

March 18, 2010

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
March 18, 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:

CHAIRMAN: Mark Strain
Donna Reed-Caron
Karen Homiak
Tor Kolflat
Paul Midney
Bob Murray
Brad Schiffer
Robert Vigliotti
David J. Wolfley

ALSO PRESENT:

Nick Casalanguida, Interim Administrator, CDES
Jeffrey Klatzkow, County Attorney
Ray Bellows, Zoning & Land Development Review

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the March 18th meeting of the Collier County Planning Commission.

If you'll please rise for pledge of allegiance.
(Pledge of Allegiance was recited in unison.)

Item #2

ROLL CALL BY SECRETARY

CHAIRMAN STRAIN: Thank you.
If the secretary will do the roll call, please.
COMMISSIONER VIGLIOTTI: Commissioner Kolflat?
COMMISSIONER KOLFLAT: Here.
COMMISSIONER VIGLIOTTI: Commissioner Schiffer?
COMMISSIONER SCHIFFER: I am here.
COMMISSIONER VIGLIOTTI: Commissioner Midney?
COMMISSIONER MIDNEY: Here.
COMMISSIONER VIGLIOTTI: Commissioner Caron?
COMMISSIONER CARON: Here.
COMMISSIONER VIGLIOTTI: Chairman Strain?
CHAIRMAN STRAIN: Here.
COMMISSIONER VIGLIOTTI: Commissioner Vigliotti is present.
Commissioner Murray?
COMMISSIONER MURRAY: Here.
COMMISSIONER VIGLIOTTI: Commissioner Wolfley?
COMMISSIONER WOLFLEY: Here.
COMMISSIONER VIGLIOTTI: And Commissioner Homiak?
COMMISSIONER HOMIAK: Here.
CHAIRMAN STRAIN: Thank you.

Item #3

ADDENDA TO THE AGENDA

CHAIRMAN STRAIN: We have three items on the agenda. Is there any changes anybody knows of to the agenda?
(No response.)

Item #4

PLANNING COMMISSION ABSENCES

CHAIRMAN STRAIN: Okay, the Planning Commission absences. We have a continuation of our March 20 -- yeah, we have a continuation of our LDC amendment meeting on March 24th. It's in the afternoon from 1:00 to 5:00 in this room.

Does anybody know if they're not going to make it for that meeting?
(No response.)

CHAIRMAN STRAIN: Okay, we'll assume a quorum.
I have a question of staff. The packages for that meeting, I hope you got them for today to give to us?

MR. BELLOWS: For the record, Ray Bellows.

We'll have them delivered tomorrow.

CHAIRMAN STRAIN: Okay. As long as we get them before the weekend, if you could, that would be great. Thank you.

The other meeting, I'm not kidding you guys about this next meeting, it's April 1st. So everybody comes before us that day, it's April Fools Day. They won't know what we're going to do.

Do we have any issues coming up on that day, Ray?

MR. BELLOWS: We have a rezone and a variance, part of Port of the Islands.

CHAIRMAN STRAIN: Okay. Depending on how we do on the 24th, we might look at that then as another continuance, if that works for timing of things. So just to kind of keep that in the back of your head.

MR. BELLOWS: Okay.

Item #5

APPROVAL OF MINUTES – FEBRUARY 16, 2010 (IAMP) & FEBRUARY 18, 2010

CHAIRMAN STRAIN: Okay, approval of minutes. We have two sets of minutes that were electronically provided, and we need a motion to approve or deny -- or correct, I should say, for the February 16th, 2010 Immokalee Area Master Plan minutes.

Is there such a motion?

COMMISSIONER CARON: Motion to approve.

CHAIRMAN STRAIN: Motion made to approve.

Is there a second?

COMMISSIONER HOMIAK: I'll second.

COMMISSIONER SCHIFFER: Second.

CHAIRMAN STRAIN: Seconded by Mr. Schiffer. Motion made by Ms. Caron.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER VIGLIOTTI: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

Similar motion for February 18th, 2010.

COMMISSIONER CARON: Motion to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Okay, motion made by Commissioner Caron, seconded by Commissioner Homiak.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER VIGLIOTTI: Aye.

COMMISSIONER MIDNEY: Aye.
COMMISSIONER MURRAY: Aye.
CHAIRMAN STRAIN: Aye.
Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries again, 9-0.
BCC recaps. Ray?

Item #6

BCC REPORT – RECAPS – MARCH 9, 2010

MR. BELLOWS: Yes, on March 9th the Board of County Commissioners heard the rezone for RZ-PL-09-469. That was the East Naples Fire Control District rezone. That was approved on the summary agenda.

CHAIRMAN STRAIN: Okay. Thank you.

Item #7

CHAIRMAN'S REPORT

CHAIRMAN STRAIN: Chairman's report. Well, we're all here, that's a good thing, so I don't have anything -- that's just the good news, so we're not going to get any bad today.

Consent agenda items, we don't have any.

Item #9A

PETITION: BD-PL2009-918, HICKORY HARBOUR CONDOMINIUM ASSOCIATION, INC.

CHAIRMAN STRAIN: We'll move right into the advertised public hearings.
The first petition is Petition BD-PL-2009-918. It's the Hickory Harbor Condominium Association, Inc.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.
(Speakers were duly sworn.)

CHAIRMAN STRAIN: Are there disclosures on the part of the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay, hearing none, the applicant's presentation, please.

MR. TURLEY: Good morning. My name is David Turley and I'm representing the Hickory Harbor Condominium Association.

I'm here before you to present a petition for an extension of 147 feet and 131 feet to the existing structures at the condominium itself. Those protrusions are beyond the 20-foot permitted protrusion.

The waterway is approximately 1,110 feet wide and this is well under the 25 percent limitation.

The condominium has 51 residents, and I'm requesting the petition for 40 slips.

The location of the job -- of the project is in the northwest corner of Collier County and the Hickory Shores subdevelopment.

If you all have any questions, I'm here to answer them, I hope. Positively.

CHAIRMAN STRAIN: Well, we'll give it a shot.

MR. TURLEY: This is my first time, so --

CHAIRMAN STRAIN: That's no problem. We're a very easy board to get along with.
I shouldn't say that.

MR. TURLEY: He smiles and I hear laughing, that's good.

CHAIRMAN STRAIN: Are there questions of the applicant at this time, anybody?

(No response.)

CHAIRMAN STRAIN: I have a few, sir -- oh, go ahead, Ms. Caron, why don't you start off.

COMMISSIONER CARON: If you're in the water and you're looking back at the condominium to the right, there's an empty lot. That does not belong to the condominium; is that correct?

MR. TURLEY: No, it does not.

COMMISSIONER CARON: It looks like if a boat were to be placed at that location it would come out on the canal side? There seems to be a break already in the seawall there. Would that be your understanding?

MR. TURLEY: It would have to come out on the canal side, yes. But the setbacks on that piece are actually 55 -- no, 35 feet actual setback. And that is more than ample for a 20, 24-foot boat to exit. And it wouldn't interfere with that property whatsoever.

The other -- if there was a dock on that other property, it would have to be situated in an area that would allow a 15-foot setback for them as well. So we're looking at 50 feet clearance for boats entering or exiting either the -- a new dock on that vacant dock -- or the existing docking facility.

COMMISSIONER CARON: So if they put a boat dock out on the wide part of this area, essentially on -- along the same shoreline as you were using, is that a possibility, or would the setbacks not --

MR. TURLEY: The setbacks probably wouldn't accommodate it, only because there is a radius there. That dock would have to be configured at such an angle to where the slip itself would be angled and wouldn't really come into play.

COMMISSIONER CARON: So your new dock that you're proposing in no way is limiting what can or cannot happen --

MR. TURLEY: Absolutely not.

COMMISSIONER CARON: -- on that piece of property.

MR. TURLEY: Absolutely not.

COMMISSIONER CARON: And if you look to the left of the property, all of the property along that northern part of the shoreline, those are all the boat dock lots, right?

MR. TURLEY: Well, actually, the boat dock lots start on the other side of the --

COMMISSIONER CARON: I understand. But they're also on this side, too.

MR. TURLEY: Yes, they could be, yes.

COMMISSIONER CARON: Is it where it looks like a total mangrove area, green area, are there boat dock lots in there?

MR. TURLEY: Not that I could determine from the property appraiser's site. I think the only one is that is shown up there, there's one --

COMMISSIONER CARON: Is the one that you measured to, the 274 feet?

MR. TURLEY: 275 feet. Yes, ma'am.

COMMISSIONER CARON: So there are no -- to the best of your knowledge there are no -- there's no opportunity for anybody to put boat docks out on that side --

MR. TURLEY: No, ma'am.

COMMISSIONER CARON: -- where that green area is. Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

Go ahead, Brad.

COMMISSIONER SCHIFFER: Yeah, it shows that there's a -- let me find the drawing. In the past it looks like these docks honored a line called like a bulkhead or something line. Let me -- I can't find the drawing.

MR. TURLEY: That bulkhead line was deeded by, oh, James Lorenz back in 1967, I believe. That is -- actually, once upon a time uplands, and that was dredged to build -- this water body is pretty much manmade. And that was the primary bulkhead for the development when it was created. And I couldn't exactly figure out when it was created, but it was back in the probably late Fifties, early Sixties.

COMMISSIONER SCHIFFER: And it looks in the past that these docks were carefully put to not

go over that line. But is that a line that we now ignore or what is --

MR. TURLEY: No, no, that's what -- that line was designated pretty much as a -- oh, it would -- I would consider it the 25 percent rule type situation, which I don't -- I'm not really sure exactly what the intentions were way back when that was designated, unless they intended to fill all that area, which they didn't. They managed to conserve that for --

COMMISSIONER SCHIFFER: Because here, if -- I did find the drawing and it is a survey, a signed survey, actually. And it states -- it's called the bulkhead line. The marking's state-owned submerged bottomland and private submerged bottom. And it refers to a plat book description of it.

So in other words this new thing is now going over that line where all the existing docks carefully -- and carefully, I mean they went right up to it, stopped at that line. So is that something we should ignore?

I was going to ask staff that, but --

MR. TURLEY: Yeah, that's somewhat irrelevant as far as the development is concerned itself. Like I say, this was deeded, that bulkhead line, all that property was deeded to the state, and outside that bulkhead line is sovereign submerged lands. And that's where they ended up having to get a submerged land lease for that property.

COMMISSIONER SCHIFFER: That's why we're over it, is that you're now leasing it and --

MR. TURLEY: It will be leased.

COMMISSIONER SCHIFFER: Okay. All right, thank you.

One other thing you might know, and this is really not important, but on the surveys that this Hans Wilson has done, there's little blue arrows show and what looks like topos. Is that current? Or what is that? I mean, this is really not --

MR. TURLEY: Yes, those are water depths. Those are actual water depths. They're in one-foot increments.

COMMISSIONER SCHIFFER: Okay, I see. They're just -- it's so small that --

MR. TURLEY: I'm sorry that wasn't blown up. I had a hard time trying to read it myself.

COMMISSIONER SCHIFFER: I got it, never mind. Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Sir, one of the criteria that you have to review is consistency with the Manatee Protection Plan. In fact, it goes further than review. It says whether the proposed dock facility is subject to the manatee protection requirements of 5.03.06.E.11 of this code must be demonstrated. If applicable, compliance with section must be demonstrated.

Have you determined if you're applicable to that code, if you need to be consistent with the Manatee Protection Plan?

MR. TURLEY: Yes, I do. The impact, the native marine habitat says five percent. The shoreline has approximately 15,000 square feet of mangroves.

CHAIRMAN STRAIN: You may be asking questions I'm not going to ask -- you may be answering questions I'm not -- why don't you just -- all I needed to know is do you believe you need to be consistent with the Manatee Protection Plan?

MR. TURLEY: Yes, I do.

CHAIRMAN STRAIN: Okay. Thank you. Then it becomes a matter of demonstration.

And if you go into that plan, there are some things that need to be demonstrated. There are three criteria that you should be aware of: One is the water depth, native marine habitat and manatee abundance.

Can you show me where the water depth -- I understand the water depth in the area of your facility, but your facility is putting boats that are going to go somewhere. And I believe the nearest inlet is where they're going to go to.

So I was wondering, do you have any evidence that the criteria leading to that inlet has adequate water depth? Because I haven't seen it in the packet.

MR. TURLEY: No, there isn't adequate water depth at certain tides. It's a situation where that area has changed. I've been up in that area, so to speak, for the last 38 years. I live there. And I've noticed over the years fishing and working up there that -- why it changes so much, it could be from further development,

it could have been the Lely Barefoot project.

But anyway, there are areas that are very shallow. I would say within two feet, one and a half to two feet. And that's south towards what they call -- oh, they call it Hell's Gate. But it's just adjacent to the Barefoot Beach project where they have their docks. And that's a no wake zone and it's well marked.

CHAIRMAN STRAIN: There are maps in the Manatee Protection Plan showing the water depths in the area. They're not readable at the scale that's provided in the plan, but it clearly says in the plan, if you're planning to use them staff has them on file and you can review them.

So first of all, as part of the demonstration that you meet these certain level of Manatee Protection Plan acknowledgment, whether that's preferred, moderate or prohibited, I would have expected you to address these three issues in some orderly manner so we could have seen, number one, the calculation for your vegetation, which I know you're trying to explain to me, but I'll get into that in a minute.

Number two, you would have shown the water depths and how they apply.

And number three, you would have shown the manatee carcass tally for within a five-mile radius as required by the Manatee Protection Plan.

I've not seen any of those. Now, I'm not saying you didn't do them, I'm not saying that staff may not have understood them. The problem is it's not staff's decision, it's ours. And that is the kind of data that this board should be getting, and I've not seen that data.

Let me explain the manatee carcass recovery data. In evaluating a parcel for a potential boat facility, a minimum sphere of influence for the boat traffic must be designated. For this plan an on-water travel distance of five miles is considered the sphere of influence.

Now, I've not seen a five-mile sphere showing manatee carcass findings in that spear, nor have I seen the water depths shown in a five-mile sphere, which would probably take you out to the inlet at Wiggins Pass. I think those are critical and for you to determine what your status is going to be for your marina siting criteria, because that's a big impact.

If you're preferred or moderate, your calculation is 10 slips per 100 feet of shoreline.

If you're protected, which I don't know if you're in that or not, your calculations could be one slip per 100 feet of shoreline.

And I've seen no evidence demonstrated here today if you're not in a protected or if you are in a moderate. I know your assumption is a moderate. I certainly question staff's, and I question the -- and I will be questioning the Comprehensive Planning staff's acknowledgment that you're in moderate, because they acknowledged that without having sufficient information that they even acknowledged in their acknowledgment they didn't have.

So I don't know how we got here today without all this being documented properly.

Again, I'm not saying you could be wrong, I just want to see the documentation.

Go ahead, you obviously have something to say.

MR. TURLEY: I do have documentation past five years for Collier County manatees. And there has only been one documented in that five years of a manatee -- or carcass recovery in Little Hickory Bay. Other than that, everything else has been pretty much down towards the southern end of Collier County, Caxambas, Addison Bay, Roberts Bay, Little Marco. I have -- can I --

CHAIRMAN STRAIN: I mean, let me -- you can bring it, you can show -- we need nine --

MR. TURLEY: I just found this late yesterday afternoon.

CHAIRMAN STRAIN: Okay.

MR. TURLEY: I mean, I've been searching high and low.

CHAIRMAN STRAIN: First of all, I know -- I've gone to the sites that provide that information. I've had to provide that information myself, I had to assemble it myself, I've had to hire people to do it, so I know what it takes to get it done. I know how it's done. I know the radius from the point -- you draw basically a circle in that five-mile radius and you pull out all the carcass data from all the agencies you can and then put it in a tabular form and say, okay, here's why I don't qualify for that, here's why I'm not in -- and that's the kind of data I haven't seen here today.

Again, I'm not saying it's going to limit you or hurt you, but I believe this board deserves a right to

review that data equally as much as staff should have asked you for it if they hadn't already -- or if they've already got it, that's fine. But we needed to see it one way or the other.

Well, that takes cares of the first issue that I have.

The second one is water depth. You've acknowledged water depth's a problem, but I think you need to show us what that -- to the extent of what that problem is, because if affects your rating, you may not get the rating you want.

But that isn't the only criteria there is in the rating, so you could come back with a mitigation to the rating which could show that there's idle speed zones and things like that that help you.

I've seen none of those arguments. And I guess the reason I'm so aware of this is because I was put through this eye of the needle myself. And I didn't -- I don't see you providing it. And I know what it takes to put that together.

And it certainly wasn't the staff in place today that asked that question, this was many years ago. But we're still operating under the same Manatee Protection Plan. So I'm just wondering how the different levels of request happened.

Let me ask all -- oh, and the manatee sighting criteria has a paragraph in it that says for shoreline vegetation such as mangroves, no impact is defined as no greater than five percent of the native marine habitat is disturbed. For sea grass, this is no more than 100 feet of sea grasses.

Now, the report that you provided -- and it's on Page 2. Actually, it's -- well, that's the staff one. Let me find -- it's on the second page of the form you filled out for the county, number six, whether or not the proposed docks facility is subject to the manatee protection requirements.

Now, there you tried to -- apparently that was the one where you provided the answer. And in that answer you said you're not impacting more than 10 percent of the native marine habitat. That's number six.

Staff wrote it differently in their staff report. But in your response to the questions, which I believe were submitted, I imagine, by you in your application, you identified it was less than 10 percent. Well, the Manatee Protection Plan requires less than five percent.

You may be there, but I've not seen how you've done that. You started to explain it earlier, but I think we need to see the calculation. You need to show us that the shoreline is "X". You've not impacted more than that amount of greater than five percent.

There is a discrepancy between what you provided -- I mean, I'm making the assumption it was you, because it's in the applicant information. It's in the document that I thought staff got from the applicant. The answer there though is quite different than the answer provided by staff in the staff report. So I can only assume yours was done by you, or the application was done by you and staff did their own.

That's why I need to -- I think we need for the record something to show us that you're not at 10 percent, you're at less than five, if that's what you are.

MR. TURLEY: When I submitted this application, I didn't have the application for the consistency, comprehensive consistency. And when I just reviewed that, I noted that's how they gained a good portion of the information that was submitted to staff. And it is my fault for not submitting it, overlooking it. But that can be included in a separate package with more detailed information.

CHAIRMAN STRAIN: Okay. And I understand this is your first time going through the process. I certainly, though, think that if you were to bring this information in to us, it would be much more helpful to understand what you're asking for and how it fits in with everything.

MR. TURLEY: Yes, sir.

CHAIRMAN STRAIN: Because if you aren't consistent and if you don't show consistency with that plan to get you a moderate or preferred rating, your whole calculation goes -- is shot.

MR. TURLEY: Right, right. I understand.

CHAIRMAN STRAIN: So that's where I'm concerned about.

And I think that's the last comment I have to make for your behalf. We can have the staff report now, unless you have something else you want to add to it at this point.

MR. TURLEY: You covered it. You hit the nail on the head. Appreciate it.

CHAIRMAN STRAIN: Okay, thank you, sir.

Ashley, I guess this is yours?

MS. CASERTA: Good morning. Ashley Caserta with the zoning section at CDES.

This is a request for two docks, an extension, a three-slip extension to an existing dock which is the northernmost dock, and a 13-foot facility to the south of the existing docks, as outlined in the application. The total request is for 40 slips.

And staff has reviewed the request against the criteria laid out in Section 5.03.06.H of the LDC and recommends approval based on those criteria.

Aside from the manatee protection issue, obviously we recommend approval.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

CHAIRMAN STRAIN: Ashley, in the comprehensive planning response, I'll read it to you. It says: The application identifies less than five percent impact to native marine habitat. I'm not sure where they got that from, because the application says 10 percent.

So I certainly think we need to have an answer to that. Do you know why comprehensive planning responded with a five percent number when the applicant had 10 percent in his application?

MS. CASERTA: Susan Mason is here and prepared to answer that question in more detail than I am able to, so I'll --

CHAIRMAN STRAIN: Let me read the rest of it, then we can get it all at once. The calculation for a manatee use rating is not high. I don't know how they got there, because I have not seen the same -- probably the information staff has. And if staff has the information and can produce it today, it would be very helpful.

No confirmation was provided for adequate water depths for a five-mile radius out to the Gulf of Mexico.

Then it says: Assuming inadequate water depth, the project qualifies for a moderate rating. This rating allows for up to 10 slips for every 100 feet of shoreline.

Why are we making assumptions? Why don't we just have the information.

So I think it's -- you may not have gotten the information as well, so I'll let Susan proceed now at this point.

Go ahead, Susan.

MS. MASON: Good morning. For the record, Susan Mason with the Environmental Services Section.

I'm not sure if it was this particular applicant but the Hickory Harbor Homeowners Association did submit for a consistency determination to the comp. planning department back in 2008. As part of that packet, they did provide the information, and staff also uses information that they have on record.

Regarding a couple things, I want to try to make this clear with how staff applies the Manatee Protection Plan.

There are the three criteria and that would get you the three ranking. If you pass all three criteria, which is: Adequate water depth, the impacts to native vegetation and manatee use, which is actually calculated by number of manatee deaths in an area, then you get a preferred ranking.

If you miss one, you're down to moderate. If you miss two or more, you're down to protected and you're very limited on what you can do with your shoreline.

For the case for these residents here, they really don't need to score better than a moderate, because the Land Development Code limits them on one slip per unit. So the most they could ever get on this site by the Land Development Code is 51 units.

The moderate ranking with the Manatee Protection Plan gives them up to 56 units. So they already exceed the maximum number of slips that they could have by the Manatee Protection Plan, but the limiting factor in this case is the Land Development Code.

CHAIRMAN STRAIN: I think you need to slow down a little bit, Susan, because I imagine Cherie' is having a real bad morning so far between you and me. And I just realized that. So let's just slow it all down. I will too.

MS. MASON: Okay, thanks.

And when the applicant came in back in September of 2008 they -- staff did confirm the manatee

deaths. And the way it's calculated is all known boat-related manatee deaths for the county and all the manatee deaths within five-mile radius of the person seeking the determination.

So for this case there was 149 total manatee deaths in Collier County, and this area within five miles there were six deaths. That works out to be four percent of the manatees. And what's the percentage that is the kick-in for what's considered high risk is 20 percent. So they're well below that. So they pass the manatee use portion of the Manatee Protection Plan.

They did not provide the adequate depth. One of the things I did want to clarify, there are maps but they're old and they're not very legible. When it's required or requested that they demonstrate the depth, they actually have to do soundings themselves. We don't rely on historical data unless it's really something new that was -- they provide to us, then we know it to be true. Because everything around here is so much local knowledge.

And apparently according to the applicant's testimony, today they wouldn't have passed that anyway.

The last remaining criteria was five percent, and it's of the native habitat, which includes mangroves and also sea grasses. And as part of their application for the consistency determination, but not for this packet, they did provide information, they did the snorkeling to look for sea grasses and surveyed.

They only have a -- I don't know if there's any -- I just kind of skimmed this this morning. Whatever impacts they were showing was less than the five percent.

And one of the things on a -- you can see on the determination, we always put that on there on standard language, and it does give staff wiggle room, because -- and it's intended to. It says, during final construction plans, site development plan, site improvement plan review, these findings may change based on the information submitted at that time.

What they gave us in 2008 passed them as a moderate. If they come in for their SDP and they show whatever mangroves they have they obliterate them, well, that would knock them down to a protected and they would no longer be able to get these additional slips. So they would either have to eliminate the impacts to low enough or provide evidence that they had adequate water depths to maintain a moderate at that point.

But staff does do the determination based on the information that was submitted, and we confirm based on all the other government data that's out there on manatee deaths and anything else that's relevant.

And then all we required as part of this review -- they gave us a letter. And I didn't do the review personally, but the staff people who do the letters -- and our staff people communicate if needed if we had any questions on it. The reviewer did get the entire packet of support information for the boat dock -- or excuse me, the consistency determination, and it was considered adequate.

If you want that information to be provided to you for future multi-slip or commercial marinas, we can certainly do that. We haven't made that a practice in the past, but we certainly could whenever -- and for all or whenever you request.

CHAIRMAN STRAIN: Well, Susan, we don't get that many multi-slip facilities. The commercial process doesn't come through us normally, so we very rarely see these. But the secondary criteria number six requires demonstration. It doesn't require it to staff, it requires it to us.

Now, staff needs it to evaluate what you're going to say to us. So without you getting it, they have a big problem.

But I'm going to tell you right now, we deserve it and we need to get it. That's part of our decision-making process. And from now on, if it hasn't been your policy to provide it, I would expect that you would from now on.

MS. MASON: Okay. And earlier we were talking to the attorney that reviews these packets and we're going to work to make sure it's part of your future packets.

CHAIRMAN STRAIN: Okay. Ms. Caron?

COMMISSIONER CARON: I have a question. Based on what's been submitted, you could figure out whether they meet that five percent.

MS. MASON: What was submitted during the --

COMMISSIONER CARON: Right now.

MS. MASON: Oh, well, I believe in this case it would be hard for them to impact theirs, because

they have no sea grass beds or anything like that. There's really --

COMMISSIONER CARON: They have mangroves.

MS. MASON: They do. And at this point they're not -- they're proposing less than five percent. And I don't know the detail.

The thing is too, this site plan that we see for the boat dock extension or that we see for the other one, it may change a little bit based on permitting. They're probably seeking DEP permits, and the DEP might have them move over a little bit. And it can change slightly.

And as long as it doesn't result in more impacts to mangroves than the five percent, they're still going to be okay. It may not be exactly what you see today. It normally doesn't have that level of detail.

But there could be some slight tweaking based on permitting, and as long as they don't -- and it will be reconfirmed at their next submittal. When they come in for an SDP amendment or whatever process, we'll make sure they don't go up above five percent.

CHAIRMAN STRAIN: Okay, that would have taken a simple one-line calculation on the response. So the shoreline is "X", number of mangroves lineal footage is "X", by the protrusion of three dock walkways they're only going to be taking this much, that's less than five percent. Boom, everybody is happy, it's done, it shows that it was carried out.

That's all I'm asking for. That's the kind of stuff we should be seeing.

MS. MASON: That's fine. The five percent, the way staff had applied that is if 100 feet of mangroves existed and they impacted less than five feet, that would be considered less than five feet. But not necessarily the whole shoreline length. Like in this case, most of the shoreline is vacant, so we would only base on what exists.

CHAIRMAN STRAIN: I agree with you --

MS. MASON: Okay. I just want to make sure --

CHAIRMAN STRAIN: -- I'm not saying anything different. I'm just saying we should have seen the calculations is all.

MS. MASON: Okay. That's fine. Sorry about that.

CHAIRMAN STRAIN: Anybody have any questions of Susan while she's up here?

(No response.)

CHAIRMAN STRAIN: Okay, if not, Ashley -- does anybody have any of Ashley at this point?

(No response.)

CHAIRMAN STRAIN: Ashley, I do.

Primary number one talks about the docks, 40 slips. Are they limited to only use by the condo dwellers or are they allowed to lease these out?

MS. CASERTA: No, these would be used by the people who live, either rent or own, a condominium unit.

CHAIRMAN STRAIN: Primary four talks about the -- whether a minimum of 50 percent of the waterway between dock facilities on either side is maintained for navigability, but 25 percent of the width of the waterway.

Can you show me on the -- I guess the overall site plan which shows the water depths where you believe the waterway is?

We have in the past saw -- I guess they call it the thread, the channel submitted to us to show us how the channel lines up with the proposed dock slips to show there's no navigational issues. I didn't see that here, so I'm not sure who's considering the waterway what.

MS. CASERTA: Would you mind repeating? I just want to make sure I understand what you're asking.

CHAIRMAN STRAIN: Okay. You've got to show that you've not used more than 25 percent of the waterway.

MS. CASERTA: Yes.

CHAIRMAN STRAIN: Okay. What's the waterway? Show me what you believe the waterway is, is what I'm asking.

MS. CASERTA: It appears that this portion -- I'm not sure what the water depth is here. But in my

opinion, I'm not a boater, but I would think that the navigable waterway would probably be these portions here.

CHAIRMAN STRAIN: Right.

MS. CASERTA: But the waterway width, as shown on the aerial submitted by the applicant, is detailed at 959 and 883 feet.

CHAIRMAN STRAIN: Well, the purpose of the primary criteria question is navigability. You can take a waterway with an island in the middle of it all over the State of Florida and say from one end of the shoreline to a shoreline past some distant island or past some distant reef or shallow shoal is the width of the waterway, but I'm not sure that's the way it's generally used.

What we're used to seeing is channels, and we're looking at the width of the channel at the waterway. Because the whole purpose I believe of this criteria is to maintain navigability. And if you're not doing that because you have docks all the way out to the -- with the theory you're putting in front of us basically, you could run that dock then all the way out to that shallow island and it doesn't matter because the waterway goes all the way to the other side of the shallow island far to the west. And I'm not sure that was the intent of the question, the primary question.

MS. CASERTA: I'm not sure what the water depth at either mean low tide or high is. But on -- I think it's the next page, proposed site plan sheet three of nine shows a water depth of six feet. So certainly that would still be okay for navigation.

I'm not sure if the applicant could attest to water depths when it's much shallow.

CHAIRMAN STRAIN: Let me go back to my original question. Is it your understanding that a waterway in this case runs from the shoreline of the docks that are being questioned all the way past the shallow area to the shoreline of the other side, to the houses in the first aerial that you showed?

I mean, that gives you a thousand-foot wide waterway that's blocked by potentially any number of things in the middle. So is that really a waterway?

MR. CASALANGUIDA: Nick Casalanguida for the record.

Are we asking what the navigable depth is to define the waterway?

CHAIRMAN STRAIN: No, I'm asking you what you're considering a waterway so we know if we're penetrating over 25 percent of the waterway. If you consider islands not part of a waterway and you can go to the other side, then we've got a problem in calculations all over the county.

And I'm just thinking we should be looking at 25 percent of the area between the shoreline and the nearest area that isn't navigable, which would be that island. And if that's the case, the whole criteria for this dock has to be looked at differently than had been approached to us today.

I mean, if you want to push the boats out into that sandbar, or whatever you want to call it, and say that's acceptable because the other side of the sandbar gives you a waterway that goes way over to those houses, I really don't think that's the right way to approach that question.

MS. CASERTA: When I did the review, I honestly looked at it as an open area of water.

CHAIRMAN STRAIN: I think it would be helpful if you would look at it again and try to determine what the waterway really needs to be for the calculation of that 25 percent, Ashley. And if you guys feel that there's enough depth there after you've seen where that depth is that it's navigable, then you need to come back and tell us that. Because right now I'm concerned about a dock going -- and it looks like it's almost 60 percent into the area that would be considered navigable.

MS. CASERTA: Forgive me for asking, I would like to understand what you think the waterway width should be so that I can understand.

CHAIRMAN STRAIN: My understanding would be where a boat could travel. And you can travel in certain depths. You don't have the depths of that, whether it's an island or a sandbar in the middle. But if a boat can't travel across that sandbar, it then is limited to its travel point between the edges of the sandbar and the shoreline where the docks are.

And if that's the waterway in which they are allowed to travel, it would seem to me we wouldn't want to block that. Under the criteria shown to us today, this dock could theoretically go all the way out to the sandbar and no one can cross it. So I don't think we mean that.

MR. CASALANGUIDA: Mr. Chairman, I understand your question, because I'm a boater as well.

That's why I asked are we talking to define that a navigable depth. Six feet of depth from my boat can cross that entire shoreline, that entire area. It would not run aground, so it would be navigable for me. That's why I'm asking how you define depth from navigable water.

CHAIRMAN STRAIN: Do you know -- I don't see markers across that shoal, do you?

MR. CASALANGUIDA: I'm looking at a second exhibit that shows the lowest contour to be approximately six feet or four feet.

CHAIRMAN STRAIN: Or is that where the measurements stop? Because I don't see any points going across that shallow area.

If you're telling me that entire shallow area is six feet below surface of the water, number one, I'm surprised it's showing up on an aerial in a backwater that's full of black water.

And number two, I don't know what evidence you have that that carries through that way. It looks like to me they just pulled it up to that point and stopped there because maybe they didn't feel they needed to go any further.

COMMISSIONER SCHIFFER: Or couldn't.

CHAIRMAN STRAIN: Yeah, or couldn't -- yeah, or couldn't boat across it.

I know you may not -- yes, sir, did --

MR. TURLEY: On the SLER 945, it was stated in several places. One was five foot to 12 foot average depth. And this last sheet that was signed by the professional wetland specialist, their staff biologist, it says six to 12 feet. That is a pretty flat, shallow -- five feet, let's see. I want to call it a sea depth reading, 24 to 36 inches at the time of the site visit. That is the amount of light that's able to penetrate the water, 30 inches, okay?

Something in four or six feet of water, even with light shining in 24 to 30 inches, will illuminate the bottom, no matter what. I mean, it won't -- you won't exactly see the contents of the bottom, but it will illuminate the shallow area. Because all that was dredged originally around the outside. And it is deep, 10 to 12 feet deep. And that gives you the contrast from really dark water, deep water with tannin, with shallower water with tannin. I mean, it's --

COMMISSIONER MURRAY: We just don't know though.

MR. TURLEY: Well, we can run back and forth and take depth soundings and present it to you. But I can assure you, they did that as well. Hans Wilson staff did that.

CHAIRMAN STRAIN: Then if they've done it and you can -- see, this is the kind of information that would be helpful for us to have.

MR. CASALANGUIDA: Commissioner?

CHAIRMAN STRAIN: Yes, sir, go ahead.

MR. CASALANGUIDA: That exhibit you're seeing in front of you, if it's what it's telling me, is his boat dock proposed -- Ray, you want to zoom out a little bit, if you could. It's showing that the contour is six or five feet across that body of water, if that's the water depth. All depths reference mean low water. Bottom left-hand corner of that document, per DEP.

Do you see that in the bottom left-hand corner?

CHAIRMAN STRAIN: Yeah, I see that.

MR. CASALANGUIDA: Okay. He's showing six feet across and then it goes to five. Five is navigable for my boat. I don't know what the requirement is for all boats. But usually two to three feet of draft is typically what boats, even heavier boats draft, sometimes four. But I draft at 18 inches, so --

CHAIRMAN STRAIN: So you believe that that shallow area is five feet or more below the surface of the water at mean low water?

MR. CASALANGUIDA: That's what that document states at the bottom left.

CHAIRMAN STRAIN: Well, I didn't see any points across it. I saw the perimeter.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: But I didn't see any points across it, and that's what concerns me.

MR. CASALANGUIDA: Sure. I can understand with the way you're interpreting that question, I would interpret it the same, is the boat dock extending into an area that I would consider navigable to reduce that?

And again, I don't know what that depth is. But if it's five feet, that's enough for typical boats to cross.

CHAIRMAN STRAIN: We have had other dock proposals come before us, not for multi-slips but for singles, where there've protruded into a channel and they've ended up having to show the thread of channel so we can figure out how the relationship to where the channel is and the boat traffic is and where the dock then would protrude. That's the concern I have. Because none of that's seen here. I don't know where the thread of channel is considered.

If everybody is acknowledging or saying that that island isn't an island, it's six feet, five feet below the surface and it's fully navigable, a few points from that island's center area would certainly be helpful to confirm that that five-foot contour is flat across there. And that's not what I see here to give that confirmation.

In fact, by the aerials it looks more closer to the surface than what you may think, based on the backwater being as black and as dark as you normally expect them to be.

MR. CASALANGUIDA: Sure. From this exhibit you can see the eight-foot, six-foot contour lines.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: That's -- you know, if the dimensions relative to these boat docks are 151 feet, 119 feet, 167 feet respectively, I don't have a scale, but I would tell you that you've got at least 50 feet of width between the edge of the boat dock and the 10-foot contour line. That's quite a bit of room to navigate a boat through.

CHAIRMAN STRAIN: But that's not the criteria I'm concerned about.

MR. CASALANGUIDA: Understood.

CHAIRMAN STRAIN: It could be a thousand feet, doesn't matter. It's 25 percent of the water body. I was trying to understand from staff what the definition of water body is for their purposes in regards to this one.

MR. CASALANGUIDA: Sure, understood.

CHAIRMAN STRAIN: I haven't been able to really get really focused on that yet. And I think that's a question that needs to be answered at some point.

COMMISSIONER MURRAY: Maybe it should be --

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: Maybe it should be water body unencumbered, because that's what we're really talking about, there's an encumbrance here, there's a -- you run aground, if you're on -- you know, that's the thesis.

But I think the question is now clear, I hope for everybody. But to my mind, that is the water body, even though there's an encumbrance.

MR. CASALANGUIDA: The question is clear and the intent is clear. It's the definition of that water body that I think we're trying to come up with right now.

COMMISSIONER MURRAY: That's why I used the word unencumbered. That may not be the best word for it but it conveys my thought; that is, that there's a something that prohibits you from free movement. And that's your limiting factor. And so maybe that's what we need to say and qualify.

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: You know, the surveyor did an excellent job of laying this whole thing out. The fact that he didn't add any more topos there to me probably means that it's five feet all the way across the top of that.

If you look, he goes up into other areas where he gets down to four feet and everything. So we're assuming that he didn't give us the data when in fact he may have given us exactly what it is, which is five feet. I'm not an expert on boat drafts.

CHAIRMAN STRAIN: But Brad, my question was the water body. And I don't know how we're defining what the water -- waterway, what the waterway width is. If you have a waterway with a -- and again, I refer to this other issue that we have with a thread of channel and you have a depth in an area that's associated with boating, where do you locate the waterway?

Do you locate the waterway across one of the shallowest parts that maybe if boaters see because it appears shallow they don't cross it, is that part of the waterway? And that's what boaters are then led to believe they should be utilizing. Or is there a thread of channel which helps dictate the waterway? That's what I'm trying to find out.

COMMISSIONER SCHIFFER: Or is it an open body, the lowest point in the center is five feet at mean water, which to me is deep water, deeper than we're used to on these boat dock extensions.

So I think this is just an open body. There is no channel, there is no thread.

COMMISSIONER MURRAY: And it has to do with what you're in. If you're in a kayak, it's an open waterway, right?

CHAIRMAN STRAIN: It may be an open waterway.

COMMISSIONER MURRAY: If you're in a 55-foot troller, you may be dragging bottom.

So you need to qualify a little bit better on that question -- not the question, the question's valid.

CHAIRMAN STRAIN: Mr. Schiffer, then Ms. Caron.

COMMISSIONER SCHIFFER: I think we're assuming there's a problem that may not be. This surveyor did an excellent job of getting any nook and cranny, it goes up into smaller dimensions. I think he's telling us that look, this is five feet at mean low water. That's a good draft depth. I'm not an expert on draft depth, my draft depth is a pint.

But the point is, I think this is an open body of water. I think it's measured properly. And if the guy ran out and ran it, he's going to find five feet across the top of that.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: I just think we don't know at this point and that it needs to be stated. Because if those docks get extended out further and everybody actually has to use as their channel the perimeter, then you need to have -- you need to protect that channel in front of the condo.

COMMISSIONER MURRAY: Absolutely.

COMMISSIONER CARON: So that's all. If everybody has to use the perimeter in order to get around in that area, then we have to protect a certain amount of area in front of the Hickory Harbor Condo.

Those docks can't extend out forever just because you can measure from one shoreline to the opposite shoreline where there are houses and you can come up with a thousand feet.

MR. CASALANGUIDA: Commissioners, from my experience, I've been boating for five years in Collier County, a depth of five feet is navigable by most boats in that area that would use that boat.

And I understand the question, I understand the comments, I understand the concern, because as a boater, I wouldn't want a channel restricted by boat docks. It makes it highly unnavigable as you're trying to enjoy boating. Fifty feet, I will tell you, is more than adequate. Bridge crossings that we have typically at 41 are 20 feet wide and two boats cross at the same time.

So I don't think this boat dock extension impairs the waterway for other boaters. The criteria, I need to define that with staff, but I will tell you five feet is pretty deep. So I don't think that it would impair the waterway.

CHAIRMAN STRAIN: Go ahead, Mr. Vigliotti.

COMMISSIONER VIGLIOTTI: I have a question for the petitioner. I don't know if we're going to get to consensus of agreement here. We have a lot of questions as to lack of information. Would you suggest -- would you think of getting the information for us and coming back with this?

MR. TURLEY: Yes, I do.

COMMISSIONER VIGLIOTTI: I think that's the way we should proceed then, because we're getting nowhere.

CHAIRMAN STRAIN: Well, not -- it's not we're getting nowhere. I mean, I think we need to -- everybody has got to get to a level of comfort. I would certainly like to understand the definition of the waterway.

Did you find a definition in the code, Ashley?

MS. CASERTA: I wasn't able to find one in the definitions section.

CHAIRMAN STRAIN: There may be one in the MPP. There may be one in a few other documents at the county. I probably have all those, so I'll look that up as well when I get time.

But I think that would be helpful to know what the waterway definitively is.

If the waterway can be considered the entire body without that shoal, that's great. Then I don't -- but I'd also like to understand based on prior discussion this board has had concerning the thread of a channel.

And we made a pretty big issue about a thread of a channel on a boat dock approaching the thread of a channel. In that particular example, the 25 percent wasn't the issue, it was the thread of the channel fell in relationship to the extension of the boat docks, regardless of the 25 percent rule, because then it became a navigability issue.

So I think out of fairness to all the other people that we've had to deal with that this same issue is looked at equally on this one. So the thread of channel becomes an issue. We made it one a long time ago as a precedent. And the waterway definition I think is definitely something that needs to be concerned with.

I think we need a mortality rate for manatees in writing shown to us, one, that we can verify ourselves if need be. There are sources to do that.

We need to have an acknowledgment of the water depths within the radius required. Then I think the simple calculation for the impact to the mangroves included in the statement to us would be helpful to know.

With that in place, if it all matches up, then we can feel more -- at least personally I would, I would feel better whatever motion is made then to either support it or not support it. I feel very uncomfortable not having this information now.

I think it's to the applicant's benefit to provide the best information possible. And if you can come back and have a clean, full information making everybody comfortable, I think that's going to work for you a lot better than having some questions now, maybe not getting the vote in you need, at least with -- maybe you'll get majority, I don't know. But it's your call.

You can ask to be continued until you come back to us again with more information, or you can ask for a vote today, that's up to you.

Is there anything else from staff that you wanted to offer?

MS. CASERTA: Not at this time.

CHAIRMAN STRAIN: Okay.

MR. TURLEY: I would believe that it would be in our best interest to go ahead and continue and get the proper documentation for a more positive vote on this.

CHAIRMAN STRAIN: I would appreciate you doing that. I think that would be helpful.

COMMISSIONER SCHIFFER: I have a question.

CHAIRMAN STRAIN: Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: In this, watching this, the testimony of providing the manatee data, it seemed like it was very difficult to get. If staff has that and staff is the one keeping log of that, wouldn't that --

CHAIRMAN STRAIN: It's on record. No, you can go to the -- I think it's the Fish and Game website. I've pulled it up before, it's all there.

MR. TURLEY: Yes, it's My FWC. And to the left they have categories for species. There's manatee, click on that. It's -- once I found it, it was easy.

CHAIRMAN STRAIN: Yeah, it is. You've got to interpolate it out to show the five-mile radius from wherever area you're working on, but it's all there.

Okay, is there any other questions?

(No response.)

CHAIRMAN STRAIN: Then is there a motion to accept the request for a continuance? And I guess it would be indefinite at this point until everything gets done.

Is there -- Mr. Vigliotti?

COMMISSIONER VIGLIOTTI: I'll make the motion.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER SCHIFFER: I'll second.

CHAIRMAN STRAIN: Seconded by Mr. Schiffer.

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER WOLFLEY: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER CARON: Aye.
COMMISSIONER KOLFLAT: Aye.
COMMISSIONER VIGLIOTTI: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER MURRAY: Aye.
CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you. And sorry you've got to come back, but I think it's actually the best thing you could do today.

MR. TURLEY: Thank you very much.

CHAIRMAN STRAIN: Okay, thank you.

Item #9B

PETITION: VA-PL2009-1220, LEO F. LASHER

CHAIRMAN STRAIN: Our next case is Petition VA-PL-2009-1220, Leo F. Lasher, for a variance at 265 21st Street Southwest.

All those wishing to participate in this item, please rise to be sworn in by the court reporter.

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Are there any disclosures on the part of Planning Commission?

(No response.)

CHAIRMAN STRAIN: I think I just spoke briefly to Mr. Lasher on my way in and out of here this morning. We really didn't touch on the issue, just said hello.

Okay, sir, it's all yours.

MR. LASHER: Good morning. I want to keep this as simple as possible. I bought a home in the area of Golden Gate Estates and I got together with a couple of friends of mine and we built a garage, or a shed. And I hired a surveyor, an engineer to -- you know, to help me with this. I built it.

And then we had some rain and stuff happened and some of the footers got washed away or something and we built this thing and we ended up nine feet short on one corner of the shed. And it's supposed to be I guess encroaching on the setbacks, correct?

MS. GUNDLACH: Would you like me to --

CHAIRMAN STRAIN: Well, did you -- you didn't do this intentionally then?

MR. LASHER: No.

CHAIRMAN STRAIN: Okay. Thank you, sir.

Any questions of the applicant?

Mr. Murray?

COMMISSIONER MURRAY: Sir, I don't mean to be rude and probe into your personal life, but 2,100 square foot building?

MR. LASHER: Okay, I'm a car collector.

COMMISSIONER MURRAY: Okay.

CHAIRMAN STRAIN: Anybody else have any questions?

Mr. Schiffer?

COMMISSIONER SCHIFFER: I do. You know, looking at this -- you're going to be residing at this site?

MR. LASHER: Yes, on and off. I have also a home at the beach.

COMMISSIONER SCHIFFER: But this is -- I mean, it's not a homesteaded property.

MR. LASHER: No, no, it's not homesteaded.

COMMISSIONER SCHIFFER: But it's essentially -- so this is a car collection that you're going to work on and --

MR. LASHER: Well, it's not that I'm going to work on it. I buy cars that don't have to be worked on.

COMMISSIONER SCHIFFER: But you're not running a sales operation or anything.

MR. LASHER: No, no, not at all.

COMMISSIONER MURRAY: You sure your name is not Jay Leno?

MR. LASHER: I've met Jay Leno.

CHAIRMAN STRAIN: Since we're focusing on what you do instead of what you did, what kind of cars do you have, just out of curiosity?

MR. LASHER: I have older Corvettes, Fifties, Sixties. Sometimes I get into the Seventies, depending on equipment. And Chevilles, '69, '70 Chevelle.

CHAIRMAN STRAIN: Do you ever show them anywhere?

MR. LASHER: Four of them are going to be -- or seven of them are going this weekend to West Palm Beach convention center. And then the Barrett Jackson the following week and a half, there will be four there.

CHAIRMAN STRAIN: You're a lucky man. Thank you.

Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Thank you, sir.

Is there any staff report?

MS. GUNDLACH: Yes.

Good morning, Commissioners. I'm Nancy Gundlach, Principal Planner with the Zoning Services Department.

And this variance is for a 9.4-foot encroachment into a 75-foot rear setback in the Estates zoning district. And as Mr. Lasher had described to you, it's for a metal structure building, and it is located behind a residence in the Estates.

Now, staff is recommending approval. This is consistent with the Growth Management Plan. And if you have any questions, it would be my pleasure to answer them this morning.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Do you know where the thread of the channel is?

MS. GUNDLACH: Absolutely not.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: You verified that this is not a commercial enterprise or potentially a commercial enterprise, he's not going to sell tickets to get in to see his pretty cars?

MS. GUNDLACH: I'm frankly not sure how I would verify that. I just reviewed this as a variance.

COMMISSIONER MURRAY: Just wanted to ask the question.

CHAIRMAN STRAIN: Thank you. Anybody else?

Ms. Caron?

COMMISSIONER CARON: But you did verify the weather, since that was the reason --

MS. GUNDLACH: I did.

COMMISSIONER CARON: Well, that was the reason for the variance, so I'm assuming you did go back and check the weather and that there was in fact rain, correct?

MS. GUNDLACH: Well, he built it during the beginning of the rainy season.

CHAIRMAN STRAIN: We have testimony that it was rain, unless we --

MR. KLATZKOW: I verified it. I verified it yesterday.

COMMISSIONER CARON: Good.

CHAIRMAN STRAIN: Is there any -- any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Is there public speakers?

MR. BELLOWS: There are no public speakers.

CHAIRMAN STRAIN: Anybody from the public wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. With that we will close the public hearing and entertain a motion.
Mr. Vigliotti?

COMMISSIONER VIGLIOTTI: I'd like to make a motion for approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER SCHIFFER: I'll second it.

CHAIRMAN STRAIN: Motion made by Mr. Vigliotti, seconded by Mr. Schiffer.
Discussion?

(No response.)

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER VIGLIOTTI: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

And go out and enjoy your cars.

COMMISSIONER WOLFLEY: Go Chevy.

CHAIRMAN STRAIN: Okay, thank you, sir.

Item #10

OLD BUSINESS

CHAIRMAN STRAIN: Next item up -- well, we have old business and then new business. I don't know of any old business. Anybody else have any?

(No response.)

CHAIRMAN STRAIN: Other than Mr. Murray, I think we're going to make the time frame we talked about. It's going to be before noon today.

COMMISSIONER MURRAY: That's wonderful.

Item #11

NEW BUSINESS

CHAIRMAN STRAIN: The new business is a presentation by the Collier County Health Department. And there's one person left here, so I think it's her that must be making the presentation.

MS. REVAY: Can you show me where I can put this? Sorry.

MR. BELLOWS: Sure. You want to use the visualizer?

CHAIRMAN STRAIN: Do you want us to take a break for five or 10 minutes so you can --

MS. REVAY: Yes, that would be great.

CHAIRMAN STRAIN: Cherie', that would probably work good for you now. We'll just have a break and come back and finish this up. Let's take a 10-minute break and come back at 9:42.

(A recess was taken.)

CHAIRMAN STRAIN: Okay, we're back from our break. The last issue on today's agenda is a presentation by the health department. And so we're ready. Go ahead, ma'am.

MS. REVAY: My name is Stacy Revay from the Collier County Health Department. I'm the chair of the Smart Growth Coalition. And I told everybody from the coalition to be here at 10:00 for the presentation, so it's a little bit early, but I'll go ahead and start.

Okay, so historically the Health Department has implemented policies intended to ensure, among other things, that children are immunized or wear their helmets when riding a bike.

In the same way local governments with jurisdiction over many aspects of land use, food marketing, community planning, transportation, health and nutrition programs and other community issues are ideally positioned to promote behaviors that will help children and adolescents reach and maintain healthy weights.

Promoting children's healthy eating and activity will require the involvement of an array of government officials including mayors and commissioners or other leaders of counties, cities or townships.

Many departments including those responsible for public health, public works, transportation, parks and recreation, public safety, planning, economic development and housing will also need to be involved.

So who we are. I'm the Smart Growth Coalition. And our current stakeholders, these are just naming a few: The health department, the community traffic safety team that's from the transportation department, Edison State College, Florida Gulf Coast University, commuter services. There's some citizens advocates, Collier area transit, the MPO, Collier County Parks and Rec, YMCA and Collier County Comprehensive Planning Department.

The Smart Growth Coalition consists of citizens, governmental agencies, organizations and coalitions who believe growth can be better planned for a healthier, more livable and sustainable community. The coalition recognizes there's a need for a comprehensive representative group that brings many entities together to work toward a common goal and to take a larger look at how to work in a collaborative effort to create a livable, sustainable community.

Some of the current issues that we're looking at include health, principles of smart growth, built environment, sprawl, transportation and making the connection between health and the built environment.

The prevalence of obesity is so high that it may reduce the life expectancy of today's generation of children and diminish the overall quality of their lives. Obese children and adolescents are more likely than their lower weight counterparts to develop hypertension, high cholesterol and Type 2 diabetes when they're young. And they're more likely to be obese as adults. This is from local government actions to prevent childhood obesity, the Institute of Medicine in 2009.

So health. There are three things that encompass health: Mental, physical and social. And even if you draw a box around those three circles, that might even include environmental.

The World Health Organization defines health as a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity.

In a new study conducted by the Robert Wood Johnson Foundation, Collier County is number one for health outcomes, morbidity and mortality; number 11 for health factors and number 17 for the physical environment, which is access to healthy foods and exposure to air pollution, ozone days, et cetera.

I'm sure many of you are familiar with the smart growth principles. These are the 10 principles. There are some that I've highlighted there: To strengthen development toward existing communities, aging in place and creating a better access to services. Mixed land uses. Create walkable neighborhoods. Range of housing opportunities and choices. Preserving open space to increase physical activity.

And as we see in a lot of different neighborhoods, primarily maybe even Naples Park, there are a lot of kids who are playing in the street or playing on the side of the road and their bikes are in the middle of the street. So there isn't a lot of open space for them to play or to get their physical activity that's safe.

So why smart growth matters in Collier County. If we want people to get out of their cars and on their feet regularly, we need more than sidewalks. We need sidewalks that go somewhere useful, like a store, school or work place.

And then as we'll go -- I'll show just a couple of different aerial views and maybe discuss those a little bit.

So just about 60 percent of adults and 12.5 percent of high school students in Collier County are overweight or obese. These are just statistics from 2007, and we're in 2010. So when the new statistics come out, we will most likely see a drastic increase in this.

8.8 percent have been diagnosed with diabetes. And the one that's alarming to the health department or myself at the coalition is that 41.4 percent of high school students are inactive, which means they get less than 20 minutes of activity a day, mostly because the infrastructure does not allow them to walk to and from school. If they're 16, of course they're going to want to be driving their cars, car pooling with their friends, that makes sense.

But before they're that age, they're going to have to be driven to school, and most of them aren't able to walk to school because they don't live within the allowable distance. I guess a quarter of a mile is what they're saying is a walkable community.

And I think that's sort of sad, because I think that most people probably could walk a mile. But the infrastructure here has not even allowed most people to walk within a mile of their home to get to a medical facility or a grocery store or a farmers market or any kind of shopping or leisure activity or open green space to play, recreation.

This is an aerial view that shows segregated land uses. Residential does not connect to shopping, play, open space in any way besides single occupancy use vehicles.

So as you can see on this slide, you can see that there are a couple of baseball fields and some parks.

And the one that's interesting to me actually is if we look on Pine Ridge Road, there's that Target with the huge parking structure, but there really aren't any neighborhoods that would connect to Target in a safe, easy, accessible walking, biking way. Especially if you look at any of the residential that's north or, I guess -- for me it would be to the west. Well, it's probably to your east.

CHAIRMAN STRAIN: On this map, the Target is in the southwest corner, right next to the residential community of Forest Lakes.

MS. REVAY: But as you can see, they would have to go all the way out and around their community to connect to it, which would probably most likely be more than a mile. And a lot of people who -- Quail Run, or what was that community called? Sorry, that's a little bit later.

Here it is, yeah, Quail Run has a lot of different communities, actually, and they're over 300 -- I'm sure there's over 300 residents that reside there. And even in their complex they don't have a lot of safe sidewalks or bike lanes that lead even across the street or down the road for them to utilize any of these shopping areas.

And this is another one, just residential divided by U.S. 41, which is a 45 mile an hour road. And I know that even driving on 41, that's about a 60 mile an hour road. People drive really fast along there. So anybody who lives over in the residential area that might want to get to the public transportation stops that might be close to the Coastland Center, it's very difficult for those individuals to cross those major highways because it does not allow them enough time to get across the road.

I recently rented a wheelchair to see how long it would take me to cross the street, and I was mortified and I was totally scared. That was on my own time. And I actually had to get up and throw it because I was afraid that I was going to get hit by a car. So that was just something that I had done.

Also, so -- and because of the 45 mile an hour road, it's not really conducive to safe walking.

So there are a lot of great things that are here in Collier County. There's a baseball field, there's Fleischmann Park, but there aren't a lot of ways to access those things unless you do get in your car. Even though it seems that everything is -- looks like it's close in proximity, but when you actually get out there and start walking and biking in that area, it's very hard, it's very difficult, especially if you are someone who is a little bit older and you might walk a little bit slower. And we're all going to be there one day, as much as we want to deny that, maybe.

Okay, so what can the Collier County Planning Commission do?

Here are the eight different major issues that are in the evaluation and appraisal report. And I've been invited to be at the table so that I can help with these policies and these different things for the

Comprehensive Plan, which I think is amazing and I think is great and is phenomenal. So thank you very much to the Planning Department for that.

Two specific issues relating to the Collier County Evaluation and Appraisal Report are number two, climate change and number three, urban development pattern.

We know the Planning Commission will be assisting with evaluation of the county's past development patterns through the EAR process. Now is the time to be focused on new comprehensive planning policies that discourage sprawl by fostering alternative transportation modes which must be supported by a mix and concentration of uses in urban areas.

And I know that the Eastern Lands will be building out. And sort of -- I guess even if we are able to look at the policies that we have now that are in the Comprehensive Plan or the Land Development Code, if there's anything that we can do to strengthen them and to make them so it will be more conducive to a more healthier active lifestyle in the future, I think that we're making headway.

I understand that retrofitting is extremely costly and expensive, but I think that if we're planning for the future, I think that it's really important that we start -- that we start building an infrastructure that's conducive to healthy living and a healthy lifestyle, because we do have an aging population here, and as people get older they're more dependent on other people, they're more dependent on possibly their cars and using their car to go places when they would rather probably just walk because they'd probably feel safer not behind the wheel. And it's hard. It's hard to give up that dependence, and I understand that and I appreciate that.

It's interesting, Dan Burden once said, the first thing somebody wants to learn is how to walk and the last thing somebody wants to lose is walking, being able to walk.

So if we kind of put that in perspective, sort of tells us that really, we do like to walk and we do like to walk places and get out there. And we have a beautiful, beautiful county, we have a lot of things to offer. And if we continue to build in a sprawl development pattern, it's going to be very difficult for our aging population.

Okay, so here is a community in Beaverton, Oregon. This is conducive to aging in place community. As you can see where the baseball diamond is and then there's a football field, this is where the high school is. There's a lot of communities that exist right around it. Right around it there are public swimming pools, there are assisted living facilities.

In fact, this next one I like even better. So some of you may know or may not know that I am from Beaverton, Oregon, I am from Portland, Oregon, and I am not here to try to say let's make Collier County into something that it's not or to make it into something that isn't possible.

But I know from growing up in this community, that I walked to my elementary school, I walked to the recreation center. My grandparents stayed at the assisted living facility that was within a quarter of a mile from my house. I walked to my junior high. There's a golf course that you can see down here on one of the corners. There was a recreation facility.

And this is a great place for someone that can -- you could grow up there, you could go to the school there, there's a park, there were two if not three assisted living facilities that were close by. They had a range of housing opportunities, condos, apartments. They had some low income housing that was sprinkled around in there a little bit. It was very walkable and very accessible. And like a mile down the road there's a huge mall and it's even bigger and bigger and bigger now.

And I realize that it's a different place and that their codes and their smart code was implemented back about 35 years ago, so that was sort of a long time ago. And I understand that that's not the way that we sort of started here. But maybe just something to think about.

Okay, so what does a successful built environment look like?

So we've done a couple of things. Cambier Park is -- and I realize that's in the city. And then Venetian Village, I'm not sure if that's in the city or not. I'm thinking it might be. That's a very walkable, bikeable area. There are condos there. You do have to make sure to watch for cars, because sometimes they're driving a little bit fast. But like I was saying before, we have done -- we have done some things in Collier County that have been very positive.

The built environment includes all aspects of the environment that are modified by humans,

including homes, schools, work places, parks, industrial areas and highways.

So the pictures that are over on your left represent what we should possibly include in future planning. Not to say that they aren't in the plans, but that maybe they need to be integrated with future developments.

And I understand that the one that has the shops and looks like a large sidewalk, but really it's sort of like a community gathering area, the bike lanes that are -- it's kind of funny to me, actually, it almost looks like McGregor to me in Lee County, but that's not where it is. But it almost looks like that to me because of the palm trees. But complete bike lanes on safe roadways and farmers markets on larger sidewalks. And we know that people like to gather in these specific places, especially the older population.

The built environment in Collier County looks something like this. These are just some specific pictures. And I'd like to explain them really quick.

The one picture on the corner of your -- the left-hand corner, there's a couple of ladies that are walking on the sidewalk. And a lot of people actually use this sidewalk. The thing that is interesting to me is this is on Pine Ridge. Right across the street there is an elementary school or a middle school and there are a lot of kids who ride their bikes here, but their community actually is right behind that wall.

So how great would it have been maybe if we had like a gate or some kind of an access point so that they don't have to go all the way around and they're riding their bikes on Pine Ridge.

When I go down Pine Ridge and I see them stopping and they've got the crossing guard there, it frightens me when I stop at that light, because a lot of people as we know, don't stop at red lights. And these kids are in danger every time they cross that street.

Now, their crossing guard is there, there's people that know there's a school there. But then there's also people who are out of -- you know, here from out of town. There maybe aren't really paying attention to those sort of things.

So anyways, maybe just forward thinking as far as not -- maybe not as many gated communities or communities that can connect. So that even they can go and see their friends without walking all the way around a mile and a half or riding their bike on a busy road.

Then we've got Quail Run. I talked about that already. There's a lot of different communities that are in there.

This is a gentlemen that's trying to cross the road. There is not a crosswalk there. There is one that's about maybe a quarter of a mile down the road, but he wants to cross there because there is something, a gas station, directly across the street. So he's running and hurrying to get to the median and hoping not to get hit by a car.

Then also in Quail Run they have slow signs, there's children playing. But as you can see, there's a road without sidewalks or green space for the kids really to play. I've never really seen kids playing there, because they're -- and plus it kind of curves around a lot, so as a parent, I wouldn't want my kid to be playing on that road. Just because people do, they whip around those corners and they aren't looking.

Okay, walkable and bikeable community. Barron Collier high school. There was a student I just saw that was --

CHAIRMAN STRAIN: Miss, most of us have lived here a long time. We're probably familiar with a lot of this. The best thing that would help this board is to kind of get into the specific points of improvements that are part of our Land Development Code or part of our general planning process.

I think the pictures hit home with all of us. We had it in the packet that you provided. Might just save you some time and effort if we really got into the meat of the issue and what you're suggesting the Planning Commission do specifically.

And I would suggest that your attendance at the EAR meeting to be most productive. If you have an issue that helps your cause, definitely let us know what that is. But at the same time, give us a specific example of a language change in the code that could apply. Because a lot of people come forward and say well, this is nice if we would just do this, but they don't tell you how to do it within the code, what they actually mean by the language.

So as a heads-up to the EAR, that would be a very productive way to approach the EAR.

MS. REVAY: I actually got to go to the first EAR meeting and I did give them some specific

language for policies, for specific policies that are already in place. So that was really -- that was really helpful, and it was a great meeting. It was a long meeting but it was a good meeting. It was great.

CHAIRMAN STRAIN: Well, I think you're going to find that most everybody is going to be receptive to what you have to say. It's something I know is an issue across the country. Now it's just a matter of what is a good way to implement it with the language and then what the fiscal cost is going to be and the time consumption to get there.

So those are the big issues that I think from this board's perspective we are probably most focused on.

MS. REVAY: Okay, okay, great. So let me go ahead and skip through a couple of these then. And then I realize four corners is in the city, but just lacking connectivity. So increasing connectivity will do these things.

So these are sort of some of the things that I was asking for these to be implemented in some of the policies, increasing physical activity among residents and tourists.

The connectivity will decrease greenhouse gas emissions, decrease the obesity epidemic and allow for multimodal transportation, which I know there is currently a master mobility plan, which I read through and met with Mike Bosi on.

Also reducing the costs associated with repairing roadways.

And then there's a few more in here. Increasing connectivity that is just not auto dependent. We need to create an environment where people can age in place and continue to thrive throughout their lives.

Okay. And also, one of the things, actually, go back one slide here, is for emergency vehicles, one access point creates less safety in time of need. So when there's more access points, that is helpful. So that's another thing possibly that we can talk about, some of the policies, specifically.

CHAIRMAN STRAIN: I don't know how often you wanted us to ask questions. But one of the things I understand you're concerned about access through the block walls that you showed there, for example, if you have better access to the sidewalks and more accesses to ambulances.

The problem that we run into in Collier County, and it's not one that needs to be -- can be easily overcome, people like the security of a community. The security means you've got to minimize accesses. And even at the cost of having to walk around those, a lot of people in the communities would rather have the security of being in a safe, controlled community than the ability just to walk in and out of the community more easily.

Now, I'm not saying they're right, I'm just suggesting that's an issue that needs to be overcome in order to accomplish some of the goals that you've suggested here today. So I don't know if you've thought about that or realized that in this county and others this access is restricted on purpose by a lot of these communities. It may not be the right thing, but I think that's what's behind it.

MS. REVAY: And I do understand that. And I think that again, if possibly some of those houses were to overlook the road, that would create a safety on its own. That maybe there wouldn't need to be maybe as many gated communities if the infrastructure allowed for something that already created its own safe environment.

Also, we've seen an increase in mental health diseases and -- with the older population, especially in gated communities. So I can try to find some -- because it creates a sort of isolation for them. So then there've dependent on whoever can come and pick them up and take them somewhere, without sort of a place to have community involvement or to thrive in their own environment. So, yeah.

Okay, and then transportation, so you've seen these already. This is from the smartgrowthAmerica.org growth and transportation survey.

So four reasons that public transit makes sense. And these are also some things to put in the policies. Economic benefits, provides a high return on investment, creates jobs, economic activity, gets people to work, cuts us oil imports.

America sent about \$12 billion less last year to foreign oil companies because of transit's fuel efficiency. Environmental benefits cuts air pollution. And then quality of life, traffic accidents and the stress of gridlock make automobile travel one of Florida's most expensive public health issues.

Dangerous by Design was a report that was put out by Transportation for America. And Florida is

the number one in pedestrian and bicycle fatalities in the country. So that was --

COMMISSIONER WOLFLEY: Say that again, please. What did you just say?

MS. REVAY: Dangerous by Design was a report that was put out by Transportation for America. And Florida is number one for pedestrian and bicycle fatalities.

COMMISSIONER MURRAY: Can I follow up with that?

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: Do you also have the data that relates whether Florida's the place where bicycles are used greater than any other state?

In other words, is there a proportional factor involved?

MS. REVAY: There might be. In fact, I can go ahead and look back in that report. I'm not completely sure about that. But I do know that because of our weather, our weather is so great here -- I mean, not in the summer, it's really rainy and hot, but other than that, there are a lot of people who bike and walk.

COMMISSIONER MURRAY: Well, speaking only for myself, I will tell you that I'm acquainted with a lot of this information, and I see this as a social engineering effort and I don't have a problem with you wanting to do that, but I do have a problem that if in the AUIR, which is a very intense activity, and it's based on factual information and detail that has to do with code compliance and growth management adherence, I would be looking for very specific things. If you're going to assert something, you have to be able to back it up.

MS. REVAY: Okay, thank you.

CHAIRMAN STRAIN: Go ahead, Paul.

COMMISSIONER MIDNEY: Yeah, I would just like to say that in Immokalee, I can point to three positive things that are happening right now that are going towards this. The first is the bus service in Immokalee is really being used a lot and it's really helping a lot of people.

In this recession, a lot more people are walking and riding bicycles. And the thing that they've implemented on Main Street in Immokalee where there've -- I don't know, it's sort of like you have crossing by right where you have to respect the pedestrian crossing, that's something new that wasn't there before. And I think it's slowing down the traffic a little bit and causing maybe more motorists to respect pedestrians more. That's really positive, in addition to the increased bus service that we have out here now.

And the increased sidewalks that we're getting in Immokalee, they're really being used. If you just walk down any place where there's a sidewalk, you always see, like, the sidewalks are full now of bicyclists and pedestrians.

So if the county can move in general more in that direction, you know, it will be good. So I think some of the things that you're talking about, the county is starting to move in a positive direction. But I just hope that it can continue.

MS. REVAY: Yes, yes, I agree with you. And as I said before, it's not really -- it's not really about retrofitting, I understand that's very costly, but as we continue to build, building for the health and safety of our community and our residents and our tourists, really, is really important I think for the future.

COMMISSIONER MURRAY: May I make a comment?

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: I would suggest to you too that if we really are concerned about the health of the future and the children and the rest, and that's a very valid point, have you invited to your coalition, have you invited the people who manufacture cell phones and who are involved in the television industry? Have you invited them to participate? Because there's a causative in the problem. They could also be a participant in the solution.

This is, in my view, all of the parties, they're all good parties and it's a good idea. But it's reactive. And while it's seemingly is proactive from your point of view, it's merely reactive, because in the absence of taking away the cell phones and in the absence of taking away the media, and I don't mean it per se taking it away but modifying our use of it, you're not going to see a change in patterns. But you're doing changes that impact on people's personal lives and you're going to run up a wall about that angle and it's not going to be useful to you.

So that's a thought.

MS. REVAY: Right. And, you know, one of the things, the health department, we've kind of been talking about lately is really, it is also about the education, I completely agree. And in fact I know that they're -- I think the red light cameras they put in, I think that was a step in the right direction because people aren't running as many red lights, also which creates a healthier environment for people that are using the crosswalks, especially people who are visually impaired.

Also, I think that -- sorry, I just lost my train of thought on what you were saying.

CHAIRMAN STRAIN: That's okay, not a problem.

While you refocus, Nick, did you have something you wanted to -- okay, I saw you looking over, I didn't know if you had a --

MR. CASALANGUIDA: At the end if I could.

CHAIRMAN STRAIN: Okay. Why don't you just continue with your presentation then.

MS. REVAY: Okay. It will come back to me in a second here.

All right. So then we talked about Naples Park a little bit. You already saw that.

Okay, so here are some specific actions that possibly can be put in the policies or the Comprehensive Plan. Specific actions for increasing physical activity: Plan, build and maintain a network of sidewalks and street crossings that create a safe and comfortable walking environment.

Lee County has now adopted the Complete Streets resolution per the smart growth committee in Lee County. And I know that we're not a committee, we're a coalition, and we're brand new. That creates safe comfortable walking environment that connects schools, parks and other destinations through the adoption of a pedestrian bicycle master plan, which I know is currently underway. I'm not sure sort of where we are in that. Maybe that's what Nick was going to talk about in a few minutes.

Also promoting alternative modes of transportation through increasing destinations within walking and bicycling distance of residential units. Especially when we start building out in the Eastern areas of the county, this might be really important, to make sure it's in the plan.

Collaborate with school district and developers to locate new schools central to residential areas. I think that's a big one. And establish joint use agreements. And I understand there are some issues with that.

COMMISSIONER MURRAY: On that slide, ma'am, I would also recommend relative to that first bullet point that you folks get yourselves involved with the school district, because they have very specific policies regarding inter-connectivity with schools, even adjacent parks. And they prohibit that activity. So you need to lobby those people, get them involved.

MS. REVAY: Right. And we do, the Collier County Public Schools are involved. I also chair another coalition called the Health Promotion Coalition, and they're also on that coalition as well. So we are in the process of speaking with them about these things as well.

Sprawl, we know all about this.

COMMISSIONER SCHIFFER: Well, I'm not so sure, Stacy.

MS. REVAY: You're not sure?

COMMISSIONER SCHIFFER: Because if you at that --

MS. REVAY: I'm just not to -- like he was saying before, I'm trying not to go over the things that you possibly do know.

COMMISSIONER SCHIFFER: That top slide, we do constantly in Collier County. And any time you see that formation of buildings, you have to realize that's, you know, what sprawl looks like.

And if you look at Collier County from an aerial photograph, this is what I call the box of zippers, this is what Collier County looks like. And we have to be really careful, because what's happened is we've put a lot of pressure on the Estates area now because we've just sprawled right up to it.

So I think -- and I'm going to also save my questions til the end, but I just didn't want you to jump off that slide and not have everybody recognize our friend on the top.

MS. REVAY: Okay. These sort of communities are more car dependent, especially for kids. Maybe this first slide at the very top for kids who might live in that one cul-de-sac, if their friend lives in like three cul-de-sacs away their parents most likely are going to drive them. Because even if that is a gated community, they don't feel safe letting their kids walk that far away.

Sprawl and public health. Okay, so one study found that California adults who drove the most had

obesity rates 27 percent than were three times higher than those who are drove the least. That's as pretty large statistic.

Every 10 additional minutes also commuting associated with a 10 percent drop in community involvement. So U.S. average is 73 minutes a day of drive time.

There's a lot of other issues as well. Health, environmental impact, increased pollution, increased obesity, which is currently happening, and decrease in social capital.

Okay, so some of these things that specifically relate to health -- well, sprawl. Cost to the health and well-being of Collier County residents, more sick days, more days in the hospital, unnecessary deaths and injuries from traffic accidents, reduced opportunities for physical activity.

And people who live in more compact metropolitan areas suffer from significantly fewer chronic medical conditions than their counterparts in sprawling regions. For example, people who live in neighborhoods with a mix of shops and businesses within easy walking distance have 35 percent lower risk of obesity.

And then the disproportionate impacts on poor and minority populations whose neighborhoods often are cut off or harmed by transportation facilities. And we're also currently working with Collier area transit to increase -- possibly to increase awareness of public transportation so that it can increase ridership. And then we'll hopefully increase the routes so that -- not to put Morton on the spot, but my gentleman over here who's part of the Smart Growth Coalition, him and his wife walk and his wife would like to access YMCA. And because they live over by the mall, it will take her an hour and 45 minutes to get there by bus, so she doesn't go to the YMCA right now, but possibly will in the future, hopefully.

People who use public transportation also get their 30 to 40 minutes of recommended physical activity every day.

Okay, so here are some other recommendations from the Centers for Disease Control. These also can be implemented in the policies and Comprehensive Plan: Improve access to outdoor recreational facilities and enhance infrastructure supporting bicycling and walking.

As I've stated, I'm not saying to go out there right now and start building all this stuff with all of the money that we possibly right now don't have. I'm just saying that if we create an environment, if we're going to build out in the eastern area, then creating this sort of infrastructure will benefit the health of people who live there.

Support locating schools within easy walking distance of residential areas. Enhance personal and traffic safety through the county and improve access to public transportation, incentivize mixed use development and geographic availability of supermarkets in underserved areas.

Okay.

CHAIRMAN STRAIN: Okay, I'm sure there's going to be comments. We'll start with Brad and work our way across.

Brad?

COMMISSIONER SCHIFFER: Ray, about 10 years ago we had the community character plan which tried to bring these principals into planning, right? So that didn't quite hit it.

Transportation, they started to be very concerned about it, and I think they are now with the efficiency of roadways, that might control it.

But the odd thing to me is that smart growth is hanging out in the health department. So now we're down to the fact that we realized we're hurting the citizens by not building communities healthy that tend towards, by just the path of least resistance, healthy living.

What is going on in the planning department for this issue?

MR. CASALANGUIDA: Commissioner Schiffer, I can answer that. We're taking an active lead in it.

As I left the transportation department to come into community development, the planning folks came with us. We're working on that master mobility program which we think is comprehensive in all these things that's she's showing today. Her report has been detailed, quite a bit of information.

The bottom line is many petitions come through you, and we're trying to make these codes effective to say that interconnection is required, shared access is required, sidewalks, we're always bringing this up

whenever these planning petitions come forward to you.

The master mobility plan is intended to be part of a GMP EAR-based amendment update and then follow through with LDC cycle updates. We're in an environment right now where LDC cycle updates are stressful and they put a lot of stress on both staff, the planning commission and the board. But these types of initiatives are extremely important.

And if I can ever impress upon this commission and the board to listen to these messages and listen to the EAR-based process where we can add functionality into our codes that encourage this, that's my goal.

It's smart planning, and she's done a good job of putting it together. Again there's a lot of depth to it. And we're looking at adding things that you can actually tangibly see in the codes. But we encourage you to support that.

CHAIRMAN STRAIN: Anything else, Mr. Schiffer?

COMMISSIONER SCHIFFER: I just want to -- because I think, one thing, I wouldn't mind if the health department maybe looked at some of our applications.

Mark's right, I mean, the best battleground for a gate in the wall was -- there was a shopping center down, I think it was an ABC Liquor, there was a requirement for the gate and the neighbors freaked out. They didn't want the gate.

Now, obviously they could buy a security system if that's the problem. But people don't want to walk.

So are these things that we can now force people or start to -- and it's not just putting holes in walls to sidewalks, it's starting to cluster, starting to bring things together. It's starting to not do these two units per acre subdivisions out in the middle of just spreading and spreading and spreading.

If we didn't do that, we wouldn't need that road on Vanderbilt, we'd be up much tighter to the coast where we do have big roads.

MR. CASALANGUIDA: Two examples I can think of in petitions that have come across, I don't want to say recently, but at the northeast corner of Pine Ridge Road and Livingston, there is Marchesa plaza at the southeast corner but to the north of that is a residential community that wanted no connection to the commercial. Matter of fact, they wanted a wall across that.

And similarly, Brooks Village, which is at the corner of Pine Ridge and Collier Boulevard, where the connectivity of the community, speaking to the neighbors, they love the fact that they can walk around the corner to the shopping center. And it was a fight at first, but now that it's open, they've embraced it and they think it's a benefit to their community.

So although the culture is right now is for these gated communities and the restricted access, I think a good opportunity for us is to get some of these neighborhoods together to talk to each other as petitions come forward and say what is your experience with this after it's been open. And I think it's been beneficial when it is open to the public.

COMMISSIONER SCHIFFER: So Nick, what you're saying is that the principles that Stacy's putting forth today, your department is going to actively be watching out for and incorporating in your reviews?

MR. CASALANGUIDA: We are. And sometimes we're in front of this commission, we're having that debate with you, requesting the interconnection with a pedestrian walkway.

COMMISSIONER SCHIFFER: Thank you, I'm done.

CHAIRMAN STRAIN: Okay, work my way down. Mr. Midney, did you want to add anything?

COMMISSIONER MIDNEY: Yeah, a couple of things. The first one is, it's a good thing I think that the new community of Ave Maria is walkable and it is bicyclable. And it's a good example, you know, if we are going to be having development in the eastern part of the county, that's a good example to point to.

And the other observation is that it seems like the poorer people get the more they're walking and using cars and the richer they get, the less they want to have interconnection. And it's sort of like, I don't know, it's backwards.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, in the urban area, almost all the large tracts of land have been built or have approval to be built. So a lot of these fine ideas are not going to be implementable unless the

particular developer decides that that's the case.

We have, however, had several things come up in front of us fairly recently with supposed mixed use but we never approve them as mixed use. They always have the option to be one or the other. And perhaps that's one way that we could tighten codes is if you're going to do a mixed use, it really legitimately has to be a mixed use project.

Now, I don't know if that then stymies people from going forward with a mixed use or not. But there ought to be some incentive to actually do mixed use. I mean, I can think of two or three that have come by this board fairly recently, and they all wanted to make sure that they could protect that oh, no, we don't want to give up our right to have all commercial or all residential. But it comes forward to us as a, quote, mixed use.

And that's never been pushed by staff. That's never been a consideration in a staff comment that this really should be a mixed use project. It's always been whatever they want.

CHAIRMAN STRAIN: Okay. Anybody -- now the other side. Mr. Murray?

COMMISSIONER MURRAY: Stacy, if I may call you that.

MS. REVAY: Sure.

COMMISSIONER MURRAY: In logic, you can never use the specific to prove the general or the general to prove the specific. You cite one study, there may be others that have other lower numbers. So I'm going to intentionally be seemingly against you. I'm not against you per se, but I want you to be clear, okay.

You say you lived in Oregon, I believe. You grew up there. And everything that you needed was within a mile. Was that true of every child in your area throughout your city?

MS. REVAY: I would say probably mostly.

COMMISSIONER MURRAY: So that there were schools intentionally built (point, point, point) just that way so that that would work.

CHAIRMAN STRAIN: Let's see the court reporter get that click, click, click.

COMMISSIONER MURRAY: That was in Swahili. That was in Swahili and that's why.

CHAIRMAN STRAIN: I looked up, she looked at me and oh, oh, how are you going to record that?

THE COURT REPORTER: How do you spell it?

COMMISSIONER MURRAY: Point, point, point.

My point is that -- and I served for four and three-quarter years on the smart growth community character. And I left as vice-chairman of that. I was the last standing Indian.

The report was provided to the Collier County Commissioners, they accepted it. They never approved it. That doesn't mean they cannot go forward approving it. Some of the smart growth principles are now being implemented, they're being recommended.

But we have constraints under the law. And my frustration will come from open-ended commentary and non-provable or asserted without any real backbone. And my frustration will come if you don't have means of offering good language recommendations.

We're constrained by the law. If someone wants to utilize their property and the highest and best use is such and we say no, you can't, then there's going to be a lawsuit, and the county will find itself -- so all the policies in the world don't help unless they can really have backbone.

So I don't want you to think I'm against you, I am admittedly and clearly openly frustrated by some of the things that I've seen on here because I do see them as social engineering. Maybe that's a good thing.

Some of it I think is probably -- I remember when you mentioned there's a child on a street with bicycles. I'm a child of World War II. We didn't have very much. We didn't have -- I lived in Brooklyn, New York, safe streets, not on your life. We rode our bicycles, we played our ball. It is a matter of judgment. You're in another generation, you view things differently.

And whether or not you can convey sufficiently to an old guy like me that what you're asserting is valid overall and not just to a particular -- because recently there was a citation about how healthy Collier County is relative to all the other countries. And there's an awful lot of people you cited that don't walk and don't do anything. So there are contradictions in your information. You have to have those clear in order for me to buy into it.

MS. REVAY: Well -- and people are -- and I think that the one thing that, if I can kind of like go

back to is the one slide that has the physical, mental and social well-being. And it talks about Collier County is number one for health outcomes, for morbidity and mortality but number 17 for physical environment. So that breaks it up.

Because at first when I looked at it also saying that Collier County is the healthiest county in Florida, I thought well, maybe I need to look at this a little bit closer. So number 17 puts us down the list as far as physical environment goes, which makes sense with the 60 percent of obese or --

COMMISSIONER MURRAY: What is physical environment? I don't understand this.

MS. REVAY: Access to healthy foods, exposure to air pollution, ozone days, et cetera. That's from the Robert Wood Johnson Foundation report that was --

COMMISSIONER MURRAY: My God, there are McDonalds and Burger Kings all over the place -- exposure to healthy food. Yeah, okay, I gotcha.

CHAIRMAN STRAIN: Mr. Wolfley?

COMMISSIONER WOLFLEY: Many of the things that I wanted to say have been covered. I just wanted to say, you can build a community to be your perfect social community, and until we become, probably maybe sooner than later, a communistic society and force people to do things a certain way, you aren't going to get kids off the computer unless the parents guide their children. Thus they aren't going to be out and walking more than a quarter mile a day.

The other thing is parents don't want their kids walking more than a quarter mile because of the predators out there.

COMMISSIONER SCHIFFER: Oh, my God.

COMMISSIONER WOLFLEY: Well, this is -- I hear it every night on the news a kid has been picked up and, you know. So do you want your kids walking down the street. These are just two things I see that have to be overcome. You can have the most perfect community, but if you've got weirdoes and Internet, what are you going to do?

CHAIRMAN STRAIN: Well, now that we're off on a tangent here --

COMMISSIONER WOLFLEY: No, it's not, it's the call to reality.

CHAIRMAN STRAIN: That's fine. Does anybody else have any other comments they'd like to make?

(No response.)

CHAIRMAN STRAIN: Okay. Is there anybody in the public that wants to speak and address anything --

MS. REVAY: Martin, did you want to say something?

CHAIRMAN STRAIN: Sir, you're more than welcome to come up to a microphone, and I ask that you identify yourself -- or can we take a microphone to the gentleman.

MR. ROSEBERG: My name is Martin Roseberg, and I serve as a volunteer on the Smart Growth Coalition. As Ms. Revay mentioned, I am a walker, I don't even own a car. And I got here by bus.

And the point was raised about making practical recommendations. I wanted you all to know that I have been in touch with Gene Calvert. I understand he's in charge of the traffic lights here. And one very simple low cost thing in terms of safety -- health and safety go together, of course -- is to allow the minority, pedestrians that is, to cross our streets safely.

And I spoke specifically about the time allowed for the walk signal at certain intersections. He said that there is a new federal regulation coming up that is supposed to extend that time, I certainly hope so. But very simple things like reminding our drivers that there is a state law that you are supposed to yield to pedestrians -- I've almost been run over three times, it's not pleasant, very frightening. And our drivers do not realize that there is such a thing as a pedestrian and bike riders, also.

And that is something very simple that I hope the Planning Commission would at least encourage the powers that be, the appropriate staff people, to look into.

And in terms of encouraging walking, I think Ms. Revay mentioned that there are communities around the country who are doing that, and the results are very good. There's this new term, new urbanism which means going back to those days. I think, and Mr. Murray, you remember in Brooklyn you did have a neighborhood, you could walk to places, you did know your neighbors.

COMMISSIONER MURRAY: You just didn't go out of your neighborhood. I'm kidding.

MR. ROSEBERG: The idea is that maybe there was no need to, you had everything that you needed virtually, or most of the things that you needed every day in your neighborhood.

And that is something I know that is more in the long-range thinking. But I know that there is a new community, I think someone mentioned that Ave Maria is a walkable -- yes, sir, you mentioned that, that Ave Maria is a walkable community. If the community of New Cypress ever gets on the ground, I would encourage you to work with them and encourage them to make their community a walkable, what is sometimes called a livable community.

They say that they're going to be an ecological community, so you have an in right there. If you want to be an ecological community, consider the human ecology and allow people to walk safely and to ride bicycles safely.

So those are all the points I wanted to make at this time. And I thank you.

CHAIRMAN STRAIN: Thank you, sir, appreciate it.

Is there another --

COMMISSIONER MURRAY: I'd like to make a comment to the gentleman. I want you to understand, sir, that although apparently I'm negative in my approaches to this, I am not negative to all of your concerns in any way. And I do appreciate everything that you've said, and those are tweaks that we need to attend to. And I'm happy that you're a part of that. And I want you to understand I favor and support that.

Just for our purposes as a commission, and the amount of work that we have to do, it is very important that we have thought-out, practical and clear instructions as to what you desire and want to have implemented. And we would then work as a body to try to make that happen if it's at all feasible.

MR. ROSEBERG: I fully understand. I am all for clarity and things spelled out very clearly. Yes, absolutely.

COMMISSIONER MURRAY: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker. Ma'am?

MS. AVOLA: Hi. I'm Michelle Avola. I'm the Executive Director of Naples Pathways Coalition. If you've not heard of us, we are a nonprofit advocacy group working for a safe, interconnected transportation network for non-motorized travel. So walking, cycling, wheelchair, that type of thing.

So obviously you know the angle that I would be coming from. And knowing that I only had a few minutes to address, I haven't come armed with a bunch of statistics for you, but just a few things to address.

In talking a couple of times now with the Mayor, and he said Naples didn't plan for how it is now. They didn't have the ability to see where it was going to get to. And so now there's tourists walking in the street, there's people getting killed. The woman died last night who was hit over by the hospital on Monday. There's too many people in too short of a place, too many cars, not enough safe places for people to be able to walk, ride their bike, get where they need to go if they can't drive, if they choose not to drive.

As the Planning Commission, you're planning, and there's areas that are still to be built out. There actually are improvements that can be made that don't cost millions of dollars. So I think in the things that I was hearing Stacy say was that when there's decisions to be made we really need to think long term for every single person out there, not just the typical teenager playing the Gameboy and the parents, you know, driving them the block to school and sitting in the drop-off line for half an hour and burning tons of fuel.

We need to think about everybody, so we don't end up with a city like this that's a hodgepodge of there's a sidewalk here, there's nothing here. There's a bike lane that ends at a guardrail, there's closed off communities, there's communities right next to each other that, you know, they live two minutes apart but it's a 20-minute drive around. We just need to plan better. And there are still areas to be built out.

So when things come before you, that's all we're asking for, is just thinking about all the users. So thank you.

COMMISSIONER MURRAY: If I may?

CHAIRMAN STRAIN: Of course.

COMMISSIONER MURRAY: Thank you.

Your coalition, does it have plans for your paths in every area of Collier County that can be utilized by people? Have you planned that out?

MS. AVOLA: We have -- no, that's not where -- where we see that there's issues and gaps to be filled, yes, we go before councils and we point those out --

COMMISSIONER MURRAY: But you have no overall plan?

MS. AVOLA: We have worked with the city and the county in the master pedestrian and cycling plan. So yes, we have been very much a part of that.

COMMISSIONER MURRAY: What I'm trying to establish, and I just want to be very clear, you have an expectation that we should have, we have the opportunity to plan for the future. I would think then that you would also be in that same position, you would have already determined where those paths should be.

MS. AVOLA: On every street, wherever a road is resurfaced or widened, it's already in the books that it needs to be made a complete street. And what that means is sidewalk on both sides, bike lanes. It's supposed to be everywhere. So it's not like we're just saying well, just here or just there. It's already in the books that they're supposed to be done correctly to be complete streets. And then there just seems to be ways to work around that.

So that's why the plan is just everything needs to be done correctly.

COMMISSIONER MURRAY: So let me understand this, if I think I got you right. You're suggesting that if one person on 55th Street Northwest, there is probably no such place, point being, though, one person decides to build and there's then a street. They're required to have a sidewalk. Are you asserting then that we as a planning group should require that the county build all the sidewalks, even though there's nobody yet willing to build a home?

MS. AVOLA: I think we need to plan for the future so we're not trying to retrofit later when it costs that much more money to do it later and it impacts more people with changing right-of-way or changing the perception --

COMMISSIONER MURRAY: So you're suggesting that the county spend the money to put the sidewalks in all the way -- at that time.

MS. AVOLA: To plan to do it right from the beginning, that's kind of what I -- that's what I teach my children. That's what I --

COMMISSIONER MURRAY: We have to figure out where we can get that money, okay.

MS. AVOLA: Yes, certainly.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: I think what also we have to do is, we have a lot of people that request that the roadways be narrowed. I think when they do that we should ask where are the bicycles going to go. That's all.

CHAIRMAN STRAIN: Anybody else -- Mr. Wolfley, did you have something you want to say?

COMMISSIONER WOLFLEY: I'll let my time go to --

MR. CASALANGUIDA: Three points if I could, Commissioners. One --

CHAIRMAN STRAIN: Three?

MR. CASALANGUIDA: Yes, please, if I could.

CHAIRMAN STRAIN: We'll count them now.

MR. CASALANGUIDA: You have a master pathways plan that the pathway coalition has worked with us on that talks about the major pathway networks going all the way from Marco Island into Lee County, so you have an adopted pathways plan. You have an ADA transition plan that shows deficiencies of -- he's counting too, I may have a fourth.

An ADA transition plan that shows \$200 million in deficit in fixing our system, retrofitting right now. That's an issue.

And the third one I'll leave you, is you're right, when I'd taken on this job I read the packets and they talk about does this impact the environment. And we lack in a couple sections where we should be asking ourselves does this encourage community walkability, does this encourage connectivity, does this reduce vehicle miles traveled, this project that comes before you. And I think that's what they're asking us to do is

ask those questions when those petitions come forward.

CHAIRMAN STRAIN: Thank you, Nick.

Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Miss, thank you very much.

MS. AVOLA: Thank you.

CHAIRMAN STRAIN: Appreciate it.

And Stacy, we appreciate your presentation today. And I strongly advise you at those meetings that you do attend, come forward with suggested language so it can be chewed on. And basically nothing should be accepted by anybody until the fiscal analysis is known and the stakeholders involved all had an opportunity to view it and we weigh its consequences.

Doesn't mean we're against it, it means it needs to be weighed out and thoroughly thought of, so --

MS. REVAY: Right. And there are some really great -- the last thing I'll say, just one thing. I think there are some really great policies that are in place. However, I just think that the wording is too loose and it needs a little more teeth and a little more mandating, and then I think we'll have it.

CHAIRMAN STRAIN: And I think Commissioner Schiffer actually summarized (sic) everything very well, we should be thinking about this. And the next time we have a narrow road come through, that's a great question to ask everything single applicant coming forward. And if they know that ahead of time maybe they'll come forward with better planning. So you've had a good impact already.

I appreciate very much your time today.

MS. REVAY: Thank you very much, Commissioners.

CHAIRMAN STRAIN: Thank you.

And that is the last item on our agenda, everyone. Anybody in the public have any other comments they wish to make today?

(No response.)

CHAIRMAN STRAIN: Okay, is there a motion to adjourn?

COMMISSIONER WOLFLEY: So moved.

CHAIRMAN STRAIN: Motion made by Commissioner Wolfley.

Is there a second?

COMMISSIONER VIGLIOTTI: So moved.

CHAIRMAN STRAIN: Mr. Vigliotti.

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER VIGLIOTTI: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

We are adjourned, thank you.

March 18, 2010

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:44 a.m.

COLLIER COUNTY
PLANNING COMMISSION


MARK P. STRAIN, Chairman

These minutes approved by the Board on 4-15-10, as presented or as corrected

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