements, or future easements.

I think if they're limited to that facility, to that area, I don't think anyone has a problem with them. I think what people will have a problem with is eminent domain specifically for the purpose of taking private property for a greenway. And I don't believe that a majority of ‑‑ a majority of Estate residents would be opposed to that.

COMMISSIONER FRYER: You believe they would be opposed?

MR. GADDY: We've had sufficient eminent domain and are likely to have future eminent domain that nobody's happy with.

CHAIRMAN STRAIN: Well, then, if we left the last two sentences as they were, then it would still work like you're suggesting. "The greenways shall be constructed within existing or public easements or rights‑of‑way," and then in creating that greenway network, we can't employ eminent domain, but that doesn't mean we couldn't employ eminent domain if we needed easements or rights‑of‑way. It just means if we needed them for greenways, they couldn't be used ‑‑ it couldn't be used.

MR. VAN LENGEN: I would definitely like to check with the MPO on that. My concern would be ‑‑ and I think it's been hinted at ‑‑ is that if you can use the existing easements or rights‑of‑way along canals, it's wonderful. Just like we do on 951. But you'll note that you cross private property in a number of smaller locations where it's almost inevitable that you'll need to get an easement, and that would be by ‑‑

MR. KLATZKOW: Your canals, though, these are for drainage, all right. If you want to put greenways down the canals, you just can't do that because you've got an easement for the drainage. You do not have an easement for a greenway or a road or anything else. And most of these ‑‑ most of these, the way they're set up, they're owned in fee, which is just the easement for the drainage.

So that's probably why you don't have any right now. So what I'm saying is if you're going to want this, you're going to need eminent domain just to go up and down the canals.

MR. VAN LENGEN: The ones along 951 and the ones along Immokalee Road ‑‑

COMMISSIONER EBERT: Immokalee Road.

MR. VAN LENGEN: ‑‑ I don't know what ‑‑

MR. KLATZKOW: No. I'm talking about all your canals throughout the Estates. They're ‑‑

MR. VAN LENGEN: It could be by agreement, right?

MR. KLATZKOW: Oh, it could be, but if you've got 50 homeowners and one says no or 100 homeowners and one says no, you're done.

CHAIRMAN STRAIN: The only language that you've added that might be relevant to creating the easements that we've been talking about is the two words "easements or" rights‑of‑way. Leave the rest of it alone. I think we probably ‑‑ best way we can resolve it at this point. Just leave it all alone, add the two works "easement or." Don't make any other changes, don't strike out, leave it unstruck, and then we're back to where we started from. And the only thing ‑‑

MR. KLATZKOW: Just leave it the way it is. I'm simply saying that you will never have greenways with this ‑‑ without eminent domain. That's all I'm saying.

CHAIRMAN STRAIN: We also do that for roadways, no eminent domain?

MR. KLATZKOW: No. But, my friend, you couldn't be living where you are without roads, so...

CHAIRMAN STRAIN: When I moved there, there wasn't. So I didn't live there. It was dirt. It was much better that way.

MR. KLATZKOW: There were roads.

MS. ASHTON‑CICKO: But as noted by Mr. Klatzkow, this policy is very restrictive to only greenways that interconnect public lands and permanently protected green space. So it's very narrow. I'm not really sure how much of that we have in the county.

CHAIRMAN STRAIN: Well, I think, Kris, for when this goes to the Board for transmittal, the discussion is possibly something that they will opine on, and we'll just see where they want to go with it.

MR. VAN LENGEN: Okay. I agree.

MR. GADDY: Mr. Chairman, could I make one further suggestion?

CHAIRMAN STRAIN: Yes, sir.

MR. GADDY: My suggestion would be to leave in the prohibition of eminent domain but put a "provided however" provision in there. Provided that eminent domain shall be permitted for obtaining right‑of‑way for greenways if they abut existing or future public easements.

COMMISSIONER FRYER: That's more words to get to the same point that the Chairman got to. I think your point is well taken, but just adding "abutting" in the previous sentence, you get to the same place.

MR. GADDY: Yeah, you've got to be pretty specific in this stuff. You never know what politicians are going to do with it, you know?

COMMISSIONER FRYER: Well, I'll tell you where I am on this issue, for what it's worth. I don't believe, and it surprised me to hear, that in the public meetings that you had that the public really focused on this notion of reinstating the eminent domain. Either it wasn't discussed or it ‑‑ well, it just didn't come up.

And I, for one, would be reluctant to recommend something that it appeared ‑‑ with respect to which it appears to me there has been insufficient public input on.

MR. VAN LENGEN: And to that point, I think it would be very appropriate for us to do some more homework and not go out on our own again to the same group of folks but use the public input process that the MPO uses, allow them to give us feedback in terms of what they think is appropriate, bring that back to you at a time of adoption.

CHAIRMAN STRAIN: I'm fine with that, and I think this discussion, you can relay it adequately to the Board of County Commissioners to let them know this was an issue of concern.

MR. VAN LENGEN: Yes.

CHAIRMAN STRAIN: Okay. Anybody else? Tim?

MR. WALLEN: Timothy Wallen, 20‑plus‑year resident in Golden Gate Estates.

And Goal No. 5, the last sentence that struck out the "limitations on commercial and conditional uses." It kind of defeats the whole purpose of the first paragraph when you defeat that last sentence in there, in my opinion, and I think it ties more into discussion down the road with the transitional uses also.

COMMISSIONER EBERT: Where is he reading?

MR. WALLEN: I think if we're going to keep the rural character and you take out the conditional and the commercial uses, you're pretty much saying that we want it rural, but we're allowing commercial.

CHAIRMAN STRAIN: And, Kris ‑‑ yeah, go ahead.

MR. VAN LENGEN: Our thinking on that ‑‑ and we don't disagree with you ‑‑ was that we just simply moved that language into Goal 4 instead of Goal 5 because we thought the commercial and conditional‑use section should be Goal 4, and Goal 5 should be ‑‑ have to do more with the environmental aspects. But I have no problem in leaving it in there, frankly. It certainly doesn't hurt anything.

COMMISSIONER FRYER: I think it should be left in. I agree with the gentleman.

CHAIRMAN STRAIN: Yeah, why don't we just leave it in.

The process that we went through in 2000 through 2002 was much more in‑depth than the process I think you've gone through comparatively. We had two meetings a month for two years with public‑mailed notices during specific areas and sections of the county.

Some of this language, if it isn't necessary to change, it might be better just left alone. There was a lot of public input during that period of time, so...

I know you had a lot, too, but yours was a shorter time frame. That's all I'm suggesting.

MR. WALLEN: Thank you.

COMMISSIONER FRYER: Kris, while we're at this point, you use now ‑‑ you're using blacklining rather than redlining. Is there any significance from the change from redlining to black?

MR. VAN LENGEN: There was. Our attempt was to show that some of the blacklining underlined or strikethrough had been moved as opposed to brand new or totally taken out.

COMMISSIONER FRYER: Oh, okay. All right. So blacklining means it was moved somewhere else?

MR. VAN LENGEN: Yes. That was our intent.

CHAIRMAN STRAIN: Why don't we move on, then, to policy ‑‑ Goal 7, Kris. And this one has some language in it concerning a couple conditional‑use issues and things like that, so...

As we scroll the pages for the Planning Commission members, if there's any questions, just kind of speak up, if you can.

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Go ahead, Ned.

COMMISSIONER FRYER: In Objective 7.3 and following maybe two or three times there's reference to the Golden Gate Fire Control and Rescue District.

CHAIRMAN STRAIN: You knew he was going to catch you on this one.

COMMISSIONER FRYER: Which no longer exists.

MR. VAN LENGEN: And my face is red, and I made that mistake in a number of places.

CHAIRMAN STRAIN: He said something about it yesterday.

MR. VAN LENGEN: Yeah. I think we lost track of some of our versions. But, in any case, I take full responsibility. What we'll probably do is refer to the fire districts.

COMMISSIONER FRYER: Yeah. That's the best way to do it, because they may change their names again.

MR. VAN LENGEN: They may change their names again, so...

COMMISSIONER FRYER: Right.

Okay. And that's all I had until ‑‑ well, that's all I had in 7.

CHAIRMAN STRAIN: Okay. 7.4.1, Kris. The ‑‑ Line 24, with the changes that are there, do we need ‑‑ I'm just suggesting another change, because I'm not sure if it conflicts with anything. After the word "Golden Gate Estates" in that second line it says, "and shall eliminate any." We could drop those four words and say "Golden Gate requirements that are found to be inconsistent."

I don't know ‑‑ unlike our building code, we do at times have differences in what we modify in that code versus what the code says, and I'm just wondering if the same thing has occurred through fire prevention issues involving clearing zones around homes and things like that in the Estates, and I just don't want to trip it up by eliminating everything, but just where the requirements are found to be inconsistent.

MR. VAN LENGEN: So what was your recommended language?

CHAIRMAN STRAIN: After Line 24, after the word "Estates," just cross out the four words, "and shall eliminate any." You're just going to evaluate the requirements to see how they're inconsistent with the fire prevention standards.

MR. VAN LENGEN: Yes, and evaluation is what's ‑‑

CHAIRMAN STRAIN: Instead of automatically eliminating them, let's evaluate them and then decide if they need elimination. That's all I'm suggesting.

And then under 7.4.2, the last two lines under 7.4.2, take the staging areas for the fire ‑‑ Florida Forest Service and others who would use them for wildfires, which I agree that's a needed concern, but it allows them to be used for anything else without any conditions.

So I'm suggesting that if it's going to be used for something beyond the forest needs for fire prevention, that that application ‑‑ that additional application ought to be done through a conditional‑use process.

MR. VAN LENGEN: In fact, I think our opinion is that all of these uses ‑‑ and they'd have to be identified in the conditional use process ‑‑ all of them are subject to conditional uses.

CHAIRMAN STRAIN: I have no problem with that either, so...

MR. VAN LENGEN: I believe that's the case. And David might want to weigh in on that, but I believe that they're not essential services that don't require conditional uses.

CHAIRMAN STRAIN: Okay. And we just ‑‑ I just need to make that inserted in there so conditional uses do come up.

MR. VAN LENGEN: Okay. We'll put that in.

CHAIRMAN STRAIN: And then since we're on the ‑‑ that page, maybe Policy 7.4.5, and 7.4.6 ‑‑ we stopped trying to be redundant in the way we state our rules. If the rule's already a law and it's already applicable, we don't try to restate it anymore. So maybe those are outdated policies we no longer need because we have sufficient rules in place to cover those. So why restate them here? I'd suggest we just strike them out of convenience.

MR. VAN LENGEN: No issue here.

Any issue with the County Attorney there?

MS. ASHTON‑CICKO: No.

CHAIRMAN STRAIN: Okay. And then let's just move on then, and we'll get to ‑‑

MR. VAN LENGEN: Okay. That takes us to land‑use designation descriptions where we get to more specific geographic locations.

CHAIRMAN STRAIN: Right.

MR. VAN LENGEN: And I can scroll through slowly, but we're going to be starting with the urban mixed‑use district. And we made just one change to comply with changes that are underway for the affordable housing bonus program, and then the next is the downtown center commercial subdistrict. This, again, is Golden Gate City.

CHAIRMAN STRAIN: Okay. Did you separately meet with the stakeholders in the city, or how was your ‑‑ just out of ‑‑ how were your meetings with them? I haven't heard any complaints from the city folks in regards to this language, so my assumption is they're pretty much aware of it.

MS. JENKINS: Yeah. We had several workshops with city residents. As we described before, we divided the workshops into the Eastern Estates, Western Estates, and Golden Gate City. So we had many workshops with Golden Gate City residents. We also specifically had a workshop for commercial property owners in Golden Gate City. So we sent out letters to all property owners that owned commercial property, invited them to a workshop.

CHAIRMAN STRAIN: Well ‑‑ and the language, a lot of it, I was real glad you caught some of the things you did and cleaned it up. I remember when some of that language came about. And not all of it happened in 2000 to 2002. There were some things that happened afterwards, and they haven't proved to be very fruitful for the city. So I see you cleaned all that up, and I think that was a good idea, so...

MR. VAN LENGEN: So downtown commercial subdistrict.

CHAIRMAN STRAIN: Now, the bottom of that page, we're moving up on 72 towards the bottom, urban commercial subdistrict. You're going to put the SIC codes again; is that correct?

MS. JENKINS: Yes.

COMMISSIONER FRYER: I have one right before that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Right before B, urban commercial subdistrict on Page 72, Subsections E, F, and G are being deleted.

MS. JENKINS: Yes.

COMMISSIONER FRYER: And my question is why.

MS. JENKINS: Those are really details that belong in the Land Development Code when we're talking about development standards, not necessarily in the Growth Management Plan.

So what we are initiating right now is a land development code overlay for the downtown district and also the activity center. So the standards would be more applicable in the Land Development Code. We found that those lots along Golden Gate Parkway, some of them are very narrow, and it makes it challenging from what we heard, from the commercial property owners in our workshop, without water and sewer. Even along Golden Gate Parkway some of these standards are very challenging for them to be able to develop their property.

So we want to work closely with them to get the development standards right for Golden Gate Parkway so they can actually develop and redevelop that area.

COMMISSIONER FRYER: Right. This would touch upon the email, and there were several emails that come up around Page 287. But I think the subject first originates here. The landowners, I guess they're residential landowners, talking about the Parkway between Livingston and Santa Barbara. That's what we're talking about, isn't it?

MR. VAN LENGEN: No.

MS. JENKINS: No. We're talking about the Parkway between Santa Barbara and Collier Boulevard.

COMMISSIONER FRYER: Oh, okay. I'm sorry.

So the E, F, and G that you're deleting, you plan to put the substance of this ‑‑ substance of it into the LDC?

MS. JENKINS: Yes, sir.

COMMISSIONER FRYER: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Move on. Keep going, Kris. I think the issue where we're going to start picking things up again is when we get to the Estates designation.

MR. VAN LENGEN: Okay.

COMMISSIONER FRYER: So, for instance, on Page 75 where there's black and white cross‑outs, you're basically telling us that the substance of this language appears elsewhere?

MS. JENKINS: You're asking about the Golden Gate Parkway professional office commercial subdistrict?

COMMISSIONER FRYER: Yes, I guess.

MS. JENKINS: Yeah. That does not appear anywhere else, and I'm not sure why it's outlined in black here. But the purpose of striking this out is that we are replacing that professional office center with the downtown district.

So right now along Golden Gate Parkway you have about three different land‑use designations along with three different Land Development Code overlays and a couple of PUDs. It's very confusing for the property owners to know exactly what applies to their property.

So what we're doing here is continuing one designation along all of the Parkway between Santa Barbara and Collier Boulevard as it applies to the downtown district. It's all downtown district now.

COMMISSIONER FRYER: I think I get the substance. So when I look at this, it should have been stricken in red?

MS. JENKINS: Correct.

COMMISSIONER FRYER: Okay. Is the substance of it then going to appear in the LDC, or do you see major changes from this as you transfer it over to the LDC?

MS. JENKINS: So this is going away completely, this professional office subdistrict, and it's being replaced by the downtown district. So all the standards that would apply would be in the Land Development Code.

COMMISSIONER FRYER: Okay. Okay.

MS. JENKINS: And I can put a map up if you need clarification of it.

COMMISSIONER FRYER: I just wanted to be sure we're not losing something by striking it out ‑‑

MS. JENKINS: Right.

COMMISSIONER FRYER: ‑‑ that falls between the cracks.

MS. ASHTON‑CICKO: There is another change on Page 71 and 72 which backtracks on the bottom. It's Line 48 ‑‑ beginning on Line 48 on Page 71. That's to‑be‑deleted language, No. V 6 and 7. We deleted that and ‑‑

MS. JENKINS: Yeah. And I did ‑‑ I checked the resolution. It's correct in the resolution, but we didn't ‑‑

MS. ASHTON‑CICKO: Correct, but I ‑‑ thank you.

MR. VAN LENGEN: That's a correction. Those are to be ‑‑

MS. ASHTON‑CICKO: It's correct in the resolution, but it's still in your text, so you would not be approving those prohibitions.

CHAIRMAN STRAIN: You might as well keep scrolling, Kris. Stop at the Estates if nobody has any questions up to that point.

COMMISSIONER FRYER: I'm going to go up ‑‑ Page 83, I have a question.

CHAIRMAN STRAIN: Well, we're not there. We're going to stop at Page 76 first.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: Before we go into the Estates section, is there anybody here that wants to address anything prior to the estates section; any members of the public?

(No response.)

CHAIRMAN STRAIN: Okay. Because the Estates section's probably got a lot of interest, and we'll walk through that slowly, and as we get towards the end of it, I'll ask the public to speak on their concerns.

So with that, Kris, I think we'll move right into, well, neighborhood center subdistrict. This is the first item. It's on Page 77 is your first red mark. There you go. A little bit further down on the page. Right there.

This is the southwest and southeast quadrants of Wilson Boulevard and Golden Gate Boulevard. This is not the big shopping center 40‑acre section to the north. Those are the two south sides. One has an existing Walgreens and another PUD attached to it. On the west and on the east there's an existing shopping center.

Now, Kris, can you explain what this language is intended to do.

MR. VAN LENGEN: Yeah. A little background here, because when we listened to the public, there was a lot of discussion and a lot of concern that the neighborhood centers ‑‑ although they didn't want more, they wanted to make sure that the ones that they had would be operating effectively, efficiently, economically.

But there was not a lot of great detail in how to go about it. It was just simply, let's right‑size them, let's make sure that they're not constrained. And the example that came up over and over was the southeast corner of Wilson and Golden Gate Boulevard.

And that does seem to be quite constrained for a number of reasons. And so we looked at that and we thought, okay, let's devise some language that gives some kind of a basis for a review. If someone wants to rezone and not have to do a Comp Plan amendment, they could rezone under this provision and increase the acreage of that particular area and expand it based on the need for infrastructure improvements such as site ingress and egress, drain field, package plant, or improved stormwater management.

The example that same up over and over was the septic field/drain field issue, that it was site constrained, that a restaurant was no longer viable there because dishwashers can't be used with a septic field. They had issues of that nature. And certainly didn't want to decrease any of the buffering or any of those things.

So we thought, well, let's just put a provision in so that someone can go through the rezone process without having to amend the Comprehensive Plan. And, originally, we thought about all of the districts, and then we started to think about it. And the ‑‑ and the original intent, going back to 2002, was to keep the neighborhood centers to no more than five acres per quadrant. That's a little different than we heard from the association later, but the problem is, we think that the five acres, if that's the original intent, there is no constraint if nothing's built there. So a lot of neighborhood centers are not yet built. They're just vacant properties.

So without knowing what the footprint is, how would we know that it even is constrained? The one area we know that is constrained is the southeast corner of Wilson and Golden Gate Boulevard. This is incorrect because we did some further looking around, and it turns out that the southwest corner, although it's built, it does not have a footprint that constrains the site because the site was actually increased in size in 2007. So it's almost like the other areas where there is room to grow anyway, there are no site constraints.

So what it boiled down to was our recommendation now, although it would have to be changed in terms of the verbiage you see here in eliminating the southwest corner, is simply to include one quadrant, allow it to be right‑sized allow someone to come in and identify why that needs to be increased in size and for what purpose and allow that to happen through a rezone process.

CHAIRMAN STRAIN: If a developer builds a piece of property and he's got five acres to deal with, if you're going to do water management, you know you need to leave 12 or 15 percent for that. And if you're going to have to have on‑site facilities for septic and/or water, potable water, you need room for that, too, or you could build your property out, wall to wall, as maximum as you could under benign uses in your initial application, offices, something that has low volume, then come a few years later and say, gee, I can't have restaurants here and I can't have all these intense uses because I built all this square footage and I don't have room for water areas and treatment areas big enough for restaurants.

I mean, it's a ploy that I believe I've seen time and time again in Collier County. I don't think it's the neighborhood's fault that someone overbuilt their property to come in through a backdoor method to ask for more operations later on so they can expand what they never intended to do in the first place or what they never told us they were going to do in the first place.

This one bothers me for that reason. Kris, I don't have a lot of faith that some of these developers are doing everything as forthright in the beginning as they possibly could have.

I don't have a lot of sympathy for someone who misplans that much. And the times I've been to that shopping center, I question whether or not that's the style of shopping center we've ever wanted in the first place.

I know that the shopping center that was proposed to go across the street in 40 acres was much more elaborate, was going to have a lot more functionality.

I think this is not going to help that area, necessarily. I'm going to wait to hear from the public and see what their thoughts are on it. I just ‑‑ I think the reasoning behind this isn't something I'm comfortable with, and I just wanted to make that statement.

I also wanted to find out is if it were be okayed for infrastructure improvements, it says, "Infrastructure improvements include," and you go into several different issues. But it doesn't say it's limited to that. And I could hear arguments now that parking is another infrastructure need, and things like that. So now we've got intensities that we didn't necessarily expect expanding to two‑and‑a‑half to five acres next door and, also, does that two‑and‑a‑half to five‑acre expansion, if it were to occur, also then push the ability for conditional uses out to both sides as well?

And I don't see that ‑‑ I don't know if that's addressed or not. I don't know if you've thought that out or ‑‑

MR. VAN LENGEN: It would by operation of the Comp Plan, yes.

CHAIRMAN STRAIN: So not only do we have an expansion of that site, but everything else gets pushed out as well. So neighborhoods who didn't ‑‑ weren't abutting this now would be abutting, potentially, a conditional use or something like that.

Okay. Well, there's members of the public here. Certainly ‑‑ we'll certainly hear what they've got to say when we finish this section of the Estates, so...

Anybody else on that page, on the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay. Kris, you want to just move on a bit then?

MR. VAN LENGEN: Yeah.

CHAIRMAN STRAIN: That takes us all the way down. Basically, there's not many changes till we get to conditional uses. And those changes ‑‑ I think on Page 83 is where some of them start.

Ned, did you have something on another one of the pages?

COMMISSIONER FRYER: Eighty‑three is where I had my first.

CHAIRMAN STRAIN: Okay. Well, let's get through 83, and we'll break after that point for the public comments, and that will take us up to page ‑‑ the end of 83, which is just before Golden Gate Parkway institutional subdistrict.

So let's go to the Planning Commission's comments on Page 83 at this point. Go ahead, Ned.

COMMISSIONER FRYER: Okay. Line 24 on that page there's a strikeout: "Projects shall provide adequate buffering from adjacent properties allowing residential uses." My question is, why are we deleting that?

MR. VAN LENGEN: We decided we might want to be more specific, and this is a staff‑initiated consideration here. We took the same buffering that would be required for neighborhood centers, and under Paragraph 3 at Line 12 you'll see where they abut Estates ‑‑ it should say "residentially zoned property without approved conditional use, a minimum of 75‑foot buffer native vegetation."

COMMISSIONER FRYER: So it seems to me ‑‑ I don't see what the public gains from deleting that language, I guess, is what I'm concerned about.

MR. VAN LENGEN: Well, I think we're simply defining what "adequate" is in that scenario. If you think more latitude would be helpful, depending on the type of conditional use, we can certainly go the other way and just talk about adequate buffering.

COMMISSIONER FRYER: Well, maybe we can wait and hear what the public has to say. But to me I would leave that in. That's all I have on that page.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER EBERT: Eighty‑three.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER EBERT: I have something.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Kris, could you maybe put up a map. Number 3, the conditional use for a church in the Estates on Tract 22, Unit ‑‑

CHAIRMAN STRAIN: She's on Line 40 of Page 83.

COMMISSIONER EBERT: Yeah, Page 83, Condition 3 ‑‑ 38, 39, and 40. Do you have a map for that?

MR. VAN LENGEN: We do.

COMMISSIONER EBERT: And are these churches already there?

MR. WEEKS: Commissioner, that church is already there. That's located on the south side of Immokalee Road I think two or three parcels east of Oaks Boulevard.

COMMISSIONER EBERT: Oh, okay. So we're talking about West Estates? We're not ‑‑

CHAIRMAN STRAIN: Urban Estates.

MR. WEEKS: Correct.

COMMISSIONER EBERT: Urban.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: Nope.

CHAIRMAN STRAIN: On that same page up on the top, the language added under Lines 6 through 9, "Site shall be adjacent to nonresidential use," and then what you've done is you've expanded the traditional conditional uses to be allowed on all four‑laned roads whether they're existing or planned or identified in the MPO Long Range Transportation Cost Feasible Plan. That could be multiple intersections. In fact, everywhere we've got Randall and Everglades Boulevard and Vanderbilt Beach Road intersecting Everglades or DeSoto, when those roads get expanded or their future planning is to expand, that's a lot of transitional conditional‑use ability.

That was one of the driving forces behind the replanning effort in 2000 to 2002. And it also, as an example, would have allowed the Grace Romanian Church to go in without a small‑scale plan amendment on the corner of 951 and Golden Gate Boulevard. And I'm wondering if this is making an improvement in Golden Gate Estates from that perspective. And, again, I'll wait for the public to jump in when they have opportunity to speak. But that bothers me about that section.

MR. VAN LENGEN: I understand. Could we get the overhead. Thank you, Mike.

The areas in blue, in anticipating this question, are the areas that would be added as potential conditional‑use sites.

Our ‑‑ we polled the public on a whole number of issues in terms of whether they thought there was adequate provision in the Estates for any number of the different conditional uses. In general, they were, I would say, ambivalent about a lot of the different uses. They felt that there were plenty of churches but maybe not always enough adult daycare or other daycare situations.

Our thinking is, if you look at this map, the yellow areas that surround some of the red locations are potential future conditional‑use locations. So they're very, very limited.

Unlike the rest of the urban area, the Estates allows conditional uses only in certain limited locations. And so the locational criteria for conditional uses is extremely limited.

We thought there may be any number of different ways to increase the locational criteria, but one of ‑‑ the least dramatic way to do it would just simply be at major intersections. And we did ask the public that, and that was one area, both in the urban and residential estates, where we got ‑‑ it was pretty close. It was ‑‑ I think in one it was maybe 48 percent and the other was 52 percent. But there was basic agreement that it wouldn't be that bad a thing to add that as a locational criteria.

Now, what we're saying here is this allows an applicant to come in and ask for a conditional use, an appropriate conditional use, through an application process, just like any other conditional use. And it doesn't certainly entitle them to any particular conditional use or any conditional use at all.

So we're just simply providing opportunities that don't otherwise exist or removing a bar at the Comp Plan level.

So I think if you see this map, there are a fairly limited number of locations. And one more second. The Grace Romanian is, in fact, in the rural Estates, but it appears on this map because it was more convenient, and that's this location, for the public's benefit. In fact, that location ‑‑ that particular application, as it's in house now, is more than five acres, which is another one of the requirements for conditional uses and so would not fit that exception. In any event, they would still have to have a Comp Plan amendment along with their conditional‑use application.

We're just trying to remove the Comp Plan layer for certain limited locations just to increase that opportunity. It was our one idea to sort of increase the ability to have different types of uses within the Estates at major intersections which we thought were, perhaps, appropriate locations for an assisted living facility or some type of elder care facility.

CHAIRMAN STRAIN: I mean, I understand what you're saying. We'll wait for the public. Thank you for the explanation, Kris.

On No. 3, it says, "Conditional uses abutting Estates‑zoned property without an approved conditional use shall provide, at a minimum," what does that mean? If it's not an approved conditional use, how can it be a conditional use?

MR. VAN LENGEN: I apologize. I think we need to say, as we began every other sentence there ‑‑ begin with the word "sites." "Sites abutting Estates‑zoned property without an approved conditional use shall provide a minimum of 75." In other words, if you're next to a residential location.

CHAIRMAN STRAIN: With the 75 feet?

MR. VAN LENGEN: Seventy‑five feet.

CHAIRMAN STRAIN: That cleans it up.

On No. 6, I know we have talked about this and, basically, this idea of allowing conditional uses next to all electrical substation locations is a little broader than what was intended. I understand the intent was an isolated incident where Florida Power & Light bought all the land around one corner, and that corner ‑‑ I suggest we just add to 3B up on top, and that accomplishes that anomaly, or B3, I'm sorry ‑‑ B7, I think it would be. See where you've added the one on Page ‑‑

MR. VAN LENGEN: Yeah.

CHAIRMAN STRAIN: Page 82 on No. 6, I would just add that location specific as No. 7, and that cleans that one up, and it doesn't open up a Pandora's box of properties.

MR. VAN LENGEN: Yes. It doesn't open up the other sites. So I agree with that. I think that's fine.

CHAIRMAN STRAIN: And then last on Page 83 ‑‑ then we'll go to the public after this ‑‑ is you've added, "Conditional use for a cell tower may be allowed anywhere in the Estates zoning district on parcels no smaller than two‑and‑a‑quarter acres." I just wanted to point that out so if there's any public input on that, we can get it at the same time. That's all.

Could you move that down to page ‑‑ the bottom of Page 83 so everybody can see it. There we go. Last item on that page.

Okay. Any further questions from the planning commission?

(No response.)

CHAIRMAN STRAIN: And then, David?

MR. WEEKS: Mr. Chairman, I just want to make one comment regarding the previous item we were discussing, the FP&L, the electric substation, and adding as to very specific. I think it's ‑‑ I think it's important to put this on the record because, as Kris stated earlier, this was a high‑level review of the master plan, and we're not looking at it parcel by parcel, and that seems like an exception. We're jumping in and saying, well, this specific substation at this location on Collier Boulevard.

I don't view it as a site‑specific review and change made for the benefit of those abutting property owners. I view it as a correction, because that particular substation is within the FP&L PUD, and that PUD allows more than just a substation. It also allows storage of equipment and vehicles. It allows commercial operations, including a business office and other types of commercial.

So it's more than a substation. It allows commercial and industrial uses. And, to me, that's a very different scenario than your typical electric substation only. And because it allows the commercial and industrial uses, it should fall into the category of other ‑‑ with the transitional conditional use would apply to other properties that are abutting a commercially zoned site.

And as I'm talking, I'm convincing myself we don't even need to add this as an exception because that, in fact ‑‑ that PUD is approved for commercial and industrial uses. I think by operation of the existing transitional conditional‑use language, those abutting properties should qualify.

The distinction here again is that it's more than a substation, and that goes back to some earlier discussion. The substation is something that is allowed by right as an essential service, and that falls into that listing under the transitional conditional uses.

The commercial uses that would trigger a conditional use as a transitional use has to go through a rezoning process. It's not allowed by right. But in this case that ‑‑ those commercial uses and the industrial uses within that particular PUD are in addition to the substation. I think I'm going in a circle.

CHAIRMAN STRAIN: I was just going to say, we're ending up right where we started, so thank you. I think we're fine.

MR. WEEKS: Thank you. Yeah, I think we don't we need to add the No. 7 as a site‑specific entry, and I think we don't need the Paragraph 3.

CHAIRMAN STRAIN: Paragraph 6, the last three words, "and electrical substation."

MR. WEEKS: Yes, thank you.

CHAIRMAN STRAIN: We're saying the same thing. As long as we ‑‑ as long as we get there and it can address that piece of property that was at first thought to be odd, it turn outs it's not so odd. It can go the way it was supposed to go anyway.

MR. WEEKS: The benefit of me being here is I can say it in a whole lot more words and confuse the issue. Thank you.

CHAIRMAN STRAIN: Thank you, David.

Okay. With that, that takes us through the first part of the Estates section. We still have a few more pages to go. But are there any members of the public that wish to address any of the issues we just talked about?

Ma'am, if you'd come up and identify yourself for the court reporter and...

MS. ELLIS: Hi. My name is Kim Ellis. I live in Golden Gate City.

CHAIRMAN STRAIN: Would you pull that mike a little closer to you, Kim.

MS. ELLIS: I usually don't need one.

I've been in the Estates since 1985 and, actually, I'm on Third Street Southwest, okay, just so you know where I am.

And regarding the southeast corner of Golden Gate Boulevard and Wilson Boulevard, what we referred to out there as Wilson Plaza where we have a few services, I think that plaza should stay as it is. I have to agree with Mark that poor planning ‑‑ we shouldn't have to pay for the problem that the developer or land ‑‑ the property owner made for himself in poor planning that plaza. Maybe there's some other way he can make changes to the plaza to allow for any improvements that he wants to effect with what he has there.

The cell phone towers anywhere? No. I think that anybody that I talk to ‑‑ I know a lot of people in the Estates. I work out there. They don't want to ‑‑ I mean, there's no chance of a cell tower even being on my street. It's built out. It's a beautiful street. But I can't imagine being a new resident ‑‑ and we have new residents out there every single day. It's one of the fastest growing areas in the county, I'm sure you're all aware.

Moving ‑‑ buying ‑‑ you know, moving into a house that they started building eight months ago and then a year from now there's a cell phone tower next door on a two‑and‑a‑half acre lot, it doesn't make sense to them. That seems like that should be in an area where there is one now, by the fire station, by the library, by, you know, some sort of development like that, not anywhere on any two‑and‑a‑half acre parcel or larger.

The northwest corner of Golden Gate Boulevard and Wilson where we have 40 acres for future development, I think that is a big mess. I think it was a mess from the beginning. I think a lot of the new residents of the estates don't understand what kind of services we're going to end up with there.

I don't see any major stores. I don't see ‑‑ we had a chance for a major grocery store to come in there, and nobody would do it. I think that's ‑‑ Publix probably knew what they were doing when they built at Randall and Immokalee where they also could include people like Valencia Lakes, Valencia Country Club, and all of the other new neighborhoods that are going to soon be going in out there. You know, we don't have the population. We don't have the density to support a nice, big store. We just don't have it.

I mean, even in the built‑out area, that's pretty built out west of Wilson, we're not going to be able to support a Gap or even a McDonald's or a Starbucks or something like that. We're going to end up with a truck wash or a car wash or a pool hall or something to that nature if that plaza is built out to the maximum that it's allowed for right now.

And now I hear that it's a possibility that the grocery store provision could be removed. The grocery store provision of making them put that in there and build that first before they did any future development in that plaza was a safety net for me as a resident that would be very close that parcel. I mean, I wouldn't mind riding my bike to a yoga studio there, but I just don't see myself riding up there and purchasing some clothes for work or, you know, walking through a mall. We don't have the density and population to be able to support that type of a development.

So I think it should either go back to five acres, or maybe there's some sort of a land swap that we could do with the owner where he could ‑‑ we could take some county land that maybe the Golden Gate Land Trust has control over. I don't know. I'm not involved in any of that, but I'm just thinking like a landowner out there.

If there's land that the land trust has in the Immokalee Road/Randall area, which I've heard, but I'm not sure ‑‑ if they have land out there, couldn't they swap that with Mr. Crown or the new owner of the property, as it is for sale, and maybe put a community park there? It would be an excellent location for, like, a little park with a playground, and, you know, whatever you could put on five acres for the community, rather than a 40‑acre development that's going to end up empty or with businesses that don't really enhance our neighborhood or our style of living.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER FRYER: Ma'am, before you go, the point you raised about cell towers I understand completely. The emails we received, many of them point to insufficiency of cellular coverage in that area, so something is going to have to be done.

MS. ELLIS: I absolutely agree with you. I work out there. I sell real estate out there, actually, and I drive that 307 square miles daily.

COMMISSIONER FRYER: So, I mean, it's not an absolute right, but ‑‑

MS. ELLIS: Right, but couldn't it be put in an area where you already have some sort of commercial development? I mean, why would we want to put a cell tower in the middle of a street in Parkshore on a lot that was, say, 80 by 100 or one of the biggest lots in Parkshore? You don't. You don't want to put a cell tower beside a house. Now, put a cell tower behind a library or between a library and a fire station or, perhaps, at the corner of Everglades and Golden Gate Boulevard or even DeSoto, that's where ‑‑ I'll tell you where I lose service, because I do drive that a lot every day. I'm going from house to house to house to house.

We lose service at Everglades and Golden Gate Boulevard. But once you get past, say, 10th Avenue Northeast, you're fine again. So I don't know why that is, but I do know that putting a cell tower on a residential lot is a bad idea. I wouldn't want it next to my house.

COMMISSIONER FRYER: Neither would I.

MS. ELLIS: Okay.

COMMISSIONER FRYER: But, I mean, there's this whole technological question ‑‑

MS. ELLIS: I understand. There's areas ‑‑

COMMISSIONER FRYER: If they're going to remediate the poor cell coverage, they might have to locate them in some places other than commercial areas.

MS. ELLIS: Well, I don't think so, though.

COMMISSIONER FRYER: I don't know.

MS. ELLIS: I know that area like the back of my hand, and there are plenty of locations that you could put a cell tower right now that would not affect a residential ‑‑ a current residence.

COMMISSIONER FRYER: But the structure here would call for a conditional‑use permit having to be issued, which would require public input.

MS. ELLIS: Well, that's really good.

COMMISSIONER FRYER: That's already ‑‑ I mean, that's in here.

MS. ELLIS: So why not just say now, let's address this now? Maybe that's a valid point now, instead of waiting until you have 50 people in here saying not next to me. Because there ‑‑ listen, there's tons of space in Golden Gate Estates. There's a few areas where the cell service is poor: The south end of the Estates, maybe by 26th Avenue Southeast off of Everglades Boulevard. Maybe put a cell tower out by Everglades and I‑75. What would be wrong with that?

COMMISSIONER FRYER: I haven't the expertise to know where you would have to put them in order to fix the problem.

(Multiple speakers speaking.)

MS. ELLIS: You need to be more clear about that. Right now it says on any parcel ‑‑ any parcel over two‑and‑a‑half acres.

COMMISSIONER FRYER: But it also says a conditional use, which means it has to go through a process and have public input.

MS. ELLIS: Okay. Well, at least you know where I'm coming from.

COMMISSIONER FRYER: Absolutely.

MS. ELLIS: Thank you.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: And I think when we get done with discussion, we can look at ways to tighten some of that language up, so that will be the objective.

MS. ELLIS: Thank you.

CHAIRMAN STRAIN: Mark?

MR. TEETERS: Terrific. Good morning, Commissioners. My name is Mark Teeters. I live in Golden Gate Estates, and this issue is near and dear to me, and I want to talk to you about a couple quick things.

First of all, the southeast corner of Wilson and Golden Gate Boulevard, the shopping center, I was actually the president of the Golden Gate area ‑‑ Golden Gate Estates Area Civic Association when we worked to develop that shopping center, and it was deliberately constrained because of its proximity to the neighbors. The neighbors had already built all the way up against it. And when we developed that, we worked with the Planning Commission to make sure that everybody was taken care of.

The restaurants, the food outlets, and things like that, everybody knew what they were getting into when they were in there, when they moved in.

Now, I will tell you this: The shopping center has been through some difficult times. And the original developers, which was Gulf Shore Construction, I believe it was, the Peels, they lost the ‑‑ they lost the center, and it was bought by a difference gentleman, and it has not been maintained correctly. And they haven't lived up to the standards of ‑‑ the commercial standards and the codes that the county has determined.

But it is right up against a neighbor. I'm on the actual five acres next to that. So this directly affects me. There's two‑and‑a‑half acres between me and that center.

So, consequently, when the civic association talked about expanding the neighborhood centers, they talked about adding additional services and expanding the neighborhood centers, not doing it for infrastructure or for water plants or things like that because, honestly, would you ‑‑ if you lived where I live, would you want the guy all of a sudden that you worked hard to help him develop the center, all of a sudden now he comes in and he wants to put a parking lot and a sewer plant next to you? So that's a real problem.

Now, I'm on the adjacent five acres right next to it, so that's ‑‑ this is something that we have to figure out, you know. Let's see here.

CHAIRMAN STRAIN: Mark, I'm listening to what you said. Are you objecting to this language then, or are you saying it can be limited and still work? What is your ‑‑ what is the point you're trying to ‑‑ where are you trying to go with this?

MR. TEETERS: Well, here's the thing. If somebody came in and they wanted to take two‑and‑a‑half acres to do that, obviously I wouldn't want to live next to that. It's not something that I would want to do.

And I understand it has to go through the process and all that stuff. But if the guy just says, I have to have this and you're going to put a 75‑foot buffer on there, you've got, what, a hundred and ‑‑ what is ‑‑ two‑and‑a‑half acres is 180 feet ‑‑ no, 165 feet, 165 feet. You put 75 feet of buffers on there, you really can't do ‑‑ because I'm right up against it. You can't do much with that property with two‑and‑a‑half acres. So that becomes a problem.

And that was ‑‑ we worked with the Sheriff's Office, with the county, and everything like that to make sure that when that property was developed ‑‑ because it's so tightly packed that the neighbors were protected against this type of thing in the future. No one expected them to be able to expand, you know, to be able to do something like this.

I don't think it was the intention ‑‑ when the civic association discussed the expansion of the neighborhood center, I don't think it was adding services or adding ‑‑ I don't think it was that intention. I think they wanted to add businesses in those areas, not, you know, utilities and things like that.

MR. VAN LENGEN: If I could just interject a point.

CHAIRMAN STRAIN: Yeah, go ahead.

MR. VAN LENGEN: It would be really helpful to have someone from the civic association provide their position. I think if there is someone that could do that, that would be very instructive.

CHAIRMAN STRAIN: Well, I think the president of the association is here, if I'm not mistaken. I haven't been to their meetings for a while, but I know Mike Ramsey is here and Peter, I think, is ‑‑ and you, Kim, yeah. I mean, someone can address it if they want to. That's up to them, sure.

And, Mark, I was just trying to understand where you're going with this. I understand all the things you said ‑‑

MR. TEETERS: Yeah.

CHAIRMAN STRAIN: ‑‑ but you didn't say you'd rather not see this happen.

MR. TEETERS: I don't want to see it happen, obviously.

CHAIRMAN STRAIN: Okay. Well, that's what I ‑‑ that's nice and clear.

MR. TEETERS: If they want to buy the entire five acres and they want to redevelop it and all that kind of stuff, that's fine, but to say we do that for infrastructure and we'd take two‑and‑a‑half acres and they can do that, I don't think that's right. I don't think it's fair.

CHAIRMAN STRAIN: Okay.

MR. TEETERS: So, no.

CHAIRMAN STRAIN: No, that's what I'm trying to understand. Yeah.

MR. TEETERS: Thank you very much. I appreciate your time.

CHAIRMAN STRAIN: Thank you.

Is there any other member of the public ‑‑ Mike?

MR. RAMSEY: Good morning, everyone. Mike Ramsey. I'm the president of the Golden Gate Estates Area Civic Association.

See if we can kind of work out some of this stuff for an understanding. Initially, in our discussions we've had with the Estates ‑‑ with the Estates residents going back about services they'd like to have in the Estates area, it kept coming up that they would like to have neighborhood centers, commercial areas, and they would like to have a variety of different kinds of services available to them so they didn't have to drive into town, but they did not want large attractors, traffic attractors.

So, like, something 30, 40 acres, like a Lowe's or something like that is a major area and a major commercial activity area, they didn't want that, but they did want something smaller to fit in with the community, but they wanted some additional varieties of businesses.

With the current five‑acre size on each of the nodes, that's difficult to get because in the permitting I've done with other projects, we usually start off looking at water management being at 20 to 25 percent of the area. And in Collier County, parking requirements take another large bite out of the property.

So what's left is so much square feet for profit making. Well, we've noticed over the years that's very difficult if ‑‑ to do unless you have enough area to make a reasonable profit to pay your bills, because I think bills continue to go up. I'm sure property taxes continue to go up, and I know power and other costs go up.

So we were looking at a way that we could help businesses come in and stay profitable and keep them small without being overrun by large activity centers like Lowe's or Home Depot or something like that. We wanted to keep small.

So the recommendation we came up with was that ‑‑ consider making the areas ‑‑ each of the community centers, each of the quadrants around an intersection, around 20 acres. That would allow enough surface water management and parking and take care of the septic drain field issue; that way the business could be bigger, it could better survive the ups and downs. Our businesses out there have had a hard time, so we were looking at doing that.

Now, what surprised us in this discussion when I was reading the draft master plan ‑‑ so we're trying to improve the size of the neighborhood centers. And I understand we were looking to get a Growth Plan Amendment exception in there so you didn't have to go do that but could meet (sic) the rezoning and the conditional‑use issue to keep the neighborhood involved.

The thing that kind of surprised me reading through this was the transitional conditional uses. It looks like that was created to assist with this issue, but it looks like it causes creepage. It looks like every time I've got a nonresidential use and a property next to it, I could just keep creeping over conditional uses. That kind of causes a concern.

The other issue is that properties by a four‑lane ‑‑ proposed four‑lane road, you'd do a transitional conditional use, that looks like it promotes creepage, too.

We would actually like to keep the Estates' ambiance or demeanor even against the four‑lane roads. Immokalee Road is a concern, because now everybody's looking at Immokalee Road in the Estates area as a possible area to do commercial development by a six‑lane major road. So those are the kind of things we're looking at.

So the transitional conditional uses, need to look at that, because that looks like it's going to promote creepage on us, and it's not going to be favorable.

The neighborhood centers, we'd like to go ahead and say, okay, let's put an overlay on it, and it can't creep outside that overlay. So that's kind of where we were coming from there.

CHAIRMAN STRAIN: Okay.

MR. RAMSEY: Did that help any? Does it make it worse?

CHAIRMAN STRAIN: You know, between Mark and David and you, we had a lot of circular discussion today, but we appreciate it.

MR. RAMSEY: Okay.

CHAIRMAN STRAIN: Anybody else in the public like to speak on this matter? Yes, sir?

(Commissioner Ebert is leaving the boardroom for the remainder of the meeting.)

MR. GRIEVES: John Grieves, Golden Gate Estates again.

I heard a lot of things here that I was not aware of today. The last gentleman mentions 20 acres would allow for a package plant and proper retail area to operate and get that return on investment that any investor's going to need.

We have that. We have that on the northwest corner. That is 40 acres, but only 20 was being developed. What do you think the other 20 acres are going to be? It was described as a parklike setting.

I don't know what people expect here, but it comes down to one basic thing from me. I live not far from this, three lots away, and I'm still in favor of it because of the caliber of what Crown was developing. And if you look at from about the library cone south, basically, east on that neighborhood there, it's the services for those people way out on the east side of where that development would have been that that serves.

I look at that corner, and what it could have been died. I still don't know what happened behind the backgrounds of all that. But, you know, the neighborhood civic organization, I saw three people here that are basically very active on it, and they seem to be all against it.

So I would caution your surveyor here from putting all stock into what they say. 76 percent of our residents out here were in favor of this development. There was a package plant.

CHAIRMAN STRAIN: I don't think anybody spoke against that development.

MR. GRIEVES: No. And I'm just saying that my concern is ‑‑

CHAIRMAN STRAIN: What are you ‑‑

MR. GRIEVES: ‑‑ on that corner, I hear from the neighborhood development, which I've not been to any meetings on, saying that they want to see that all downsize. They don't even want a four‑lane road on Wilson ‑‑

CHAIRMAN STRAIN: That isn't being suggested today. It's not on ‑‑ that's not even one of the actions in front of us today.

MR. GRIEVES: My concern is that that center should have progressed, and I believe it met a lot more resistance, just like you're seeing here today.

CHAIRMAN STRAIN: Honestly, I don't think anybody here today could influence its progression right now. That's strictly up to the developer. They already have a legal right to proceed. There's nothing holding them up except the developer.

MR. GRIEVES: Well, I just don't want to see this plan that you're developing now limit that and cut it down from ‑‑

CHAIRMAN STRAIN: That's not part of today's discussion. It has not ‑‑

MR. GRIEVES: It sounds like that's the intent of some of the comments, and I'm saying that I'm not in favor of that.

CHAIRMAN STRAIN: And I understand. We're hearing the comments, but they're nothing that we're making a decision on today.

MR. GRIEVES: I know you're not deciding today, but that's how I feel about that whole project. I feel that it was not properly supported. Right from the get‑go there was dead resistance to it, and it's not ‑‑ right now with your citizenry out there, at 76 percent needing these services ‑‑ and this is what this is all about ‑‑ that has to be kept as it is and then developed within whatever the Planning Commission sees is allowable.

But I don't want to see that disappear, and I live close to it. So I just want to see that the proper services are in our community. We deserve it.

CHAIRMAN STRAIN: Thank you.

Anybody else from the public want to speak on this portion? Peter?

MR. GADDY: Peter Gaddy. I'd just like to make some suggestions regarding the provision of cell phones.

CHAIRMAN STRAIN: Cell phones or cell towers?

MR. GADDY: Cell towers.

CHAIRMAN STRAIN: Okay.

MR. GADDY: Yeah, I think the price should go down, but...

I think you should specify a maximum height for the tower, you know, somewhere in the area of 125 to 150 feet. I think you should limit them to five‑acre parcels. I think they must be located ‑‑ should be located only in the center of the parcels. I think that no other uses should be permitted. I think construction on the parcels shall be limited to a thousand square feet or less as far as structure. There should be ‑‑ and the existing vegetation should be maintained.

CHAIRMAN STRAIN: Now, a lot of that, Peter, is operational elements that would probably be ‑‑

MR. GADDY: I understand.

CHAIRMAN STRAIN: ‑‑ in the Land Development Code. But if this were ‑‑ however this may end up, we can always put that into the code, and that's kind of the suggestions we probably would have used anyway. So, thank you. That helps.

MR. GADDY: Okay. One other point I wanted to make regarding ‑‑ I just don't think it ‑‑ it just doesn't feel to me that it's appropriate that potential future amendments of an existing PUD ‑‑ and I'm talking, again, about the Wilson Boulevard and Golden Gate center. It just doesn't seem right as to why we're including language about a possible amendment that the owner might want to make sometime in the future.

CHAIRMAN STRAIN: But we're not ‑‑ there's no changes on that one that I'm aware of. What do you think's changing on that today? The Wilson and Golden Gate center, the northwest corner or the south corner?

MR. GADDY: South corner.

CHAIRMAN STRAIN: Okay, good.

MR. GADDY: The southeast corner.

CHAIRMAN STRAIN: That we are. Thank you.

MR. GADDY: And, you know, it is called the planned development for a reason. It's planned, and, you know, approved, and that's the way it should stay absent a major amendment.

CHAIRMAN STRAIN: Thank you. Anybody else in the public want to speak on this portion of these amendments today?

COMMISSIONER CHRZANOWSKI: Mark, could I say something?

CHAIRMAN STRAIN: Yes, sir. Go ahead, sir.

COMMISSIONER CHRZANOWSKI: On cell towers, if you have a residential areas that's, say, 100 square miles, 10‑mile by 10‑mile, and you put cell towers all around that area and you get a dead spot in the middle, I don't see any way you're not going to have to put a cell tower somewhere in the middle. I think what you should do is you should get ahold of the people that put up cell towers and ask them where they're going to need a cell tower because, eventually, if you've got a dead spot, you have to put a cell tower close to it to get service to it.

You know, to me the logic is inescapable. Somehow you're going to have to get the cell tower people involved in this and ask them where in the Estates a cell tower needs to go or more than one cell tower if you're getting that many complaints that people don't have cell service. It's engineering.

CHAIRMAN STRAIN: But, see, Stan, that's more of an operational aspect.

COMMISSIONER CHRZANOWSKI: Yeah, but ‑‑

CHAIRMAN STRAIN: All we're simply trying to do today is establish is it proper to allow a cell tower conditional use anywhere in the Estates, or should we be more limited than that. I think that's the question posed today.

Your standards and the things that they would need, how they would go, the height and limitations, that's something, once we establish the frequency, we can establish what their limitations will be after that in the LDC.

COMMISSIONER CHRZANOWSKI: I go canoeing in the National Wildlife Refuge, and I can see the cell tower at Port of the Islands from a long distance way in the woods, and I get great service out there. And, you know, so I see a cell tower. I guarantee you you're going to see cell towers somewhere at some point out in the Estates. There's just no way around it, you know.

So I don't know where you're going with this, but eventually you're going to have to talk to the cell tower people and ‑‑ you know, before you put anything down in the code.

COMMISSIONER FRYER: And that will be at the time of the conditional use.

CHAIRMAN STRAIN: It's was actually ‑‑ Tom was next.

COMMISSIONER FRYER: Oh, I'm sorry.

MR. EASTMAN: I just wanted to make a comment about the cell tower stuff. And maybe a further restriction that they'd be along major roads or arterials. I'm not sure if that's good or not.

And then I also wanted to make a point about the restriction of the thousand feet for the structure. You want to encourage collocation on these cell towers so you don't need as many with the various service providers.

And when you get down to that ground‑level stage and those units in the equipment that are there that make it operational, you may be discouraging collocation by crimping it down to just a thousand feet.

COMMISSIONER DEARBORN: Agreed.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: That goes to my point again that these matters are going to require a level of expertise that we ‑‑ at least I certainly don't have as ‑‑ for instance, how tall a tower should be or where it should be located in relation to fixing a dead spot. But these are issues that would, I think, come forward at the conditional‑use request time, and they would be supported or not supported by expert testimony, I would think. And I just ‑‑ I don't think we're in a position right now to do really much more than what the language that you're suggesting be added does.

CHAIRMAN STRAIN: Well, I think the question for us today is simply this language would allow them anywhere in the Estates. And the point was brought up, "anywhere" is not appropriate. I definitely agree with that.

So all I'm suggesting is we send ‑‑ when staff starts consolidating our comments today, one of them is they figure out a way to limit the locations where cell tower conditional uses can apply. To put them in a quiet neighborhood on a dead‑end street where it doesn't even make any sense ‑‑ but I think ‑‑ or if there's a needed case like that, instead of a two‑and‑a‑quarter lot, it becomes a requirement to have a bigger lot in a settled neighborhood where it isn't off an arterial road. Just parameters like that that don't make it so open‑ended as this ‑‑ this is broader than, I think, needs to be apply.

So I think that will get us to the next point, which is the LDC language, which is where more of your statements would apply, so...

And anybody else have any ‑‑ Kim, real short. You have to come up to the microphone, Kim.

MS. ELLIS: Thank you. I just want to know if including all of ‑‑ everything that you've just said, would that mean that a cell tower could go at one of the community development centers, like at Golden Gate and Wilson; would you be allowed to put a cell tower in one of those areas that's set aside for services, like a store? Would we see a cell tower at the south ‑‑

CHAIRMAN STRAIN: If they included it in a PUD and they wanted that as ‑‑

(Multiple speakers speaking.)

MS. ELLIS: ‑‑ or the northeast corner ‑‑ the northwest corner of Golden Gate Boulevard and Wilson where all the talk about the shopping is?

CHAIRMAN STRAIN: If they came in with a PUD and they said one of the allowed principal uses they wanted was a cell tower, then, yes, you could put one there. But if they were to come in for a PUD and ask for that, there would be all kinds of safety aspects that would be questioned. So it probably isn't going to happen like that. It's one of those far‑fetched things.

MS. ELLIS: Just asking. Thank you.

CHAIRMAN STRAIN: Okay. Ma'am, if you'd come up and identify yourself.

MS. BURTON: Good afternoon. My name is Rae Ann Burton. I live out in Golden Gate Estates.

I stayed home when Irma came through. There was no cell service whatsoever and, of course, there's no power, my modem's not up. I don't have a cell phone.

Now, there is a cell tower that is on Bailey Road off of Airport. It's in back of the Naples Nazarene Church. You don't know it's a cell tower. It looks like a very fine pine tree. And it's on ‑‑ and it's not on five acres. It might be something to look into.

We have pine trees out there. What is one big really tall one, one beautiful one that gives us cell service? Thank you.

CHAIRMAN STRAIN: Thank you. And we'll be coming back with some different language, and that will hopefully address it.

And the remaining issues that we have on this ‑‑ we have one more section of this to go through today but, basically, we've talked everything over with staff, we've provided some direction. There are two elements that we haven't really consolidated our thoughts on them. One is ‑‑ now that we've input from the public on this southwest ‑‑ actually southeast corner of Wilson and Golden Gate Boulevard, I don't know what the Planning Commission wishes but, you know, if this developer needs to make an expansion, let him come in for a GMPA amendment and do it himself and prove to the public that he can adequately accommodate his uses and still provide a decent commercial corner there if that's the need. At least that's my thought. Does anybody have anything they'd ‑‑

COMMISSIONER FRYER: Makes sense to me.

CHAIRMAN STRAIN: Okay. So I don't think that new language in the quadrant's really necessary then.

MR. VAN LENGEN: In view of the Estates Civic Association, the Golden Gate Estates Area Civic Association's view that ‑‑ if I understood their comments, that 20 acres per quadrant, that would be 80 acres for undeveloped areas. To me, that's ‑‑ I don't know where that comes from. And for us, we said, well, what would be the maximum square footage? And we don't have an answer for that. And that's really the issue of intensity, which is the most important issue. So without knowing those things, I'd be afraid to go forward with any changes to any of the neighborhood centers.

CHAIRMAN STRAIN: I certainly wasn't going to suggest we go there.

MR. VAN LENGEN: Okay.

CHAIRMAN STRAIN: I think the last thing that Golden Gate Estates needs is that intensity like that on every single corner. I mean, we've ‑‑ I understand the corner that's already approved; it's done. But expanding that further, it just doesn't make sense. Especially it's the wellfield areas for most of Collier County, and that's the last thing we need to do in that area.

The other question that comes up is what to do about the traditional conditional uses ‑‑ transitional conditional uses on all four‑lane intersecting roads. The plan that you showed, Kris, is that ‑‑ did that incorporate the cost‑feasible LRTP, or was that just the map of Golden Gate Estates as we think it's going to come out into four lanes?

MR. VAN LENGEN: It did. As the 2040 LRTP, which is being revised, it did incorporate that. So there was one or two extra locations depicted for that reason.

If I could just respond to Mike Ramsey's comment about that. I'm not sure what he means by "creep," but in terms of conditional uses, there would be a conditional use allowed at a corner, but that conditional use would not allow another transitional use next to it by operation of what's in the code or what's in our plan. It doesn't mean that someone can't come forward with a future subdistrict Comp Plan amendment, but it doesn't ‑‑ but what it means is by what we're devising here as a comprehensive planning scheme, there is no creep involved. There's just one ‑‑ it would be one location per quadrant.

CHAIRMAN STRAIN: Okay. And the quadrants are more or less limited as you indicated on the map.

But I think the problem I'm having is, I just can't picture four churches in every major intersection in Golden Gate Estates, and that's what happened back in 2000, 2001 when we all came together to stop this. And that's the ‑‑ that was the primary motivation of the replanning effort back then. We were having churches from all walks of life flooding Golden Gate Estates because the land was so cheap and then ‑‑ just drove out there and went to church and drove through our neighborhoods and went away. I don't want to see that happen again, if we can help it.

I understand that no one wants ‑‑ is probably going to build a house on two four‑lane roads intersecting. It's just not that peaceful. Is there a way that we could allow the transitional conditional uses there but limit the types of uses to one per intersection or something like that, or does all four of them get the ability to build as churches?

Because there was another instance ‑‑ I can't remember the project ‑‑ where we did something like that. The first one in could have this, and then once that was established, we couldn't have another one in the other quadrants. I don't remember ‑‑ I vaguely remember something like that. I just don't remember if it materialized or not.

That's the piece that bothers me about this, and that's what I keep seeing happen, because that's what happened ‑‑ our land's cheap compared to the urban area. So they're going to come out and buy their church land, and 200, 300, 400 parishioners are going to march all out through our streets, and then they're going to march back. And most of the time they're not necessarily all of them living in our district or the majority of them.

MR. VAN LENGEN: Sure. And my thinking was driven by assisted living centers or services for the elderly that now are not proximate to very many locations in the Estates that maybe we're premature on worrying about that. But as far as doing one quadrant at the time, I don't think that would be a problem.

CHAIRMAN STRAIN: And I like your idea, because those are the kind of uses that would bring some variety to those intersections, and they're passive uses, really; they're not intense. That part didn't bother me. It's just how do we make sure we get that variety instead of just all the same thing like we used to get? That's the piece that I'm concerned about.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: If we could get everybody to belong to the one true religion, you wouldn't have this problem.

CHAIRMAN STRAIN: Oh, I'm glad we're not ‑‑ thank you, Stan.

COMMISSIONER CHRZANOWSKI: You're welcome.

CHAIRMAN STRAIN: David, and Tom.

MR. WEEKS: I just have a couple of comments. One, as I look at the attorneys over there, I know that you probably are all aware of it, I just want to put it out there. We can't treat churches differently. I mean, they're an allowed conditional use in Golden Gate Estates, and we can't regulate them differently. There's ‑‑ R LUPA, I think, is the name of the case.

CHAIRMAN STRAIN: Well, you can't regulate the religion of the churches differently. It doesn't mean we can't regulate the use as far as ‑‑ I mean, that's what my question is. I mean, we're not telling one religion can't go there but another can. We're just simply saying too much on one intersection's too much.

MR. WEEKS: That's a legal ‑‑ I'm looking at Heidi and Jeff. But I don't ‑‑ my understanding is we can't regulate churches differently, for example, to say we can have the others ‑‑

MR. KLATZKOW: Well, forget the regulation of the church. Why don't you have a rule that you can only have one shopping center on four corners or one supermarket on four corners or one restaurant on four corners? I mean, why a church?

CHAIRMAN STRAIN: How do we do that?

MR. KLATZKOW: That's what you want for a planning tool?

CHAIRMAN STRAIN: I'm just saying, Jeff, some of that may not be bad. I know we can't do it. I'm just asking, can we do something to ‑‑

MR. KLATZKOW: I think you're overplanning.

CHAIRMAN STRAIN: ‑‑ stop the proliferation of churches if we ‑‑

MR. KLATZKOW: I'll tell you what, we'll look at it, but I've got to tell you, it's just ‑‑ what you're trying to say is, like, you know, we'll put one here and one here and one here and one here, but then you can say, well, we only want an Italian restaurant here and a Chinese restaurant here but not two Chinese restaurants.

CHAIRMAN STRAIN: Well, we do with gas stations. We have a 500‑foot radius before we can put another gas station in Collier County. It's called an automobile station waiver. You have to come in ‑‑

(Multiple speakers speaking.)

MR. KLATZKOW: I didn't say you can't do this. I'm just saying that ‑‑ taking your argument to the logical extension, I mean, I don't know.

CHAIRMAN STRAIN: Okay. That's the only suggestion ‑‑ that's something that maybe we could look at by the time it comes back for adoption. If not, we'll just see how this language flies. I mean, I don't know what else to do with it.

David?

MR. WEEKS: My second comment was going to be about the intersection, if you wanted to look at intersection ‑‑ major intersections and say, we will limit to only one of the four quadrants can have a conditional use, but what is the reason for allowing any conditional use there? If the point is this is a major intersection, we don't think anyone would want to build a house there, but then we're only going to allow a house on three of the four quadrants. It just seemed like our logic isn't there.

CHAIRMAN STRAIN: Yeah.

MR. WEEKS: It's a tough one because it sounds like ‑‑ I'm not picking on you, Mr. Chairman, we hear the comments as well at staff sometimes. And, for whatever reason, churches seem to be the conditional use that upset people, and maybe it's because of the amount of activity versus a nursing home or a shopping center.

CHAIRMAN STRAIN: Well, if you recall, David, when churches started, they were like mom‑and‑pop gas stations. They were small, mostly confined operations typically to the neighborhood. Well, then we got Racetracs with convenience stores of 6,000 square feet and 24 pumps, and now we've got churches doing every inconceivable thing you can imagine on a site that's not supposed to be a commercial operation, but they almost act like a commercial. That's disrupted some neighborhoods, and that's the concern.

And we don't have ‑‑ we have some policies that try to limit some of the uses, but we don't really have a standard. And I'm real concerned that all these corners are going to end up being much more intense than we thought by a conditional use. That was my only concern.

MR. WEEKS: And that may come in, again, to the square footage limitations and property size limitations as well. I mean, we certainly can't have a big campus church fitting on five acres. But I guess your point in part is, well, even the church that's on five acres, if they have activities seven days a week, 24/7, then that's ‑‑

MR. KLATZKOW: Like a school. I mean, which is a permitted use.

CHAIRMAN STRAIN: And we're just about wrapped up with most of the changes. There are a couple more we need to talk about. Oh, Tom, did you want to ‑‑ sorry.

MR. EASTMAN: Yeah. And I don't know if this is an appropriate time to talk about this issue, but the ULI affordable housing study gave a list of toolbox things that the county might want to consider to help with affordable housing or housing affordability. One of those was the ability to build accessory structures or dwelling units within estate lots because they're larger size lots. I don't know if that was considered or if it's even appropriate for this change that's before us.

CHAIRMAN STRAIN: It's been brought up many times and defeated many times.

MR. EASTMAN: Okay.

CHAIRMAN STRAIN: You're doubling the density in Golden Gate Estates.

MR. EASTMAN: So it's just something the community's not supportive of and not popular?

CHAIRMAN STRAIN: Has not, no. It's more than once.

I think we ought to give the court reporter a 10‑minute break. We'll come back and wrap up without taking a lunch, if that's okay with the Planning Commission. Okay. Let's break till 12:30 and resume and finish up.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Everybody, if you'd please take your seats. Mike Bosi got delayed there.

Okay. We left off finishing up with Page 83. Kris, the rest of it ‑‑ there's not a lot there. There's a few things we just want to roll through. Most of it hasn't been changed.

I think on Page 87 there's a ‑‑ I have a question there. Does anybody have anything up to Page 87?

(No response.)

CHAIRMAN STRAIN: Nothing's really been changed. So on Page 87, Kris, there's a strikeout for a reference to convenience commercial language. A lot of times developers do that because they want to lock in the uses that they know to date and they aren't surprised by changes as amended as it goes forward. And my question that I had asked you off record is, you know, is the property owner aware of this?

I contacted the property owner. He's here today. And, basically, Andrew Dickman represents them. Andrew, if you have any comments on this. It certainly doesn't matter to me, but I wanted to make sure that since it was a change to your client's project, it was either acknowledged or not.

MR. DICKMAN: That small change looks like it's just cleanup to me. We did have a conversation with staff about ‑‑ Andrew Dickman, Dickman law firm, sorry.

My clients have about half of the Randall Boulevard subdistrict, and we were concerned about possible changes that would affect that since we're trying to put through ‑‑ we are preparing to put through a rezoning of that, so ‑‑ and I know there was discussion about a grocery store change on another intersection, and that subdistrict where my client's property is also has had a same provision, so ‑‑ but the small amendment that staff's ‑‑ it looks like just cleanup language to me that you're putting in number and striking the amendment and things like that; is that correct?

MR. VAN LENGEN: It was intended to provide better clarity for both the public and for staff when sometime in the future they have to look back and say, okay, what is permitted at this location? And we look at C2 convenience commercial zoning, and then we can see, as provided in zoning ordinance number. But then if we say "as amended," it makes it much, much easier for everyone to understand because now we can have the current version of our zoning materials as opposed to looking back to a date specific and making sure we have archived those uses correctly.

On the other hand, I think it's been pointed out that that may be an appropriate standard in some locations, but it may prejudice you and your client in the sense that if at some point in the future a use is deleted, now you've got less than you did before.

So I think we discussed this briefly with the Chairman and others, and we think if we don't strike that out, that that's probably the better way to go when these are the result of individual petitions.

MR. DICKMAN: Okay. All right. Thank you.

MR. VAN LENGEN: We would remove that strikeout.

MR. DICKMAN: I appreciate that. And since we're not taking up any individual personal amendments, I won't bring those up at this time, but we appreciate that.

CHAIRMAN STRAIN: That's something we're not doing today, but thank you.

MR. DICKMAN: I appreciate it. Thank you.

CHAIRMAN STRAIN: Okay. Well, then we'll remove that strikethrough of the April date and leave that in. Is that ‑‑

MR. VAN LENGEN: Yes.

CHAIRMAN STRAIN: ‑‑ agreed? Okay.

Thank you, Andrew.

MR. DICKMAN: Thank you for the opportunity. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Kris, as we move through this, most everything else hasn't changed. To wrap up the rest of this document, I don't think there's any other changes ‑‑

MR. VAN LENGEN: That's right.

CHAIRMAN STRAIN: ‑‑ until we get to the page where it lists the Future Land Use Map series, and that's just a listing of the maps that we're changing around.

Anybody on the Planning Commission have any questions about the remainder of the document?

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Sir, go ahead.

COMMISSIONER FRYER: I'm not sure where this is to be slotted. I went by page numbers, and it came to ‑‑ it was on page 287 of the electronic. But what it has to do with it ‑‑ sorry about that ‑‑ is a series of emails that we received having to do with the strip of the Parkway between Livingston and Santa Barbara. And since we've got several of these emails ‑‑ and their concern, of course, is more commercialization along the Parkway, more apartments and their preference to retain more of what they characterize as a rural atmosphere environment there.

My question is, do you feel as though you've addressed those concerns, or how does staff respond to that?

MR. VAN LENGEN: Yes. How that evolved is sort of a combination of their vigilance along with the beauty of modern communications and social media.

We called a meeting, and we sent notices to everyone saying we're going to have a meeting about the Urban Estates. Won't you join us; won't you look into the future and see what needs to be changed in your opinion.

The alarm in, I believe it's Section 29 is the name of that, the Unit 29, went off. They thought that ‑‑ automatically they assumed that everybody wanted to commercialize Golden Gate Parkway between Livingston and Santa Barbara, and we assured them that that was not the case. They were much relieved, but they were the ones that filled the room in that first meeting and sent lots and lots of email and messages. And we appreciated their feedback, and it was fairly unanimous.

COMMISSIONER FRYER: Good. Okay.

MR. VAN LENGEN: I would say ‑‑ it was not unanimous, but it was heavily weighted towards please, no, thank you.

COMMISSIONER FRYER: Good. So that's been addressed. Thank you.

MR. VAN LENGEN: Yes.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Kris, I don't have any more. I think you're done ‑‑ and is there ‑‑ any members of the public have any comments on the remaining pages we just scrolled through?

Yes, ma'am. Come on up to this ‑‑ you'll have to come up ‑‑

MS. WHITE: Is this the end?

CHAIRMAN STRAIN: This is the end, yes, ma'am.

MS. WHITE: Is it all right to give this to somebody?

CHAIRMAN STRAIN: Well, yes.

Kris, if you'll take it and see how it should be distributed. I don't know ‑‑ it might just need to be put with the court reporter.

MR. VAN LENGEN: And by way of introduction, I hope that you'll accept these comments from, is it, Mrs. White ‑‑ who called yesterday or the day before and said we do have the site‑specific situation. We know you're not dealing with site‑specific situations, but it was something that ‑‑ it kind of made sense that you might want to be aware of it even though you're not going to take action on it.

And so I said, it's a public forum, it's your right to speak here, and she would like to make a brief presentation.

CHAIRMAN STRAIN: Was any of the information discussed at any of the stakeholder meetings you had that you're ‑‑

MR. VAN LENGEN: It was not.

CHAIRMAN STRAIN: ‑‑ that she's going to present? This isn't the forum for this, but we'll certainly ‑‑ if you can keep it succinct, we'll be glad to hear what you've got to say.

MS. WHITE: Okay. Well, the reason that we ‑‑ I'm sorry. My name's Peggy White.

The reason that we weren't at any of the meetings, because we weren't aware of them. For whatever reason, you know, we didn't catch when the meetings ‑‑ we didn't even know the restudy was happening. And the only way we found out about this was some friends of ours said something that they knew what was going on; we should check into it. So that's when we got involved. So it was ‑‑ even though we live in the area, we just didn't know that it was going on.

Our property, if you look at the map that he has, is on the corner of Oaks Boulevard and Autumn Oaks Lane, and we've met with you ‑‑

CHAIRMAN STRAIN: You know, I couldn't place you. I know exactly what you're going to talk to us about. Ma'am, you can make the rest of us aware of it. It isn't the forum for this. That, by the way, is a real sensitive issue to the neighborhood and you know that, in the area you're in.

MS. WHITE: Yes, I do.

CHAIRMAN STRAIN: So out of deference to them, not knowing it was going to be discussed, we'll hear your portion of it, but it really has nothing to do with today's hearing. But I'll let you proceed since this is a public comment period, and you have a few minutes.

MS. WHITE: Okay. Well, I'm sorry that that's the way it happened, but when we were told to come here, we were under the understanding that it was part of this meeting, or we would not have come.

CHAIRMAN STRAIN: It's not. It's a private ‑‑ it's a private amendment. Those ‑‑ and yours is a unique case, and everybody in that neighborhood is very much aware of it. So it's something that's going to take an at‑length discussion on its own. But if you want to enlighten us to anything, we'll certainly, you know, listen to you, ma'am.

MS. WHITE: Okay. Well, if I could read ‑‑

COMMISSIONER CHRZANOWSKI: Excuse me. This doesn't ‑‑ Jeff, this doesn't violate any ‑‑ if this comes before us at a certain future time or something?

MR. KLATZKOW: It's a public meeting.

COMMISSIONER CHRZANOWSKI: No? Okay.

MS. WHITE: Yeah, again, I apologize, but we were under the understanding that the association would be here, and we were under the understanding that this would be discussed. So it was understanding that there was not a problem, so ‑‑

CHAIRMAN STRAIN: They're not here.

MS. WHITE: ‑‑ I apologize. And we hadn't been here through the whole thing and just now found out that it's something that we shouldn't have done, we wouldn't have even been here at all.

CHAIRMAN STRAIN: Well, let's hear what you have to say. Thank you.

MS. WHITE: Our property, like I say, is the corner there. And when my family bought the property, it was zoned commercial. And it was bought in 1972. Building permit granted for a commercial building and a commercial code. Everything was in order.

He was told to put in an office area with two bathrooms. He conducted a business there. It's been taken away. And he went from having a commercial zoning into the next following zoning, and now it's in what is called a legal nonconforming usage. It's changed names several times and been more or less deleted from commercial all the way down. We still have it as a business there under that legal non‑confirmation (sic).

I'll try to make short so I don't do all this. Anyway, the bottom line is we're here ‑‑ that we don't want any real changes to the five acres, the original one, but the property that's on the south side and on the east side, we understand, can come in to be possibly a CU change, and that's what we would like to see. That's what we thought we would be able to talk about today.

With that said, you know, we just don't want to have any problems with the association. We've never had any problems with them. Their main concern is the traffic. And, as you can see, the light on ‑‑ let me see what the name of that street is. It comes straight into the property off of Immokalee Road; comes straight into our property, and then there's ‑‑ if you go around the corner on Oaks, that's where our main entrance is.

So most of the traffic that people talk about that go into Oaks Boulevard would possibly not even be going down Oaks Boulevard. It would be going out toward Immokalee Road, down through the light, and Autumn Oaks. I mean, if you go on Oaks, it wouldn't be more than ‑‑ probably less than a hundred feet to where we're at.

So that was, basically, what I'd like to have aware that this is kind of a strange place. On the south of us is another business. So we're kind of between a business and where a church is and, you know, with our business ‑‑ and those pieces of section of property between us and the other business right now is E, and we're just asking if we can have the whole piece the same as it was, but we can't because of the change in the zoning and what happened to the original five acres. So we're asking what is possible to be put in there is the CU's.

So I appreciate your time. And I'm sorry that we were here when we weren't supposed to be.

CHAIRMAN STRAIN: No. This particular process wasn't for private amendments. That was the only difference ‑‑

MS. WHITE: Yeah.

CHAIRMAN STRAIN: ‑‑ so thank you.

MS. WHITE: We just wanted the commissioners to be aware of it.

COMMISSIONER CHRZANOWSKI: I'm curious about something. Which one of those parcels is Cypress Cycle?

MS. WHITE: It's the one that's red. We have three sections.

COMMISSIONER CHRZANOWSKI: Okay.

MS. WHITE: There's another map there that, I think, shows enlargement.

MR. WEEKS: On the visualizer, the pen is pointing to the thin red strip, that's Cypress Cycle.

MS. WHITE: We have the one in red, which actually is not commercial, and then the one ‑‑ next one down on there is yellow, which is ours; the next one is white, which is ours; and then the one to the east, which is yellow, is ours. There's 13.66 acres there. And since one of them is nonconforming, we'd like to be able to use it more.

COMMISSIONER CHRZANOWSKI: I was just wondering where you were. Thanks.

MS. WHITE: Okay.

CHAIRMAN STRAIN: Thank you, ma'am.

MS. WHITE: All right. Thank you.

CHAIRMAN STRAIN: Okay. Is there anybody that had any closing comments to the discussion on the master plan?

(No response.)

CHAIRMAN STRAIN: Okay. With that, Mike?

MR. BOSI: Chair, we had four speakers. I believe Andrew Dickman already spoke. Peggy and Ed White already spoke. It was a Rae Ann Burton? I'm not sure if she ‑‑

MS. BURTON: I spoke.

CHAIRMAN STRAIN: She spoke.

MS. BURTON: I got my answers.

CHAIRMAN STRAIN: Okay. Thank you.

And with that, Kris, does that wrap up everything you've got to do today?

MR. VAN LENGEN: I believe so.

CHAIRMAN STRAIN: Okay. Do you feel comfortable at least with the comments we made how to ‑‑ you've got those understood?

MR. VAN LENGEN: Yes, sir.

CHAIRMAN STRAIN: Okay. That takes us to a wrap‑up. And the last thing on the agenda, last two things ‑‑ Ned, you had wanted to say something. This would probably be a good time to do it.

COMMISSIONER FRYER: Yes, thank you.

I want to thank and congratulate Mike Bosi and his staff on getting us online so that all the materials are available not only to the Planning Commission but to the public at large to see the same materials that we see when we see them. I think it's just a tremendous step forward, and I thank you for your efforts on that.

MS. ASHTON‑CICKO: Could we go back to the prior item for a moment, because I didn't hear a motion. Are you going to ‑‑

CHAIRMAN STRAIN: This is transmittal. I mean, we kind ‑‑

(Multiple speakers speaking.)

MS. ASHTON‑CICKO: Yeah, we still need a motion recommendation.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Well, let me ask a question, then, on that before I make a motion. We're not going to see this again before the County Commission sees it for transmittal, right? Correct?

MR. BOSI: (Nods head.)

COMMISSIONER FRYER: Okay. So are you going to put in some of our comments before the County Commission sees it at their transmittal hearing or how will they ‑‑ you will.

MR. VAN LENGEN: Yes. They'll see the version that you've decided that we will move forward with with the changes that were discussed.

COMMISSIONER FRYER: With the changes, okay. And will our Chairman maybe see that before it goes to the BCC to verify that ‑‑

CHAIRMAN STRAIN: I can see it.

COMMISSIONER FRYER: Good.

CHAIRMAN STRAIN: I usually see the things since I'm internal now, so it works.

COMMISSIONER FRYER: Good. Good. Thank you.

Okay. Well, then I'll move approval of the master plan amendment to be transmitted ‑‑ well, to be sent to the Board of County Commissioners with their recommendation for transmittal to the state with the changes that we have asked for during this meeting.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Motion made and seconded. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5‑0.

Let the record reflect that Diane Ebert had to leave early, so there will be five of us. 5‑0 vote. Thank you.

COMMISSIONER FRYER: Thank you.

Back to, now, the new capability that we and the public have to follow on the agenda and the packet as well. We had an issue earlier today that we talked and were unable to resolve, and that was this whole problem of pagination which really is a confusing thing that not only is confusing, but takes up a lot of time as we try to get everybody's attention directed at the page that is at issue.

I would suggest that ‑‑ going forward that we all use the electronic package that appears on the Internet and that those who still ‑‑ those on the Planning Commission who still receive paper, that their paper be paginated exactly as the pagination on what is posted for the public so that when we and the public talk about this material, we're all referring to the same page.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Well ‑‑ and I'll ‑‑ it's not a voting issue, so you guys ‑‑

COMMISSIONER FRYER: Thank you, Patrick.

CHAIRMAN STRAIN: You guys want to use what you want to use. I still will be using what I use. My notes are so extensive. I can't keep changing pages as they're redeveloped every single time they're issued. And for your background, in order to get into this stuff for the research that I do, I start on these probably two weeks to three weeks early. I start making notes. I don't ‑‑ and if I were to change this every time ‑‑ we've had some projects with six and seven submittals. So I try not to change and have to rewrite everything every single time, but I'll ‑‑ that's my issue. I'll manage with the rest of you. I'll figure out a way to make it work, so...

COMMISSIONER CHRZANOWSKI: The 12th leadership principle, keep the troops confused; they're easier to handle.

CHAIRMAN STRAIN: Stan, I don't think anybody can handle you.

COMMISSIONER FRYER: Well, Mr. Chairman, would it be appropriate to ask for a consensus on my suggestion or just put it back ‑‑

CHAIRMAN STRAIN: I think staff is going to try to do that. That's the most logical conclusion. I don't think we need to go that far.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Is there any new business?

(No response.)

CHAIRMAN STRAIN: Any old business?

(No response.)

CHAIRMAN STRAIN: Any further public comments?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER DEARBORN: Motion to adjourn.

COMMISSIONER FRYER: Second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: And we're out of here; 5‑0.

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There being no further business for the good of the County, the meeting was adjourned by order of the

Chair at 12:49 p.m.

COLLIER COUNTY PLANNING COMMISSION

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MARK STRAIN, CHAIRMAN

ATTEST

CRYSTAL K. KINZEL, CLERK OF THE CIRCUIT COURT & COMPTROLLER

These minutes approved by the Board on \_\_\_\_\_\_\_\_\_\_\_\_, as presented \_\_\_\_\_\_ or as corrected \_\_\_\_\_\_.

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