

March 4, 2010

TRANSCRIPT OF THE SPECIAL MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION

Naples, Florida

March 4, 2010

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 8:30 a.m. in SPECIAL 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 (Absent)
David J. Wolfley

ALSO PRESENT:

Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Assistant County Attorney
Carolina Valera, Comprehensive Planning Dept.
David Weeks, Comprehensive Planning Dept.
Thomas Eastman, CC School District, Real Property Director

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the March 4th meeting of the Collier County Planning Commission.

If everyone will please rise for pledge of allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: There's a pause in the pledge of allegiance when we started so Mr. Schiffer could move to the side and we don't pledge allegiance to the back of his head.

Item #2

ROLL CALL BY SECRETARY

Roll call by Mr. -- by the secretary. Mr. Vigliotti has had other things he had to attend to today, so he won't be able to be here.

Ms. Caron, would you mind?

COMMISSIONER CARON: Sure.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER CARON: Mr. Kolflat?

COMMISSIONER KOLFLAT: Here.

COMMISSIONER CARON: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER CARON: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER CARON: Ms. Caron is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER CARON: Mr. Vigliotti is absent.

Mr. Murray?

COMMISSIONER MURRAY: Here.

COMMISSIONER CARON: Mr. Wolfley?

COMMISSIONER WOLFLEY: Here.

COMMISSIONER CARON: And Ms. Homiak?

COMMISSIONER HOMIAK: Here.

Item #3

ADDENDA TO THE AGENDA

CHAIRMAN STRAIN: Okay, addenda to the agenda. Today is an irregular regular meeting. On our regular meetings, as every first and third Thursday, we normally hear issues of variances or rezones or boat dock extensions. There have been none scheduled for today. Today is going to be a continuation of the review of the Immokalee Area Master Plan on that CP2008-5.

Item #4

PLANNING COMMISSION ABSENCES

We do have a need to take a look at our schedule for the rest of the month. On March 10th I'd like to know if everybody -- anybody here knows if they cannot make it here next week for a -- it's our continuation of the LDC meeting that we continued. It's a four hour meeting, and it's 1:00 to 5:00 in the afternoon.

Does anybody know if they cannot make it?

(No response.)

CHAIRMAN STRAIN: Okay, it will be in this room starting at 1:00 on March 10th. That's a four hour meeting on the LDC.

And we have another four hour meeting on the LDC on March 24th.

On March 18th, which is a regular meeting date, Ray -- or actually, it's -- yeah, it is the 18th, isn't it?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: It is the 18th. I think, Ray, you said we don't have a lot scheduled for that day?

MR. BELLOWS: That's correct. We have two items and possibly one, depending if we got everything worked out with the advertising.

CHAIRMAN STRAIN: What I'd like to suggest is because the LDC amendments are painstakingly difficult to deal with and they take time, and we also have to be very cautious that we're not letting something happen that has unintended consequences, I think we're going to need more than the next two days that we have scheduled, which are four hours each.

I'd like to suggest to the Planning Commission that on the 10th we continue the LDC discussion until after the regular hearing -- meetings on the 18th, so we can have the LDC meeting carry over to the 18th for a few hours.

I'm not suggesting we go to 5:00 or so with LDC hearings anymore. I think if we stop a little earlier; they're so tedious, we'll try to stop at mid afternoon with those.

Does that work for everybody?

COMMISSIONER WOLFLEY: Yes.

CHAIRMAN STRAIN: Anybody have any objection to it?

COMMISSIONER MIDNEY: Question. Would --

CHAIRMAN STRAIN: Mr. Midney?

COMMISSIONER MIDNEY: -- that mean that we might not have to do the 24th?

CHAIRMAN STRAIN: Oh, no. In fact, I can assure you we'll need the 24th. And I'm suggesting one more date, April 9th. I have a series of dates available from the county to add another day, because I think we're still going to need another one.

At the rate this is going, if you recall, the first two books have mostly rewrites. And they're going to be rewritten and start to come back to us maybe on the 10th, maybe on the 18th.

Book III we haven't even started yet. We're going to start that next time. There are some rather controversial elements that were actually pulled we haven't even got into yet that will take I'm sure public testimony; one being the conservation calculation for boat docks. And there are some others.

So I think we're probably going to need not only the two meetings we have, not only the 18th, but I'd like us to schedule a backup day just in case.

And staff has sent some dates in which this room is available. March 30th, but that's a couple days before our regular meeting and I would suggest we don't do that.

April 9th, which is a good day, because it's in between two regular meetings, which is where we like to schedule them. April 19th, which is right after -- which is the -- I think it's a Monday after the Thursday meeting on the 15th, or April 20th.

I'd suggest to this board that we ought to look at April 9th as being the best. It's in between them all and we get time to fit it in. Does that sound appropriate?

COMMISSIONER WOLFLEY: Yeah.

CHAIRMAN STRAIN: Ray, let's, if you don't mind, letting Ian know that the 9th was one day we'd like to lock in for the room. And it will be 8:30 starting date (sic), if possible. But we won't probably go till 5:00; we'll probably stop at mid afternoon to keep it a little lighter.

MR. BELLOWS: Will do.

CHAIRMAN STRAIN: Thank you, sir.

Item #5

APPROVAL OF MINUTES – JANUARY 28, 2010 CIE/LDC MEETING AND THE FEBRUARY 4, 2010

REGULAR MEETING

Okay, next on our regular meeting schedule is the approval of the minutes. We have two of them. One is January 28th, and one is February 4th. Let's start with January 28th. Is there a motion to either approve or amend?

COMMISSIONER CARON: Motion to approve.

CHAIRMAN STRAIN: Motion to approve by Ms. Caron.

Is there a second?

COMMISSIONER SCHIFFER: I'll second it, Mark.

CHAIRMAN STRAIN: Mr. Schiffer seconded.

Any discussion?

(No response.)

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

February 4th meeting, is there a similar motion?

COMMISSIONER CARON: So moved.

CHAIRMAN STRAIN: Ms. Caron.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: 8-0.

Ray, BCC report and recaps?

MR. BELLOWS: I don't have any recap for today.

CHAIRMAN STRAIN: Okay. The sheet said February 23rd, but you don't --

MR. BELLOWS: Yeah, it --

CHAIRMAN STRAIN: Okay, not a problem.

Item #7

CHAIRMAN'S REPORT

Chairman's report. Basically I'll explain what we're going to go into today, but I'll wait until we go right to that advertised public hearing.

Consent agenda items, we don't have any.

Item #9A

PETITION: CP-2008-5, IMMOKALEE AREA MASTER PLAN AMENDMENT AND AN IAMP FLUM MAP AMENDMENT

So, now the first and only thing up for today is the continuation of CP-2008-5, which is the Immokalee Area Master Plan.

Briefly, we left off finishing up a discussion of all the goals, objectives and policies as formerly written and presented to us over the last couple of meetings that we had.

At the end of that meeting we still had the master plan to go through. The -- I think there may have been some policies that needed cleaning up. We're going to walk through the staff report and any points that this commission had in regards to the writings of the staff report and the tables.

Then we're also going to go through all the supporting documents. The supporting documents may have produced a lot of questions in regards to how they fit with the policies of the GMP.

And so with that in mind, that's how I thought we'd proceed with today. And I'll let staff or the applicant, I guess Bob first, start off with any opening comments in regards to the prior meeting results or today's -- as we move forward. Bob?

MR. MULHERE: Thank you. Bob Mulhere for the record.

I have some CDs to hand out to you that have some of the addit -- the remaining additional data that you haven't received yet that you asked for.

I also have a copy here -- this is unrelated to what we're hearing today, but I do want to let you know that I have a copy here of a revised set of interim LDC amendments that we continued from your last hearing to the 10th.

So I met with staff. This reflects the revised -- again, it doesn't have anything to do with this, it's the interim LDC amendments. But I do want to hand those out.

CHAIRMAN STRAIN: Okay, thank you.

The supporting documentation that we listed at our last meeting that you were eventually going to get to us, is that something you're going to have today as well, or not?

Remember there were some documents missing from the policies we reviewed on the Immokalee Area Master Plan?

MR. MULHERE: To my knowledge, everything that you've asked for is on that CD.

CHAIRMAN STRAIN: Thank you.

MR. MULHERE: Or been distributed.

CHAIRMAN STRAIN: Okay, I misunderstood, I thought the CD was in response to the LDC --

MR. MULHERE: No, the CD is the documents that you're looking for.

I guess at some point we'll be discussing the Future Land Use Map and the proposed changes in terms of the density impacts. We have a spreadsheet that we can also hand out to you and a revised Future Land Use Map. I can wait until we get to a point of discussion there, or if you want to start there.

CHAIRMAN STRAIN: We're going to start with the Future Land Use Map. I think when we stopped the last time, the first question was as we were stopping, are we still going to review that map. And I said absolutely. And that should be the first thing up for today.

MR. MULHERE: I do have one issue that Mr. Midney asked for. And that was going back to -- and it's provided for you, a scanned copy on that CD. But the question of the Trade Port Parkway connection, the policy that referenced that, I found a map and I did want to briefly discuss that with you.

CHAIRMAN STRAIN: I think that -- start out with that then, Bob, because that's a follow-up to a prior question.

MR. MULHERE: We need to go to -- if we could get that monitor on it would immensely help.

CHAIRMAN STRAIN: The exhibit that was just passed out and the information, we need to make sure the court reporter gets a copy.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: That's of course with everything that's provided today. Thank you.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Bob, what is being passed out not so much the charts, because I know they're different. But this map 5-1 --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- is that -- I can see it's already different than what we have.

MR. MULHERE: No, it has changed in accordance to what we discussed with you the last time. If you recall, there were certain changes we had to make, and we'll go over those for you. And we put them on the record the last time, and so we've made those changes.

CHAIRMAN STRAIN: Good.

Did you not have something you need for the court reporter?

MR. MULHERE: I think we're short the copy of the interim LDC. We can send it to you or we can give it to you at the hearing.

CHAIRMAN STRAIN: Well, why don't we during break I'll try to get the --

MR. MULHERE: Get a copy.

CHAIRMAN STRAIN: -- go next door and make a copy.

MR. MULHERE: This is on?

MS. VALERA: Yes.

MR. MULHERE: It says it's on. It must be dead.

COMMISSIONER WOLFLEY: It's on. We can hear you. Speak up.

MR. MULHERE: The exhibit that's before you is an exhibit that was prepared in conjunction with the Trade Port DRI, which has been withdrawn. However, it shows the proposed Immokalee loop road, this road right here. May or may not be the final configuration. That process is ongoing.

We shouldn't construe anything from this exhibit. The DRI's been withdrawn. But it does show the general location of what was referred to as the Trade Port Parkway. And you'll recall there was a policy that said we would -- the county would support a connection using the Trade Port Parkway between the loop road and the airport.

I've revised that language to be much more general. No reference to a Trade Port Parkway, simply the county supporting a connection between the future loop road and the airport. That's all it says now. So there's no reference to any project or project name, since it's been withdrawn anyway.

COMMISSIONER MIDNEY: What page is that on, Bob?

MR. MULHERE: I've got to find it.

Can you look for it while I -- okay. We'll look for it, we'll find that. So let me just continue, though.

This straight line shot here, as you can see, would provide direct access. It's called Gopher Ridge on this exhibit. Again, that doesn't really matter.

But there's also a connection -- that's to the north of the airport. There's also a connection to the south that would lead to 846 that would lead out to the loop road. It's Policy 3.2.4. on Page 32. It's entitled Florida Trade Port Parkway.

COMMISSIONER MIDNEY: Yes.

CHAIRMAN STRAIN: Okay, now, this came about as a question. Does anybody --

MR. MULHERE: It was a locational. I wanted to point out a general location, and then let you know that, I mean, I think it was a good question, because there's probably no reason for us to reference Trade Port Parkway when that project doesn't exist, but the connection still makes sense. So we've made it more general.

CHAIRMAN STRAIN: Okay. Anybody have any questions to follow up?

Mr. Midney?

COMMISSIONER MIDNEY: Yeah, in this master plan we usually don't talk about roads, so I'm wondering why we're saying that we will support the process of this road. It doesn't seem like the Immokalee Master Plan usually concerns itself with roads which we will support or not support.

MR. MULHERE: Yeah, I would disagree with that. It actually does, in two instances that I'm aware of. One

is the loop road, which is generally thought of as being absolutely critical to the future of Immokalee. And that is expressly supported in the reference in several policies. And this is a connection to the loop road.

And the airport is also one of the great economic drivers potentially out there. So that connection directly from the future loop road to the airport is critical.

COMMISSIONER MIDNEY: But that's a Department of Transportation issue that they're resolving with meetings with the citizens of Immokalee and the shareholders, it's not really a master plan thing, is it?

MR. MULHERE: It is. Yes, it is. I mean, I can't agree with that. It is. I mean, that's where you want to put a policy to support something.

CHAIRMAN STRAIN: Bob, there's a whole section on transportation issues that are being proposed. And I'm not sure it isn't the most -- it is an appropriate place to put the policies, Paul. I mean, whether we agree with the policies, that might be a different story.

COMMISSIONER MIDNEY: Oh, you're saying that you think it is an appropriate place?

CHAIRMAN STRAIN: Yeah, we even have a -- we have a transportation element and we have a series of transportation policies and goals in our general master plan. And the communities, just standard have transportation issues, quite a few of them, so -- I mean, I don't see that as a problem in itself. But if the policy's direction is concerning to you and to the community, then I think that ought to be what we ought to focus on.

COMMISSIONER MIDNEY: Could you just point out again where -- I see the Gopher Ridge Road, which may or may not come about. Can you talk about -- you're not calling it the Florida Trade Port Parkway?

Do you have the verbiage written out in some form that you're proposing? And can you show me where the road would be?

MR. MULHERE: No. And no. There is no determination as to where the road would be. So that's why we're generally talking about a connection from the future loop road --

COMMISSIONER MIDNEY: Right.

MR. MULHERE: -- directly to the airport. No predetermination as to where it's going to be.

COMMISSIONER MIDNEY: So it's not on this map.

MR. MULHERE: This map shows one potential. The question was where is this Trade Port Parkway? Well, it doesn't exist.

COMMISSIONER MIDNEY: Right.

MR. MULHERE: So this map was developed by the property owners at the time that the Trade Port Parkway DRI was submitted and was under review. And it shows a connection directly here --

COMMISSIONER MIDNEY: Right.

MR. MULHERE: -- as well as a less direct connection here out to the loop road.

And my purpose in bringing this exhibit was to orient you as to what the intent of that connection was. And we have a general policy. The language I don't have with me, you're going to get that when we rewrite everything. But it generally is going to say that the county will support a future connection from the loop road to the airport, or something along those lines. I mean, we had written it to say that the county will support -- conduct a PD&E. And as you recall, Nick got up here and said no, you can't say that. And we've revised that. And that was an existing policy anyway. We didn't create that, we just carried that over. But we've revised it to make more sense under the current scenario.

COMMISSIONER MIDNEY: Yeah, it does make more sense now, thank you.

CHAIRMAN STRAIN: Okay, are there any other questions involving this graphic before we move on to the overall Immokalee Master Plan map?

(No response.)

CHAIRMAN STRAIN: Thank you, Bob.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: And I guess what we probably need to get into then are questions from -- there's most likely two maps involved. One of them is the 5.1 map. And you just passed a new one out that does reflect some of the changes that seemed questionable in the previous version.

And then for argument sake for those that want to repair it, the original Immokalee urban area map is existing Map 3-1 in your packet of supporting documents. So there's -- and it's got a primarily green background on it. So there are two maps to be looking at. But the one that's being proposed based on the changes in the GMP being

suggested is the map that was passed out today, Map 5-1.

MR. MULHERE: I have an existing Map 5-2, the adopted Future Land Use Map, 5-2.

CHAIRMAN STRAIN: Okay. And I've got one here that says the Immokalee existing land use exhibit map, 3-1.

MR. MULHERE: That's an existing land use, that's not the future land use map. 5-2.

CHAIRMAN STRAIN: Gotcha, thank you.

MR. MULHERE: And that -- right now I have that on the visualizer. That is the existing adopted Immokalee Area Master Plan. Not on the visualizer, on the podium. On the screen.

CHAIRMAN STRAIN: Okay, and I'm not -- I don't remember who had the questions from last time, but I certainly encourage that if anybody has any, let's start --

MR. MULHERE: So just -- if I could just orient us. So the one that's on the screen right now is the existing. Then this map is the proposed. You know, there's a lot of detail. It would be a -- we'll have to, you know, answer -- respond to specific questions.

But -- and then this is revised yet further. And I just wanted to go over what the further revisions were. That might be helpful, it might generate some questions.

CHAIRMAN STRAIN: Go ahead.

MR. MULHERE: So remember, for example, the area that we had here that had some CMU and some medium density, but that was in that panther -- primary panther zone area. So that's been removed and taken out and returned back to low residential.

We also -- in various locations, and we verbally explained this to you, and I'd have to get Chris or Pat to come up here and show you the exact locations. But in various locations, primarily more in the core section, we had changed several properties that had high residential designation in the existing plan to medium residential. We did that because under our proposed plan we were increasing the density in medium residential and there was no loss of value to those landowners by reducing them from high to medium.

Now that we've gone back to the original density in almost the entire plan, with the exception of the CMU, in order not to diminish -- to reduce their property rights, we had to go back to what their original designation was, which we told you we would do.

So we've returned those properties, they were sparse throughout the urban area, from median residential back to high residential, at the lower density that exists already in the plan.

So there are throughout in these areas here and here and down in here some areas that have been returned to high residential from medium residential. So that's another change.

What else am I missing?

Okay, Arrowhead PUD. When we were meeting with staff -- that's right here? The Arrowhead PUD, which is, I don't know, almost 200 acres in size, approved and largely developed at the -- and was designated LR? And we've changed it.

So we had proposed on the plan to change the Arrowhead to medium residential and a little portion of commercial that they were entitled to through the PUD to CMU.

In meeting with staff, staff said you don't need to do that, they're fully entitled to that commercial through the PUD commercial. You don't have to change the designation on it. And we agreed.

So we returned them back to their original designation. So the entire Arrowhead PUD is back to what it was designated, which is low residential.

So those are the changes that we made based on our discussion with you all and with staff.

CHAIRMAN STRAIN: Mr. Midney?

COMMISSIONER MIDNEY: Could you explain again, the commercial is taken out of the corner of Arrowhead, but you say they have a right to it anyway, they didn't --

MR. MULHERE: Yeah, it's not taken out. We're talking about a designation. We didn't do anything to affect their PUD. We're talking about a future land use designation.

We had changed the destination to reflect the actual configuration of the commercial that they're entitled to by putting a CMU designation on it. And David correctly points out that that actually increases their rights. Because there may be uses within the CMU that they're not entitled to within the PUD that they could go in and amend the PUD and ask for.

And that really wasn't our intent. Our intent was just to reflect what was there. And we don't need to do that on the Future Land Use Map, because the PUD provisions of the plan allow them to have that commercial.

So they're fully consistent with the plan and we don't need to call it CMU, and so we've revised it back.

COMMISSIONER SCHIFFER: I have a question.

CHAIRMAN STRAIN: Okay, Brad.

MR. MULHERE: Oh, there was -- point that out to me, Chris. Point that out. There was one other change.

There was some discussion about some property, I think Pam Brown -- the Brown family owned, and it was down here. Right here. Right here. And we had that designated CMU. So it was a square of CMU, it was attached to the other CMU, but kind of was an outlier. There was discussion about whether it should be RT.

We returned that back to the low residential -- to the high residential designation rather -- which is what it was. Which is what it was. You can see it right here.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Yeah, Bob, just to discuss, the urban infill area, you're extending that a little bit to the west down Immokalee Drive, correct?

MR. MULHERE: No, those are existing boundaries.

COMMISSIONER SCHIFFER: They are existing?

MR. MULHERE: Yeah. We didn't change the boundary of the urban infill sub-district.

COMMISSIONER SCHIFFER: Okay. Kind of looks like it, but --

MR. MULHERE: No, we didn't. It's -- there's a resolution that establishes that. It really has no regulatory authority, I don't think. We have to -- we have to accomplish what we need to accomplish in that area through a future central business district.

COMMISSIONER SCHIFFER: Okay, then if you look at the original FLUM, there's a piece of medium residential down, and it looks like it's between Robert's Avenue and Immokalee Drive. The furthest west on that.

MR. MULHERE: Let me see if I can make this a little bigger and we can -- this is the original.

MR. WEEKS: Mr. Chairman, David Weeks for the record, of the Comprehensive Planning Department staff.

And I want to just jump in and say that I agree with Mr. Schiffer, there's an additional square where the urban infill has been added to the west.

COMMISSIONER SCHIFFER: That's -- yeah, part of that, I was going to use this question to prove that point.

MR. MULHERE: Okay.

COMMISSIONER SCHIFFER: But the question really is, Bob, so what you're doing on Immokalee Drive is you're taking medium residential further west on that area, correct?

MR. MULHERE: You know, I'm going to have to defer with these guys here for a minute. I understand that we may have changed designations. The question I thought was did we increase the urban infill designation.

COMMISSIONER SCHIFFER: Well, that was the first question you said no, but --

MR. MULHERE: And I thought the answer was no. And apparently -- if we did, we did it inadvertently, so -- because there was no intent to change that designation that I'm aware of.

Do you want to get up and say something, Pat?

COMMISSIONER MIDNEY: Yeah, could you show us, David?

COMMISSIONER SCHIFFER: Yeah, it's right on that area I was aiming you guys towards.

MR. MULHERE: Somebody come up here and --

MR. VANASSE: I'll show them a hard copy.

CHAIRMAN STRAIN: Hey, you guys are on record, if you're discussing things, so make sure it's recordable.

MR. MULHERE: It may be confusing the boundary, but we didn't change. We used the --

MR. VANASSE: The overlay changed but the infill --

COMMISSIONER MIDNEY: I'm confused.

MR. WEEKS: See, here's where the road is, the existing map.

CHAIRMAN STRAIN: Brad, were you using this as an example?

COMMISSIONER SCHIFFER: Well, I actually wanted -- I thought the infill had changed. I think it has,

but --

MR. MULHERE: Yeah. Okay, it looks like we're both saying the right thing. There seems to be a discrepancy on the existing Future Land Use Map. We'll figure that out.

There was no -- let me just say this: There was no intent to increase the boundaries of the urban infill district. We may have -- we're going to get with staff, but we'll figure that out.

COMMISSIONER SCHIFFER: Okay. But the second part of the question is that going down Immokalee Drive, north-south, you are carrying medium residential into that area. And prior to that I believe it was -- it would have been low residential.

So just explain why you're doing that, that's all. And because north of that there's an area of existing I'm sure low residential that you're not changing.

MR. MULHERE: So can you help orient me again? I mean, it's hard for me to see on these maps.

COMMISSIONER SCHIFFER: That block that we questioned whether it's --

MR. MULHERE: Right here. Right here.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: Well, you need to use the pointer, Bob, because we can't see the "right here".

MR. MULHERE: Oh, it's not on the -- here. Okay?

CHAIRMAN STRAIN: I'd suggest you increase the -- yeah, zoom in on that.

COMMISSIONER SCHIFFER: Immokalee Drive --

MR. MULHERE: I just can't get it to move up. Here we are right here.

CHAIRMAN STRAIN: Scroll bar.

MR. MULHERE: Right here.

COMMISSIONER WOLFLEY: Yeah, scroll bar.

COMMISSIONER SCHIFFER: Right there. Right in there. Both sides of that area there.

MR. MULHERE: I thought you could just move the whole map, but that's all right, here we are. Right here. And you're saying this area in here?

COMMISSIONER SCHIFFER: That area in there. And that -- you know, the area that we're questioning whether --

MR. MULHERE: And then you're saying there's low residential here.

COMMISSIONER SCHIFFER: Yeah, what is the reason just to bring in medium residential in that area? Is that developed land, is that undeveloped land?

MR. MULHERE: I thought that was existing medium residential right now.

COMMISSIONER CARON: It's low.

COMMISSIONER SCHIFFER: It's not.

MR. MULHERE: Okay. So do one of you want to help me out here? What would --

CHAIRMAN STRAIN: You're talking about the rectangle that has El Paso Trail in the cen -- almost near the center north side of it.

MR. MULHERE: Correct. So you've got CMU. We return this back to the medium residential which we had at high but we returned it. We've got high here. And then you've got medium here and low here.

This is developed here. And I'm sure that's part of the reason why we didn't change that.

CHAIRMAN STRAIN: Is (sic) El Paso Trail got existing homes on it? Because if they are, the old plan called for those to be low residential. You're now saying they can be median residential, based on what your changes are. I think that's what Brad's trying to get at.

COMMISSIONER SCHIFFER: And I'm not against it, I just wanted to talk --

MR. MULHERE: I think --

COMMISSIONER SCHIFFER: -- about it.

MR. MULHERE: -- our perspective was that it was a transition from the high residential and out, moving out we want median residential. So generally it's a trans --

COMMISSIONER MURRAY: Use the bar below and it will move it.

MR. MULHERE: I'm sorry, I didn't --

COMMISSIONER MURRAY: Scroll bar below will move it in the center.

CHAIRMAN STRAIN: Bob -- there you go.

COMMISSIONER WOLFLEY: Oh, too much.

MR. MULHERE: Yeah, yeah, I'm trying.

COMMISSIONER MURRAY: Okay, stop. Now you can increase the size --

CHAIRMAN STRAIN: Bob, she's having a hard time recording what you're saying. Your microphone's turned away from you.

COMMISSIONER MURRAY: Oh, I'm sorry, that was --

CHAIRMAN STRAIN: But you can't speak without -- unless it's on. You can't do that, you've got to be on mic.

COMMISSIONER MURRAY: Well, okay.

MR. MULHERE: Hold on one second, I'll confer with my client.

CHAIRMAN STRAIN: We're off to a real running start here today.

MR. MULHERE: Okay, so I guess that is Esperanza Place.

By the way, we just conferred with Penny Phillippi and she said that's the Esperanza Place where they have a density bonus and that will be probably developed as medium density.

COMMISSIONER SCHIFFER: Okay. And I guess really what I'm trying to get to is that there are some changes in the land use plan. The changing of uses kind of fulfills a vision for the city. Is there some -- did you just go through here and crazy quilt things to make them work, or is there a vision that this --

MR. MULHERE: Oh, no, there's --

COMMISSIONER SCHIFFER: -- land use plan kind of gives us?

MR. MULHERE: No, there's clearly a vision. This is why you have the highest level of mixed use and intensity along the Main Street. And as you move out, you step down. You go to high residential and then medium residential.

Unfortunately some of those, because of concerns of increasing density, were returned to their original designation.

COMMISSIONER SCHIFFER: Right. But as you go down, let's say Lake Trafford, why do -- we hit another area of CMU. What is the vision of that? In other words, as we're -- the north side of Lake Trafford.

And Bob, my standpoint is I'm not as familiar with Immokalee as most people --

MR. MULHERE: Hold on a second.

Go ahead, I'm listening to you.

COMMISSIONER SCHIFFER: Okay. I mean, I'm not as familiar with Immokalee as certainly Paul is. And so for me I can see what the zoning creates in terms of density in the image of a city. And I'm just trying to see what it is we're doing. Like the north side of --

MR. MULHERE: We are trying to balance the vision with the existing property rights, a very difficult process, and the existing development patterns in an area that has a mishmash of development and allowable uses. And we believe and the community believes that we've achieved that objective.

COMMISSIONER SCHIFFER: You've achieved mishmash?

MR. MULHERE: No, we've achieved a vision. In what exists now and -- but as we've had to adjust that vision to respond to concerns that have been placed upon us relative to increasing density, traffic impacts, we've got to adjust that a little bit. And that's what we've done.

Your question about the CMU, hold on one second, I'll get an answer for you.

Okay, so couple of reasons. There's existing commercial out there. We expanded that CMU to the existing property configuration, property boundary so you wouldn't have the designation splitting the property.

In addition, that's where Little League Road is proposed to come through. So you will have a future major intersection there.

COMMISSIONER SCHIFFER: Where that's -- okay.

And then I guess -- and the last question is Lake Trafford Road, that whole thing, the north side of it has your highest density, and the south side of it for the most part has your lowest density. What is the vision that that's going to create?

MR. MULHERE: Well, again, if you look at this area here, this was slated -- we had proposed that for I think medium residential as well. But because it's already developed, and we put it back to what it originally was, that's where we had that little piece of commercial. That's the PUD, Arrowhead.

This is already developed, and so that's why that's retained at low residential. You know, if we weren't dealing with a significantly existing development pattern there, we'd probably -- and we did propose to change those, but we brought them back to where they were because of -- because of the paper density concerns, the likelihood of those ever being redeveloped any time from what they are today is very, very slim, so we went back to the original designation.

COMMISSIONER SCHIFFER: All right, thank you.

CHAIRMAN STRAIN: Bob, there are areas that -- oh, Ms. Caron?

COMMISSIONER CARON: That's all right, you can go ahead.

CHAIRMAN STRAIN: That's fine. You may solve my questions. Go ahead.

COMMISSIONER CARON: Well, no, I want to go back to the piece of property that we were just talking about, that CMU piece. Because on the plan currently that's neighborhood commercial, which is very different from commercial mixed use in intensity.

MR. MULHERE: It's not very different. At least in our opinion it's not. And there is no -- 16 units per acre is what was allowed for residential.

COMMISSIONER CARON: And you expanded it as well.

MR. MULHERE: Yes, we did. Because we think it's the appropriate --

COMMISSIONER CARON: To the north.

MR. MULHERE: Yeah. There is no more neighborhood commercial, at least not in what we've written. We now have the CMU, the commercial mixed use, designation which replaced the neighborhood commercial.

And again, we think that's an appropriate designation, given the future major intersection, given the existing commercial.

And part of the problem that you have in various areas in Immokalee is where properties are not deep enough to support a well master planned development there. They're cut by, you know, two different designations, say commercial neighborhood center and low residential. And to us that made sense, and to the community it made sense.

COMMISSIONER CARON: But this piece wasn't cut.

MR. MULHERE: I think that we extended it to reflect the property boundaries. At least that's what I was told.

You want to speak? You can introduce yourself.

MR. VANASSE: For the record, Patrick Vanasse.

On the original Future Land Use Map, the neighborhood commercial actually went into the Arrowhead PUD. So what we did is we looked at the overall acreage for all that you see in blue on the original and tried to accommodate as much commercial area at that intersection than what you had before.

COMMISSIONER CARON: And Arrowhead still gets to keep their commercial as well, because it's part of their PUD.

MR. VANASSE: Yeah, but it's a -- the commercial in Arrowhead is much smaller than what was on the Future Land Use Map.

CHAIRMAN STRAIN: Okay?

Bob, the pattern that you've laid out on this new master plan I certainly think is an improvement over the last one. Not the one that you've produced but the one the county's been using for all these years. It does keep your commercial cores near the more activity areas with the exception of a few that are more or less needed because they were given away before. And I see where you've moved the densities and tried to step them down.

But I have a question, and that is, you've taken away some people's development rights for intensities on some of these properties and replaced it with what some people may consider less development rights. And it's kind of like what we did in the county years ago with our zoning reevaluation ordinance when we changed things.

How -- I guess this is a question for staff. How do you all see those property owners who may believe they've been down-zoned and are losing rights, how's that going to play out as this moves -- if it were to move forward like it is?

David?

MR. WEEKS: From a planning perspective, and the legal perspective may be different. But from the planning perspective I see a very clear distinction between changes to a Future Land Use Map versus changes to

zoning.

And the zoning provides entitlements. If your property is zoned C something in one of the commercial districts, then you have the right to develop that property with commercial uses permitted in the zoning district that lies on your property. Subject to compliance with all of the development standards, with environmental protection standards, water management requirements, et cetera.

But assuming you can meet all of those requirements, you have the right to develop the property with those uses.

When you have a future land use designation in the Growth Management Plan, that only provides you the right to request the zoning to implement that designation. I see a very clear distinction between the two.

CHAIRMAN STRAIN: Okay, but my question is -- well, let's start with the MR section that's to the right -- north of Main Street to the right of Main -- kind of in the right side of this sheet. See where it says CMU along New Market Road, then you get to the MR, then you get to Main Street. See the crosshatched MR? Go down a little bit, Bob, over to your right. Down a little bit. There, that MR.

On the existing Immokalee land use map, that is shown as commerce center mixed use sub-district. On this map it's being proposed as MR.

Now, how do you tell the property owners that had commercial uses that could have gone there that they're in better condition with the MR designation on this map? Because if I'm understanding it right, if the MR says that that entitles you to ask for the multi-residential zoning, whereas the last one entitled you because of its designation as commercial mixed use, you could ask for a commercial and mixed use, how are you better off just limiting it to residential?

MR. WEEKS: You might want to pick a different example. That whole rectangle happens to be government owned. That's Immokalee High School, library, community park and so forth.

I think your point is still the same, but --

MR. MULHERE: That's why we changed it.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Based on that discussion with staff, that's why we changed it.

CHAIRMAN STRAIN: We don't have a government --

MR. MULHERE: We were -- I just want to put on the record, we were extremely careful and worked diligently at not reducing anyone's development rights. There are probably a few examples where someone could make the argument that they've been reduced, but we don't think we actually did that.

And I guess what I'm saying is if you went from strictly a residential designation to now allowing a commercial designation, I don't know if you could argue that that's in any way a down zoning or something that allows commercial, but somebody might try.

CHAIRMAN STRAIN: I'm looking at the opposite. And take Lake Trafford Road where it goes to the east of 15th Street North. You see how in the old map it's got a series of areas in blue which are your neighborhood center sub-districts? And in this one you reduced it to a strip along 15th Street North. Is that reduction going to have any negative impact on those property owners? And did you think about that? And if it does, how is that handled? How is that going to be handled?

I know we did a similar thing years ago in Collier County. I'm just asking what the process is going to be. Have we thought that out yet?

See the blue there where it says the east side of Lake Trafford?

MR. WEEKS: I do.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: The easterly most portion of that blue again is a school. That's Highlands Elementary School location. But --

MR. MULHERE: That's right here.

CHAIRMAN STRAIN: That's west, Bob. I'm talking east.

MR. MULHERE: Here?

CHAIRMAN STRAIN: Yeah.

MR. WEEKS: But the portion to the east of State Road 29, 15th Street North, that's about the middle point of the existing blue neighborhood center. That is a platted single-family zoned subdivision that has -- I don't know if it's

completely developed, but has several single-family homes in it.

MR. MULHERE: Right, there is some of that.

And I'll give you another example. There were some changes in this area here, which is, if you go to the proposed, you can see that's now all medium residential.

Based on the prevailing development pattern, we thought the likelihood of anybody challenging -- it's all platted single-family lots. And that was discussed at the Immokalee Area Master Plan visioning committee hearings, and their recommendation was to change those designations. So there are some examples.

CHAIRMAN STRAIN: I just want to make sure we have a way to handle this. I mean, is it going to include notifications to the property owners of an ability for them to come in and challenge the rezoning if they want to so they can take their existing rights and keep those intact versus new rights?

MR. WEEKS: Number one, there will be no -- there's no public notice, other than what we have already provided and will continue to provide as required by state law, the notice for these plan amendments.

Secondly, I don't think you meant to say it, but you said down-zoning or rezoning. Not a zoning change, future land use designation change. And I stress that because I see --

CHAIRMAN STRAIN: I understand what you're saying, but in essence a Future Land Use Map. You have to be consistent. And if you're not consistent, you're not going to get the zoning. So in essence your zoning's going to be changed. It may not seem like it right now because it's a picture on a map, but they can apply for the zoning they used to have if the map change says they don't -- aren't entitled to it. Is that a fair statement?

MR. WEEKS: Well, no change to their zoning, only a change to what they could request.

COMMISSIONER MIDNEY: Mark?

MR. WEEKS: Because the property -- the specific area we're discussing is zoned single-family right now and this designation will not change that.

CHAIRMAN STRAIN: Okay. So for technical purposes you're telling me it's not a change to their zoning because they haven't asked for it yet, but we're telling them we're changing what they can ask for.

MR. WEEKS: That is correct.

CHAIRMAN STRAIN: In essence it's the same thing. But fine, I understand you want to mince those words.

MR. WEEKS: Well, I think it's important. Because the right to develop your property with certain uses is different than your right to ask for zoning that would give you the right to develop. There's no guarantee that that zoning request would be approved.

CHAIRMAN STRAIN: Well, I can tell you, we've had other -- we've had attorneys in here telling us that the GMP says this, and therefore they have a right for that. And I haven't heard too many arguments legally saying they don't have that right, so -- Mr. Midney?

COMMISSIONER MIDNEY: Yeah, I think that the examples that you've given so far are already built out.

CHAIRMAN STRAIN: Well, so is a lot of development in Collier County. But it doesn't mean they may not want to redevelop in the future and may take advantage of higher price points and different things if they change. That's the only thing I was -- if a man has a single-family home where it's now potentially -- or where it could have been commercial, that home has a certain life expectancy. When it's gone or someone may see a desire to increase the value of that property through a commercial use, he won't be able to do it, based on this new map. That's the only thing I was concerned about.

MR. MULHERE: I just wanted to add a couple of things.

That may be somebody's position that if the GMP says it's permissible. But we know that the GMP provides for allowable range of uses and that each case stands on its own, based on compatibility and other factors.

And we've written very expressly, at least in this plan, that the density -- and I think it's also in the Future Land Use Element that for example density and intensity is simply an eligible quantity or number. It does -- there's no guaranteed rights of that.

MR. WEEKS: No entitlement.

MR. MULHERE: There's no entitlement.

But I do understand what you're saying, and we had this discussion. Actually we met yesterday and we had this discussion. Those properties that end up being made nonconforming in terms of what the GMP would allow and what's existing, even in terms of the zoning that's existing, are relatively few, but they would still enjoy all the rights of a legal nonconforming use, as would any other use.

CHAIRMAN STRAIN: Anybody else have any questions on the map?

COMMISSIONER SCHIFFER: Well, I --

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: And Bob, one thing that does happen is, you know, hopefully changing these zoning designations, even on existing properties, kind of guides development towards again this vision.

MR. MULHERE: Yeah.

COMMISSIONER SCHIFFER: I see things like on -- if you look on like Lake Traff -- southwest intersection of Lake Trafford and 15th Street, you have areas that go CMU, MR, then HR.

MR. MULHERE: Yeah, we --

COMMISSIONER SCHIFFER: What is the vision and why are we doing stuff like that? Why aren't we -- it's certainly not -- you don't transition down and then come back up.

MR. MULHERE: Okay. This is exactly what I was discussing before in the direct response to your previous question. This was all MR in our original proposal.

The reason that's been returned to HR was because when we removed the density increases that we originally proposed, we had to return that to its original designation so as not to diminish the property rights of those property owners. And there is some multi-family there.

So the HR density that they enjoy today was the equivalent of the MR density that we were proposing. So when we were changing them from HR to MR, they weren't losing any rights. Once we reduced that density back to what it originally was, we had to put them back to where they were in order to not diminish their property values.

And we did that on several properties, and this is one of them.

COMMISSIONER SCHIFFER: Okay. But my question really is, is in the vision of this city you're creating, why would you go from a CMU to a medium residential to a high residential?

MR. MULHERE: Because you --

COMMISSIONER SCHIFFER: In other words, why isn't that MR high residential, I guess, let me make it that way.

CHAIRMAN STRAIN: And Bob, just to keep your day pleasant, don't talk before he finishes, otherwise you might have a difficult day here ahead of you.

MR. MULHERE: Okay.

Look, I mean, I can only say what I've said already several times. This is not purely an exercise in doing what we would like to see happen. If it was, we could have a short meeting. There is balance required here. And we are responding to many different interests: Your interests, the community's interests, the property owners' interests. And in the end what we get is the very best that we can do.

We've had to make some adjustments to this plan. This is not the plan that we proposed to you. This is the plan that responds to the comments that you've provided to us.

COMMISSIONER SCHIFFER: Well, since it's my fault, I don't understand why I did that then either.

MR. VANASSE: For the record, just to address your specific question, this area was -- obviously, as you point out, it would make more sense to go to HR and transition down to MR. We put this piece back to HR because that was existing.

Should we then go in and make this piece HR also to have better transition? It would make sense to a certain extent. However, as soon as we identify this as HR, we create more density on our map, and that's potential density that could be built out. And we know that we have an issue of not showing too much density on that map that when we transmit this and it goes to DCA, DCA's going to be looking at that overall density increase. Therefore, again that's another aspect that we have to look at, how is DCA going to respond to this. And while it may make sense from a gradient perspective to go from CMU, HR to MR, in reality when we're dealing with DCA it doesn't help us out.

MR. MULHERE: I'm sorry, I've got to add to that.

It's not just DCA, it's our own transportation department, our own planning staff and others involved in this conversation. DCA is the least of my worries at this point in time.

But yes, they will have a concern over the density increase, I'm sure.

COMMISSIONER SCHIFFER: Okay. I mean, a good answer would be that's a historic district, we want to keep it low. I mean, but -- so in other words --

MR. MULHERE: But that's not the answer.

COMMISSIONER SCHIFFER: The answer is you're on a scale and you're just moving the weights on the scale to balance the density and so thus that's going to be a donut of MR surrounded by high density.

MR. MULHERE: The answer is we're trying to balance the proposed density increases. And by changing that designation on paper, there will be a significant density increase.

So the numbers, when we get to the spread sheet -- if we changed everything the way we proposed it, we had a -- what was the number, 12 or 14,000 unit increase.

CHAIRMAN STRAIN: At least, yeah.

MR. MULHERE: And that was deemed to be unpalatable.

And for reasons of potential traffic impacts, potential growth impacts, you know, there is a requirement to demonstrate need as it relates to proposed intensity increases.

And so in response to the concerns that were raised relative to transportation impacts and demonstration of need, we went back in and revised the plan to reduce the impact and to limit our density increase, Brad, to this area here where we feel it's the most important, which is in the CMU. And that's where we basically limited the majority of the density increase to the urban core.

We didn't -- we're not disagreeing with what you're saying. We've actually agreed with that. And our original plan actually probably mirrored more what you were talking about. But unfortunately this is an iterative process and, you know, some things have changed.

So this piece here was returned to its original designation, and it's primarily already developed.

COMMISSIONER SCHIFFER: Well, but I -- you know, the second wave of development is what we're aiming. But for example, Lake Trafford Road had a large chunk of the MR essentially, yet you changed that to high residential. Why wouldn't you have changed this little island of MR that I'm talking about instead and leave -- you know what I mean?

I'm just trying to get to a reason that has to actually have back to a vision, it's not just --

MR. MULHERE: Because it's not just the vision, it's also other issues, including existing property rights that we're balancing, and that's why that was returned.

COMMISSIONER SCHIFFER: All right, thanks.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Just a question.

That piece of MR property that we've been talking about.

MR. MULHERE: Right here?

COMMISSIONER CARON: Yes.

On the current map, that's actually LR. And if it's developed already, shouldn't it remain LR?

MR. MULHERE: Yeah, I think we -- our feeling was that we could take it from the high residential that we proposed down to the medium residential, but that it didn't make sense to go back to low residential here.

And I think we agree with Brad that ultimately there will be some redevelopment here, especially if things happen in the central business district in the CMU designation that we expect to happen over the next 20 years.

COMMISSIONER CARON: What's that -- what are all those little streets developed as now? Are they single family?

MR. MULHERE: There's some multi-family too, isn't there?

Yeah, there's some multi-family in there as well, yeah.

David, you probably know as well as anybody.

MR. WEEKS: It's all single-family. There may be --

CHAIRMAN STRAIN: You guys are on record, so either speak into the mic or don't speak, please.

MR. WEEKS: In that hole in the donut where Bob is pointing, that's primarily single-family development. I was thinking there may be one mobile home --

MR. MULHERE: But there's --

MR. WEEKS: -- park in there.

MR. MULHERE: There's multi-family here, right? Right in here? I know there's somewhere right in that area.

MR. WEEKS: I think there's some multi-family and there's mobile home development in there as well. And the mobile home development does have a higher density than single-family, generally six, seven units per acre.

CHAIRMAN STRAIN: Is that it?

COMMISSIONER CARON: (Nods head affirmatively.)

CHAIRMAN STRAIN: Bob, you had said something earlier I wanted just a quick follow-up on.

In order for DCA and yourselves to determine whether or not you've increased or modified or changed the density, you take the acreages of all these HRs, MRs, LRs, CMUs and calculate out their density and multiply it by acre and that's what you show DCA; is that fair?

MR. MULHERE: Both -- we did it two ways: We did both the base and the maximum with bonuses.

CHAIRMAN STRAIN: For example, on this MR district that Ms. Caron just pointed out, are you taking any as-built conditions, or is it strictly by acre?

MR. MULHERE: Strictly by acre, both on the base for the MR and on the base with bonuses maximum.

CHAIRMAN STRAIN: Okay. Well, then in order -- and your balancing act between showing too much HR, which increases density and causes you problems with transportation and also DCA and others, if you had a way to decrease density in others so that you could then --

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: -- show what is reasonable in areas where you would expect to see a continuation of HR, it might be beneficial.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Which leads me to where I'm going in regards to there seems to be no government district allocated on this Future Land Use Map. And the reason that might be handy is the MR you have where the school is that I wouldn't have known without looking -- without you telling me and a couple locations, one on the east side of Lake Trafford Road and one north of Roberts Ave., those are big areas of MR. If you were to take those out and list them as government with no density, the density from those then could be more used for transitional areas that should have the higher densities, might it not be?

MR. MULHERE: And you're probably -- you're thinking right along the same lines of what we -- exercise we did yesterday.

CHAIRMAN STRAIN: Thank you.

MR. MULHERE: And we have a spreadsheet. Actually we handed it out to you already.

And let me start with your first comment. We have reduced the density. Leading up to this, we reduced the maximum density by a significant number that could be achievable. We've actually reduced it more now by going through the exercise that you just suggested, which is to take out of the calculation those developed public properties. We haven't used a government designation, you know, that's really never been too much done. I mean, you could through zoning do that.

CHAIRMAN STRAIN: But Bob, you know what? And just because we haven't done it before doesn't mean it may be the best way of continuing not doing it.

But I do know from our -- the documentation we discussed in the last couple of meetings -- I'll wait for you to finish your conversation with Patrick.

MR. MULHERE: I'm sorry.

CHAIRMAN STRAIN: That's okay.

MR. MULHERE: Go ahead. Right, that's not what we're talking about.

What we're talking about is an actual map designation with a G.

CHAIRMAN STRAIN: You can be pretty assured that all the park sites, the school sites --

MR. MULHERE: Are P.

CHAIRMAN STRAIN: -- and the agency sites for our buildings, the jail site, which I don't see where that is on here, if you were to take all those and create a district on your FLUE for government sites and then take that density out of the calculations for the HR, MR and CMU that you probably now have -- in fact, I know you now have it in, because you told us that.

MR. MULHERE: No, we took them out. We took them out. On this --

CHAIRMAN STRAIN: And I asked you -- the beginning of this I asked you a question, are you taking all the acreage of the MR and using it as a density calculation for DCA, you said yes.

MR. MULHERE: I misunderstood what you said then. I thought you asked me how we calculate the maximum density. I didn't realize that you meant every single -- no, we've gone through an exercise -- based on

staff's recommendation we've gone through an exercise that we just completed. The spreadsheet that we handed out to you reflects that exercise wherein we identified only developed public properties, not undeveloped, because those could be sold as surplus and then developed whatever designation they are.

So every developed property that is a government facility, we've subtracted that density in this latest spreadsheet. And that's why you have a significant reduction in the achievable density.

CHAIRMAN STRAIN: Okay. But you don't have on this spreadsheet you just passed out what the government land acreages area in Immokalee. You basically have totals now, which won't balance with the total acreage in Immokalee because you've left out the government acreage.

So why wouldn't we want to show that on a Future Land Use Map showing government sites? Is there a reason we wouldn't want to? I mean, it would certainly make it a lot simpler to understand. Some of the questions we had here today you may not even have gotten.

MR. WEEKS: I think I want to address that. I -- and I'm partly conversing with Patrick and Bob about this.

In our discussion yesterday, staff and the petition agents, one of the things we discussed was the -- was this spreadsheet, or the earlier version of it and the total impact of these changes, the total increase in the number of dwelling units, potential, as well as the commercial from a perspective of the infrastructure impacts and how this both -- and the data and analysis necessary to support the increases in density and intensity.

And one discussion that we had was well, why don't we -- just like the Chairman was suggesting, why don't we identify all of these developed governmental properties, create a separate designation for them and then we could remove them from the density calculations and commercial calculations?

And the conversation we had, well, to counterpoint that was well, those properties are already developed that way so we don't really gain anything. We should be removing it from the existing and the proposed Future Land Use Maps.

And I think we missed something, and that is that the existing designations are there. Whether there's a school developed on the property or not, the property does have a designation, it does have an eligible density which should show up in the spreadsheet. And then if we change the designation, as again you're suggesting, Mr. Chairman, that would in fact result in a reduction in eligible density or intensity, which could be reflected on the table.

Now, essentially what the agents have done is the same thing without the map change. They have deducted the acreage --

MR. MULHERE: Actually I misspoke.

CHAIRMAN STRAIN: Yeah, but how confusing will that be to DCA? Here's the numbers, but they're not really the numbers because before we sent them to you we reduced some things, but we're not going to tell you what it is we reduced, we just did it.

MR. MULHERE: No, we would tell them we have the acreage calculations.

But look, let's make this simple. Why don't we go back and designate publicly owned properties P --

CHAIRMAN STRAIN: Excellent.

MR. MULHERE: -- and create a new district. Penny will be coming to see you. And then we'll show that on the spreadsheet and that will have no density associated with it.

CHAIRMAN STRAIN: Then that will save us and also make everything appear a whole much more in balance than it's appearing right now. I think that would be a real good idea to do by the time we re-hear this, so --

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Good. Anybody object?

COMMISSIONER SCHIFFER: No.

COMMISSIONER MIDNEY: No.

MR. MULHERE: And the reason that I misspoke is that actually that will -- that probably will reduce those numbers even further than what you're seeing.

CHAIRMAN STRAIN: Exactly. Which is going to be a very positive thing to show when you try to go forward and get this accomplished. So I think you'd be better off all the way around.

If there's no other questions --

MR. MULHERE: Agreed, we would only designate those properties that are developed, not undeveloped, which could be surplus and sold, so we'll leave those.

CHAIRMAN STRAIN: Now -- okay, wait a minute. If the government or the school board or somebody --

go ahead, Tom.

MR. EASTMAN: Well, I'd just like to propose a question that relates to -- a hypothetical you were using earlier --

CHAIRMAN STRAIN: You need to pull that mic a little closer to you.

MR. EASTMAN: It involves a similar hypothetical that you were using earlier, Mr. Chairman.

If a homeowner has a home and its useful life has been spent and their underlined zoning is commercial and they could sell that for commercial, wouldn't you be down-zoning them if they were currently commercial but then you changed the zoning to residential? Could we be talking about a similar thing for government entities, both school district owned and county owned, in the event that there was a new park that was accommodating the people and the old park was then going to be put up for sale as surplus. If it were a P designation, would you be decreasing the value for the taxpayers?

CHAIRMAN STRAIN: David?

MR. WEEKS: Well, again, you're going to get tired of hearing this, I guess, but we're not talking about zoning, we're talking about future land use designations. And I can't stress enough, I see just a night and day difference between the two. But --

MR. EASTMAN: But wouldn't a value of a property inherently include -- and you like to use the distinction between what you have a right for and what you have a right to ask for. Wouldn't its value definitely include what you have a right to ask for? I mean, I think that's part and parcel of a value of a piece of land.

MR. MULHERE: May I just add a thought, if I could?

Two things -- I mean, there's two ways we could do this. To address part of your concern, we could certainly show the acreage that we are -- that is developed under public use and reduce the density, and DCA I'm sure would support that. I don't think they would have any problem with us not counting units, even if it was designated say MR if it was developed as a school or park, or a jail. You know, that's a reasonable adjustment that they I'm sure will not have a problem with.

That doesn't go as far as changing the land use designation on these properties, but it does result in more accurate numbers. That's one option.

Second thing, I think there is one good point that's been brought up here. I just had a thought. Three years ago we were suffering from a lack of any ability to find any affordable housing when we had super high home prices. I don't know if we'll ever get there again, but at that time there were proposals to build employee housing on public facilities, on school sites. And if we change that designation, that opportunity is gone.

So that is something worth at least throwing into the mix, I think. You know, we may never be there again to where we need to be concerned with that, but one way to get there would be to just subtract and show as a piece of data that can be submitted to DCA a map that shows all of the developed public facilities, and then provides a density reduction based on that.

CHAIRMAN STRAIN: Okay, Tom?

MR. EASTMAN: Although the continued need for the public facilities is very likely, and in most cases a park will remain a park, a school will remain a school. But I do think it's important that we try to increase flexibility for future development rather than decrease it, especially when we're talking about the taxpayers' assets.

CHAIRMAN STRAIN: You know, it's interesting, the more government has things and talks, the more it sounds like a developer.

But I wanted to compare this though, to what we have on our books right now, that is very frustrating for all the departments that have to deal with level of service and that is this ghost density that's out there. Government in essence then is creating huge, huge blocks of ghost density, that if we have to do with what's being suggested, that our levels of service will have to be retained for that potential ghost density for eternity. And --

MR. MULHERE: No, we've got to subtract that out.

CHAIRMAN STRAIN: Right. I just don't see how we can -- I don't see how that's fair to the public in a number of different ways, especially if they've bought in an area with a school in it and in -- everybody thinks a school is there forever, or a park. I'm not sure we --

MR. MULHERE: You know, that's interesting, because we had this discussion throughout this process leading up to these Planning Commission hearings.

To my knowledge, Collier County in the past, in amending its comprehensive plan county-wide, has never

calculated the maximum achievable density. They didn't say when they did that every acre of residential designated land is eligible for an affordable housing density bonus and therefore we have to use the highest achievable density when we submit this plan to DCA as part of our calculation for roads, water, sewer, schools.

Am I correct?

MR. WEEKS: I think you are.

MR. MULHERE: Okay. But we were held to that standard here. We were told you have to calculate the worst possible scenario. And we did it. We didn't calculate on what the most reasonable development pattern is, which is lower than what the comp. plan allows because you have to put in roads and parks, and you never achieve that. We went ahead and showed the worst case scenario.

And I think that leads to your point, that there is this -- if you're using the worst case scenario for planning, you're probably over-planning, you know, with ghost trips and everything else.

I guess that's why I think it's good that we did a base and a bonus. The DCA, I think it's true that -- you have to deal with these guys in a way that explains the conditions. And they're reasonable enough to say we know that every single bonus isn't going to be achieved. Give us a reasonable explanation of what's an appropriate amount. And that's why I think it is reasonable to subtract the government owned lands from this calculation. And it's going to be very favorable when we finish that process.

CHAIRMAN STRAIN: And I just think you need to find some methodology to which it can be shown so it's

--

MR. MULHERE: We'll do that.

CHAIRMAN STRAIN: -- clear to everybody.

MR. MULHERE: We'll have that --

CHAIRMAN STRAIN: Well, it sure wasn't clear to us here today, and I think that would be helpful.

MR. MULHERE: We'll do that.

CHAIRMAN STRAIN: With that, let's try to move on past the map.

And the next item -- oh, David?

MR. WEEKS: Commissioner, I have two questions about the map. One other change from the version submitted versus the version handed out today is at the very north end of town in the CMU designation on the west side of State Road 29, right where West Clock Street runs to the west. The CMU designation used to have a significant jog in it, and now it's almost -- the westerly boundary is almost a north-south line. Some property was added there. And I just wanted to ask what the purpose was.

MR. MULHERE: Okay. Apparently there was a mapping discrepancy. And if you look at this map right here, this is the originally proposed Future Land Use Map. This is the existing Future Land Use Map. You can see that boundary right here where the neighborhood center is.

Then you go to 5-1, which was the proposed map, and you can see that significant jog right there. And that's what you're referring to, David? I can make it a little bigger for you.

MR. WEEKS: Yeah, please.

MR. MULHERE: Right here?

MR. WEEKS: Yes.

MR. MULHERE: Okay. And then you go to what we have now and it looks like gee, that jog is less.

MR. WEEKS: That's it.

MR. MULHERE: The fact is that the error was on this map. And this map, this boundary right here, is reflective of this boundary right here.

Correct? Yes.

So this map, which is what is now proposed, more accurately reflects what the adopted and C boundary was. Or does accurately reflect that boundary.

CHAIRMAN STRAIN: Do you have these two maps on a CAD or some kind of electronic media system? Have you ever thought of taking a base outline of the urban area, taking a transparency and putting the old FLUE on it and then a transparency and putting a new one on it, and then providing that so staff and everybody can see where --

MR. MULHERE: Well, we've done it. We have that.

CHAIRMAN STRAIN: Well, good. Why don't you produce it for everybody?

MR. MULHERE: Any answer to that?

CHAIRMAN STRAIN: I mean, if you did that today, we may have limited our questions.

MR. VANASSE: For the record, Patrick Vanasse.

We actually did that with a GIS, and we actually produced maps that we printed out. It's just a jumbled mess. You can't really see anything on a large scale.

So what we've done is we've had our GIS person go in and on a much smaller scale compare all the boundaries, and that's how we caught some of those, through that process.

And we have some saved examples that we can show you how we did that comparison. But we went through that exercise with GIS.

CHAIRMAN STRAIN: I think you -- I mean, for us to develop more questions off of that may not be as productive as if you at least provide that to staff.

MR. MULHERE: Yeah, we'll do that.

COMMISSIONER SCHIFFER: Mark, one thing?

CHAIRMAN STRAIN: Yes, sir, Brad.

COMMISSIONER SCHIFFER: That was why last week I asked that they do everything on the same scale, so we can actually --

MR. MULHERE: And they are.

COMMISSIONER SCHIFFER: -- hold them up to the --

MR. MULHERE: We did go back and check, they are the same scale.

COMMISSIONER SCHIFFER: Not these small ones you were giving out, but the new ones might be.

MR. VANASSE: Those are staff maps.

CHAIRMAN STRAIN: Okay, David?

MR. WEEKS: My second question was about at the very northwest corner of Lake Trafford Road and Carson Road there's a small piece of CMU added. That's not a change today, that goes to their original submittal. But I just was curious about that small piece being added to CMU.

MR. MULHERE: I'm sorry?

COMMISSIONER WOLFLEY: Next map.

MS. VALERA: That's the existing.

CHAIRMAN STRAIN: It would be your new map. There you go.

MR. MULHERE: Yeah. Where are we?

MR. WEEKS: Carson and Lake Trafford roads, northwest quadrant.

MR. MULHERE: This little pink is what we're talking about?

MS. VALERA: Yes.

MR. WEEKS: Yes.

MR. MULHERE: It's an existing commercial site.

MR. WEEKS: Commercially zoned, I believe. And I was curious why the designation was being added. It's presently not designated with any commercial.

MR. MULHERE: Well, I can say that we added it to reflect what's existing, the commercial that's existing. It was on the proposed map. You can see it right here. Here it is right here.

MR. WEEKS: Yeah.

MR. MULHERE: So if you're asking why was it changed from the original designation to -- that's an example of reflecting what is proposed -- I mean what is existing.

CHAIRMAN STRAIN: Of course that begs the question as how did it get there.

MR. WEEKS: It's been there. I think it's zoned C-2, if I'm not mistaken, as a convenience store. It's been there for decades. So it predated the Immokalee Master Plan.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: The reason I was asking the question is I'm not -- the scale is dif -- for me I can't tell if that is only that commercially zoned parcel or if it's been expanded. And this is another example of -- which may be by design, but is another example where there is an increase of what's allowed. If the current zoning, if I'm correct, is C-2 right now, the new designation would allow up to C-4.

MR. VANASSE: It does reflect what's out there. And it is the same parcel. And it was by design, we wanted to allow that commercial within that neighborhood.

MR. WEEKS: To increase in intensity?

MR. VANASSE: Yes.

MR. MULHERE: It's relatively small, but --

MR. VANASSE: Just to address the scale issue, the confusion comes in with some of the maps that were handed out. We have our maps that are all on 11 by 17 paper. And the ones you were looking at I believe are from staff that are on the smaller -- yeah.

So all our maps are at the same scale, the before and after, and staff was using a different scale.

COMMISSIONER SCHIFFER: Thank you.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Okay, David, is that all the questions staff has on the map at this time?

MR. WEEKS: At this time, yes.

CHAIRMAN STRAIN: Okay. And I think we're finished up with the map from what I understand. Why don't we break until 10:00, come back and we'll start on staff -- I assume the staff report is the next item up, David? Does that work for you guys to go through the staff report questions?

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Okay. We'll come back and 10:00 and start on that.

(Recess.)

CHAIRMAN STRAIN: Okay, everyone, welcome back from the break.

Before we go into our further discussion on the Immokalee Area Master Plan, I want to make sure we've attended to any of the public speakers that may be here, and I know there's at least one.

And we have a -- we had previously asked for some information on some of the policies, and The Conservancy had volunteered information. They are here today to provide us with a handout in response to that. It's one that we certainly will review at our leisure, but I think it would be appropriate to get it on the record right now.

So young lady, if you want to come up and state your name for the record, and off we'll go.

MS. CROSLY: For the record, Kate Crosley from The Conservancy.

And as the Chairman mentioned, we have some information we would like to provide to you at this time, so I'll go ahead and pass out the packets and then explain what they're all about.

CHAIRMAN STRAIN: Thank you.

MS. CROSLY: Or they'll be passed out as I speak.

So I'll also be showing you these maps on the overhead, since some of them didn't come out quite right. Our printer was being a little finicky.

The point of these maps is to provide information to help implement specifically the IAMP Policy 2.1.3, and that's related to mitigation and targeted land acquisition.

So what we've done is we've started the analysis process. And as you know, the policy itself has a timeline of two years. However, we feel that it's important to start the natural resource assessment as soon as possible, and so that's kind of the step we've taken.

And to meet this goal, we've provided just one way of doing this analysis. We took 13 different natural resource layers and overlay-ed them. And actually, I'll have you use my map, because that one is a little bit dark.

Okay, so we've taken 13 different layers, which the data from these layers are actually provided by various agencies, including the Florida Fish & Wildlife, U.S. Fish & Wildlife, Florida natural areas inventory and we combined them into one map to show essentially the most environmentally significant areas. And what this does is provides you a comprehensive picture of where to target --

CHAIRMAN STRAIN: You need to talk a little slower so we make sure we get everything on the record.

MS. CROSLY: Okay.

CHAIRMAN STRAIN: Thank you.

MS. CROSLY: Is where to target natural resource areas to start this mitigation, banking and acquisition policy.

So as you can see from this map, the darkest green areas have the most overlay of the different layers that we chose. So the darkest on -- on the scale it only goes up to 12. So only 12 of the 13 layers possibly overlap in this part of Immokalee.

And then the brownish areas are areas where there's very little overlap between the natural resource layers.

So it's just one way of looking at the environmental resources in the area, and provides that starting point for Policy 2.1.3 to look at where to start mitigation and acquisition.

So essentially all we wanted to do today was provide this information to you. We've also given digital copies to staff, so if you'd like to see them digitally, and we can provide them to the consultants, then that way you can take a look at them on your computer and maybe get a better feel as our -- you can tell our red ink is kind of running out on those maps.

And so that's the point of our comments today.

One of the other maps you can maybe see a little better is this second one. It has an aerial underneath it so it makes it a little bit easier to tell what's going on. But again, the digital copy would probably be a little bit easier to see.

And essentially we hope you take advantage of this information, and we are more than willing to help as the process continues in working with staff and consultants to start this as soon as possible so that you can look at the appropriate areas for where natural resource, mitigation and acquisition can be directed.

And if you have any questions, I'd be happy to answer them at this point.

CHAIRMAN STRAIN: Well, I think the best time for us to produce our questions is reading your information and staff and the applicant as well in conjunction with the rewrite of the policies and the review of the final draft of the policies when they come back. It's a little hard to take it all into context right now and read it. So I think we'll wait till that time, unless anybody has something they feel needs to be asked now.

MS. CROSLEY: Okay, great, thank you.

CHAIRMAN STRAIN: Thank you very much, and we appreciate the information. Electronically that's all been passed on to both staff and the applicant?

MS. CROSLEY: Staff has it right now, but I can make additional copies to give to the consultants as well.

CHAIRMAN STRAIN: I would like you to do that ahead of time so that if they see any issues they need to address, when it comes back we can all be on the same page.

MS. CROSLEY: Okay, perfect.

CHAIRMAN STRAIN: Thank you.

THE COURT REPORTER: May I have the spelling of your last name?

MS. CROSLEY: Yes. C-R-O-S-L-E-Y.

MR. MULHERE: Mr. Chairman, I don't think there's any -- we don't have any issues with it. That's the methodology that we assumed ultimately would be taken would be to overlay layers of existing data to identify those high value natural resource areas. You know you have the panther priority one area, it's already been mapped.

CHAIRMAN STRAIN: Well, I think what you need to look at, for example, I thumbed through it and there's a separate section showing where the scrub jay habitat is.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And you did have a policy pertaining specifically to that.

You may want to make sure that policy works with all the recognized habitat if that in fact are the areas that we're talking about.

MR. MULHERE: What we did, based on your discussion, is eliminated that separate scrub jay habitat policy and added upland with listed species to this policy.

And I just think it's a little premature. The process of how we determine those properties will occur after adoption of the GMP through an effort, you know, if the policy's approved.

CHAIRMAN STRAIN: Understand. You may just want to take a look at some of those listed species' sites so we're not suggesting we're putting high intensity commercial --

MR. MULHERE: Oh, I agree.

CHAIRMAN STRAIN: That's all. Okay.

Let's move on to -- and before we go into the specific staff report, I think Bob, you asked during the break if you could run through the tables.

MR. MULHERE: I think this is really important. And I think it will help you all understand where we are today, which is far from where we were when we started this process in terms of the maximum achievable increase in density. I'm trying to put that on the screen. There we go.

This spreadsheet that you have does not reflect -- although we're working on it and I misspoke, this

spreadsheet does not reflect any reduction that might be associated with publicly owned lands. That's not even factored into this yet.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: So this reflects all the changes that have been made to the Future Land Use Map to date, the proposed Future Land Use Map to date.

If you look on the right hand -- if you look on the left-hand side, the two boxes on the left-hand side show the base density and the maximum density in the existing plan. So if you look at the first box, 68,577 dwelling units is the base density achievable on the existing Future Land Use Map. Below that, assuming all the available density bonuses is the density with that calculation of 168,357.8 dwelling units.

If you move directly over to the right, to the last column on the right, percentage of change column -- or I'm sorry, the second to the last, the change column. If you go down to the box that says total and it's 2,133.0 dwelling units, that is the current potential increase in the base density under our plan, maximum increase, without factoring in the limitation on density of four dwelling units per acre in the Lake Trafford/Camp Keais Strand stewardship overlay.

If you factor in that limitation that's further reduced by 692.5 units in the maximum density increase, based on the base density in our plan is now 1,404 units and a half. 1,440.5 units. That is a 2.1 percent increase. That's in the base density.

If you go down to the next box and you look at the maximum achievable bonus density, you can see that that previously was 168,357.8 in the current plan. It's been reduced to 128,338 in our plan for a reduction. If you factor in the reduction of the Lake Trafford/Camp Keais Strand overlay Max of four, there's a reduction of potential units of 46,304.5 for a reduction in the overall achievable maximum density of 27.5 percent.

Now, once we get through the exercise of having a footnote on this table that further reduces the achievable density without changing the designation but reduces the achievable density associated with developed schools, parks, jail, government facilities, I'm not sure where we'll be, we may actually be at a decrease even in the base, based on that factor. We will do that and have that information available to you and we'll send it out as soon as we get it done.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: Yeah, I'd like to go back to the school and I guess the government.

Are we actually proposing that if something is government now it may not be developed as commercial?

MR. MULHERE: No. No. What we're saying is we're going to calculate the developed public facilities sites and put a footnote on the spreadsheet for DCA and show what the reduction of that density would be. We know it's not going to be achievable in the next 20 years. I believe that the Department of Community Affairs being reasonable will consider the likelihood of that density not being achieved over the life of this plan. And we want to provide them with that information. But we're not changing the designation is what I'm suggesting.

CHAIRMAN STRAIN: Any other questions on the tables?

(No response.)

CHAIRMAN STRAIN: Bob, up in your base density.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: And I notice your -- then you go to maximum density. How did you address the density by right provision?

MR. MULHERE: I don't think it's at all -- it's not at all addressed in the base density. It would be addressed in the maximum, because that bonus would be exceeded once you add the maximum affordable housing density bonus. So it is by default incorporated into the maximum with bonuses scenario. It is not considered in the base density. That's just the base density.

CHAIRMAN STRAIN: Okay. Thank you, Bob.

And David, if you're set, we'll start -- we'll go by every couple of pages at a time.

Do you have any comments from the staff perspective before we go through the staff report?

MR. WEEKS: No.

CHAIRMAN STRAIN: Okay, there is a tab in the package that we received, probably one of the last ones receive. It's a large packet. CP-2008-5, and it's titled staff report. If we turn to that tab and we work from Page 1, that is the staff's response at the time, the Immokalee Area Master Plan. I thought it would be helpful to go through and bring out any questions this panel may have. And then from that, after that we'll go into the data analysis and see if there's any questions from the applicant's supplied data analysis.

So the first -- take it a couple, say, three pages at a time. Does anybody have any questions on Pages 1, 2 or 3 of the staff report?

(No response.)

CHAIRMAN STRAIN: Actually, 2 and 3 are the master plans, most of which we've just gone over.

Okay, Pages 4 and 5?

(No response.)

CHAIRMAN STRAIN: Six and 7?

(No response.)

CHAIRMAN STRAIN: David, what is the build-out year anticipated for the Immokalee Area Master Plan?

What -- in your analysis, what did you figure as the build-out year? Or did you look at it like that?

MR. WEEKS: We didn't look at the build-out year.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: Question, Mark?

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Up at the top of Page 6 there's a statement that starts with -- and it says and just because a state law allows GMP amendments doesn't mean they should be approved. What does that mean, Dave, exactly?

MR. WEEKS: Well, that was made in the context of this sub-heading in the report, Growth Management Plan vision. And this was referring to whatever vision that the plan has -- let me start over.

This is a very general section of the staff report. It is not meant specific to anything about the Immokalee Master Plan petition. You might recall seeing this same information in your staff reports for the 2007 and 8 Cycle of Growth Management Plan amendments.

It probably has more specific applicability to those site-specific GMP amendments where there is the allowance by state law to ask for amendments to the comprehensive plan, but that certainly doesn't mean they should be approved. Just because you can ask doesn't mean it should be approved, any more than just because you're eligible under the plan to ask for a rezoning doesn't mean it should be approved.

There's nothing -- I guess the short answer is there's nothing specific about that comment that is meant to apply to the master plan as proposed.

CHAIRMAN STRAIN: Also, just for staff's benefit, I do realize that this report was written prior to all the changes that have been suggested, and the reductions in the density and all that other stuff. So I still have to base my questions on your report. But some of them may not be applicable any longer and you may need to refine your analysis. If that's the case, just say so and I'll drop the question as we go forward. And I'm sure that the rest of us understand that as well.

Pages 8 and 9?

(No response.)

CHAIRMAN STRAIN: The Page 8, David, you have some bullets in there concerning the increases in acreage. The forecast, and I'm looking at the third bullet talking about the industrial designated lands, I thought the industrial designated lands actually increased.

MS. VALERA: Carolina Valera.

This is just in reference to the industrial designation. Doesn't account for the acreage within the airport.

CHAIRMAN STRAIN: Oh, it doesn't.

MS. VALERA: It does not.

CHAIRMAN STRAIN: What do you call the airport, because it's a PUD it doesn't count necessarily as industrial?

MS. VALERA: Because they designate a different -- it is a different category in the new proposed Future Land Use Map. They call it APO.

CHAIRMAN STRAIN: Oh, okay. Yeah.

MS. VALERA: So the --

CHAIRMAN STRAIN: Airport.

MS. VALERA: Before we had everything under industrial. And now we have industrial -- or it is proposed to be industrial plus APO. So the industrial only designation has been decreased. But as David rightly pointed out, it

is increased if you account for both industrial and proposed APO.

CHAIRMAN STRAIN: Okay.

In your commercial designated lands it shows an increase of 188.2 commercial acres of designated land, table six. There was an economic model done, I forgot, I think it was the University of Florida. When we get further in here, I can actually pull the tables. But in the tables it showed a need for additional retail by 2020 of 49 acres, and by 2020 of office to be 33 acres. That's a lot less than the 188.2, which is why I asked you about the build-out date.

Would it be unreasonable then to expect a greater amount of acreage for an undetermined build-out date to be left in the plan than what the economic model shows?

MR. WEEKS: I'll say yes because we know that the build-out based on current -- or based on present growth rates for Immokalee -- and by present I'll be liberal and say the last 10 years, not the very recent change in economics -- would be many decades we would expect before Immokalee would reach build-out. Because their growth rate has been relatively slow. And they have an inventory as you can see here of residential, I think it's 168,000 presently dwelling units, and there's a very small fraction of that developed presently. So decades and decades.

CHAIRMAN STRAIN: Well, a lot of it is centered around your build-out date. And without one, it makes it more understandable, so --

MR. MULHERE: Also, if I could add, Mr. Chairman --

CHAIRMAN STRAIN: Go ahead.

MR. MULHERE: I just wanted to add that the increase in acreage doesn't reflect the fact that a lot of that is mixed use designated. And so you're going to have -- you know, you can't assume that it's going to develop entirely as, you know, residential -- or as commercial, excuse me -- that it's going to be mixed use. So that would reduce that number, perhaps bring it more in line with that.

CHAIRMAN STRAIN: And I don't have a problem with it with no locked and build-out date. I was trying to tie it to something, if it needed to be. And since the model tied it to 2020 but staff's not, then there's -- I don't see an issue with it.

MR. WEEKS: Mr. Chairman?

CHAIRMAN STRAIN: Go ahead.

MR. WEEKS: This is one of those cases where we'd have to say due to some map changes I believe that surplus is going to -- or not surplus, that increase will be decreasing.

CHAIRMAN STRAIN: Understand.

Paul?

COMMISSIONER MIDNEY: On Page 9, table four, under the recreational RT tourist district, talking about the maximum and proposed maximum density changes.

I'm concerned about the 26 dwelling units an acre for the recreational tourist district near Lake Trafford. I don't see how you can achieve that without going multi story. And I think that the character of the lake should be a big setback and it should be limited to just one story or maybe at most two stories.

I'm concerned by that density. How are you going to get 26 units an acre without having, you know, at least more than two stories tall?

MR. WEEKS: You're probably not. We're -- Bob, you go.

MR. MULHERE: I'm sorry, I'm chomping at the bit.

This is an issue that we took exception to in the staff report. I think it was an error on their part. I mean, David can speak to that issue.

We didn't ask for 26 units per acre across the RT district. Twenty-six units per acre is for hotels. I don't know how many hotels you're going to get, but I know they're not going to develop across the RT district. The density in the RT district is four units per acre.

COMMISSIONER MIDNEY: But you're -- you can get a maximum of up to 26 --

MR. MULHERE: No, you can get 26 units per acre for hotels. It's an error.

CHAIRMAN STRAIN: But maybe the mix-up is a hotel room can be substantially smaller than a living quarter. So you can't get 26 residential units per acre, you can only get hotel rooms, which I think are limited to 500 square feet or less or some number like that.

MR. MULHERE: And they're transient.

CHAIRMAN STRAIN: And that changes the way it would be built in the sense you wouldn't need as much

height because you could get more rooms on one floor.

COMMISSIONER MIDNEY: I'm just really concerned about the character of the lake -- go ahead.

MR. MULHERE: I did want to add a couple -- because your question is a good one, because we actually had this discussion also yesterday about RT.

I just wanted to put a couple of things on the record. We increased the size of the RT around the lake. The change in that designation was from low residential to RT around the lake, because the community wants to focus on ecotourism, using the lake as a center piece, right?

The density allowed in low residential, the base density, is four units per acre. The density allowed in the RT is four units per acre. We didn't change those. We changed the designation, we didn't change that density.

But you're right, RT, if you look at the purpose and intent is a little bit different than the low residential. It focuses on the natural resources.

What we discussed was that we would separate out the allowable residential use from that list of uses in the RT district. Still allow it but require clustering and require some other standards that would reduce the footprint in the RT district.

Let me tell you, the resorts all over the world -- I just don't want it to be shortsighted here, okay? There are resorts all over the world that focus on natural resources that have transient lodging in the same building as or immediately adjacent to residential dwellings that are operated as a resort. Some day that could happen in Immokalee. And the four units per acre if clustered is an appropriate residential density. The 26 units per acre for a hotel is an appropriate density. If you reduce that, you're not going to get anybody to go out there and build anything.

COMMISSIONER MIDNEY: I'm just concerned about proximity to the lake --

MR. MULHERE: I know.

COMMISSIONER MIDNEY: -- and height and how the lake looks when you're out on a boat. Right now you can see, you know, one or two little one-story houses, that's it. If you start seeing, you know, two and three-story buildings clustering the lake, you're going to lose all the ecotourism value, I think. It's going --

MR. MULHERE: Well --

COMMISSIONER MIDNEY: And they talk about in Policy I think it's 4.1.2. about Best Management Practices for the lake, but that's very narrowly worded to water quality.

MR. MULHERE: Right.

COMMISSIONER MIDNEY: I'm more concerned about sight lines --

MR. MULHERE: Right.

COMMISSIONER MIDNEY: -- and just the overall feel of the place.

MR. MULHERE: And I understand that. Again, I just want to say, you know, if you go back -- if we leave it what it is, it's low residential. Agricultural. It's agricultural zoned. The height's higher, the uses are greater.

So we were further protecting those lands in our opinion by designating it RT. Significantly more so than what the low residential protection is on those lands.

I hear your point about height. And perhaps if the Planning Commission feels, you know, as a body that height is an issue, we could restrict that as well.

COMMISSIONER MIDNEY: To me it's a huge issue.

CHAIRMAN STRAIN: Yeah, but height's a --

MR. MULHERE: Zoning.

CHAIRMAN STRAIN: -- an LDC issue, not --

MR. MULHERE: Zoning.

COMMISSIONER MIDNEY: Right, it may not be an issue here on this master plan, but how is low residential height different from RT height?

MR. MULHERE: Well, it doesn't -- I'm talking about the ag. You've got to go to zoning. Because the comp. plan doesn't really deal with height in the low residential district to my knowledge, no.

So in the ag. zoning, I'm going to defer to staff if I'm wrong, but I think it's 50 feet.

COMMISSIONER WOLFLEY: Thirty-five.

MR. MULHERE: Thirty-five? Okay, 35 feet.

I think in the RT you can go higher. You can go to 75 feet or you can do -- this is zoning now.

COMMISSIONER MIDNEY: Right, right, I know.

MR. MULHERE: You can go -- through a conditional use you can go to 125 feet, which is how some of the higher buildings on the beach got their height.

So if height's an issue, I think we put it on the record here, then when somebody comes in for zoning -- I almost think in this case you almost have to put that issue in the comp. plan if there's a desire to limit it or regulate it or make it an issue.

And what David and I discussed was not to put a height limitation but to call attention to it as an item for consideration during a subsequent zoning process.

So in the comp. process we would say as part of the consideration building height and impacts on clustering, you know, other --

COMMISSIONER MIDNEY: Setbacks from the lake.

MR. MULHERE: Yeah. Aesthetic things. We would call attention to those in the RT sub-district but not be specific as to what the limitations are.

Frankly I think you should support a multi-family product because you can do something really nice with a lot less footprint.

COMMISSIONER MIDNEY: You could, yeah.

I'm just concerned that in 4.1.2. it doesn't really -- it talks about Best Management Practices in the RT but it talks only about water quality. I would like to see it to expand aesthetics and go beyond just water quality.

MR. MULHERE: I don't think we do it there, I think we do it in the RT district. I understand your point, it's just the question of location. I think it needs to be in the sub-district.

COMMISSIONER MIDNEY: So you'll -- now, it says that these regulations will be developed within two years. Is that what we're thinking in terms of for the LDC regulations that will specify all this stuff?

MR. MULHERE: No. In this case again you have the RT designation and you have underlying ag. zoning out there. So if somebody wants to come in and do residential and -- at four units per acre or something more than, or hotel, they've got to rezone the property. Most likely they'd come in for a PUD but they'd have to rezone the property. Because to get the mixture of uses, you'd have to do a PUD.

When they do that, we would look at these issues. Without some guidance in the future land use designation, we wouldn't -- we might still have some basis for it, but we have more strength with guidance in the future land use designation.

So what we discussed was to identify some considerations that would be reviewed as part of the rezoning process. We're not talking about creating a zoning district RT. We don't want to create another zoning district RT. We'd just -- we'd rather have them come through the PUD process.

COMMISSIONER MIDNEY: Okay, just as long as the character of the lake is protected.

CHAIRMAN STRAIN: Mr. Wolfley?

COMMISSIONER WOLFLEY: Many times when there are parks or when there are ecotourism sites, Wall Drug, South Dakota, you know, Grand Canyon, things like that and Lake Trafford, you'll find mobile home parks or RV parks where people will come specifically to see it, stay for a week and go.

Do you know how many dwelling units per acre an RV park is? I cannot seem to remember. It may be that closely --

MR. MULHERE: Depends on the zoning.

COMMISSIONER WOLFLEY: Comes close to 26.

MR. WEEKS: The TTRVC, travel trailer --

COMMISSIONER WOLFLEY: Right.

MR. WEEKS: -- recreational vehicle campground zoning district allows 12 --

COMMISSIONER WOLFLEY: Is it 12?

MR. WEEKS: -- RV units per acre.

COMMISSIONER WOLFLEY: I see. Okay, thank you.

CHAIRMAN STRAIN: Okay, let's move to Pages 10 and 11. Anybody have any questions on 10 and 11?
(No response.)

CHAIRMAN STRAIN: Actually, 11, 12 and 13 are all basically the same. So let's take it 10 through 13.
Anyone have any questions?
(No response.)

CHAIRMAN STRAIN: David, on Page 11 we start with table seven, the operational and fiscal impacts. And you have four columns. But the last column is significantly blank.

Why did you put a blank column here?

MS. VALERA: There are a few "X"s on Pages 12 and 13.

CHAIRMAN STRAIN: But it says fiscal impact, and that doesn't tell me what that is.

MS. VALERA: Absolutely. And this is where we surely knew there that will be a fiscal impact, though we did not do a fiscal impact study per se, so we couldn't fill out the rest. But we wanted to give you an idea of what these policies will translate into with regards to operational impact and fiscal impact.

CHAIRMAN STRAIN: At the time that you did this, you did not know that the applicant would come back in with a feasibility paragraph. Why then didn't you show a potential fiscal impact for the 27 elements that required a two-year reaction by county taxpayers?

MS. VALERA: Because they were going to be a tremendous impact.

CHAIRMAN STRAIN: But why didn't you put an "X" where those -- you've only got -- the total "X"s on all these pages are less than 10. Or maybe exactly 10. I have a list of actually 28 policies here that required a two-year reaction by Collier County, which meant staff time, analysis time, expert time to get their reactions in place.

Why wouldn't you at least have those as a fiscal impact consideration?

MS. VALERA: Again, only because we did not have an actual study to show you and demonstrate to you that -- but you're absolutely right. I mean, that the fiscal impact will be there regardless. The staff time, the operational impact, it is in some fashion a fiscal impact.

CHAIRMAN STRAIN: And I know from reading other parts of your staff report, I think it was in your staff report, or it may have been in the 9J-5 responses to sufficiency that the applicant provided there was some disbelief that fiscal analysis wasn't needed because it wasn't required by 9J-5.

But however, to make a good decision, especially when there's so many requirements, fiscal analysis is imperative because the taxpayers that have got to carry this versus whoever is proposing to carry it, someone's got to know what the costs are going to be.

MR. MULHERE: Well, in our perspective there's going to be a fiscal analysis done.

The first point of decision making is whether a policy makes sense. And if it makes sense and it gets approved then you say, well, what's it going to cost and do we have the money to budget it.

And we believe we addressed that by putting that feasibility limitation in there now that says we may or may not get to these. Some of them may not even stay in the plan through this process. They may not get supported by the Board of County Commissioners and they may come out. Some of them were already funded by the CRA.

CHAIRMAN STRAIN: Well, the CRA's funding is limited to the incremental tax and what they can leverage that to use for a bond of some kind, I would assume.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And, you know, that's not going to be a limited funding source.

MR. MULHERE: Some. I said some of them are funded.

CHAIRMAN STRAIN: And going through the policies as we did, I notice in some of them you wanted to retain a two-year mandatory reaction time. So I think when you come back in, this chart for those items that have a fiscal impact, I think it would be necessary for everyone voting on it to know what that impact is.

So I'm suggesting that when you come back in with this you have this more filled out.

And David, and then Mr. Murray.

MR. WEEKS: Commissioners, just on your first question, the reason we put an "X" in some cells and not all of them, because you're correct, that if there's any resources of the county involved in implementing a policy, that does have a fiscal impact.

Our focus was where a policy specifically called for funds to be used, the county will specifically do something. We're drawing the distinction between if the county must do certain planning effort, okay, staff will do that.

And yes, maybe it takes additional staff. We didn't look at it that way, we looked at it very specifically. For example, if it said build a new government office, well, that takes money to do that. Staff can't -- you know, will not go out there with hammer and nails and whatnot and do that. As opposed to a planning or other type of I'll call it office work type of a task. So that was our distinction, a very simplistic approach.

CHAIRMAN STRAIN: Okay, appreciate it.

Mr. Murray?

COMMISSIONER MURRAY: Yeah, this is going to broach part of this subject and the other subject raised earlier.

We've knocked out -- to my recollection, we've knocked out a bunch of two-year things. We've taken them out. And I strongly believe that DCA will object to the absence of any time frames. So that certainly impacts the fiscal issue as well.

But I think it's time to start thinking about putting some time- frame back in, and maybe five years is a better time. Certainly some period in excess of two years.

MR. MULHERE: There is, and it's the EAR-based process. There is a requirement to then review anything that's not been accomplished as part of the EAR process. That's what's in that feasibility section. So there is a time frame. If you haven't accomplished it by the time you look at your evaluation and appraisal report, then you have to determine whether that policy is still feasible, viable and will be accomplished, and maybe you add a time frame at that point.

COMMISSIONER MURRAY: I remember now our discussing that. I just wonder if that's -- that's seven years, okay. Presumably seven years from the time we do this next one, which is coming up right now.

MR. MULHERE: Right.

COMMISSIONER MURRAY: Maybe that is more feasible.

MR. MULHERE: That was my thought.

COMMISSIONER MURRAY: Because I was getting concerned with the absence of some time. I'm quite certain DCA --

MR. MULHERE: Well, we may hear something from them, and then we may have to adjust. Then maybe five years becomes more appropriate at that point, once we get the feedback.

COMMISSIONER MURRAY: Well, I'm just looking for some time to be put back in there. But that seems -- David, you have some thoughts?

MR. WEEKS: Yeah.

CHAIRMAN STRAIN: Go ahead, David.

MR. WEEKS: Mr. Chairman, I had forgotten what Bob just stated there about how we address that by -- I think we have specific language proposed that would make reference to the EAR. Hopefully that will suffice.

Historically DCA has mandated that there be specific timelines so that a goal, objective and policy is measurable. In other words, if you say you're going to do something and you don't say when, how can you measure that?

But again, I had forgotten about the EAR process. And it just so happens that the timeline for the adoption of our EAR and this master plan are almost simultaneous. They're almost the same time. They're going to be probably within a month or two of each other.

MR. MULHERE: If there's an objection, we'll have to deal with it.

MR. WEEKS: Yeah, I was going to say, I think because we have addressed it in some way at least by referencing the EAR, maybe this is one of those cases where we wait and see what DCA says.

CHAIRMAN STRAIN: Okay. Thank you, sir.

We left off on page -- through Page 13. Let's go to Pages 14 and 15. Any questions?

Ms. Caron?

COMMISSIONER CARON: Well, at the bottom of Page 15 you're talking about the density bonuses not being supportable. Are you of a different opinion now?

MS. VALERA: That is correct. And this is based -- these comments are based on the original amount of density that was proposed. So yeah, that has changed.

And I guess we'll wait to see -- to review the, you know, the revised density and let you know what our new opinions are.

CHAIRMAN STRAIN: On Page 15 as well, in the upper part of it there are several paragraphs that refer to certain data and analysis regarding the density and intensity in changes. I'm going -- is it okay to assume that that was because of the potential increase in changes that were proposed and that if there's a decrease you're not looking for the same thing? Or are you looking for some of these data and analysis needs, regardless of whether it's increase or

decrease?

MS. VALERA: And that is correct. We were concerned with any additional density or intensity that is not supported by data and analysis. So if it remains as we have it in the plan, then correct, no need to prove anything.

CHAIRMAN STRAIN: Then I will not ask any more questions on Page 15.

Pages 16 and 17?

(No response.)

CHAIRMAN STRAIN: On Page 16 your bottom bullet refers to the water and sewer. There was a letter, and I'm going to try to find it out of order here, from Boyle Engineering regarding the sewer. And it basically said they are addressing the sewer needs within the current area that they are authorized to provide them in -- I believe; I'm trying to find the exact language -- and that they didn't really cover the entire urban area.

My question is, what kind of information since -- do you need beyond that from water and sewer? Are you looking for the -- well, here it is, here. It says, for those areas lying outside of the current service area, the increased densities presented in the IAMP will be accounted for in the comprehensive master plan.

I'm not sure what that means in regards to water and sewer and how water and sewer are covered, but are you going to be looking for more information on water/sewer areas beyond the existing service areas of Immokalee's facilities?

MS. VALERA: No, Mr. Chairman, we were concerned about the inside the urban Immokalee area.

CHAIRMAN STRAIN: Well, I'm talking about the inside -- apparently from what I'm reading in this Boyle letter dated June 28th, 2007, it's Page 121 of one of the backup documents supplied. I think it may have been on a disc. The map shows the current IWSD service area boundaries compared to the areas for which Collier County has determined the future land use and population density.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And the way I'm reading this, they have a service area that is not as big as the urban area of Immokalee.

MR. MULHERE: It's bigger.

CHAIRMAN STRAIN: Okay, well --

MR. MULHERE: The Immokalee sewer and water district service area extends outside of and beyond the urban area of Immokalee.

CHAIRMAN STRAIN: Okay. So you can say to us then that Immokalee Water and Sewer District covers 100 percent of the urban area that's part of this master plan.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Including all those LR areas and everything?

MR. MULHERE: I'm not saying -- their service districts covers it. I'm not saying that lines are extended to all those areas.

CHAIRMAN STRAIN: No, but that's their service area.

MR. MULHERE: Yes, yes.

CHAIRMAN STRAIN: Okay. You may have provided the map. There was a map in here showing their service areas, but you had PDF'd it in the backup documents. And it was -- when you PDF'd it, it was blurred. Because I couldn't read what the lines were.

MR. MULHERE: We'll get a map of their service area.

CHAIRMAN STRAIN: Yeah, just e-mail, yeah, a clear one, that would be helpful.

Anything else on 16 or 17? Paul?

COMMISSIONER MIDNEY: The issue about what constitutes a developed property, can you just go over that? Have we really resolved that?

MR. MULHERE: Where are we at?

COMMISSIONER MIDNEY: On paragraph four, talking about the wetlands connected to Lake Trafford/Camp Keais Strand system overlay. Developed properties were excepted and --

MR. MULHERE: Yes.

COMMISSIONER MIDNEY: -- there was some confusion about what is a developed property.

MR. MULHERE: Yes, we revised that language based on the recommendation of staff. I mean, I can find it, but it basically says legally cleared. Lands that were legally cleared. Which was a term that they used to establish

legal development rights.

MS. VALERA: And if I may add, that was also discussed at the Environmental Advisory Council meeting, at the second meeting, and the language was revised per their -- for that discussion.

CHAIRMAN STRAIN: Okay. Let's go to Pages 18 and 19. Any questions on 18 and 19?
(No response.)

CHAIRMAN STRAIN: David, or Carolina, I'm not sure who wrote this one, at the very end of Page 19 it starts a discussion on Comprehensive Planning Policy Analysis. You have an objection there. Is that objection still needed with the changes being proposed in the -- what we've had worked out in the last numbers of meetings?

MR. WEEKS: It's not, Mr. Chairman. I think you can go from the bottom of Page 19 all the way through to the middle of Page 23. Those are all, I'll call them, very meaty substantive comments that are in the staff report specific to various provisions in the master plan, your very -- text or map provisions, all of which have been discussed over the last two and a half meetings so far that we've had.

And I think all have been addressed either through specific commitments to remove or make an alteration or in some cases where subsequent to Planning Commission meetings staff has met with the applicant and we're in a position now of saying at this point we believe they are resolved, we'll be reserving our final judgment until we see that new document that the petitioner has prepared.

CHAIRMAN STRAIN: Well, that eliminates a lot of questions.

Ms. Caron?

COMMISSIONER CARON: Yeah, but did we actually resolve that with regard to PUD's?

MR. MULHERE: Yes.

COMMISSIONER CARON: I mean, essentially the first bullet. Did we?

MR. MULHERE: We did. I don't know that we did entirely as part of your meeting. We subsequently met with staff. There were a couple of outstanding issues, you're correct, and it was the C-4 use?

COMMISSIONER CARON: Yes.

MR. MULHERE: And we've agreed to go back to the way that it was but to embellish it by also adding not just an acreage threshold but a density threshold, which we had discussed before you. And then limiting the uses based on the smaller size, the medium size and the larger size in terms of C-2, C-3 and then C-3 and C-4. So we're in agreement on that.

COMMISSIONER CARON: Okay, so -- and all right, then we can wait for the language --

MR. MULHERE: You'll see it, yeah.

COMMISSIONER CARON: -- and review it then.

MS. VALERA: And maybe we should add that also with conversations that we have had with the applicant outside of the meetings that we have had.

COMMISSIONER CARON: Good.

CHAIRMAN STRAIN: Okay, then let's move then up to Page 23, since most of -- go ahead, Brad.

COMMISSIONER SCHIFFER: Well, I just had a question on 20, Page 20, and that was the home base stuff. You had questions there. Has that all been resolved? Some of your questions were there's no justification, stuff like that. So you're comfortable with --

MR. WEEKS: Well, that's another one where we've had discussion and they're going to make revisions and we'll reserve our judgment till we see what they -- how they've revised the policy. We think we're at a point of a meeting of the minds, but we need to see that language that they drafted.

CHAIRMAN STRAIN: Okay, well, let's take it through Page 23. Are there any questions?
(No response.)

CHAIRMAN STRAIN: John's here. John, I need you to answer one question for the record.

MR. PODCZERWINSKY: And if you'll bear with me one moment, I haven't been sworn in. John Podczerwinsky.

CHAIRMAN STRAIN: This isn't -- you're not sworn in for this.

MR. PODCZERWINSKY: I don't need to? Good.

CHAIRMAN STRAIN: Everybody can lie to us today and get away with it.

COMMISSIONER CARON: Please don't give him that authority.

CHAIRMAN STRAIN: On Page 23, you begin -- we begin the transportation planning section, and there are

some questions that I and I know others may have as well. But I'm sure that this was all based on the prior submittal. And you haven't had time to see what's going to be -- come about as a result of the past meetings. You were recommending denial. Are you now wanting to hold off and reevaluate and -- is any of this useful based on the fact we're going to have a whole new plan?

MR. PODCZERWINSKY: We would actually like to re-review --

CHAIRMAN STRAIN: Everything?

MR. PODCZERWINSKY: Yes. With the proposed.

CHAIRMAN STRAIN: I will not ask you any specific questions then about that section of the transportation element.

Mr. Murray?

COMMISSIONER MURRAY: Yeah, just, John, how -- on number two, validate BEBR population projection. How do you go about validating the BEBR?

MR. PODCZERWINSKY: Honestly, this was language that was provided by my managerial staff on how the MPO develops the LRTP, the long-range transportation plan.

COMMISSIONER MURRAY: Okay. Just to comment that I thought the BEBR was the final word that we go by and legally defensible and all that other good stuff.

MR. MULHERE: If I could add something to John, I discussed with John that might be helpful.

We had a meeting with Mike Bosi, Carolina, Nick was in attendance, Nick Casalanguida. I want to say a month ago. Seems like a couple hundred years ago, but maybe it was a month ago.

MS. VALERA: Seems like it.

MR. MULHERE: And we recognized that everything had changed and that we were going to go through the process of changing the achievable density and increases.

We didn't realize we were going to get as far as we got and we still have further to go. But at that time we agreed, and I just want to put this on the record, we agreed as far as transportation goes that once we had a final number between transmittal and adoption we would evaluate the impacts of that density increase, which is now limited to the CMU. Factoring in the transit impacts and transient oriented design impacts.

Using the LRTP, provide that analysis to staff, and if there were any further issues, we might consider a cap, a density cap. That's between transmittal and adoption.

I don't know that we're going to have to worry about that because we're down to a couple thousand units, and that's actually probably going to get less when you subtract the public lands.

But we still will do that analysis. And that -- I just wanted to put on the record that that's intended to happen between transmittal and adoption, once we have a final number.

CHAIRMAN STRAIN: Okay. And John, during the previous process there was a lot of contentious items concerning their methodology for the traffic impact study.

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: Have those been worked out or do you see them going away with this new -- where we're going now?

MR. PODCZERWINSKY: With the new direction that it looks like we're going to take, it looks like most of those will go away.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: We are bound to look at the maximum achievable density on staff level, which is going down.

CHAIRMAN STRAIN: Okay. Well, then the traffic section that was analyzed by staff that is now, from what I'm understanding, basically not consistent with the proposed plan that's going to come up and you're reserving the right to review that, that takes us through Page 28.

So are there any questions from the transportation perspectives through Page 28?

(No response.)

CHAIRMAN STRAIN: Most of it now I guess is moot with regards to analysis, so -- okay, then we start on Page 29 with the environmental services section. And that goes for several pages. And I see Laura's here from environmental. If she's the one that wrote this, I would certainly like to ask her the same kind of questions we just asked of John so we know how much to credit -- or to dive into these things for.

MS. GIBSON: Laura Gibson, Environmental Services.

CHAIRMAN STRAIN: Laura, did you primarily provide the write-up and response to the Immokalee Area Master Plan for the environmental services section comment?

MS. GIBSON: Yes.

CHAIRMAN STRAIN: Okay. Do you see your comments and positions being modified based on the discussions and changes that we've directed here?

MS. GIBSON: Yes.

CHAIRMAN STRAIN: Will this go back possibly through the EAC; do you know? I don't think it will, because it comes back --

MS. GIBSON: No, not until adoption hearings.

CHAIRMAN STRAIN: Are there issues in re -- do you believe most of their issues have been addressed or will be addressed in the final write-up?

MS. GIBSON: Yes. All of their items from their motion have been addressed.

CHAIRMAN STRAIN: Okay. Anybody have any questions? And that would take us all the way up through Page 33, because that's the environmental section.

Does anybody have any questions through those pages?

(No response.)

CHAIRMAN STRAIN: Basically on the rewrite I think we're going to have all new staff reports and new staff input and further staff analysis.

Okay, thank you, Laura.

MS. GIBSON: Sure.

CHAIRMAN STRAIN: The conclusion page is Page 34, and there's a couple maps after that.

Any final comments on those pages?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: And David, since you've had all these negotiations, are you still going to be recommending not to transmit?

MR. WEEKS: That remains to be seen. We're definitely -- our position's definitely moved away from I'll say a firm position of we can't support this to a maybe we can. We've made a -- there's been a lot of changes made, concessions made, and that may result in a different recommendation.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Okay, we have had provided to us both in -- some in hard copy and a lot in CD Rom backup data analysis on this entire plan. And I want to make sure that if we had any -- if those of us that reviewed all of those had any specific questions about the data analysis that we asked about and had an opportunity to discuss it.

It's going to be a haphazard way to approach it because there's -- some of it's on CD Rom and some of it's attached in our hard copy. So I'm just going to probably ask the members how you want to go forward. If you all have specific areas you want to question now, that may be one way to start.

I have read all of it and I have quite a few questions. Not extensive, but enough that maybe it will spur interest from those of you that have read it to understand some questions you may want to ask.

If you want, I can approach it with my questions first, and you all run off those, unless anybody here has any question they want to start with. Anybody?

Mr. Wolfley?

COMMISSIONER WOLFLEY: No.

CHAIRMAN STRAIN: Okay. The -- we had one provision in your document that dealt with the density and intensity blending provision around Lake Trafford. That provision originally was put in the RLSA to accommodate one specific property owner for a 200-acre size that was -- I forgot why it happened, but I remember they specifically approached us during the process. And now you're moving that density blending into a lot broader effort in the Immokalee Area Master Plan.

And one of the things that I think is going to be very concerning is its impacts on the SRAs. The reason that's going to be so problematic I think is because there's an urgency or strong need by some that there be a cap on the SRA acreage. So if you start dumping more credits into that acreage and use it up by acre to acre swaps, as is being

proposed, and this all goes beyond what's already been accepted, which is the basic 200 acres that was in the original density blending provisions --

MR. MULHERE: Back to 2002.

CHAIRMAN STRAIN: -- you have a -- yeah, you have the possibility of a challenge in regards to those issues. So have you thought about how to handle all that?

MR. MULHERE: Well, based on your comments previously -- not your individual but the Planning Commission's comments -- based on staff comments, Mike Bosi's comments at your last hearing, I think our direction from you all at that point was that was not supported. Our intention was to go back to the way that it was, a limited transferable. Just exactly the way that it was.

CHAIRMAN STRAIN: Okay. So --

COMMISSIONER MIDNEY: So that's --

CHAIRMAN STRAIN: Mr. Midney?

COMMISSIONER MIDNEY: I'm sorry.

So that's ignoring the EAC recommendation that was to allow this to happen? Or going against the EAC?

CHAIRMAN STRAIN: I'm not going against anybody, I'm just expressing -- I honestly don't remember what the EAC suggested. You attended the meetings so it might be more relevant to you. But I don't necessarily always agree with the EAC anyway.

COMMISSIONER MIDNEY: No, no, that's --

MR. MULHERE: I can tell you what it was, very briefly, is that we had a single property owner -- and I put this on the record before, we had a single property owner come in who owned land come to the sub-committee meetings -- or the committee meetings out in Immokalee, who owned land both within the overlay and within the RLSA.

That landowner had representation, consultant representation, and asked the committee to expand the density blending to allow their property to be able to take advantage of density blending. The committee agreed and we put it in the plan.

Then at the EAC hearings The Conservancy said if this is a good idea, it's a good idea to let any property owner within this overlay, because we'll have an opportunity perhaps to take the development rights off of the overlay; so that any property owner that owns land in the overlay to transfer -- to take advantage of the density blending. The EAC supported it and the committee report -- and we reflected that in our proposal, in our draft.

If I understand, you're not supporting that and staff's not supporting that and there is no data and analysis that's been done, as I put on the record before, as it relates to the impacts in the RLSA, we have not done any data and analysis. So that's a legitimate concern.

But I wanted to mention for Mr. Midney that that doesn't mean that there aren't other opportunities that the plan calls for to address protection measures for the Camp Keais Strand overlay, including the mitigation and acquisition map. Because that did show up very high on the map that was, you know, put on the screen as an example. And the TDR program.

So we have a couple of other programs that we need to try to understand better. We're not going to have the detail as part of this process, it's subsequent to this process. But those policies give us an opportunity to prioritize the preservation, protection, acquisition and utilization for mitigation of the overlay.

COMMISSIONER MIDNEY: So you're saying that you're still having it apply to this one landowner who owned 200 acres but to nobody else?

MR. MULHERE: Well, that one landowner, it already applied to him. That was from 2002. That was the original one.

COMMISSIONER MIDNEY: So that's existing --

MR. MULHERE: That's existing.

COMMISSIONER MIDNEY: -- you can't take that away.

MR. MULHERE: Correct.

COMMISSIONER MIDNEY: I would not be in favor of -- I think that just relying on mitigation banking, just relying on transfer, development rights or acquisition, those are three possibilities. But I don't know if that's going to be -- if any of those will be taken advantage of by the landowners. And I think just to have the RLSA transfer as a possibility, not that it's going to be used, I think it should be left in there.

MR. MULHERE: I understand.

CHAIRMAN STRAIN: Well, we'll have points of disagreement as we go down the road. And that may be one of them. So you handle it the way you need to, Bob. And I certainly think we'll actually vote on some issues where we all disagree.

The RLSA program is a county-wide issue, not just an Immokalee issue. And without a -- it's -- right now it's problematic enough with the issues that it currently has. To put more into that area and expect to see changes to that acreage and all the rest of it, I don't know how you can justify it through what your proposals are.

MR. MULHERE: Not to beat a dead horse, but just to add one quick comment. And I suggested this before. It's almost 1,300 acres within that overlay, or slightly over 1,300 acres. So if that is allowed to be transferred on an acre-to-acre basis, you're talking about the potential, the potential -- and I agree with Mr. Midney, I don't think too many people -- I don't think there's a real market for it because most of the people in the RLSA already have their sending land and receiving land. It was done in case there was some market.

But you have the potential to increase the receiving lands in the RLSA by as much as an equal amount of acres within the overlay. So it is significant.

My feeling was that you were never going to see that happen, but on paper through the policy, that is a potential.

CHAIRMAN STRAIN: But see, if that worked without any further increase in developable area in the RLSA, then it doesn't hurt anything, it's fine --

MR. MULHERE: Right, we can take that --

CHAIRMAN STRAIN: -- but I have a feeling that's going to be --

MR. MULHERE: I can't make that.

CHAIRMAN STRAIN: -- a problem. And we don't know yet. That's my only concern.

And anyway that was the question there.

There was a -- in your data analysis on Page 83, you provided a couple of tables. One of them was titled Table 6-15, difference between adopted and proposed future land use maximum facility demand potential.

And I want through the projected population and the adopted levels of service that you used there. While I understand your solid waste and parks, police and EMS adopted levels of service, I notice that your adopted level of service for potable water and wastewater was significantly less than the standard adopted level of service in Collier County.

The potable water is 170 and the wastewater is 120. You're proposing 105 and 100. I'm not sure how that works as you go forward being different than our plan. I know that different sections of the county had acceptable deviations. That's a substantial change.

MR. MULHERE: Yeah. It is the adopted level of service for the Immokalee Sewer and Water District, which is the provider.

CHAIRMAN STRAIN: Why is their adopted level of service so much lower than general Collier County's; do we know?

MR. MULHERE: They must have some data to support it, but I certainly don't know.

MR. WEEKS: That was the water?

CHAIRMAN STRAIN: Yes. Water's the worst one. The county's adopted level of service is 170 gpd and Immokalee's is 105.

MR. WEEKS: I have an opinion, and that's probably that landscape irrigation is significantly less in the Immokalee community.

COMMISSIONER MIDNEY: I agree.

CHAIRMAN STRAIN: Okay, good point.

COMMISSIONER MIDNEY: Just the pattern of development.

CHAIRMAN STRAIN: Okay. That's fine. I just needed to understand if there was a reason.

Mr. Podczerwinsky. John Pod. There's a TIS from Tindale-Oliver in the supporting documentation.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Let me read you a sentence. Because I thought it was unique you decided to -- not you. Somebody pulled this on Immokalee, but every time it's been brought up for the balance of the county, nobody's bothered to pay any attention to it.

If traffic volumes rebound the roads -- and by the way, it's SR 29 they're talking about -- the road status as a hurricane evacuation route will preclude any new development or expansion of an existing development without an improvement to restore the adopted level of service standard. Florida Statute 1633180 (6).

Now, I have repeatedly used that reference for concerns over approvals of projects in relationship to I-75. It's a state road, or actually what is it, federal road?

MR. PODCZERWINSKY: Federal highway.

CHAIRMAN STRAIN: Yeah.

Why is it that we're now using it apply it to Immokalee but we've not applied it to the road systems in Collier County? Every time it's been brought up it's been basically not addressed.

MR. PODCZERWINSKY: Actually, in some cases we have. We've applied it similarly on Davis Boulevard and I believe we used Policy 5.8 of the transportation element. There is a mitigation requirement for failing hurricane evacuation routes. We do not address hurricane routes that are not currently failing. We'd address them through the concurrency system like any other roadway.

CHAIRMAN STRAIN: According to that section of statute, a road is failing if it's below the adopted level of service. And of course for years I-75 was below the adopted level of service until just recently when it got expanded, but yet we kept approving things be put on that road.

On State Road 29 the -- and we're going to have a debate over the adopted level of service of State Road 29 here in a moment, because some of the data shows it's different than what the other data shows.

But if State Road 29 fails and goes below its adopted level of service, you're saying to Immokalee no more development? And I'd like to know where you've done that in Collier County before, based on the hurricane evacuation section of our statutes.

MR. PODCZERWINSKY: Right. If it were consistent with the transportation element, the policies that we have, particularly Policy 5.1 which governs --

CHAIRMAN STRAIN: Build-out or build date?

MR. PODCZERWINSKY: Yeah, right.

And then also Policy 5.8, which is the failing hurricane mitigation -- hurricane route mitigation. And as long as mitigation is provided to obtain consistency with those, then we wouldn't be holding development up.

CHAIRMAN STRAIN: Okay, but 29 is a state road. We don't have any control over it in our documents in your plan, do you?

MR. PODCZERWINSKY: Correct, we don't have con --

CHAIRMAN STRAIN: You can't make the state improve it. Otherwise you would have done that to Davis Boulevard a long time ago.

MR. MULHERE: Unless you come up with funding. Then they'll be happy to, you know, support that improvement.

CHAIRMAN STRAIN: I don't think we're going to do that right now.

MR. MULHERE: I did want to add, though, one -- just to illustrate a point. One form of mitigation may be in the event of a hurricane it's how you operationally control those roads. You do have an alternate truck route, for example, and that's New Market Road. If you have an emergency situation, the failing segment being that segment of Main Street, you may be able to adopt a policy that says in an emergency event you could allow only one-way traffic, you know, because you can re-route traffic locally the other way using New Market. So there are ways to mitigate in an emergency event.

CHAIRMAN STRAIN: Okay. I just thought it was interesting this was used -- first time I've seen it actually used in a county document, and it happened to be Immokalee they decided to use it on.

MR. PODCZERWINSKY: We've also used it similarly, like I said, on I believe it was Taormina was the zoning action, down on Davis Boulevard at Santa Barbara extension recently.

MR. MULHERE: I mean, I know that there was discussion at one point prior to the approval of the second span across the -- to Marco right now of allowing, in a hurricane, traffic to proceed off of the island in one direction because you have the Goodland Bridge so you have an alternate, you know, means. Now, that never occurred. But could that occur to address -- yes, could it. I mean, that's an operational consideration.

CHAIRMAN STRAIN: I understand.

I want to point out that in the same traffic report you're referencing at least one, maybe two sections of road

that are going to be failing in 2016. One of them is 29 north of the CRA and 82, west of 29 are both estimated to operate at 99 percent of their respective service standards by 2016.

Now, does that mean that if the state hasn't factored in some programs to expand it then they're going to have a problem in approving any new development?

MR. PODCZERWINSKY: Yes, sir, we're going to have the same problems that we faced with Davis Boulevard to this point; similar problems.

CHAIRMAN STRAIN: County's found a way to prove almost everything on Davis Boulevard. Okay. Thank you, John, I appreciate it.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Anybody else have anything on that issue?

(No response.)

CHAIRMAN STRAIN: If not --

MR. MULHERE: I just did want to add, there are some improvements that could minimize that time frame for estimated failure of the League Road. There are some other improvements that will have some beneficial impacts. I just want to put that on the record.

CHAIRMAN STRAIN: Bob, I brought this up to you before, and I just want to make a point of it: You refer to a business economic model that is done by the University of Florida. In the data analysis, part of it's on Page 18, there's another reference I think on 19 and some of the others about the FIAM that was used for that model?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: I also found references in the CRA language we'll get to soon that shows they base their standards or some of their performance standards for the business sector on that model.

It's more critical that we know what the FIAM said. And you know that in that document there is one page of data input allowed by the applicant who is using the document. That data input has been shown to vary from county to county and standard to standard. In this county, for example, when it was used on the Ave Maria project, one of the key notes there was the persons per household. They actually used the lower value than standards for the county. And it had a dramatic impact on their outcome of the FIAM.

We don't know what was used in this business model. We don't know if the standards used there were either consistent with the county or consistent with the rest of the documentation that you're basing some of your performance standards on or policies on.

So I'm suggesting if you have any way of finding it, that we get. I'd like to know what the standards were in that model.

MR. MULHERE: For persons per household. We use the higher standard provided for the county. In our analysis we use persons per household provided for, which is higher in Immokalee, as calculated by Collier County.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: Now, I can't say what -- I think it's Dr. Gary Jackson from the -- it's FGCU, Florida Gulf Coast University. We can call him again. He did not -- he was unable to provide any backup or any additional data, but we can ask him that question and see if he can figure that out.

CHAIRMAN STRAIN: Was that document paid for by the CRA? I mean, if it was a pro bono document you don't have a lot of demand potential. But if it was paid for with taxpayers' dollars, it would be interesting to get the backup for it.

MR. MULHERE: Yeah, it was done by the previous consultant or -- at their behest. The Immokalee Master Plan Study Economic Analysis. I assume that he was paid a fee. I don't know that for sure.

CHAIRMAN STRAIN: If you can get it -- here's another reason it's important --

MR. MULHERE: Maybe we can ask him to come here. I -- you know.

CHAIRMAN STRAIN: Here's another reason it's important. In the Enterprise Zone documentation that I was able to find, let me read you a paragraph -- or a sentence. It says, a key element of the master plan update is the Economic Feasibility Study now being prepared by the Regional Economic Research Institute of the Lutgert College of Business of the Florida Gulf Coast University which is under subcontract with the CRA consultant. This study will lay the groundwork for future physical development of Immokalee's economic base. That's why --

MR. MULHERE: So there was a --

CHAIRMAN STRAIN: We need to understand how he put that together and what standards he used.

MR. MULHERE: Well, we'll call them and we'll see if we can't get him here I guess for the -- or at least put something in writing.

CHAIRMAN STRAIN: I don't need him here, because he can tell me he used anything. He has got a physical document that shows us what he did.

MR. MULHERE: You know, and we've asked him directly, and we've got, you know --

CHAIRMAN STRAIN: Then that's -- if that's --

MR. MULHERE: We'll try again.

CHAIRMAN STRAIN: -- as far as we can go, fine. I just -- Ms. Caron?

COMMISSIONER CARON: Well, it sounds like there was a contract for him to do that --

MR. MULHERE: Yeah, but --

COMMISSIONER CARON: -- in which case he would have to give you --

MR. MULHERE: I'm going to have to defer to somebody else. It's certainly not part of my contract to go looking for other people's contracts, you know.

CHAIRMAN STRAIN: Let's just do the best you can. It may not have as much bearing on the next rewrite as it did in the previous one.

MR. MULHERE: I will do everything in my power. I will personally call Gary Jackson and see if I can't find out what the deal is.

CHAIRMAN STRAIN: I asked about another referral document you had, and that was the CRA document that you guys kept referring to. That only was Bayshore/Gateway. Remember that discussion?

MR. MULHERE: I do remember the discussion.

CHAIRMAN STRAIN: Okay. I just made a note to make sure that I emphasized, I hope that's in that disc you've passed out. Okay, I see a nod of the head so that means most likely.

MR. MULHERE: Yep. I like that, most likely.

CHAIRMAN STRAIN: The CRA is based on incremental tax increases, and that's how you get your funding.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Your cumulative tax increase through 2010 of this year should have been 1.2 million. Do you know what the actual is?

MR. MULHERE: I've got to defer to Penny.

MS. PHILLIPPI: I don't know the exact number. I can get that for you in a matter of a few minutes. But we're right there.

CHAIRMAN STRAIN: Next time we meet, if you could provide it.

And the reason I was concerned is, the incremental tax increase is based on assessed values. And assessed values are radically changing in the county. And I'm curious as to how that is impacting the CRA and their either commitments to the bond, if they've gotten any, or to their future work program.

MS. PHILLIPPI: Well, we have no bonds out, first of all. And we were expecting a substantial decrease in the upcoming year. We're expecting it to be about 650,000 -- 689,000, I'm sorry. But we have a considerable reserve that's built up and we are not in debt at all.

CHAIRMAN STRAIN: Well, I wasn't worried about -- I was more concerned about the policies where there are things that need to be done --

MS. PHILLIPPI: Going forward.

CHAIRMAN STRAIN: -- that the CRA was expecting to pay for and the timing of those, can they now be done within the time frames that are being used. So I just wanted to check it and make sure it's been looked at.

MS. PHILLIPPI: I think we've gone pretty liberal with the time changes. I think we've moved some of those forward. And I think that will be largely driven with the internal document that RWA is creating with us for the CIP.

And I think that's going to -- you know, to be able to answer that question I'll have to wait till I get that document in hand.

But I will tell you that we're moving forward with many of these, with substantial grants as opposed to relying solely -- and partnerships, as opposed to solely relying on the TIF funds to do what we need to do.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MULHERE: So there's a spreadsheet on the -- that was part of the data analysis that estimates, you

know, the tax increment financing moving forward. The tax increment financing. It does. It's actually only through 2010, so I guess it's only estimating for one year at this point. Yeah, that's from the original redevelopment plan, the CRA.

CHAIRMAN STRAIN: I'm going through the rest of my notes, and I have some transportation stuff. But since we've already had comment from Mr. Podczerwinsky, it's going to be re-done, I'm not going to waste everybody's time with that.

MR. MULHERE: I can answer those for you.

CHAIRMAN STRAIN: Well, Bob, your redo is going to take care of a lot of issues in your data analysis. Are you going to be supplying us with a revised data analysis as well, supporting data?

MR. MULHERE: Yeah, I think my -- my thought was to provide you with an entirely new document that would include all the data that we didn't provide you with that you asked for, as well as the completely revised IAMP.

CHAIRMAN STRAIN: And that will help. I've just eliminated a lot of questions.

MR. MULHERE: Without a binder. Trying to save costs.

CHAIRMAN STRAIN: That's fine.

In your data analysis on Page 11 --

MR. MULHERE: Or we'll find some used binders.

CHAIRMAN STRAIN: -- there's another reference to this economic analysis that we don't have the FIAM for, and it says --

MR. MULHERE: Page 11?

CHAIRMAN STRAIN: Yeah.

It says, the Immokalee Master Plan Study Economic Analysis also includes forecasts in the future of the agricultural area. The report forecasts an annual growth rate in agricultural employment of between a negative one percent and a negative 2.6 percent.

So you're actually looking to drop in agriculture production.

MR. MULHERE: Well, agricultural -- what's happened, the data shows that the acreage dedicated to agricultural production in Collier County has reduced, but the revenues have increased because of efficiencies.

CHAIRMAN STRAIN: Well, see, and I -- in looking at that data, I tried to think okay, but we're getting -- and this was in your previous life, your previous plan where you wanted more density. I think now that you're not asking for more density the question isn't as relevant. Because if you're seeing a decline in the kind of -- a need for that high density, low cost that you were having that you were trying to justify with a drop in the expectation for the employment market that would need a lot of that, I didn't see it, but since --

MR. MULHERE: I just wanted to clarify --

CHAIRMAN STRAIN: -- it's all gone away, I don't think the issue is as relevant now.

MR. MULHERE: I just want to clarify; they're proposing a reduction in ag. related employment. That is not necessarily correlating to a reduction in employment. It's a change in employment.

The idea was that other jobs such as construction, less transient jobs have taken the place and actually have taken the place over the last several years of some of the agricultural jobs that went away as a result of efficiencies. Because production dollars associated with agriculture increased. Jobs and acres decreased.

So, you know, I mean, right now it's a whole different ballgame anyway because, I mean, we're in such a different economic market right now that employment's down across the board across the nation, so --

CHAIRMAN STRAIN: I'm just about done, Bob.

Does anybody else have anything that they -- go ahead, Ms. Caron.

COMMISSIONER CARON: In this document, Map 1.1 is the incentive programs areas. But I'm interested in the page that lists those incentives, which is Page 4 in your document here.

MR. MULHERE: Uh-huh.

COMMISSIONER CARON: There is the rural area of critical economic concern that's been in effect since 2006 --

MR. MULHERE: Yes.

COMMISSIONER CARON: -- the Florida Enterprise Empowerment Zone that's been in effect since '99, and the Immokalee Brownfield designation that's been in effect since 2004.

My question is, has anyone taken advantage of these incentives so far?

MR. MULHERE: I think the answer is yes. There aren't many advantages associated with the rural area of critical state concern. That was a gubernatorial designation intended to provide some opportunity, but I don't think there was a great deal of funding that was put forth associated with it, if any. So that one's not been as effective as hopefully it could be.

As far as the other ones, I'll defer to Penny.

COMMISSIONER CARON: Well, Bob, I mean, the first thing is a qualified industry tax refund. So I think there was some incentive.

MS. PHILLIPPI: The couple of things that you talked about, the Federal Empowerment Zone, has now sunset for the Immokalee area. But the Empowerment Alliance of Southwest Florida hugely took advantage of that, doing a lot of -- a great deal of affordable housing.

The State Enterprise Zone is very much in -- alive and well. We awarded -- or facilitated the award of, gosh, I can't even remember, it was almost \$300,000 just last year alone. So a lot of businesses have benefited from the State Enterprise Zone.

The Brownfield Designation is something that a developer would specifically go seek. And the one that sought it -- the two, one was the airport -- and that's available. And the other one was of course at Arrowhead where they found no environmental concerns at all.

So it maintains that designation, but there's no requirement for any funding to address anything, so it stays there. That's available to anyone in the county any time. If you want to designate a site, a Brownfield, you can do that.

But as far as the RACIK (phonetic), that's a hugely valuable tool for economic development for us. We're part of -- I think I mentioned previously we're part of FHREDI, which is the Florida's Heartland Rural Economic Development Initiative, through the Governor's Office on Trade and Tourism, and they ranked which projects were most ready to move forward that they were going to support with advertising and promotion throughout the state and the world, actually. And the first one that ranked number one was Sebring Airport. The second one ready to step up to the plate is the Immokalee Airport.

So that, although we can't say we've designated hundreds of thousands of dollars to this particular project, we're next in line. As the Sebring Airport is taking off like crazy, Immokalee is the next one that's going to receive all the marketing and the advertising and the promotion from -- the state's ready in the Governor's Office on Trade and Tourism.

So I can't say to you there's something that I can put my hands on and say here it is, but it's in line.

MR. MULHERE: I think the -- I think the heading is a little misleading, because it says rural area of critical economic concern, which was a designation through Governor Bush at the time. But really what the program is really that provides the incentive is FHREDI or REDI, Rural Economic Development Initiative. It's through that designation as a RACIK (phonetic) that that you get to qualify for that, so -- but that's the program that actually has the beneficial programs.

CHAIRMAN STRAIN: Okay. And Bob, I've got one final comment from my end, a discrepancy. I'd like you not to answer today, but to take a look at.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: On Page 66 of your data analysis, you provide a table 6.5, and it's about the current level of service on a series of streets.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And it does not seem to be consistent with table one of the same year regarding the Tindale-Oliver study. So if you could just take a close look at those two. Because Tindale-Oliver shows them D and C -- CB and 29, all the rest D. And the other table shows them being B and C, B as in boy.

So if you could take a look at some of those and make sure the tables coincide. They're written for different periods of measurement. But I do want to make sure they're consistent, so --

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Okay?

And that's the last series of questions I have before we get into one more general discussion. Go ahead, Paul.

COMMISSIONER MIDNEY: Yeah, I was just curious. The CRA was supposed to have a discussion of this issue of the affordable density -- affordable housing density by right. Did that take place?

MR. MULHERE: Their meeting's on March 17th.

COMMISSIONER MIDNEY: Oh, okay.

MR. MULHERE: Wear your green hat.

CHAIRMAN STRAIN: Before we go in to finish up with a general discussion of timing, are there any other questions on the Immokalee Area Master Plan from the Planning Commission?

Three days we haven't had enough discussion. Go ahead, Bob.

MR. MULHERE: I did have one thing I wanted to add, because I don't want to forget, because think it's really important. And Pat reminded me of this.

So on behalf of the CRA and on behalf of RWA, we'd like to express our gratitude to the Planning Commission for the effort that you put into this, which was very substantial. And I think the same holds true for the EAC, they really did a substantial job of reviewing this.

In particular, though, I want to thank the staff, right from Leo Ochs to Nick Casalanguida to Mike Bosi to John Podczerwinsky -- I got that close to right, right? Laura Gibson.

But in particular, I think I have to really express my gratitude to David and Carolina, because the meetings that we've had over the last few weeks have been so much different than the other meetings that we had a few months back, and it's really refreshing, we've accomplished a great deal, you know, and that's the way things ought to work.

CHAIRMAN STRAIN: You're right.

MR. MULHERE: And we're appreciative.

CHAIRMAN STRAIN: I think that's a good move. And that's why I was going to ask you about some of those little insinuations in some of these back and forth letters, but I decided no, I'm not going to go there.

MR. MULHERE: It was fun while it lasted.

CHAIRMAN STRAIN: Okay. Well, let's talk about timing. It is real important that you get time to make all the necessary changes you need to make to cover as much as you got to cover.

It is equally important for staff to get back with you, you to get back with staff, so you guys are coming in here mostly on the same plate.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: And it is extremely important, and I don't know how to stress this as much either, that the County Attorney's Office has ample time to read the final result and have final comments on it. That's going to be critical. Because I'm certainly going to be looking at legal office to tell us certain things like how the property owners deal with this that are being changed, how do things happen in regards to other issues.

So I want to ask each department right now, and Bob, I think it starts with you, how much time do you need to get not only the rewrite done, but you're going to need to rewrite your -- provide data analysis and amend your data analysis to coincide with your new rewrite. What's your timing?

MR. MULHERE: You know, we had this discussion with staff, not in great detail, but just sort of looking at dates and moving backward.

For us, I think we could get this done by that third week in March. I don't know, you know, I don't have a calendar in front of me, but we could pick a day.

CHAIRMAN STRAIN: We're not going to come back and review your staff until everybody else gets done with it. So I need to --

MR. MULHERE: I understand. So I was thinking --

CHAIRMAN STRAIN: -- know how many weeks from today do you need to get a new draft to staff?

MR. MULHERE: Three.

CHAIRMAN STRAIN: Okay.

Now, David, assuming you get this new draft in three weeks, how much time do you need to respond to it? And I'm meaning environmental, transportation, everybody involved.

COMMISSIONER CARON: And County Attorney.

CHAIRMAN STRAIN: Well, no, that comes after.

MS. VALERA: What was that magic number they used in the policy, two years?

CHAIRMAN STRAIN: Whoa.

COMMISSIONER MURRAY: Good one.

MS. VALERA: Sorry.

MR. WEEKS: I'm thinking between three and four weeks. Because we'll have to review of course their entire submittal, just as you will, the data and analysis, the change maps and texts. And as you've acknowledged, it's not just comprehensive planning staff but it's the other support staff that are involved, including environmental and transportation. We would want to run it past other departments as well. Their review may be more cursory but none the like (sic) Parks and Rec.

I think we should plan for four weeks. If it can be less, then great, but --

CHAIRMAN STRAIN: Now, between the two of you, are you expecting a sufficiency letter to be issued?

MR. WEEKS: No.

CHAIRMAN STRAIN: Okay. So your review would be done, you don't expect Bob to have to react to it, you would just write your report up.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Then it would be ready for the County Attorney's Office.

MR. WEEKS: I had thought that the County Attorney's Office would be reviewing the document the same time as staff, not after.

CHAIRMAN STRAIN: Well, what I hate to see is changes made and then the County Attorney's Office not having time to react to the changes.

So Heidi, what's your department's position?

MS. ASHTON-CICKO: Well, David, are you going to -- are they going to be making changes, or Bob, are you making changes based on staff's --

MR. MULHERE: No, nothing's going to change. We're going to get it done, we're going to submit it, staff's going to review it and we're hoping you'll review it at the same time.

MS. ASHTON-CICKO: Yes, then I can review it during the same time.

CHAIRMAN STRAIN: Okay. Then so that -- and I'm going to use your four-week number, not your three-week number. I don't want this to be rushed. I don't want you guys to come in and say we ran out of time, we couldn't get it there --

MR. MULHERE: I'm not.

CHAIRMAN STRAIN: -- I want it done within the time frames you've committed to. In other words, seven weeks from today, that's when we would see the plan. Is that a good assumption?

MR. MULHERE: Seven weeks was the complete review. That's not when you'll see the plan.

CHAIRMAN STRAIN: Okay, when do you think we'd see the plan? Because we're going to need -- I would suggest that we get it not just one week in advance, but a little bit more than that, two or three weeks at least. Especially you're going to redo your data analysis. So we're not going to redo and reread just the policies. This board has to review --

COMMISSIONER MURRAY: The whole thing.

CHAIRMAN STRAIN: -- all the plans. And then if you keep doing this little routine where you keep pulling other documents into it, every one of those documents has to be reviewed as part of the plan.

MR. MULHERE: We're only responding to your request for those documents.

CHAIRMAN STRAIN: I'm requesting them because you stuck them in the first one. And I hope you took that as a hint.

MR. MULHERE: I did.

CHAIRMAN STRAIN: Okay. Because honestly, Bob, if you have this realm plan in there, we're going to have to go into the realm plan. Every issue has to be -- everything you refer to that's brought in --

MR. MULHERE: It's been provided to you.

CHAIRMAN STRAIN: I know that. But we haven't -- you notice we haven't walked through the pages?

MR. MULHERE: Yeah, well the public realm plan is a reference document, you know. I mean, I don't know, I guess we could probably pull it out and not --

CHAIRMAN STRAIN: Well, it's incom -- what I'm real concerned about is your form base guidelines. And I think Mr. Schiffer will be a key person to coordinate that with on your own. I would suggest you guys maybe get time to get together. Because those are all architectural guidelines.

MR. MULHERE: And those would come back to you in the form of LDC amendments, the ones that we want to mandate. So you will see those.

CHAIRMAN STRAIN: But I think all those supplemental plans need to be carefully considered in how you refer to them in the GMP.

MR. MULHERE: We're going to pull them out of the GMP.

CHAIRMAN STRAIN: That would be tremendous.

COMMISSIONER MURRAY: I've got a question.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: So you're going to take three weeks, I think you said, four weeks.

MR. MULHERE: No, I didn't say four, I said three.

COMMISSIONER MURRAY: You're going to provide David and you're going to provide the Attorney's Office with your documents. And no changes will be attempted during the period of review?

MR. MULHERE: No, we won't -- no, we're going to make all the --

COMMISSIONER MURRAY: Nothing.

MR. MULHERE: We know what we have to change. We've had 20 hours or 22 hours of testimony. We know what we have to change. And we'll change that and we'll submit it to staff. We're not going to make any changes after that. If there are changes that occur after that, we're going to hear those from you at your hearing, whenever that is.

COMMISSIONER MURRAY: The purpose of the review by the County Attorney is to determine whether or not everything comports legally. If the County Attorney's Office finds issues, you're going to wait until you get to us?

MR. MULHERE: Yeah. I mean, they may provide us with those issues, but we're not going to make -- otherwise, I mean, there -- isn't this how it always works? Is it different than the way it typically works? I mean, the County Attorney's Office is going to review it. If we're going to wait and get their comments and then change it again, we've got to redistribute it again.

CHAIRMAN STRAIN: Here's what I think's going to happen. During the three weeks in which you write this up and during the four weeks that staff reviews it, you guys can be going back and forth.

MR. MULHERE: Yes, we --

CHAIRMAN STRAIN: Doesn't matter how many times. The County Attorney comes back to you and says well, this sentence is against Florida Statutes, you've got to take it out. You don't give it to us with that in it. By the time we get it, it's gone.

MR. MULHERE: But we're talking after we've submitted it now is the way --

CHAIRMAN STRAIN: Right. But your submittal is like a -- I'm assuming it's a back and forth. You guys aren't going to sit there in the cold and the dark and not talk to one another for four weeks, are you?

COMMISSIONER MURRAY: That's why I asked the question.

MR. MULHERE: No. I guess I'm confused.

Let me say this: After we've completed the staff review and the staff has written their staff report, I didn't think we would be making any changes.

CHAIRMAN STRAIN: Right, but I thought you'd be going through the review hand in hand. Go ahead.

MR. MULHERE: I'm having trouble communicating. Maybe it's the language barrier, I don't know.

CHAIRMAN STRAIN: You're saying you're going to get the staff report, it's going -- your document's going to be done at the same time.

MR. MULHERE: I'm saying are you expecting us to make changes after we've provided it to staff, they've taken their four-week review period and written the staff report are we still expecting to make changes to --

COMMISSIONER MURRAY: It happens all the time.

CHAIRMAN STRAIN: David?

MR. WEEKS: Yeah, the typical process is the application is submitted, staff makes its review, we write a staff report that typically would include some recommended changes to text. And I think the -- and then, I mean, that's in our staff report, it's presented to you. And then we have our hearing and it gets vetted.

And I think the question that's being asked is during staff's four weeks to review this, as we identify issues

and concerns and maybe proposed language changes, will we have dialogue with the petitioner to the extent that they might agree and say okay, we'll make some more changes and submit those pages that might be effective. Is that correct?

MR. MULHERE: Yeah, that's the --

MR. WEEKS: That's the question.

MR. MULHERE: We would do that, yeah, we would do that.

MR. WEEKS: I could say that that is staff's intent. That's what we would hope to be able to do.

CHAIRMAN STRAIN: Right. I think that answer Mr. Murray's concern and mine as well.

MR. MULHERE: Then I misunderstood.

MR. WEEKS: That's what we hope to do. We do often find it seems like no matter how much time we have, we end up in a position where we're writing a staff report, we're identifying some changes that need to be made, and they do get surprised if you will when they get the staff report.

MR. MULHERE: And that's --

CHAIRMAN STRAIN: We don't want that to happen.

MR. WEEKS: We want that to be minimal.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: After staff and applicant reach agreement on the language, we need two weeks to review it.

COMMISSIONER MURRAY: That makes sense.

MS. ASHTON-CICKO: But it would be helpful if I get the package that they deliver to staff so that I can review the data analysis in the initial draft.

CHAIRMAN STRAIN: Bob, three weeks, David four, Heidi two. That's a total of seven weeks -- no, nine weeks. I forgot Heidi. Nine weeks.

We would like at least two weeks with it, does that work for members of the Planning Commission?

COMMISSIONER MURRAY: Two weeks is good.

MR. MULHERE: We're at 11.

CHAIRMAN STRAIN: So we're at 11 weeks. And it's got to be scheduled as either a dedicated regular meeting in which we have nothing else, or it's got to be in between one of those so we're not trying to do too many things at once.

So with that in mind, I'll let you guys figure out when you're going to come back to us. But I want to make sure we all agree on the time table.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Okay?

COMMISSIONER MIDNEY: And let's try for a Thursday.

CHAIRMAN STRAIN: Yes. If it's in between, it's a Thursday. If we can get Ray Bellows to not schedule something because we're not pressed for a regular hearing then we'll do it on a Thursday. I suggest we figure one meeting right now, unless you're -- unless it's so back we need more. But let's just do one meeting at this point, one full day's meeting.

MR. MULHERE: So you're talking about probably a May time frame based on that.

COMMISSIONER MURRAY: Oh, yeah.

COMMISSIONER CARON: The 27th is what it's looking like.

CHAIRMAN STRAIN: That will be my birthday gift. Thank you.

MR. MULHERE: We'll have to look at the BCC issues.

MS. VALERA: We'll coordinate with Ray Bellows in zoning.

CHAIRMAN STRAIN: You guys come in with that on the 27th and I'm 60 years old the same day. Oh, boy, that's the way to kill me.

COMMISSIONER MIDNEY: You're just getting to your prime.

CHAIRMAN STRAIN: Yeah, I hope so.

Okay. Well, then that's how we'll leave it. And I don't think we can continue this, because you've got to re-advertise it; is that right, Heidi? Or do we just adjourn? How do you want to handle it?

MS. ASHTON-CICKO: Yes, we'll need to re-advertise it.

CHAIRMAN STRAIN: Okay. So with that, if there's no other comments.

COMMISSIONER WOLFLEY: So moved.

CHAIRMAN STRAIN: Comment was -- let's make sure. There's a side bar going on here.

MR. MULHERE: I mean, Penny was just asking about the board's schedule. We had a board schedule. I mean, that's going to have to change; can't help that.

CHAIRMAN STRAIN: I think the board would appreciate a more thorough rewrite and review, to me. That would make sense.

Okay, is there any other business?

Old business, new business?

(No response.)

CHAIRMAN STRAIN: In other public comment?

COMMISSIONER MURRAY: Monkey business.

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

COMMISSIONER WOLFLEY: So moved.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER SCHIFFER: I'll do it.

CHAIRMAN STRAIN: Mr. Schiffer.

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KOLFLAT: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER WOLFLEY: Aye.

COMMISSIONER CARON: Aye.

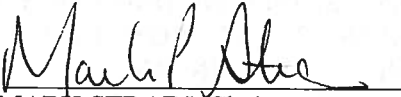
CHAIRMAN STRAIN: Aye.

Motion carries. We are adjourned.

Cherie', thank you very much.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:37 a.m.

COLLIER COUNTY PLANNING
COMMISSION


MARK STRAIN, Chairman

These minutes approved by the board on 4-1-10 as presented ✓
or as corrected _____.

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