

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, October 8, 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:

Karen Homiak, Acting Chair
Edwin Fryer (remote)
Joe Schmitt
Paul Shea
Robert L. Klucik, Jr. (remote)
Christopher T. Vernon

ABSENT:
Karl Fry
Tom Eastman, Collier County School Board Representative

ALSO PRESENT:
Jeremy Frantz, Land Development Code Manager
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

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

CHAIRMAN HOMIAK: Thank you.

Okay. Welcome to the October 8th evening meeting of the Collier County Planning Commission.

If you'd all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN HOMIAK: Okay. I guess Mr. Fry's not here. Is he on virtually or -- Mr. Fry. Oh, Ned?

COMMISSIONER FRYER: Madam Vice Chair, this is Ned.

Commissioner Fry called me or, rather, texted me this afternoon to say that he had an unavoidable, unforeseen business meeting that he needed to attend, so that would be an excused absence.

CHAIRMAN HOMIAK: All right, thanks. So I'll do roll call and start with Mr. Shea.

COMMISSIONER SHEA: Here.

CHAIRMAN HOMIAK: And Karen Homiak is here.

Mr. Schmitt?

COMMISSIONER SCHMITT: Here.

CHAIRMAN HOMIAK: Mr. Vernon?

COMMISSIONER KLUCIK: Here.

CHAIRMAN HOMIAK: Mr. Fryer?

COMMISSIONER FRYER: Here.

CHAIRMAN HOMIAK: Mr. Fry is not here.

And Mr. Klucik? He's not --

COMMISSIONER SHEA: He's --

CHAIRMAN HOMIAK: He's here?

COMMISSIONER SHEA: He was mute, but he said "here."

COMMISSIONER SCHMITT: Is he here?

COMMISSIONER SHEA: He's on the TV.

COMMISSIONER VERNON: He's on Zoom.

CHAIRMAN HOMIAK: Oh, that's not his name.

COMMISSIONER SHEA: No, that's the wrong name. Got the wrong name up. I'm looking at you but I don't see you. I don't hear you either.

MS. ASHTON-CICKO: Kevin is in the back, but he doesn't have his picture up.

COMMISSIONER KLUCIK: Can you hear me on the phone?

CHAIRMAN HOMIAK: Oh, there you are. Okay.

COMMISSIONER KLUCIK: Great.

CHAIRMAN HOMIAK: All right. So we have a quorum.

And this is the Land Development Code amendments for Golden Gate Parkway Overlay District. So I guess we'll hear from staff.

MR. JOHNSON: Good evening, everyone. Eric Johnson, principal planner with the Zoning Division.

Let me -- I would like to give you guys a presentation, a PowerPoint presentation, if that's okay.

CHAIRMAN HOMIAK: Yes.

MR. JOHNSON: Okay. This is the Golden Gate Parkway Overlay District. One moment, please. Okay. Great. Super. Okay.

This is the Golden Gate Parkway Overlay District, and what I envisioned for this is I'd like to give a presentation and go through it all and then get to questions, if that's okay with you guys.

But feel free to ask question while I'm going through it.

So the Golden Gate City vision statement is the -- the Golden Gate City is a safe, diverse, family-oriented community that offers easy access to education, parks, shopping, and services within a vibrant, walkable community.

This all came about -- the overlay came about with the Golden Gate Area Master Plan being adopted late last year. The idea here is is that we would create a consistent land-use designation along Golden Gate Parkway at existing commercial, civic, and multifamily properties to the subdistricts and initiate a zoning overlay, and that's what we're doing here tonight. And I have about maybe 18 more slides.

So, in part, the overlay -- zoning overlay would implement Policies 2.13 and 2.22 -- 2.23 of the GGAMP. And that's the acronym I'm going to call it, GGAMP. And you can read hear that Policy 2.23 is within two years of adoption, which was in 2019, Collier County shall initiate involvement of Golden Gate City residents and business owners to consider amendments to the Land Development Code to support and implement residential and commercial redevelopment and renewal initiatives. In the preceding policy, you'll see that the idea is to make the activity center into a convenient, pleasant, and safe for pedestrian/cyclists and maintain strong connections to transit service.

So the existing conditions right now is on the books we have two different zoning overlays. We have the professional office overlay. That's over here to the left, the bottom left. That's along Santa Barbara, and then we have the downtown center commercial overlay, which is near Collier Boulevard. In the middle here is the urban mixed-use activity center.

COMMISSIONER KLUCIK: Excuse me. This is Commissioner Klucik.

MR. JOHNSON: Yes, Commissioner. What can I do for you?

COMMISSIONER KLUCIK: Okay. So the GGAMP -- I'm just trying to figure out -- you referred to that. Is that referred to as something else in -- for instance, in the proposed --

MR. JOHNSON: That's a good question.

COMMISSIONER KLUCIK: -- item?

MR. JOHNSON: Two different acronyms that I'm using. GGAMP, which stands for the Golden Gate Area Master Plan, that was already adopted late last year. That was a change to the -- essentially, the GMP.

This here --

COMMISSIONER KLUCIK: And that's what -- that's what -- that's what you suggested that we go ahead and consider what we're looking at today --

MR. JOHNSON: That's correct.

COMMISSIONER KLUCIK: -- is the suggested changes like the one we're doing today? Okay.

MR. JOHNSON: Yeah, because the GGAMP was adopted, that calls for the initiation of a new zoning overlay.

COMMISSIONER KLUCIK: Okay. Great. That's it. That's all I had. Thanks.

MR. JOHNSON: So you're going to hear me say GGPOD. That's what we're talking about tonight, GGPOD. So the existing zoning, you'll see that the overlay is generally along Golden Gate Parkway. There are multiple zoning districts. The activity center is highlighted in red. And so there's 12 different zoning districts, and one of which is a PUD, and there's multiple PUDs within this overlay.

So the Land Development Code amendment implements the GGAMP; that's board directed. It works in concert with one of the county's three innovation zones; the Golden Gate City Development Zone, that's a county-level zone; and then it works in concert with a federal opportunity zone, which is in effect through 2028.

In a nutshell, it allows uses from underlying zoning district, and it promotes new design

standards to encourage development and redevelopment.

So what does the GGPOD look like? It's comprised of two different subdistricts: The mixed-use activity subdistrict in the middle, and then that's the downtown center commercial districts on the ends. And what I did here was I highlighted what the existing zoning is in each subdistrict. Excuse me.

So the main issues here with this overlay is to match the overlay standards to the Golden Gate vision -- Golden Gate City vision, increase residential variety and address compatibility, control auto-oriented uses, and promote the pedestrian realm, focus development standards on urban form, spur economic development business creation, and incentivize remodeling and renovation.

So we've had several meetings regarding this overlay. It started with stakeholder interviews by telephone. We've had two outreach meetings. And that's above and beyond the call of duty, so to speak. I mean, with a Land Development Code amendment, we usually go through the DSAC subcommittee, the DSAC, CCPC, and then the BCC. So we've tried to do a little bit above and beyond here. We even, last month, went to the Economic Development and Zoning Advisory Board. Thankfully, they were able to meet. They hadn't met because of COVID-19, or least they hadn't met for a long time.

So the summary of the proposed changes is that we're going to replace the existing overlays that are on the books, the Golden Gate Parkway Professional Office Commercial Overlay District as well as the Golden Gate Downtown Center Commercial Overlay District, and then this new overlay will have two subdistricts, the GGPOD DT and the GGPOD AC. So just remember those acronyms, DT and AC.

It expands the list of allowable uses including multifamily and new economic development uses, and I'll go into the economic development uses a little bit later.

The new development standards related to setbacks. For example, setbacks; architectural; landscape; open space; signage; new special design standards for the economic development uses; design standards for new rights-of-way. If there are going to be ever new rights-of-way dedicated in here, we have design standards for that; and we also have a new relief process that's kind of similar to the site plan with deviation process that's already on the books.

So in overview of the allowable uses in the GGPOD in the downtown, you basically will have whatever is allowed in the underlying zoning district, then we have extended it, per the GGAMP, the C-1, C-2, C-3 districts. The GGP -- the GGPPOCO and GGDCCO.

And in the AC it includes C-1 through C-3 as well as the C-4 and C-5 zoning districts, and we've incorporated new economic development uses. Now, obviously, not all of these uses have been incorporated into the GGPOD. There are some prohibited uses in your packet that you've seen but, basically, we've tried to capture all of the entitlements that are on the books right now with the exception of ones that don't really fit the vision of -- what we feel is the vision of the overlay.

So one of the interesting things here is that in the downtown center commercial overlay, you're not allowed to build residential only. You have to build, you know, retail on the ground floor followed by commercial only and then third floor residential, so that would be eliminated.

We want to increase residential variety by allowing townhomes, multifamily, artists' village, live/work units. And the GGAMP calls for the 22 dwelling units per acre maximum density in the activity center, and then there are 16 dwelling units per acre in the downtown subdistrict of the GGAMP.

Quite frankly, I can't recall if that's in the GGAMP or somewhere in the code. But you're allowed to have 22 DUs per acre in the AC, and you're allowed to have up to 16 in the DT.

So here's some residential uses we're proposing for this area: Live/work units, artists' villages. You could see how our code defines each. We didn't have to create any new definitions

for it.

And some examples of economic development uses in the county, really what we're talking about here are the GGAMP calls for advanced manufacturing. Advanced manufacturing is a nebulous term. It's not easily defined, so we used some sources to help us figure out what economic development uses are, and so we've itemized a bunch of SICs, the standard industrial classifications, that's in your packet. And so we're taking those SICs and looking around the county already to see if there's any economic development uses. These are a handful of them.

This is what one looks like already, the Atomic Machine and EDM, Incorporated. That's at 9950 Business Circle South. You can see the SIC there is 3841. This is what the rear view looks like.

Here's another one, Structure Medical. And what I wanted to point out here is how close the existing -- you know, these are -- I don't think these are taking over the whole building. They're likely taking over a spot or two inside an existing building. And so many of the parcels in the GGPOD are already improved as per the Collier County Property Appraiser. In fact, 10 percent of the parcels are considered vacant. So we're dealing with redevelopment, which is unlike many other petitions that you have before you. In the Golden Gate City, many of the parcels, at least in the overlay, are already improved.

And here's the rear of it. And this is a little snippet right here. I wanted to show you the little blue line between this and the single-family residence; 181 feet. That's -- so it coexists in other parts of the county. It can coexist here, especially when we incorporate our design standards that's going to address what we hope will never be a detriment to the health, safety, and welfare of the residents.

So we have new design standards to address the economic development uses, design standards related to loading areas, outside storage. All operations shall be conducted within a fully enclosed building. We have noise standards, odor, vibration, smoke and particulate matter, electrical disturbances, and we have appearance standards.

I'm almost there, guys. Hang with me.

So here are some new dimensional standards that we have for the GGPOD related to setbacks. What we're trying to do is what we call activate the walkable area, the front -- along the front property line, having more pedestrian-friendly, less auto-intensive. We're prioritizing to pedestrian over auto -- the automobile, if you will.

And so part of the height -- well, part of the change is to allow 75 feet in the activity center, and so that's an example of what a building could look like. So, you know, a maximum 60 to 75 feet allows this.

And so in one of our outreach meetings, you know, we always have different opinions, but one of the interesting things here was that in the downtown center and the downtown subdistrict, you know, a majority felt that, according to the image preferences -- I'm sorry -- the visual-presence surveys, you know, you could see that height wasn't that much of an issue to them. I actually was trying to solicit more input on height, and I said, well, what about 75 feet, 90 feet, and 120 feet, and you could see the results here.

This is an example of what it could look like. This is not something that we would ever want to codify or impose on anyone, but it's a nice picture. You could see the buildings line up and down Golden Gate Parkway with minimal to no setbacks.

So if there is a property that is going to dedicate a new street, we would call for a 66-foot-wide right-of-way. The hallmark here is that you would have a street tree planting zone area and eight-foot-wide sidewalks. Eight-foot-wide sidewalks exceeds the minimum.

And we also want to incentivize remodeling and renovation. We feel that that's best achieved through the deviation process. The ones that -- the deviation process that's on the books right now --

COMMISSIONER KLUCIK: Excuse me.

MR. JOHNSON: Yes, Yes.

COMMISSIONER KLUCIK: Could you go back to -- you were talking about trees. This is Commissioner Klucik.

MR. JOHNSON: Yes, Commissioner. What can I do for you?

COMMISSIONER KLUCIK: What I would suggest -- and I don't know -- maybe I could ask you the question: Is what we're adopting and what this is -- or we're voting on a recommendation on is, is it requiring a certain amount of street trees and what -- if you could elaborate on that. The only reason I say that is because I live in a community where there were requirements, and the developers have been playing around with the requirements. And if we really want a walkable -- you know, we want this to be walkable, then I would suggest we have to be very firm about the street tree requirement --

MR. JOHNSON: Sure.

COMMISSIONER KLUCIK: -- because we have a developer who came in and asked for an exception, and they ended up building a whole neighborhood with zero street trees, and so I'm particularly concerned about that. You know, if that's what we're saying, you know, that we want a walkable community and pedestrian friendly and even pedestrian focused, then I would just want to know more about what the requirements are for the trees, how far they're spaced, and how large they have to be, you know, at the time they're first put in, et cetera.

MR. JOHNSON: Sure. And hopefully I address that in the language on Page 28. And I think what we're doing is we're prescribing the elements that we feel would be a street -- a good street that has the sidewalks, the street trees, the appropriate type of curbing, on-street parking, travel lanes. And I'm reading through the language right now to see if these are required or it may.

COMMISSIONER KLUCIK: Sixty-six -- streets shall be 66 feet wide, but where does it talk about the trees? Is it 28 or Packet Page 32 or Packet Page 28?

MR. JOHNSON: I think it's Packet Page 28. Let me flip through.

Okay. Okay. Mr. Commissioner?

COMMISSIONER KLUCIK: Yes.

MR. JOHNSON: I'm reading my language. Lowercase d says, the trees will be spaced 40 feet on center with trees having a minimum average --

COMMISSIONER KLUCIK: Okay.

MR. JOHNSON: Do you see that?

COMMISSIONER KLUCIK: Yes.

MR. JOHNSON: Oh, super. Okay, great.

COMMISSIONER KLUCIK: And is that at the time of development?

MR. JOHNSON: That's at the time that it's improved. Again, this --

COMMISSIONER KLUCIK: So when you say, the spread of 20 feet is the anticipated spread of 20 feet, it wouldn't have to be that large at the time it's planted?

MR. JOHNSON: That's correct.

COMMISSIONER KLUCIK: All right.

MR. JOHNSON: Yeah. I want --

COMMISSIONER KLUCIK: Where did you come up with -- where did you come up with your 40 feet?

MR. JOHNSON: Just after speaking with some of our professionals, subject-matter experts that deal with landscaping. I'm not a landscaper, so I had to, you know, get help from others, staff members.

COMMISSIONER KLUCIK: And then -- and then the same issue for sidewalks. Are there sidewalk requirements on both sides of every street, or is it -- how does that work?

MR. JOHNSON: Yeah, the intent here is that sidewalks would be on both sides. And I

was trying to look through the language real quick and see if we were allowing flexibility, you know, like "may" or "shall." And I think --

COMMISSIONER KLUCIK: Correct.

MR. JOHNSON: If I recall correctly, it's a "shall." Let's see. Yeah, I'll have to take a step back and look through the language just to make sure.

COMMISSIONER KLUCIK: And I appreciate the -- both your indulgence of my interruption as well my colleagues. I guess I'll learn the protocols here. I'm sorry for interrupting if I'm doing it prematurely.

MR. JOHNSON: Mr. Commissioner, my pleasure to answer.

I'm seeing on Page 28 that it says, streets are intended to form a modified grid to provide continuous pedestrian walkways. The street network corresponds to a mix of uses and a higher level of building and site design standards in order to promote pedestrian comfort and movement of bicycles and to foster vibrant urban realm. These standards shall apply to new streets -- new streets in the GGPOD platted after the adoption of this ordinance. Streets shall be minimum of 66 feet and comprised of the following. So that's how the language is written.

COMMISSIONER KLUCIK: I don't see where it requires the sidewalks on both sides.

MR. JOHNSON: Well, I mean, if you want, we could, as part of your recommendation, if that's important, we could mandate it or you recommend that --

COMMISSIONER SCHMITT: It's already required in the LDC.

CHAIRMAN HOMIAK: Yeah.

COMMISSIONER SCHMITT: You go back in the LDC, in other sections, it's already required, sidewalks on both sides. If you want to have sidewalk on one side, you would have to ask for a deviation, but -- I think you can check that, but I'm almost 90 percent sure it's required on both sides.

CHAIRMAN HOMIAK: This has an 8-foot sidewalk.

COMMISSIONER KLUCIK: Thank you very much.

COMMISSIONER SCHMITT: Say again.

CHAIRMAN HOMIAK: This has an 8-foot sidewalk.

COMMISSIONER SCHMITT: Eight-foot sidewalk as well.

(Simultaneous crosstalk.)

COMMISSIONER SCHMITT: That's larger than a typical sidewalk, which is desirable certainly in a walkable community.

MR. JOHNSON: That's why we had to increase it to 66 feet.

So the deviation process, it would be a public hearing. If there's a request to deviate from one of the dimensional -- from one of the criterias that's listed in your packet, that's certainly something that could be entertained.

So that's the end of my presentation. Staff recommends that you recommend, the CCPC recommends, that the Golden Gate Parkway Overlay District would be approved.

I did want to make a last change on the fly, and I apologize for that. With respect to the economic development uses, I wanted to make sure that we properly screen the rooftop equipment. So if you were so inclined to make a recommendation to approve, that this would be part of your recommendation.

COMMISSIONER SCHMITT: Eric, isn't that already part of the architectural design standards?

MR. JOHNSON: It is a part of the economic -- the architectural design standards, but not to this extent.

COMMISSIONER SCHMITT: Okay.

MR. JOHNSON: Not to this extent.

COMMISSIONER SCHMITT: So you're identifying it, which is good. Because I know

we typically have to screen appurtenances.

MR. JOHNSON: We certainly do, but this is more stringent.

COMMISSIONER SCHMITT: Okay.

MR. JOHNSON: So that's the end of my presentation. I'll be happy to answer questions.

COMMISSIONER SCHMITT: I have some.

CHAIRMAN HOMIAK: Paul.

COMMISSIONER KLUCIK: Madam Chairwoman, I do have a question when the time is right for me.

CHAIRMAN HOMIAK: Can you wait just one moment, please.

Paul, go ahead.

COMMISSIONER SHEA: Yes. You mentioned that it's really primarily to incentivize the remodeling of it? I'm gathering that's what it is since probably 75 to 80 percent of that land is already -- there's already something on it. So, basically, the community's agreed to this type of a plan to focus on the remodeling?

MR. JOHNSON: That is a good question, Mr. Commissioner. So backing up, there's -- I think there's 267 parcels here, and only 10 percent of them are vacant as per the Property Appraiser. So this is -- this is really primarily a redevelopment project.

The feedback that we received from the different people, you know, in attendance, it's a mixed bag, you know. So we feel like this incorporates many of the -- you know, at least some of the concerns. So I don't know if that properly answers your questions, but this is -- this is our best swing.

CHAIRMAN HOMIAK: Joe, did you have --

COMMISSIONER SCHMITT: Go ahead with --

CHAIRMAN HOMIAK: Mr. Klucik, do you have any?

COMMISSIONER SCHMITT: Mr. Klucik, yeah.

COMMISSIONER KLUCIK: Yes, thank you, Madam Chair.

So I would just like to look at Page 3, which is Page 7 of our packet. And just -- I think we're kind of touching on what was just -- you know, it's a tangent of what was just mentioned.

So if you have existing nonconforming buildings, uses, what happens?

MR. JOHNSON: Uses or buildings or both?

COMMISSIONER SCHMITT: Well -- yeah, both. So there, you have a homeowner who's enjoying this land -- or a property owner who's enjoying his land, whatever he's got on it, and then we, you know, implement this code change. What are the consequences for someone who is not in compliance, regardless of what the nature of the noncompliance is?

MR. JOHNSON: Well, the idea is that you would be allowed to develop and improve your property such -- as long as it's in conformance or further -- or is in -- more in line with the development standards that we have here tonight.

COMMISSIONER KLUCIK: So if you just keep using it the way you've been using it, you're fine. It's only if you want to make improvements, the improvements would have to take in mind moving closer to the code?

MR. JOHNSON: Yes.

COMMISSIONER SCHMITT: Is there a threshold for that? Typically, it's 50 percent or more of the building, then you would have to comply, I believe; otherwise you're -- you have a nonconforming use which is approved. But if you do 50 percent or more, then you have to comply with the new code. I'm almost sure that's the requirement.

CHAIRMAN HOMIAK: I thought it wasn't for this.

COMMISSIONER SCHMITT: But what is it for this?

MR. FRANTZ: I think you're referring to the Florida Building Code.

COMMISSIONER SCHMITT: Right. But this as well. If you've got a nonconforming

structure that you're doing improvements --

MR. FRANTZ: We're not changing any of those standards for when you would normally have to comply with current code. So from the Florida Building Code perspective -- I believe you're correct, from that perspective. From the LDC perspective, typically -- you know, I think an easy way to think of it is if you're required to do a Site Development Plan or if you're required to do a Site Development Plan amendment, then you're required to come up to the current code.

COMMISSIONER SCHMITT: Yeah. So it's triggered by a redevelopment.

MR. FRANTZ: Right.

COMMISSIONER SCHMITT: Okay. Otherwise, you have a legally nonconforming structure.

MR. FRANTZ: Structure.

COMMISSIONER KLUCIK: Thank you.

COMMISSIONER SCHMITT: I have a question.

Ray, you've got --

MR. BELLOWS: For the record, Ray Bellows.

I just wanted to clarify, when we're dealing with a nonconforming structure, you can make certain improvements to it as long as you're not increasing the degree of nonconformity of what is deemed nonconforming.

COMMISSIONER SCHMITT: Right, okay. Good. So it goes back to the same LDC standards?

MR. BELLOWS: Correct.

COMMISSIONER SCHMITT: Yeah. Eric, on this, we've been through this. We went through the Golden Gate Area Master Plan. It was well vetted. I'm pretty sure there was a lot of community involvement, and it appears there -- there certainly was in this. And it's very detailed, so I commend the staff on the detail.

I guess from that standpoint, I really don't have any questions on this other than I think it's a great job and it's certainly what the community wanted to see done in Golden Gate City, at least my interpretation after we did the master plan. And this is nothing more than the implementing language to codify, basically, the development standards.

MR. JOHNSON: That's correct. This is the implementation of it.

COMMISSIONER SCHMITT: I'm certainly comfortable on moving forward with a motion, but I don't know if we have any public speakers.

CHAIRMAN HOMIAK: I don't know. I just have one --

COMMISSIONER FRYER: I have a question -- this is Ned Fryer -- at the appropriate time.

CHAIRMAN HOMIAK: Oh, go ahead, Ned.

COMMISSIONER FRYER: The document makes several references to zoned height with respect to the dimensional requirements. And my question is, shouldn't we also be specifying actual height?

CHAIRMAN HOMIAK: I was just going to ask that.

MR. JOHNSON: Well, if that's the prerogative of the Planning Commission.

CHAIRMAN HOMIAK: That was -- the community wasn't concerned with the height being higher than what it is here? Because this is a zoned height, so it's not the actual.

MR. JOHNSON: I'm trying to recall from the -- from the preference -- Commissioner, it looks like --

COMMISSIONER SCHMITT: You already have LDC criteria that defines zoned height to actual height.

MR. JOHNSON: That's correct.

COMMISSIONER SCHMITT: In fact, there's a diagram in the LDC, and it's actually

very clear, this would not circumvent that language, so --

MR. JOHNSON: That's correct.

COMMISSIONER SCHMITT: -- therefore, the existing LDC language would be in place. Typically, its base flood elevation is the first habitable floor, or first habitable floor then upward is the zoned height which is -- can be -- the actual heights can be significantly different, in some cases 15 feet, depending on the base flood elevation.

MR. FRANTZ: If I could offer an answer, too.

COMMISSIONER SCHMITT: Yeah.

MR. FRANTZ: When you-all see PUDs, you very frequently review actual height --

COMMISSIONER SCHMITT: Yes.

MR. FRANTZ: -- but when you look at conventional zoning districts, we typically, in the LDC, just look at the zoned height rather than actual. So we're just trying to be consistent with the way that we typically approach height in the LDC.

COMMISSIONER SCHMITT: And I don't think it would be that significant in Golden Gate. I'm going to look at Jamie. The base flood elevation is not that significant out there, is it, Jamie?

MR. JOHNSON: You know, I had some communications with the floodplain coordinator, and there are some parts of this area that are in the special flood hazard area, but nothing that is remarkable.

COMMISSIONER SCHMITT: Yeah, nothing -- I mean, we're not talking --

MR. JOHNSON: It's not like one of the previous petitions --

COMMISSIONER SCHMITT: No, that's another one. I'll get too technical, because if you're doing BFE, it's from -- it's from mean high-water mark as well, or mean high water. So there's Jamie. He's going to educate us.

MR. FRENCH: Good evening. Jamie French. I'm Deputy Department Head for Growth Management. I'm also a certified floodplain manager.

Typically, that Golden Gate area is right around eight or nine foot at BFE. We're into restudy right now. I don't believe it's going to affect that Golden Gate area. But with the new institution of the Florida Building Code, that latest revision required one foot of freeboard for habitable space. And you can get that on the commercial side by either flood proofing or by raising the slab for the first floor.

COMMISSIONER SCHMITT: I guess the question then -- I think most buildings out there are already at least eight feet now, are they not?

MR. FRENCH: Many of them, because of the map provisions, they are right at BFE. So in the event that -- and that's where you get into your 50 percent. In the event that there was an improvement done to that property, that's a FEMA/state requirement. It's not a zoning issue. It's a building code issue that you're going to -- you're going to elevate that structure, you're going to floodproof it.

COMMISSIONER SCHMITT: Okay. Ned, I'm sorry, but I think we probably way answered your question, but...

CHAIRMAN HOMIAK: Do you have anything else, Ned?

COMMISSIONER FRYER: Well, the only thing that I would say is that when residents, property owners, other people who would walk by a building, they're -- you know, zoned height is not a concept that is significant to them. They want to know how tall the building is in actuality.

And I understand -- I heard the explanation that we -- that we generally don't do that for these types of LDC provisions, but, you know, from my point of view, I think it would be important to put a maximum height limit that -- so as to assure that the actual height is compatible with and complementary to nearby structures. I mean, that's what we always look at and concern ourselves with. You know, I'm not going to fall on my sword over this, but that's what I would

recommend we do.

MS. ASHTON-CICKO: I appreciate his recommendation, but I would just like to point out, as Jeremy had mentioned, is that this would be the only place in the LDC where you would be referencing actual height in connection with either an overlay or zoning district. PUDs are an exception.

COMMISSIONER SCHMITT: Yeah, I would agree.

CHAIRMAN HOMIAK: I agree.

COMMISSIONER FRYER: Like I say, I'm not going to fall on my sword.

COMMISSIONER SCHMITT: I would agree. And we already -- like I said, already have language in the LDC that clarifies the zoned height and actual height dimensions.

CHAIRMAN HOMIAK: Okay. Did you have anything else, Ned?

COMMISSIONER FRYER: No, that's it.

CHAIRMAN HOMIAK: Mr. Klucik, did you have a question?

(No response.)

CHAIRMAN HOMIAK: I guess not.

COMMISSIONER KLUCIK: No, I don't. Thank you for asking.

CHAIRMAN HOMIAK: Okay, thanks. I thought I heard you say something.

Is there any other questions from anybody? Chris? No.

Is there any public speakers? I don't see any.

MR. FRANTZ: We do have a couple of people on Zoom.

CHAIRMAN HOMIAK: Okay.

MR. FRANTZ: Would you like to go to public speakers?

CHAIRMAN HOMIAK: Yes, please. Oh, is that all right with you, Eric? Were you done?

MR. JOHNSON: Yeah, that's fine. Yeah, please.

CHAIRMAN HOMIAK: Okay. Sorry.

MR. FRANTZ: Our first public speaker is Sean Sammon. Sean, are you there?

MR. SAMMON: Yes, I'm here.

MR. FRANTZ: Okay. We can hear you.

MR. SAMMON: Okay. Just for the record, we support this decision, and that's all I have to say.

COMMISSIONER SCHMITT: Sean represents who? The community?

MR. SAMMON: Davidson Engineering; I'm sorry. Planner with Davidson Engineering.

COMMISSIONER SCHMITT: Oh, thanks.

CHAIRMAN HOMIAK: Okay. Thank you.

And then the next one?

MR. FRANTZ: Our next public speaker is Megan Greer. Megan, are you there?

(No response.)

MR. FRANTZ: Megan, are you there? You may have to unmute yourself.

MS. GREER: Yes, can you-all hear me?

MR. FRANTZ: We can hear you now.

CHAIRMAN HOMIAK: Yes.

MS. GREER: Can you hear me? I'm sorry about that. Yes. I'm just calling from the Blue Zones project, and I just wanted to -- (audio malfunction) -- LDC following on policies --

MR. FRANTZ: Ma'am?

CHAIRMAN HOMIAK: We can't hear you.

MR. JOHNSON: Ms. Greer, could you repeat yourself. It was breaking up a little bit.

MS. GREER: Oh, okay. I'll talk a little bit slower. Can you hear me?

MR. JOHNSON: Yes.

MS. GREER: So my name is Megan Greer. I'm -- I work at in policy as a policy lead on the Blue Zones project. (Audio malfunction) -- LDC and the project for working towards better mobility for the residents that will be in this area. So working on safer sidewalks and greening and everything else.

So I just wanted to commend you for working towards higher density and affordable housing in Golden Gate City.

CHAIRMAN HOMIAK: Okay, thank you.

MR. FRANTZ: That's our last public speaker on Zoom. I don't know if there's anyone in the room that wants to speak.

CHAIRMAN HOMIAK: Is there anyone that wants to speak on anything?

COMMISSIONER SCHMITT: We have Mr. Yovanovich out there. He might want to steal --

(Simultaneous crosstalk.)

MR. YOVANOVICH: You didn't make any changes to anything --

COMMISSIONER SCHMITT: No.

MR. YOVANOVICH: -- while I was coming up.

COMMISSIONER SCHMITT: Yeah, we did it just before you came.

COMMISSIONER VERNON: You know, a first-year lawyer could not get away with that.

MR. YOVANOVICH: You know you can't use the stairs after 5:00?

CHAIRMAN HOMIAK: Okay.

COMMISSIONER SCHMITT: I do want to follow up with the speaker. I think it's great; the density is perfect. And, in fact, is this -- this is really the type of density you need in this area to promote affordable housing and maybe smaller units, but studio apartments, those type of things, absolutely superb for this type of -- this area, for that type of density. I hope the Board agrees, because sometimes density is a big problem.

CHAIRMAN HOMIAK: Anything else from anybody? All set?

COMMISSIONER SCHMITT: With that, I'd make a motion that we approve as presented by staff. There are no changes. So as written and as by staff -- oh, with the one correction, thank you, as noted.

COMMISSIONER VERNON: Vernon seconds.

CHAIRMAN HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN HOMIAK: Opposed?

(No response.)

CHAIRMAN HOMIAK: Okay. So that's everyone.

MR. JOHNSON: And I just want to state that the overlay excludes Parcel 36326680000. When we advertised, the lines of the map were a little thick. So I just wanted to clarify that that parcel is out of the overlay.

CHAIRMAN HOMIAK: Okay.

MR. JOHNSON: Thank you -- thank you, everyone.

COMMISSIONER SCHMITT: Thanks.

CHAIRMAN HOMIAK: Thank you.

COMMISSIONER SCHMITT: Well done.

CHAIRMAN HOMIAK: Okay. So public comment, I guess there's none.

We have two sets of minutes to approve: September 9th, 2020, minutes.

COMMISSIONER FRYER: I'll move their approval.

COMMISSIONER SCHMITT: I recommended approval. Did somebody -- I'll second.

CHAIRMAN HOMIAK: Who was that? Who was that; Ned?

COMMISSIONER FRYER: Yes.

COMMISSIONER SCHMITT: I second.

CHAIRMAN HOMIAK: Okay. Ned, and Joe second. All those in favor, signify by saying aye.

COMMISSIONER KLUCIK: Madam Speaker? Madam speaker?

CHAIRMAN HOMIAK: Yes.

COMMISSIONER KLUCIK: I would just say, I have no knowledge from which to make an opinion one way or the other. I realize I don't think I can abstain, I really -- I don't --

CHAIRMAN HOMIAK: You weren't at that meeting. That wasn't --

COMMISSIONER KLUCIK: Correct.

CHAIRMAN HOMIAK: Okay. You would abstain.

COMMISSIONER KLUCIK: Okay. Great. I didn't know if we could, and then I'm abstaining.

CHAIRMAN HOMIAK: Okay. Did I ask if everybody -- there's no opposition to the --

COMMISSIONER SCHMITT: No, I have one question to follow for discussion on the next meeting.

CHAIRMAN HOMIAK: Well, there's one more set of minutes to approve. September 17th, 2020.

COMMISSIONER FRYER: Move approval.

COMMISSIONER SCHMITT: Second.

CHAIRMAN HOMIAK: All those in favor, signify by saying aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRYER: Aye.

COMMISSIONER VERNON: Aye.

CHAIRMAN HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER KLUCIK: Aye.

CHAIRMAN HOMIAK: Opposed, like sign.

(No response.)

CHAIRMAN HOMIAK: Okay. Now you can --

COMMISSIONER SCHMITT: And, Ned, you'll be back for the next meeting. I don't know if you noted the agenda's out, but it has a time-certain AUIR at 3:00 p.m.

COMMISSIONER FRYER: Yes. This follows discussion that I had with staff. The initial proposal from staff was that we lead off with the AUIR, and I --

COMMISSIONER SCHMITT: No.

COMMISSIONER FRYER: -- respectfully, recommended to staff that we have a hard break at the end so that we don't have members of the public on One Naples sitting around for yet another -- to be preempted by yet another matter.

COMMISSIONER SCHMITT: Good. Excellent recommendation.

Now, I would ask staff, though, with the AUIR -- and we've kind of fluctuated in the past. We've gone from each element being presented to, basically, just an overview. What's the intent of staff on this? Meaning, for the new folks just -- we typically have gone through every department, every element of the AUIR, the Transportation, Emergency Services, Water/Sewer, all those other types of activities, even the Sheriff's Office. So I'm not sure what the intent is on staff

for this AUIR. Because if we start at 3:00 p.m., it could be hours.

MS. JENKINS: Anita Jenkins, Interim Zoning Director.

We were going to do a high-level presentation for you and ask you to focus on the questions you have. Staff will be here to address your questions, if you have questions about any particular area of the AUIR. But we were going to do a high-level presentation for you and limit it to questions.

COMMISSIONER SCHMITT: And for the new folks, it's the Annual Update and Inventory Report. I think we're only one of the two counties that still submit it to the State.

MS. JENKINS: You're right.

COMMISSIONER SCHMITT: It used to be required, but Collier County does do it, because it does give the commissioners an idea of the essential public services.

COMMISSIONER VERNON: We'll be voting on it at that meeting?

COMMISSIONER SCHMITT: We typically just recommend --

COMMISSIONER VERNON: It's a high-level presentation.

MS. JENKINS: Yes. Yeah, the Board accepts it.

COMMISSIONER VERNON: That day we will accept it?

MS. JENKINS: Yes.

COMMISSIONER VERNON: After the high-level meeting [sic]?

COMMISSIONER SCHMITT: And we, typically, would make comments to the Board of County Commissioners if we see something that should be brought to their attention --

MS. JENKINS: Yes.

COMMISSIONER SCHMITT: -- that would -- because it -- that document, basically, serves as the guidance for essential public services for approving of zoning and future zoning and those other types of things, so...

MS. JENKINS: Right, and it leads into the Capital Improvement Element.

COMMISSIONER SCHMITT: Capital Improvement Element, yeah.

MS. JENKINS: So just to get an idea, is there any area of interest in particular that you would like us to focus on during that presentation so we have a good idea; any of the public facilities areas?

(No response.)

MS. JENKINS: Okay. Well, we'll do a high-level, and staff will be here to answer any questions that you all might have.

COMMISSIONER SCHMITT: The only area I think would be of significance is Transportation.

MS. JENKINS: I think Trinity already left; I'm sorry.

CHAIRMAN HOMIAK: She already knows. Look at her raising her hand.

COMMISSIONER SCHMITT: But we wanted to give Trinity enough time to --

CHAIRMAN HOMIAK: And Corby did send out an email to ask everyone if you had any specific concerns.

COMMISSIONER SCHMITT: I think that would probably be of the most interest, and if -- Trinity, just a high-level, what's future -- planned for future growth and development -- or for future, I guess, construction, road projects, yeah. Thanks.

COMMISSIONER KLUCIK: Madam Chair?

CHAIRMAN HOMIAK: Yes.

COMMISSIONER KLUCIK: Okay. This is Commissioner Klucik. So -- and help me again. So you had mentioned in the beginning that we had a hard deadline --

COMMISSIONER SCHMITT: No. We have a -- it's the -- it's a 3:00 p.m. time-certain on the agenda for Thursday.

CHAIRMAN HOMIAK: For the AUIR.

COMMISSIONER SCHMITT: For the AUIR. So we will -- as Ned said, we will start with One Naples and then proceed with a hard break at 3:00 p.m.; is that correct?

COMMISSIONER FRYER: Then we'll take them up either at the next regular or special meeting.

COMMISSIONER SCHMITT: Yeah.

COMMISSIONER KLUCIK: Okay. Thank you. Thanks for clarifying.

CHAIRMAN HOMIAK: Okay. I see Rich moving up. Do you want to say something?

MR. YOVANOVICH: On the schedule, if you don't mind.

CHAIRMAN HOMIAK: Sure.

MR. YOVANOVICH: Just so I can plan for November 5th with the One Naples project, if you're going to have a hard stop at 3:00, based upon the amount of minutes we're giving to the different parties that you want to speak and the number of speakers that were in attendance at that last one, you probably have close to six, six-and-a-half hours worth of testimony from residents and some of the opposition parties.

I think -- I think it would -- I just wanted to -- I just would request that if it's going to be like that, I'm not going to want to start my rebuttal and not be able to finish. So should we plan on not having rebuttal on the 5th and continuing One Naples to the next meeting, I mean, once you --

COMMISSIONER FRYER: That would be my recommendation.

CHAIRMAN HOMIAK: I mean --

MR. YOVANOVICH: Is that a unanimous, Mr. Fryer?

COMMISSIONER SCHMITT: Fifteenth, not --

CHAIRMAN HOMIAK: The 15th --

MR. YOVANOVICH: The 15th, right. We would, obviously, get as far as we can until 3:00, and then we would -- we'd pick up again, because I see you have on the 5th -- we would come back on the 5th. You have two other continuances, it looks like, and five new petitions. I just want to make sure we're going to continue on with -- if One Naples gets continued again, we're going to be the first one up on November 5th. I just wanted to --

COMMISSIONER FRYER: That's the way we would do it. We won't break up your rebuttal.

MR. YOVANOVICH: Thank you. That's all I wanted to clarify. Thank you.

CHAIRMAN HOMIAK: Okay. Thanks.

COMMISSIONER SCHMITT: With all this work, I'd like a pay raise.

CHAIRMAN HOMIAK: You got it.

COMMISSIONER SCHMITT: Okay.

COMMISSIONER VERNON: I was just going to say as the new kid, my first live meeting, that everybody's been very welcoming, and I see some old faces and new faces. So I'm just looking forward to working with everybody, and thanks for welcoming me.

CHAIRMAN HOMIAK: Glad to have you.

MR. FRANTZ: And if I could just make one other point about the upcoming schedule. I did have a question for you-all. We do have a couple of other LDC amendments that are coming down the pipeline that require night hearings. And so -- I know that we have been loading you-all up with special meetings and don't want to do that if we don't have to. Wanted to entertain the idea of perhaps on November 19th, or whatever day ends up working out, just scheduling that on a regular CCPC date for a time-certain at 5:05 in order to not schedule an extra meeting.

COMMISSIONER SHEA: Why do they --

COMMISSIONER FRYER: I think that makes sense.

COMMISSIONER VERNON: You mean just keep going?

MR. FRANTZ: Yeah. Either continue your meeting past 5:00, or if you end all of your other business prior to 5:00, you could, you know, perhaps take a break and then come back at

5:00.

COMMISSIONER SCHMITT: Can you clarify? Because I'm puzzled that -- typically you only have two LDC cycles a year. So some of these are deemed special cycles?

MR. FRANTZ: The Board did away with the two cycles a year.

COMMISSIONER SCHMITT: Oh, okay. Well, see.

CHAIRMAN HOMIAK: Anytime, yeah.

COMMISSIONER SCHMITT: Send me to the desert, I come back, and look what I find out. My God.

COMMISSIONER SHEA: So, Jeremy, what's the 5:05? Why can't it be earlier? Is that -- LDCs can only be done at 5:05?

MR. FRANTZ: When we have an LDC amendment that modifies the list of permitted or conditional uses, we are required to hold a meeting after 5:00 p.m.

COMMISSIONER SCHMITT: One hearing to allow people who work to come.

CHAIRMAN HOMIAK: So that anybody can come. It's not just for retired people.

COMMISSIONER KLUCIK: Could you put the schedule back up on the screen?

CHAIRMAN HOMIAK: It's on the screen.

MR. FRANTZ: We may need to share it to the Zoom meeting.

CHAIRMAN HOMIAK: Oh.

COMMISSIONER KLUCIK: So that was fun. There we go. All right.

MR. FRANTZ: So right now for November 19th --

COMMISSIONER KLUCIK: So all of those -- all of those meetings are regular meetings at 9:00 a.m.?

MR. FRANTZ: That's correct.

CHAIRMAN HOMIAK: So you're suggesting the November 19th for 5:05?

MR. FRANTZ: That's what we would like to aim for those LDC amendments, yes.

CHAIRMAN HOMIAK: Is that all right with everyone?

COMMISSIONER SCHMITT: Sure.

COMMISSIONER FRYER: Even though we're only showing two petitions for November 19, my guess is that we're going to have carryover from previous days.

COMMISSIONER SCHMITT: Absolutely.

MR. FRANTZ: That was our thought as well.

COMMISSIONER SCHMITT: Guaranteed.

CHAIRMAN HOMIAK: Okay. Is that it now --

COMMISSIONER SCHMITT: Yep.

CHAIRMAN HOMIAK: -- for everybody?

Okay. With no further business, we are adjourned.

MR. FRANTZ: Thank you.

COMMISSIONER FRYER: Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the
Chair at 5:53 p.m.

COLLIER COUNTY PLANNING COMMISSION


KAREN HOMIAK, ACTING CHAIRMAN

These minutes approved by the Board on 11/5/2020, as presented or as corrected

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