

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, October 18, 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
Edwin Fryer
Karen Homiak
Joe Schmitt
ABSENT: Patrick Dearborn

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Mike Bosi, Planning and Zoning Manager
Corby Schmidt, Principal Planner
Nancy Gundlach, Principal Planner
Jeffrey Klatzkow, County Attorney
Gilbert Martinez, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, October 18th meeting of the Collier County Planning Commission.

If everybody will please rise for pledge of allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Will the secretary please do the roll call.

COMMISSIONER FRYER: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRYER: Mr. Chrzanowski?

COMMISSIONER CHRZANOSWKI: Here.

COMMISSIONER FRYER: I'm here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER FRYER: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRYER: Mr. Dearborn?

(No response.)

COMMISSIONER FRYER: Mr. Chairman, we have a quorum of six (sic).

CHAIRMAN STRAIN: Thank you. And Mr. Dearborn has a matter he had to handle, an excused absence. He couldn't be here.

So addenda to the agenda: We have -- first of all, you'll notice there's a little bit different format to the agenda. In our position as the EAC, we periodically may receive cases that are not advertised as we normally have them, but they're just noticed. In order to identify them as separate, that's why you see the agenda the way it is today. There are no other issues that I know need to be added.

Ray, do you have anything?

MR. BELLOWS: Nothing.

CHAIRMAN STRAIN: Okay. That takes us to Planning Commission absences. Our next meeting is November 1st. Does anyone know if they can't make November 1st?

(No response.)

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

We received some minutes, September 20th minutes electronically. Is there any changes, comments to those minutes? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. It's an areca palm, not a eureka palm. It's minor.

COMMISSIONER SCHMITT: Well, if you hit it with your truck, it's a eureka.

CHAIRMAN STRAIN: Okay. Other than that change, is there a motion subject to that change?

COMMISSIONER FRYER: Move their approval.

CHAIRMAN STRAIN: Made by Ned. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 5-0 -- yeah 5-0. We're missing two people. That's right. BCC report and recaps. Ray, do you have anything you want to add today?

MR. BELLOWS: At the last Board of County Commissioner meeting there were no land use items

on that agenda.

CHAIRMAN STRAIN: Okay. Thank you.

Chairman's report: Simply the agenda format was something I wanted to note. We've already noted it.

So we'll move on -- there's no consent agenda items today.

***That takes us directly into our first public advertised hearing. It's 9A. It's PL20170002501. It's the Avow Hospice Community facilities Planned Unit Development south of Pine Ridge Road on the west side of Whipoorwill Lane.

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

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. We'll start with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Some correspondence with Davidson Engineering.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: Correspondence with the applicant and with staff.

CHAIRMAN STRAIN: Okay. And I had correspondence and emails with the applicant. I've talked with staff, I met with the applicant twice over two days in different issues, and I have -- that's all. That's my full disclosure.

Go ahead.

COMMISSIONER HOMIAK: I just exchanged email with Ms. Haroldson.

CHAIRMAN STRAIN: Pull it a little closer next time.

COMMISSIONER HOMIAK: Ms. Haroldson.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: None.

CHAIRMAN STRAIN: Okay. With that, we're ready for the applicant's presentation.

MR. NEALE: Good morning, Commissioners. My name is Patrick Neale. I'm the attorney representing Avow Hospice on this petition. The rest of the group that will be presenting to you, the primary presenter will be Jessica Haroldson from Davidson Engineering; Josh Fruth will also be here from Davidson; and we've got Norm Trebilcock who's our traffic engineer; and Jeremy Stark who's our environmentalist, who are also here.

As I say, I'm the attorney representing Avow on this petition. I'm also very privileged to be a member of the board of Avow, so I'm speaking from both perspectives here this morning.

Avow, as you may know, is the only not-for-profit hospice in Collier County. It's been here for 35 years as of now and wants to continue growing its mission. The mission of Avow is very simple. It creates peace of mind by providing compassionate care and support to those who need us. The mission includes not just the on-campus hospice house, the Georgeson house that everybody's familiar with, but also outpatient hospice care to literally hundreds of patients at a time; bereavement care and other related services to those who are living with serious or terminal illnesses and those around them. Avow, as I say, has been devoted to that mission for 35 years.

The CEO of Avow, Jaysen Roa, who's here today also, will speak later to provide more insight on what Avow does and how it does it.

The petition coming before you today is a PUD rezone that derives from the original Avow CF-PUD that was approved in 2009 as Ordinance 09-37.

The application you have before you has been submitted for several reasons. The primary one is that Avow has been fortunate enough to have raised the funds to acquire the last available piece of property adjacent to the campus that was relatively vacant.

The addition of that 5.3-acre property to the currently existing Avow CF-PUD will allow Avow to better fulfill its mission of providing the best, highest quality state-of-the-art care to its patients and their loved ones. It will also allow the overall campus to function more efficiently and more effectively. The other reason is to add additional uses to those approved in the original CF-PUD that are consistent with the Growth

Management Plan, Avow's missions, and its operation.

Approval of this petition will allow Avow to enhance the services it provides within its mission to better serve the citizens of Collier County. The additional services will include more patient and family support services, daycare for our employees, a children's bereavement and counseling center, and other services that will be further described in the following presentation.

All of our team will stand ready to answer any questions and respond to and address any concerns. Thank you very much.

And now Jessica's going to make the presentation.

CHAIRMAN STRAIN: Thank you, Pat.

MS. HAROLDSON: Good morning. I'm Jessica Haroldson with Davidson Engineering. I'm going to be reviewing a PowerPoint presentation with you to review the details of this rezone request.

Avow is located south of Pine Ridge Road along the west side of Whippoorwill Lane. It is an existing palliative and hospice care campus developed with offices and related healthcare buildings.

The original Avow PUD was approved in 2009 under Ordinance 09-37 and is just over 15 acres in size. Last year Avow purchased what we refer to as the expansion parcel just south of their development. It is just under five acres and is currently zoned residential, and Avow is requesting that this property be added to the PUD with this rezone request.

Collectively, the sites are 20.55 acres in size, and that is inclusive of a 30-foot right-of-way and drainage easement that runs along Whippoorwill Lane.

Updates to the PUD master plan include the addition of this expansion parcel. We are now showing future development areas. A loop drive has been added for circulation and access around the property. This will be primarily used by emergency vehicles but will not be restricted.

The preserve has been relocated to the southwest corner of the property. This is an improved location and will also allow for the construction of that loop drive.

The existing preserve shown here is a recreated preserve and has had a difficult time being successful here.

We've added a 15-foot Type B enhanced buffer to the south. This abuts Andalusia, a residential development, and we've also added a 20-foot Type D enhanced buffer along the east along Whippoorwill Lane.

Language has been added to the PUD limiting development to just over 92,000 square feet and also limiting the p.m. peak hour two-way trips to a maximum of 79. You will notice the highlighted text here. This was actually updated just yesterday to reflect the current ITE 10th edition data, so it is different from what you received in your packets.

Individual and family social services has been added as a permitted principal use, and specific accessory uses that are directly related to Avow have been added, and the highlighted text that you see here are reflecting updates that were just made yesterday. And I want to thank Heidi for reviewing these so quickly yesterday.

We've added some additional limitations such as the childcare center is now limited to Avow employees and volunteers. The pharmacy is limited to Avow patients only.

And for parking structures, in the event a parking deck is constructed, it must be at least 50 feet from abutting residential developments, top deck lighting must be Dark Skies compliant, and parapet style walls must be constructed.

To recreational facilities, in the event a playground is constructed, it must be at least 50 feet from abutting residential developments limited to the hours of 8 a.m. to dusk, and there must be no lighting and no outside amplified sound.

To thrift stores, we have limited this use to a maximum of 5,000 square feet.

In the event any other additional principal use is developed on the property, we have limited the accessory uses for those to what you see here, again, adding those limitations to parking decks and playgrounds.

Through coordination with staff, developer commitments pertaining to environmental, transportation, landscaping, PUD monitoring, and lighting have been added. I do need to note that we have also made an

additional change to Transportation Commitment A, which is a commitment from the original PUD, but we have revised the language to note that the fair-share cost be based on p.m. peak hour traffic rather than a.m.

We have also added a development phasing plan which will give the county an opportunity to make roadway improvements that have been planned for Pine Ridge and Whippoorwill Lane.

A total of seven deviations are being requested with this PUD. Deviation No. 1 is requesting a type -- 15-foot Type B buffer along the southern boundary in lieu of a wall. Andalusia is a residential development that abuts Avow to the south and, as shown here, you can see Avow's -- or Andalusia's, I'm sorry, retaining wall. Avow's property line is just about 10 feet north of this retaining wall here, so adding an additional wall here will create like a pocket or a channel which will create the opportunity for debris collection, water, and will likely be difficult to maintain.

Deviation Number 2 is requesting an enhanced 20-foot Type D buffer along the eastern boundary in lieu of a wall, and that's running along Whippoorwill Lane.

Deviation No. 3 is requesting to allow one 6-foot sidewalk along one side of that loop drive rather than having to provide a 5-foot sidewalk on each side of that drive.

Deviation No. 4 is seeking to reduce the average preserve width from the required 50 feet to an average of 29.6 feet while still meeting the overall size requirement. This will allow for the proposed configuration of the loop drive.

Deviation No. 5 is requesting to allow up to a 5-foot encroachment in this area here within the western landscape buffer for the construction of a drive aisle. The required plantings within that encroachment area will be relocated along the same boundary as shown here.

And, again, I'm showing you an aerial with the encroachment area here with the relocated plantings within this area.

Deviation No. 6 is requesting a reduction in the littoral shelf planting area from 7 percent to 3 percent of the overall surface area of the lake, equating to a quarter-acre LSPA. The existing lake, which is now completely owned by Avow, was established in the 1980s as a result of a borrow pit for the construction of I-75. At the time of original excavation and permitting, an LSPA was not required.

And you can see here from this exhibit, the lake will be modified, the lake shoreline will be modified to allow the construction of that loop drive.

And, lastly, Deviation No. 7 is requesting that the future interconnect between the expansion parcel and the existing Avow development be provided at the time of development order that includes the construction of this loop drive.

And that concludes my presentation and, Jaysen, if you want to come up.

MR. ROA: Good morning, Commissioners. My name is Jaysen Roa. I am the president and CEO of Avow. Thank you for allowing us to come this morning and present this project to you.

Rather than recapping some of the items that our attorney, Patrick Neale, and board member went over, I think he did an exceptional job of kind of telling you in a summary what our mission is and what our goal of this project is.

What I'd like to do is talk a little bit about our services as he alluded to specific to the fact that there's a misconception not only in Florida but in the United States about what hospice and palliative care services are. So although today currently we have about 360 Collier County residents on our hospice program and roughly about another 85 on our non-hospice palliative care program, the majority of that care does not take place on our campus. And so that's one of the biggest misconceptions that we fight is people think of hospice and think of it as a place as opposed to a type of care, which is what it is.

And so on this project you'll notice that we already have an existing hospice house that we talked about. That is only a "16-room licensed for 20 bed" facility. So out of those 360 patients that we actually care for every single day, the maximum amount that we could ever have on our campus is 20 patients, and the primary reason for that is because all of our patients, primarily, out of that huge census number reside in their home or wherever they call home, including assisted living, as well as skilled nursing facilities in Collier County that we partner with.

And so as a result of that, the majority of our staff that we have are what we call mobile workforce. They actually use their devices to start their day from home and go visit their patients and their families

wherever they might live.

And that staff includes physicians, nurses, social workers, home-health aides, chaplains, as well as our wonderful volunteers. And so that's probably one of the barriers that we have to overcome not only with the public but even when we're doing different projects is for people to understand the type of care we provide and that it's provided primarily in the home or wherever somebody may live that's one of our patients.

And so that's kind of the recap I just wanted to do in terms of clarifying that this project and specifically the use on campus is a little bit different than what people might perceive only because, again, most of the care that we provide is in the home or wherever somebody calls home.

CHAIRMAN STRAIN: Okay. Thank you.

MR. ROA: Thank you.

CHAIRMAN STRAIN: We'll go to questions from the Planning Commission. Anybody? Ned?

COMMISSIONER FRYER: Thank you.

The size of this project, I was a little confused at first. I think I understand now. I just want to clarify. The northern parcel is 15.25 acres, the southern parcel is 4.89, and then there's a 30-foot easement --

MS. HAROLDSON: That's correct.

COMMISSIONER FRYER: -- on the east side, so it adds up to 20.55.

MS. HAROLDSON: Yes. The original PUD did not include that 30-foot easement.

COMMISSIONER FRYER: Okay. Thank you.

Let's see. The 2017 AUIR which is, of course, what you were working with when you were pulling this together, showed a deficiency of traffic on the segment Pine Ridge to Livingston -- excuse me, Livingston to I-75 on Pine Ridge of minus 93, a deficiency of 93, then the 2018, that number rises to 142 peak p.m. hours, which is a point of concern and prompted me to inquire what mitigating steps would be taken in order to address this situation.

And I had productive exchange with you, Ms. Haroldson. Let me see if I can summarize what I think is being done.

MS. HAROLDSON: Okay.

COMMISSIONER FRYER: It's my understanding that there will be a phasing in of the uses over a period of five years, I guess, so as to not get ahead of the developments that are planned for Pine Ridge; is that correct?

MS. HAROLDSON: That is correct. We did add a phasing plan as a developer commitment, and it's at least a five-year period for buildout.

COMMISSIONER FRYER: Was that developer commitment in the material you sent me?

MS. HAROLDSON: Yes. The email that I sent to you yesterday did contain that language. It was tweaked yesterday afternoon just by some redlines that we received from Heidi adding some dates.

CHAIRMAN STRAIN: It's reflected, though, in the highlighted version you put on the screen.

MS. HAROLDSON: That's correct, and I'll go back to that screen.

COMMISSIONER FRYER: So it will be an exhibit to the ordinance then?

CHAIRMAN STRAIN: Well, actually, the language that will -- the ordinance will change depending on how it's voted on today to include the recommended changes that they've made.

COMMISSIONER FRYER: Got it. Then the other -- the way I calculate this -- and I know that there's room for discussion on whether we go over the 2 percent threshold and Policy 5.1 of the Transportation Element of the GMP, but to me it seems like we do because the calculation, the way I view it, should yield an additional 68 trips rather than 22. Twenty-two is the difference between what you could have done and what you're proposing to do, but 68 is the difference, actually, of real experience that people will have on that stretch of Pine Ridge. So that, I think, is the number that is most important.

And I understand that it's in a TCMA, and I further understand that you're going to use the parking and carpool parking and bike lanes and the like.

MS. HAROLDSON: Yes.

COMMISSIONER FRYER: Are you aware of any studies that validate that -- those?

MS. HAROLDSON: I will turn to Norm for that.

CHAIRMAN STRAIN: And would you mind addressing -- because I didn't read this as Ned did.

Your existing approved trips are 46. Your new would be -- by adding the 30,000 square feet, would bump you up to 68. So the additional new trips above what's existing, if it were built out to that number, would be the 22. And I think Ned's saying it appears to him you may have 68 new trips. I don't think you do.

MR. TREBILCOCK: For the record, my name is Norman Trebilcock, professional engineer, certified planner, and we prepared the Traffic Impact Statement for the project.

And, Commissioner Strain, you're correct.

COMMISSIONER FRYER: Let me just interrupt you for a second. I'm sorry, Norm.

I'm referring to Page 143, Mr. Chairman, of the packet which shows the proposed PUDR at a total of 68 peak p.m. The existing approval is 46.

CHAIRMAN STRAIN: Right.

COMMISSIONER FRYER: But the real experience on the road will be 68.

CHAIRMAN STRAIN: No. Well, not 68 new, though. The new is only the difference between the 46 and the 68.

COMMISSIONER FRYER: But 46 is existing --

CHAIRMAN STRAIN: Right.

COMMISSIONER FRYER: -- approved not actual traffic, though.

CHAIRMAN STRAIN: No, existing square footage that's approved. If they -- if the square footage is there, because it is approved, it would produce an estimated 46 trips. When they increase the square footage by 30,000 more square feet, it increases the total trips to 68. So the new is only 22.

COMMISSIONER FRYER: I understand.

CHAIRMAN STRAIN: Go ahead, Norm. I'll let you explain it.

MR. TREBILCOCK: Well, yes. I mean, from a zoning standpoint, that's what the zoning currently permits. From a standpoint of doing a Site Development Plan, to your point, we would show that differential, and that would have to be accounted for there. But there are existing uses on the property already today, you know. So it isn't -- the 68 really counts for everything. And, again, moving to the 10th edition it's 79, but --

COMMISSIONER FRYER: So the existing approved of 46, there are actually some of those 46 that are on the road now?

MR. TREBILCOCK: Yes, sir; yes, sir.

COMMISSIONER FRYER: Do you know approximately how many?

CHAIRMAN STRAIN: 62,650, according to the CTS program that staff monitors at the county. I just pulled it up.

MR. TREBILCOCK: Okay.

CHAIRMAN STRAIN: I mean, that's what it says, so I don't know if -- there's -- yeah.

MR. TREBILCOCK: Yeah. I didn't run the actual, like, net new in terms of what's physically built there. I did it from a zoning standpoint. But when we go to do a Site Development Plan, we identify that.

CHAIRMAN STRAIN: It says -- and just so you know, constructed to date, 62,650.

MR. TREBILCOCK: Perfect.

CHAIRMAN STRAIN: Requested with the submittal that this was done under was the 2,997 that's shown up as Phase 1 in your request in front of us here. So they have 62,650 according SDP submittal, and they are requesting 2,997, which triggered part of today's meeting. That's your numbers right there.

MR. TREBILCOCK: Right. So that's actually your physical existing. So that's accounted for. So the net new really is another 30,000. So it's an accurate --

COMMISSIONER FRYER: Well, I'm always trying to look at what the actual delta is --

MR. TREBILCOCK: I would not.

COMMISSIONER FRYER: -- in traffic.

MR. TREBILCOCK: Right.

COMMISSIONER FRYER: And I realize that some of that 46 is being used now.

MR. TREBILCOCK: Yes, sir.

COMMISSIONER FRYER: That's been clarified.

MR. TREBILCOCK: Yes.

COMMISSIONER FRYER: Getting back to the TCM strategies, special parking for carpooling and

bike lanes, is there any expert studies out there that validate the efficacy of those kinds of steps?

MR. TREBILCOCK: Not any -- I don't have any, say, specific numbers of the results of that. It's just kind of -- there's an identified listing in our code that says, you know, here's a listing of things that we feel will improve conditions, which they will, but we don't really have, say, this draws down this number to this effect. But we know they do have a positive impact in terms of we can get either the cars off the road or have people operate more effectively. And we didn't pick some of them but, you know, you can get into bus passes and stuff like that to really try and get vehicles off the road.

COMMISSIONER FRYER: Okay. In any event, I'm satisfied with the proposal, the five-year increment plan that matches up with the improvement on Pine Ridge. I think that that's -- that is meaningful.

MR. TREBILCOCK: Yes.

COMMISSIONER FRYER: And I'm glad that that's being offered.

MR. TREBILCOCK: Yes.

COMMISSIONER FRYER: The Whippoorwill extension, should it be called, that would create a way out, I guess, on the southern part of Whippoorwill. What's the status of that? And isn't it being opposed by the neighbors?

MR. TREBILCOCK: Maybe staff can talk to that better than me. I mean, unfortunately, I do have a long history with that roadway since 2000, I can tell you, when I was told, we'll take care of the east/west, you worry about the north/south. But the staff can really probably better speak to that.

COMMISSIONER FRYER: But we really shouldn't look at the southern way out as a real definite solution?

MR. TREBILCOCK: I hope we do. As a transportation engineer and planner, I really hope we do but, yeah, it's not make or break for this project, you're right, yeah. Because when we did the analysis, it was really everything going to the north but, quite frankly, that's always been in the plan to have an east/west Whippoorwill Lane. That's always been in the plan since 2000. If you look at the record and the development that is primarily opposing it, you know, had in there as a prerequisite for the development and each person to recognize that that road is there and recognized and understood as such. But I get that, and this isn't, you know, a Whippoorwill Lane meeting, I know, but --

COMMISSIONER FRYER: Understood. Okay. At the NIM the neighbors to the south were asking for a taller hedge. Now, I realize there's already a wall there, and I think that it would make no sense to put a second wall to create a channel. I get all of that. And I like the idea that hedges grow and walls don't grow. But I would respectfully ask that you consider, since a 6-foot wall would have been the minimum, a 6-foot hedge rather than a 5-foot hedge.

MS. HAROLDSON: Yeah. I spoke to Avow about that yesterday, and they have no objection to doing that.

COMMISSIONER FRYER: Okay. Good.

Let's see. I think I get to uses now. And I do have some concern over the breadth of the uses being asked for. And I looked at the SIC codes in question, 8249, 8299, and 8211 through 8231, and in a few limited cases you call out an SIC code, but then you say "limited to" and then you express the actual uses that you really want it to have, but in many of the others you don't do that. In many cases you just call out an SIC code and maybe have an exception. In other words, we can do everything except the exception. But I far prefer to see it the other way around, expressed in terms of what you can't do, not what you can do.

And I can mention some of these uses if you want that would be permitted under the language that you have. Before I do so, would you be willing to pare this down to uses that you really want to retain?

MS. HAROLDSON: I will have Pat come up to speak to that, but the permitted principal uses that are in this PUD document were originally approved. The only one that we've added is the individual and family social services. There was some cleanup work done because I think some of the educational services were listed incorrectly, like under the nursing homes group. So we actually just cleaned that up. So the strikethroughs and underlines that you see there for those uses were just cleanups.

COMMISSIONER FRYER: Well, I understand, but the door has been opened nonetheless.

MS. HAROLDSON: I understand.

COMMISSIONER FRYER: For instance, under 8299 right now, flying instruction, personal

development schools, and survival schools would all be permitted, and surely Avow is not looking to retain those uses. And, similarly, these other -- particularly the SIC codes that end in 99 are just so very broad. Would you be prepared to pare those down if the Commission asked you to?

MR. NEALE: Well, you know, as Ms. Haroldson said, you know, under the existing PUD, 8299 was wide open.

COMMISSIONER FRYER: Well, I understand.

MR. NEALE: There was no restriction at all. And, you know, currently we -- in the current application we have pared it down to some extent. You know, I don't think anyone believes that Avow is going to have a flying school there, first because we'd have to build a runway, and so that makes it even more difficult. But I don't think that's something we're going to be concerned about, you know --

COMMISSIONER FRYER: My personal preference would be that you limit the uses to things that you realistically could expect that an organization like Avow would want -- uses that it would want to employ in the future rather than just the whole array of things. Even though they were all in there, I do think the door has been opened to revisit this. So that's just my personal opinion.

The other observation I have with respect to uses is in a couple of cases you provide the language "limited to Avow employees and volunteers," such as childcare centers, but in other cases you don't. And I assume that you would agree not to publicize publicly the uses that are listed here in C, accessory uses; that you would not be wanting to make these available to the public for a fee, correct?

MR. NEALE: Well, under C it -- basically the only one that appears not -- at least the edition I'm looking at, is No. 9, the recreational facilities that serve as an integral part of the development is the only one that I see that doesn't have some kind of Avow language in it.

COMMISSIONER FRYER: Well, I'm looking at 10.

MR. NEALE: That's an Avow-operated thrift store.

COMMISSIONER FRYER: Operated, but is it open to the public?

MR. NEALE: Well, any thrift store would be, because that is a fund raiser for Avow.

COMMISSIONER FRYER: I see.

CHAIRMAN STRAIN: But you did limit the size of that to 5,000 --

MR. NEALE: It was limited by size. I mean, Avow currently operates a thrift store already on U.S. 41. This is not necessarily -- I mean, certainly a thrift store you want to have it where you've got the best possible traffic. So it's unlikely that we're going to have it on Whippoorwill Lane. That's just something if in the future it seemed to be an appropriate use, that that would be looked at.

COMMISSIONER FRYER: Okay. Mr. Chairman, those are all the comments I have for now.

CHAIRMAN STRAIN: Before we leave your comments, Pat, would you look at A4 and the way it's worded. It says "educational services," then the parenthetical starts. (sic) 8211 to 8231, comma, 8349 except construction equipment, operational schools, and truck driving schools in 8299. Is 8299 being added to the uses you want, or is it being excepted out of any use that you want?

MR. NEALE: Yeah. I mean, 8299 --

CHAIRMAN STRAIN: It's a catch-all. All the 99s are.

MR. NEALE: And I think it was a carryover from the original PUD because in A4 of the original PUD, the 90-37, it said, educational services Group 8299, and I would surmise, even though I didn't -- I hadn't really noticed this until you brought it up, I think that was what happened is it sort of just got added on.

COMMISSIONER FRYER: I actually had the same question, and I thought it was ambiguous.

MR. NEALE: It could be either -- it could say that you exclude 8299.

CHAIRMAN STRAIN: What were you trying to do?

MR. NEALE: The intent was to keep 8299 in there just like it was in 90-37.

CHAIRMAN STRAIN: For educational services?

MR. NEALE: Right.

CHAIRMAN STRAIN: Okay. Then you would really want to say -- put a comma, probably 8249 except construction equipment, and then whatever the operational schools and truck driving schools, wherever they're part of, leave them as an exception and then go, comma, 8299, right?

MR. NEALE: That's better -- much better grammar.

CHAIRMAN STRAIN: Then that brings into question then, out of 8299 what are the real uses you're looking for so we can address Ned's concern. I think that would boil it down.

COMMISSIONER FRYER: That clarifies.

MR. NEALE: I pulled up my list of 8299 uses. You know, I'm looking at it. The primary one that I think probably would be -- and I certainly would defer to Jaysen on this one -- to Mr. Roa on this one is, you know, certainly vocational counseling, schools. You know, on the rest of them, I don't think -- you know, I'd have to have Mr. Roa take a look at it to see exactly which ones, you know, certainly there's not going to be a flying instruction school there. You know, I think --

COMMISSIONER FRYER: Well, I don't think it would be unreasonable for us to ask you to narrow it down to what you really intend to do.

MR. NEALE: Mr. Roa has no issue with that. I think rather than do it on the fly while we're standing here, I would propose that as we go from here to the BCC that we would make an amendment to this to actually narrow it down to what we actually intend to do.

COMMISSIONER FRYER: Would it come back to us on consent?

CHAIRMAN STRAIN: It depends if we could -- I'm not sure how many uses they're thinking out of 8299, but if you had a handful and it was benign enough to your kind of operation, I don't mind if you want me to review it separately. I mean, when it comes in, I'd see the draft before it gets to the BCC. At least we would know they limited it.

MR. NEALE: That would be great. Good.

CHAIRMAN STRAIN: Thank you. Anybody else? Stan?

COMMISSIONER CHRZANOWSKI: Just a comment. Over the years my family has used these services a bit, and I've spent an unfortunate amount of time in the facility. They make good neighbors. And I want to make sure that that's not a conflict of interest, because I intend using the facilities again.

MS. ASHTON-CICKO: Are you getting a pecuniary benefit?

COMMISSIONER CHRZANOWSKI: What?

MS. ASHTON-CICKO: Are you getting a pecuniary benefit, monetary benefit?

COMMISSIONER CHRZANOWSKI: I don't get charged; never did get charged. I don't think anybody gets charged. So do you consider that a pecuniary benefit?

MS. ASHTON-CICKO: Well, I think they provide the same service to everybody, and they don't provide a different service to you. You know --

COMMISSIONER CHRZANOWSKI: Okay.

MS. ASHTON-CICKO: -- if you were employed by them, the outcome of this was going to affect your employment, then you would have a conflict. But what you're saying today doesn't sound like you have a conflict. You're just like everybody else.

COMMISSIONER CHRZANOWSKI: Just so long as it's clear. Thank you.

CHAIRMAN STRAIN: Anybody else have any comments? Joe?

COMMISSIONER SCHMITT: Some questions of staff on the staff report when we get to it.

CHAIRMAN STRAIN: Okay. Has anybody else got any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I have one comment that I found useful. The idea of phasing this is really real helpful. We have tried to not increase traffic on Pine Ridge. The projects that have come in more recently have all been ones that have previous approvals, and they've kept their uses within the traffic counts of those previously vested rights.

Yours went above that, but by delaying it, especially the one past 2020 and those. According to the latest AUIR we received, Whippoorwill and Marbella Lakes Boulevard will be interconnected, and the construction starts on that in 2020.

So you're going beyond that even. So by the time you get into some of the bulk of your activities, theoretically -- and if transportation keeps up to what was in the AUIR, we would have that connected to a point where that would dramatically relieve the trips on Pine Ridge Road.

So on that basis, I don't really have any questions. You've answered all the ones that I brought up to you at our meetings, and so I'm fine with that at this point.

And we'll move on to staff report then.

MR. NEALE: Thank you.

MS. GUNDLACH: Good morning, Commissioners. Nancy Gundlach, for the record, principal planner with the Zoning Division.

And staff is recommending approval of the Avow Hospice PUD rezone, as it is consistent with the Growth Management Plan and the Land Development Code.

And if you have any questions this morning, it would be our pleasure to answer them.

CHAIRMAN STRAIN: Okay. Joe?

COMMISSIONER SCHMITT: Yeah, I'm just, again, being critical of the staff report. Page 78 of our document, it's your Page 6 of 19 where we talk about the 68 p.m. peak hours. I think it would have been far clearer had you just stated that there are 46 existing peak hour traffic currently approved, and so the 68 would represent an additional 22. That would have far clarified that sentence, because I looked at that, and they said, well, there's already development there, but you didn't make that clear in the report, so that's my recommendation, next time we talk about something like this, that you make it clear.

Second, down the paragraph it says specific TMDS -- or TDMS. I believe those are the ones that we've already discussed, are they not? Those are the measures that you would implement, transportation demand management strategies?

MS. GUNDLACH: We could ask transportation staff to do that.

COMMISSIONER SCHMITT: It would have been nice to have that specified in the report. It just says you're going to look at those at time of SDP.

CHAIRMAN STRAIN: Actually, they've got a variety of ones to choose from, and I would hope that in the variety there's even more effective ones than the two they mentioned, but at least they mentioned two that they could, as examples.

COMMISSIONER SCHMITT: It would have been good to put that in the staff report, that's all.

I'm going to go down to Item 16. This is on page -- your page -- Staff Report Page 11 of 19. "Any development anticipated in the PUD document would require considerable site alteration." What are you talking about? The site's already principally developed except for one portion. This is sort of a canned language that's just carried over, and it just is inapplicable to this review. I have no idea -- what are you referring to? That seems to be a coined statement for any PUD development, and that really does not apply to this staff report. Just a point of note.

And then Page 12 of 19, this is Item 6, "The roadway infrastructure is sufficient to serve the proposed project." Well, we've already discussed it isn't. I don't know why we made that statement.

CHAIRMAN STRAIN: Probably the TCMA standards that allow it to be aggregated with the entire area so that a percentage applies if you use some of the TDM strategies, which they're doing, so that's probably how they came to that conclusion, so...

COMMISSIONER SCHMITT: Correct. But they should have made that clear in this statement. Again, I'm being critical of the review. I read this stuff, and it doesn't -- it all seems to be canned responses but not totally and directly applicable to the review.

That's my critical comments. The rest of it I have no problem with. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any --

COMMISSIONER SCHMITT: I would ask that when we do these staff reports we pay attention to the summaries. I do read them.

MR. BELLOWS: For the record, Ray Bellows.

When I read the one you're talking about, site alteration, I took that to mean the new parcel being added.

COMMISSIONER SCHMITT: Right, but --

MR. BELLOWS: But I understand what you're saying canned language, and we'll look at that more closely.

COMMISSIONER SCHMITT: Your rezoning is for the entire piece of property, which is about, effectively, 80 percent already developed.

MR. BELLOWS: Understood.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Ray, do we have registered public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Are there any members of the public here who would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. With that, I don't think we need a rebuttal by the applicant.

And we can move into a motion from the Planning Commission. I have three notes.

We're going to have to vote on this both as the Planning Commission, CCPC, and the EAC. Any motion might want to contain that it be subject to amending 8299 for the uses they intend to do and that we've accepted the modifications as they've presented them in the highlighting with the exception of the 8299 point.

COMMISSIONER SCHMITT: Make a motion we approve with the comments as stated by Chairman Strain noting the changes in the SIC codes and in the phased development and the additional comments presented today.

CHAIRMAN STRAIN: And that motion is for PL20170002501, and it's the motion on behalf of the Planning Commission, I would assume, right?

COMMISSIONER SCHMITT: Yes. Motion on behalf of the Planning Commission.

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan. Discussion?

COMMISSIONER FRYER: I'd ask for the mover and seconder to consider amending the motion to include the requirement of a minimum of 6-foot hedge on the south side.

COMMISSIONER SCHMITT: I believe they agreed to that, yes.

CHAIRMAN STRAIN: That's fine. Motion maker agrees and Stan?

COMMISSIONER CHRZANOWSKI: Yes.

CHAIRMAN STRAIN: So that will be added into the new revised language that you submit for review.

Okay. Call for the vote. All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Is there a motion on behalf of the EAC?

COMMISSIONER SCHMITT: I make similar motion on behalf of the EAC.

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: By Stan. 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 SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you. I would like to make a point to Davidson Engineering. The presentation you did is

extremely helpful. You're probably the only ones doing them to this kind of detail. I hope others catch on. It was very helpful to this board, and, most especially, it's helpful for the public to see what we're talking about, and that can usually only be done when it's on the overheads. Instead of handouts, you're using these graphical illustrations. So it's a good move. Thank you very much.

MS. HAROLDSON: Thank you.

COMMISSIONER SCHMITT: Well done.

CHAIRMAN STRAIN: That takes --

COMMISSIONER SCHMITT: I wouldn't mind getting that beforehand if you want, before the meeting, if staff would ever send those out.

MS. HAROLDSON: Okay, yeah. We'll send them out.

CHAIRMAN STRAIN: To the extent they're available, yeah, because they probably modify -- this one, now you can tell, was modified as of yesterday because the new language was added to it.

MS. HAROLDSON: Correct.

CHAIRMAN STRAIN: If you do send them out, caveat it that it's subject to modification right up to the point of the morning of the meeting.

MS. HAROLDSON: Okay. Thank you so much.

MR. NEALE: Thank you.

CHAIRMAN STRAIN: ***Okay. And that gets us to our second public hearing. It's the advertised public hearing A2, PL20160001023. It's the Windsong PUD located at the northwest corner of the County Barn Road and Rattlesnake Hammock intersections.

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

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

CHAIRMAN STRAIN: Disclosures; we'll start with Mr. Eastman.

MR. EASTMAN: None.

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: None.

CHAIRMAN STRAIN: Way back when, when this started, I don't know how many different groups of people were involved in it, I had a lot -- some interaction with emails and discussions with staff, the commissioner from the district, the attorneys representing them at that time, and since this new application, I don't know if it's new application or regurgitation of the old one, but I haven't had any recent correspondence or discussion with them.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: None. Just I certainly recall this from my days when I was with the, at that time, Community Development and involved in the original zoning.

CHAIRMAN STRAIN: Okay. Is there someone from the applicant making a presentation? I'm sure someone's going to be here.

MR. BARBER: Good morning, Commissioners. I'm Tom Barber from Agnoli, Barber & Brundage. I appreciate the opportunity to be here.

I'm presenting today to you a PUD amendment for the Villas of Greenwood Lake. It's a residential community. It's existing. It was built in the late '90s.

As part of their PUD, they were required to have a certain amount of preserve on site, and that's been bounded in conservation easement.

Since that time there's been some expansion in the community and local area, and they wish to have their community buffered and screened a little bit more than it currently is, mainly on the east side abutting County Barn Road.

There's a preserve there now that exists, and the conservation easement extends right up to the property boundary. So we're requesting that we could vacate 28 feet of that preserve and be allowed to plant a buffer and possibly a concrete wall there.

In replacement of that easement vacation, we're proposing to add a conservation easement to the southeast portion of the site. The total acreage of that new preserve for the entire site would be 6.12 acres. Right now the preserve is 5.47 acres. So it is an increase in preserve area.

The PUD does require 16 percent, and that 6.12 acres would be over that 16 percent just barely.

That's really the extent of the proposal. Do you have any questions? I'd be happy to answer.

CHAIRMAN STRAIN: Okay. Questions of the applicant? Anybody? Ned?

COMMISSIONER FRYER: I only had one, and it had to do with a matter that we usually don't get involved in, and appropriately we don't, but this one seems to provoke a need for some discussion, and it has to do with site control.

There was disagreement that came out at the NIM over, you know, whether the HOA had the authority to and did, in fact, by the appropriate vote, following all the particulars required, approve this. And internal matters like that generally I don't think are within our purview unless they touch on site control.

And so we're talking about common elements, and I assume the HOA is the record owner of those common elements. So I'd ask the question, and maybe it's for the County Attorney. Is there an issue here? Has it been reviewed?

MS. ASHTON-CICKO: The question you're asking is whether or not the homeowners association took the required vote in order to proceed going forward.

COMMISSIONER FRYER: Yes.

MS. ASHTON-CICKO: Can you answer that question? Scott, did you look at it?

MR. BARBER: Yes, they did take the appropriate vote. And if you wish, Dick Barry, the president of the homeowners association, is here, and I'm sure he'd be happy to speak to that matter.

CHAIRMAN STRAIN: Usually, though, the County Attorney's Office checks that before it even gets scheduled. So let's just wait and see if it's already been verified, and that will help the issue.

MR. STONE: Scott Stone, assistant county attorney, for the record.

I have the paperwork back there. I do know that they provided evidence of inherent authority through their HOA docs, but I do believe they also took a vote at a meeting and provided evidence of such from my review.

COMMISSIONER FRYER: I think there were actually three votes, and the first two didn't pass.

MR. STONE: I do recall seeing minutes in which it was approved and during that discussion they had talked about the cost of it and everything. And I felt that there was sufficient evidence at the time that I received it.

COMMISSIONER FRYER: That's all I have.

CHAIRMAN STRAIN: Anybody else? Joe?

COMMISSIONER SCHMITT: On the same note. From what I understand, the principal reason for this is to construct the fence.

MR. BARBER: (Witness nods head.)

COMMISSIONER SCHMITT: And then we had numerous submittals of objections, and they were objecting to paying for the fence which really had nothing to do with the zoning. I mean, we were provided that information. I think it's fine, but that's the community's problem, not the zoning board's problem.

And I just found it interesting. Was that even something that should have been in the staff report, or you just thought it was something that we should have had? I guess I would -- I'm asking staff, because there are a lot of letters of objection but not objecting to the rezoning. They're objecting to paying for having a wall put up.

CHAIRMAN STRAIN: All the letters of objection ought to be sent to us. It would probably be up to us to sort them out. I would rather not leave that duty to the staff. If there's a letter of objection that comes in, we see it.

COMMISSIONER SCHMITT: Yeah, that's fine. I just saw them in there and I said, noted, but it really had nothing to do with the request for rezoning. You'll get the rezoning. And if the people object to paying for the fence, they can object to the homeowners association.

Thanks.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER CHRZANOWSKI: And you have to get a permit to put the fence up, and the permit has to be approved by the county and reviewed by the county --

COMMISSIONER SCHMITT: Right.

COMMISSIONER CHRZANOWSKI: -- and there's checks and balances all along.

CHAIRMAN STRAIN: Yeah. I know they can't put a structure up without a permit, so...

COMMISSIONER CHRZANOWSKI: Right.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER SCHMITT: Basically, the request for the change I have no problem with.

CHAIRMAN STRAIN: Okay. Thank you. We'll go to staff report. Gilbert?

MR. MARTINEZ: Good morning. For the record, Gilbert Martinez, principal planner with the Zoning Division.

We have reviewed this petition for consistency with the Growth Management Plan as well as the Land Development Code and, hence, recommend that you forward this to the Board of County Commissioners with a recommendation of approval.

CHAIRMAN STRAIN: Okay. Thank you.

Any questions of staff?

COMMISSIONER SCHMITT: No comments on the staff report.

CHAIRMAN STRAIN: Okay. Ray, do we have any public speakers registered?

MR. BELLOWS: One speaker. Marielle Kitchener.

CHAIRMAN STRAIN: Ms. Kitchener, come up on. Please, when you identify yourself, spell your last name so we get it right for the record.

MS. KITCHENER: Okay. Marielle Kitchener. K-i-t --

CHAIRMAN STRAIN: And you've got to pull your mike a little closer. Sorry.

MS. KITCHENER: Marielle Kitchener, K-i-t-c-h-e-n-e-r, with Turrell Hall & Associates. I was just going to speak if you guys needed to ask questions on the environmental.

CHAIRMAN STRAIN: You're associated with the applicant?

MS. KITCHENER: Yes.

CHAIRMAN STRAIN: Yeah. You wouldn't have to register to speak, but thank you for thinking ahead. We would have just -- generally you would have just popped up as part of the team. Okay.

MS. KITCHENER: Okay. Thank you.

CHAIRMAN STRAIN: Thank you.

Is there anybody else, Ray?

MR. BELLOWS: That's it.

CHAIRMAN STRAIN: Is there any member of the public here who would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, we'll close the public hearing, and we'll entertain a motion. Is there a motion from the Planning Commission?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Ned. 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 SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Gilbert, congratulations, this is your first one in front of the Planning Commission, isn't it?

MR. MARTINEZ: Thank you very much.

COMMISSIONER SCHMITT: And I had no questions on the staff report.

MR. MARTINEZ: Keep it that way.

CHAIRMAN STRAIN: Boy, I bet you were sweating on that.

MR. MARTINEZ: Got my attention.

CHAIRMAN STRAIN: He's hearing the previous one thinking, oh, no. Okay. Thank you.

***And that takes us to the next item up, which is the third advertised public hearing. It's 9A3. It's PL20180001205. It's the adoption hearing for the Comprehensive Planning section of the Collier County Growth Management Plan relating to affordable housing.

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: Okay. And disclosures -- Heidi, do we need disclosures on an adoption?

MS. ASHTON-CICKO: No, you don't.

CHAIRMAN STRAIN: Okay. Thank you.

Okay. Corby, it's all yours.

MR. SCHMIDT: Yes, good morning, Commissioners.

I am here to present, quickly, the information regarding the adoption of what you've previously seen in transmittal, these amendments to four elements of the Comprehensive Plan, including the Housing Element.

CHAIRMAN STRAIN: I don't think you're Mike's picking you up. I'm sorry, Corby. It's a little -- it's not as sensitive as usual, so...

MR. SCHMIDT: All right. But what you previously saw in transmittal as a resolution, which included all four elements in one document, have simply been divided up into four individual ordinances, and those changes themselves have not changed. They are as you saw them in transmittal.

Those affordable workforce housing changes that affected the density rating system you're familiar with.

If you have any questions, I'm here.

CHAIRMAN STRAIN: Okay. Questions of staff on part of the Planning Commission? Ned?

COMMISSIONER FRYER: I just have one. When we look at this, when you look at it, do you consider the effect of additional traffic coming from increased density with regard to traffic volumes along hurricane evacuation routes?

MR. SCHMIDT: As a comprehensive planner, yes, sure.

COMMISSIONER FRYER: So that's been looked at, and we're comfortable that this isn't going to unduly stress evacuation in the event of a hurricane?

MR. SCHMIDT: This does not have that kind of impact, this change.

CHAIRMAN STRAIN: Go ahead, Mike.

MR. BOSI: Thank you. Mike Bosi, Planning and Zoning.

Commission, just for further clarification, we -- this is a revision to the Growth Management Plan related to the affordable housing bonus and the term of affordable housing, how it's utilized. It's not -- we're not analyzing transportation concurrency effects upon any individual one roadway segment. Those would be analyzed when a project came in that was exercising this increased density within these -- within the project on a project-specific basis.

So that application and its impact to the additional traffic that would be associated by the additional density would be what would be analyzed on that individual application against hurricane evacuation routes, against concurrency management system on a link-by-link analysis as we normally perform.

So this was just provided for the opportunity to seek higher densities for affordable housing because of the value that we as a government place upon the needed -- that needed commodity, but then the individual application of analysis would be relegated to each petition towards how it affects those individual areas.

COMMISSIONER FRYER: That clarifies it. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else? I have a few questions, Corby, and the problem that I have is when I have to read something twice, I always end up finding things I should have asked the first time. So I apologize in advance for that, but maybe you can help me through it.

On Page 15 of the -- that's actually -- it shows up as -- on the bottom of the page it says 6, but it's Page 15 electronically. It talks about rural village sizes and densities. And I know we're referring to RFMUD, but C3 -- and you've had some crossed-out language, and I'm thinking you probably need to cross out more than just the five words you have crossed out.

I would suggest putting a period after where it says "low-income residence," period, and cross out "and for entry level and workforce buyers," because whether they're buyers or renters, isn't this going to be applying both directions? So just low-income residence would suffice, wouldn't it?

MR. SCHMIDT: I see.

CHAIRMAN STRAIN: Does that work? Okay.

And let me -- I'm trying to understand -- now, the function of the GMP is to set standards that the LDC then has to implement, if I'm not mistaken. And in the implementation of the LDC language, you can't exceed something that's restricted in the GMP. Are those -- that's a fair statement?

MR. SCHMIDT: It is.

CHAIRMAN STRAIN: Okay. At some point in the past, the Board established 150 percent as the ceiling for affordable housing. Now, the newest plan out is reducing that to 140 percent, and that 140 percent is being mirrored in this document. But if we at some point in the future wanted to go back to 150 percent for some reason, we would have to change the GMP. But if we left the 150 percent in, and just, in the implementation of the LDC, restricted it to 140 percent, wouldn't that provide more flexibility for the Board in the future?

MR. SCHMIDT: It may, but that's not the reasons for the procedure that we're going through. A number of changes have been taking place that we're trying to match up with, definitions and so forth, at the state level that we're returning to, the brackets of the housing and so forth. The reasons are different than that.

CHAIRMAN STRAIN: Well, I'm sorry. Maybe I don't -- maybe I haven't -- I don't understand what you're saying. The reasons -- do you know what the reasons are that we bumped it up to 150 percent to begin with?

And do you know that we're never going to want those again? All I'm suggesting is why change it if we can do that through the LDC and we can only then change one document.

Mike?

MR. BOSI: Mike Bosi, again, the director of Planning and Zoning.

Remember, this initiative and this direction from the Board of County Commissioners came out of their acceptance of the housing report, and one of the first phases of the recommended actions, the Board, in the deliberations, decided that they wanted to lower it from 150 to 140. So they've provided the direction specifically towards whether we wanted to make the change.

I would agree with you that leaving it at 150 within the GMP doesn't invalidate if we would restrict it down to 140 and gives us more leeway. We could most certainly put that as a note as we bring it to the Board of County Commissioners --

CHAIRMAN STRAIN: That's all I would ask, Mike, is that if you could just note to the BCC by leaving it 150 it provides them with flexibility, but the limitation, if it's in the LDC, locks it in.

MR. BOSI: We can provide that distinction within the executive summary moving forward to the Board of County Commissioners.

CHAIRMAN STRAIN: Because we did it -- we bumped it up for some reason back in the day, and I can't remember why. But there might have -- whatever reason that is might pop up again, and if we do, it would be handy to be able just to do it in the LDC and not have to go through a GMP change.

MR. BOSI: The reason why you would include it from 140 to 150 is it just -- it includes a larger pool of individuals towards who would be eligible for assistance for housing.

CHAIRMAN STRAIN: Right.

MR. BOSI: That's the main reason.

CHAIRMAN STRAIN: So that might be --

COMMISSIONER HOMIAK: That was when they added the word "workforce."

CHAIRMAN STRAIN: Well, could be, but it might be helpful -- but the Board might benefit from leaving it in the GMP at 150. So that's all I'm suggesting.

And then that's all I've got from last time we looked at it. So other than that question and the change in that strikethrough language, I don't have any more. Does anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Corby, that wraps -- do you have any other issues?

MR. SCHMIDT: Nothing else.

CHAIRMAN STRAIN: Okay. So we've got staff. Is there any member of the public here to talk on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, is there a motion from the Planning Commission for PL20180001205 to recommend adoption as noted to the Board of County Commissioners?

COMMISSIONER FRYER: So moved.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Ned, seconded by Stan.

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 SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you.

Thank you, Corby.

MR. SCHMIDT: Thank you, Commissioners.

CHAIRMAN STRAIN: ***The next two up, we will discuss them concurrently and vote on them separately. We'll be voting on these as the EAC. And it's a modification to two side-by-side mines. I'll read both the numbers off. It's PL20180002282, which I believe is the Phase 1 east side of the mine area in question, and PL20180002284, which is the west side of the phase -- of the mine in question in the Phase 2 part that has yet to be constructed.

And, Matt, I'll turn it over to you at this point.

MR. McLEAN: For clarification, it is -- this is Matt McLean, director of Development Review. It is flip-flopped on that. Phase 1 is actually the western side. Phase 2 is the eastern side.

CHAIRMAN STRAIN: That's right. I'm sorry. You're right. I visualized it, but I did a Rich Yovanovich; I got my direction mixed up.

COMMISSIONER CHRZANOWSKI: I'm telling.

CHAIRMAN STRAIN: Matt, do you want to provide any comments from staff?

MR. McLEAN: Just from staff's perspective, I mean, we've reviewed both applications with respect to the Growth Management Plan and the Code of Laws and respective LDC, and staff supports the approval of them. Essentially, they're taking two existing mine approved permits now that they're under common ownership and excavating them into one large lake. That's the purpose of these two applications; essentially cutting the strip out of the two previously approved lakes.

CHAIRMAN STRAIN: And I looked back at the history of this, and I noticed a certain county engineer's name all over it.

COMMISSIONER FRYER: I saw that, too.

CHAIRMAN STRAIN: Stan, do you have any comments?

COMMISSIONER CHRZANOWSKI: No.

CHAIRMAN STRAIN: Okay. I figured I'd give you the benefit of starting out.

COMMISSIONER SCHMITT: As well as my name signing the previous zoning.

CHAIRMAN STRAIN: Yes, yours, too; yup, both of you guys.

COMMISSIONER HOMIAK: So it must be right, then.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER CHRZANOWSKI: Well, it was back then, but I don't know about now.

CHAIRMAN STRAIN: And I have already went through my questions with Matt to save all of you a lot of tedious time for some clarifications I needed. Matt provided them all, and so I'm in good shape with the understanding of it.

Are there any questions? And if there's none, staff report is complete. Is there a member of the public here willing to speak -- wanting to speak on this item?

(No response.)

CHAIRMAN STRAIN: Hearing none, we will close the --

COMMISSIONER SCHMITT: I think we ought to give Clay a hard time anyway just because.

CHAIRMAN STRAIN: Yeah, he gets it easy every time he comes in, I noticed.

Okay. So I'm going to ask for two separate motions. The first one from the EAC viewpoint is PL20180002282. It's for the Phase 1 mine. Is there a motion to recommend?

COMMISSIONER SCHMITT: Make a motion to recommend approval as proposed.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Seconded by Ned.

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 SCHMITT: Aye.

CHAIRMAN STRAIN: All those opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

The second one is PL20180002284, and it's for the Phase 2 location. Is there a motion?

COMMISSIONER SCHMITT: Make a motion to approve as proposed.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: By Joe, seconded by Ned. 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 SCHMITT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Now, Stan, I thought you'd jump in as a second so you two guys could --

COMMISSIONER CHRZANOWSKI: I didn't know if that was a conflict of interest.

CHAIRMAN STRAIN: Okay. And that wraps us up for the public hearings that we have.

***The next item is a new-business item. It's the only new-business item scheduled. It's 10A. And this is in response to Stan -- Board Member Stan's request for an update on the sea level rise review by Collier County, and I think Mike Bosi was going to provide that, so...

MR. BOSI: Again, Mike Bosi, Planning and Zoning director.

I'm not providing a specific presentation on the substance of the matter. I'm just letting the Planning Commission know that on October 23rd, the next board meeting, the Board will be provided a formal presentation from Amy Patterson's group related to the issue of sea level rise.

And I wanted just to provide the Planning Commission the opportunity, would you like that same presentation, the same opportunity to interact with the consultant's team related to the presentation the Board's going to receive on the 23rd?

COMMISSIONER CHRZANOWSKI: Can we get a little preview of what might be discussed?

CHAIRMAN STRAIN: Are you going to use a PowerPoint on the 23rd, Mike?

MS. PATTERSON: Yes.

CHAIRMAN STRAIN: Yes, so I think the -- and that was a female voice I heard, so it wasn't you.

MR. BOSI: Just for clarification, I am not making a presentation to the Board of County Commissioners.

CHAIRMAN STRAIN: No. I assume you said Amy would.

MR. BOSI: Yes.

CHAIRMAN STRAIN: It would be helpful if you would send the presentation you're going to use anyway to the Board to the Planning Commission, and that way we'd have a chance to digest. And then maybe at another meeting, if so desired, you could come back, and we could ask questions from that presentation if they're not answered at the Board's review.

MR. BOSI: With that, I can coordinate with Amy who -- you know, to make sure -- we'll get you the PowerPoints, and then we'll just take it at the next meeting if you guys wanted to have a specific continuation item, or when you'd like to have another discussion with it, just let us know, and we'll most certainly make sure that Amy can be available.

CHAIRMAN STRAIN: Why don't we get the PowerPoint, and then after it's distributed, give us a little time to read it. At the next meeting, we'll ask if we want to have further discussion on it, and we'll schedule that appropriately.

I'm curious to see how the Board's going to handle it, because it may resolve all the issues anybody -- we may have, or at least that part of it.

Joe?

COMMISSIONER SCHMITT: Just a question. Is this something the Board had asked for? I believe it is, if I'm not mistaken. Second, in response to that, is this being presented as information to the Board, or are you asking for policy guidance as to what measures that the county should be taking in order to prepare itself?

MS. PATTERSON: Hi. Amy Patterson, for the record, director of Capital Project Planning.

We've been updating the Board fairly regularly for the last couple of years related to our efforts with sea level rise.

We are engaged with NOAA and FGCU and the University of Florida and others on a three-year study modeling and other things related to sea level rise and storm surge. We'll be giving an update on that.

There are several other initiatives underway, including exploration of a Southwest Florida regional compact similar to what they have on the East Coast. That will be the only direction we're seeking from the Board is to continue with their direction for us to seek out partnerships and work on this compact initiative. The rest is informational only walking them through what's changed in the last year. The things we are looking at are a vulnerability assessment moving along with the NOAA study, as well as working towards an adaptation planning study.

COMMISSIONER SCHMITT: Vulnerability study in regards to the storm surge or in combination of potential sea level rise and storm surge?

MS. PATTERSON: The vulnerability assessment will start out particularly related to sea level rise; however, surge does have to be taken into consideration alone and as a part of sea level rise. That

vulnerability assessment will also take into consideration the work being done by the NOAA team and the NOAA study and will set the stage for the adaptation planning process.

COMMISSIONER SCHMITT: Okay. And that presentation, does it have all historical data showing what you're going to send us, we can look and see the historical data and give us an idea of what has happened in the past and the predictions?

MS. PATTERSON: Yes, a little bit. We are working on a modification to the Floodplain Management Plan, which is the only adopted rate-of-rise number that we have in Collier County right now. There was an error identified. We worked through the Board with this last year, and we're working to update that number. We know what the number is for 2060, and that number is consistent with what's being used in the NOAA study, so you will see that at a pretty high level of detail. This was requested by the Board. Commissioner Fiala specifically asked for an update on sea level rise. So that's why we're going at this time.

But, yes, there's been a lot of work done on these numbers. Unfortunately, it is an evolving issue, and so there's constant information being fed in.

COMMISSIONER SCHMITT: Also a highly debated issue as well.

MS. PATTERSON: Absolutely, absolutely, and we expect that there will be more changes when IPCC convenes in 2019. They just released an interim report related to 2040.

COMMISSIONER SCHMITT: Okay. Thank you.

COMMISSIONER CHRZANOWSKI: You have to remember, surge doesn't change from year to year unless they adopt stronger storms or unless the sea level rises. So a simple surge study does nothing, because that's been done to death.

COMMISSIONER SCHMITT: That's been done, SLOSH models. All the other models have been done.

COMMISSIONER CHRZANOWSKI: Right. But when the sea level rises and when they adopt -- when they come up and say, hey, we might get a Category 6, you know, then you start looking at your surge models again. So, yeah, good.

And just as an aside, I noticed the interview with Representative Francis Rooney in one of the Washington papers, and he is now a believer. He's a Republican.

COMMISSIONER SCHMITT: Well, the fact of the matter is it's going to cost a lot of money or be very Draconian in what they're going to have to do if they believe they want to take action.

COMMISSIONER CHRZANOWSKI: There's nothing you can do.

COMMISSIONER SCHMITT: Eliminate all development west of 41, I guess.

COMMISSIONER CHRZANOWSKI: There's nothing you can do. When the water comes up, there's nothing you can do.

COMMISSIONER SCHMITT: Yeah, I know.

CHAIRMAN STRAIN: One question, Amy.

MS. PATTERSON: Sure.

CHAIRMAN STRAIN: The City of Naples contacted me, Greg Strakaluse.

MS. PATTERSON: Strakaluse, yeah.

CHAIRMAN STRAIN: They definitely are concerned, or they'd want to be involved.

MS. PATTERSON: Yeah.

CHAIRMAN STRAIN: I hope you've reached out to them and they are aware of your presentation on the 23rd.

MS. PATTERSON: They are aware. I'll reach out to Greg and be sure that he's aware. But Dr. Savarese and his group that's working on this NOAA study has a very large group of users that are participating in all of this review of data as well as, ultimately, the end product that's going to be something that's for local governments.

So there are representatives from the City of Naples. Councilwoman Penniman has been in attendance at some of these meetings relative to the potential compact.

So the direction of the Board was for us to continue these conversations with all of the stakeholders, local governments, state and federal, so this is a pretty broad initiative.

CHAIRMAN STRAIN: Great. Thank you.

Anybody else?
(No response.)

CHAIRMAN STRAIN: We appreciate the update, Mike; thank you. And, Amy, thank you. We'll look forward to seeing the PowerPoint. Then when we get down to reviewing that at one of our future meetings, we'll discuss it further.

Okay. That wraps up the new business. Is there any old business?
(No response.)

CHAIRMAN STRAIN: Is there public comment?
(No response.)

CHAIRMAN STRAIN: Nobody's left.

Is there a motion to adjourn?

COMMISSIONER SCHMITT: Motion to adjourn.

CHAIRMAN STRAIN: Made by Joe.

COMMISSIONER FRYER: Second.

COMMISSIONER CHRZANOWSKI: Third.

CHAIRMAN STRAIN: Seconded by Stan.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

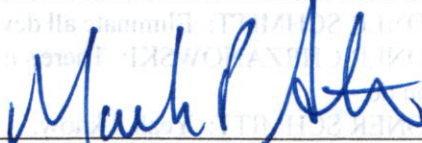
COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN STRAIN: We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:13 a.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, CHAIRMAN

ATTEST
CRYSTAL K. KINZEL, CLERK OF THE CIRCUIT COURT & COMPTROLLER

These minutes approved by the Board on 11-15-18, as presented or as corrected .

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