

June 6, 2019

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, June 6, 2019

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
Karl Fry
Edwin Fryer
Karen Homiak
Joe Schmitt

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Gil Martinez, Principal Planner
Mike Bosi, Planning and Zoning Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the June 6th 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. We have a couple people running late, so before we do roll call, Mr. Schmitt.

COMMISSIONER SCHMITT: Yes.

CHAIRMAN STRAIN: Your former position, was it lieutenant colonel?

COMMISSIONER SCHMITT: Colonel.

CHAIRMAN STRAIN: Colonel, would you mind telling us the specialty of today?

COMMISSIONER SCHMITT: Well, today, of course, is the 75th anniversary of the Landings at Normandy Beach.

Having toured every one of the beaches in Normandy and been to the cemetery twice, I can only just quote a famous general, Colin Powell, who said, when U.S. forces set off on their adventures, they never want to capture land. The only place they want is a place to bury their dead.

And it's truly a humbling, humbling place to go to Normandy and walk through the gravestones in Normandy. There were other places as well, but that is officially U.S. territory. It's part of the Battlefield Monuments Commission that runs the facilities there. Truly impressive place. And it was -- I was running late because I was so enthralled in watching the activities this morning for the 75th anniversary, and it's just truly impressive.

We have one airborne vet, 99 years old, was he?

COMMISSIONER DEARBORN: Ninety-seven.

COMMISSIONER SCHMITT: Ninety-seven -- who did his jump. And two of us jumpers here, 70 jumps myself, it's quite impressive to think -- I'd strap a chute on today and jump in there.

But, anyways, to all those who passed and to the brave souls who attacked that beach, God bless.

CHAIRMAN STRAIN: Mr. Schmitt, thank you very much. I appreciate it.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN STRAIN: With that, let's move to the roll call. Everybody's here. Karl finally showed up. We can start the meeting.

COMMISSIONER FRY: I was two feet ahead of Tom.

COMMISSIONER FRYER: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRYER: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER FRYER: Mr. Fry?

COMMISSIONER FRY: 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?

COMMISSIONER DEARBORN: Present.

COMMISSIONER FRYER: Mr. Chairman, we have a quorum of seven.

CHAIRMAN STRAIN: Thank you.

Ray, is there anything on the agenda that needs to be changed from staff's perspective? We good

to go?

MR. BELLOWS: We're good to go.

CHAIRMAN STRAIN: Planning Commission absences; well, we're looking at a vacation for the Planning Commission. June 20th is going to -- is canceled. The room is going to be occupied by the BCC. We had one case scheduled for that date, but it wasn't going to get to the Board until the fall anyway, so they can be heard basically anytime over the summer.

So it's going to go to our next regular meeting which won't be till July 18th, unless you all want to come on the 4th of July.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: So does anybody know if they cannot make it on July 18th? That's actually a five-week break. That's rare this commission's had that much of a break. So I guess the Board gets their summer vacation.

COMMISSIONER HOMIAK: Well, I'll miss you all.

CHAIRMAN STRAIN: Well, you can come here. We can have coffee together.

COMMISSIONER SCHMITT: July 18th I will not be here.

CHAIRMAN STRAIN: Okay. Other than that, we will still have a quorum.

COMMISSIONER SCHMITT: Is that -- I've been receiving a lot of emails --

CHAIRMAN STRAIN: About?

COMMISSIONER SCHMITT: I think it's the --

CHAIRMAN STRAIN: Vanderbilt Commons.

COMMISSIONER SCHMITT: -- Vanderbilt Commons.

CHAIRMAN STRAIN: I don't know when that's scheduled, but it eventually must be coming up sooner or later, so...

COMMISSIONER SCHMITT: But I will be -- I'll be absent that week.

CHAIRMAN STRAIN: On the 18th. So, yeah. We won't hear it. If that one's coming before us, it's five weeks away at least.

MR. BELLOWS: Correct. And they just had their NIM a few days ago.

CHAIRMAN STRAIN: Yeah. Okay. I appreciate it.

And then with that, we don't have any minutes that have been sent to us, so there's no approval of minutes needed.

Ray, BCC report and recaps.

MR. BELLOWS: On May 28th, the Board of County Commissioners heard the PUD amendment for Esplanade, and it was approved on their summary agenda.

CHAIRMAN STRAIN: Thank you.

And that takes us to Chairman's report. Rather than dwell on anything else, we're going to move ahead with the rest of the agenda.

***There is no consent, but we'll move into our first public hearing. It's Item 9A. It's PL20170002361. It's for an asphalt and concrete batch-making plant off of Tamiami Trail East.

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: No disclosures outside of the correspondence in the public record.

CHAIRMAN STRAIN: Stan.

COMMISSIONER CHRZANOWSKI: Ditto.

COMMISSIONER FRY: Ditto.

COMMISSIONER FRYER: Materials from staff.

CHAIRMAN STRAIN: I've had all of that plus a conversation with Dan DeLisi representing the applicant, and I had a pre-meeting with staff over some questions I had on the project so they'd be ready

for today.

Karen.

COMMISSIONER HOMIAK: Nothing. Same as everybody else.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: Nothing. Dan didn't even contact me.

CHAIRMAN STRAIN: Patrick.

COMMISSIONER DEARBORN: None.

CHAIRMAN STRAIN: Okay. With that, we'll move into the applicant's presentation.

Mr. DeLisi, please go ahead.

MR. DeLISI: Thank you. For the record, my name is Dan DeLisi. I am a land-use planner here on behalf of the applicant today.

This is a conditional-use application for a concrete batch plant. The property is located -- as you can see on the aerial, it's just north of U.S. 41 about a mile east of Fiddler's Creek. It's in an area that's fairly isolated. I'll get into that in a second when I talk about the surrounding uses. But as you'll come to see, you know, I've actually worked on a couple asphalt concrete batch plants in the past, and it's not always easy to locate these in this location. It's a very unique location in many respects, and it is one where we can address all compatibility concerns and make it fit.

The future land-use category for the property is a mix of Rural Fringe Mixed Use District for a little over two-thirds of the property and rural industrial for that southern, roughly, quarter to a third of the property. You can see the Future Land Use Map on the screen.

The conditional-use application is only for this northern section in the Rural Fringe Mixed Use District.

And then the zoning categories follow from the Future Land Use Map. You could see the rural industrial area is zoned as industrial on the zoning map. The rest of the property is agriculture. You have the TTRVC zoning. Well, you have industrial to the east of the property, and then TTRVC to the east of that and agriculture up in this area, agriculture to the west, and industrial to the south.

UNIDENTIFIED SPEAKER: What's to the right?

CHAIRMAN STRAIN: No. Ma'am, you're not allowed to speak from the public without being called up to, so please refrain.

MR. DeLISI: And when I get into compatibility, I'll talk about all of those surrounding uses as well.

This is the concept plan that we submitted with the application. It's changed a little bit from what's in your packet. We have identified the conditional-use area in the dotted line, the dashed line surrounding that property to the distance where the agriculture zoning, the Rural Fringe Mixed Use is, the area that's already zoned industrial where the use is allowed by right, is on the southern portion of the property outside that dashed line.

There is -- we have located the building area for the batch plant at the southern end of the site close to the -- and partially within the industrial zoning district mostly for compatibility reasons to try and get it as close as possible to this auto recycling plant to the south, and then just to the south of that is another concrete batch plant. So we have the water management area and the parking area to the north.

On the plan we've also identified the buffer, the enhanced buffer that we're proposing for the property, which is -- includes an 8-foot berm/wall combination.

And we've added a couple notes since that time based on conversations that just identify where our access is, how we meet the access, and identify the buffer so that it's clear that we are providing that berm/wall combination at this location on the master concept plan.

CHAIRMAN STRAIN: Before we -- while we're talking, it would be helpful, did you bring handouts for the new master plan, because we don't have that plan, and it might help to see that while you're talking and follow what you're saying that way, because this doesn't -- it's not readable right now.

MR. DeLISI: Well, Chris --

CHAIRMAN STRAIN: Maybe if you put it on the overhead. Oh, is this -- yeah, it might help if it's on the overhead. You've just got to switch abilities. We can't -- we definitely can't read what's there.

COMMISSIONER FRYER: Further to that point, when were these modifications made? How long ago?

MR. DeLISI: Yesterday.

CHAIRMAN STRAIN: Some of the things you're seeing are the result of the conversation that I had asking them to be better prepared for today. I didn't want to ask questions and not have any answers. I'd rather they came with answers at the same time, so I suggested they might want to address some of them.

MR. DeLISI: And the last thing, which is, you can see here, is the eagle setback. This is the 660-foot line. You could see how it crosses our property here. It is not -- it doesn't coincide with any of the building area. It just nips the corner of equipment parking area and mostly is where the water management area will be. So it's easily graphically depicted.

How do we flip this over?

CHAIRMAN STRAIN: Your setback lines, that -- how do we tell where your equipment and material processing setback lines are? I still -- I can see on the -- the material processing, it looks like your building setback is 30.2 feet, or is that -- I can't quite read it yet.

MR. DeLISI: Yeah. That's 30 feet from the envelope area.

CHAIRMAN STRAIN: Okay. Did you -- in your presentation, had you gotten to your last slide, or do you still have more?

MR. DeLISI: I still have more.

CHAIRMAN STRAIN: We can flip back to it. I just wanted to make sure we could see as much of the detail, because that other slide did not. Thank you.

MR. DeLISI: All right. So I just want to talk through the conditional-use application.

The Growth Management Plan lists asphalt concrete batch-making plant as a use that's allowable in the Rural Fringe Mixed Use District in a receiving land. So in the Future Land Use Element of the Growth Management Plan, it's listed as an allowable use.

When you go to the conditional -- when you go to the implementing Land Development Code, the use is allowed as a conditional use, and conditional uses are subject to 10.08.00 as a review criteria.

Now, the agricultural zoning district in and of itself has criteria for asphalt concrete batch-making plants for a conditional use. That's a little different than the rural fringe mixed-use. The rural fringe mixed-use supersedes that. There's language in the Comp Plan that talks about that. We've had this discussion with staff.

And so we are trying to comply with the intent of the agricultural criteria, which is a compatibility criteria, and specifically addressing the rural mixed-use criteria.

I will say, as far as conditional uses go, in general -- and this is not even Collier County specific. In general in planning world, a conditional use is an allowable use that -- where you have to do additional analysis primarily based on compatibility. It's a compatibility standard.

And so compatibility is the number one issue that we look at. And when you look at the agricultural conditions, all of them speak to compatibility, how the site's laid out. Even the access condition. It's in order to make sure that you're not taking truck traffic through residential area or mixing it with other types of uses that would create a compatibility issue. So it's a compatibility standard, and that's how this was reviewed, and that's how we approached this application.

The evaluation criteria for a conditional use are listed on this screen. There are four: Consistency with the Land Development Code and Growth Management Plan. Staff did an analysis of the Growth Management Plan, which is in -- as an attachment in your staff report. Again, it's also listed as a specific use in your Growth Management Plan. Ingress and egress is one of the criteria. And then the last two really have to do with compatibility of surrounding uses.

The noise, glare, economic, or odor effects are typical criteria that we look at when we think

about compatibility.

So compatibility and access. Again, this is something that staff went through in their staff report, but I'd like to touch on it for a moment here. The property is fairly isolated from other uses. You have a recycling facility to the south. It's an auto recycling facility. It is an industrial use. And then you have a concrete batch plant to the south of that.

So when you come in off of 41, you're driving past another concrete batch plant, auto recycling facility, a lot of truck traffic to get to the subject property.

To the north is an old mining area. That's part of the Six L's Farm now. To the west is vacant agriculture land, and to the east you could see there's -- it's a commercial-type operation. There's a lot of outdoor storage as best as I could tell on an aerial. It's hard to get back in from Trinity Place, but it's not a residential home. It's, you know, sheds and storage.

Then there is residential along Trinity Place. And so when we look at compatibility and when we look at -- when we looked at the berm/wall condition -- and after the neighborhood informational meeting we tried to address where the compatibility could occur, and that's both within the area that is already zoned industrial where the use is allowed by right. And mind you, the buffer codes would look at industrial zoning to industrial zoning. We looked at enhancing this eastern boundary to ensure compatibility to that southeast of the subject --

COMMISSIONER FRYER: Excuse me for interrupting, but just so that I get myself geographically oriented, to the north and west is a residential subdivision. Is that Trinity?

MR. DeLISI: No; sorry. To the north, this is to the north of --

COMMISSIONER FRYER: Northwest is what I'm talking about.

MR. DeLISI: No. It's to the southeast.

COMMISSIONER FRYER: Okay. What is the subdivision that is northwest of this?

MR. DeLISI: So directly to the north is the Six L's Farm.

COMMISSIONER FRYER: I'm saying the northwest.

MR. DeLISI: How far northwest?

COMMISSIONER FRYER: Well, it appears to be rather proximate when you look at Google Earth, and in one -- okay. Here it is. In one of the legends that was in the material, it shows up --

CHAIRMAN STRAIN: I think you're talking about -- that's the Habitat project. He's talking about the Habitat project over off Greenway. That's to the northwest by quite a distance. I don't think you have an aerial. At least the one you're showing doesn't show how that relates to your project. But I think that's -- I know that project. We just approved 119 units to be added to the west of that project.

COMMISSIONER FRYER: So do we have a distance?

MR. DeLISI: I don't. I could look that up for you.

CHAIRMAN STRAIN: Well, Stan can tell us. Greenway Road to this property. Do you have the measurement tool? You're so quick from sitting up here with Google. Is there a way for you to --

COMMISSIONER FRYER: This is going to tie into some questions that I'm going to ask at the proper time.

CHAIRMAN STRAIN: It's almost a section. So we're probably looking at a pretty sizable distance before you get to that Greenway Road, and even diagonally up to that Habitat project is even further.

Go ahead. We'll -- Stan has a -- is able to get on Google from here, so he might be able to pull that measurement tool up and give it a shot.

MR. DeLISI: Okay. Thank you.

Yeah. And to the -- when we did take measurements on Google Earth, just to give you a sense of scale, we were looking at about a thousand feet from any building area to any residential that would be to the east. So if you look at the proximate distance to the east, that's a thousand feet. And keeping in mind that the building area's at the southern portion of the site, you know, that's really where we looked at from a compatibility standpoint.

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COMMISSIONER FRYER: I apologize for interrupting. We'll have an answer to that in a moment, I think.

MR. DeLISI: So I listed the criteria for evaluation in the ag zoning district. You know, a number of these things are things that we can certainly incorporate as conditions into the special-exception approval.

We have gone over all of these internally. And the access -- again, the principal access from a street-designated collector or higher. This is not criteria that we're required to meet, but I think we meet the intent of that. We have an industrial road that has access directly to U.S. 41. So you're not mixing traffic with other types of traffic like commercial traffic or residential traffic. You're getting directly out on a road that's designed for truck traffic to U.S. 41.

Hours of operation, we're fine meeting these criteria as well as the setback criteria.

We did have a neighborhood informational meeting. We had a few residents there or surrounding property owners. I think the general understanding was that there is an industrial area right there. There's already a batch plant. There is the ability for this property to do a batch plant by right on the southern two acres. It would, albeit, be a much smaller batch plant.

There was concern about noise, and that's where the berm/wall condition came in, to address those concerns. There was also a concern about doing asphalt. We're not looking to do asphalt. We're looking at doing concrete, so we're fine with committing to the residents that we're only doing concrete and not asphalt.

And there were also questions about hours of operation. And, again, as I mentioned before, we would be fine with the condition on hours of operation that is consistent with the ag criteria.

CHAIRMAN STRAIN: Stan, did you --

COMMISSIONER CHRZANOWSKI: It was about 5,900 feet.

CHAIRMAN STRAIN: 5,900, so it's over a mile. Thank you very much. Appreciate it. So that answers that question.

MR. DeLISI: Okay. Thank you. And that's all I have.

COMMISSIONER FRYER: Okay. Let's go right into questions then and, Ned, you're first up.

COMMISSIONER FRYER: Okay, thank you.

I have several relatively minor issues, but I've got a major one that I'm going to lead off with, and it has to do with odor and emissions. And, first of all, my first question is, does CEMEX operate asphalt or just concrete?

MR. DeLISI: Yeah, I think they just do concrete.

COMMISSIONER FRYER: Okay. Is asphalt a use that you really want? I know in the NIM someone said that it would -- that you would look into it.

CHAIRMAN STRAIN: I think they just said they wouldn't do asphalt, and we can stipulate that.

COMMISSIONER FRYER: Okay. So that's off the table.

MR. DeLISI: That is off the table.

COMMISSIONER FRYER: Okay. Thank you.

Let's see what else I have then. And the access is going to be off of Auto Village Road.

MR. DeLISI: That's correct.

COMMISSIONER FRYER: Does that -- does that road need to be extended in order to accomplish that?

MR. DeLISI: So the road comes to our property line. We would need to extend it into our property.

COMMISSIONER FRYER: Okay. And they would -- oh, I know. The SIC code -- and maybe I should take this up with staff.

CHAIRMAN STRAIN: Could you tell us the SIC codes you should have applied under?

MR. DeLISI: Yeah, so -- yeah, I do have those. I'm sorry.

COMMISSIONER FRYER: 3273, I think.

CHAIRMAN STRAIN: 3271 and, I think, 3272. Then the one you applied under is for the manufacturing of the plant itself, not the plant's manufacturing, which is --

COMMISSIONER FRYER: The machinery.

CHAIRMAN STRAIN: Right.

COMMISSIONER FRYER: Rather than the concrete.

MR. DeLISI: Yes. You're absolutely correct on that.

CHAIRMAN STRAIN: And are we correct in assuming that you're going to do block from that plant?

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: So you need 3271 and 3272. Is that what you've come to as a conclusion as well?

MR. DeLISI: Yes. I looked that up the other day.

CHAIRMAN STRAIN: Okay. Does that get you there?

COMMISSIONER FRYER: Okay. Somehow I came to 3273, which says, establishments primarily engaged in manufacturing Portland cement/concrete manufactured and delivered to a purchaser in a plastic and unhardened state.

CHAIRMAN STRAIN: Yeah. That's when you take the lime -- the material ingredients of cement and you send it to a place that converts it to concrete, which this place is doing.

MR. DeLISI: We're primarily doing ready-mix concrete.

CHAIRMAN STRAIN: Right. Aggregate. They'll use those raw materials to produce the concrete.

COMMISSIONER FRYER: You've got it. Thank you. Let's see. That's it. That's all I have.

CHAIRMAN STRAIN: Okay. Anybody else? Karl?

COMMISSIONER FRY: Go ahead, Stan.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I just had one question. On the staff report -- and I'm looking at, I guess, Page 2 of 10 or in our packet is Page 6. It just says material processing and building. I'm just -- it was kind of strangely worded. Material processing I understand, and building. I assumed from this the building is what -- the office or the control center or whatever? It didn't really describe the building. I don't know what building we're talking about.

MR. DeLISI: I could have Chris or Kevin -- Chris is the engineer on the project.

MR. MITCHELL: Good morning. Chris Mitchell.

Yeah, the building is just where they run the operations out of.

COMMISSIONER SCHMITT: So it's the operations center.

MR. MITCHELL: It is the operations center.

COMMISSIONER SCHMITT: It's a prefab building of some sort?

MR. MITCHELL: Yes, sir. It's a prefab building.

COMMISSIONER SCHMITT: Because it just never really clarified that. I couldn't find it anywhere in the staff report. I probably should ask Chris that, but I got it. But does the building require the conditional use as well for that area? I think the plant would, but does the building?

CHAIRMAN STRAIN: If it's accessory to the plant, it would be part of the operation.

COMMISSIONER SCHMITT: Okay. It's an accessory to the plant.

MR. DeLISI: I would assume so.

MR. BELLOWS: For the record, Ray Bellows. That is correct; it's an accessory building to the use.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Karl?

COMMISSIONER FRY: Thank you.

Dan, I noticed on the hours of operation it seemed to say two hours before sunrise to sunset. Why

is it necessary to start that early? And kind of a corollary to that question is what types of noise -- what level of noise is produced by this type of operation? Which was a concern expressed at the NIM.

MR. DeLISI: So the reason why you start that early, and that's why the hours are written that way in the code, is typically you have trucks loading to get to construction sites at the start of the day, so they need to load early so that they can make it at the beginning of the day to a site.

As far as noise, I mean, there is some noise loading, and that's why you have the wall as a barrier. I will say, you know, that the conditional-use criteria for an opaque vegetative buffer, you know, I think is kind of lacking, to be honest. I certainly think a concrete block wall is much better for sound barrier, because that's what you're trying to get at is a sound barrier.

COMMISSIONER FRY: And is that what you're offering --

MR. DeLISI: Yes.

COMMISSIONER FRY: -- a concrete wall?

MR. DeLISI: Yes.

COMMISSIONER FRY: How tall are the structures within the --

MR. DeLISI: I'm going to have to ask my client, Kevin, to talk about that. There is the building itself, and then there's equipment that he'll have on site.

MR. EISENBATH: Kevin Eisenbath.

CHAIRMAN STRAIN: Sir, yeah, you're going to need the microphone.

MR. EISENBATH: Okay. Hello. I'm Kevin Eisenbath with SRM.

The height of the structures that would be there would be similar to CEMEX within, you know, so many feet, a few feet. Typically they go from 45 feet and can go up to 75 feet in height.

COMMISSIONER FRY: And I guess my question is, at what height is the noise produced? Is it simply the sound of loading the pallets of block onto trucks --

MR. EISENBATH: The noise is all low.

COMMISSIONER FRY: The noise is all low, so the wall --

MR. EISENBATH: It's right at ground level.

COMMISSIONER FRY: -- should be effective?

Okay. Thank you.

MR. EISENBATH: Okay.

CHAIRMAN STRAIN: Anybody else have any questions? Go ahead, Tom.

MR. EASTMAN: Do you know what percentage of the product will be installed locally? Are we a plant that services -- how far out geographically?

MR. DeLISI: From what I understand, in my involvement with both this and the Corps permit, the reason why this site is needed -- and we've looked at other sites within Collier County -- is because it is a local service. We're not looking at driving east to Miami. You would have to locate a site farther east. It is really a local operation to service local needs.

CHAIRMAN STRAIN: Stan.

COMMISSIONER CHRZANOWSKI: I forget, when do they add the water to the mix? On the road, or do they add it at the plant?

MR. DeLISI: At the plant.

COMMISSIONER CHRZANOWSKI: At the plant. So it's mixing all the way. And how long does it take the concrete to start setting up? An hour?

MR. EISENBATH: Yes. We try to be on the job within 20 minutes, because at that hour mark, it's really depending on weather and the mix and all that.

COMMISSIONER CHRZANOWSKI: So you've got to be fairly close to where you're going to dump the product?

MR. EISENBATH: A hundred percent correct.

COMMISSIONER CHRZANOWSKI: So they're not going to carry it long distances?

MR. EISENBATH: We probably deliver within 15 miles of the plant.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I have a few. Something you just said. The gentleman mentioned that the plant's going to be 45 to 75 feet high. The height limitation in the ag's district is 35 feet, and then I didn't see you asking for a variance.

MR. DeLISI: So let me just try and find this. The height for --

MR. BELLOWS: For the record, Ray Bellows. I don't believe the building itself is that tall, but if they're referring to mechanical equipment, they're not subject to the building height limitations if it's a crane or --

CHAIRMAN STRAIN: Well, they're looking probably at the silos and things that store and mix the material. If it's 75 feet high, that's your principal use. You just said the building was accessory. So you're saying the principal use doesn't come out of the height code.

MR. BELLOWS: If it is a silo, that's a different story. That's a structure.

CHAIRMAN STRAIN: Well, that's what I'm trying to find out. I thought they came up and said that -- their primary mixing plant is the principal use.

MR. DeLISI: Okay. So there would be a silo. We were, honestly, looking at that similar to Mr. Bellows. I always have considered a height as a building under truss that you habitate in.

CHAIRMAN STRAIN: Our code is a little more stringent than that. If your principal use is the silos and you're in the industrial part of your site, you can go to 50 feet. But if you're trying to put that in a conditional-use side of the site, it's a height -- that's something you'd have to be requesting under the conditional-use aspect for the specific height so we know the compatibility issues.

And agricultural is limited to 35 feet. So I've got to turn to staff to understand what they reviewed this to and where is this -- where would this silo go? Would it go on the south side of the site in the industrial park, or would it go in the north side on the ag section?

MR. EISENBATH: I would have to ask Chris.

CHAIRMAN STRAIN: You'll have to use the microphone, sir; I'm sorry.

MR. EISENBATH: We're going to have to ask Chris exactly where that line is, but I believe it will be on -- just to the north.

CHAIRMAN STRAIN: Ray?

MR. BELLOWS: For the record, Gil brought to my attention Section 2.03.01.C.22 that has the criteria for locating asphalt or concrete batch plants. One item says that the height of raw storage facilities shall not exceed a height of 50 feet, so --

CHAIRMAN STRAIN: That's different than what the gentleman was telling us, so -- and, also, I've got to understand what piece of your operation is intended to go above 35 feet.

When you have aggregate piles, you could have piles of materials that are sitting there that could be 50 feet. That is there. But I'm not sure silos a raw material, unless you're storing it there. But it sounds like that's your mixing plant.

Now, if you guys want, we can take a five-minute break while you confer and try to figure this out. It's going to be a pertinent question, and whatever you lock yourself into, you've got to make sure it works. Do you want to take a few minutes and -- whatever's easier. I want to get this resolved, if we can.

MR. DeLISI: I appreciate that. And we had honestly looked at that criteria, the 50 feet, and thought that it would apply to a building, not the silo. But you're correct. So let's -- can we -- if we could take two minutes, that would be great. That's all we need.

CHAIRMAN STRAIN: Terri, we'll take a five-minute break and come back at 9:38. So we'll give you 5 minutes to try to resolve the issue, and we'll resume.

MR. DeLISI: I appreciate that.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Ladies and gentlemen, I'd like to resume the meeting. If you'll all take your seats, we'll move forward.

We left off on a question of height of the principal uses of site, so let's move into that, and where they're located, so...

MR. DeLISI: We think we can accommodate the 50 feet. It will be located just north of the rural industrial zoning but within the ag area most likely.

CHAIRMAN STRAIN: Okay. So you're going to accommodate the 50 feet outside the industrial but within a certain distance, and we'll have to lock that in before the meeting's over, into the ag portion of the property, but the 50 feet restriction is for what piece of the operation? What are we -- because I know what -- this says raw material storage.

MR. DeLISI: Yeah.

CHAIRMAN STRAIN: And I'm not sure that's what we're talking about. I want to make sure we are, so...

MR. DeLISI: The plant itself. The silo is the plant.

CHAIRMAN STRAIN: So raw material storage, plant location, and general operations around the plant shall not be located or conducted -- well, no, that's the first one. The height of the raw material storage facilities shall not exceed a height of 50 feet, and that's what I'm trying to get at, the raw material storage facility. Is that what it is you're specifically asking for the 50 feet for?

MR. EISENBATH: If the county considers the storage of our cement in the silo, that's the tallest thing on the property, because the cement falls into the trucks, and it's all overhead.

CHAIRMAN STRAIN: But the cement is a mixture of the raw materials, correct? It's not a raw material. You don't go out and buy cement and put it in a silo and put it in the truck. You buy the aggregate, you buy the lime, you buy the mixes, you put them in the -- they mix them.

COMMISSIONER CHRZANOWSKI: Could I break in here?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: There are different types of concrete, you know, Class 1, Class 2, some of them have sulfate, some of them are high early strength, some of them have a lot of cement, some of them are 2,000 pound, 3,000 pound, 4,000 pound.

CHAIRMAN STRAIN: You know, I did that for a living when I was younger.

COMMISSIONER CHRZANOWSKI: Yeah. They get all this stuff. They take the cement out of the silo and mix it -- correct me if I'm wrong -- in each truck because each batch has to be per the spec of that project.

MR. EISENBATH: Correct.

COMMISSIONER CHRZANOWSKI: So you keep the cement in the silo, and as you're going into the truck, you mix it with the sand and the coarse aggregate, which is generally a stone down here. They use lime rock, crushed stone. And that's why they keep the cement separate.

So if that's what you're asking, that's -- that's how they do it. Now, did I say that right?

MR. EISENBATH: Yes, you're correct.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: So what is the raw material that you're putting in the highest element, the silo?

MR. EISENBATH: It would be the cement.

CHAIRMAN STRAIN: What is the cement? Is it comprised of a multitude of materials, or what is it?

COMMISSIONER CHRZANOWSKI: Portland cement.

CHAIRMAN STRAIN: Well, I know. Stan, I physically know what it is. I've dealt with it all my life. I had a cement finishing company that I used to pour concrete with pumps all over the place. I know how to juice it up to make it go faster or go slower. I know all that stuff.

I'm trying to find out specifically what is going in that silo; is it considered the raw materials for the product? That's what I'm getting at, because that's what the code's asking.

MR. EISENBATH: Yes, it is a raw material, just like the rock, you know, the aggregate and all

that. It's part of the mix of soup, you might say.

CHAIRMAN STRAIN: Okay. That's what I was trying to find out, Stan.

And that -- so that -- you're going to limit your silo for the cement or for any of your raw materials to 50 feet to meet that section of the code?

MR. DeLISI: Yes. And, I mean, what we'd ask is 50 feet within the ag portion of the site.

CHAIRMAN STRAIN: I understand. So my next question is, how far north into the ag section of the site would you want that limitation to go? Because you're going to affect different areas as you go further and further into it.

MR. DeLISI: Yeah. It would be within the -- within the material processing building area envelope.

CHAIRMAN STRAIN: And those items -- those squares are nice because they tell us how you're going to limit the uses to each area. We would typically then stipulate those uses are limited to those areas but without definition as to the distances from the dotted line that represents your separation by ag and industrial. We don't know how far those areas go, so we're going to have to get that established as well.

MR. DeLISI: The southern -- the southern line of the material processing building area is 240 feet north of our property boundary. We have that dimensioned on the plan.

CHAIRMAN STRAIN: So up to 250 feet, did you say?

MR. DeLISI: Well, 240 feet is where the -- is where the dimension starts, the building envelope starts, so to speak; 296 feet is where the industrial area ends, where the conditional-use area starts.

CHAIRMAN STRAIN: Okay. See that dotted line on the south of the ag area that splits between the material processing building area, it kind of cuts the bottom? From that dotted line north, how far would you be needing that 50-foot height?

MR. DeLISI: Let me do math quickly, sorry. Well, let me put it to you this way: It's 479.5 feet south of our northern property line dimensioned on the plan.

CHAIRMAN STRAIN: We're going in the opposite direction to understand this thing. And that -- and is that intended to come out where that -- kind of like that red dot is?

MR. DeLISI: Yes, yeah. Sorry about that red dot.

CHAIRMAN STRAIN: No, that's fine. The red dot actually helps.

So on a scaled plan or on a plan that you could produce to meet a stipulation, you could show a distance from the dotted line up to the top of that red dot that would reflect the same distance down from the north side that you just spoke about; is that correct?

MR. DeLISI: Yes, we can.

CHAIRMAN STRAIN: Okay.

MR. DeLISI: If I was quicker at math, I'd do that right now.

CHAIRMAN STRAIN: You see, we try to lock everything in. I don't -- we never know who's trying to wiggle what way, so we try to make sure we minimize that.

Likewise, with the equipment parking area, we would then want to see the number to the limitation on that, then, because the rest is water management. And that would kind of at least lock up how your site is intended to be used.

And I'm going to move into the rest of the questions that I had, which I -- go ahead, Ned.

COMMISSIONER FRYER: Could I ask? Maybe this has been covered; I didn't pick up on it. Do we know how high the silos at CEMEX are? I mean, I know they can be 50 because they're in the industrial park, but how high are they actually?

MR. DeLISI: We were actually thinking they were taller than that.

CHAIRMAN STRAIN: Well, now, that is an old park. That was done -- let me see. Krehling owned it. Before Krehling it was another park. I forgot their name. That's been there for decades. So they may have come under the old 91-102 code instead of the 04-41, and there might have been changes that affected that.

COMMISSIONER HOMIAK: They look taller.

MR. DeLISI: And they're also in an industrial zoning.

COMMISSIONER FRYER: I'm trying to, yeah.

COMMISSIONER HOMIAK: Right here.

COMMISSIONER FRYER: They do. They look pretty tall.

CHAIRMAN STRAIN: Well, you've agreed to meet the 50-foot up to a certain point within the ag, so we know that's where your limitation will be.

I also -- as I get into questions, we had -- for this panel's background, when a motion is made, regardless of which direction it's made in, it needs to be done as an EAC as well as the Planning Commission, just to give you a heads-up.

The uses that you are providing are -- now, I don't remember what part of the code, but they're going to be -- they're in the report. Does staff have any problems changing the SIC number from 3531 to the other two numbers?

MR. MARTINEZ: Absolutely not.

CHAIRMAN STRAIN: Okay. There are two staff recommendations in the report. Have you read those?

MR. DeLISI: The two conditions?

CHAIRMAN STRAIN: Yes.

MR. DeLISI: Yes.

CHAIRMAN STRAIN: Are you willing to -- are you accepting those two conditions?

MR. DeLISI: Yes.

CHAIRMAN STRAIN: I have some staff questions, but I'll wait till they do their staff report.

The plan that you're going to provide us to use is not going to be the one with the blacked-out area. It's going to be one like the handout or like the one that's in front of us right now.

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: Okay. The equipment and parking area, does that mean it's all stationary? There's no manufacturing or product assembly in that area?

MR. DeLISI: Yes, that's correct.

CHAIRMAN STRAIN: I'm rolling through my questions to make sure they've all been asked.

COMMISSIONER FRYER: I'm not sure, Chairman, how the exact location of the 50 feet on the ag portion was resolved. Is it anywhere on the ag portion, or is it --

CHAIRMAN STRAIN: No. They're going to limit it to a certain distance north of the industrial limitation line, and they're going to produce that -- that dimension, so we'll have that.

COMMISSIONER FRYER: No farther north than X.

CHAIRMAN STRAIN: With an X, and that X is what we're going to work out before this is all over.

COMMISSIONER FRYER: Is that X equivalent to the red dot?

CHAIRMAN STRAIN: That's what I've been told; the top of the red dot.

MR. DeLISI: Yeah. It's northern line of this processing -- material processing building area.

COMMISSIONER FRYER: So just above that in the square above it, the bottom text says, "material storage."

MR. DeLISI: Yes.

COMMISSIONER FRYER: That I would have thought would be your silos, but you're saying that would no longer be material storage in that area?

MR. DeLISI: Right there.

COMMISSIONER FRYER: Or is that something different?

MR. MITCHELL: It would include at-grade bins that would hold the raw aggregate, but it would be --

CHAIRMAN STRAIN: Truck dumped bins where they bring the material in on the trucks, drop

it off.

COMMISSIONER FRY: Much lower than 50 feet.

MR. MITCHELL: Correct. It's open. It's got a cement floor, and then it's walled, and it's open.

COMMISSIONER FRY: So the silos would all be that red dot or below?

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: Thank you.

Lighting. What kind of lighting are you having in your operations throughout the property?

MR. EISENBATH: Minimal in the nighttime.

CHAIRMAN STRAIN: That's nice to say. Okay. In your parking area, how high will your lights be?

MR. EISENBATH: They haven't been designed yet.

CHAIRMAN STRAIN: Okay. What would you offer as a limitation on light height? Now, remember, you're going to have a berm and a wall around your side, especially facing east. So the objective is not to have light disperse onto neighboring properties. We do that with shielding and stuff like that. But no matter how much you shield something, you can still see that light if it's too high.

So in your process to where you're going to have your equipment and parking area, what kind of -- are you looking at any parking lighting and nighttime/daytime lighting?

MR. EISENBATH: There will be some out there, but, like I say, it hasn't been designed at this point. We really haven't addressed the lighting, but we'd certainly hold to whatever recommendations you guys have.

The lighting isn't a big problem for us. We just need a few short ones around the plant to get going in the morning and, really, we're a daytime operation.

CHAIRMAN STRAIN: Okay. That helps. Thank you.

Karl, something you want to --

COMMISSIONER FRY: The most substantial noise that you generate during the day is prior to sunrise, as I understand, as you're loading the trucks; pouring the material into the cement mixers.

MR. EISENBATH: I mean, it goes on throughout the day. We load trucks throughout the day.

It is transit mixed. So when you load the trucks, you spin the drum up to load it, but then you leave with it right away, and it's actually mixing on the way. So the noise is somewhat limited per truck in that way.

COMMISSIONER FRY: But you would be generating noise and the accompanying light in order for the trucks to be safely --

MR. EISENBATH: Yeah.

COMMISSIONER FRY: -- moved in and out. That would start two hours before sunrise.

MR. EISENBATH: And it would concentrate, though, right in the center of our work areas. We don't need lighting -- big lighting all the way out on the outer edges of the property.

COMMISSIONER FRY: So around the square where the red dot is located; is that what you're referring to?

MR. DeLISI: Yeah. In that square where the red dot is at the northwest corner of that square. It's within the central part of that square, is what he's talking about.

COMMISSIONER FRY: Oh, I see.

MR. DeLISI: And, you know, just to note, we don't need to light the top of the silo. It's lighting the work space which is down lower.

CHAIRMAN STRAIN: And you need, like, a parking lot lighting system?

MR. DeLISI: Essentially.

CHAIRMAN STRAIN: Would it be safe to say -- and your nearest residential appears to be a distance away. Would it be safe to say you could limit all your lighting to no greater than 25 feet?

MR. EISENBATH: Oh, yeah. No problem with that at all.

CHAIRMAN STRAIN: Okay. Because the code already basically addresses that. That's what I

was trying to confirm.

Just so we understand your reaction to the language of compatibility that's in the code, I want to read them and see how they all fit again.

The minimum site area shall not be less than 10 acres. And you're going to need to go back to that master plan, if you could.

The total operation from top to bottom, including the industrial area, is it 10 acres?

MR. DeLISI: No.

CHAIRMAN STRAIN: Okay. What is the total? I mean, I know the ag is smaller than 10, but including the industrial it's still -- it's still like seven something.

MR. DeLISI: Yeah, seven-point something.

CHAIRMAN STRAIN: Okay. Principal access will be from a street-designated collector or higher classification. And, basically, you've got a straight shot through nonresidential neighborhoods to get down to 41?

MR. DeLISI: Yes.

CHAIRMAN STRAIN: Raw material storage, plant location, and general operations around the plant shall not be located or conducted within 100 feet of any exterior boundary. That's what I'd asked for a blowup of this plan for, because I don't think you're meeting that, or are you? I mean, it looks like your squares -- one of them's 30 feet on the south side. So what's your intention from that perspective? What is the closest you'll be to your exterior boundary with any of those items?

MR. DeLISI: We talked about that yesterday, and we can meet that as a condition. So just because the building -- the, kind of, envelope of the area shows a 30-foot setback, we can locate the processing facility and the silos such that we meet that 100-foot setback.

CHAIRMAN STRAIN: Okay. The height of the raw material storage we just talked about. That will be 50 feet, and you've limited that to a certain distance up from the industrial park.

The hours of operation, we've talked about that; two hours before sunset (sic) to sunrise. And then the minimum setback from principal road frontage shall be 150 feet for operational facilities and 75 feet for supporting administrative offices and associated parking. I'm assuming that the road that comes in there is really going to be a driveway from your property on up.

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: The earthen berm achieved -- and earthen berm achieving a vertical height of eight feet or equivalent vegetative screen with 80 percent opacity within one year after the issuance of certificate of occupation shall be constructed or created around the entire perimeter of the property. Is that what you're intending to do?

MR. DeLISI: No. What we're intending to do is -- and understand, I mean, that would be within the conditional-use area is what we're talking about. Obviously, we don't want to do it on the south side.

But the compatibility area that we were most concerned about is here on the east side. So what we were proposing is to do a berm/wall combination to extend all the way into the industrial area where that buffer would otherwise not apply and constructed all the way to our southern boundary along the eastern property line.

COMMISSIONER FRY: And all the way to the northern boundary, or only partially?

MR. DeLISI: It would go partially up, as we show here; it would go about to this line here. And the reason for that is as a noise screen. We have it labeled; I believe it's 620 feet. The noise is not -- we're not really concerned with the noise in a northern direction. So, you know, it's a really long distance till you got anything in the northern direction.

What we're concerned with is the people along Trinity Place that are to our east and to the south, and so we're buffering to the east, and we're buffering to the southeast.

COMMISSIONER FRY: And from grade level, what exactly are you offering along that border?

MR. DeLISI: Eight-foot berm/wall combination, so it would be --

COMMISSIONER FRY: So partly berm and partly wall. Together they add up to eight feet?

MR. DeLISI: That's correct. And, I mean, the berm is just a water-management berm. The main thing is having the concrete block wall.

CHAIRMAN STRAIN: Those kind of things we usually see on master plans or concept plans at least to determine compatibility, and I don't know. I can't read the printing on this one; it's too small. Did you have that on -- did you add it to the new plan?

MR. DeLISI: I did add it to the new plan. I apologize for the clarity of it. You know, and, honestly, that condition came in probably about two, three weeks ago when staff was working on their staff report. So it wasn't part of the original materials. We did add that after the NIM to address concerns with the residents.

CHAIRMAN STRAIN: Okay. The last item under the ag section for compatibility, the plant should not be located within the green line area of concern for the Florida State park system as established by the DEP. I didn't see anything in here about that. Did you guys look at that?

MR. DeLISI: We did. You know, I don't think there is a Florida park system anywhere within a thousand feet of the property.

CHAIRMAN STRAIN: Okay. I just want to make sure it was checked out. Within the -- or within the area of critical state concern as depicted on the Future Land Use Map of the GMP or within 1,000 feet of the natural -- of a natural reservation or within any county state or federal jurisdiction wetland area.

Has any of that been verified? I mean, staff, did -- staff's review, you guys checked them out consistent with this or not?

MR. MARTINEZ: Yes, we did.

CHAIRMAN STRAIN: And?

MR. MARTINEZ: We found it to be consistent with that requirement.

CHAIRMAN STRAIN: So the --

MR. MARTINEZ: Analysis yesterday afternoon as well to identify that.

CHAIRMAN STRAIN: Use your mic.

MR. MARTINEZ: Oh, I'm sorry. For the record, Gil Martinez, principal planner. Yes, we did verify this to be consistent. In fact, we found it not to be applicable.

CHAIRMAN STRAIN: So when I ask environmental staff to come up they'll confirm that they have checked out the wetland areas, either county, state, or federal, within the thousand feet of this property?

MR. MARTINEZ: (Nods head.)

CHAIRMAN STRAIN: Okay. Then we'll hear that when we get to staff's section.

And I think that takes us to the -- hours of operation, noise protection, sound wall. That seems to be all the issues I've made notes on so far.

And anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: What we'll do is we're going to go to staff report, ask questions of staff, then we'll have public speakers, then you'll have time to rebut after that.

So with that, staff report?

MR. MARTINEZ: Yes, Mr. Chair, Commissioners, good morning, Gil Martinez.

Staff recommends the Collier County Planning Commission approve Petition CC-PL2017002361 to the Board of Zoning Appeals subject to the conditions that are mentioned in the staff report and conditions that have been brought up throughout the course of this discussion.

CHAIRMAN STRAIN: Anybody have any questions of staff?

COMMISSIONER FRYER: I do.

CHAIRMAN STRAIN: Go ahead, Ned.

COMMISSIONER FRYER: I noticed that the -- and this is not a big point, but just -- it added a little bit of time to my work on this; that the project was described as being a thousand foot -- a thousand

feet west of Basic Road. Why didn't you say that it's abutting Auto Village Road? It would have been a little easier to find quickly. Just curious.

MR. MARTINEZ: It's primarily a stylistic perspective of writing. I thought it was more important to speak to the --

COMMISSIONER FRYER: Okay.

MR. MARTINEZ: -- major arterials.

COMMISSIONER FRYER: Okay. I think that's all I had.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I have a couple questions.

County Attorney's Office review. We have asked, from this board, many times, don't produce products for us that don't have that responded to. This particular one did not.

I'm telling you again, I would like to suggest this board refuse to hear anything without that paragraph filled in. The County Attorney's Office is critical for us to understand the review. And unless you can fill that space in, don't bring it forward. I think we've said that. If anybody disagrees, please say so.

And, Ms. Ashton, since you're here, can you tell me, if you did get this review done and any changes, comments, or things inconsistent with your review that we discussed this morning?

MS. ASHTON-CICKO: I did have some changes to the staff report.

CHAIRMAN STRAIN: Your mic's not working.

MS. ASHTON-CICKO: I did have some changes to the staff report to correct some of the factual information, but it doesn't impact your vote today.

CHAIRMAN STRAIN: Was that information provided to staff before the staff report was issued to the Planning Commission?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Ray, can you please make sure this doesn't happen again?

MR. BELLOWS: Yes. We'll tighten up the process to make sure. We had a little change in process, but we'll make sure it -- all --

CHAIRMAN STRAIN: And is someone from the environmental staff here?

COMMISSIONER FRYER: While the gentleman's coming up, I'll ask this question following up with our counsel.

There's no issue about site control, Heidi?

MS. ASHTON-CICKO: What do you mean about site control?

COMMISSIONER FRYER: Well, there are various names used in here, the applicant that Smyrna and then somebody else, two or three names. Not that there's anything irregular about that. I just want to make sure that we've nailed down who the appropriate applicant entity is to be.

MS. ASHTON-CICKO: The owner and applicant is Smyrna Ready Mix. So one of my changes was to clarify that it was also the applicant. But it is the correct name and owner.

COMMISSIONER FRYER: Okay.

MS. ASHTON-CICKO: That's been verified.

COMMISSIONER FRYER: Thank you.

CHAIRMAN STRAIN: Okay. Good morning.

MR. BROWN: Good afternoon.

CHAIRMAN STRAIN: Well, it's still morning. You had me going there. You're telling us we're taking too long, right?

MR. BROWN: That's my standard response when people say "good morning."

CHAIRMAN STRAIN: Oh. I have a question for you. Under the Environmental Advisory Council recommendation, which this board is sitting as today, your -- the staff report said, Environmental Advisory Council recommendation: Environmental planning staff had reviewed this petition.

Environmental Advisory Council review is required since the subject property is within 660 feet buffer zone of the eagle's nest. There is no preserve requirement.

That doesn't sound like a recommendation. Did you guys, in your review, actually come up with a recommendation that you're making to this board concerning the environmental aspects of this?

MR. BROWN: Yes, we are making a -- for the record, Craig Brown, environmental planning.

We are making a recommendation of supporting this project. Our analysis of what's proposed: There are no wetlands in and around the proposed site, and there -- as long as they move forward, they accommodate the requirements for the eagle's nest, we recommend approval.

CHAIRMAN STRAIN: Okay. Your mic's not picking all your -- yeah, that's good.

So the question I'd asked earlier about the within 1,000 feet of a natural reservation or within any county, state, or federal jurisdiction wetlands area, you don't -- you didn't find that to be applicable?

MR. BROWN: I did not find that to be applicable.

CHAIRMAN STRAIN: Okay. That's the kind of answer I needed to hear. Thank you.

And I appreciate your time. I think that's the only question I have unless anybody else has any other.

(No response.)

CHAIRMAN STRAIN: Okay. That gets us finished up with staff review. Thank you very much. And we'll move to public speakers.

Ray, do we have any registered public speakers?

MR. BELLOWS: One speaker has registered, Paul Rodinsky.

MR. RODINSKY: My name is Paul Rodinsky. I live at 11231 Trinity Place.

CHAIRMAN STRAIN: Could you spell your last name for the reporter, please.

MR. RODINSKY: R-o-d-i-n-s-k-y.

CHAIRMAN STRAIN: Thank you.

MR. RODINSKY: I wasn't crazy about an asphalt plant when I first heard about it. I talked to the people who owned it. I talked to the people that are going to be building it, and they've addressed a lot of my problems, especially with the wall, especially not being an asphalt plant.

I live approximately 938 feet from this piece of property. I have other neighbors that have property, agricultural property that butts up to this property, and it seems like everything in this county is agricultural, but when they want something, when we want to do something with our property, it always turns into residential agricultural property. So I'm glad that they're putting in the protections that we need for the noise.

And as far as this -- the two hours before sunrise comes up, is that what -- is that what was said or --

CHAIRMAN STRAIN: Yes.

MR. RODINSKY: When Krehling operated over there, I had little problems over there, because they were starting up at 4 o'clock in the morning, which was too early. They changed their time to more like 6 o'clock in the morning. No later than 6 o'clock -- no earlier than 6 o'clock in the morning. The place is like a hollow, and we pick up all the noise from that place.

And since the Basics have a storage facility over there and they put up a sound barrier over there, we have 70 percent less of noise, so the barrier was really a big concern.

My only other concern with this plant is the flooding problem in the area. The culverts along 41 haven't been cleaned out in the last 50 years. They're completely blocked. The farm -- the water can't go south. It has to go back to Henderson Creek. And they usually keep the gate closed down there so the water can't dump out.

They just opened up Manatee school for the water to come back across the highway to my side of the highway again. They put a six-lane freeway in down past my house. They put things under the road that take the water from the Manatee side of the highway to my side of the highway, and then the farm starts pumping the water. Instead of the water going south, the water doesn't go south on 41. It goes

north on 41, and then instead of going down Trinity Place, it comes up Trinity Place and fills up my property like a toilet.

And that's what's going on there right now. And that's before the plant is built. And when that plant is built, that dude pit over there where the farm pumps their water into, comes back around the Basic's property, around that junkyard and floods my whole backyard. It's like a waterfall coming in from the Basic's property. It's not the Basic's fault, and it wouldn't be the people who built the plant's fault. It's because there's no water can get out the other side of the highway on 41 because they haven't cleaned out anything on the other side of the highway in 85 years to let the water flow through Fiddler's Creek, which you know there's nothing that flows through Filler's Creek. They're not going to let any water flow through their place.

CHAIRMAN STRAIN: Well, I can tell you from personal experience, since I built that, we do accept all the flow from north of 41. In fact, the farmers -- farm dikes did not accept as much as Fiddler's Creek has opened up to the spreader swale at the south end of their property. And Mr. Schmitt, who has done a lot of work on that particular project, I'm sure, can confirm that. So that statement is wrong, I can flat out tell you.

COMMISSIONER SCHMITT: Yeah. I've done a control analysis of the -- I've done a complete analysis of the water flow for that area and a permit application, and the water does flow south. You're correct, the water flows north along 41. There is a control structure there at Henderson Creek. That is the -- actually, the headwaters of the creek that eventually does lead into the -- what was called the old Collier Canal that runs through Fiddler's Creek, and that water does and was part of an extensive review when they actually built U.S. 41 when they improved it, and the water does flow through -- south through Fiddler's Creek across the spreader swale, so that --

MR. RODINSKY: I don't ever see any -- I've gone down there -- I even had the company that built the highway down there take me all over. They're showing me holding ponds and stuff like that. But there's -- any of the outlets I have down towards my place or this particular industrial park, they haven't been cleaned out in 48 years.

CHAIRMAN STRAIN: That's a different issue.

(Simultaneous speakers speaking.)

CHAIRMAN STRAIN: Your statement about the flow-through for Fiddler's Creek to the south, I know from personal experience, is wrong. So I just wanted to make that for the record.

MR. RODINSKY: You look at the problem during this next rainy season, and come to my house. Why would water be coming up Trinity Place if it's going south?

CHAIRMAN STRAIN: I don't know, but we'll get answers from staff on the water flow from this as soon as --

MR. RODINSKY: Appreciate it. And other than that, I'm very happy with the way the plant is. And, like I said before, I'm, like, 900 feet away from this thing. I'm going to hear this thing, and I'm very happy they put a sound barrier up, and I'm happy that the planning board took protections against the neighborhood there, because we are -- you know, even though it's agricultural, we're only allowed one house on a five-acre tract of land there. And I thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Ray, do we have any other registered public speakers?

MR. BELLOWS: No other speakers.

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

(No response.)

CHAIRMAN STRAIN: Okay. With that, I'd like to ask the engineering staff, water -- yeah, stormwater in specific, if someone is here from stormwater who could answer a question.

Mike, you don't need a jacket.

COMMISSIONER DEARBORN: Mr. Chairman, he can loosen that tie as well, if he wants to.

COMMISSIONER FRYER: We've got standards here.

MR. SAWYER: We do, in fact, have standards.

Good morning, Mike Sawyer from Transportation Planning.

We do have stormwater in our department, and what I can do is take the gentleman's information and have somebody get back to him.

CHAIRMAN STRAIN: Okay. What I would like to make sure is that there's -- your department's fully confirming that the water that they would generate from their site will stay on their site and discharge where it's supposed to be and not necessarily discharge on someone else's property as our South Florida rules require.

MR. SAWYER: Definitely, sir; yes.

CHAIRMAN STRAIN: Okay. That's what I was looking for, Mike. And if you could maybe get that gentleman's name and address before he leaves and confirm with him that you've checked all that out, or your stormwater division has, that would be helpful.

MR. RODINSKY: Yes, sir, no problem.

COMMISSIONER DEARBORN: Thank you.

CHAIRMAN STRAIN: Go ahead, Ned, and then Tom.

COMMISSIONER FRYER: If it turns out that your expectations or your assessment is incorrect, what remedy would the gentleman have?

CHAIRMAN STRAIN: Couldn't get a permit. I mean, the plant couldn't get a permit if they were dispensing outside their property; is that fairly accurate?

MR. SAWYER: Correct. And we would not approve the associated SDP that's going to be required for the plant as well. I mean, it's just one of those rules that have to be followed. It's not possible to, you know, to have your stormwater flow out.

COMMISSIONER FRYER: After permitting is complete, construction is done, and the operations are ongoing and it turns out that there is a significant increase in water flowing into the gentleman's property, what recourse would he have?

MR. SAWYER: Quite honestly, I don't have an answer for that, and I would need one of our stormwater experts to address that.

CHAIRMAN STRAIN: I would imagine, I'd start with code enforcement, and they would do the research to see if there was some imperfection in the manner which the calculations were done for the stormwater management disbursement, because they're going to -- they have a big stormwater management pond to the north of the property, and I'm assuming that's going to be their primary collection point. And it looks bigger than what would be there now based on the wetland line that was shown on their survey. So I think in a head, they're going to end up retaining more water than they currently do, so that would produce less impact on the surrounding neighborhood.

MR. SAWYER: I would agree with that.

CHAIRMAN STRAIN: Okay. Tom, and then Joe.

MR. EASTMAN: Mike, given the testimony, it sounds like the water's designed to run south, but maybe it's not doing that because the drainage improvements have not been cleaned out. Could that be specifically something you would look into as part of the inquiry?

MR. SAWYER: It certainly would be, and it would probably also involve, potentially, FDOT as well, because they certainly have the right-of-way in that area for 41. So it would also be something that our stormwater people would certainly look at and, if need be, work with whoever we need to at FDOT.

CHAIRMAN STRAIN: Okay. And Joe.

COMMISSIONER SCHMITT: Okay. As far as any -- the wetlands, there was no jurisdictional determination required for this. I assume, though, that they will still have to submit for an environmental resource permit through the Water Management District, and I know Dan certainly is well aware of the requirements.

So if there's any stormwater issues or runoff, the ERP should help resolve some of that; is that

correct?

MR. SAWYER: Correct; I would agree.

COMMISSIONER SCHMITT: Yeah. And the only other point I have to make is I know the county, there's an initiative to rehydrate the Picayune Strand. That project is going through some public comment right now.

This area will probably be impacted by some of that initiative, but that's probably a little ways down the road. That's Gary McAlpin, his project, to rehydrate some of the Picayune Strand. I don't know if you're aware of that. But the water will eventually flow down into that control structure at Henderson Creek and, subsequently, some of that water will end up going into the Fiddler's Creek Canal.

So I don't know if that will alleviate some of the problems in regards to the water there, but that's a future issue. But all this will go through Environmental Resource Permit review when they submit the ERP. Is there an ERP required for this? Yes. Okay. So...

Those kind of issues will be addressed.

MR. SAWYER: Correct. At the point where they go to get approval for their SDP.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN STRAIN: Okay. That's -- anybody else? Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: If I understood Mr. Rodinsky's comments, I don't -- I'm not concerned about their water management at all, and I don't think he is. I think he's concerned that he gets flooding from everything else that's been done in the area. And for some reason, he seemed to think that it was Fiddler's Creek, which, you know -- as an aside, I used to live in Golden Gate City. The D1 Canal comes into the halfway point of Golden Gate City under Green Boulevard. The D1 Canal is supposed to flow south. On occasion, I have seen the D1 Canal flow north over the weir because they got more rain down there than they got up there.

Well, when we do studies, we don't do a heavy rain here and no rain there. That land is so flat that you could get a bad rain in one area and you could get backflow anyway.

I would like to see -- when Mr. Rodinsky talks to your department, he's going to talk to one of your people. Whatever they answer him, I would like it in writing, and I would like to see a copy. Is that possible?

MR. SAWYER: Anything is possible, sir.

COMMISSIONER CHRZANOWSKI: Good. Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay, Mike. Thank you.

MR. SAWYER: I'll pass it along. Thank you.

CHAIRMAN STRAIN: Okay. And with that, I think we wrap up our staff discussion.

Is there any rebuttal by the applicant? I've got at least one question of you, so...

MR. DeLISI: Go ahead.

CHAIRMAN STRAIN: Do you have anything you want to rebut?

MR. DeLISI: No.

CHAIRMAN STRAIN: Okay. The berm requirement you're -- and vegetation requirement, you had said -- and a wall requirement. So what is this -- you're going to have a distance going up inclusive of the industrial area that you're using plus all the way up to the midpoint, I think it is, of the equipment area. Is that how I'm understanding this sound wall, berm/wall?

MR. DeLISI: Yeah. On the plan it's dimensioned from the very south end of the property line, 620 feet north to this location right up here. Essentially, as you said, to the midpoint of the equipment parking area.

CHAIRMAN STRAIN: Now, what will that be?

MR. DeLISI: That will be a water management berm with --

CHAIRMAN STRAIN: Water management --

MR. DeLISI: So it's an 8-foot berm/wall combination.

CHAIRMAN STRAIN: Okay. So the height of the wall and the berm combined will get to eight feet.

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: And the wall will be of masonry? Concrete block?

MR. DeLISI: Block, yes.

CHAIRMAN STRAIN: Okay. And you mentioned earlier that -- in the beginning that you thought our plantings -- some of our vegetation was kind of lacking, and you had said to one response up here that you're going to improve that. What exactly are you going to do?

MR. DeLISI: So my only point with that is when you're trying -- when the main issue is noise with an asphalt plant and you're trying to create a noise barrier -- a barrier, an 80 percent opaque vegetative buffer at eight feet isn't quite going to get you there. It's not a visual screen that we're looking at.

So we're choosing the wall because it's a noise barrier. If we were to stand here today and say we're going to meet the 80 percent opaque vegetative buffer, I'd be misleading you to say that that's going to do anything to buffer the noise.

The other thing I would note about that is that's not the buffer requirement for the area that's industrial, because remember there is also industrial zoning on the east side of that property. That's a Type A buffer that's required there.

We're going to extend that berm/wall combination all the way to that southern border because we're trying to block sound going southeast.

CHAIRMAN STRAIN: Okay. When you had answered that previous question, it sounded like you thought we were asking for much less vegetation than we should and you were going to give us more. But I'm not sure why you would want to do that in the middle of nowhere, but I was going to take it if you were going to give it.

And that's all the remaining questions I have. If you have no other rebuttal, what I would like to do is read the stipulations so that you are in agreement with them and we are on the same page as getting them written.

MR. DeLISI: Yes.

CHAIRMAN STRAIN: Okay. You're going to accept the staff recommendations.

MR. DeLISI: Yes, that's correct.

CHAIRMAN STRAIN: You're going to do concrete -- cement and concrete products only, which will include your block, but you're going to do no asphalt.

MR. DeLISI: That's correct.

CHAIRMAN STRAIN: Building height will be 50 feet for the raw material storage, and that will go up to about 250 feet north of the industrial site location. You're going to refine that number, but it's approximately to the top of that red dot as to where it was located previously. It's a moving red dot, by the way.

The exterior lighting will not exceed 25 feet in height, and it will be shielded. You're going to meet the hours of operation. And I wanted to talk to you about that separately in just a second, which is in No. 4 of the list of things on Item 22 under conditional uses.

And the berm/wall combination will be at least eight feet, and it will go south from the south point of the industrial section that you're involved with up to the midpoint of the equipment and parking area, and you're going to delineate that, and it's about 620 feet north.

And your hours of operation, which is the one in four I wanted to talk about, it says, sunset -- it says two hours before sunrise to sunset. So you tell your employee -- your employees to come in by the sun? So I'm sure they have set hours. So why don't we just tell what hours you're going to be there. That might make everything a lot simpler.

COMMISSIONER CHRZANOWSKI: Could I just ask a question here?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Generally, when you have a long day, these guys start work early because the contractor wants to get his concrete poured so it will set up, then your finishers have to go on it. You know the drill.

CHAIRMAN STRAIN: Yeah, I do. I built two concrete batch plants just so you know.

COMMISSIONER CHRZANOWSKI: I know, I know. But you need to have them start almost with the sun because you don't want to start --

CHAIRMAN STRAIN: I know, Stan. All I'm saying is I don't think they tell their employees to come in -- watch the sun, when it comes up, come up two hours before and make sure you go home two hours after. So I'm just saying, what are their hours? That's all.

COMMISSIONER CHRZANOWSKI: There's a website where you can look up where sunrise is, if you really want to get that technical. But I think having them -- okay. I'm --

COMMISSIONER DEARBORN: But, Mr. Chair, could I jump in real quick to defend my friend, Stan.

CHAIRMAN STRAIN: I'm not -- I'm just saying, there might be a simple answer. The gentleman's ready to give it, and we don't have to -- we're getting like other boards in the county right now.

Go ahead, Patrick.

COMMISSIONER DEARBORN: Don't ever lump us in with the other groups.

I think both you guys are trying to say the same thing. I mean, it's just common sense will prevail. It's about productivity. So in the wintertime when it doesn't get light out till 7:10 or now where it's light out at 5:55, I think your hours are pretty much going to be relatively ballpark the same.

So I think what Mark's asking is, fine tune that so whether it doesn't get light till 8 a.m. or 6 a.m., you guys are still able to be productive and pump that concrete, say, starting at 6 a.m. or whatever time you're going to lock in as opposed to where the crows fly and what time the sun rises.

MR. EISENBATH: Right. We do not have a problem with setting a time, say, 6 a.m., but in saying that, we do need to get people on the property because there's people out on a job site waiting for us when the sun's coming up. So we have to be proactive in addressing that with our customers. And, of course, it dictates as to this whole area, there are limitations on when those guys can start in the morning. So it kind of rolls down from that.

So if there's a 7 a.m. curfew, you know, to start work in Naples, then --

COMMISSIONER DEARBORN: Most places.

MR. EISENBATH: -- 6 o'clock, hey, if we can get out of there an hour early, we're great. So that's how it varies for us. And it does -- we'll stagger people in different times, you know, 15 minutes apart or whatever just to accommodate getting the trucks out to the job sites.

CHAIRMAN STRAIN: Well, what I was worried about are the extremes. Right now at sunset -- and June 21st, I think, is the peak sunset period of time, so...

COMMISSIONER FRY: 8:22.

CHAIRMAN STRAIN: 8:22. So you could actually operate this plant till almost 10:30 at night. Is that what your intention is?

MR. EISENBATH: No, it's not.

CHAIRMAN STRAIN: Okay. Why don't we just say, under extremes, what's the earliest you would need open -- start the plant and what's the latest you would go? Just so we have some range. I don't want someone coming back saying, well, you guys, why didn't you think -- they're operating 10 o'clock at night. Why'd you let them do that? Well, because the code says they can. Well, no. We can question that.

So can you just give us a range that works for you?

MR. EISENBATH: Say, six to eight, and normally that 8 o'clock hour would not be actually producing that much noise. It's more people --

CHAIRMAN STRAIN: Your wind-down.

MR. EISENBATH: -- generally doing maintenance and things at the plant.

COMMISSIONER FRYER: And those are hours of operation, not necessarily the --

CHAIRMAN STRAIN: People showing up.

MR. EISENBATH: Yeah.

CHAIRMAN STRAIN: So hours of operation, not before 6 a.m. and not after 8 p.m.; does that work for you?

MR. EISENBATH: Yes.

CHAIRMAN STRAIN: Okay. That's all we're trying to get to.

MR. EISENBATH: Thank you.

CHAIRMAN STRAIN: We got there. Thank you.

Anybody have anything else?

COMMISSIONER FRYER: Did you mention setbacks in your -- in the conditions?

CHAIRMAN STRAIN: I mentioned the -- well, they're going to meet the setback of 100 feet. No, I haven't got that far yet. So the setback for -- which is 4. Number 4 is, I said you're going to meet the conditions of No. 4, which is the raw material storage facility, and that's limited to 240 feet, approximately, north of the industrial, and it will be not located or conducted within 100 feet of any exterior boundary. You're okay with that?

MR. DeLISI: Yes.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing, and we'll entertain a motion. Does anybody have a motion?

COMMISSIONER FRYER: Could I make a joint motion on behalf of the Planning Commission and the EAC?

CHAIRMAN STRAIN: That's up to Heidi.

MS. ASHTON-CICKO: Sure.

COMMISSIONER FRYER: I'll make that motion jointly with the stipulations that have been discussed just now.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded. Any further discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you all for your time today. We appreciate it. And as far as consent goes, we didn't vote to have a consent. If the Board so wishes -- since they're going to have to change the details we've asked on the master plan, I don't mind reviewing it on this board's behalf before it goes to the BCC. Is that okay?

COMMISSIONER FRYER: I'll make that motion if you want it in the form of a motion.

CHAIRMAN STRAIN: I don't need a motion, just consent. Yeah. You guys okay with that?

COMMISSIONER FRY: Sounds good.

COMMISSIONER SCHMITT: Agreed.

CHAIRMAN STRAIN: Okay. With that, we're good. Thank you very much.

***And let's move on to the next item today. Next item, 9A2, PL2018002619, the Naples Heritage Golf and Country Club Planned Unit Development.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're going to speak, just please stand up and be sworn in.

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

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

MR. EASTMAN: None.

CHAIRMAN STRAIN: Stan.

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Karl.

COMMISSIONER FRYER: Only materials from staff. Oh, I'm sorry, Karl.

COMMISSIONER FRY: None.

CHAIRMAN STRAIN: Ned?

COMMISSIONER FRYER: I already spoke. It was an extra cup of coffee.

CHAIRMAN STRAIN: Yeah, I'm doing the same thing. And I had spoke with staff. I also talked with Gina and heard her frustrations, and I also talked to a gentleman from the country club this morning and equally heard his.

So with that, we'll go to Karen.

COMMISSIONER HOMIAK: None.

CHAIRMAN STRAIN: Joe.

COMMISSIONER SCHMITT: None.

CHAIRMAN STRAIN: Patrick.

COMMISSIONER DEARBORN: Just emails and correspondence with staff.

CHAIRMAN STRAIN: Okay. With that, Gina, it's all yours.

MS. GREEN: Good morning. Gina Green, engineer, for the record, representing Naples Heritage.

This PUD Amendment is to convert 2.9 acres of existing conservation easement to recreation area.

This petition is being asked for due to safety concerns at their club. They are an older club. They have a demographic change as far as the use of their main clubhouse facility over the years, and they now are having congestion problems during season for parking for the tennis center, swimming, golf, you know, which when -- this predominantly was golf when it was originally built back in the late '90s.

They do have letters from the Fire Department citing them for the parking violations, people parking in the aiseways at the end of islands, creating congestion for first responders if they do need to come into the site. They also have letters from their insurance company in regards to the safety issues in their parking lot, so they're trying to remedy this situation.

And the only way they can do that was to remove one of their amenities from the site to create more parking area on the main clubhouse site. And so this 2.9-acre area, which is adjacent to their existing driving range, is a great location to place their tennis facility and relocate that amenity off their main clubhouse site.

The PUD already has excessive, above Collier County standards for their native preservation standards of about 50 acres, so this 2.9 acres does not violate any Collier County codes for this.

We have already been reviewed by South Florida Water Management District and Army Corps, and they have accepted our wetland impacts that this creates. They are ready to issue a permit.

We are actually going to the June 13th governing board with South Florida for the release of this

conservation easement, which is also in favor of South Florida, and Army Corps will be -- once that ERP is approved and that release is issued, Army Corps will be issuing their permit for the impacts.

We also have been providing -- through that ERP and Army Corps process, we are providing 5.21 acres of adjacent property which was -- if everybody remembers back a couple years ago, was where we wanted to put the tennis site, but we had opposition and got turned down by the Board.

So we've gone through the whole process with Army Corps. It's taken about 18 months to be allowed to impact this 2.9 acres.

So we are providing that 5.21 acres for mitigation, and we also are buying off-site credit at the mitigation banks to offset these impacts.

We do have residents here that are willing to speak in support of the project, and Ken Gaynor, the president of the Board, would also like to give you-all a few comments also, and we'll be all here to answer any questions.

CHAIRMAN STRAIN: Okay. Before we -- go ahead.

COMMISSIONER FRYER: Could you give a little more detail about the 5.2 acres and the deal with the Army Corps?

MS. GREEN: Yes. And, actually, I'll put up a map that delineates where all this is.

CHAIRMAN STRAIN: Where is that red dot there? It's been great to help in other ones.

COMMISSIONER FRYER: We're going to put a silo there.

CHAIRMAN STRAIN: No, no. So that red dot, Ray? What's that red dot? Did Troy put that there as a trick?

MR. BELLOWS: The last applicant.

CHAIRMAN STRAIN: He put a red dot on everybody's. Here's Troy. The mystery red dot. Thank you, Mike.

MS. GREEN: Okay. This right here is a map that was prepared by the environmentalist. That shows the conservation areas across this whole area. And it's a great map because it does show the continuity of all the conservation areas.

And if you look, the red area is our 2.98-acre area that we're going to impact. And if you look at the blue square that's kind of mid central, that's the 5.21-acre parcel that Naples Heritage has owned since the middle 2000s, and that is the area that's going to be turned into mitigation and made into a conservation easement in favor of South Florida Water Management District as part of the mitigation for the 2.9-acre impact.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: I'm clear. And I will have more questions after you're finished.

MS. GREEN: I'm finished, so --

COMMISSIONER FRYER: Okay.

MS. GREEN: -- I would like Ken Gaynor to come up. He has a few comments he'd like to add in.

MR. GAYNOR: Thank you, and it's still morning.

CHAIRMAN STRAIN: Yes, sir. Only except -- unless you're in the environmental world. I think we -- Craig --

MR. GAYNOR: My name is Ken Gaynor, and I'm the unpaid president of Naples Heritage.

Two years ago this commission unanimously approved a similar proposal but in a different location. It was rejected by the County Commissioners because there were objections from a handful of our residents.

Our dangerous parking problems have been well documented. Prior to the required vote to expand our campus, we conducted three town hall meetings with over 600 residents in attendance. We had lots of questions but no objections. The vote was taken, and 85 percent of the people voted in favor of our campus expansion project.

As was required, we conducted a neighborhood information meeting again. No objections.

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As a 20-year-plus community, our need to improve is critical to all of our residents and, in particular, to protect our property values and the safety of our residents due to this parking problem that we have; therefore, as the staff has recommended, we respectfully seek your approval for our application. Thank you.

CHAIRMAN STRAIN: Thank you. And Joe, and then Ned.

COMMISSIONER SCHMITT: Yeah. Just refresh my memory. Two years ago when -- it was almost two years ago, I believe, when --

MR. GAYNOR: It was two years ago February, I believe.

COMMISSIONER SCHMITT: -- this came before the board, and essentially it's the same two pieces of property, is it not, that --

MR. GAYNOR: Well, this --

COMMISSIONER SCHMITT: And then it was approved, but the Board turned it down? Because of what? Because of the easement that needed to be --

MR. GAYNOR: The tennis -- the objections were from six residents that the tennis courts were too close to their homes.

COMMISSIONER SCHMITT: Oh, down at the end of that street.

MR. GAYNOR: That's the five acres.

COMMISSIONER SCHMITT: There was going to be parking problems along that street. Yeah, okay.

MR. GAYNOR: They complained. We tried to reconcile their issues, but we failed to do so, and the County Commissioners voted 3-2 against us because of their objections.

COMMISSIONER SCHMITT: And now all of that has been resolved?

MR. GAYNOR: Well, what we're doing is we're moving the tennis courts --

COMMISSIONER SCHMITT: Tennis courts to the --

MR. GAYNOR: -- to a new location.

THE COURT REPORTER: I can only get one at a time, please.

COMMISSIONER SCHMITT: Go ahead.

So the tennis courts are not going to go -- originally they were at the blue dot on here, the blue parcel. Now that will become preserve, and what was preserve, because it had a conservation easement -- that was the reason a couple years ago why you couldn't put the tennis court there originally; is that correct?

MR. GAYNOR: That's absolutely correct. We didn't think we'd get the approval from the Army Corp, but now we have a tentative approval because of everything else we've done.

COMMISSIONER SCHMITT: So this solves all the residents' problems; no traffic down at the end of the street; you'll be able to enlarge the parking lot as needed and then still have -- construct new tennis courts.

MR. GAYNOR: That's correct. We're adding at the -- by the removal of the tennis courts and building of new fitness center, which we need. We're going to add 69 parking spaces by the clubhouse, another 20 parking spaces by the tennis courts. So that should definitely alleviate this dangerous problem that we have.

COMMISSIONER SCHMITT: But the real issue here is this is a companion item to a vacation of easement that will go to the Board of County Commissioners then.

MR. GAYNOR: Correct.

COMMISSIONER SCHMITT: All right, okay.

CHAIRMAN STRAIN: Ned.

COMMISSIONER FRYER: First of all, with respect to the easement vacation, what consideration is the county getting in return for that since the 5.2 acres is going to another entity?

MS. GREEN: Based upon the review, because we're already in excess of our native preservation for Collier County on the site already, we have about 243 acres of preserve -- we're only required to have

195. Because we're above the required, we still meet and exceed the county code. So the 2.9 acres does not diminish the requirements of the code. We're not going below the required. So we're not giving anything back to the county per se, because we already meet or exceed their criteria.

COMMISSIONER FRYER: How does the County Attorney feel about that?

CHAIRMAN STRAIN: Does the county -- we don't own this.

MS. ASHTON-CICKO: The vacation is a separate petition that goes to the Board of County Commissioners, and we do have a resolution of its criteria that the Board does consider at the time that they hear it.

COMMISSIONER FRYER: Okay. So it doesn't come through us?

MS. ASHTON-CICKO: No, it does not.

MS. GREEN: Can I make one more statement?

COMMISSIONER FRYER: Please.

MS. GREEN: Well, I was just going to say, we were actually asking for a vacation of another portion of this property that's a public right-of-way at the point that the county is no longer -- was no longer going to use two years ago in order to compensate even for the 5.21-acre parcel when we were going to put the tennis center there.

But since then, the Stormwater Department and with the LASIP project that's to the south boundary of this, they wanted to keep a portion of that right-of-way, so we took that out of the mix to leave it for the county's consideration so that they could do any kind of future stormwater improvements in this area as a regional benefit.

COMMISSIONER FRYER: I won't comment further on the vacation issue if that's not properly before us, but I will say this; that the material that was submitted is presenting a safety issue of some kind as a justification for doing this, and the safety issue really, seems to me, arises as a result of your members parking illegally.

MR. GAYNOR: If I might comment on it.

COMMISSIONER FRYER: Please.

MR. GAYNOR: It is -- what has happened over the past 22 years since Naples Heritage was built, our demographics have definitely changed. Fitness has become more popular. Tennis has gone from 10 members to 200 members on our racket association, including pickleball.

We just have so much more traffic, and we were under -- parking was at a very minimum when we originally started.

We've encouraged carpooling. We have some outside events. And when we had, for instance, our town hall meetings, we even shuttled people back and forth, and we still had a parking problem. We were just undersized for parking initially, and it just gets worse and worse as our demographics change.

COMMISSIONER FRYER: And you make a strong -- that's a strong business case for doing it. I'm surprised you only got 85 percent approval, because your business case is very strong.

And I understand that golfing is being reduced in popularity and tennis and fitn -- all of that I get. But the part that I just am commenting upon is these references to safety issues as if these are caused by the county when, in fact, I think they result from the changing demographics and your individual members parking in a way that would block emergency response vehicles.

CHAIRMAN STRAIN: But I'm just wondering -- and, Ned, I'm just kind of curious. What difference does it make? I mean, we don't own the underlying property. It offers no value to the citizens of Collier County. The only possible value it might be, for the people of that community, and if they, by majority, want to see an expansion of the recreation facility and still put up an equal amount in a better location that will at least appease some people who previously were concerned.

I mean, is there an issue that I'm missing? I didn't read it the way you did, and I'm trying to understand where you're coming from.

COMMISSIONER FRYER: I'll primarily responding to a lot of verbiage that is included in the materials having to do with safety issues. And these are -- these are safety issues that arise as a result of

people parking, perhaps, where they shouldn't park. So that's why I made that comment.

But the other thing that I remain concerned about is -- well, put this in the form of a question. The preserve area that is being carved away at -- and I understand that it already exceeds the minimum, but that's an easement in favor of the county, correct?

MS. GREEN: Yes.

COMMISSIONER FRYER: Okay. And so is that preservation area -- is that publicly accessible?

MS. GREEN: It's only publicly accessible to the people within Naples Heritage. It's a private community.

COMMISSIONER FRYER: Okay. That answers my question. I don't have any --

MR. GAYNOR: If I may have just one comment about -- on the 85 percent. If you know what happens by bylaws, you have to have a vote. And the 85 percent was, quite frankly, a mandate by our community. We're asking people to assess -- have an assessment of \$5,600. And, you know, some of the reasons were not objections to what we're doing; objections to the fact that they'd have to pay for it, quite frankly.

COMMISSIONER FRYER: I get it. And just so -- the Chairman probably already understands, but where I was coming from, if the preservation area was publicly accessible, then I would be concerned, and I would be more concerned about the vacation, but now I understand it's not. So it's not taking away any public access.

MR. GAYNOR: Correct.

CHAIRMAN STRAIN: Tom, then Karl.

MR. EASTMAN: The blue piece, which will now be in preservation -- and if I read the north directional arrow correctly, to the south and to the west, is that conservation that you'll be in connection with as well?

MS. GREEN: Yes. It will be contiguous to existing conversation areas on Naples Heritage.

MR. EASTMAN: That's wonderful. And 85 percent in this context is a huge approval.

CHAIRMAN STRAIN: Actually, though, you were asking to the south, to the west. If you look at the north aerial, south and west is off the Naples Heritage property, I believe. And I thought that was just -- those are areas that could potentially be developed in the future.

MS. GREEN: Right. Well, the 5.21-acre parcel is zoned agricultural. So if somebody -- if Naples Heritage didn't own it and wanted to sell it, somebody else could come in and do -- and actually build on that rather than --

CHAIRMAN STRAIN: But -- so the preservation, Tom, to answer your question, on the south and on the west, based on the north arrow that is not directional in a way that project is, is not preserve.

MR. EASTMAN: Okay. Okay. So it's contiguous to off-site preserve.

MR. GAYNOR: No.

CHAIRMAN STRAIN: Correct. That's what I think the question was, and that wasn't the one that was answered, so...

MR. EASTMAN: Thank you.

CHAIRMAN STRAIN: Karl.

COMMISSIONER FRY: Having been -- I also know Ned, as well, highly unpaid leader of a community, highly unpaid, 500 homeowners, if we could get 70 percent response in favor of any idea, I was able to sleep at night; 85 I would have felt like it was close to 100 percent approval. You have members that are willing to pay an assessment.

MR. GAYNOR: That's correct.

COMMISSIONER FRY: You're giving up five acres that could have been built on.

MR. GAYNOR: Correct.

COMMISSIONER FRY: In the packet it says you're paying \$121,000 for off-site mitigation credits, I guess.

MR. GAYNOR: Panther Island.

COMMISSIONER FRY: Panther Island. I guess I had a couple just ancillary questions. To me it sounds like you've done all you can to get approval.

MR. GAYNOR: We've been working hard.

COMMISSIONER FRY: You've established that, in my mind at least.

You're adjacent to a driving range. And I just wonder, do you have any concerns, does anybody have concerns about errant golf balls invading the tennis area?

MR. GAYNOR: No, no.

COMMISSIONER FRY: How much is pickleball a part of your new facility?

MR. GAYNOR: It's become huge. As a matter of fact, we started, and 22 years ago we had 10 members of what we call the tennis association. Three years ago we had to change it to the racquet association because we have a pickleball center right now, and we have four courts. And there are actually more pickleball players than tennis players right now.

COMMISSIONER FRY: That seems to be the trend --

MR. GAYNOR: It is.

COMMISSIONER FRY: -- these days. That's all I have. Thank you.

CHAIRMAN STRAIN: Anybody else? Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. With that, thank you very much. We'll move to staff report.

MR. GAYNOR: Thank you. Thank you all.

CHAIRMAN STRAIN: Thank you.

MR. MARTINEZ: Gil Martinez, for the record.

Staff recommends the Collier County Planning Commission forward Petition PL2018...2619 to the Board of County Commissioners with a recommendation of approval.

CHAIRMAN STRAIN: Okay. Anybody have questions of staff?

(No response.)

CHAIRMAN STRAIN: Hearing none, are there any members of the public registered to speak, Ray, or Gil?

MR. MARTINEZ: Yes. Ms. Georgiann Schulte.

CHAIRMAN STRAIN: Waives.

MS. SCHULTE: I waive.

MR. MARTINEZ: Mr. Gary Lukens.

MR. LUKENS: Waive.

CHAIRMAN STRAIN: Waives.

MR. MARTINEZ: And R.M. Rogan.

MR. ROGAN: Waive.

CHAIRMAN STRAIN: Waives.

Okay. Is there any member of the public who was not registered that would like to speak?

(No response.)

CHAIRMAN STRAIN: Hearing none, there's probably no need for rebuttal by the applicant. It's going in the right direction. So we'll close the public hearing and entertain a motion.

Anybody?

COMMISSIONER HOMIAK: Make a motion to approve.

COMMISSIONER FRYER: Second.

CHAIRMAN STRAIN: Motion made and seconded. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you for the second time around. We appreciate it.

(Applause.)

MR. GAYNOR: Thank you very much. I'll sleep better tonight.

CHAIRMAN STRAIN: We'll take a 10-minute break until 10:55; actually, it will be 11 minutes.

So we'll take an 11-minute break and come back at 10:55.

(A brief recess was had, and Commissioner Chrzanowski has left the boardroom for the remainder of the meeting.)

MR. BOSI: Sorry to interrupt. You have a live mic.

CHAIRMAN STRAIN: Okay, everybody. Welcome back.

***The next item up is PL20180000261/CPSP-18-2. It's the Golden Gate Area Master Plan restudy adoption hearing.

And I believe this -- Heidi, this is still legislative, but do we need disclosures and swearing in?

MS. ASHTON-CICKO: Yes, it is legislative, and there's no disclosures required or swearing in.

CHAIRMAN STRAIN: Okay. Because it was adoption, I didn't know if that changed.

Kris, I don't know what you plan to present, but I might as well start out so the rest of the Planning Commission knows at least where my concerns are. You sent a document out that has changed radically from the last time it came here, and that's the Board's right to do what they want, and that's fine, but I would have liked to have seen that document presented in a manner to us that had a strikethrough and underline of the changes that were made in the verbiage.

And after I brought this up to David Weeks yesterday, I know he must have told you, and I think I told you in writing, too, that I was concerned about a couple of things. You followed up last night with some paper that we're supposed to read on one hand and then match up to the changes on the other. That isn't what staff normally provides to this board. We normally get a strikethrough and underline.

The other fact is that all of the paragraphs in the former master plan, apparently, all of them, were cut and pasted to the three new sections to where someone thought they were relevant. But I don't know if those pastes were changed as well because everything is underlined and everything is one color.

I'm not used to that after the 18 years on this board. We've never -- that's not the way things have been done. And for my perspective, I'm not going to go back and take those two pages you sent and match them all up to the paragraphs as I read three different sections now and match them up three different times.

We shouldn't be doing that. It should make it a little bit easier for us. And if it's easier for us, it will be easier for the Board of County Commissioners.

So with that said, I'm really not thinking we're going to get too far today. But I kind of wanted to tell you and have this Planning Commission hear my comments so we can all know by -- I need to know by 11:30 if we're going to go on today or not; not for my benefit but for some others in the room as far as scheduling goes.

So from that perspective, why don't -- I'll just open it up for discussion to the Planning Commissioners first, and then we can get staff's reaction. The rest of you, are you prepared to go through this thing today based on how you received it, or is it -- I need your comments.

And, Karl, you're from the Estates. You've got a section of this. You're actually going to be in the new section that was going to be Urban Estates. So I don't know how you followed it along. Were

you satisfied or --

COMMISSIONER FRY: Well, I had the same challenges in having strikethroughs and then -- and, personally, because I was not here the first time this was reviewed and, as I understand, this is some changes, not huge changes to something you've reviewed previously.

So I'm just trying to catch up and try to pick the relevant sections out where I do have some comments. Certainly, from the Oakes Estates area, it's mentioned in there more or less in passing in a minor reference a few times. But I'm willing to do whatever is the pleasure of the Board today.

CHAIRMAN STRAIN: Okay. Anybody else? Joe.

COMMISSIONER SCHMITT: Well, I did not look at -- I know they got an email yesterday early. I did not look at any of that material because I already spent time reviewing what was in our packet.

So I guess the -- if you just want to give me an idea of what the new documents are versus what we got in our packet, I guess I could get a clear understanding, then, of which document you want us to review.

MR. VAN LENGEN: Sure.

CHAIRMAN STRAIN: And last question, though; is this going to get before the Board before they go on vacation?

MR. VAN LENGEN: It is not.

CHAIRMAN STRAIN: So no matter what we do today, it's not going to get before the Board until sometime in September or October.

MR. VAN LENGEN: Correct.

COMMISSIONER FRYER: I have a suggestion, then, Mr. Chair.

CHAIRMAN STRAIN: You need to bring the mic closer, too.

COMMISSIONER FRYER: In keeping with the needs of others to leave a little early, why don't we spend our time -- because I've got a lot of questions and a lot of issues, but if I -- if I am able to raise them and pose them without waiting for lengthy answers, I can get through that in maybe 20 minutes, and perhaps that's the way we do it so that staff, then, has the advantage of knowing what our issues are so when it comes back for further consideration those issues can be addressed.

CHAIRMAN STRAIN: Works for me. I mean, I'm fine with that. But with that having been said, Kris, why don't we go your direction and see what you're thinking.

MR. VAN LENGEN: Well, I think we're at your disposal. I'm glad this is --

CHAIRMAN STRAIN: Disposal? I don't want to go that far.

MR. VAN LENGEN: We definitely are.

And good early afternoon, good late morning, Kris Van Lengen, project manager for the restudies. We're talking here about the adoption phase of the Golden Gate Area Master Plan. Would it be helpful to you for me to just go over the history very briefly? I believe there are two members who were not here for the original transmittal, and I'm just going to do this very, very briefly, and then it would be helpful to hear the questions that you all have.

I don't know when you wanted me to address the document issue. I know that Joe just asked about that. I think, you know, as staff, at least -- and perhaps I live in my own bubble, but as staff we worry about giving you enough information and we worry about giving you too much information, because sometimes too much can be somewhat destructive.

So the document, Commissioner Schmitt, is what I would consider an interim document; in other words, it's a document that was provided that was massaged through staff and with the help of the County's Attorney's Office to implement the recommendations or the direction, I should say, from the Board of County Commissioners when they went through at the transmittal hearing.

Those are the documents that were sent at 5 p.m. yesterday following Chairman Strain's request or concern that what I sent him earlier in the day was not sufficient.

We're happy if you -- if everyone feels that they need to review that interim document in order to

find that we have done our job in completing every directive from the Board of County Commissioners, that would be fine.

My thought, when I put together the staff report, was that the changes directed by the Board were pretty simple. There was an issue about neighborhood churches which needs some discussion. There was an issue about the major intersections, which were simply removed, so that's a simple removal in the document, and that's the -- I mean, we can talk about that, but those were conditional uses at major intersections. They were added in; Board wanted them taken out.

So that leaves us to the major change which was the pulling apart, if you will, of the Golden Gate Area Master Plan into three -- really, four parts. One is the plan itself, and, essentially, three sub-elements: Golden Gate City, Urban Golden Gate Estates, and Rural Golden Gate Estates. And that's what we intended to do, and we did it in a way that we thought was ministerial in nature.

In other words, we used no discretion in doing it. We worked as a team. We worked with the County Attorney's Office. And we simply divided that material only on the basis that certain provisions or policies or land-use designation descriptions applied only to one area or only to another.

If they didn't -- if they weren't specific in that geographic sense, they went in both urban and rural estates areas. And, by the way, Golden Gate City was already separated by that time.

So that was my thinking, but however you want to proceed, Mr. Chairman, I'm happy to do so.

CHAIRMAN STRAIN: Well, if we can simplify it, I'm fine. But someone made the decision to take certain parts of the overall Golden Gate Master Plan and break those up into three different sections. I don't know how those decisions were made, and I can't tell easily what part was moved where, because everything's underlined.

I would -- I had hoped that maybe we would have gotten a master plan and then for -- let's say for the Urban Estates and Rural Estates, those sections that apply to one or the other were separately crossed out, and maybe we would have had to repeat the document, but at least we could see through the cross-throughs what your team was thinking was needed for each section or wasn't.

Then we could dwell on that and say, well, we agree with that, or maybe this one should be there, too, for whatever reason. Now that can be done, but we're going to have to open up multiple documents and start comparing them side by side multiple times. That's more than a seven-day or a six-day exercise, at least when we had two other cases today, and we just got this last week.

So I think your two pages will be helpful, but that wasn't my only concern of omissions, strikethroughs, or changes. If somebody in cutting and pasting made some changes that maybe they did inadvertently or maybe they thought it was a clarification from their perspective -- but we don't know it. I would -- I mean, I can't not go back and read the same paragraph in three different documents to make sure it fits in each one as it should. That's what I thought you guys were going to do, and a succinct resolution of that would be, when we read that paragraph three times and we put it in these three documents, it didn't need any changes and, therefore, there was no strikethrough on it or underline, but they're all underlined, so I don't know that.

And I had also seen many of those paragraphs contain a reference to two years. Was it two years starting now because it's new language, because it's underlined, or is that old language from 2001, and are we way past the two years, and if we are, why are we leaving the two years in? So those are the kind of pieces I was more concerned about than the paper you sent last night.

I was fully aware and I fully have no problem with what the Commission is recommending for the changes. That's not an issue. And I was aware of how those changes came about. I was more concerned about the -- either the inadvertent or maybe in -- purposely possible cleanup changes that happened by the cutting and pasting. And if they didn't happen, then why are we still dragging over things that say two years when the two years would have started in 2001?

So we probably need to go back, if we're going to change that much, and start cleaning up that stuff as well. It's a helpful suggestion, not a hindrance. It just needs to have a little more detailing done on it. That's where I was coming from.

MR. VAN LENGEN: Sure. And just for your information, all of the two-year provisions are new, so none of those are left over from the 2003/2004 period.

CHAIRMAN STRAIN: So that is new language?

MR. VAN LENGEN: That's all new language.

CHAIRMAN STRAIN: Well, that's exactly the issue that I've got.

MS. JENKINS: It's included in transmittal. They've seen that before.

MR. VAN LENGEN: As Anita's pointing out, it was included in your transmittal packet as well.

CHAIRMAN STRAIN: But it's new language -- the whole paragraph is new or just the two years?

MR. VAN LENGEN: The policies that reflect an initiation of a consideration within two years of adoption are all new policies.

CHAIRMAN STRAIN: Okay. Well, if that's the case, it's fine but, again, everything appeared new in what you sent us. It was all the paragraphs were underlined.

MR. VAN LENGEN: And I think -- and just to make a potential point of confusion here. You received two sets of documents yesterday. I suspect that you might not have gotten the second set, because once I understood that you weren't satisfied with the line-by-line identification of how we pulled apart the urban and rural sections, I did send that working document that we used that includes --

CHAIRMAN STRAIN: I haven't got that.

MR. VAN LENGEN: -- for each -- okay. It should be in your in-box as of 5 p.m. yesterday. If it's not --

CHAIRMAN STRAIN: Okay. I wouldn't have seen it then. I couldn't get any -- I was on the road to different meetings at 6:30 this morning, so I just didn't get it.

MR. VAN LENGEN: Hopefully it's not in your junk mail. But I understand it's very late in the day to do that and to take a look at it. If that's easier for everyone, that's fine. It would have been my judgment call, and I apologize that that makes it more difficult for everyone.

CHAIRMAN STRAIN: I just want to make sure we understand what we're signing off on because I do think the Board relies on our review, and I want to be careful with it. And not only that, I happen to live in this particular area, so it does get a little additional concern from my perspective on how I make sure I understand it all.

So I think Ned's idea -- if you're willing to, I think Ned's idea was good; we just put our questions on the table right now, not a lot of feedback back and forth unless it's something you flat out know you can't do. Ask to have that considered, and then anything you can give us well in advance of the second meeting in July, we schedule this to be finished up in the second meeting in July.

Would that -- I mean, I don't think you have a schedule you're pressed on in this one, are you? Since you're not going to the Board until the fall.

MR. BOSI: Mike Bosi, Planning and Zoning director. It would be satisfactory. It's the only other meeting we have other than today's meeting, so...

CHAIRMAN STRAIN: Okay. If that's okay with you, that would work better for all that new information that was sent out in response. And I think there's a general -- a couple general other things, and I'll just say those, because then I'll let Ned go next.

I found where you provided a separate map for the city of Golden Gate. Did you -- I can't -- maybe it's somewhere in the 682 pages, but I didn't find in the -- when you started out each subsection, I would have expected to see the map of that subsection. So when someone's reading that subsection, they say, oh, yeah, there is the rural estates. So if you're on the east side of Collier Boulevard you know it.

Did you have a map that separates on -- I would suggest the very first map that you start with before you subdivide it out, it shows the subdivisions in bold lettering and lines on the maps. See, this is where the line is for eastern urban, and this little box is the city.

And then when you start each subsection up, you pull that section up so people know right away

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that's the only area it applies. That is one clarification that I think for the public's purpose is, to really understand how this applies; they can see it more readily. And that would be something I had planned on asking anyway, so I just thought I'd put that on the table now.

MS. ASHTON-CICKO: Excuse me.

CHAIRMAN STRAIN: What I'd like to do is at about 11:30, we'll see where we're at. And there is one individual that needs to leave, if we can, by noon.

Yes, Heidi.

MS. ASHTON-CICKO: I just wanted to point out that if you continue it to the second meeting in July, it's beyond the five-week time period.

CHAIRMAN STRAIN: Well, I know, but we've done that before.

MS. ASHTON-CICKO: So it would have to be readvertised.

CHAIRMAN STRAIN: We've done that before for other, and it hasn't been an issue. I thought the resolution was it can be continued indefinitely, I mean, for longer period of --

MS. ASHTON-CICKO: It has to be readvertised.

CHAIRMAN STRAIN: No. Okay. Well, I mean, I don't know -- I'm not prepared. Well, whatever the Board wants to do, I'll go along with the rest of the board members. I'm just not -- myself, I'm not prepared to finish this today, so -- had never been.

MS. ASHTON-CICKO: Well, you could continue it to the second meeting in June, see if there's any discussion, and if you need further information, then continue it to --

CHAIRMAN STRAIN: We don't have a second meeting in June, and we don't have a first meeting in July. That's the problem. We're not meeting again till the second meeting in July.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: So is that still the case then; we'd have to readvertise?

MS. ASHTON-CICKO: Well, I'll have to work with Anita and Chris, so we'll take care of it.

CHAIRMAN STRAIN: And, Ned.

COMMISSIONER FRYER: And I'll just run through these.

MR. VAN LENGEN: Sir, I apologize for interrupting you. I'm just thinking in terms of the rollout today, because of the confusion that we have, would it be helpful for me -- because we had two members that were not at the transmittal hearings -- just to go through a really brief history of how we got from there to here, or would you like to go first? I don't mean to interrupt you.

COMMISSIONER FRYER: I don't need that briefing. If others do, that's --

CHAIRMAN STRAIN: Who are the two new members? It would be Karl and who else is new here today?

MR. VAN LENGEN: I believe Joe was not at that -- you weren't at the transmittal hearing.

COMMISSIONER DEARBORN: I was there.

MR. VAN LENGEN: You were. Okay. My apologies.

CHAIRMAN STRAIN: Karl, are you --

COMMISSIONER FRY: In the interest of time, Kris, I can catch up with you afterward. As I understand, it went through transmittal, and now you broke it into separate sections for different areas.

MR. VAN LENGEN: That's right.

COMMISSIONER FRY: So I intend to move forward and --

COMMISSIONER FRYER: I think the history is well documented in the material.

MR. VAN LENGEN: All right. Thank you.

COMMISSIONER FRYER: Multiple times, in fact.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: All right. The first thing -- and I'm going to refer to pages of my 942-page material. The Chairman mentioned 600 and something, so I hope we're not going to get into that trick bag.

CHAIRMAN STRAIN: Well, you got more than I do now.

COMMISSIONER FRY: But only the last 600-and-some pages were for this item.

CHAIRMAN STRAIN: The last six hundred --

COMMISSIONER FRYER: That's true.

CHAIRMAN STRAIN: -- 682 pages for this item.

COMMISSIONER FRYER: Good, okay. But my -- all right. Well, that will work then.

Okay. On Page 261, which it would be Page 1 if I had received this separately, but I received it as part of the three matters, it is the beginning page of the Growth Management Plan amendments.

And my question has to do with the stretch of road Golden Gate Parkway between Livingston and Santa Barbara. When we were at transmittal, there were a number of residents here who were concerned that there was something new being proposed or something new that was being enabled by reason of these GMP amendments in that stretch.

And I believe at transmittal I heard someone say that, no, there is going to be no change, and I just want that confirmed, if I could have that, please.

MR. VAN LENGEN: That's correct.

COMMISSIONER FRYER: Okay. Good. All right.

So then I go to -- on Page 263 in the introduction it begins by saying, the proposed Growth Management Plan revisions, blah, blah, blah, but it refers to Board action on January 25 of 2019, and that didn't happen.

The Board met on 22 January and then continued it to 12 February. So I think you need a cleanup. The January 25 date appears on a staff memo, but it was not the date that the Board met.

Then I go on to -- and that same thing is the case again, but I'll flag that when we come to it. Here it is on Page 264. Again, the January 25 date should refer to the January 22 and February 12 dates.

Then my next question -- and I'm just throwing these out. We're not going to have detailed answers today, but there was reference, I think at transmittal, and certainly at the BCC level, that you all would be pretty far along with the LDC amendments so that we'd have a pretty clear idea of what those would be at the time that we had our final look at the GMP amendments.

And, of course, the first issue is going to be how the term "neighborhood churches" is going to be defined. I assume that's an LDC question, but it's awfully important to what we're considering at the GMP level.

So next time this comes up in July, I'd like to have a better idea of what the definition of neighborhood is going to be, and I think that's also going to require a close look by our County Attorney's Office to be sure that what is being proposed is constitutional.

And just the more general point, the idea of having a draft of the LDC amendments in front of us or more flesh on those bones or some flesh on the bones would help guide me in the judgments that I would want to make at the time that we take our final action on adoption in July.

Let's see. The Mike Ramsey document; at first I thought it was not included, but it actually was in there.

So then -- okay. In Exhibit A on Page 270, it says, "to update and reorganized the current Golden Gate Area Master Plan." I think there's a superfluous "d" on the word reorganized. I think what you meant to say was to update and reorganize.

So then the -- and I did have a chance to look at what came over the transom yesterday, so I know where the differences are and, primarily, it was changes of nomenclature, like, from Golden Gate Estates area to Golden Gate Estates and some other things of that nature.

CHAIRMAN STRAIN: That's what I would like to have seen.

COMMISSIONER FRYER: Yeah. So one of my main points this afternoon or today was going to be, how can we function without having that information? But we got it and, fortunately, for me at least, I had time to look at it, and quantifiable and qualitative, I didn't think they were significant but, obviously, we all would like to have had that earlier on.

So the bifurcation -- my questions about bifurcation have been answered; that it was with the

exception of a few things like deleting the word "area" and some other things that are, in my personal opinion -- others may disagree -- are not of substantial consequence. I don't have that level of concern over the bifurcation.

Then there's a whereas clause. And on Page 334, that says, whereas, Collier County has gathered and considered additional information, data, analysis, including the following: The Collier County staff report, documents entitled Collier County Growth Management Plan Amendment, and other documents, testimony made part of the record at today's meeting, and then going forward when it comes back to county Planning Commission.

And my question, which I was in the beginning of asking the Chairman but couldn't get too far into it because of Sunshine, but I think I understand that given the significant changes which have been made since we saw this at transmittal, that really everything, once again, is on the table, that the scope of our review is not limited by the fact that much of this we have encountered before.

And so I'm saying that rhetorically to be sure that --

CHAIRMAN STRAIN: I guess that's -- the County Attorney can respond to that better than anybody else.

MS. ASHTON-CICKO: You're not limited.

COMMISSIONER FRYER: Okay.

CHAIRMAN STRAIN: Your mic gives you a lot of trouble; I can tell.

MS. ASHTON-CICKO: I'll just yell.

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRYER: Okay. So that answers that question. Then let's see. I go to more bifurcation which has been answered, so I don't need to ask that.

Oh, just as a general question, and this pertains to the Golden Gate City where you've created new subdistricts, and this has to do with grandfathering and nonconforming uses and vested rights and all of that stuff. Is it fair to say that no uses that existed under the previous -- assuming this has changed -- under the previous zoning language, that no uses have been taken away, that no vested rights are being removed by the re-verbalization or re-expression of the subdistricts; is that fair? If you can answer yes or no now, fine. If it takes a long answer --

MR. VAN LENGEN: I would answer just with a couple words. No zoning rights have been changed, so anybody who is presently zoned is able to keep that zoning.

COMMISSIONER FRYER: All right. There's going to be an issue, though. If somebody, say, hasn't broken ground, you're taking away potential uses that they could have. We don't need to address that now, but that's going to be a question that I would like to have addressed at the proper time.

And the -- because Policy 1.1.5 is the grandfathering provision and it says, which was in effect at the time of approval. So that whole grandfathering thing is something I'm going to want to discuss and have presented in July.

Then in goal -- Policy 1.4.2 -- and this is also Golden Gate City -- it says, the County's Code Enforcement Board shall strictly enforce the Land Development Code and the legal operation of commercial activities, and I'm just wondering if that's consistent with what I take to be the BCC's position on relaxation of zoning standards for Airbnb-type occupancies and the like. And so should that language be reconsidered given the relatively new direction that we've all gotten from the County Commission? I don't know.

Then in Goal 2 on Page 341, a safety issue comes up. We're talking about promoting a walkable community, and then we're providing for walkways in the alley. And I want to be sure that we address safety either by mentioning safe walkways or mentioning lighting that -- maybe not there now but needs to be referred to.

And the same thing with walk -- both bicycling and walkability. I think the word "safety" needs to be included where we use those words to be sure that, for instance, in complete streets, if that's an objective, that the additional walking and biking has taken account not only of safety but also of a

reduction of automobile traffic and how that might affect commercial activity is a concern that I expressed at transmittal and would want to have revisited when the time comes.

Again -- let's see.

Oh, I know. There was a Fox 4 story posted on its website on May 30 saying that the National Highway Traffic Safety Administration said that 16 percent of the 783 cyclist deaths that occurred in the United States, fully 16 percent were people killed in Florida. And I really -- this gets back to safety.

I think we need to address this and be sure that we -- that we show that we are considering the issues of safety when we increase walkability and when we increase cyclists activity. I'm not saying that it's a bad thing to have cyclists or walking, but I just -- you know, we've got to deal with the fact that 16 percent of all the deaths in the nation occur in Florida, cyclists.

Then there's a reference in Policy 2.1.5. This is a two-year period. It says, established within two years to ensure compatibility of auto-oriented uses. And in many other cases we say "initiated" rather than "established." So I think that word "established" in 2.1.5, to be consistent with other places where we've used the word "initiated," gives staff more flexibility rather than to have gotten it finished, to at least to have started it, and "initiated" shows up in a number of other places that I won't need to cite to. On 343 it shows up a couple or three times.

Then you're expanding sewer and water service in Policy 2.3.1 as an objective. I'm going to want to have a discussion on who's going to pay for that.

Safe walkability, again, occurs on Page 343. Alleys on Page 344. Pedestrians on Page 344. Safety is an issue.

Then let's see my note. In Golden Gate City, you're proposing the subtraction of any permitted or conditional uses or just the addition of uses, and I think we're going to get into -- we'll get into a discussion about zoning and whether we're taking away opportunities from people who, for instance, haven't broken ground or somehow sought to give affect to the current zoning that would be taken away. I'm going to want to know a lot more about that.

Supporting medical facilities comes up on Page 345. Supporting medical facilities such as physicians' offices. I'm going to be concerned about how we would go about doing that, and also there's a reference to Golden Gate Urgent Care Center as an -- Golden Gate Urgent Care as an example, and I'm wondering, is that -- is it appropriate to spec in or to mention one particular proprietary use like that? Just curious.

Then I go to density bonus rating system on Page 346. The last sentence of B, density bonuses, it says, in no case shall the maximum permitted density exceed 16 residential units. Well, of course, we know that these are discretionary, not entitlements, and I think rather than the word "shall," I think we want the word "may," and we want to provide "not greater than the following densities" so that we all know and so that people don't get the idea that they're entitled to the full 16 each and every time. So that would be a wording refinement that I'm asking for at that point.

Then again on Subsection A, 3.A, downtown center commercial subdistrict, the boundaries -- or bicycle and pedestrian. Again, please address safety or include the word in there that it shows that it's being looked at.

Greenways; the way this was addressed in 3.1.3 seems to work for me, but others may have concerns. I know it was talked about at some length. I am personally satisfied with the way that's dealt with, but I'm only speaking for myself.

And the -- I go to -- oh, and I think the eminent domain language meets my concerns. I think it's been adequately addressed again. I think Peter Gaddy, who was a speaker representing a residents association, indicated that he was in agreement, and I think the county board also, at least tacitly, agreed with the concept that eminent domain would not be used for greenways. I'm satisfied that that language works; others may or may not be.

Then in the Rural Golden Gate, under Estates designation, it's group housing includes the following type facility. This is on Page 411. And I think "includes" is a broader word than you want.

You follow by family-care facilities, group-care facilities, care units, et cetera. And I think rather than "includes," the word you want it "means," because I think we want it limited to the things we specify rather than just say this is just for example and it could include a lot more things. If there are more things intended to be covered, they should probably be referenced there.

Then in A.2, the Estates mixed-use district on Page 411, there's a reference to basic goods in the neighborhood centers. And are we intending to include big box stores? That's a question that I think should be addressed when we talk about this in greater detail.

And I see now that the Wilson Boulevard and Golden Gate Boulevard, we've mentioned three quadrants because they're neighborhood centers, but then the fourth quadrant, the northwest quadrant is a shopping center. I guess that is a -- that is an entitlement that's already in existence, I believe. So I understand that. I didn't at first, but I do now.

Then on Page 413, the criteria for land uses in Sub 4, romanette iv, it says, a single project, and I think the word you're looking for, the concept is a development where you say project. That maybe could use some straightening out.

Then in romanette x on Page 413, which is the criteria for land uses at the centers, in romanette x the sentence says, this provision only applies east of Collier Boulevard. Well, we're talking about the -- we're talking about the Rural Estates, so that sentence could come out, because having bifurcated this, everything is east of Collier Boulevard. So I think that sentence can come out. It's not needed here.

And the -- in romanette xvi -- oh, that also appears in romanette xv, the sentence, this provision only applies east of Collier Boulevard. Well, since you bifurcated, all of this only applies east of Collier Boulevard, so that can come out.

Then there is a reference to fences or walls should not exceed five feet in height. I'd like to hear some explanation of how that number was arrived at. Same with romanette xvii, projects --

MS. ASHTON-CICKO: Mr. Fryer?

COMMISSIONER FRYER: Yes.

MS. ASHTON-CICKO: Staff is jotting down the comments as you're speaking, but please note that they're going to look into addressing some of your comments, but the changes need to be directed by a majority of the Commission.

COMMISSIONER FRYER: I understand.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: And you've got -- I mean, your comments, for them to respond to each one at a public meeting, we'll spend all day just on your comments, and that won't get to the rest of us. And I don't mean this meeting; I mean the future one. Is there a possibility, because of your newness to this map, let's say, this plan, that you would be able to sit down with Kris and Anita --

COMMISSIONER FRYER: Certainly.

CHAIRMAN STRAIN: -- outside of this meeting and try to get maybe 90 percent of yours resolved? Because I've lived under the plan as it is for a long time, and I don't doubt you've got questions and concerns, but it might expedite the whole process at a public meeting if some of those just got explained at a private meeting.

COMMISSIONER FRYER: I would be more than happy to do that.

CHAIRMAN STRAIN: Okay. And that takes us to 11:30. I'm not trying to cut you off. I just want to have a question here for a minute.

COMMISSIONER FRYER: No.

CHAIRMAN STRAIN: I need to know now, so I can let others know, are we going to be going past 12 o'clock? Is that the consensus or not of this board?

COMMISSIONER DEARBORN: I would tell you it seem likes we're going to, and I think we need to -- if we're not going to get this thing in till July, I think it's time to potentially adjourn and wrap this up; pick this back up in July.

CHAIRMAN STRAIN: So you don't see us going past 12?

COMMISSIONER DEARBORN: I do see us going past 12.

CHAIRMAN STRAIN: No, no --

COMMISSIONER FRYER: If we continue.

CHAIRMAN STRAIN: -- if we continue. What I'm suggesting is, we've given staff some direction. Obviously not -- I don't think there's enough here for me to even vote on it today.

COMMISSIONER DEARBORN: There's not.

CHAIRMAN STRAIN: And I would expect that now that staff's gotten some direction, they can come back with a package that's got a little more of the things we need to review. I don't have a need. I've got -- I just counted. I've got over 59 comments on different sections of this. I am not going to bring those up today. I already brought up the generics that I need answered. If I can get a strikethrough like I'm asking for, most of mine will go away.

COMMISSIONER DEARBORN: Understood.

CHAIRMAN STRAIN: So with that, I have no other questions. Do you have, Patrick?

COMMISSIONER DEARBORN: Do not.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: I just would like the final document for us to review and the one we're going to vote on, because I'm still -- I heard what Kris mentioned, and we have the four plans, they're now separated. Just clarity on what we're voting on, and I'll review whatever we're voting on.

CHAIRMAN STRAIN: Okay. Karen, did you see us -- do you have any issues you need to bring up today, or would you defer to the --

COMMISSIONER HOMIAK: I'd rather wait. Just one: What you sent yesterday in the email was what was transmitted to the State from the Board on the ordinance from March 8th? It's the same as what you sent yesterday, but that was the transmittal.

MR. VAN LENGEN: That is what we used to create the document that we sent to State.

COMMISSIONER HOMIAK: So that's the same --

MR. VAN LENGEN: That's an interim step, because it's a strikethrough/underline. And we sent to the State, I believe -- is that correct -- the final ordinances as you see them in this packet.

COMMISSIONER HOMIAK: So the one in our packet that was transmitted was dated March 8th that was signed by the -- that was transmitted --

MR. VAN LENGEN: Went to DEO, yes.

COMMISSIONER HOMIAK: Okay. That's it.

CHAIRMAN STRAIN: Tom, are you comfortable waiting till the July meeting?

MR. EASTMAN: Yes.

CHAIRMAN STRAIN: Karl?

COMMISSIONER FRY: Well, having -- I think being the only member that wasn't here for the transmittal hearing, I do see some value in us laying out basic issues for them to think about, unless you're suggesting that we each have private meetings. I plan to do that regardless, but --

CHAIRMAN STRAIN: No, I don't think you'll have the extent -- the questions to the extent Ned has. Ned has a lot of detailed questioning, and I respect that a lot, because that's generally what I do. I have the opportunity to meet with staff more than you do, and so a lot of my stuff I air with them ahead of time, so I can take it off as a question because it's explained.

I'm suggesting when we have that extensive amount, it might be best to catch up with them, get those explanations, and then bring the meat of the changes that we really need to discuss at a public meeting to the public meeting.

COMMISSIONER FRY: I think because I was not here the first round, I have just a few thematic kind of questions.

CHAIRMAN STRAIN: And I think I have a solution to that, and it helps you and it helps me and maybe the others. What we talked about months ago on the transmittal went from us to the Board, and it got substantially changed, and that's fine. That's what the Board's prerogative is.

But to keep track of it, I would like to see the original strikethrough that was presented to us and then formatted to the Board with not only our original transmittal requested changes so I can see which ones were changed the first time, how they affect this reworking of all -- re-jumbling of all the paragraphs the second time and at the same time see the changes that the Board did on top of that, which were the ones suggested by people in the audience.

So we would basically, then, have the package that you didn't see the first time, Karl, re-presented this time. In addition, we'd have the things the Board added to it so we could see all of the changes. Then, in addition, any changes the staff's made in cutting and pasting without the -- not underlining old language. Just new language.

MR. VAN LENGEN: Let me understand.

COMMISSIONER SCHMITT: Isn't that typically what we usually get?

CHAIRMAN STRAIN: I know. That's why I'm bringing it up.
Mike?

MR. BOSI: I just want to provide a clarification for anyone who's maybe watching. The Board of County Commissioners accepted what the Planning Commission provided as -- at adoption -- or transmittal with two significant changes.

CHAIRMAN STRAIN: Right. I know.

MR. BOSI: The two changes were related to the intersections of conditional uses and the inclusion of neighborhood churches. That's the difference.

CHAIRMAN STRAIN: Well, no, no. They broke it up into three different subsections. We never discussed that, Mike.

MR. BOSI: That's the difference between the substantive policies that were presented to the Planning Commission and where the Board made a direction.

Then they had the additional direction to break it up into three parts. And I understand that the Planning Commission's concern is how those three parts were broken up. And you're looking to have a better understanding, and we will strive to provide for how that came about.

But from what it sounds like, it sounds like we want to go back and have an evaluation of every one of the policies and the goals that were adopted just so we could have an understanding of the scope and the breadth of where the Planning Commission would like to go.

CHAIRMAN STRAIN: Yeah.

MR. BOSI: Okay.

CHAIRMAN STRAIN: I mean, we have a -- if you're going to open the whole thing up by breaking it up and saying each section's got its own separate standing by itself, I think we have a right to look at each section separately now.

MR. BOSI: And --

CHAIRMAN STRAIN: And that's what I'm getting at.

MR. BOSI: Please understand, that's the direction the Board of County Commissioners --

CHAIRMAN STRAIN: And that's fine, yeah, but I think they rely on us to make sure everything is vetted as carefully as it possibly can. And I'm sure they did this kind of on the fly. I mean, they did it without us even knowing about it, and that's their prerogative. I'm not complaining about that at all. But I am suggesting, now that it's done, someone better make sure it's -- the checkoffs are there at some public body in a public meeting, and that happens to be us.

MR. BOSI: And understood. And we will provide you those documents. But just for clarification, there's no -- there's no substantial policy, goals, or objectives that are altered by that trifurcation. All it was was at the arrangement. You want to know how that arrangement was and if there was any wordsmith going on.

CHAIRMAN STRAIN: I want -- I want proof so when someone asks me, well, why'd they do this? What was changed? I want to be able to say nothing. It was just reorganization. I can't say that now because I can't track it the way it was presented to us.

MR. BOSI: Sure.

CHAIRMAN STRAIN: I know somebody cut and pasted a bunch of stuff and they underlined the whole thing. Underlines to us means new language. Is it all new language? I'm suggesting to you, use those cut and pastes, don't underline the language unless it's new, and that's -- that will clarify everything, and that may make most of my questions go away, because I didn't anticipate this. I didn't anticipate going through a process.

I thought this adoption would be fairly simple. I knew what the language changes were, but I can't figure them out now that it's been done this way without going back and reading every paragraph multiple times to check it. That's all I'm asking. That will take a lot of mine away.

Ned has got -- he's got a lot of questions that are in detail. I'm hoping that you guys can answer a lot of those on a one-to-one. He brings the remaining back to this board. We'll go through them in a public meeting.

COMMISSIONER FRYER: Chairman, if I may. I do have some questions that could be capable of being answered by "because that's what the LDC says," but I also have a lot of comments such as the inclusion of the concepts of safety that I mentioned.

And to Heidi's point, and I think it's a good one, if I sit down with staff, staff is only getting my point of view, which they are hearing at that time but the other Planning Commissioners aren't hearing, and I'm just -- so it limits the staff's ability to act upon what I'm asking, and I just -- I'm not sure exactly how to proceed.

CHAIRMAN STRAIN: Well, I mean, Ned, you've got -- well, if we could have a meeting all day just to answer -- they will take a lot of time to go through explaining your questions.

I've lived with that master plan way before I started living in Golden Gate Estates. I don't have a lot of problems with the issues that are there. I do have problems with any new language that I don't know about. That was my only concern.

I understand your concern to understand how that language came about and the history and the word "safety" and all that. I don't need the LDC language. I don't even think that's possible to bring LDC language forward before all the GMP language is complete and still have the stakeholder meetings that that language needs to have before it comes to us.

COMMISSIONER FRYER: Except it was offered to us.

CHAIRMAN STRAIN: By who?

COMMISSIONER FRYER: By staff. I think --

CHAIRMAN STRAIN: To bring the LDC language before the GMP language is done?

COMMISSIONER FRYER: No, no. That there would be an initial draft of LDC language at the time of adoption.

CHAIRMAN STRAIN: You guys --

MR. BOSI: The only initial draft that we will have of the LDC language relates to some of the changes within Golden Gate City that we've been working with that community about, but the -- we can have a discussion about the nuances of how we were going to define neighborhood churches.

But in terms of the process to get the draft LDC language in the stakeholder meetings, the Chair's correct. It would be -- unless we delay this activity for a substantial amount of time, they're not going to be able to be aligned.

COMMISSIONER FRYER: Well, I'm not proposing any delay. I'm just recounting what was said. And I'm not going to take up the time to try to find it, but I can find chapter and verse of where someone -- and I thought it was Kris -- maybe I'm wrong -- said that we're going to make every effort to have some structure of the LDC language coming along with -- did you say that, Kris?

MR. VAN LENGEN: I said -- I talked about the LDC zoning overlay language, and hopefully that's in the record, because that's what we meant, and that's what we're actually working on at this very time. And whether it's available or not by the time, you know, we get through this, I'm not sure, but that was our intention.

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COMMISSIONER FRYER: Well, perhaps all I need is to see how you're going to define "neighborhood."

MR. VAN LENGEN: Well, that's almost impossible unless we delay this another year.

COMMISSIONER FRYER: It could take you a year to define "neighborhood"?

CHAIRMAN STRAIN: Oh, it will take him a year to do -- the LDC language? It will take a long time to write from --

MR. VAN LENGEN: By the time we get back to this venue, it will take quite a number of months.

COMMISSIONER FRYER: Well, what I'm going to try to do is I'm going to try to meet with staff and get all my questions answered and to offer my concerns and my comments recognizing that they're -- that they haven't been heard by the rest of the Planning Commission yet.

CHAIRMAN STRAIN: Well, and I would offer to the rest of the Planning Commission, if you've got questions to the extent Ned has, then I would suggest you try to him -- someone needs to tell me before we reschedule if we need two or three or four days to resolve this, because I really don't have more than probably -- if I can get the strikethroughs that I'm asking for, I have an hour's worth of interaction with staff, and I'm done.

And I have -- I just don't -- I don't have any more to go than that. But if we're going to be getting into the extent that you're asking, I think we're going to be here a lot, lot longer than that. Just your response to each one of those is going to take time.

And I don't say we shouldn't give it -- shouldn't provide it, but I want to make sure we plan for it. I'm certainly not -- I'm not realizing we need that kind of time to finish an adoption up. So -- and I do -- I started this out by saying I wanted to get something accomplished by 11:30. Are we going to be here past 12? The rest of us have answered -- Karl, you've answered. Have you heard an explanation that either tells you you need more than the next 20 minutes to resolve your issues with today's effort or not? And it's not a pressure. Just yes or no, because we're going to take a lunch break if you are.

COMMISSIONER FRY: I have a short list of questions about intent and implementation within the plan, not having been here for submittal. Those questions could be asked now if you saw value in it, or I could wait and meet with -- I don't know if it's Kris or Anita after the fact. And it's more or less bolstering my understanding and what I believe the purpose of this document is and trying to address issues that I -- potential issues that I see.

CHAIRMAN STRAIN: And, Ned, are you going to have more to discuss today?

COMMISSIONER FRYER: I don't see the point in it because, I mean, I will sit down with staff and take as long as it -- as much time as is needed to get myself -- my points communicated to staff and my questions answered.

I think I have more comments than questions. So when it does come back, I'll probably end up having to take some time, but we'll see.

COMMISSIONER FRY: I might have 10 minutes.

CHAIRMAN STRAIN: Okay. At that rate, I think we'll agree that right around 12 o'clock we will adjourn for the day, and we will continue this one to the second meeting in July.

In the meantime, Terri, do you need a break for a couple minutes?

THE COURT REPORTER: Yes, just one second.

CHAIRMAN STRAIN: Okay. Let's take a break till 11:45. Just a couple minutes. Terri's got to line up the court reporters to the extent they're needed or not needed.

(A brief recess was had.)

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

CHAIRMAN STRAIN: Okay. What we're going to do is we're going to try to see how we can wrap this up in the next 15 minutes.

Karl, if you wanted to have an opportunity to voice any concerns you have right now, and then if you don't, we'll let Ned fill out the rest of the 15 minutes, and then we'll quit at 12.

COMMISSIONER FRY: I certainly have some things that -- when I ask these, you may all have already understood the context of them, whereas, I may not because I'm new to this process. So I yield to you in how you'd like to use the remaining time.

CHAIRMAN STRAIN: I can just tell you that --

COMMISSIONER FRY: Mine are not specific section, page number, romanette reference type questions. They're more general in nature.

CHAIRMAN STRAIN: What I would suggest is if you've got some large items, just put them on the table right now so -- not necessarily to seek an answer, but when staff comes back, they know what to expect, and then they'll give you a more concise answer. Because the best thing we can have is the staff knowing ahead of time what we're looking for, and they can come with the right answers.

Anita?

MS. JENKINS: Mr. Chair, I just wanted to point out, you do have one public speaker, so you might want to save just a few minutes before you adjourn for that.

CHAIRMAN STRAIN: Okay. Then we'll -- do you mind, fellows, if we cut into that first? Whoever's is the public speaker, would you call them?

MR. BOSI: Rae Ann Burton.

CHAIRMAN STRAIN: Ms. Burton, if you'd come up to the microphone and state your name for the record, and we'll be glad to hear from you.

MS. BURTON: My name is Rae Ann Burton. I am the Rural Golden Gate Estates.

And I found the issue very confusing. I started at about 11 o'clock yesterday trying to read everything. And if you can give me a better synopsis, I can give you a better speech. Thank you.

CHAIRMAN STRAIN: And, ma'am, we're going to try that because, you know what? These documents should be written so everybody in this county can understand them, and they're not.

MS. BURTON: I couldn't find any difference in what was changed.

CHAIRMAN STRAIN: Well, and that's what we need --

MS. BURTON: And I just checked Rural Golden Gate.

CHAIRMAN STRAIN: We'll get a -- hopefully we'll get a little bit more structured document that will make that quick -- more quickly apparent then.

MS. BURTON: I appreciate it. Got to bed at 2 this morning.

CHAIRMAN STRAIN: I got up at 2.

Kris, I think what we're going to do is Karl is going to just give you a couple bullet points where he's -- some of the general items he's concerned about so you're better prepared for those next time, and then we'll finish the time out with Ned. The public speaker that we had registered spoke.

The only thing I want to suggest in this time frame that we have is, first of all, this idea of giving us back the changed language that occurred during transmittal and after transmittal with the Board and then when changing to the paragraphs that were moved around. Is that agreeable to you all?

MR. VAN LENGEN: Yeah. We've already got that done. We just might need to put it in front of you, and we'll make sure that you -- and I'll make sure you're happy with it. I don't think we can merge it all into one single document.

CHAIRMAN STRAIN: I don't care if you give me multiple documents. I just want to see the document that you're asking for us to review for approval in a manner we can find the changes so we're not going and looking -- and going into the areas that --

MR. VAN LENGEN: It should be in everyone's in-box.

MS. ASHTON-CICKO: So I would like to clarify for the record, if I could, the answer that I gave to Mr. Fryer earlier as to revisiting the provisions of the Growth Management Plan.

When I said that it's opened up that you can look at it, that was meant more in terms of have we gone astray with certain policy decisions that are in there and we want to change our recommendation.

The County Attorney does prefer that between transmittal and adoption there are minimal changes. So with that clarification, we would be looking at the amendments in July.

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CHAIRMAN STRAIN: But, Heidi, how can there be minimal changes when after the Planning Commission saw it last time, the one document was broken up into three separate documents with new plans? I mean, I don't know those can't be significant for us to have to start over with.

MS. ASHTON-CICKO: That's different.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: During transmittal you saw a document, you saw certain language on policies, you made a recommendation, the Board looked at it, the Board made a few changes, and the documents were broken up into three parts.

I'm not saying that you can't look at the language that staff modified to make the document flow, which I understand are minimal, or you can't comment on what the Board asked for with the prior redaction; I'm not saying that.

You certainly can, but if you already saw a policy and you made a recommendation on that policy and the policy was not changed and it was put in the correct section, then that's where the preference is not to change the language unless we made a big policy mistake or there's a big error in there.

CHAIRMAN STRAIN: Okay. Because there is a difference between seeing a policy that applies to a large planning area and now seeing that same policy in three separate small planning areas, and that's the -- that's the -- I thought we could weigh in on concerns over that.

MS. ASHTON-CICKO: Yes. I would agree that if they've put in the wrong place --

CHAIRMAN STRAIN: Not wrong.

MS. ASHTON-CICKO: -- it doesn't read correctly because now it's been modified to fit a smaller area --

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: -- you can certainly make those changes, but --

CHAIRMAN STRAIN: Okay. So if we find something that has language that fits a broader picture but it doesn't fit the smaller picture, that's one of those things we could point out?

MS. ASHTON-CICKO: Yeah. That's a policy decision that we've gone astray on --

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: -- as opposed to -- we'll walk through it as we get there, but...

CHAIRMAN STRAIN: Okay.

COMMISSIONER FRY: Based on counsel's direction, I believe that my questions are best saved to review with you, because they more go to the intent and implementation of the plan rather than reviewing and, I guess, attacking it in the way that you're describing, meaning mine are not really substantive changes. It's more really understanding the intent and implementation within the plan, so I will defer my questions to meet with -- who should it be? Who should I meet with?

MR. VAN LENGEN: Start with me, if you would, and then we'll go from there.

COMMISSIONER FRY: Very good. I'll defer the rest of my time.

CHAIRMAN STRAIN: Okay. And then the only -- I have one other comment before we'll go back to Ted -- or Ned, I'm sorry. Ted, Ned. It rhymes, you know.

If you go to Page 291 of just the overlay document, just the master plan document, or 552 of the whole submittal, that's the kind of map, Kris, that I was -- I mean, that simple red lines with lettering telling you how to separate the Estates up is all I'm suggesting you add to the main plan that introduces us to this whole breakup issue that I started out with talking earlier, and that's why I remembered to bring it up is because of that page there.

Okay. It's just a simple way of introducing people to how we've now structured Golden Gate Estates and Golden Gate City.

And with that, we've got about eight minutes left. Karl.

COMMISSIONER FRY: Well, I have -- one thing I've noticed in reviewing packets at times, there are figures and maps, and some of them are historical in nature. They might be two years old, three years old, but they don't always seem to name a date. So I look at these figures, and I'm not quite sure

how recent they are. It would be nice if the figures and maps had dates on them. It would be helpful to me, at least.

CHAIRMAN STRAIN: Okay. With that, Ned, do you have anything you want to add before we break for the day?

COMMISSIONER FRYER: I could continue along the previous lines, or I could just reserve all of it for when I meet with staff.

CHAIRMAN STRAIN: I mean, I'm not -- I think it would be more productive if you meet with staff for the sake of our time, because we all may not be on the same concerns that you have.

COMMISSIONER FRYER: That's fine. I would ask for a little more clarification, because I watched the County Commission, and I heard -- listened closely to the interchange between Mr. Klatzkow, and I think it might have -- well, was it Mr. Solis? -- over the extent to which, when the matter comes back to them and, therefore, to us, that really we don't get or shouldn't want to have or shouldn't have a second bite at the apple.

And one extreme would say that the only thing that we could review was any comments from Tallahassee, and we didn't get any comments from Tallahassee. The other extreme would be that everything is wide open. And I'm happy to play within the framework, and I'll certainly have fewer questions if they're limited to sort of new concepts that have arisen since we previously looked at this. But are we really all of one mind what our mission is for adoption hearings, generally?

COMMISSIONER SCHMITT: Yeah.

MS. ASHTON-CICKO: Well, this plan is a little bit of an aberration, because usually we have a Growth Management Plan amendment text, you look at it, the Board approves it, it goes to Tallahassee for their comments, and it comes back in the same form. So you're essentially seeing the same language twice.

This is different because now modifications were made, and it needs to be revisited in the sense you need to see were mistakes made. Did we go astray with the policy decision? Does, you know, neighborhood church not apply here, or do we not recommend the neighborhood church? I mean, you can certainly look at those types of issues.

The preference would be if a policy -- because what staff tried to do is they tried to go through the plan and say, this policy applies to all three, it applies to one, and they kind of had to go through that function. So to the extent you don't think they got it right, you should be looking at that.

So -- but the idea is not that we rewrite the plan or we decide we want to phrase it a different way but it's the same concept unless we've, you know, made an error or the addition that the Board added we don't agree with. Does that help with the clarification as to what we're trying to do?

COMMISSIONER FRYER: Somewhat. To paraphrase what I think you may be saying is that we really shouldn't get a second bite at the apple unless something seriously wrong has been done; that even though we might technically have been able to see it the first time around, we didn't.

MS. ASHTON-CICKO: Well, with that said, I do think that if we made a mistake, I mean, it would be ministerial, and it wouldn't even come back to you if you weren't able to say, we made a mistake here, we need to recommend this policy, you know, either be withdrawn or modified. I mean, I think you're allowed to raise those issues.

CHAIRMAN STRAIN: I think part of the problem is, I read a lot. I read everything the first time, and then I read everything the week, the night before at least once, and then sometimes three times. Every time I read something I find something else I question.

By breaking this up into three separate sections, you've taken most policies and added them three times. We're reading every one of those policies three times. And I can tell you questions are going to be brought up. Unfortunately, that's the nature of the beast. And we are probably going to have questions we wouldn't have had if we just read it one time and went on with life.

But with that said, Kris, another helpful thing might be you've got an opening master plan and you've got three sections below it. So I think you got really, what, four sections?

MR. VAN LENGEN: Correct.

CHAIRMAN STRAIN: If you break those up into four separate documents, it might help understand how they're to be looked at. Like the member of the public who spoke, the public is the one that's supposed to understand this. We still understand it from a technical level to put it together but, my goodness, they're the one living there.

So I somehow need this -- I agree it needs to be simplified. It's way too complicated. Please don't give us 682 pages again. But whatever we do for next time, it would be helpful to just have a succinct document.

So I don't know if anything else needs to be said, gentlemen.

Go ahead, Ned.

COMMISSIONER FRYER: The -- and just -- I'm trying to get clarification so that, frankly, I don't spend a lot of time on something that is outside our scope, although I already have spent a lot of time on it.

The reference to the cellular towers is something that we talked about at transmittal, and it's something that the County Commission talked about at transmittal. And it's come back now in a form where in response to, I think, some concerns that were expressed by the neighbors, that they want to absolutely rule out certain areas from the permissible places where you could put a tower. And my point that I made back then, and I would like to make again, is I don't see how you can predict where dead spaces are going to be until you actually have a configuration up and running and someone says, you know, when I drive this segment of road I'm disconnected.

So, I mean, I don't see how we can take any area completely off the table. And even though we talked about that last time, is that -- is that something that I would be able to talk about next time?

MS. ASHTON-CICKO: Do you want to answer it, or do you want me?

MS. JENKINS: Well, that was a policy we made a change to, right? So we did put some qualifiers on where cell towers could be located. So it seems to me that if a change was made to a policy, then they're able to look at that again, right?

MS. ASHTON-CICKO: I would agree with that.

COMMISSIONER FRYER: All right. But in that particular case, hasn't it all been preempted by the federal government?

MR. BOSI: No.

COMMISSIONER FRYER: Okay. Well, we'll talk about it then at that time. Okay.

CHAIRMAN STRAIN: Okay. And with that, let's close the discussion on this. We'll look forward to finishing it on the second meeting in July.

So with that, there is no new business scheduled. There's no old business scheduled. Any further members of the public wish to comment on anything?

(No response.)

CHAIRMAN STRAIN: Is there a motion to --

COMMISSIONER DEARBORN: Motion to adjourn.

COMMISSIONER FRYER: Second.

COMMISSIONER FRY: Second.

CHAIRMAN STRAIN: By Patrick. Seconded by Ned.

All in favor, signify by saying aye.

COMMISSIONER FRY: Aye.

COMMISSIONER FRYER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you.

June 6, 2019

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:00 p.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 7-18-19, as presented or as corrected _____.

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