

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 9, 2020

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 5:05 p.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Karl Fry
Joe Schmitt
Paul Shea (via teleconference)

ABSENT:

Patrick Dearborn
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:

Jeremy Frantz, LDC Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

MR. FRANTZ: You have a live mic.

CHAIRMAN FRYER: Good evening, everyone, and welcome to the September 9 meeting of the Collier County Planning Commission.

Will everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER FRY: In no particular order, because we are all discombobulated today.

Mr. Eastman?

(No response.)

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Mr. Dearborn?

(No response.)

COMMISSIONER FRY: Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: Mr. Chair, we have a quorum of five.

CHAIRMAN FRYER: Thank you very much.

COMMISSIONER FRY: That's some complicated math. Thank you for your patience.

CHAIRMAN FRYER: You're to be congratulated for that rapid calculation.

COMMISSIONER FRY: I should probably figure that out in advance, shouldn't I?

CHAIRMAN FRYER: Addenda to the agenda. Do we have any?

MR. FRANTZ: I did just want to talk through one potential upcoming meeting. I think that there was some discussion of a possible meeting on September 25th. And staff reached out to you all, but I wanted to bring that discussion up here for your --

CHAIRMAN FRYER: Please, go ahead.

MR. FRANTZ: Well, that's really all that I have for you. We're proposing a special meeting for the September 25th at -- it would be at 9:00 a.m. This is because we have several items which could potentially be continued on the 17th. And so I just want to find out if we would potentially have a quorum for that date.

CHAIRMAN FRYER: Well, let's check right now. I indicated that I will be there, and I will be there.

COMMISSIONER HOMIAK: Yes, I can be there.

CHAIRMAN FRYER: Commission Schmitt?

COMMISSIONER SCHMITT: That's Friday, the 25th?

CHAIRMAN FRYER: Yes.

COMMISSIONER SCHMITT: It might get into my tee time. Well, I'm just kidding. Not tea; this tee.

COMMISSIONER FRY: Isn't that a fishing day?

COMMISSIONER SCHMITT: I'm available. I'm fine.

CHAIRMAN FRYER: Secretary?

COMMISSIONER FRY: I should be able to be here.

CHAIRMAN FRYER: Good, okay.

Commissioners Shea, are you available on the 25th?

COMMISSIONER SHEA: Yes, I'll be there.

CHAIRMAN FRYER: Okay. So we're set.

COMMISSIONER SCHMITT: Can I ask, but the 17th we're starting off with continuation of where we left off.

CHAIRMAN FRYER: Let me make an explanation to that, because there's some last-minute changes afoot.

In order to accommodate the schedule of a fire chief, who is a witness in the matter, we're going to lead off with the Yahl Air Curtain matter, which I think we can dispatch fairly quickly, and then after that we'll go right into RLSA, and then from there we'll go to the Immokalee Estates.

COMMISSIONER SCHMITT: On the 17th, then, we start with the Yahl.

CHAIRMAN FRYER: We will. But my guess is that the entire day thereafter will be spent on RLSA. I could be wrong.

Any other things that need to be announced about meetings?

MR. FRANTZ: That's all that we had. Thank you.

CHAIRMAN FRYER: Okay, thank you.

Oh, one other thing, I guess, to bring everyone up to speed. I -- and this is not to talk substantively about a matter that is not scheduled but simply to set out some logistics so that people are aware of what is coming. I have undertaken to do a proposed redraft of staff's August 3rd RLSA recommended amendments, and as soon as I complete them, I'm going to send them to staff, and staff and I will be meeting to have a drafting session of sorts on Monday. Then we're going to want to output the results of that to the Planning Commission and to the County Attorney's Office, who can be involved earlier if they wish, so that Planning Commission will have a few days before our meeting on the 17th to review and consider any changes that staff and I have come to closure that we want to recommend to you-will, so...

COMMISSIONER SCHMITT: I have a question again on procedure.

CHAIRMAN FRYER: Uh-uh.

COMMISSIONER SCHMITT: In order to do that, then, would that not have to go public and advertise all those changes so that the public is aware of the changes that you're proposing? I'm also puzzled because you're interjecting yourself into what is typically a staff function, and I think that's above and beyond your role as chair. I -- so I question how you are taking it upon yourself to amend -- or work on an amendment or changes to something that's already been advertised and publicly advertised and advertised for public hearing.

I turn to the County Attorney for the guidance on the procedure.

CHAIRMAN FRYER: Well, before we ask the County Attorney for that, let me simply say that I agree with you that ordinarily that that would not be a desirable practice, but I'm trying to expedite this, and I'm trying to lay before the Planning Commission my thoughts in a -- in as clear a format as can be achieved so that it can be considered and not delayed any further, perhaps, than the 17th.

But I take your point, and ordinarily I wouldn't do that, but I'm just trying to expedite this. And if it be the wish of the Planning Commission or the advice of the County Attorney that I not do it, then I won't.

MS. ASHTON-CICKO: I do have some concerns with your phrasing it as a rewrite, because these amendments have gone through years and years and years of vetting through stakeholders. There's, like, the five-year report, and there's been a lot of analysis into it.

I think that if there are certain sections that you think substantively don't capture what it should do, then staff and I can certainly work with you to come up with some alternative proposed language, but if you're --

CHAIRMAN FRYER: Well, that's what it is. My suggested revisions are fairly few in

number. I think they're consequential, but the vast majority of the material that staff's put in front of us I don't have suggested changes on. But on some points -- and I would be glad to get together with your office and staff, or I would be glad to wait until Thursday and simply expose my suggested changes to the Planning Commission and everyone at the public meeting.

But I know you're not, Heidi, telling us that our action on the staff material has got to be all or nothing. I know you're not saying that.

MS. ASHTON-CICKO: Oh, no, I'm not saying that, but I'm saying that you referred to it as a rewrite, and staff's going to need time to review what you're proposing and determine whether that's what they're going to recommend or if they're going to make a recommendation on your language. And if you're going to release that on Monday, it doesn't give the Planning Commission a lot of time to take a look at your revisions.

CHAIRMAN FRYER: I understand that. And I'm just finding a way to move this along so that we can perhaps get it completed by the 17th. And I realize that procedure's unusual. And I am quite willing to either meet with staff and your office or not and, simply, I will distribute a redline that shows the relatively few changes that I'd like to put before the Planning Commission for its consideration. I can do it at that time.

COMMISSIONER SCHMITT: Well, again, this is a legislative matter. It's not quasi-judicial. But it does landowners and the property owners.

MS. ASHTON-CICKO: Correct, correct.

COMMISSIONER SCHMITT: And as you just alluded to, it seems to circumvent the process that the staff has gone through for, what, five years now where this thing has been -- well, even since the restudy back in 2007. I have no problems entertaining your suggestions. We've done this in the past on legislative as far as changing language, but all parties involved know and understand what we're doing.

This is sort of being done -- and then being done between you and staff and then sprung upon the rest of the public, and I think it bypasses all interested parties. I don't think it's quite fair -- and you can certainly present it, but then we owe it to the Conservancy, the League of Women Voters, and the property owners an opportunity to review what is written rather than do that in a public hearing.

CHAIRMAN FRYER: I want to do what the Planning Commission wants done with respect to this. I wish to be heard on these points, but I don't mind doing it in the format of a public meeting for first exposure. It's just that it might result in a bit of a delay. But whatever the Planning Commission wants for me to do on this timing-wise, I will do it.

MS. ASHTON-CICKO: Have you spoken to staff on what the changes are that you're interested in? Are they substantive changes that you want to see done or wordsmithing, improving the clarity or --

CHAIRMAN FRYER: There's really not too much wordsmithing. They have to do with the six or so points that I made in my introductory remarks at the last meeting. And I wanted staff to have the opportunity to see these before we got into Thursday's meeting just as a courtesy. Staff may reject all of them, but at least they won't be blindsided or surprised, and that's what I had in mind; that plus expediting. But, honestly, I am willing do whatever my colleagues want me to.

MS. ASHTON-CICKO: Anita, do you have any input on how you'd like to see this?

MS. JENKINS: (Shakes head.)

MS. ASHTON-CICKO: Okay.

COMMISSIONER FRY: May I ask a question?

CHAIRMAN FRYER: Please.

COMMISSIONER FRY: If you do not meet with staff and then you just bring these changes to the meeting on Thursday, how would they be presented? What would the logistics be of you presenting the alternate language, I think alternate -- you had some substantive

disagreements with the --

CHAIRMAN FRYER: Yeah.

COMMISSIONER FRY: -- with what was presented. So I guess I'm just curious. Would you then lay them out as potential changes during the meeting that we would then vote on the fly to adopt or not?

CHAIRMAN FRYER: Well, I would expect that we would go through staff's material page by page, and staff's material would be the main document that we would continue to be looking at, but the Planning Commission would have mine alongside it. So when I said -- and this is a -- this is a real one of mine. I want to change the words "encourage" and "discourage" to "require" and "prohibit." And that's a substantive change, but it only requires a few words, and it's --

COMMISSIONER SCHMITT: Well, I didn't bring it up when you discussed that but, again, that is a significant change to "require," because --

CHAIRMAN FRYER: Commissioner Schmitt, I don't think we can talk about the substance of this because it's not on the agenda for tonight. I just want to know if you want me to work with staff or not.

COMMISSIONER SCHMITT: I think it's a slippery slope. But you can go -- if you want to do this, but, in fact, I think you need to clearly understand the zoning already exists, and it's already zoned. And it could be a taking if you decide to go with "required." But I'll defer to the attorney.

MS. ASHTON-CICKO: Well, my recommendation is go ahead and meet with staff, and you can give them your feedback and elect whether you want to have something prepared that you're going to bring to the meeting, but some of them are going to be policy decisions that you'll need to get input from the fellow members on --

CHAIRMAN FRYER: Of course.

MS. ASHTON-CICKO: -- your Planning Commission. So you might need to either continue it or continue it to consent once those policy decisions are made and staff receives the direction on how to implement the changes.

CHAIRMAN FRYER: I understand. And in no respect whatsoever am I attempting to use my role as chairman as a way of getting more than just the one vote that I have, and that's all I have. And so if I were sitting over here next to Mark Strain, I would want to do the same thing, because I've got very strong feelings about this. And, incidentally, I'm talking only about new sending areas, not stuff that's already been done.

And I do want to be heard on it, and I may get voted down, but at least I will have done what I think is partly -- well, one-half of my full responsibility. I'm a recommender, and I'm a record maker, and I will have recommended and made a record, and then the Planning Commission can vote as it wishes and then, of course, the big commission can do what they want, and that's what really matters.

So does the Planning Commission want to give me any further directives on this?

COMMISSIONER FRY: I'm comfortable with Heidi's suggestion that you meet with staff and then figure out whether it's presented --

MS. ASHTON-CICKO: You can --

COMMISSIONER FRY: -- at the meeting or not.

MS. ASHTON-CICKO: -- give, you know, staff the heads-up so they'll have the ability to respond if the Commission seeks their input or wants to proceed with any of the concepts.

CHAIRMAN FRYER: That was really what was motivating --

COMMISSIONER SCHMITT: It's nothing unusual. I mean, the planning commissioners have met with staff to discuss recommendations. And this is legislative; it's not quasi-judicial. So I just want to make sure that the County Attorney's Office makes sure that we're

within the proper statutory limits that we can be in regards to notification of the public and making sure that all parties are aware of what's being proposed rather than the day of the meeting just springing it on them and saying "these are my proposed changes." That could be very problematic. And if that's the case, we would just have to continue the items.

CHAIRMAN FRYER: Exactly.

MS. ASHTON-CICKO: Correct.

CHAIRMAN FRYER: Okay. Joe, are you comfortable with that?

COMMISSIONER SCHMITT: Yeah, yeah.

CHAIRMAN FRYER: Vice Chair, are you okay with that?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN FRYER: Commissioner Shea? Paul, are you okay with that?

COMMISSIONER SHEA: I have a question, because I have -- like you, I have a lot of questions and a lot of concerns. Do we -- should I wait till the meeting, or should I try and set up a meeting with staff as well, because some of these might just require an explanation, but nobody would have benefit of the answer except me if I was -- if I was in a separate meeting. I'm fine doing it with staff.

CHAIRMAN FRYER: Well, I wouldn't presume to speak for staff, but staff has always encouraged me, not just since I've been Chairman, but any time I wanted to come in and talk about things, to do so. I think staff is very receptive to that, but I'll let staff speak for itself.

MR. FRANTZ: Yeah, this is Jeremy. Commissioner Shea, if you would like to meet with us, we can reach out to you after the meeting today, or tomorrow, and get something scheduled with you.

COMMISSIONER SHEA: Yes, I would. Thank you.

CHAIRMAN FRYER: Okay. Good.

MR. FRANTZ: And the same goes to any commissioner for this or any item. Staff is always more than happy to meet and discuss the items prior to the meetings.

CHAIRMAN FRYER: Thank you. And I think -- and I appreciate that you've enabled me to do that for many weeks, and I encourage all planning commissioners who have the same desires to reach out to staff, and I'm sure they will make themselves available. It's very helpful.

Okay. Let's see. We've got one set of minutes before us for approval. Those are the minutes of our August 20, 2020, meeting. Are there any corrections, changes, or additions to those minutes?

(No response.)

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

COMMISSIONER FRY: So moved.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Thank you. Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: They carry; pass unanimously.

Let's see. Chairman's report: I was going to mention the Yahl Mulching matter, but

we've already covered that, so I don't have anything further.

Consent agenda: There is -- there is no consent agenda.

So we go to public hearings, and the first item as advertised, one of six proposed LDC amendments for our consideration this evening.

COMMISSIONER SCHMITT: I just have a question on Yahl. Will there be a new staff report issued in our notes, or do we have to refer back to what we have? That's the only question I have in regards to -- I don't know if there's any supplementary information that would be -- is being provided, or do we just refer back to our packet that we had?

MR. BELLOWS: There will be a supplemental staff report with the latest information, since it was continued.

COMMISSIONER SCHMITT: Okay. Thanks.

MS. ASHTON-CICKO: Ray, will the original staff report also be included as part of the Accela backup?

MR. BELLOWS: I believe, if you already received your packet, we don't normally reload the same information in. You should have it from previously, but if you don't we'll get you some more.

MS. ASHTON-CICKO: They all review the materials electronically now.

MR. BELLOWS: All right. We'll just load it in again.

MS. ASHTON-CICKO: Okay. Sounds great.

CHAIRMAN FRYER: ***Okay. All right. The first matter is PL20200003509. This is an ordinance to allow enclosed indoor air-conditioned self-storage as a permitted use in the general commercial district to C-4 when such use is combined in the same building with another permitted commercial use and to provide additional design standards.

With that, I'll turn it over to staff for presentation, please.

MR. JOHNSON: Good evening, Mr. Chair. My name is Eric Johnson, principal planner in the Zoning Division.

So self-storage facilities, this subject has had some history with the Board of County Commissioners, and what we're doing tonight is a Land Development Code amendment that proposes to allow indoor air conditioned self-storage use as a permitted use when combined in the same building with other uses that are permitted in the C-4 zoning district.

I think for this particular amendment, it's important to know where we've been in order to know where we're going, and I could give you a very, very brief history of that if you'd like.

So back in -- back in December of 2016 the Board was concerned about certain uses proliferating on a certain segment of U.S. 41. And so in February of 2017, the Board directed staff to develop a corridor study, and that's exactly what happened.

The corridor study was brought to the Board of County Commissioners in April of 2018, and it recommended, in part, a separation between self-storage facilities. And so as part of that -- that initiative, staff drafted a Land Development Code amendment that had separation requirements between self-storage facilities, and that was brought to this commission. Not every commissioner here had reviewed that, but it was brought to Planning Commission in May of 2019, and the Planning Commission recommended approval.

Well, in September of 2019, staff brought that forward to the Board of County Commissioners in the form of a request for advertise, and the Board voted against that. Instead, they -- in December of 2019, the Board directed staff to incentivize rather than having separation requirements. Incentivize maybe a mix of uses. Not mixed use, because that -- I don't think the Board wanted residential and commercial and self-storage all in one. I think the idea was that the desire was for neighborhood-serving uses to come into the C-4 zoning district, that the self-storage facilities would block -- would block that. And so we tried to incentivize self-storage with other permitted commercial uses in the C-4 zoning district, and that's what you have here tonight.

And just, you know, as an FYI, yesterday the Board of County Commissioners approved the waiver of a nighttime hearing, and we're seeking a recommendation from you tonight, and we're looking forward to going to the Board of County Commissioners on October 13th with the first hearing.

So, really, in a nutshell, this -- this would change the permitted use list of the C-4 zoning district to allow the self-storage buildings, the enclosed air conditioning, as a permitted use provided that less than 50 percent of the ground floor is the self-storage facility. And also, if the building square footage is comprised of a permitted use or other permitted uses in the C-4 zoning district on the ground floor, then it would also have to comply with the development standards of Section 5.05.08, and that's the architectural site design standards, specifically the -- where is it? -- the primary facade design features.

So we're looking to modify two different sections of the code, LDC Section 2.03.03 and LDC Section 5.05.08.

And so that's it in a nutshell. I'd be happy to answer any questions.

CHAIRMAN FRYER: Questions from the Planning Commission? Commissioner Fry.

COMMISSIONER FRY: Yes. So on the surface, this would seem to be, instead of restricting and separating indoor self-storage units, this would seem to expand the potential for more. You're not -- there was a quarter-mile separation that was proposed, but that has not gone through, so they could be side by side. And now we've introduced them as a possible use within another C-4 use, as part of another C-4 use. So aren't we -- isn't that actually expanding the opportunity for mini-self-storage units?

MR. JOHNSON: Well, it is expanding the opportunity for self-storage but only permitted. I mean, it's still conditional in the C-4 zoning district. We're not changing the conditional aspect of it. If 51 percent or more -- you know, greater than 50 percent of the ground floor is not self-storage, then it's conditional; it requires conditional-use approval.

What we're doing is we're changing the permitted use list so that if the ground floor is -- less than 50 percent of the ground floor is self-storage, then it's permitted.

So, yes, in answer to your question, we are allowing more self-storage facilities, but we're also trying to achieve a greater initiative here.

COMMISSIONER FRY: Do you anticipate that instead of applicants going for conditional uses for dedicated self-storage units, that they now start to integrate them in other C-4 uses so they're really somewhat, I guess, more -- what's the term -- not as noticeable, not standing out as much on their own?

MR. JOHNSON: I think the incentive --

COMMISSIONER FRY: Discrete.

MR. JOHNSON: If I could answer that question in a roundabout way. I think the incentive here is for self-storage operators to be able to move into a C-4 zoning district countywide, not just in that area that we talked about before, but countywide. They could avoid the conditional-use process, which has inherent risk in it. It's not a given that you're going to request a conditional-use application and be approved by it.

Well, this, if you design it the way we're proposing it right now, it's a permitted use, and you're basically entitled for that as long as you comply with code.

COMMISSIONER FRY: So it's a path of less resistance for them is to get self-storage approved without going through the conditional-use process?

MR. JOHNSON: That's correct. And we feel that that's an appropriate incentive.

COMMISSIONER FRY: I'm not sure if I saw a contradiction, but on Page 7 of our packet in 91.A. -- and this is -- I'm sorry. Which section are we in here? 2.03.03.D.1.A.91, it says, as you said, shall occupy less than 50 percent of the total floor area. And then on the following page -- and I may not -- let me see if I can find this. I may backtrack on this if I can't find it and

come back to you if you do find it.

MR. JOHNSON: Sure. Commissioner Fry, just --

COMMISSIONER FRY: Yeah, I can't find it.

MR. JOHNSON: If you can and, eventually, just identify the page that we're supposed to be looking at.

COMMISSIONER FRY: Okay. All right.

CHAIRMAN FRYER: Mr. Schmitt?

COMMISSIONER SCHMITT: Yeah. I personally think this is a great idea. To use the term, it was kind of a no-brainer. We did have a proliferation of storage facilities because, apparently, the public is demanding the storage space, which is bizarre, but we have them appearing.

The neat thing about this is, we're still going to be able to use the bottom floor, typically, you can, for commercial endeavor, correct, office space or some other type of space?

MR. JOHNSON: Yeah.

COMMISSIONER SCHMITT: It doesn't, in any way, shape, or form relieve any of the requirements for architectural standards. So the buildings that are going to be built will have the appearance of -- typically of an office building or some type of facade that is not strictly just a big box.

My only real question is as far as, are there going to be any complications? I don't think there will be, but as far as traffic counts and traffic determination, you're going to still look at the use. Of course, there's low traffic count when we're talking about self-storage, but now we're intermixing with other type of uses, so the traffic count will still have to encapsulate the total usage of the facility. So I just want to make sure that we're not, in any way, allowing a get-out-of-jail-free card, so to speak, for the developer to circumvent the traffic and the, you know, certificate of adequate public facilities.

MR. JOHNSON: Sure, Commissioner Schmitt. Let me address that.

If -- you know, with the list of permitted uses in the C-4 zoning district, we're not adding any other high-traffic users into the C-4 zoning district. So if an SDP is required, a Site Development Plan is required, the review analysis of traffic impacts are required and done at that time during the SDP process for concurrency purposes. It's my understanding, a Traffic Impact Statement would be needed.

COMMISSIONER SCHMITT: Yes, it should.

MR. JOHNSON: Now, you know, I'm not sure if the SDP covers every type of -- you know, the traffic review is covered under every different type of application, but certainly through the SDP is.

COMMISSIONER SCHMITT: For the Board to understand, it's a permitted use so, therefore, it doesn't not -- would not come back to any type of zoning application. It's a straight zoning permitted use then.

MR. JOHNSON: That's true, yes. It has nothing to do with PUDs.

COMMISSIONER FRY: May I ask Commissioner Schmitt a question. It sounds like you have a great faith that this is a -- you said a no-brainer. Are you -- is it your belief that it will then limit the proliferation of stand-alone mini-storage units, that they will more and more become part of integrated C-4 uses?

COMMISSIONER SCHMITT: To answer your question, yes. I think a lot of this was a result of the 41 study. And there's two -- are there two going up right now on 41? I believe there are, two -- on the East Trail, two different storage facilities.

I think it would have been pretty interesting had one of them or two of them had the bottom floor with some commercial space. They're just buildings there now. They're designed nicely, but I think it offers an opportunity to allow for redevelopment, yet at the same time creating

an opportunity for businesses to use the bottom floor, because right now they can't. It's strictly storage.

MR. FRANTZ: And if I could add a little bit to this conversation. I think the -- a lot of what the objection to these buildings has been is the use of commercial space that, you know, we'd like to see become more of a neighborhood-serving type of commercial use.

And so while this might not necessarily limit self-storage buildings, it does ensure that, you know, if they want to get a self-storage building as easily as possible, we also get, along with that, some of that more neighborhood -- potentially more neighborhood-serving commercial uses.

COMMISSIONER SCHMITT: Probably the better way to say it, because the storage facilities were taking up what I would consider desirable space for other type of services to the community. But, for some reason, the desire was to put these storage facilities up because, of course, they're marketable, and they're doing quite well. But it doesn't offer anything to the community other than those who come down here and store their stuff for the summer. It opens the door for more opportunity for businesses to use storefronts, whether it be a gym or a legal office or whatever it could be. I think it's just -- it does allow an opportunity, and I think it would be -- it would have been interesting to see this on a couple of the ones that are being built on the Trail right now.

COMMISSIONER FRY: So, I mean, it's an alternative to the stand-alone storage units. It does not limit the stand-alone storage units, but it gives them an easier way to go. So it's -- I guess it's an educated assumption that the incentive -- it will incentivize them to come forward with less -- fewer conditional uses and occupy more shared space with other C-4 uses.

What I'm struggling with is that we're -- the intent was to limit them, and now we're not limiting them. We're actually expanding the capability of them. It seems to make sense, but that's what I'm struggling with is that: Did we want to limit them, or did we want to expand their use?

MR. FRANTZ: Well, I think the Board changed their tactic when we brought that first LDC amendment to them that had the separation standard.

COMMISSIONER FRY: Okay.

MR. FRANTZ: That was the feedback that we got from the Board at that time that, actually, no, we don't necessarily want to have a restriction, but we'd rather incentivize a better type of development that we would like to see.

COMMISSIONER FRY: So this is really in response to direct Board direction?

MR. FRANTZ: That's right.

COMMISSIONER FRY: Okay. Thank you.

CHAIRMAN FRYER: I have some things I want to say about it, but before I do, Commissioner Shea, do you have -- do you want to weigh in on it?

COMMISSIONER SHEA: Yeah. I think the market's going to really determine where it's needed. And what I like about this, at least it provides a more aesthetically-pleasing alternative. I mean, nobody's going to put these up if there isn't a demand for them in the community. And I like this approach with the mixed use in there much better than the stand-alone. So I want support it.

CHAIRMAN FRYER: Vice Chair, anything to say?

COMMISSIONER HOMIAK: This will -- could be used for redevelopment, too, existing buildings, right, that are empty?

MR. JOHNSON: I'm trying to think of -- how. I'm processing that question.

COMMISSIONER SCHMITT: If it's C-4.

MR. JOHNSON: It's C-4.

COMMISSIONER SCHMITT: If it's C-4 zoning.

MS. ASHTON-CICKO: As written, it would apply to redevelopment.

COMMISSIONER HOMIAK: Yeah, okay. That would be a good thing.

CHAIRMAN FRYER: No one's lit up, and Commissioner Shea has spoken, so I'll speak now, if I may.

Of the six that we have before us this evening, this is the one that I had most trouble with, and I'll tell you why. Self-storage units, in the last several years that I've been looking closely at this stuff and observing Board of County Commissioners and listening to the public, there's -- certainly, there is going to continue to be considerable demand for these spaces because people retire and they move down here and they want to store their stuff. They're just not ready to acknowledge that maybe their kids don't want it; just give it away. So I get that. I'm in that position myself right now.

So we've got to facilitate meeting that demand, and I understand that completely. But on the other hand, in the past, if you look at some of the storage facilities that were done less recently than the ones that I've looked at the last few years, they're not as aesthetically pleasing. They're not as attractive as the more recent ones are.

And I looked back at the Valley Stream one, which came to us a few months ago. And I don't know if you-all recall it, but I thought it was very aesthetically pleasing. It was four stories inside, but it looked like it had only three stories on the outside, which I thought was a clever way of making it look less intensive.

And then I asked myself, well, why -- why did they go to those extremes in order to achieve such aesthetics? And it occurred to me at the time and it occurred to me again that when it's a conditional use, I think that we and the Board of County Commissioners have more latitude, perhaps more bargaining power, if you will, to insist upon stricter adherence to a higher level of aesthetics than we would if it were an absolute permitted use, and that's why I would -- I would be reluctant to see this become a permitted use. It's going -- if it were, it would be, then, something that developers can get as of right. I think there would be less oversight capability on the part of us and on the part of the Board of County Commissioners to insist upon the higher aesthetic standards that we get now when it's merely a conditional use.

So I like the idea of the 50 percent. I mean, I think that's all going in the right direction, but I'm not willing to give up -- personally, I don't see myself voting for giving up the conditional-use latitude that we have in exchange for only the 50 percent and the thematic consistency that also, I think, is a good thing.

But I would just rather see this remain as a conditional use where we continue to exercise the closer oversight. So those are my thoughts.

MR. JOHNSON: Mr. Chair, do you mind if I butt in for just a second?

CHAIRMAN FRYER: Please.

MR. JOHNSON: You know, we had this amendment reviewed by our staff architect. And, you know, the question that I had for him was, well, are self-storage facilities reviewed differently architecturally than, you know, nonself-storage? And Section 5.05.08.E.2 is architectural design guidelines, or standards, rather, for self-storage facilities. And the way we structured this proposed language is that if -- if we're getting what we want, and that's more commercial use, yeah, it's going to be permitted, and so we don't have that ability to restrict, but it would still -- the primary design -- primary design features would still have to comply with what is normally required for a commercial building.

So if you feel that the architectural standards are sufficient for a standard commercial building, then it surely should be sufficient for this. And that's how I would address that.

CHAIRMAN FRYER: Commissioner, I know you're lit up, but let me, if I may, respond.

I think we were able to accomplish more when this was a conditional use. I think when the Valley Stream people came in, they were very well tuned into aesthetics. And I looked back at the pictures that they displayed for us, and then I compared them to the pictures that we have in our

materials of various other places in Florida where you have 50 percent commercial or something like that, and you just don't achieve the same high quality of aesthetics that we got in Valley Stream.

And I remain concerned that if we make this a use as of right, there's going to be less effort on the part of developers to achieve the high aesthetics that I personally would like to see on what is, at base, a controversial use. There's a huge demand out there, but it is controversial.

So, Commissioner Fry.

COMMISSIONER FRY: I guess I'm along that same line. I'm trying to figure out if -- it sounds like a tradeoff, right? We are -- we don't have the conditional use give-and-take, the latitude, to insist on certain standards. But I'm unclear. The standards for development for a C-4 use, a building that might entertain less than 50 percent of the first floor for self-storage, are they less strict? Would we end up with eyesore projects that have mini-storage in it, or is it a tradeoff that is worth it because the design standards will be roughly the same but we'll have less of those stand-alone mini-storage units?

MR. JOHNSON: Not knowing all the intricacies of the design standards, I think it would be safe to say that the design standards for a stand-alone self-storage facility is less than for, you know, the primary facade design requirements for a commercial building. So I think it's an upgrade to go from self-storage -- only self-storage to a combination with requiring the primary design standards of Section 5.05.08.D.2.B.

Does that make any sense?

COMMISSIONER FRY: I mean, you had seemed to be putting Chairman Fryer's concerns, I guess, at ease a little bit in saying that it actually might look better.

MR. JOHNSON: That's what I was attempting to do. And, you know, the conditional --

COMMISSIONER FRY: I think that's an important consideration, though. It's an important question.

MR. JOHNSON: I mean, the way I understand a conditional-use application is there's, if I recall correctly, four criteria about a conditional-use application. We could bring it up -- we could bring MUNI code up on the screen. But you're dealing with the use itself when reviewing a conditional use, so...

I don't know if I'm answering that adequately, but, you know, I tried to say, you know, the design standards of 5.05.08.D.2.B should apply, and if that's insufficient, then maybe we need to reevaluate 5.05.08.D.2.B.

CHAIRMAN FRYER: I just personally think that we have more clout, if you will, to achieve higher aesthetics if it's a conditional use.

Commissioner Schmitt?

COMMISSIONER SCHMITT: Yeah. Unlike the city, the city has a design review committee --

CHAIRMAN FRYER: Board, yeah.

COMMISSIONER SCHMITT: -- for all architectural submittals. The county talked about it at one time, but just never did it just because of how cumbersome the process is. We have a pretty demanding standard set for architectural standards.

So -- but I -- I appreciate the Chairman's view on this, and I understand his viewpoint, but typically, other than if the petitioner volunteers, we cannot require anything that is above and beyond the code. But we can -- but typically when we get into a conditional use, we talk about lighting, we talk about other type of things. But 99.9 percent of the time, what we talk about is already in the code. Those -- all those standards exist. The down -- shading of lighting, all the other types of things that we've dealt with in the past, the applicant agrees to it, but it's in the code already.

I don't know, is it that beneficial to force the applicant to go through the conditional-use

process for maybe -- for something like this, then we would -- I think we're pretty much going to get the same result if it were just going through the straight zoning. It's still a staff review, and it's still a review of the architectural standards unless -- unless this Board of County Commissioners wants to implement a design review committee to review design standards, we're tied to the design standards within the LDC.

MR. FRANTZ: I just want to interject that the Board did direct us to bring back an LDC agreement that would incentivize this type of mixed-use self-storage and commercial uses. If the objection to the draft that you see today is about architectural standards and maybe a comparison of some of the recent self-storage buildings that you've reviewed compared to the typical architectural standards in our architectural code, if there's some particular elements of that particular self-storage building that you're referring to that we maybe could add to this amendment, we could go that route.

I'm just trying to find a way that we can continue to bring forward something that the Board asked us for but meet the concerns that this group is having.

CHAIRMAN FRYER: I'm not, at this point, prepared to identify specific aspects of the design code and compare it to, you know, what -- what we have before us. So I suppose -- I like the idea of incenting the commercial use. Possibly there would be another way of doing it.

I wonder if the Planning Commission would be willing to entertain the possibility of a continuance of this one for some more staff work, and perhaps that would involve only reassurance on the part of staff that -- and go back and look at Valley Stream, for instance, and tell me if -- well, I have a lot of personal experience driving in areas where self-storage facilities look terrible. In Eastern Long Island, New York, they just look awful. And I know that's entirely -- it's like apples and oranges. I get that.

But I feel as a conditional use, the things that -- the discretion that we have -- and, of course, you know, we can't require more than the law requires, but I think it has -- it has incented developers who want to do this to make this as physically attractive as possible aesthetically to win our vote. And I'd like to keep it that way if we could, but I don't want to be unreasonable.

MR. FRANTZ: As Eric mentioned at the beginning of his statement, we have scheduled this amendment to be heard by the Board in October. So as long as we can continue to meet those deadlines, we're going to continue to bring that -- bring the amendment forward on these hearings on those days.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: This is the first hearing. Doesn't this have to come back again for another hearing?

MR. FRANTZ: It only requires one for the CCPC. It will require two before the BCC.

COMMISSIONER SCHMITT: Two before the BCC.

MR. JOHNSON: We have both hearings set for the BCC in October. I think in October, I mentioned before -- I wrote it down. But there's two meetings in October, and we had -- we had them going forward for first reading and second reading both in October.

CHAIRMAN FRYER: So what's the pleasure of the Planning Commission?

COMMISSIONER FRY: I would yield to others, but, I guess, to me they seem like apples and oranges, in that a storage unit that's dedicated has fake windows and, as you mentioned, the appearance of three stories -- it's really four inside. But an actual C-4 use that has uses on those above floors would have windows and floors and it would have, I think, less latitude to disguise what it is, and I'm not sure I would see the need to disguise -- I mean, you wouldn't really know there's self-storage. From the pictures they provided of examples, I wouldn't have known they were self-storage unless it said self-storage on it.

So I don't know. I'm not quite sure if it's a grave concern or not. I'm certainly willing to go with whatever the Board's consensus is.

COMMISSIONER SCHMITT: I would propose we call the question. I recommend that this be forwarded to the Board of County Commissioners for approval.

CHAIRMAN FRYER: Okay. Is there a second?

COMMISSIONER HOMIAK: I'll second it.

COMMISSIONER SHEA: I second.

CHAIRMAN FRYER: Further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

No.

Okay. That passes 4-1.

***All right. The next matter before us is Petition PL20190000389, and this is to revise and clarify the procedures and approval process for comparable-use determinations. Staff?

MR. JOHNSON: Thank you, Mr. Chair.

For the record, Eric Johnson, principal planner.

So this item that's on the agenda, yes, we're talking about an item that's related to the comparable-use determination, but there are actually five different LDC amendments in this item -- in this item, what is it, 9A2 or something like that. And it would be my recommendation for the Planning Commission to vote separately on each one.

And just for your edification, the comparable-use determination starts on Page 13 of your packet. The SRA designation staff review time frames starts on Page 30 of your packet. The RMF6 density calculations start on Page 35 of your packet, and the special events and rights-of-way is on Page 41 in your packet. Finally, the TDR early entry bonus credits is on Page 58 of your packet, so -- go ahead.

CHAIRMAN FRYER: Each of those, though, has a separate PL number, and I was expecting that we would vote on them separately.

MR. JOHNSON: Very good, very good. Okay. Thank you.

So the one -- the comparable-use determination is intended to revise and clarify the procedures and approval process for comparable-use determinations. Status quo, a comparable-use analysis is conducted at the time when someone submits for a zoning verification letter, and so we're looking to remove that type of analysis into its own separate application. That's it in a nutshell. I can get into more specifics or answer some of your questions if you have any.

CHAIRMAN FRYER: Questions, comments?

MS. ASHTON-CICKO: This amendment is really a procedural amendment. Right now zoning verification letters are requested through staff. Staff writes the opinion, and it's subject to affirmation by either the Hearing Examiner or the Board of County Commissioners. So how this would change is that they would be presented for -- currently, they're proposing either the Hearing Examiner or the Board of County Commissioners to make the decision. So staff will present a staff report, and then the decision is going to be made by the body instead of, you know, the staff giving their opinion and then having it be affirmed. So it's a procedural change primarily.

CHAIRMAN FRYER: Am I correct that this is the first time we've really had a definition, if you will, of "comparable"?

MS. ASHTON-CICKO: No. It's in the current Land Development Code. They did go through and clarify the language so that there wasn't inconsistent terminology within the body of

the particular provision. So a lot of it is cleanup. Most of it is the change in the process.

CHAIRMAN FRYER: Okay.

MS. ASHTON-CICKO: Mr. Klatzkow, I did have a conversation with him, and he said one option to consider would be for the planning commissioners to be the deciding vote, like a boat dock extension, because you're the body that reviews the Planned Unit Developments, and so you would be familiar with -- you might have the history on how the, you know, PUD was established in the first place.

CHAIRMAN FRYER: Does staff have a position on that?

MR. JOHNSON: I'm sorry. I didn't hear what Heidi had to say.

CHAIRMAN FRYER: That the Planning Commission -- that it would be like a boat dock extension.

MR. FRANTZ: I think that staff's position is that the Hearing Examiner provides a fairly simple and straightforward process for this type of review. We don't have an objection to having it coming to the Board, you know, from a conceptual standpoint. But thinking of the applicant's process, they currently go to the Hearing Examiner, and we don't really have a reason to change that.

MS. ASHTON-CICKO: So currently if the Hearing Examiner can't hear it, it would go to the Board of County Commissioners, so the alternative would be that it would go to the Planning Commission, and the Board would hear it as an appeal like a boat dock extension.

CHAIRMAN FRYER: Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. Just for clarity, this does replace the zoning verification process?

MS. ASHTON-CICKO: As to the comparable-use determination, correct.

COMMISSIONER SCHMITT: Only for the comparable use?

MS. ASHTON-CICKO: That's correct.

COMMISSIONER SCHMITT: There would still be ZVLs. If I'm a property owner, I could submit -- because you said something that confused me, because typically a zoning verification letter, staff writes it, does the analysis, it's -- if I recall, it's publicly advertised, is it not?

MS. ASHTON-CICKO: For comparable-use determinations, yes, but for other zoning verification letters, you know, they want to know what they can do in their zoning district. You know, that does not go to hearing.

COMMISSIONER SCHMITT: So then it's advertised -- I don't remember them going to the Board. They go to the Board?

MS. ASHTON-CICKO: They go to the Board -- they did several years ago, but when we wrote the process for the Hearing Examiner, it went to the Hearing Examiner. Only to the Board if the Hearing Examiner couldn't hear it.

COMMISSIONER SCHMITT: But it's -- so the ZVL is still in place, but that's only for comparable use.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHMITT: I do like the proposal that we act as the intermediary prior to the Board. If it doesn't go to the Hearing Examiner, I think it should come to the Planning Commission, and then they would appeal to the Board based -- same thing with boat dock extensions. Is that --

MS. ASHTON-CICKO: Correct, you could make that recommendation and --

COMMISSIONER SCHMITT: Otherwise, it goes either to the Hearing Examiner, right to the Board.

MS. ASHTON-CICKO: Correct.

CHAIRMAN FRYER: Well, I happen to agree.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN FRYER: The reason it wouldn't go to the Hearing Examiner would be because, I assume, when Mark was both things, he would not hear something that had considerable amount of public opposition --

COMMISSIONER SCHMITT: Correct.

CHAIRMAN FRYER: -- or was a larger, more controversial issue. He'd just kick it over to --

COMMISSIONER SCHMITT: Or a conflict of interest.

CHAIRMAN FRYER: Or a conflict of interest. It seems to me the same thing should apply for this.

MR. JOHNSON: It would -- the way it's proposed, it would be the same thing.

COMMISSIONER SCHMITT: I like that idea because it removes the burden from the Board, and the Board uses us as the adjudicator to make a recommendation.

MR. FRANTZ: I think to clarify, what Heidi is suggesting, what Mr. Klatzkow has suggested, is on the screen here, it indicates that the comparable-use determinations go through one BCC or Hearing Examiner hearing. And I think the suggestion is that that would change to one CCPC or Hearing Examiner hearing.

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHMITT: I agree.

CHAIRMAN FRYER: Yes. All right. Well, before -- let's see if we can get Planning Commission action on that change. I've got a couple of others, but -- so we would insert "the Planning Commission" in the event that, for whatever reason, the Hearing Examiner was unable to hear it or decided not to hear it.

Is there any further -- is there a motion to that effect?

COMMISSIONER SCHMITT: I make a motion based on what we discussed, change the BCC to the Collier County Planning Commission. So I make a motion that that -- with that language, make a motion for approval.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion? If not --

COMMISSIONER FRY: Yes, just to clarify.

CHAIRMAN FRYER: I'm sorry.

COMMISSIONER FRY: So that means that the Planning Commission would be the final word on that? It would not -- it would not -- since -- it would not go to the County Commission?

MS. ASHTON-CICKO: Correct.

COMMISSIONER SCHMITT: They would only hear the appeal.

COMMISSIONER FRY: They would be an appeal. They'd hear the appeal.

CHAIRMAN FRYER: It's really just a matter of form, because you always have the right to question either the Hearing Examiner or the Planning Commission by taking an appeal to the Board of County Commissioners.

COMMISSIONER SCHMITT: Yeah. What this does is if they went to the Board and the Board turned it down, then the next step is the court.

CHAIRMAN FRYER: Go to court. Yeah, exactly.

All right. So have we voted on that?

COMMISSIONER FRY: We have not.

CHAIRMAN FRYER: Okay. All those in favor, say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Okay. Further comments or questions. Joe, you're still -- do you have more?

COMMISSIONER SCHMITT: Nope, that's it.

CHAIRMAN FRYER: Okay. Anyone else have questions or observations on this?

(No response.)

CHAIRMAN FRYER: I think it's definitely a step in the right direction. I'd like to propose some language options here and see what the Planning Commission thinks of it. And I'm looking at Section K, the comparable-use determination, which is really in the nature of a definition, the steps that would be taken to determine if the use is comparable, and it's on Page 24 of 100 in our material.

And section capital --

MS. ASHTON-CICKO: Mr. Chairman, so the motion that you just took, was that just a motion on changing it to the Planning Commission?

CHAIRMAN FRYER: Yes. That was just -- that was not approving the whole thing.

MS. ASHTON-CICKO: Okay.

CHAIRMAN FRYER: So then on K, which is definitional in nature, I think it gives good direction, but I think, perhaps, it could be polished up just a little bit, and I want to offer some suggestions for this group to consider.

First of all, under A where it says a comparable-use determination may be used, I would recommend that we change that language to "the following comparable-use determination shall be used" whether it's by the Hearing Examiner or the Planning Commission; that this is -- these are the steps that we recommend be taken in determining comparability. So that's -- that would be the first suggested change.

And then in 2, lowercase B, where it starts by saying the effect of the proposed use, noise, glare or, odor effects shall be comparable to. And I don't think we want to have a definition of comparable that includes the word "comparable." I think that gets to circular.

And so I would propose that we change the "expression comparable" to "no greater than that of." So it would say, "the effect of the proposed use would have on the neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district," et cetera.

And then the final change I'd like to suggest for your consideration is that we -- that we add a new sub D and move what is sub D to sub E, and the new sub D would read as follows: "The proposed use shall be compatible and consistent with the other permitted uses in the zoning district overlay or PUD." So I would offer up those changes for discussion and comment to the Planning Commission.

COMMISSIONER SCHMITT: I second that excellent suggestion, and I suggest -- I second that proposal.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Recommend approval with those changes.

COMMISSIONER FRY: Agreed.

CHAIRMAN FRYER: Thank you. Any further discussion?

Staff, you want to react to that?

MR. JOHNSON: I'm going to look to Ray just to make sure that he's happy with those changes.

CHAIRMAN FRYER: Okay.

COMMISSIONER SCHMITT: Solid.

MR. BELLOWS: Good evening.

CHAIRMAN FRYER: Good evening, Ray.

COMMISSIONER SCHMITT: Ray.

MR. BELLOWS: Yes, I've been involved with this LDC amendment, and the purpose really is to help establish some criteria when we review those items previously to the Hearing Examiner and hopefully in the future before the Planning Commission.

The ideas were, a PUD has a list of uses, and somebody comes in for an occupational license, and that use isn't specifically listed, this gives them an avenue to pursue to get that use approved within a PUD, and it makes sense that we have some standards to help evaluate some of those requests.

CHAIRMAN FRYER: I agree, completely. I think it's -- I've always been troubled by the word "comparable" because when you think about it, without a definition like this, any item in the universe, any two items are comparable no matter how different they are, one from the other, but now we're defining the term so it has good meaning.

My question is, is staff comfortable with my proposed amendments?

MR. BELLOWS: Yes.

CHAIRMAN FRYER: Okay. Good. Any further discussion, then, on that?

COMMISSIONER SCHMITT: Good suggestion.

CHAIRMAN FRYER: All right. It's been moved and seconded. All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

I did not have anything more in this, and since we've kind of been dealing with it piecemeal, does anybody else have any -- I might have gotten myself into a conundrum here. Is it the consensus of the Planning Commission that the vote we just took was for all the rest of this particular LDC amendment capping on to the addition of the Planning Commission into the process, which we did with the previous vote so that the intent of the vote that we just had was to approve the entirety of this with the changes I'd suggested; is that the consensus of the Planning Commission?

COMMISSIONER SCHMITT: So moved.

COMMISSIONER HOMIAK: Yes.

COMMISSIONER FRY: Not what I -- not the way I took it, but I'm fine with that.

CHAIRMAN FRYER: You okay with that?

COMMISSIONER FRY: I would vote the same.

CHAIRMAN FRYER: Okay. All right. Commissioner Shea, are you okay with that?

COMMISSIONER SHEA: Yes, sir, I'm good with that.

CHAIRMAN FRYER: I got tied up in a knot there, and I apologize for that. So thank you all for bailing me out.

COMMISSIONER FRY: Not at all. You added some excellent context.

CHAIRMAN FRYER: Okay. Thank you. Thank you very much. So that one is in the history books.

And we now move on to PL20190002647, which is an amendment that modifies the time frames and procedural review requirements for Stewardship Receiving Areas designations.

Staff.

MR. HENDERLONG: Good evening. My name is Rich Henderlong, principal planner with the Zoning Division.

As you adequately stated, it's a very simple amendment. This is to establish consistency with the new statutory limits for development permits and orders that were passed by the Florida Legislature back in June 28th, 2019.

So it's a pretty straightforward and simple amendment to be consistent with Florida requirements, or statutory requirements.

CHAIRMAN FRYER: Okay. Planning Commission comments.

COMMISSIONER SCHMITT: Make a motion. Recommend approval.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN FRYER: Any further discussion?

I have just a question. I'm not -- I don't have a problem with this, but it's going to take me a moment to get where I need to be. I apologize.

Oh, in -- this is on Page -- Packet Page 32, Section 2. It starts, application package submittal, and we're striking -- or, rather, we're adding language to the effect that it shall be in accordance with a section of Florida law. Is that -- I mean, do we need to do that? I mean, it is because Florida law is superior to county ordinances.

MR. HENDERLONG: I would have to yield to the County Attorney on that, but it was vetted and talked about, and it was recommended that we add that language.

MS. ASHTON-CICKO: It helps for the reviewers of our Land Development Code to then have this cite so they know what their review periods are, and we're taking them out of the code.

CHAIRMAN FRYER: Okay.

MS. ASHTON-CICKO: So I think it's fine the way it is.

CHAIRMAN FRYER: Okay. That's fine. I have no other questions, then, about it. Any further discussion on this? If not, all those -- do we have a motion?

COMMISSIONER SCHMITT: I made a motion; recommend approval.

COMMISSIONER FRY: Karen seconded it.

CHAIRMAN FRYER: Okay. Thank you. All those -- all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

All right. Moving right along here.

MR. HENDERLONG: Okay. Commissioner, before you begin with this next item, an issue's come up on this item among the staff members, and we'd like to ask that the Commission delay taking action on this amendment and continue it, and we'll bring it back at a later date after we work out some internal issues.

CHAIRMAN FRYER: This is the RFMUD?

MR. HENDERLONG: Yes, RFMUD-6 density calculation.

CHAIRMAN FRYER: Okay. Does any Planning Commission member have an objection to this being continued at the request of staff?

COMMISSIONER SCHMITT: No objection.

COMMISSIONER FRY: No, sir.

CHAIRMAN FRYER: Okay. Without objection, it will be continued. Do you want to continue to a specific date or indefinitely?

MR. HENDERLONG: Indefinitely.

CHAIRMAN FRYER: Okay. That's what we'll do, then.

I believe that concludes our business.

MR. HENDERLONG: No, sir.

CHAIRMAN FRYER: No. We've got one other.

MR. HENDERLONG: Yes.

CHAIRMAN FRYER: What do we have?

MR. HENDERLONG: ***It's Petition 20190002819, special events in right-of-ways.

CHAIRMAN FRYER: Oh, that's right. Right.

MR. HENDERLONG: That's your next one. And I'll just briefly explain to you that this amendment codifies the Board direction to clarify for special events that require the use of public right-of-ways and the application submittal requirements and review criteria and approval process for when a special event is conducted in the right-of-ways.

And the amendment narrows itself to arterial roads and collector roads in terms of the specific amendment. In general, the text adheres to the original LDC amendment that the Board vetted on October 22nd, 2019, and the applications that are currently being processed under these new proposed standards. So there are petitions that have gone forward based upon the Board direction on here. The Board did direct us to bring it back and vet it through the process.

So, therefore, the recommendations at the DSAC Committee were considered, and the yellow highlighted text that you have before you today represent those changes that the Board -- since the Board's direction. So staff is in agreement with this, and if you want further clarifications, I can go into each section of the three different sections of the amendment. But it basically is establishing a new process for temporary events in county right-of-ways.

CHAIRMAN FRYER: Thank you.

Commissioner Schmitt.

COMMISSIONER SCHMITT: Yeah. I have a question on Page 44 of our packet, but it is actually Paragraph 5C, and it's Roman numerals 1 through 6. It lists the various agencies. And I think that's good you list them, but this is no different than any other type of special-events permit; is that correct? If I were going to erect a tent to sell fireworks or whatever else, do I not still have to go through this process?

MR. HENDERLONG: It depends upon the specific event. For example, if it's a circus and so forth, it does go through this entire process, okay. It narrows it to the events in a particular right-of-way. The problem that had been in the past was that when right-of-ways were being used, these agencies were not coordinating and working together to make sure that all the safety protections were in place.

COMMISSIONER SCHMITT: But I would also believe if it's going through Growth Management Department, is that --

MR. HENDERLONG: That's correct.

COMMISSIONER SCHMITT: -- inclusive of the Building Department or --

MR. HENDERLONG: Yes.

COMMISSIONER SCHMITT: -- if they're going to do a temporary electrical connection, that they still have to get the required permits for -- and the required inspections?

MR. HENDERLONG: Yes, that is correct.

COMMISSIONER SCHMITT: Okay. So that's inclusive when we say "Growth Management."

MR. HENDERLONG: Yes.

COMMISSIONER SCHMITT: The Building Department as well?

MR. HENDERLONG: Yes, it does.

COMMISSIONER SCHMITT: Thank you.

CHAIRMAN FRYER: Mr. Fry?

COMMISSIONER FRY: Rich -- and I'm not sure this would apply to Mr. Shea, but I certainly am not yet a student of the LDC. I'm not as well versed as some of our other planning commissioners up here. Can you give a couple of real-life examples of these right-of-way permits, what kind of events, and what the issues were that were occurring that have been addressed here.

MR. HENDERLONG: A good one would be the Immokalee Cattle Parade where it closes down, in Immokalee, the state highway. The Florida Department of Transportation has very specific requirements that requires the County Manager and the county board to authorize that. There are actually design sheets that go along with signage and requirements and distance separations and how that sign works for the duration of that permit. It just doesn't occur. It requires a lot of coordination. That's one example.

Another example would be the Everglades Seafood Fest that would take a temporary road if it's partially closed. Golf tournaments are a very common example where, if they need to close a lane -- I think in the years in the past, I think it was out at Tiburon, they took one of Airport Road's and U.S. 41. They had to use a lane for the buses to come pick people up for off-street parking that were off site. There is temporary marking and closures that need to be done there.

What this is forcing them to do is to plan ahead in advance 90 days and -- so that they just can't come walking in. This has been a major concern for the business operations center; that they'll come in, like, 30 days before and say, we want this permit. They've got a lot of marking and a lot of people behind that. And this is backing it up and saying, you have to follow a procedure here for 90 days.

And as a result, it also brings all the forces together to integrate and make sure those events occur.

There were some issues in the past with a -- I guess there was a triathlon that involved multiple problems with traffic coordination and so forth, and that's really one of the key impetuses behind why the Board decided they wanted to come up with a new section that deals strictly with events in right-of-ways.

COMMISSIONER FRY: So it's instilling a time frame and a strict procedure for these types of events?

MR. HENDERLONG: Yes. Particularly interesting is the fact that when a -- the traffic hours in the code here, there's an advertised public hearing that has to go out in conjunction with these events. That's new. In the sense that when you close down from 7:00 a.m. in the morning to 9:00 a.m. if you're going to occupy, close that road or a lane -- partial closure of that road or from 3:30 to 6:00 p.m. at night, those are your peak hours; therefore, it's got to go back through an advertised notice for the adjacent property owners to let them know that this is going to be happening. It makes everybody aware of the event well in advance, and it also requires a Hearing Examiner to take a look at it as well, too.

COMMISSIONER FRY: Thank you. I'm very glad I asked that question; appreciate it.

CHAIRMAN FRYER: Thank you. Any other questions from the Planning Commission?

COMMISSIONER SCHMITT: I recommend approval as written.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN FRYER: Any further discussion?

(No response.)

CHAIRMAN FRYER: If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

COMMISSIONER SCHMITT: Good proposal.

CHAIRMAN FRYER: Indeed.

COMMISSIONER SCHMITT: How about -- you said this was the last one. Isn't there another one?

MR. HENDERLONG: There is one more.

COMMISSIONER SHEA: There is one more.

MR. HENDERLONG: ***Yeah. This is PL2020000268. It's TDR early entry bonus credits. This amendment is a very straightforward amendment. It extends the time period for early entry TDR bonus credits. It's coupled with a Growth Management Plan amendment that has been reviewed by this body and is going forward before the Board. This is cleaning it up. It extends it to September 27th, 2022, and it's consistent with that amendment.

COMMISSIONER SCHMITT: I just have one question.

CHAIRMAN FRYER: Go ahead.

COMMISSIONER SCHMITT: Heidi, legally, why wouldn't we do this in some kind of an ordinance from the Board and make this a little bit more open in the LDC? I only ask that because it's extending it out to 2022. Will we face another amendment in 2021 to send it to 2024? So I just -- procedurally, would it be easier just to have the Board --

MR. HENDERLONG: That's a very good question.

COMMISSIONER SCHMITT: -- do it by ordinance?

MR. HENDERLONG: And, actually, the GMP is proposing to remove that eventually so that it can be done automatically and you don't have to come back here every three years.

COMMISSIONER SCHMITT: It wouldn't have to come back then?

MR. HENDERLONG: Exactly.

COMMISSIONER SCHMITT: I'm just concerned, we put these dates in the LDC, and then we're forced to make changes because we passed the date, Rich, so...

MR. HENDERLONG: Great observation.

COMMISSIONER SCHMITT: But you're ahead of me on this one. You get a pay raise.

CHAIRMAN FRYER: Okay. Any further discussion on this one?

COMMISSIONER SCHMITT: I recommend approval as written.

COMMISSIONER FRY: Second. Beat you, Karen.

CHAIRMAN FRYER: All those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

CHAIRMAN FRYER: Opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Thank you. All right. Now, that really does bring us to the end of these, and so I'm going to call for new business. And I know that Secretary Fry has something that he'd like to say.

COMMISSIONER FRY: Just general clarification and a request of staff.

First clarification: So as the Chairman, you know, we weren't sure whether there were more amendments to look at, and in looking at our package, there's only one item in the agenda on the left. There's only one link, and I wondered why -- in a list of LDC amendments, would it be possible to have a link for each one so that we -- you know, we can see each individual item on the left bar, which are our shortcuts to those items?

MR. FRANTZ: Yeah. We can format that a little differently for you next time.

COMMISSIONER FRY: I would appreciate that, thank you.

And the second thing is, we used to get emails from staff every time a packet was posted for a meeting, and I haven't been seeing those lately. So for me it's very helpful to be able to look for that email and know that the packet is final, I can go out there, and I can look at it, download it and work with it. Have I missed something, or can we return to that if it's not still occurring?

MR. FRANTZ: I think that that is what we're supposed to still be doing. If you're not getting those emails, we can look into what the reason is for that.

COMMISSIONER FRY: Well, there are a lot of emails these days regarding a few of our issues that are upcoming, so perhaps it's gotten buried. Who do they -- who do those emails come from so I know to look -- what's changed?

MR. FRANTZ: Typically, it would come from either Diane Lynch or Trish Mills, so...

COMMISSIONER FRY: Okay.

MR. FRANTZ: But if you don't see those when you're expecting them, feel free to reach out to one of us, and we'll also look into whether or not you did or did not receive those and make sure that we correct them.

COMMISSIONER FRY: That would be great. I need a tickler to know when it's ready for me to look at. So I would appreciate that.

MR. FRANTZ: Thank you.

COMMISSIONER FRY: That's all I had.

COMMISSIONER SCHMITT: I've been typically getting email on the, what, Wednesday -- Tuesday or Wednesday prior. So I've been getting it. Maybe if you check to make sure you've got the right email. Because I actually get it on my home email. Now I finally got the fob for the -- for the county email again.

COMMISSIONER FRY: Did you get one for tonight, like when this was posted?

COMMISSIONER SCHMITT: For this meeting, yes. I got one last week telling me that the LDC amendments were posted. But I do agree with your --

COMMISSIONER FRY: I will check.

COMMISSIONER SCHMITT: But I do agree with your recommendation. I would have liked to have tick marks for every one of the amendments rather than just the one that -- we would have had a hot link to each amendment, but I went through and said, oh, there's only two, and then I'm scrolling down and go, oh, no, there's a lot more than two.

CHAIRMAN FRYER: I agree. Good.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN FRYER: Okay. Anything further?

(No response.)

CHAIRMAN FRYER: All right. Is there any old business?

(No response.)

CHAIRMAN FRYER: Any public comment on a matter not already dealt with by this group?

(No response.)

CHAIRMAN FRYER: If not, without objection, we're adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 6:19 p.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

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