

TRANSCRIPT OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
Naples, Florida, July 28, 2010
GMP AMENDMENTS

LET IT BE REMEMBERED, that the Board of County Commissioners, in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 11:25 a.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Fred Coyle
Jim Coletta
Donna Fiala
Frank Halas
Tom Henning (via speakerphone)

ALSO PRESENT:
Jeffrey A. Klatzkow, County Attorney
Heidi Ashton, Assistant County Attorney
David Weeks, Comprehensive Planning
Michele Mosca, Comprehensive Planning

CHAIRMAN COYLE: Ladies and gentlemen, the Board of County Commissioners' meeting is in session to consider Growth Management Plan amendments.

Would you please stand for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN COYLE: Mr. Weeks?

MR. WEEKS: Good morning, Commissioners. For the record, I'm David Weeks of the Comprehensive Planning section for the county.

Commissioners, you have two, broadly speaking, two items on your agenda today. One being the Growth Management Plan amendments, the other being the Settlement Agreement for Section 24, which was continued from your June 23rd meeting.

And at this time I would ask that the commission continue that item indefinitely.

COMMISSIONER COLETTA: Do you need a motion?

MR. WEEKS: Please.

COMMISSIONER COLETTA: So moved.

COMMISSIONER HALAS: Second.

CHAIRMAN COYLE: A motion to continue indefinitely by Commissioner Coletta, second by Commissioner Halas.

Any discussion?

All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: It passes unanimously.

MR. WEEKS: Thank you. And by being continued indefinitely,

that item will have to be readvertised before it comes back before the board.

CHAIRMAN COYLE: Okay. Then that leaves us only with one item, right?

MR. WEEKS: One four-part item, yes.

CHAIRMAN COYLE: Yes, okay.

MR. WEEKS: I would like to point out next that Item 3E on your agenda, which is petition CP-2009-1, a request to amend the Future Land Use Element and Future Land Use Map to create the Dade/Collier Cypress Recreation Area District within the conservation designation for property located along the Miami-Dade County boarder, that is what is commonly referred to as the jetport, that petition has been withdrawn.

It is anticipated that will be resubmitted at some point in the future, but it is withdrawn. It will not be discussed today.

CHAIRMAN COYLE: Okay.

MR. WEEKS: Commissioners, I need to make some introductory remarks --

COMMISSIONER FIALA: Can I ask who withdrew it? Who withdrew it?

MR. WEEKS: The applicant, Miami-Dade County.

Just to get us focused here, we are going to be discussing Growth Management Plan amendments, and specifically this is the adoption hearing. You previously saw these petitions and others at transmittal hearings earlier this year.

This is a legislative action, not quasijudicial, so there is no requirement, that is, it is at your discretion whether to swear in participants or offer notice of ex parte communications.

There is a sign-up sheet on (sic) the hallway outside these chambers for persons that wish to be notified by the Florida Department of Community Affairs of their notice of intent to find the amendments that you adopt today in compliance or not in compliance with state law.

That is a statutory requirement. Again, that sign-up sheet is in the hallway outside these chambers.

Commissioners, as always, after the conclusion of this hearing, staff would like to collect your binders and reuse them to send to the state and regional agencies as part of the adoption process.

I would point out that you have a total of four petitions on today's agenda, three of which are private sector petitions. The Planning Commission has reviewed all four of these and unanimously recommended approval of each of those four.

Three of the petitions, that is all of the private sector petitions, have had some modifications since you saw them at transmittal hearings.

The Planning Commission, as I mentioned, recommended approval of those. There's one petition that has also been changed a little bit since the Planning Commission recommendation. That is noted in your executive summary. And when we get to that item specifically, either staff or the petitioner will bring that to your attention.

That is petition CP-2008-2. That is the property located along Randall Boulevard at Immokalee Road.

And on that note, Item 4 on your agenda -- so I did misspeak earlier. You do have a total of five items, Commissioner, or three, depending on how you look at it.

There's a companion developer distribution agreement, and it is a companion to petition CP-2008-2 there at Randall and Immokalee, and would suggest that those be discussed concurrently, but they would need to be voted on separately.

I have one minor correction in the executive summary. It is on Page 3. Staff simply misstated a square footage figure, and it's for petition CP-2008-2 in the petition title. The executive summary states that this petition is to allow an additional 370,950 square feet. That should be 360,950 square feet. And I will tell you that the Exhibit A to the ordinance for that petition does list the correct square footage figure.

Finally, on a more general note, as is mentioned in the executive summary -- Commissioner Fiala, back to the transmittal hearing you had asked staff to provide a map identifying the Comprehensive Plan amendments so that they could be considered in full context, and you had referred to, I believe, not just the present petitions but also prior petitions, and that is provided in your executive summary.

There's a spreadsheet that identifies the petitions, those that have been approved, those that are pending, including those on today's agenda, and then there's a map identifying the locations of those for your consideration.

Staff made a cutoff of 2007. If we were to go back much farther, the map just gets too busy and, I think, would have little value. So that is there, and hopefully it's some benefit to you.

And Mr. Chairman, with that, we're ready to move into the individual petitions.

CHAIRMAN COYLE: Okay, let's start. What I would be most interested in as we go through these petitions is any substantive change that has occurred since the last time we saw these and, secondly, I'd like a specific comment on any variance or disagreement that we might have had with the ORC Report, okay.

MR. WEEKS: Thank you, Mr. Chairman, for the second comment in particular, because I failed to mention that specifically. Because this body has previously transmitted these petitions, they have been sent to the Florida Department of Community Affairs and other state and regional agencies for their review, their preliminary review, for compliance with state statutes, and they have, the DCA, has rendered its Objections, Recommendations, and Comments Report, what we commonly refer to as an ORC Report.

And the -- each of the three private sector petitions had some comment in some fashion, but most particularly two of them did have objections raised, and the applicants have responded to the objections.

And we believe, based on our staff's working with the applicants and our verbal communications with DCA, that all of the objections are overcome.

CHAIRMAN COYLE: Good, good. Thank you very much, David.

Then let's start with the first petition.

COMMISSIONER FIALA: Commissioner, may I --

CHAIRMAN COYLE: I'm sorry. Commissioner Fiala?

COMMISSIONER FIALA: The county attorney pointed out to us that each one of these needs a four vote, and there are only four of us here, and I think that that should be on the record as well.

MR. WEEKS: That's correct. Thank you.

CHAIRMAN COYLE: ***Okay. Is the first one yours, Mr. Yovanovich?

MR. YOVANOVICH: Yes, sir, and good morning. For the record, Rich Yovanovich on behalf of the petitioner. Bob Duane's here to answer any questions.

The only change -- this is for the Mission subdistrict, which was for Emmanuel Lutheran Church. It's for church and church-related facilities on Oil Well Road. You all --

MR. WEEKS: Mr. Chairman, should I read that title into the record? We typically do.

CHAIRMAN COYLE: It would be a good idea.

MR. WEEKS: Thank you.

Sorry, Rich.

This first item is agenda Item 3A, petition CP-2007-3, petition requesting an amendment to the Golden Gate Area Master Plan and Golden Gate Area Master Plan Future Land Use Map and Map Series to create the Mission subdistrict to allow church and related uses, including schools, adult care, and childcare and community outreach with the maximum of 90,000 square feet of total development for

property located on the south side of Oil Well Road, one-quarter mile west of Everglades Boulevard in Section 19, Township 48 south, Range 28 east, consisting of approximately 21.72 acres.

CHAIRMAN COYLE: Okay. Thank you. And the BCC obviously approved this or, otherwise, it wouldn't have been forwarded.

MR. YOVANOVICH: Unanimously.

CHAIRMAN COYLE: Yeah. And once again, I just want to make absolutely sure that there is -- there is no conflict between this -- this particular version of this petition and the ORC Report. Is that a fair statement?

MR. YOVANOVICH: Yes.

MR. WEEKS: There is none. There's no conflict.

CHAIRMAN COYLE: Okay. Is there any reason we shouldn't approve it under those circumstances, Commissioners?

COMMISSIONER COLETTA: Motion to approve.

MR. KLATZKOW: Do you have any public speakers on this, David?

MR. WEEKS: We do not.

CHAIRMAN COYLE: Okay. A motion to approve by Commissioner Coletta.

COMMISSIONER FIALA: Second.

CHAIRMAN COYLE: Second by Commissioner Fiala.

All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: It is approved unanimously. Thank you very much.

MR. WEEKS: ***Commissioners, your next item is petition CP-2008-2, petition requesting an amendment to the Golden Gate Area Master Plan and Golden Gate Area Future Land Use Map and Map Series to expand and modify the Randall Boulevard commercial subdistrict to allow an additional development intensity not to exceed 360,950 square feet of commercial uses of the C4 zoning district with exceptions for property located on the south side of Randall Boulevard extending from 8th Street Northeast, west to the canal on the west side of the Big Corkscrew Island Fire Station in Sections 26 and 27, Township 48 south, Range 27 east, consisting of approximately 56-and-a-half acres.

And Commissioners, you do have some registered speakers for this item.

CHAIRMAN COYLE: Okay. How many speakers do we have?

MR. WEEKS: Looks like six.

CHAIRMAN COYLE: Six, okay.

Mr. Anderson, if you'd like to make a brief presentation.

MR. ANDERSON: Yes, sir, thank you.

My name is Bruce Anderson from the Roetzel & Andress Law Firm, and with me today is the principal of the Emergent Development Group, Mr. Jack Sullivan. Also with me is Tim Hancock, the director of planning for Davidson Engineering.

You will probably recall this application from your prior hearing. It enjoys widespread community support.

The Department of Community Affairs raised two objections to this amendment. The first objection was to the original language which referred to allowing uses that are permitted in the C4 district. Their concern was that the language would allow for a self-amending Comprehensive Plan.

Their thinking is that if the County Commission later decided to amend the C4 zoning district to allow additional uses, that that would

have the effect of allowing those uses automatically in the Randall Boulevard subdistrict.

So we held conversations with DCA and with your staff, and we have resolved that by tying the C4 uses to those that are in existence today. We used that in a similar fashion on another subdistrict in the Golden Gate Master Plan.

Their second objection concerned transportation planning. Their concern has been addressed by adding project phasing language tied to the improvements of Randall Boulevard. There is adequate capacity there today to accommodate Phase I of the project, which is limited to 100,000 square feet.

There is additional language that was added after the Planning Commission by your staff with the agreement of my client, and that's featured in your executive summary. That will allow Phase II to move forward once there is sufficient capacity on Randall Boulevard to do so.

The other substantive change to the amendment text is that my client has agreed to -- that a grocery store anchor of at least 35,000 square feet would be included in the Phase I portion of the project.

You have a companion item which is a developer contribution agreement. It was being negotiated at the time of your transmittal. Under the broad parameters of that agreement, my client is donating right-of-way without impact fee credits for the eventual six-laning of Randall Boulevard.

Under the DCA, both the fire station and the forestry service building on the county's property will be moved, and those two essential service agencies will collocate on the eastern corner of 8th Street and Randall Boulevard, where a traffic signal is eventually planned to go.

That relocation will be at the sole expense of my client and another property owner, and that includes the cost of rezoning the property, getting SDP approval, and providing site improvements.

At the outset, my client set out to create a win-win-win situation

for the county, the neighbors in the community, and through that petition and the DCA that we have before you, we believe we've accomplished that.

We thank you for your consideration.

CHAIRMAN COYLE: Thank you very much.
Commissioner Coletta?

COMMISSIONER COLETTA: I'm sorry. Sir, could you -- I could wait until after the speakers, if you don't mind.

CHAIRMAN COYLE: Okay.

COMMISSIONER COLETTA: But I do want to speak after that.

CHAIRMAN COYLE: Okay. Who are the speakers? Could you stand, please, for me? Is there anyone here who objects to this petition? Okay. There is one person who objects. Okay. Then we will call the speakers in order. Thank you.

MR. WEEKS: First is James Siesky, who will be followed by Karen Acquard.

MR. SIESKY: Good morning, Commissioners. My name is Jim Siesky of the law firm of Siesky, Pilon, and Potter. I'm here on behalf of Urika Oil, Inc., and its president, Francisco Colasso, who's with me.

We didn't want to be here to object today, and it's really not our desire to object, but we're really left with no alternative.

We were approached by Mr. Sullivan, I guess, in June of 2008. In April of 2009 we entered into an agreement where we would participate in the Randall Boulevard subdistrict along with his proposal.

Backing up a little bit. Urika Oil owns the existing gas station and convenience store that's at the corner of Randall and Immokalee Road.

Our primary concern from the very beginning has been access, because access to the station is crucial to my client's business.

We've had meetings with your county Transportation Department and Mr. Sullivan and his staff. Unfortunately it seems that there's no alternative that will give my client reasonable access to his property

once development goes forward here.

Your staff, your transportation staff, and I have no objection with their concept, because we've hired our own traffic engineer, and he couldn't come up with anything better. He says that the county staff wants a direct route going west or -- excuse me -- east on Immokalee Road, and it would join with Randall. Perfectly reasonable. The only problem is, we have a right-in, right-out.

The access, if you're coming from the west, either on Randall or on Immokalee Road, is that you're going to have to take an out-of-the-way mile trip to get to my client's property and back to your intended route which, as you know, is going to just severely damage his business.

We've explored other alternatives, even consulted with an eminent domain attorney. That's probably not a reasonable solution because the county probably has the ability to do what it intends to do without any compensation to my client.

We've consulted an appraiser to see whether or not this change in use would be of a significant value for my client. It will not.

We've tried to negotiate some sort of an arrangement with Mr. Sullivan for an exchange of property or other possibilities. That was not successful.

CHAIRMAN COYLE: That's your time limit. But, please, we want to understand the problem thoroughly, so if you could summaries quickly, we'll grant you additional time.

MR. SIESKY: Thank you, sir.

The problem is the construction of the road. This development will necessitate construction of that road sooner. From my client's point of view, the longer that the construction of that road can be delayed, the better his business will be. And he has --

CHAIRMAN COYLE: Well, we're good at that.

MR. SIESKY: He has provided a service to this community over the years. He's been there since 1996. There's a convenience store, a

fast-food restaurant, a bank, and a gasoline station there. And we would request whatever help you can give us.

CHAIRMAN COYLE: Okay.

MR. SIESKY: Thank you very much.

CHAIRMAN COYLE: Thank you. Thank you.

MR. WEEKS: Karen Acquard, to be followed by Pat Humphries.

MS. ACQUARD: Good morning, Commissioners. For the record, it's Karen Acquard.

Our home is directly behind this proposed center. As before, I'm speaking on behalf of myself, my husband, and a majority of the homeowners whose property is adjacent to this proposed development.

We are in favor of it. This is the first developer who has come along who has given us, in writing, promises that would protect us from the noise and the dirt and so on from the six lanes.

I also happen to have served on the last Golden Gate Master Plan Restudy Committee and -- from its inception to its sunset. I missed two meetings in two years, and we met every other Wednesday.

This center meets the intent of that master plan because it is on the periphery of the Estates. The location is such that Emergent can attract the primary stores and businesses.

Being involved in Estates things for many years, I have learned that the one thing that big businesses insist on is rooftop demographics. You can set them on a corner, and they can count all the cars that go past a site and say, oh, my God, and they have no place else to go, and you take it to corporate headquarters and they go, we can't count enough rooftops. That's why it took us ten years to get a scale-down Walgreen's on one corner.

This has Waterways, Orangetree, Valencia Lakes, and Citrus Green rooftops. The big businesses can count the rooftops they want, and they should be happy to bring their stores there.

Emergent is working with the residents to -- and has pledged to

continue to get our input to bring us the design we like and stores that we would -- we want. We feel what -- if there's going to be commercial, we want quality commercial, and they are committed to bringing that out there.

And finally, I want to point out to all of you what a shot in the arm this center could be to the economy out in our area. It will provide jobs in road construction, it will provide jobs in building construction, and when it's completed, you're talking hundreds of jobs in the stores, offices, and restaurants there.

I urge you to approve this change because by doing so you can have a home run, a touchdown, and a checkered flag all in one for us. Thank you.

CHAIRMAN COYLE: Thank you.

MR. WEEKS: Pat Humphries, to be followed by Vahan Nazarian.

MS. HUMPHRIES: Good morning. My name is Pat Humphries. I'm a resident of Golden Gate Estates, a former board of director for the Golden Gate Estates Area Civic Association, present board of director for the homeowners' association for the Golden Gate Estates, Estates Land Trust Committee member, and a volunteer for the Shy Wolf Sanctuary. Today I am speaking for myself.

In 1992 I moved to Golden Gate Estates. Shortly thereafter, I heard a rumor that there was going to be a Winn Dixie on Immokalee Road in front of Orangetree. It didn't happen.

In 1999, a developer made a presentation to the Estates Civic Association promising a Publix. It didn't happen.

Now, finally we have a commitment for a shopping center with a quality grocery store in the right place and the right time and about time.

I enthusiastically support this project because it is compatible with the Golden Gate Area Master Plan and will serve the residents of the Estates without impacting the rural character. I am confident that

Emergent will build a facility that will satisfy the community both aesthetically and commercially. Thank you.

CHAIRMAN COYLE: Thank you.

MR. WEEKS: Mr. Vahan Nazarian, to be followed by Frank Alameda.

MR. NAZARIAN: Good morning, Commissioners.

CHAIRMAN COYLE: Good morning.

MR. NAZARIAN: My name is Vahan Nazarian, as the person just said, and I live at Valencia Golf and Country Club development.

And I just want to lend my voice in support of the Randall Boulevard shopping plaza. And it's going to provide a shopping facility that's convenient and is sorely needed for our area.

Thank you very much.

CHAIRMAN COYLE: Thank you.

MR. WEEKS: Mr. Chairman, I think it appropriate, and I hope you agree, that I should point out that both Mr. Nazarian and the next speaker, Frank Olmeda, have signed up as representing the petitioner, Emergent Development, just for the record.

CHAIRMAN COYLE: Okay, thank you.

MR. WEEKS: And the final speaker after Mr. Olmeda would be Paul Unsworth.

CHAIRMAN COYLE: Okay.

MR. OLMEDA: Good morning, Commissioners.

CHAIRMAN COYLE: Good morning.

MR. OLMEDA: My name is Frank Olmeda. I live at the Valencia Golf and Country Club. My wife and I are in full support of this proposed development, and we encourage the commissioners to support and vote for -- in favor and vote yes.

Thank you.

CHAIRMAN COYLE: Okay. Thank you.

MR. WEEKS: And again, the last speaker, Paul Unsworth.

MR. UNSWORTH: Hi. My name's Paul Unsworth. I'm a resident of Valencia Lakes. I'm also the chairman of the advisory committee to the developer of Valencia Lakes. I've been in contact with the developer and various residents within the community, Valencia Lakes community, that is, and I wholly -- wholeheartedly support the development.

The developer has assured us and our committee that we would be involved with the design and planning aspects of it so it doesn't impact our community. It's something we really need out there. Granted, the nearest shopping center is five-plus miles.

Just wanted to lend my support for this project. And there's others in our community as well that feel the same way. Thank you.

CHAIRMAN COYLE: Thank you very much.

Commissioner Coletta?

COMMISSIONER COLETTA: Yes. Thank you, sir.

Mr. Anderson, if I may, a couple of questions. You know, the only objection we had -- and I mean, it's for good reasons. When anybody has a business and they've had it for a number of years and they've put themselves into it and they feel threatened by what's happening with progress -- I mean, whether you went there or not, eventually the road's going to be four or six laned, and the same scenario of events is going to take place and the same problem we're having with E-Grocery stores, the one on Immokalee Road and the one on Golden Gate Boulevard, access can't be traditionally held when you go from a two-lane road to a four- to a six-lane road; however, as has been pointed out, that when this project comes, it's going to force the road to happen that much sooner, which -- I'm sorry. Would you elaborate on that a little bit.

MR. ANDERSON: I'll defer to Mr. Casalanguida.

COMMISSIONER COLETTA: Oh, okay.

Nick, we're calling on your expertise.

MR. KLATZKOW: Hot potato.

CHAIRMAN COYLE: This is called passing the buck.

COMMISSIONER COLETTA: Yeah, don't go too far, Mr. Anderson. I'm not through with you yet.

COMMISSIONER HALAS: Typical lawyer.

MR. CASALANGUIDA: He only passed 25 cents, so we can get him on the way out, if you don't mind.

For the record, Nick Casalanguida with Growth Management Services.

The road is not presently deficient and it would accommodate up to 100,000 square feet right now. Because this is a Growth Management Plan amendment and there's a rezone to follow sooner, there is nothing programmed for that road to go into construction at this time within the five-year work program.

So approving a Comp. Plan amendment at an intersection we've already defined as a critical intersection will not cause us to build that road faster per se.

COMMISSIONER COLETTA: And am I correct in assuming, too, that if they put the supermarket in place -- which, by the way, Mr. Anderson, thank you for picking up on my suggestion for including that as the starting point for your project.

The inclusion of that grocery store will not cause the automatic improvements to the intersection requiring them?

MR. CASALANGUIDA: No, sir.

COMMISSIONER COLETTA: So in other words, they could go through with the first phase of it. So we're probably looking at a time frame of five-years-plus; is that correct?

MR. CASALANGUIDA: You know, I hate to put a time frame on it. You know, we'd have to wait and see when the funding was available and the demand that came online.

I think one important note is the developer and his attorney -- and Francisco is a nice guy. I met with him many times. They reviewed

our design and said they couldn't find anything better. I mean, that is eventually what we're going to build when we expand that roadway.

We'll work with them and try and do what we can, but our design is not affected, per se, by this development. It's affected by the design of that road and the function of the roadway itself.

COMMISSIONER COLETTA: Okay. Thank you very much, Nick.

Question, again, for Mr. Anderson.

CHAIRMAN COYLE: Don't go away, Nick.

MR. CASALANGUIDA: Okay.

COMMISSIONER COLETTA: Yeah. Mr. Anderson, is there any intentions of this development including another gas station and convenience store within its -- its planned development?

MR. ANDERSON: No.

COMMISSIONER COLETTA: So in other words, you wouldn't be competing in any way at some point in time when you do reach that critical point? I mean, of course the grocery store, I imagine, would be of some competition for a convenience store. But in reality, it's going to about stay the same.

Okay. Well, I appreciate that, but I do have another question, too. We were talking about the -- the compatibility of this and the possibility that there's the concern over commercialization of the area and the carrying capacity for yourself and other developments that have previously been approved and possible new developments that may come down beforehand.

I understand your client has done a study on this; is that correct?

MR. ANDERSON: That's correct.

COMMISSIONER COLETTA: Would you share that with us at this time?

MR. ANDERSON: Yes. It was submitted to your staff, and it finds that there is sufficient need for what exists and what is proposed

both with our petition and another one that the commission chose not to transmit.

COMMISSIONER COLETTA: Okay. And just one last thing I'd like to add. I think this is a wonderful project that's got the support of the community over and above what you normally see, and I commend you for bringing everybody together on this.

I'd like to correct one thing. We had reference about the master plan and reference about the peripheral (sic) of the master plan. And there's no references in the master plan regarding on the peripheral. It may have taken place in discussions, but it never became part of the master plan, and I just wanted to correct that for the record. Other than that, this project's got my total support.

CHAIRMAN COYLE: Okay. Commissioner Halas?

COMMISSIONER HALAS: In the summary of this, originally it said that the Planning Commission had turned this down.

COMMISSIONER COLETTA: No.

COMMISSIONER HALAS: I thought it did, staff recommendation. Okay. I thought it was --

MR. ANDERSON: It was approved at transmittal and at adoption.

COMMISSIONER HALAS: Okay. And then there was some changes that were made, is that correct, to the wording of this document?

MR. ANDERSON: Yes, sir, yes, sir. At the very last sentence under the transportation mitigation section, it would read that neither the building permit limitations nor the certificates of occupancy limitations shall apply if satisfactory alternative mitigation is approved by the Board of County Commissioners pursuant to Transportation Element Policy 5.1, or if traffic conditions change in such a manner that adequate capacity is available.

COMMISSIONER HALAS: Okay, okay.

CHAIRMAN COYLE: Commissioner Fiala -- oh, I'm sorry. Go ahead.

COMMISSIONER HALAS: I have one more questions. This is for Nick.

Do you have a pictorial of the proposed transportation in regards to the gentleman that is representing the gas station there?

MR. CASALANGUIDA: Yes, sir, I do. North is this way up on the viewer.

COMMISSIONER HALAS: Yep.

MR. CASALANGUIDA: This is Immokalee Road as it currently exists, and then you have that T intersection that comes down. And right now there's a reverse frontage road that takes you back into this site, which is the gas station site that currently exists, the shopping center site that exists, and the fire station site that exists.

COMMISSIONER HALAS: Oh, okay. Got it now. I see.

MR. CASALANGUIDA: What the county designed and is part of their process was to put a pond site on this vacant parcel, which is part of Emergent Development, whereas now Emergent Development has come forward and said, we will build the water management system.

So the design coming off would be a free-flow ramp that would continue on, and then you would peel off and come back into the site and then come back around and go out and continue on. And this is the design that was presented to the property owner and reviewed by their traffic engineer that said that is the most feasible way of providing access to the property in the future condition.

COMMISSIONER HALAS: Now, can you explain -- they said in regards to this that they'd have to go a mile out of the way before they --

MR. CASALANGUIDA: I think they're referencing their left bound access.

CHAIRMAN COYLE: Southbound, southbound traffic on

Immokalee.

MR. CASALANGUIDA: Well, to come in, coming from westbound, since there's no direct way to come in, you would have to go down Immokalee, make a U-turn and then come back around and then come in. And quite frankly, Commissioners, intersections are the worst place to provide access for.

Now, keep in mind, you're seeing right now a stop. In the future condition this becomes a flyover and comes down.

Immokalee/Randall becomes your -- one of the most highest volume intersections there is. You have Ave Maria, Big Cypress, potentially the lab we talked about, Serenoa Development, and everything that goes on. We're trying to make this a free-flow intersection as much as we can.

COMMISSIONER HALAS: The intersection you presently have, that's dangerous, very dangerous.

MR. CASALANGUIDA: It is, sir, because you, currently right now, have an access point that peels off this way and comes in to serve them, and it backs up in the morning past that.

COMMISSIONER HALAS: Okay.

CHAIRMAN COYLE: Okay. Commissioner Fiala?

COMMISSIONER FIALA: Well, my questions have been answered. Between Commissioner Halas and Commissioner Coletta, I've got them all answered. Thank you.

CHAIRMAN COYLE: I'd like for you to get more specific about when this is likely to happen. You said it's not in the five-year plan now?

MR. CASALANGUIDA: Correct, sir. The only thing we have now is similar to what we've done at Immokalee and Collier where Commissioner Coletta and I had worked with the developer there, is you just -- you're planning and designing and acquiring little bits of right-of-way in preparation of doing the ultimate project when you

move forward.

There's nothing in the five-year CIE other than the county doing the preliminary design, any preliminary permitting with the developer as we prepare for this project.

We anticipated probably a year ago that Big Cypress was going to move forward. They had the DRI, and they suspended it. This would have been an intersection that probably would have been funded by that DRI.

Now we're at a point where we don't anticipate anything coming forward that would drive the construction of that intersection.

CHAIRMAN COYLE: So it's definitely not going to happen in five years?

MR. CASALANGUIDA: Sir, I think you know our funding, sir. There's nothing in our five-year CIE, and our funding is looking bleaker going into fiscal year '12 than it is -- than it is right now.

CHAIRMAN COYLE: Okay. Does that help you any at all?

MR. SIESKY: Thank you, Commissioner. It gives some comfort. But in speaking with Mr. Casalong- -- Casaluingda?

COMMISSIONER FIALA: Casalanguida. Isn't that a wonderful name?

MR. SIESKY: Casalanguida? I love the name. It's harder than Siesky.

He indicated to us that the five-year plan is revisited every year. So with development here and other development, it is possible that next year it could be in the five-year plan; is that not true?

MR. CASALANGUIDA: It's always possible that Big Cypress comes back on line and we have a large development that says, I want to fund this intersection in order to proceed, and I can't -- I can only speculate when that would happen, but I know you know the environment right now. There is nothing programmed and nothing really on the horizon that would drive that intersection.

CHAIRMAN COYLE: The chances are, if it came into the five-year program, it would be in the fifth year of the five-year program.

MR. SIESKY: We can only hope.

CHAIRMAN COYLE: Yeah. I don't see anything accelerating it to the two-year horizon because just the permitting process is going to take that long.

MR. CASALANGUIDA: Design and permitting will take at least 24 to 36 months, two to three years, yeah.

CHAIRMAN COYLE: So I think your chances are this is going to be a while, but I don't know of a -- I don't see a long-term solution for you here, which is unfortunate.

MR. SIESKY: Right, thank you.

CHAIRMAN COYLE: Okay, sure. Okay.

COMMISSIONER COLETTA: Motion to approve.

CHAIRMAN COYLE: That was the last public speaker?

COMMISSIONER HALAS: Second.

CHAIRMAN COYLE: We have a motion for approval by Commissioner Coletta, and a second by Commissioner Halas.

And a comment by David Weeks.

MR. WEEKS: Mr. Chairman, there's one issue staff needs to bring to your attention. It's in the executive summary on Page 5, and this pertains to the property we were just discussing.

CHAIRMAN COYLE: Tract 71.

MR. WEEKS: Tract 71, which is in the striping pattern here. At one time they were a party to this application, and that changed earlier this year. They are no longer a party to that application.

One of the changes that the applicant made post-transmittal, that is, leading up to these adoption hearings, was simply to remove that property from their proposed changes and expansion to the petition.

(Commissioner Henning is now present via speakerphone.)

MR. WEEKS: That is, the subject -- the Tract 71 is already in the

existing Randall Boulevard subdistrict, but no longer being a party to this application, then they would keep the same uses they're approved for today. That is, if this application is approved as requested, there would be no change in use for Tract 71, and that is appropriately so. The applicant had just left them alone. They made no changes to their status. They did not change their development rights.

You might recall several months ago this commission approved an appeal to a zoning letter relevant to Tract 71 and also the next parcel to the west. Those are two different PUDs that, together, they comprise the existing Randall Boulevard subdistrict. The action you took was to allow C2 uses throughout this existing subdistrict.

So back to Tract 71. By your action, despite what the language states in the Comprehensive Plan or the PUDs, those properties -- and we'll focus on Tract 71 again -- are allowed C2 uses.

So as a matter of cleanup to the master plan language, one of your options would be to change the language for Tract 71 and replace that existing list of uses with a phrase that would state all C2 uses, because that is consistent with your prior action on that property.

Staff is further offering an option that you allow all of the same uses that are being proposed for this whole expanded subdistrict, that is mostly C4 uses, to also apply to this Tract 71 even though they're no longer a party to the application.

And our rationale is this: There's some compatibility concern over the Tract 71 being limited to C2 uses and the rest of this new subdistrict being allowed mostly C4 uses, but it -- an even larger concern from the staff perspective is, in thinking long term, the potential for aggregation and redevelopment to occur. And if this Tract 71 is limited to C2 uses but the properties on both sides of it are allowed C4 type uses, that potentially could preclude the ability for that aggregation and development.

So to try to boil it down, there's three options that you have. One

is to leave the application as it is, which means if you approve it, Tract 71 will be allowed C2 uses based upon prior board action.

Second option is to specifically change the language for Tract 71 to specifically say C2 uses are allowed. That's the cleanup part. Neither of those two actions change the development rights of that Tract 71.

The third option is to make Tract 71 eligible for all of the uses as they're being proposed for the balance of this subdistrict. That does increase their development rights. That makes it -- the owner of Tract 71 could then come in and request a modification to their PUD to allow those C4 uses on the property.

Last comment is, what is the downside to the county? There may or may not be any, but as Nick was just discussing intersection improvements, it's possible that some portion of Tract 71 might be needed to accommodate that future improvement to the intersection, that is, we might need some land from Tract 71 for right-of-way or utilities or some of both. And, if we have to purchase the property from Tract 71, there's the potential that the value of that property might have increased by being allowed C4 uses versus C2.

CHAIRMAN COYLE: Okay. I have -- well, Commissioner Halas has a question, but let me try one first.

Am I to conclude from this that the action that would serve the best interests of the property owners would be the action that would permit it, Tract 71, to have the same use as allowed elsewhere in this subdistrict?

MR. WEEKS: I would certainly think so, yes, sir, to allow the same, yes, sir.

CHAIRMAN COYLE: And before we make a decision, should we not talk with the people who own that property to find out what their preference would be? Have we done that? Do we have any idea what we're doing to those property owners there?

MR. WEEKS: Staff has not discussed that with them, and I'm

glad to see that they're here to -- if they wish to speak.

CHAIRMAN COYLE: Okay. Does the same owner own 71 as all the --

MR. WEEKS: No, sir, separate.

CHAIRMAN COYLE: Do you own the entire Tract 71?

MR. SIESKY: Yes, sir.

CHAIRMAN COYLE: Could you give us some indication as to which option you'd like to see us --

MR. KLATZKOW: May I just interrupt?

CHAIRMAN COYLE: Sure.

MR. KLATZKOW: David, have we advertised for this?

CHAIRMAN COYLE: That's what's bothering me here.

MR. KLATZKOW: Have we advertised for any of this? No, right?

MR. WEEKS: No. The advertisement is -- no.

MR. KLATZKOW: I don't know how we can go forward with this.

COMMISSIONER HALAS: No, we can't go forward with this.

CHAIRMAN COYLE: Well, at least we can get an idea of what you would prefer.

MR. SIESKY: Thank you, sir.

Obviously, our first option is to have it turned down. But if it were approved, I would point out to the commission that the draft document indicates that it's the intent to promote development in this area.

I had it highlighted, but I can't find it at the moment. And I don't think that it's a good idea to have a doughnut hole. I don't -- I think that's inconsistent with the stated intent of the ordinance, and for that reason, I would -- if the commission does decide to approve this application, I would request that the C4 uses be allowed on Tract 71.

CHAIRMAN COYLE: Be allowed. Okay, good. Thank you

very much. Now, there's a question about whether or not we can take action on that today, but at least we understand what your position is, or your preference at least.

So how do we separate this -- this issue? Do we just have a separate hearing on Tract 71? Do we have to go through another Growth Management Plan modification, or how do we do this?

MR. KLATZKOW: Correct me if I'm wrong, David. Originally they were part of this application. And if they stayed part of the application, they would get this benefit. They chose to withdraw from the application, all right.

MR. WEEKS: That's correct.

MR. KLATZKOW: Okay. So the fact that there's a hole in the doughnut now is their doing at the end of the day.

CHAIRMAN COYLE: Okay. Can they -- can they elect to join the application again?

MR. KLATZKOW: We haven't advertised.

CHAIRMAN COYLE: Oh, okay.

MR. WEEKS: The advertisement is rather general in nature. The acreage figure still encompassed the subject property, and that was necessary because it's both a modification of and an expansion of an existing subdistrict. So we had to include the subject property in that acreage figure that was in the legal ad.

The square footage figure that is associated with this amendment is not specific to this Tract 71.

MR. SIESKY: Commissioner, if I just may clarify. Initially what happened was the developer withdrew this parcel. We didn't withdraw. Rather than to have authorization for the developer hanging out after he withdrew us so that he may do something that we weren't aware of, we withdrew as well.

CHAIRMAN COYLE: Okay.

MR. SIESKY: Just for clarification.

CHAIRMAN COYLE: So County Attorney, you're going to have to tell us how we can legally proceed here.

MR. KLATZKOW: You know, I hate saying this because it makes all the sense in the world, but I'm concerned that there may be legal impediments to doing it this way. And if -- you know, if everybody here wants to take the chance of a challenge down the road, I'm okay with that, but I'm saying that you're opening yourselves up to that challenge.

CHAIRMAN COYLE: How does it impact the petition, your petitioner, Mr. Anderson?

MR. HANCOCK: Good afternoon, Commissioners.

CHAIRMAN COYLE: You've got a minute.

MR. HANCOCK: Tim Hancock with Davidson Engineering. One of the functional problems is that there is a square footage cap for additional square footage that is in the language. And if he is granted the C4 uses and comes in to rezone and increases -- requests an increase in his square footage, it would then eat into the square footage that is a part of the balance of the application. That's the best I can do in 60 seconds.

CHAIRMAN COYLE: Wow. This is more complex than it has to be.

MS. MOSCA: For the record, Michele Mosca, Comprehensive Planning staff.

Actually the square footage allotment or allocation is specific to the expansion. The Tract 71 has the existing square feet of roughly 21,000 square feet with no cap on it.

CHAIRMAN COYLE: Okay. So am I to understand then if this -- if 71 were allowed to have the C4 zoning, that the square footage would not adversely affect the petitioner that we're talking to right now; is that a fair statement?

MS. MOSCA: I believe that would be a fair statement, correct.

CHAIRMAN COYLE: Okay. How can we make -- well, I still don't know how we proceed under these circumstances.

MR. KLATZKOW: Well, what I'm saying is that -- well, one, I'd like, you know, Mr. Anderson to say that he's okay with this. What I'm saying is that if somebody later objects, you've got a problem. If nobody objects, you have no problem.

CHAIRMAN COYLE: Yeah.

MR. KLATZKOW: So you might be doing the right thing, but you might be opening everybody up here to a challenge.

CHAIRMAN COYLE: Okay. Commissioner Halas?

COMMISSIONER HALAS: My concern is, the people that butt up to this area, there's where the challenge may be, because they may be happy with C2 but not with C4. So I think -- I think that's a problem, too.

MS. MOSCA: Commissioner Halas, the entire subdistrict, excluding Tract 71, would be eligible for C4 uses. So it would be the single parcel that would be limited to the C2 uses.

CHAIRMAN COYLE: I think what you just said was the same thing Commissioner Halas said, but I'm not sure. Tract 71 --

COMMISSIONER HALAS: Butts up to residential.

CHAIRMAN COYLE: Yeah, yeah. And if they are allowed to have C4 uses, the residential to the south of that project --

COMMISSIONER HALAS: May be opposed to it.

CHAIRMAN COYLE: Yeah.

MS. MOSCA: Perhaps.

COMMISSIONER HALAS: So -- and you haven't checked with them.

MR. WEEKS: But I would point out -- excuse me -- point out that when this petition was transmitted, approved for transmittal, the original application did include Tract 71 and it did include C4 uses, and heretofore, until today, we've not heard any objections to that.

CHAIRMAN COYLE: Okay. So the assumption is that it was previously submitted and identified as part of this petition?

MR. WEEKS: That is correct.

CHAIRMAN COYLE: There was no objection to that rezoning, so logically you would assume that there won't be an objection now. But it could be a challenge if someone wanted to do that.

What do you think, Mr. Anderson?

MR. ANDERSON: Well, I'm a little uncomfortable because I've never seen their language, so I'm not sure about the square footage cap. Also, this language has very specific provisions about architectural work and participating in that unified architectural theme.

CHAIRMAN COYLE: Yeah, yeah.

MR. ANDERSON: We're kind of uncomfortable.

MR. KLATZKOW: You know, we could table this, sir, so that everybody can get together and figure out what the ramifications are and then get back to this.

CHAIRMAN COYLE: Well, the problem is, you probably can't do that today. I would doubt if you'd be able to solve that today. If you can, that's wonderful. But your next shot is September, and I don't know if you want to wait that long. So how do we proceed then if this petitioner wants to go ahead?

MR. KLATZKOW: It's his application. This is a private application. Mr. Weeks had suggested a different -- or modification to it. If Mr. Anderson says he does not want to proceed in this manner, I don't think he should proceed.

CHAIRMAN COYLE: Okay. You're paying for it, right?

MR. ANDERSON: Yes, sir.

CHAIRMAN COYLE: It's your application. How do you want to go?

MR. ANDERSON: Well, I want approval.

CHAIRMAN COYLE: How bad do you want approval? You

want approval without the changes to Tract 71, is what you're saying?

MR. ANDERSON: That would probably be our preference. This was kind of last minute, and we weren't consulted about it either.

CHAIRMAN COYLE: Okay. Now, what do we do to help Tract 71 owners?

MR. KLATZKOW: Well, look. I mean --

CHAIRMAN COYLE: I mean, after this -- let's suppose we go ahead with this and we approve this petition which is, you know, their petition, and if we approve that petition, what can we do to help Tract 71 owners after that?

MR. WEEKS: Well, Tract 71 owners will still be eligible at their own initiative to amend their existing PUD to allow all C2 uses, because right now their PUD is very narrow following the very narrow language in the Golden Gate Master Plan for their property.

So they -- due to your prior action, if you don't do anything further for Tract 71 today, you've already made them eligible for all C2 uses. They can --

CHAIRMAN COYLE: And that's a PUD revision?

MR. WEEKS: That is correct, PUD amendment only.

CHAIRMAN COYLE: GMP -- it's not a GMP modification?

MR. WEEKS: That's correct.

CHAIRMAN COYLE: Now, if they want to go to C4 --

MR. WEEKS: Then they will need to amend the GMP and their PUD.

CHAIRMAN COYLE: It becomes more time-consuming and more expensive.

MR. WEEKS: Yes, sir.

CHAIRMAN COYLE: Okay. All right. There is an alternative, at least, but I think it's the best we can do under the circumstances.

MR. WEEKS: Mr. Chairman, if I can say something further

about the option of adding the C2 uses for their property. Again, because of the prior board action, staff has flagged this subdistrict as a cleanup change needed to the Golden Gate Master Plan.

As part of the evaluation and appraisal report, which we're working on right now, we can identify -- if this gets approved today as proposed by the applicant, staff could identify then in the EAR as an issue Tract 71 uses to be changed to reflect C2. Again, to reflect your own prior action as a matter of cleanup, because there is the discrepancy of the language saying, here's your list of 13 uses versus the board's action of saying you get C2. So we could clean that up and get that part of it straightened out, and then it's up to the applicant if and when they want to come in and amend their PUD.

CHAIRMAN COYLE: Okay. All right. Okay. Do I hear a motion --

COMMISSIONER HALAS: You got a motion.

CHAIRMAN COYLE: -- on this particular -- okay.

COMMISSIONER COLETTA: And a second.

CHAIRMAN COYLE: And a second. Do we have a vote?

COMMISSIONER COLETTA: Not yet. That's next.

COMMISSIONER HALAS: You're going to have to stipulate exactly -- we're going to have to stipulate that --

CHAIRMAN COYLE: Well, it won't include Tract 71.

COMMISSIONER HALAS: It won't include Tract 71.

MR. WEEKS: I would ask that the motion be to -- I believe that was the motion, is to approve the petition as requested by the applicant, and I would say further, as modified in your executive summary, that one sentence that Bruce read into the record.

CHAIRMAN COYLE: Yep, okay.

COMMISSIONER COLETTA: I incorporate that in the motion.

CHAIRMAN COYLE: Okay.

COMMISSIONER HALAS: And in my second.

CHAIRMAN COYLE: Okay. The motion is to approve the request by the petitioner to include the modification as stated in our executive summary concerning Transportation Element Policy 5.1, and it will not include Tract 71.

COMMISSIONER FIALA: Nick looks like he wants to say something.

MR. CASALANGUIDA: You may have a commissioner on the phone, but you've got a companion item with this that you may want to discuss first, and then take action separately but with both of them going forward, because they are tied together.

In other words, if you hear the companion item and you already motioned to approve this and you don't like the companion item, I just want to make sure that they're kind of -- they're kind of tied together.

CHAIRMAN COYLE: Okay. Commissioner Henning, are you with us?

COMMISSIONER HENNING: I am briefly. I just lost my charger again, so I'm here until the phone goes dead.

CHAIRMAN COYLE: Okay. Then we'll -- you're suggesting then, Nick, that we take a look at the companion item before we vote on this one?

MR. CASALANGUIDA: I would suggest that you hear the companion item, and then if you like what you hear, then you vote on both separately.

CHAIRMAN COYLE: All right, okay. Just as long as everybody understands that what we're considering on this petition has nothing to do with Tract 71 at the present time.

MR. CASALANGUIDA: Right.

COMMISSIONER HALAS: Yep.

MR. KLATZKOW: And Commissioners, could I get a motion from the board that Commissioner Henning may participate by telephone due to extraordinary circumstances?

CHAIRMAN COYLE: Okay. All who wish to grant approval for Commissioner Henning to participate by telephone, please say aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: (No response.)

CHAIRMAN COYLE: Any opposed?

(No response.)

CHAIRMAN COYLE: It's approved unanimously.

MR. KLATZKOW: Thank you, sir.

CHAIRMAN COYLE: All right. Now you're going to tell us about the companion.

MR. CASALANGUIDA: You've already heard much about it, Commissioners. The developer's agreed to work with the fire district and the forestry division, as well as the county EMS, Transportation Department, to design and incorporate water management into his development, as well as provide right-of-way.

There is a reduction in buffering on the roadway to allow to accommodate a little bit of a thinner buffer but with the same plant material. And another note is that when we come to rezone, that these -- DCA becomes more refined with the exhibits, because we are really at a conceptual phase with both the water management system and the roadway design.

So we had put that language in the DCA that says, prior to rezone, you'll revisit pretty much the DCA and redefine all these exhibits to be more accurate with the road project.

Other than that, I'll answer any questions that you have.

CHAIRMAN COYLE: Okay. Now, I want to make sure there are no inconsistencies between the companion item and the ORC Report. No?

MR. WEEKS: No.

MR. CASALANGUIDA: No. The DCA is addressing roadway deficiencies and compatibility with its neighbors, but not land use.

CHAIRMAN COYLE: Okay.

MR. CASALANGUIDA: Yeah.

CHAIRMAN COYLE: All right. Any questions, comments, motions from the board?

COMMISSIONER COLETTA: Motion to approve.

CHAIRMAN COYLE: Okay. Motion to approve the companion item and --

COMMISSIONER COLETTA: Do we have to vote on them separately?

MR. KLATZKOW: No, you can do it at once if you'd like.

CHAIRMAN COYLE: We can do it at one time?

MR. KLATZKOW: Sure.

CHAIRMAN COYLE: Okay.

COMMISSIONER COLETTA: Okay. And the original motion I made.

CHAIRMAN COYLE: Then we're going to have a vote on the original motion --

COMMISSIONER HALAS: I'll second that.

CHAIRMAN COYLE: -- which will include the companion item as just described.

All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: Then it passes unanimously, 5-0.

MR. ANDERSON: Thank you very much.

CHAIRMAN COYLE: Okay. I'm wondering if we can finish this. Can we finish this?

MR. WEEKS: These should go very fast, Commissioners.

MR. NADEAU: Mr. Chairman, Dwight Nadeau, representing the petitioner. We would like to try and move forward, if we could.

CHAIRMAN COYLE: Okay.

MR. WEEKS: I just want to read it on the record.

CHAIRMAN COYLE: Let's move forward.

MR. WEEKS: ***Okay. Next is petition CP-2008-4, petition requesting an amendment to the Future Land Use Element and Future Land Use Map and Map Series to redesignate from rural fringe mixed-use district sending lands to neutral lands, property located on the east and south sides of Washburn Avenue, East of the Naples Landfill, in Section 31, Township 49 south, Range 27 east, consisting of approximately 28.76 acres.

Commissioners, that's the title that has been advertised. I think Dwight will probably mention to you we've had some changes to the application as a result of the ORC Report.

CHAIRMAN COYLE: Okay.

MR. NADEAU: Again, Commissioners, Dwight Nadeau, for the record, with RWA, representing the petitioners, Filmore Recycling, Filmore LLC, on this CP-2008-4.

We had originally gone through our transmittal vetting process where we were going to change the designation from a rural fringe mixed-use district sending designation to a neutral designation to allow for a construction and demolition debris recycling operation.

(Commissioner Henning is no longer present via speakerphone.)

MR. NADEAU: It would augment the existing recycling operation that's on the subject property.

We made our transmittal. We did have some verbal indication from DCA that they wouldn't have any objection. There was a -- the ORC Report came back with some objection. And for lack of a better term, I think it was more of a precedence matter in creating a hole in the Future Land Use Map.

And so, through discussions with staff and the DCA, it was found to be appropriate to create a written exception within the Future Land Use Element to provide for the desired land use and not have to make the land -- not have to make the map change.

The applicant is in agreement with the language that's been proposed. We have a letter of support on the petition.

And with that, I humbly request your approval.

CHAIRMAN COYLE: Okay. And staff no longer has any objections?

MR. WEEKS: That is correct.

CHAIRMAN COYLE: And we are in compliance with the ORC Report?

MR. WEEKS: Based on our discussions with the DCA staff, they are in agreement with the language that is before you.

CHAIRMAN COYLE: Okay. There seemed to be a difference between your discussions and the written report, however, if I remember correctly.

MR. WEEKS: That's correct. The written report was based on the original petition as was approved for transmittal, which was to redesignate the land from sending to neutral. And the proposal now is, leave the property designated sending, just by text amendment, add this one specific use for this property. DCA was okay with that verbally.

CHAIRMAN COYLE: And the petitioner's okay with that?

MR. NADEAU: Yes, sir.

CHAIRMAN COYLE: Okay. Is there a recommendation --

COMMISSIONER HALAS: Motion to approve.

CHAIRMAN COYLE: Motion to approve by Commissioner Halas.

COMMISSIONER FIALA: Second.

CHAIRMAN COYLE: Second by Commissioner Fiala.

Any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: Commissioner Henning, were you with us?

COMMISSIONER HALAS: No, he's not.

COMMISSIONER COLETTA: It went back off again.

CHAIRMAN COYLE: Then it passes, 4-0.

MR. NADEAU: Thank you, Commissioners.

MR. WEEKS: ***Commissioner, your last item is a county-initiated petition, petition CPSP-2008-7, staff petition requesting an amendment to the Future Land Use Element to add a new policy, 4.11, pertaining to aligning planning time frames in the GMP.

You approved it unanimously for transmittal. There were no comments in the ORC Report.

COMMISSIONER COLETTA: Motion to approve.

COMMISSIONER HALAS: Motion to approve.

COMMISSIONER FIALA: Second.

CHAIRMAN COYLE: Motion to approve by a Commissioner Coletta, and second by Commissioner Halas and Commissioner Fiala. Is there any further discussion?

(No response.)

CHAIRMAN COYLE: All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: Any opposed, by like sign?

(No response.)

CHAIRMAN COYLE: It passes, 4-0.

MR. WEEKS: That's it, Commissioners.

CHAIRMAN COYLE: Okay. We don't have to do anything else.

I'll entertain a motion to adjourn.

COMMISSIONER HALAS: Motion to adjourn.

COMMISSIONER FIALA: Second.

CHAIRMAN COYLE: Motion to adjourn, Commissioner Halas, second by Commissioner Fiala.

All in favor, please signify by saying aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN COYLE: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN COYLE: We are adjourned. Thank you very much, ladies and gentlemen.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:28 p.m.

BOARD OF COUNTY COMMISSIONERS
BOARD OF ZONING APPEALS/EX
OFFICIO GOVERNING BOARD(S) OF

SPECIAL DISTRICTS UNDER ITS CONTROL

FRED COYLE, Chairman

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Board on

_____, as presented _____ or as

corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICES, INC.,
BY TERRI LEWIS.