

November 4, 2010

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
November 4, 2010

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 8:30 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Mark Strain, Chairman (Absent)
Melissa Ahern
Donna Reed-Caron, Acting Chairwoman
Diane Ebert
Karen Homiak
Paul Midney
Bob Murray
Brad Schiffer

ALSO PRESENT:

Jeffrey Klatzkow, County Attorney
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

ACTING CHAIRWOMAN CARON: Good morning everybody, and welcome to the Thursday, November 4th meeting of the Collier County Planning Commission.

If you'll all rise for the pledge of allegiance.

(Pledge of Allegiance was recited in unison.)

ACTING CHAIRWOMAN CARON: Good morning. Our Chairman Commissioner Strain is still out sick. We wish him a very speedy recovery. It's obviously not easy, when you get old and down and out, it's not a good thing.

(Laughter.)

COMMISSIONER HOMIAK: We don't all mean that.

COMMISSIONER SCHIFFER: You'll be there soon.

ACTING CHAIRWOMAN CARON: Ms. Homiak, could you please do the roll call?

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Caron?

ACTING CHAIRWOMAN CARON: Here.

COMMISSIONER HOMIAK: Mr. Strain is absent, Ms. Homiak is here.

Mr. Murray?

COMMISSIONER MURRAY: Here.

COMMISSIONER HOMIAK: Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

ACTING CHAIRWOMAN CARON: ***Okay. Our next meeting is the 18th of November. Is everybody planning on being here, barring anything unforeseen? Okay, great.

***Approval of minutes for October 7th.

COMMISSIONER HOMIAK: Motion to approve.

ACTING CHAIRWOMAN CARON: Thank you, Ms. Homiak.

Do I have a second?

COMMISSIONER EBERT: Second.

ACTING CHAIRWOMAN CARON: Thank you, Ms. Ebert.

All those in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN CARON: Aye.

Anybody opposed?

(No response.)

ACTING CHAIRWOMAN CARON: Motion carries 8-0.

Okay, thank you.

***And BCC reports.

MR. BELLOWS: Yes, on October 26th, the Board of County Commissioners heard the petition

PUDZ-AR-1408. That was the rezone from agricultural to a CPUD for the Corkscrew Commercial. That was approved on the summary agenda, subject to the Planning Commission recommendations.

ACTING CHAIRWOMAN CARON: Good. Thanks, Ray.

***There will be no chairman's report, since we have no chairman.

***So the first item is consent. And that is PUDA-2007-AR-11961, Sonoma Oaks mixed use PUD.

I don't know if you need to say anything. Does anybody have any issues with what's before --

MR. YOVANOVICH: We're comfortable with the language that's presented. Obviously we worked with your staff, so we think it accurately reflects the motion.

Do you need me to say that on the record?

ACTING CHAIRWOMAN CARON: Are you all set?

COMMISSIONER SCHIFFER: Yes. Do you need a motion?

ACTING CHAIRWOMAN CARON: We need a motion to approve.

COMMISSIONER SCHIFFER: I make a motion we accept the consent agenda item as represented in the hearing.

COMMISSIONER MURRAY: Second.

ACTING CHAIRWOMAN CARON: Okay, all those in favor?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRWOMAN CARON: Aye.

Anybody opposed?

(No response.)

ACTING CHAIRWOMAN CARON: Motion carries 8-0.

Okay.

MR. YOVANOVICH: Thank you.

COMMISSIONER MURRAY: Badabing, badaboom.

ACTING CHAIRWOMAN CARON: ***Our advertised petition which was for the Town of Ave Maria has been continued. And do we have a date?

MR. BELLOWS: Yes, that will be on the December 2nd commission meeting.

ACTING CHAIRWOMAN CARON: 12/2.

COMMISSIONER SCHIFFER: Question, Donna.

ACTING CHAIRWOMAN CARON: Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: Ray, one thing. In the packet it states that the SRA was administratively approved. What's he referring to, that the amendment -- I mean, the reason we're holding this is because he wants to match the SRA amendment application. So has it already been administratively approved?

MR. BELLOWS: For the record, Ray Bellows.

The applicant submitted a petition for an amendment to the master plan that basically reallocated 50 acres off of Camp Keis Road to a position off of Oil Well Road. Staff at the time felt that it had met the criteria for administrative criteria to the master plan as specified in the Land Development Code, but there was an issue that subsequently occurred in regard to the access road to that town center, and it's our opinion now that that would require a formal amendment to the SRA to adopt a master plan that has a revised access point. And that was the purpose of this continuance of the DOA was to allow the SRA resolution to be presented at the same meeting with the DRI.

COMMISSIONER SCHIFFER: So in the prior review where it states that it's already been administratively approved, that will be updated.

MR. BELLOWS: Correct.

COMMISSIONER SCHIFFER: The other question is that nowhere -- at least that I noticed in might review, so you can point it out if it is -- does it state that the uses are going to be prorated to now what is going to be four

towns. I know you number them 2-A and 2-B, but they're at opposite ends of the project.

MR. BELLOWS: The applicant's here, but I don't believe we're that far along in the process. This was just to amend the map itself. But maybe the applicant can provide more information on their timing.

MS. PERRY: Margaret Perry.

We do not allocate square footages to town center 2-A, 2-B, one or three. We have a total square footage that we're working with within the DRI, and those square footage allocations are determined at SDP. So we're not saying at this location there's going to be -- absent this there's going to be so many. It will be allotted during SDP review.

COMMISSIONER SCHIFFER: But you have some allocation already for the existing town.

MS. PERRY: Yes, we do.

COMMISSIONER SCHIFFER: Because theoretically we kind of violate the concept of mixed town use center. For example, you put all the residential in one town, all the commercial in another town, all the retail in another town.

MS. PERRY: I don't think that's the intent, Mr. Schiffer. I think there will be a mixed use in each of the town centers. It's not going to be strictly commercial, residential, it's going to be mixed use town center.

COMMISSIONER SCHIFFER: Rather than call it 2-A, 2-B, why don't you call it four?

MS. PERRY: Truthfully, because that would have required a language amendment one, two and three. We would have had to go back and -- I know it sounds silly, but to cross through and underline now there's a new town center four, and the uses within the SRA for town center two are very broad, and we didn't want to revise charts to add another column to town center four when it's the same uses that we're proposing.

COMMISSIONER SCHIFFER: Okay. I mean, it does look a little strange that 2-A and 2-B are not contiguous. But I'm done, thank you.

ACTING CHAIRWOMAN CARON: Thank you.

***So now we can go on to old business. And that concerns a schedule for our watershed management plan workshops.

Mac Hatcher.

MR. HATCHER: Mac Hatcher, Stormwater, Environmental Planning.

Good morning, Commissioners. I sent you all a memo detailing a proposed schedule of stakeholder meetings, and the EAC and Planning Commission meetings that we've expanded to accommodate the desires of the Planning Commission and the Environmental Advisory Council. This schedule is going to the Board of County Commissioners for approval on Tuesday.

What we've set up is a couple of meetings a month, from now until March. And then hopefully a BCC final meeting in March or April.

ACTING CHAIRWOMAN CARON: Okay. I have a question on the November. It says two stakeholder meetings. That's not including today, right? I mean --

MR. HATCHER: It's not including yesterday and today, correct.

ACTING CHAIRWOMAN CARON: Thank you.

COMMISSIONER MURRAY: I have a question.

ACTING CHAIRWOMAN CARON: Go ahead, Bob.

COMMISSIONER MURRAY: It's good that you're having the workshops. You took the message that we were giving you.

But given that the idea was to get the stakeholders more involved, how will that impact what you've already presented in terms of isn't there -- logically there's going to be a change in some of the approaches? Some manifestation of change is bound to occur. Do you anticipate that? Do you anticipate what you're going to be doing? What should we anticipate?

MR. HATCHER: I don't really anticipate a great deal of change other than bringing it out and offering the opportunity for more involvement. We're going to spend the first two groups of meetings, November and December, going over the issues that we've already presented to you all, seeing if the public does indeed have questions that need to be resolved further. And then we'll pick up with the alternative analysis.

MS. MURRAY: And if they do and there are significant issues, what will that do to impact what you're intending?

MR. HATCHER: It may cause things to get strung out further.

COMMISSIONER MURRAY: You anticipate that is what I'm --

MR. HATCHER: Do I anticipate it? I don't anticipate it, but we recognize that it may exist.

COMMISSIONER MURRAY: Okay. Thank you.

ACTING CHAIRWOMAN CARON: Thanks, Mac.

Anybody else --

COMMISSIONER MIDNEY: I have one.

So the workshop that we had on this was finished? I thought it was going to be continued until today. I mean, you know, the content that we were discussing. We wrapped it up last time?

ACTING CHAIRWOMAN CARON: No, I think that the next time that we workshop it as a CCPC will be this December meeting. And I guess I'm going -- I'll ask next, is that part of a regular agenda meeting? Is that what your intent was here, Mac?

MR. HATCHER: Yeah, I was planning on coming to your December meeting and making a presentation. I'll be happy to adjust that schedule. We're far enough out that I can accommodate a separate meeting, if that's what you all would prefer.

ACTING CHAIRWOMAN CARON: I think Ray would have to tell us what the schedules look like. And I would assume you're talking about doing the second meeting in December, because you also have to have two December stakeholder meetings in here at some point as well, so --

MR. BELLOWS: Yeah, the -- it would be the -- pull out my calendar here. Would be the second meeting in December for the Planning Commission. And that looks like that would be on the 16th.

ACTING CHAIRWOMAN CARON: Mr. Midney, if you had a question that you wanted to ask now, I mean --

COMMISSIONER MIDNEY: Well, it seems like if we're really not in the workshop, we should probably put it off until then.

ACTING CHAIRWOMAN CARON: Until December?

COMMISSIONER MIDNEY: Yeah.

ACTING CHAIRWOMAN CARON: In the meantime, you can always ask Mr. Hatcher anyway. But we'd like to know what your concerns are, so --

COMMISSIONER MIDNEY: Well, we're talking about conditions and alternatives. Mostly what I see and the material that we've gotten is kind of models and sort of descriptions of what we already have.

When you talk about alternatives, what are you planning to present?

MR. HATCHER: The list of projects that were gone over at the meeting last week, and the proposed changes to the regulations and policies will be evaluated as much as they can with the model. The policies and regulations can't in most instances really be modeled, but the projects can be modeled and their impact on the water quantity and water quality can be assessed to a certain extent. And also the cost of those projects will be evaluated.

COMMISSIONER MIDNEY: Is there any possibility that the conditions and alternatives might talk about creation of new natural resource protection areas or NRPA's?

MR. HATCHER: Yes. The habitat portion has not been discussed yet. And what we'll do is present the revised functional analysis that we were proposing and work that through the stakeholder groups. And if there are any changes to our wetland or preservation policies that seem like they would provide significant benefits, then we'll go that way.

If there are large areas, then it may need to go to a natural resource protection area or some other recommendation for additional revised density.

COMMISSIONER MIDNEY: The reason I'm asking is because our chairman in the meeting that I missed when we were talking about the EAR hearings asked if the Camp Keis system might logically be a NRPA, because it was equivalent to one. And if you go back to the summary of the GMP goals and objectives, the CCME, they said that the criteria for a NRPA is -- let me just find it. That it would be a major wetland system and regional flow ways were used as criteria to establish the NRPA overlay district. These areas include high functioning wetland systems and conser -- not all conservation land.

So anyway, it seemed as though getting back to -- originally I had brought this up to be part of the EAR, since it had originally appeared in that format when the Camp Keis system was put in the same function as the rural fringe wetlands. And then it was sort of put -- well, it was really part of the Immokalee Master Plan.

It seems that me that what it really probably is doing is the underlined CCME rules which would classify these as I think a NRPA. So I would like to see that looked at when this comes back with the watershed management plan.

MR. HATCHER: Well, as I indicated before, when we do the functional assessment, we will be providing an assessment of the functions not only of the wetlands but of the uplands as well. That area has been proposed in the Immokalee Area Master Plan for additional development restrictions. The rest of the Camp Keis Strand issues is designated as a Rural Land Stewardship Area.

So we'll take a look at the functioning of the habitat and the existing development restrictions that are on it and make a recommendation and then accept comments on that recommendation.

COMMISSIONER MIDNEY: Okay, good.

ACTING CHAIRWOMAN CARON: Anyone else?

(No response.)

ACTING CHAIRWOMAN CARON: I know we have one speaker.

MR. BELLOWS: Yeah, Nicole Ryan.

ACTING CHAIRWOMAN CARON: Nicole Ryan.

MS. RYAN: Good morning. For the record, Nicole Ryan, here on behalf of The Conservancy of Southwest Florida.

And The Conservancy absolutely supports this extension of the watershed management plan deadline. We thank staff for meeting with us, talking this through and proposing that extension.

Though we do still have a lot of serious concerns about the planning process and how this is moving forward, we don't want this extension to be simply more time to present the same material with not having an open mind making changes. So we need to make sure that this really gets us to meeting state water quality standards.

We would ask that you send a brief letter to the County Commission supporting this extension, you know, bringing it back to that focus of meeting state water quality standards.

And I also wanted to bring up the issue of just looking at this glass half empty. We don't know what the BCC will do with this next Tuesday. And if the BCC pulls this off the consent at agenda and if they say go ahead and meet the December 2010 deadline, that means that there's going to have to be a lot of work done between now and December.

So I would ask that you have the ability for your second November Planning Commission meeting to then discuss watershed management plan issues. Because if we have a December deadline, there's not a whole lot of time there. So I just bring up that issue as sort of the contingency plan in case.

But I believe that this extension is a good thing. Your support certainly to the BCC will believe helpful, and I appreciate the time to comment on this. Thank you.

ACTING CHAIRWOMAN CARON: Thanks, Nicole.

I think it was obvious that we had consensus on this board to request this extension. We thought it was equally important. And I don't think we meant that just as a perfunctory okay we added a few meetings and we don't have to do anything in those meetings. That was not the intent. I think staff understands that's not the intent, and it certainly wasn't the intent of this board.

And I don't know how everybody feels about writing a letter to the BCC.

COMMISSIONER MURRAY: Yes, most assuredly.

ACTING CHAIRWOMAN CARON: I'm fine with that as well. So I'll take care of making sure that they get a letter from us before Tuesday. Good. Thank you.

***New business.

Melissa?

COMMISSIONER AHERN: I want to make sure when -- Ray, when the floodplain management comes back to us, if we could get a copy of the DSAC minutes.

MR. BELLOWS: Okay, you want the -- that was from yesterday's meeting?

COMMISSIONER AHERN: Correct.

MR. BELLOWS: I'll let Robert know and we'll make sure that the minutes are provided.

ACTING CHAIRWOMAN CARON: Thanks. I think Melissa had said that there was a rather lively discussion, and that we probably all would do well to read those minutes. So I think that's a good idea.

***All right, public comment. Our vast public out here.

(No response.)

ACTING CHAIRWOMAN CARON: I don't see anybody from the public. And so I think here it is, 8:51.


COMMISSIONER HOMIAK: Motion to adjourn.

COMMISSIONER SCHIFFER: Second it.

ACTING CHAIRWOMAN CARON: We are adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 8:51 a.m.

COLLIER COUNTY PLANNING COMMISSION



DONNA REED-CARON, Acting Chairwoman

These minutes approved by the board on 12-2-10 as presented ~~✓~~ or as corrected ✓.

Transcript prepared on behalf of Gregory Reporting Service, Inc., by Cherie' R. Nottingham.

