

February 3, 2011

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
February 3, 2011

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 8:30 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark Strain  
Donna Reed-Caron  
Melissa Ahern  
Paul Midney (absent)  
Bob Murray (absent)  
Brad Schiffer  
Karen Homiak  
Diane Ebert  
Barry Klein

ALSO PRESENT:

Heidi Ashton-Cicko, County Attorney's Office  
Ray Bellows, Planning Manager, Zoning Services  
Thomas Eastman, Director of Real Property

CHAIRMAN STRAIN: Morning everyone. Welcome to the Thursday, February 2nd meeting of the Collier County Planning Commission.

Would you all please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Ms. Caron, would you mind doing the roll call?

COMMISSIONER CARON: Sure.

Ms. Ahern.

COMMISSIONER AHERN: Here.

COMMISSIONER CARON: Mr. Schiffer.

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER CARON: Mr. Midney is not here. Ms. Caron is here.

Mr. Strain.

CHAIRMAN STRAIN: Here.

COMMISSIONER CARON: And, ta-dah, Ms. Homiak.

COMMISSIONER HOMIAK: Here.

COMMISSIONER CARON: Ms. Ebert.

COMMISSIONER EBERT: Here.

COMMISSIONER CARON: Oh, I'm sorry. Mr. Murray is absent.

And Mr. Klein.

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: Okay. Ray, the mikes are a little bit higher pitched or higher toned than usual. Okay. That may help.

Addenda to the agenda. We have a revised agenda to include an item that was continued. So if you didn't see your E-mails recently, the amendments to the Immokalee Area Master Plan, CP-2008-5 that was added to the revised agenda as 9.B, has been continued to February 17th.

COMMISSIONER SCHIFFER: Mark, a question on that. What was the strategy of adding it and then continuing it?

CHAIRMAN STRAIN: I think to legally show that it had been planned for today, and then so that anybody wishing to be here would be so notified that it would be then continued. So that might have been it.

MS. ASHTON-CICKO: It was advertised for today.

CHAIRMAN STRAIN: Oh, okay.

MS. ASHTON-CICKO: But for scheduling they moved it to the 17th. So they intended that but they needed -- so we don't have to readvertise.

COMMISSIONER SCHIFFER: Makes sense.

CHAIRMAN STRAIN: Ironically, the 17th is probably going to be a lot busier than today.

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: So it would have been good to have it today.

The addenda to the agenda?

COMMISSIONER EBERT: Yes. Mark --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I have a new item.

CHAIRMAN STRAIN: Which is?

COMMISSIONER EBERT: Do you want me to talk about it now?

CHAIRMAN STRAIN: No, no. Just state it so I can put it down under 11.B.

COMMISSIONER EBERT: Oh, meeting times.

CHAIRMAN STRAIN: Okay. Okay. I'll put that as 11.B.

Planning Commission absences. Does anybody know if they are not going to be here on our 17th meeting?

(No response.)

CHAIRMAN STRAIN: Good. Looks like we have a quorum.

There is something I think I'll talk about now instead of under Chairman's report.

About a week or two ago I got a notice I think from Ray that there were two meetings of ours that were regularly scheduled, I think one was in March and I'm not sure when the other --

MR. BELLOWS: March 3rd. And the other one was June.

CHAIRMAN STRAIN: June. Both of the days that we were regularly scheduled to have those meetings in this room, the room is now going to be used for something else, so we can't be in this room. And the choice was to have the meeting over in Developmental Services. As we all know, it's a little difficult over there and staff has to spend quite a bit of time to mobilize the cameras, the crews and everybody else to make that place newsworthy.

So I suggested that we just not schedule anything those two days. And that worked for the June one.

MR. BELLOWS: The March 3rd one is the one that --

CHAIRMAN STRAIN: Is the one that what?

MR. BELLOWS: Is the one we're not scheduling any items for at this time. And I'm not sure if June has any items scheduled at the present time.

CHAIRMAN STRAIN: June was the one I understood there was no problem with. But on March 3rd I had an E-mail from Nancy Gunlach that there was an item scheduled, and it was for landscaping amendment to the PUD for Bay -- for somewhere in Pelican Bay.

MR. BELLOWS: That's been rescheduled.

CHAIRMAN STRAIN: Okay. Because I have a trail of E-mails here where they were trying to get it rescheduled but --

MR. BELLOWS: And it has been. So there is nothing on the third now, and that's where I'm trying to schedule this orientation.

CHAIRMAN STRAIN: Okay. So the question she was asking me then is irrelevant?

MR. BELLOWS: After she sent that we got it continued.

CHAIRMAN STRAIN: Okay. Well, no one told me, so --

MR. BELLOWS: I apologize.

CHAIRMAN STRAIN: No problem. I will not bring up what I was going to bring up. So we don't have a meeting scheduled those two days so we won't have any change in meeting location.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Excellent.

COMMISSIONER SCHIFFER: What was the June date, Mark?

CHAIRMAN STRAIN: Why don't you tell us both those days again, Ray. We have to issue another one of your agendas any -- your calendars anyway.

MR. BELLOWS: The March 3rd meeting was originally scheduled to have the item that Mark was referencing. That item has been rescheduled, the second meeting in March. I think that's the March 17th meeting. So there will not be a regular Planning Commission meeting on March 3rd.

However I'm putting together an orientation to be held at the Growth Management Division Conference Room 609 for the new CCP members. And that will be an advertised meeting.

CHAIRMAN STRAIN: What was the second cancellation?

MR. BELLOWS: The second one was the first meeting in June, I believe, and I don't have the date on me at the present --

COMMISSIONER EBERT: The second.

MR. BELLOWS: That is being -- that will be continued due to lack of petitions at this time. And if there is something trying to be scheduled, we'll schedule around that date.

CHAIRMAN STRAIN: Okay.

Okay. Approval of minutes from January 6, 2011. Is there a motion either to change or approve or discussion? If not, is there a motion to approve?

COMMISSIONER EBERT: I make a motion to approve those minutes.

CHAIRMAN STRAIN: Made by Ms. Ebert. Seconded by --

COMMISSIONER SCHIFFER: I'll second it.

CHAIRMAN STRAIN: Brad.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

COMMISSIONER HOMIAK: I'll have to abstain because I wasn't here.

CHAIRMAN STRAIN: 6-0, with one abstention. So I guess that's the way we'll word it.

BCC report and recaps. Ray is there anything?

MR. BELLOWS: Yes. On January 25th the Board of County Commissioners heard the conditional use for the Golf Driving Range. The motion for approval failed by a vote of three to two. Commissioner Coyle and Hiller opposed the motion for approval. The motion for approval included CCPC recommendations.

COMMISSIONER SCHIFFER: I have a question, Mark.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: Ray, did they ever come up with, you know, the fencing thing that we were supposed to see at consent?

MR. BELLOWS: Yes. They -- yes, they did. They did -- the applicant did prepare or have a consultant prepare a fence type of -- or netting plan prepared by a consultant expert in the design of these golf driving range nettings. However, there was still concern by some of the residents about providing bufferings that was adequate to cover the net height, even as it diminished at the end of the golf driving range. And they couldn't come to a consensus of how to mitigate the visual view of that. And I think that's was the reason the two commissioners opposed the motion.

CHAIRMAN STRAIN: Okay. Anything else?

COMMISSIONER SCHIFFER: No, thank you.

MR. BELLOWS: I have a clarification from Ian that the meeting is the 16th -- June 16th meeting that we'll be scheduling around.

CHAIRMAN STRAIN: So not June 2nd, so it will be the second meeting in June?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. I'm glad -- thank you, Ian, wherever you are. That was helpful. We all would be showing up at the wrong one and not here for the right one.

Okay. Chairman's report. Nothing today other than -- the item on 8.A is our consent agenda item on the floodplain management ordinance. And I want to thank the County Attorney's office for a job well done. I notice you went through and cleaned it up quite a bit. And that was very helpful. So thank you.

MS. ASHTON-CICKO: Yes. Jennifer White worked on that and completed that. So thank you.

CHAIRMAN STRAIN: Appreciate it.

Okay, first item up is the consent agenda item for the floodplain damage prevention ordinance.

Ms. Caron?

COMMISSIONER CARON: Yes. I have question on Page 11. The very first item crosses out "and nuisance". I think the word "nuisance" needs to come back in because it's public safety and nuisance that is injurious to health and safety, not public safety that's injurious to health and safety.

CHAIRMAN STRAIN: Do we have a definition of what a public nuisance is?

COMMISSIONER CARON: That's what this is. This is definitions.

CHAIRMAN STRAIN: Oh, this says public safety. So you're saying the words "public safety" --

COMMISSIONER CARON: Read the paragraph and then -- yeah -- see if I'm right or wrong. It doesn't make any sense to me the way it's written. We're missing a word or a --

CHAIRMAN STRAIN: So maybe it should be public safety nuisance and drop the word "and".

COMMISSIONER CARON: Right. I think that's what they meant to do. But I need that confirmed by the County Attorney's office.

MS. ASHTON-CICKO: Could you tell me where the nuisance part was removed?

CHAIRMAN STRAIN: It's on the top of Page 11.

MS. ASHTON-CICKO: You're under public safety. My numbering is a little bit different. Oh, okay. I don't have the same copy as you do.

COMMISSIONER SCHIFFER: It's the definition of public safety.

MS. ASHTON-CICKO: Let me read it.

I think you can put that back in.

CHAIRMAN STRAIN: But I think Donna has brought up a good point. And I think they probably meant to

strike just the word "and", not the word "nuisance".

COMMISSIONER CARON: You don't need the word "and" in there. That's what should come out.

CHAIRMAN STRAIN: That's what threw the monkey wrench into it.

MR. WILEY: May I speak?

CHAIRMAN STRAIN: Sure. Go ahead, Mr. Wiley.

MR. WILEY: Robert Wiley with Land Development Services.

As we went through it, the use of the term only uses the term public safety further on in the ordinance. Public safety and nuisance is really not the term that is used. That's why the two words were stricken.

COMMISSIONER CARON: Okay. How can you read this paragraph and have it make any sense: Public safety means anything which is injurious to safety or health of the entire community?

How can you say that? I mean --

MR. WILEY: I'm simply relating why the words were stricken. On the original definition it included them in there. So --

COMMISSIONER CARON: You need to have it make sense. Whatever it is, Robert, it's not making sense right now.

CHAIRMAN STRAIN: Where is this defined term used in this document? Can you show us an example? Go ahead, Brad.

COMMISSIONER SCHIFFER: A fix might be, wouldn't you say: Public safety means anything which is not injurious to? That's your point, you're saying --

COMMISSIONER CARON: Fine. That's okay, too.

COMMISSIONER SCHIFFER: You're describing the good thing as the bad thing, when what we really should be doing is describing the good thing, not the bad thing.

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: If we have the context in which it's used, that may help explain why it needs to change, if it --

COMMISSIONER CARON: I wasn't adding words, Brad. I was using the words that had been crossed out, and that's the only reason I didn't go to the more logical way, which I think is probably to put the word "not" in there.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: It is used on Page 33. In the middle under 3.C.

CHAIRMAN STRAIN: Okay.

MR. EASTMAN: Public safety.

COMMISSIONER CARON: But there it talks about threats to public safety.

CHAIRMAN STRAIN: And that's the opposite reference that the definition should be used for.

COMMISSIONER SCHIFFER: Right. So that would be, any time you threaten to not be injurious, we're going to stop -- I think adding the word "not" is the solution. I think the word "nuisance" might be annoying, and getting rid of that is good --

CHAIRMAN STRAIN: But, Brad, if you add the word "not", then how does that work on Page 33?

COMMISSIONER SCHIFFER: Well, I didn't really read the 33 but --

CHAIRMAN STRAIN: I will tell you what. Robert, why don't you get with the County Attorney's office and make sure we don't have any other questions. And after we hear the boat dock, we'll come back and see what the resolution of this is.

Anybody else have any other --

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: On Page 3 we eliminated essentially private facilities. So we say: To minimize damage to public facilities and all -- and public utilities. So we added the word "public" instead of "all utilities".

So does that mean private utilities are not covered by this?

MR. WILEY: Okay. Let's go back into our discussion that we had on this. The recommendation from the Floodplain Management Planning Committee was to substitute out the word "public", which is the word that's in the State's model ordinance, and replace it with the word "all". And their concern was that we would not be addressing the private utilities but we would only be addressing those that were publicly owned and operated.

CHAIRMAN STRAIN: Right.

MR. WILEY: Well, that's really not the intention. The intention is, when you talk about a public facility, that's facilities that are used by the public, your water, your sewer.

So we've batted this around back and forth, and the last time we came before the Planning Commission was when you all said no, take out the word "all" and put the word "public" back in.

COMMISSIONER SCHIFFER: Well, I think that came from the County Attorney's office, not from us. But -- so maybe they could answer it.

COMMISSIONER CARON: I think, Brad, if everybody looks at the minutes that we just approved, the issue was brought up that Robert and the County Attorney's office actually were supposed to get back to us and explain why they wanted the change made, why they wanted "all" taken out and just "public". Because, when we had the discussion at that meeting, they weren't -- they were unsure.

COMMISSIONER SCHIFFER: Here we are.

COMMISSIONER CARON: And so here we are. Yeah.

CHAIRMAN STRAIN: Jennifer, shed some light?

MS. WHITE: Good morning. Jennifer White, Assistant County Attorney.

I did go back and look at my notes. I also reviewed the provision. And what I determined is that the provision was internally inconsistent. It started out -- and I don't have the same page numbers that you do in my version -- but what I remember is that the beginning of the provisions start out with "government" and then it later said "all". So I wanted to harmonize the provision and stay consistent.

If the intent is different and the ultimate recommendation is to make it for all utilities, then we should remove the word "with government" or something along those lines, is what I remember.

CHAIRMAN STRAIN: I think the other utilities that we're trying to bring in here are ones for telephone and cable TV and Internet service and things that are not regulated by government departments.

I am not sure why we wouldn't want to minimize damage to those as well.

Anybody have any --

MS. ASHTON-CICKO: I think the sentence -- again, I don't have the same page numbers as you do. I think the sentence was intended to deal with public facilities, because I think it placed obligation on the county to be responsible for the public facilities. So we weren't comfortable putting in "private utilities".

CHAIRMAN STRAIN: Okay. Well, that makes it a little bit clearer.

MR. McKENNA: Mr. Chair? This is a draft under Chapter 367, Florida Statute. And I only know this because I do serve as the position of the regulator for the Collier Water and Wastewater Authority as well as the franchise authority. And the state is very clear, because all utilities are regulated either by state or federal agencies, no matter who you are, if you are a privately owned or investor-owned utility. A utility is a utility that serves the public.

As to whether or not they are privately owned or publicly, the state make no reference between the two, it's simply considered a utility.

And it does provide guidance that a utility means a utility except as provided in other chapters throughout that statute, that includes every person, lessee, trustee or receiver, owning operator or managing or controlling a system or proposing construction of a system who is providing or proposes to provide services to the public for compensation.

So now, this strictly deals with water and sewer. But I would almost be willing to bet that it's also going to include cable and telephone.

CHAIRMAN STRAIN: It doesn't say just water and sewer. And I was just going to say, it kind of meets what you're already saying. By referencing public utilities --

MR. McKENNA: Yes, sir.

CHAIRMAN STRAIN: -- I think it's, as you are indicating, it's any utilities that are used by the public, because, as you read this sentence, it says, such as water and gas mains. Gas are not public, those are TECO. Electric, which is FP&L or Lee Co-op. Telephone, which is a variety of vendors right now. And sewer lines.

So water and sewer lines, roadways and bridges and culverts may be public in the sense that they are owned by the government, but the other ones listed are all what we would consider private utilities but they are publicly -- they're to the benefit of the public.

MR. McKENNA: All of which -- which are regulated by the state agencies, that's correct.

CHAIRMAN STRAIN: So the Public Services Commission has overseeing responsibility in all these anyway --

MR. McKENNA: Absolutely, yes, sir.

CHAIRMAN STRAIN: Then I think leaving "public" in still covers it.

Does that work for everybody? Okay.

So we will leave that one with the word "public" in it and drop the word "all".

Then --

COMMISSIONER SCHIFFER: On that same page?

CHAIRMAN STRAIN: Yes.

COMMISSIONER SCHIFFER: Aren't those really acronyms? I know acronyms are a subset of abbreviations, but just -- Tor's not here to do this, so I'm doing it for him.

CHAIRMAN STRAIN: Doing a good job, too.

COMMISSIONER SCHIFFER: So they're acronyms, definitely. But again --

MR. WILEY: We went to the Land Development Code and it uses the term, definitions and abbreviations. So we imitated the LDC.

If you want to say "acronyms", I can change that in a heartbeat. I just need specific direction here --

COMMISSIONER SCHIFFER: It was the spirit of Tor that made me do that.

CHAIRMAN STRAIN: Why don't we leave it "acronyms", because that's what they are? Are any of those not -- I mean, they are all acronyms. Let's just label them acronyms. That makes it simpler.

Anything else, Brad?

COMMISSIONER SCHIFFER: Yes. Page 17. We brought up something and it looks like the -- it was discussion where you were stating that a professional engineer -- I certainly know a professional land surveyor can, but a professional engineer can certify elevations or can establish --

MR. WILEY: Which page are you on, sir?

COMMISSIONER SCHIFFER: Page 17. I'm under construction stage, and that would be H --

MR. WILEY: Okay.

COMMISSIONER SCHIFFER: -- paren two in your definition there. So you went through and looked where a professional engineer is allowed to establish land elevations?

MR. WILEY: What I did is I talked to various licensed surveyors and surveying firms around the county. We also looked at what the law says.

It takes a licensed surveyor to establish a benchmark. Now, they can establish a benchmark. In this case you're talking about a particular site. So they go by the acreage. They have to establish so many benchmarks per so many acreage figures, and then increase, as you increase your acreage. You can only go a certain distance from an established benchmark to transfer an elevation as certified by a surveyor to a particular spot on a construction site. An engineer can do that transfer but the engineer cannot establish the initial benchmark.

We had -- I had several surveyors went through with me. They are all saying the same thing. So that's why we have worded it the way we have.

In the situation here where a particular building is involved, the engineer can certify it if he has certified surveyors. Each of the professional fields know their limits of what they are allowed to do. So this -- basically the language allows them the flexibility for the site-specific situation on who does what portion of establishing the elevation.

COMMISSIONER SCHIFFER: So let me say it back, is that, a licensed professional engineer in the State of Florida can establish land elevations.

MR. WILEY: From an established benchmark put there by a land surveyor, provided he meets the criteria of distance and number.

COMMISSIONER SCHIFFER: So he can carry it from a benchmark only.

MR. WILEY: He can carry it from an established benchmark, and the distance I was given was 700 feet on a construction site.

COMMISSIONER SCHIFFER: Okay.

MR. WILEY: Beyond that he has to have the surveyor re-establish another benchmark.

COMMISSIONER SCHIFFER: I'm done.

CHAIRMAN STRAIN: Anybody else?

Ms. Caron?

COMMISSIONER CARON: No. That was --

CHAIRMAN STRAIN: Let's see if we've -- I see the county attorneys have stopped discussing it, so maybe they have already resolved that one remaining issue that Ms. Caron brought up originally about "public safety" and "nuisance".

MS. ASHTON-CICKO: On the "public safety", I think the change --

CHAIRMAN STRAIN: You've got to pull that mike. There you go.

MS. ASHTON-CICKO: I think the change is going to be the insertion of the negative. So it will read: Anything which is not injurious to health -- to safety or health of the entire community or a neighborhood or any considerable number of persons or does not unlawfully obstruct the free passage or use in the customary manner of any navigable lake or river, stream, canal or basin.

CHAIRMAN STRAIN: So we'd still drop the letters -- the words in red and you'd add the word "not" before the word "injurious"; is that right?

MS. ASHTON-CICKO: Yes. And "does not" before "unlawfully obstruct".

CHAIRMAN STRAIN: How does that work with the place that is used on Page 33, which is item D.3.C of section six?

MS. ASHTON-CICKO: Are you under --

CHAIRMAN STRAIN: Variances.

MS. ASHTON-CICKO: -- D.3.C?

CHAIRMAN STRAIN: Yes. I think it works there the way it reads, because, additional threats to public safety --

MS. ASHTON-CICKO: Yes, that works.

CHAIRMAN STRAIN: -- that means additional threats to anything that is not injurious to the public.

MS. ASHTON-CICKO: Right.

CHAIRMAN STRAIN: Yeah. That would work.

MS. ASHTON-CICKO: It's kind of an awkward way to define it but it works.

CHAIRMAN STRAIN: Okay. Anybody else have any other issues?

(No response.)

CHAIRMAN STRAIN: I'm sure, as complicated as this one is going to be, the board is going to have plenty of questions, most likely different than ours, so it will be an interesting time.

MR. WILEY: Thanks for the encouragement.

CHAIRMAN STRAIN: Yeah. Well -- you know, each reader is going to find this thing a little different. And we caught as many as we can catch, I believe.

So with that, is there a motion to accept the current version as we just corrected it for the flood damage prevention ordinance under the consent agenda?

COMMISSIONER SCHIFFER: So moved.

CHAIRMAN STRAIN: Mr. Schiffer, seconded by --

COMMISSIONER EBERT: (Signifying.)

CHAIRMAN STRAIN: -- Ms. Ebert.

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you, Robert. It's been an enjoyable period of time, dealing with that flood prevention ordinance. I can only imagine what is coming next.

The one item up that we have today is an advertised public hearing that has been continued from our last meeting. It's a boat dock petition, BDPL-2010-1313. The unlucky 13.

Anybody wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(All speakers duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part the Planning Commission.

I had a discussion with Rocky on this before the last meeting. And most of the issues will be discussed again



today.

Okay. It's all yours, Rocky.

MR. SCOFIELD: Okay. Good morning, Commissioners. Rocky Scofield representing Mr. Lysikiewicz at 267 Third Street West. It's in Little Hickory Shores. The map on the overhead, I assume everybody knows where this is, up in the north end of town, Bonita Springs.

This -- these are the boat dock lots you've seen. We've -- pretty much every one of these lots has come before you for boat dock extensions. These are mangrove shorelines, shallow waters, natural shorelines, and the boats all have to -- most of the boats -- well, no, all of them park -- they moor perpendicular to the bank, and most of these lots up here were granted the zero lot lines, the zero setbacks.

So I'll show you in the overhead, most of these lots have two boats per lot, and they go right out to the property lines.

That's an overhead aerial of the proposed -- Mr. Lysikiewicz's proposed boat, right in the middle there. It's a large Catamaran. His boat that he wants to moor here is 45 feet in length. It's 23 feet of width, of beam. And the boat draws two feet of water.

This -- each pontoon, the pontoons on this Catamaran, they have removable centerboards so they can pull them up to two feet, is the shallowest draft that he can pull the boards up to. When they are out sailing, under sail, they put the boards down for stability.

This boat -- we're proposing a boat lift. The lot is 30 feet wide here. So the lift will be inside of the riparian lines. And we are asking for a 40-foot extension to the allowed 20 feet for a total protrusion of 60 feet from the -- from the mean high water line.

That's a closer-up shot of the same thing. The dock -- the dock, which is just a small finger dock, 6 feet wide, protrudes out only 15 feet from the mean high water line.

These Catamarans are boarded most of the time from the front. As you see, there is a gangway that runs down the middle between the pontoons. There is usually -- most of these boats, they have a netting area where you can walk all the way across the front. But this is normally how these boats are boarded.

This way we can get the boat in closest to shore. The pontoons, we come right up to the mangrove edge line, and the water is shallow there, but the boat doesn't draw hardly any water at the front of the pontoons. But we've pulled it up into the shore as much as we can.

That's just to show you how people board these boats. Ours is going to be a little safer than that. But the reason for this photograph is, somebody that had it beached up -- I mean, from the way they moored up, with the boards sticking there. But if you can make it out, there is a boarding place between the pontoons that goes all the way back to the wheelhouse, and that's how these are. And this will be pulled right up to the end of the dock and boarded across.

This is an overall view showing the extensions of the boats, the BDEs around it, and the width of the channels that are here. The width of this waterway is 420 feet, and again, the waterway measurements are measured from the mean high water line to the mean high water line, which goes across to the island, which is a mangrove preserve.

On the north side, these -- there is no, no -- nothing can be built over there. It's a mangrove preserve, so no docks can ever be built across the waterway. There is quite a large -- you want to zoom out just a little bit, Ray, please.

You can see there is a large sandbar coming off of that mangrove island. And the other measurement there is the width of the navigable waterway, which is 220 feet.

So we protrude only 60 feet into the navigable waterway, which leaves 100 -- 160 feet of navigable waterway open. And I just -- I want to go over to criteria.

We meet all the criteria in the primary and secondary, with the exception of number three in the secondary, and it's not applicable. That's the one where the total of the boat length, is it more than 50 percent of the property line? That's not applicable in these boat dock lots because most of these lots are between 28 and 30 feet wide.

So -- but criteria number four of the primary, if you'll look at that, it -- in your packet, that will say that criteria was not met. This was a mistake done at our office that I didn't catch until a couple of weeks ago. And I've talked to Mike Sawyer at staff and he's agreed with me that we do meet this criteria. And I'll briefly explain why.

What was done originally, they took the 60 feet -- well, I'm going to read criteria. Let's see, this was the primary. Okay.

On the number four it says, whether the proposed dock facility protrudes no more than 25 percent the width

of the waterway and whether a minimum of 50 percent of the waterway is left open.

So, in understanding that, there are two things that would be met. And a lot of times they are confused. When you protrude into the waterway -- into the navigable waterway, that length is taken of the overall width. We only protrude 14 -- the dock protrudes 14 percent of the waterway width. That's the first part of that question -- of that criteria.

The second part of that criteria is, do we leave 50 percent of the waterway, navigable waterway open? And we actually leave 73 percent of the navigable waterway open. The mistake is made in applying the 60 feet into the 220 feet. And if you do calculate that out, it comes out to 27 percent. But that's assuming there's people that are going to be on the other side of the navigable waterway building docks out. That's why that criteria is there.

So we do meet this criteria. We leave 73 percent of the navigable waterway width open. And staff has agreed with that. So we do meet all of the criteria.

This aerial, I drew this line in there just to show you, yes, where the neighboring boats -- this is -- connects the ends of the docks along this shoreline. Mr. Lysikiewicz's boat, it fits right in that line. I know, when you zoom in on it singularly and look at the boats on either side, we're sticking out 15, 20 feet past, but in the overall shoreline there we're within this -- within that line where all of these docks protrude out.

Now, on the east end up there, keep in mind, at the top the waterway width gets down -- the navigable waterway width where it bottles down, there is only 70 feet of waterway width open. We're leaving the 160 feet open at this area. Again, these are boat dock lots. There are no residences that can be built on these, strictly for boats.

We don't -- unless someone is here today, we have not had any letters of objection to this.

And I would be happy to answer any questions that you have.

CHAIRMAN STRAIN: Okay. Questions?

Mr. Schiffer.

COMMISSIONER SCHIFFER: If you sold this lot, the next people don't have a Catamaran, how big a dock can they build, based upon what's approved today?

MR. SCOFIELD: If you look at the neighboring docks, they -- now you're talking about, they can have two boats there.

COMMISSIONER SCHIFFER: Right.

MR. SCOFIELD: He's choosing to have one.

Now what is your question again?

COMMISSIONER SCHIFFER: I'll cut to the chase there. My concern is, you sell the boat, we've given you a 60-foot dock. Isn't it based totally upon this application and this layout? In other words, somebody can't come in and extend that 20-foot dock 60 feet out based upon today's hearing, correct?

MR. SCOFIELD: No, no, no. If this is sold and the next owner comes in and wants to get, let's say, a conventional, which usually, up here with a walkway with two boats on each side, that dock is going to go out past the 20 feet. So we're going to be back here again. They're going to make us come back for another boat dock extension. We only go out 15 feet with this dock. It's just the boat that sticks out.

COMMISSIONER SCHIFFER: Okay. So we are not giving approval to anything other than what is shown on this site plan?

MR. SCOFIELD: That is correct.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Rocky, in your application under secondary criteria --

MR. SCOFIELD: Okay.

CHAIRMAN STRAIN: -- you have number three. And it talks about the 50 percent of the subject's property linear waterfront footage. And your response is, not applicable for boat dock lots per PU-87-23.

Can you show me 87-23?

MR. SCOFIELD: You might have to get that from staff. I have 87-260.

CHAIRMAN STRAIN: I have that. I found some others, but I cannot find 87-23. But, since you put it in your application, I assume that your office may have it. I'd sure like to read that and understand why you feel number three is not applicable. I'm not disputing whether you are right or wrong, I would just like to see the document, because that supports your written application.

MR. SCOFIELD: Okay. I don't have that.

I can tell you that, in most of the -- in all the applications that we've had come before this, we probably have

not put that number in there. We've just said that it doesn't -- this criteria is not applicable because of the width of the lots.

CHAIRMAN STRAIN: These are boat dock lots, so you are saying that you can do what you're doing, a lot of it, because of resolution 87-260?

MR. SCOFIELD: Okay. I would suggest that -- pardon me?

MR. BELLOWS: If you're referring to what you've listed in your application, 87-23, I checked that, that is not the boat dock extension resolution. That's refers to something else. I think it was for a bank or something like that.

But attached to your packet is the correct resolution.

MR. SCOFIELD: 260. We were -- now, maybe if that was -- that was another -- different people put together these applications in our office. And I apologize, it's no excuse. But we were asked by staff to put that in. Maybe Mike Sawyer can clarify that. We were given that number.

Now, whether it was transposed wrong or whatever, but we've never -- we've never put that number, those numbers in there before. But it was asked by staff that we do it on this one, and maybe it's the wrong number.

CHAIRMAN STRAIN: Okay. Because I have other questions related to the resolution, the resolution I think you believe applies. So I'll wait and ask staff about those.

You had said that this boat -- I'm not -- I don't know the terminology they use, has a device that they will lower when they get out in the Gulf where they are using the sailboats?

MR. SCOFIELD: Yeah. Those are movable or removable centerboards.

CHAIRMAN STRAIN: Okay. Well, that -- there is nothing like a rudder that goes -- that you -- there is nothing that drops down in the boat, in further, deeper in the water? That seemed to be what you were talking about.

MR. SCOFIELD: Well, the rudders, the skags are the centerboards that they drop down. You have rudders that go off the end of the pontoons, which steer the boat.

CHAIRMAN STRAIN: Right.

MR. SCOFIELD: But they do not go down further than the -- the centerboards, the most you can bring them up is two feet. The rudder does not extend down past that.

CHAIRMAN STRAIN: Okay. The skags go down how far?

MR. SCOFIELD: Seven -- fully deployed, 7.2 feet.

CHAIRMAN STRAIN: So how does the boat -- what does the boat drop those for? What is the purpose of a skag for that boat in the ocean?

MR. SCOFIELD: The purpose is, is when you're under sail and you have a lot of pressure against the sails, boats tip over. That's why you have deeper skags. Racing sailboats have very deep keels where; they are leaning way over, and that's what holds them in the water to keep from spilling over.

CHAIRMAN STRAIN: Just like my kayak. A little bit smaller though.

So if you're coming into the pass, through the Wiggins Pass, which is rather choppy, and you are under high wind coming through that pass, you are telling us you are not going to stabilize your boat by dropping your skags, you are going to leave them up, since a three-foot draft is the maximum you can use without -- throughout Wiggins Pass channel?

MR. SCOFIELD: Right. Because what you're going to do, coming in the pass, is, you're not going to be under sail, you're going to pull your sails down, pull your boards up, and you're going to motor in.

CHAIRMAN STRAIN: Okay. So they are going to motor all the way from Wiggins Pass back to this lot here.

MR. SCOFIELD: That's correct. You can't sail in a big -- a boat like that, those waterways, you have to be under power.

CHAIRMAN STRAIN: Okay. I think the rest of my questions will be staff's.

Ms. Caron?

COMMISSIONER CARON: This isn't a commercial vessel, is it?

MR. SCOFIELD: No, it's not.

COMMISSIONER CARON: Thank you.

MR. SCOFIELD: No. This is strictly his personal boat that he's -- he's going to purchase.

CHAIRMAN STRAIN: If he wanted to maximize the use of the boat with bodies, how many could be placed on that boat?

MR. SCOFIELD: On a Catamaran you can put quite a few. I don't know what the legal limit is. But you can

put quite a few people on there.

CHAIRMAN STRAIN: More than four?

MR. SCOFIELD: Oh, yes.

CHAIRMAN STRAIN: Where would they park?

MR. SCOFIELD: That, I don't know. You would probably have to pick them up somewhere else.

CHAIRMAN STRAIN: Because I notice you don't have much parking with this lot.

MR. SCOFIELD: No. On any of these lots, you don't have much parking.

CHAIRMAN STRAIN: Right. Okay.

MR. SCOFIELD: He would have to go down to Cocohatchee or one of the -- public place and pick people up.

CHAIRMAN STRAIN: Okay. Thank you.

Staff report.

MR. SAWYER: Good morning. For the record, Mike Sawyer with Growth Management Division, Land Development Services.

Staff has put together the staff report as you see it. Regarding the primary criteria number four, staff is in agreement that the applicant actually does meet that criteria, and that does not change our recommendation for the request.

And I'm here to answer any other questions you may have.

CHAIRMAN STRAIN: That's short and to the point. Thank you, Mike.

Anybody have any questions of staff?

Mr. Schiffer?

COMMISSIONER SCHIFFER: Mike, do you agree with the answer that they could build nothing more than shown on this site plan?

MR. SAWYER: Correct. If they were to come in with a modified version of this, either with the vessel or with the actual dock itself, they would need to come back in and gain approval again.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Mike, the resolution that apparently does apply is 87-260; is that correct?

MR. SAWYER: Correct, yes. I think the confusion, honestly, with that is that the actual petition number for that was actually, I believe, 8717.C. I believe that's where the confusion actually came in.

CHAIRMAN STRAIN: I would agree that was the right one.

If you go to resolution 260, you have two conditioning criteria, A and B, on Page 2 of that resolution. Under A it talks about the right-of-way permit for the -- what will be soon to be parking for that parcel.

Do you know where they -- how they would get parking allowed on this site, in review, as -- anything been -- any criteria set up? How many cars would they be able to allow to park here? How do they treat the edge of the asphalt as it rolls off onto the dirt? Are they -- do they have to clear out the vegetation that's there?

MR. SAWYER: I apologize. That's a really good question. I don't have a great answer for it. That actually would wind up being something, if there is a building permit required -- because there isn't a primary structure for the site, which you would normally have, that would be the point at which you would do a vegetation removal permit at that point. Because we don't have a structure involved with this, other than the dock itself, I would have to research that for you.

CHAIRMAN STRAIN: The only reason I'm asking is there is an entitlement that runs with the land, is the resolution 87-260. And 87-260 has specific criteria this applicant was supposed to meet, as well as all of the boat docks up there that were supposed to meet.

And I know we've reviewed some of these previously. This one caught my attention because of its uniqueness. And A was the first one I looked at, and then looked at the aerial and tried to figure out how they'd fit the parking on there, especially with a bigger boat. And, as previously testified, it could have a substantial number of people allowed on the boat, which would create more of a need for parking.

In B it says: All boats erected on the subject lots must comply with Section 8.46 or zoning ordinance 82-2. I have all the old -- not all, but I have quite a few of the old zoning ordinances. So I pulled up 82-2. And the criteria in 82-2 is substantially different than the secondary and primary criteria we use today. And, from the applicant's information, the criteria that they paid attention to was the criteria that we have today, not the criteria in 82-2.

But I'm not saying it's wrong or right. I'm trying to figure out legally what is the right criteria they were supposed to use.

When I called, I believe I asked the County Attorney's office this. They said that what they would probably have to do is include, in the new resolution approving this boat dock, a reference to the old resolution being invalid in its application and that the new LDC language would be effective. But I didn't find that in the new resolution.

Does anybody know --

MS. ASHTON-CICKO: That was a change that I was going to make on the floor when we got to that point. So I appreciate your bringing it up.

There will be, on the second page, an additional sentence that will say: Be it further resolved that condition B of resolution 87-260 is hereby terminated as to lot 14.

I can put it on the visualizer if you would like.

CHAIRMAN STRAIN: Yes. Just so the record is clear, we have a video of it, that would be fine.

MS. ASHTON-CICKO: The new sentence right here.

CHAIRMAN STRAIN: Okay. Thank you, Heidi. That's what I needed to see.

Any other questions from the Planning Commission?

Go ahead, Ms. Caron.

COMMISSIONER CARON: Yes. So all of that resolution is not invalidated, just that one portion?

MS. ASHTON-CICKO: Correct. And that resolution does refer to three, I believe, three other lots. There is another condition in there about getting a right-of-way permit, and that's not extinguished.

COMMISSIONER CARON: Not excluded?

MS. ASHTON-CICKO: Correct.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Mike.

Ray, do we have anybody wishing to speak?

MR. BELLOWS: No one has registered to speak.

CHAIRMAN STRAIN: Any members of the public wanting to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Okay. Rocky?

MR. SCOFIELD: I just wanted to make one clarification that Mr. Schiffer talked to Mike about pertaining to your question, again pertaining to this specific boat and dock.

And Mike said that if they changed the size of the boat they would have to come back. Well, that's only if it goes larger. If a smaller boat was put on, that's not going to affect it. And if the dock goes out -- if the dock were to go out more than 20 feet, that would affect it. So I just wanted to clear that up.

COMMISSIONER SCHIFFER: I'm comfortable. The thing I was concerned is, sell the boat, somebody shoves a 60-foot dock out there. And that's not available.

MR. BELLOWS: That's correct. And, to help staff in the future determine that, the exhibits are attached to the resolution.

CHAIRMAN STRAIN: Well, that will close the public hearing. Entertain a motion.

Mr. Schiffer?

COMMISSIONER SCHIFFER: I move we approve BDPL-2010-1313.

COMMISSIONER CARON: Second.

COMMISSIONER KLEIN: Second.

CHAIRMAN STRAIN: Motion made and seconded by Ms. Caron.

Discussion?

Double 13, and you're still passed. I don't know. You've got a bunch of Irish luck on your side for some reason, Rocky.

All those in favor of the motion, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed.

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you.

MR. SCOFIELD: Thank you.

CHAIRMAN STRAIN: Okay. That brings us to one item -- well, we have old business. I don't think there is any. We have two items under new business.

First one is 11.A, Collier County's Master Mobility Plan, Phase II Briefing, presented by Jeff Perry.

MR. PERRY: Good morning, Mr. Chairman, Commissioners. For the record, my name is Jeff Perry. I'm a transportation planner with WilsonMiller Stantec. And I appreciate a few minutes of your agenda this morning to give you a briefing on the start-up of the Phase II of the county's Master Mobility Plan.

You may recall, back in May of last year, the county wrapped up Phase I of the study, which was the data collection, documentation, cataloging of what we know today of the existing conditions, as well as plans and programs that are already approved and/or in process.

Last month the county selected a consulting team headed by Tindale-Oliver & Associates to include WilsonMiller Stantec, Mulhere and Associates, White Smith, Dr. Robert Cervero, and Aim Engineering to perform the Phase II of the master mobility study.

And, quite simply, the master mobility study, which is funded in large part by a grant from the U.S. EPA, is simply to try to develop a plan with strategies that can be implemented to reduce vehicle miles of travel. It's a much larger study effort. But that's the -- that's the key to the study, is finding ways long term that can be put into place that would help us reduce vehicle miles of travel.

And that goes a long way to satisfying the county's requirements under House Bill 697 that the Florida Legislature passed, that said that, in the Growth Management Plan, cities and counties must adopt strategies to help reduce greenhouse gases, one of which is to reduce vehicle miles of travel.

Vehicle miles of travel, quite simply, is, a trip of a certain length calculates to a vehicle miles of travel. You travel 5-miles -- one trip, 5 miles to work, that's five vehicle miles of travel. It's a very effective metric because we can actually measure using traffic data. If we know that there's 10,000 cars a day traveling a road that is 5 miles long, we have 50,000 vehicle miles of travel per day in that particular road segment.

Collectively across the network we have millions of vehicle miles of travel each day, as people go to work, shopping, go to school, recreational activities and the like. And the concept is to try to find ways to reduce the amount of travel that is necessary to satisfy those personal needs.

I mentioned the consulting team. The county's management team is headed by Project Manager Debbie Armstrong, assisted with Michael Green, Mike Bosi and Bill Lorenz. They are sort of the team on the ground at the county that will oversee the project to make sure that we are meeting all of the objectives and goals of the scope.

As I mentioned, the project is funded in large part by a U.S. EPA grant. And the focus of it will be to help develop those objectives and policies and Land Development Code regulations that ultimately will find their way through the process.

Things that come out of this sort of vision plan, as it's often been called, would ultimately lead to, we believe, new policies and objectives that would go into different elements of your Growth Management Plan as well as perhaps new changes, additions or changes to the Land Development Code.

The original Phase I study looked at all of the existing data that was available. That meant the environmental data, socio-economic data, that, to what the plans and programs of the different agencies. We looked for inconsistencies, we looked for gaps in the data.

We found that, from a horizon year standpoint -- every sort of plan has a horizon year, from going out, looking out ten years or 20 years, every work program has a sort of a horizon year limit -- we found that almost everybody was working with a different horizon year. The transportation studies were looking out 20 or 25 years. The long range plan looks out 20 years. The water and sewer people are looking out one distance. The jail facility planners are looking out to a distance out into the future. Solid waste, again, looking somewhere else.

Everybody seemed to have their own mechanism for doing their planning activities, but there was, in large part, no consistency and certainly no cooperation in terms of making sure that we were getting all of the planning done in the same horizon year.

The Master Mobility Plan is actually looking to build out. It's looking all the way out. Under the current Growth Management Future Land Use Element, there is a maximum capacity, if you will, of the county. The urban area, the rural fringe, the Eastern Lands has a certain capacity, and that's the target that we're looking for. We don't know exactly what year that is, because, depending on the growth rate that is used, it could be 2065, it would be 2085, it could be anywhere in between or even beyond that.

That year is, in large part, really irrelevant. What's important is trying to identify not only what is going to be on the ground, where it's going to be on the ground, but also what public facilities have to be in place at that time and in such a way that it's sustainable and provides us with these -- meeting these objectives of trying to reduce vehicle miles of travel.

Simplistically, putting jobs and employment opportunities close to where people live is one way of helping to reduce vehicle miles of travel. Multi-modal transportation systems providing opportunities for choices for people to ride transit or high speed rail or ride bicycles or walk or van pool or car pool, or some technology perhaps that we don't even know about yet, that would allow people to have options in the way they travel to move from one place to another.

As I mentioned, the goal of the plan is to reduce vehicle miles of travel. And we're calling it one plan, but it is in fact, under our scope, four distinct plans. There is an infrastructure master plan, a land use master plan, a mobility master plan and a wildlife crossing and habitat preservation master plan. Those are the four concept plans within the plan that are going to make up the county's vision master mobility plan.

A couple of other interesting aspects of the study is the county would like to try to put in place a collection of memorandums of understanding with the stakeholders, those agencies, those NGOs, those groups that have a stake in this battle for the future, that there is an understanding of what it is that they expect, what they want to get out of it, what they would contribute to the process.

So that, while we're not going to make everybody happy with a study like this, that's not possible, what we can do is try to come to consensus on the importance of the issues. What are the issues? What are the issues? What are the ways that we can reach the end goal without stepping on anybody adversely, without trying to eliminate anybody from the process? We want to make sure that everybody is involved.

And, in doing that, we have an extensive public involvement process. And I have a schedule which actually lays that out, and I'll provide copies of this, put it on the visualizer as well as provide copies.

We start with actually the development of the public involvement plan itself. It's in draft form, being reviewed by the county staff.

We also have an extensive stakeholder list currently in the neighborhood of 200 individual agencies and people, stakeholders from other lists that have been aggregated together to -- that will be on mailing lists and that will be invited to participate in certain upcoming events. That list, of course, is sort of a living list. It will be updated periodically. Anybody that wants to get on that list can be put on the list.

We have a number of specific events that are planned. The kick-off workshop is actually later this month, in February. There will be, as part of that, we hope, a few break-out sessions with the attendees of the kick-off workshop, to get sort of a first cut at what the issues are, what the hot buttons are, what are the things that we need to be aware of and be concerned with to make sure that we can properly address.

Following that, we intend to have group interviews so that we can dig a little bit deeper into those issues to make sure that we clearly understand what we learned at the workshop and flush some of those issues out, give people -- giving people an opportunity to think about it a little bit more, giving them an opportunity to sort of tell us in a little bit more detail what and how they would propose to address certain kinds of issues.

We would then have a number of large stakeholder group meetings bringing everybody back together, because it's not only important to go to a group of stakeholders that are interested in the environment or interested in transportation or in some other aspect of public infrastructure, it's important to bring them all together so that they can hear each other. That's the way you build a consensus, is by making sure that, I understand what your issues are and you understand what my issues are. So those large group stakeholder meetings will actually put all of these people back together so that they can hear each other's issues and perhaps interact in a way that would help build a consensus on the solutions.

There will be several public workshops where the public will be invited to see the fruits of these labors, to react to the documents and the maps and weigh in on issues and topics.

There will be about six newsletters. There is a comprehensive website that's currently being developed, that will be up very shortly, linked to the county's website, so that people will be able to go there, interact with the website,

provide comments, take surveys, download documents, see maps and the like. And it will also be for our stakeholders to gather documents, review them, provide comments back into the system.

The last part of the project will actually be the brick and mortar part of it, putting together all of the data and analysis, the review of everything that we've learned through all of the public involvement, putting together the current studies, trying to normalize a lot of the data that we've accumulated, making sure that we are all dealing with sort of the same data set, and coming up with the individual concept plans that I mentioned earlier.

Finally there will be a series of public hearings with the Planning Commission and the Board of County Commissioners to review the draft materials, take input, provide comments back, and then ultimately to a formal set of adoption.

What we're anticipating is that this would be a 12-month cycle, would be -- by the end of the year we would be back in front of the Board of County Commissioners, having gone through the whole process. And we hope what would lead to a concise set of recommendations that the county could then move forward with implementing some of these -- some of these concepts.

This will be the -- to wrap it up, this will be the first comprehensive build-out study of the county, countywide, that is, to my knowledge, has ever been done. We've done one of the urban area, there's been the Horizon Study. Eastern Lands has done some work. This will be the -- sort of the compilation of all of that work in such a way that it comprehensively looks at the entire county to try to give us a vision of what it is that we're going to grow up to be some day. This is something we need to start worrying about today because, while we can plan and program for the next five to ten years, what we need in the immediate future, there is a long way out that we need to be planning for.

And if you have any specific questions, I'll be more than happy to try to answer them for you.

CHAIRMAN STRAIN: Anybody have any questions?

Mr. Schiffer?

COMMISSIONER SCHIFFER: You said Phase I is done, and that was the gathering of data?

MR. PERRY: Yes.

COMMISSIONER SCHIFFER: Is that available to the public? Would that be available on the website when it --

MR. PERRY: Yes. We'll put it up on the website, yes.

A lot of it is cataloging information, where the sources of information are, what's available, who to contact. A lot of the information was actually gathered, physically gathered. If it was static kind of information, maps and data sets, and things like that, those were actually compiled. But a lot of the information is sort of living information that is continually updated. And in those instances we provided the data sources, the links to those particular pieces of information that were available.

COMMISSIONER SCHIFFER: And then the next things you said, it was federally, for the large part, funded?

MR. PERRY: Yes.

COMMISSIONER SCHIFFER: For the small part, who funds that?

MR. PERRY: There is some local money -- some county money involved, transportation or growth management. I'm not exactly sure which pot of money it comes from. But there may have been some local match money. There is also some additional transportation funding money that went into some of the modeling that will be necessary.

COMMISSIONER SCHIFFER: Okay. And then --

MR. PERRY: But the large portion of it was the EPA grant.

COMMISSIONER SCHIFFER: And that funding carries us to the conclusion of the report, which look likes, on this schedule, is the end of the year?

MR. PERRY: Is in December, yes.

COMMISSIONER SCHIFFER: And that's it. It will be a finite report at the end?

MR. PERRY: Yes. That will be the report, will include the recommendations. There may be some implementation that would be necessary after that, I suspect, in large part, by the county, maybe through your EAR process, LDC amendment process, those kinds of things. What we plan to have is a complete end product that would then be provided for implementation if the county wants to move in those directions.

Then there would ultimately be some sort of follow-up that would be required by the county to make -- to implement those changes, for instance. Just changes that might be required in your Growth Management Plan or



might be required in the Land Development Code to implement some of these strategies.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else -- or, Tom, I'm sorry, go ahead.

MR. EASTMAN: Jeff, do you have a date for the kick-off meeting, a time and place?

MR. PERRY: The date is February 25th, 25th at the South Regional Library in Lely Resort. And it starts at -- 9:00, 9:00 to 11:00.

We probably will have a short presentation, half an hour, 45 minutes, kind of get everybody up to speed on what has been done in the past. And then we would propose to break out into some group break-out sessions, depending on how many people attend, and sort of interact a little bit and get some issues out on the table.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: I've got a few, Jeff.

MR. PERRY: Okay.

CHAIRMAN STRAIN: We have a lot of plans in Collier County already existing. I'm going to ask you about them. Maybe you can tell me how this interacts with them.

Let's start with the Growth Management Plan. Is this going to replace the GMP? Is it going to coincide with the GMP? Is it going to require the GMP to be amended? What do you see the outcome in its relationship to that?

MR. PERRY: I would suspect -- no, it doesn't, certainly doesn't replace the GMP. The GMP is the document we're starting with. That's the set of rules we have in place today.

In large part, the question is whether or not any of those rules should be changed. In order to achieve the goal of reducing vehicle miles of travel, are there certain things that we can do, certain policies that should be put in place, certain regulations that need to be adopted that would achieve that goal?

We identify those, and that may, in fact, require amendments to the GMP, maybe in the Transportation Element, maybe in the Land Use Element, maybe in the Environmental Element. Those are the -- those are the follow-up activities that would be necessary in order to accomplish some of these goals.

We don't think that there are things in place today. If there were, we wouldn't have -- need to do the study. If there were things that were in place today that were already accomplishing the goal, then I doubt seriously that we would be going forth through this effort. But we believe that there are ways to improve upon the planning process, and that would ultimately lead to amendments to the -- if the county approves them and wants to go in that direction, then that would be the mechanism to implement those, as well as LDC amendments.

CHAIRMAN STRAIN: The GMP has had over 20 years of community input. And there are some parts of the GMP that are very tailored to particular neighborhoods, Golden Gate Area Master Plan being one, the Immokalee Area Master Plan, which is now going through its final revisions.

How are you -- how is this group going to approach changes to those sections of the master plan? When these communities spent years doing them, they did them through involved stakeholder meetings specific to their communities to get the outcomes they wanted. They are being challenged today in many areas, unfortunately, rather than wait for the committees to reconvene.

What will your committee's interaction be with those more focused portions of the GMP?

MR. PERRY: I think we're looking at a different level. We're looking at about 30,000 feet as opposed to 5,000 feet, where those plans are actually implemented.

CHAIRMAN STRAIN: Let me talk about that level. I don't mean to interrupt you, but I want to make sure you get to my question.

There are a series of MPO plans, I believe, where they have attempted or may still be attempting to put six lane corridors in large swaths through Golden Gate Estates, as a prime example. The community didn't want that. The community didn't vote for it in 2001, 2002. The community didn't go forward with all the meetings we had for two years. But yet there seems to be some mindset that those thoroughfares and those corridors are needed to break up Golden Gate Estates.

Would this study you're working on promote such an item like that? Or, if it does, would it look at that item as a focus? Because that's not 30,000 feet, that's on the ground.

So, based on that kind of an example, does the 30,000-foot example that you started to come up with still apply?

MR. PERRY: I think part of the problem that we have is that we have these sort of disparate kinds of planning processes that go on every day that don't really communicate with each other. They really don't have a nexus

between the two.

The MPO transportation planning process, almost nobody shows up at any of the meetings, none of the public. It's only when their ox is being gored does somebody decide that they want to show up and complain about a particular roadway. And it's then only if someone tells them that, you know, there is a new bridge being planned or there's a new road being planned that is going to go past your front door. That's when they come out to those meetings. There is very, very little public involvement that actually takes place in those kinds of venues.

So there is oftentimes policies and plans and programs will get put into place that are perhaps inconsistent or not appreciated, if you will, by the people that they are designed to help or to work with.

So I think a study like this, if we can get the participants from these different groups and different agencies, different areas, to participate in the process, they at least have a venue, an opportunity to sit down with the same people and present their issues and have those other people, that are perhaps on the other side of the table at the moment, listen to what their issues are. And if we can find a common ground to achieve the goal of reducing vehicle miles of travel, maybe it's not eight lane, six lane highways through Golden Gate Estates, maybe there is some other alternative that can be examined or proposed that would achieve the same results.

Each of these different sort of groups has their own agenda. They have their own issues. They have their own goals in trying to accomplish what it is that is important to their particular -- their particular issue. And I think what we want to try to do is bring everybody together, look at all of those issues, get them all out on the table, and try to deal with the longer term issues of where we are going beyond when the MPO plan stops.

The MPO plan only goes out to 2035. There's probably at least 50 more years worth of growth that's going to occur after that. And no one is looking at that.

How is Golden Gate Estates going to build out ultimately someday with its network of roads and bridges and employment opportunities and shopping and provisions for public facilities, public schools and fire and things like that? Are all of those things in place? Those are the kinds of things that we want to find out, whether or not there is any gaps that need to be filled.

CHAIRMAN STRAIN: Okay. One comment you made, I just want to kind of correct.

The public shows up when their ox is being gored, as you put it, because they don't get paid to be at those meetings and they can't afford to spend the time away from work and their families all day long, every day, consistently. So that's why you don't see the public there until they, unfortunately, hear about it at such a late date it's progressed.

MR. PERRY: Right.

CHAIRMAN STRAIN: So I think we need to accommodate that any time it occurs.

As far as your organization, and you listed a few others that are involved in the process, Stantec, which is now -- which was WilsonMiller, Tindale Oliver. Aim, I guess that's --

MR. PERRY: Aim Engineering, yes.

CHAIRMAN STRAIN: Aim Engineering. Do any of those entities, besides working on this plan for the government sector, work separately on various mobility issues for the private sector?

I know the answer is going to be yes. You guys do work for the RLSA folks, the big landowners out there. You do -- it's specific work for individual landowners. I'm sure Tindale Oliver does. I've seen studies where they've done things.

How is it that the public can be assured that the job you're doing for the mobility plan for the Collier County government is not being designed in such a manner to benefit something else that's unintentional for the general public? Is it a purely plan to the best interests of the public?

I know that's kind of an ambiguous question, but it concerns me. We have restrictions on government employees for working two years after they leave their government service from working in the private sector. But yet firms like yours come and work both sides of the table concurrently. And I think that's a concern. And I'm just wondering how that's -- if anybody's -- how that's being addressed. Who is overseeing that, if it isn't the stakeholders and value of the stakeholders' input?

MR. PERRY: I think the end result is whether or not the plan achieves the necessary goals that the stakeholders envision. We accumulate a listing of 100, 150, 200 stakeholders, and they are, in fact, the people that are going to be guiding this particular effort. We have a county management team that is going to oversee every word that's written on the paper, every map that's drawn. I have to believe that this is a fair and impartial exercise that we are going through.

Our firm works for a variety of agencies. Some of our biggest clients are government agencies. In fact, our

biggest clients locally here are government agencies. We do -- yes, we do work for private individuals. We -- as does Tindale Oliver. Mulhere and Associates perhaps does work for private individuals.

I think the effort -- whenever we put a work effort in place, we work for our client. It goes without saying that we are working for the county in this case. We are working for the public. Tindale Oliver has a long history of working for Collier County. They are doing their transit work, they are doing -- all of your impact fee development work has been done. Impact fee ordinances and studies have been done by Tindale Oliver. They are the prime consultant. They are running the show in terms of the consultant team.

I don't have any question in my mind about whether or not this is going to be a fair and impartial exercise. Everybody is not going to like the end result, but that's not going to be because, you know, so and so is a client of somebody else.

This is an effort that is going to lead to some, we believe, productive policies and objectives that will lead to vehicle miles of travel -- reductions in vehicle miles of travel that will benefit everybody long term.

CHAIRMAN STRAIN: And when will you be producing a list of participating stakeholders?

MR. PERRY: That list is available now. It's an ongoing list. We have a -- there is a database of names and addresses, agencies, NGOs, private individuals. Whoever came to us as part of a collection of other lists, we've sort of compiled. It gets bigger and bigger. And we've identified those people that --

CHAIRMAN STRAIN: Could you send that? Is that something you can E-mail to us or --

MR. PERRY: Sure. Absolutely.

CHAIRMAN STRAIN: I would like to see the list. Because your statement that you're going to be looking for what the stakeholders envision, that's important.

MR. PERRY: Right.

CHAIRMAN STRAIN: I don't know how you are going to weigh the value of some of the stakeholders, because if -- hopefully some of the civic groups that are involved, if they are involved, they represent a substantial body of people versus one landowner who may not.

MR. PERRY: Right.

CHAIRMAN STRAIN: And the compatibility of this system with the local community is, I think, what is going to be most critical.

You have an item on here called stakeholder group interviews, parenthetical 12. What does that mean?

MR. PERRY: Those are the smaller groups that would perhaps be six, eight or ten individuals that we would interview with, following the stakeholder workshop. The break-out sessions are intended to sort of get stuff out on the table, find out what the issues, what the hot buttons are, and see where we need to dig a little deeper and get more detail. A lot of people are going to, for the first time at this workshop, initial workshop, are going to be -- sort of begin to think about certain things. Thinking about the build-out horizon.

If they've only been thinking in terms of five or 10-year plans, now all of a sudden we're going to be asking them to think 50 or 60 or 70, 80 years out into the future. So we would expect that they need a little bit of time to think about things like that.

So the follow-up group workshops, we would try to collectively put people together that have this common interest, for instance, environmental or transportation or public utilities or whatever, put those groups together. The county agency staff, for instance, we would look at certain growth management administrators and growth management staff, the utilities administrators, people like that we would call together into one group meeting and go back through some of the issues that we learned up there at the workshop and dig a little bit deeper and get more input and provide some sort of commentary as to what -- where we should be going with some of these things.

CHAIRMAN STRAIN: Your master plan, would it include, I guess, kind of take under its wing the pathways plan we currently have, for example --

MR. PERRY: Sure.

CHAIRMAN STRAIN: -- the CAT transportation plan and all that?

MR. PERRY: Yes.

CHAIRMAN STRAIN: You also said that it's going to be sensitive to population, I guess the future population, the grow-out population.

MR. PERRY: Yes.

CHAIRMAN STRAIN: Where are you going to get those numbers from?

MR. PERRY: The Growth Management Plan has the land use constraints, if you will, the totals built into it. There is an adopted future land use map, a Future Land Use Element that can be used to calculate population and

employment and everything else. So that's the starting point.

Where that future land use -- some of it is pretty vague. Obviously, you have large areas of rural fringe or rural lands that are pretty vague as to where and how development might take place. We would sort of like to be able to understand a little bit better how that is going to occur in relationship to the complementing public services that are necessary.

For instance, where development occurs, there needs to be the public facilities to support it. Where the public service, you know -- understanding how the public service providers, fire stations, for instance, provide service, what their limitations are, what their constraints are, it's important to know in relationship to where land development is going to occur.

But the population control totals, if you will, for build-out, are really established by the Growth Management Plan. Whatever is in there today is the starting point.

That may lead to recommendations concerning densities or intensities or locational criteria, or something else may come out of this at the end of the process. But what we're starting with today is what we're given in the form of the future land use plan.

CHAIRMAN STRAIN: There is a big driver of density or population called the RLSA that started a process to expand its size three times what it originally went in for, from 16,800 acres to 45,000 acres of developable land available for credits. That's going to greatly increase the population.

Which number are you guys using for the population in your RLSA, as an example? Are you using what's in the code -- what's in the GMP today or are you using what was applied for but hasn't been followed through with yet and probably won't be for the end of 2011?

MR. PERRY: What the Future Land Use Element holds today is the starting point.

CHAIRMAN STRAIN: So then the --

MR. PERRY: Now, there is some disagreement about whether or not that 16,000 acres or some other number -- I mean, that, notwithstanding that --

CHAIRMAN STRAIN: No. I'm sure --

MR. PERRY: What is in the plan today is the starting point.

Now, if, during the course of the study, if something else comes up, you know, we'll make some adjustments if necessary. But, generally speaking, we have to start somewhere. The Future Land Use Element today dictates densities and intensities. Doesn't provide a lot of locational criteria, but it does provide at least some control total caps. The county has an interactive growth model that includes all of that for the area east of 951.

So all of those kinds of things will be used as the starting point for the study effort.

CHAIRMAN STRAIN: That population that is going to blossom out in the east, it will probably be equal to or greater than what's in the urban area. And the points that that population uses to access our area is going to be crucial to your mobility plan.

MR. PERRY: Absolutely.

CHAIRMAN STRAIN: Interchanges, as an example. If that whole area depends on an interchange that goes through an existing community, that's going to have an impact on that existing community.

So that's why it's critical to use what is going to be the right population. And that's what -- that's hence my question. I'll be interested to follow along with your statistics and see where you get to.

That's most of what I had now. Anybody else have any other questions?

(No response.)

CHAIRMAN STRAIN: Thank you, Jeff.

MR. PERRY: Thank you very much.

CHAIRMAN STRAIN: Next item up. Ms. Caron?

COMMISSIONER CARON: Jeff, I just wanted to make sure that this board is on your list, so that we all get everything.

MR. PERRY: Yes.

COMMISSIONER CARON: Thank you.

CHAIRMAN STRAIN: Okay. Ms. Ebert, you had item 11.B, an add-on.

COMMISSIONER EBERT: Yes, I did. It has to do with what time we meet in the morning.

Speaking with different people who participate in this, they would prefer 9:00. We are the only one that meets at 8:30. And, for convenience-wise, maybe it will help Ms. Caron, too. They --

If we meet at 9:00, part of reason for it is, some of the employees need to get their things done when they get

to the office at 8:00, and it's -- I was just wondering how this committee felt at meeting at 9:00. And the court reporters that we've had, I know would prefer 9:00, too.

CHAIRMAN STRAIN: They have a hard time getting up in the morning.

COMMISSIONER EBERT: Ah, you bet we do --

CHAIRMAN STRAIN: I notice those court reporters, they just constantly want to sleep in.

It doesn't matter to me. Does any -- 9:00 is a good time. But does anybody have any preferences one way or the other?

COMMISSIONER SCHIFFER: I like 9:00. I'm pretty lazy. I like to sleep.

CHAIRMAN STRAIN: Okay. Melissa?

COMMISSIONER AHERN: 9:00 is fine.

CHAIRMAN STRAIN: Donna?

COMMISSIONER CARON: Yeah.

CHAIRMAN STRAIN: If it means 9:00 for you, does that mean you are getting here at 9:00 on the dot?

Barry, do you have any concerns?

COMMISSIONER KLEIN: No. This way or I could do 9:00. I'm amenable.

CHAIRMAN STRAIN: Okay. Ray, or the County Attorneys, between the two of you, is there -- we have a lot of entitlements in various LDC or code of laws for the Planning Commission. Do you know offhand if there are any restrictions on our starting time for regular meetings?

MR. BELLOWS: None that I'm aware of.

MS. ASHTON-CICKO: I am not aware of any restrictions. There may have been a couple of meetings that -- a couple of items that have been advertised, I don't know the status, for 8:30. But, I mean, staff can show up or I can show up at 8:30 and wait til 9:00.

CHAIRMAN STRAIN: Well, no. If you've got -- first of all, the consensus doesn't seem to be a problem, so maybe we ought to look at moving to 9:00. We don't need to move it to 9:00 until the current advertising has expired.

So if you could look at that, and at the next meeting report to us at what date we could move to 9:00, and then make sure all future advertising coincides with that, then we would be good to go.

Does that work for the board?

COMMISSIONER EBERT: Yes.

COMMISSIONER KLEIN: Just remember to come at 8:30 for the next meeting.

CHAIRMAN STRAIN: Well, I think it's 8:30 until the -- until Ray and the County Attorney --

MR. BELLOWS: Until --

COMMISSIONER EBERT: Until you hear otherwise.

MR. BELLOWS: -- probably the second meeting in March.

CHAIRMAN STRAIN: We want to have it as a discussion item here so that everybody on the board knows that we've changed it as well effective whatever date. So the next meeting we'll solidify that idea.

Go ahead, Brad.

COMMISSIONER SCHIFFER: Mark, while we have everything in flux, would it be wise to meet in the evening sometime, just for the public's sake? We do have some items -- or maybe we meet in the afternoon that can go into the evening with certain items. But it does seem --

CHAIRMAN STRAIN: I think for the length of our meetings, to start at night -- I mean, all of us, quite a few of us work. And if you start kicking in at 5:00 or 6:00 at night, and some of our meetings go for three to five to six hours, and we never know how long they're going to go, I honestly think that could be real detrimental to the decision-making process, to be honest with you.

COMMISSIONER SCHIFFER: But I do feel sorry sometimes, when you can see people obviously are taking off work to sit here and watch a boat dock and then wait for their item and -- but anyway --

CHAIRMAN STRAIN: Well --

COMMISSIONER SCHIFFER: -- I mean, 9:00's a --

CHAIRMAN STRAIN: I think, with the staff attendance as well and the overtime, that we'd have to look at that, and keep the cameras running. Kady would be here at night. I -- yes, Melissa?

COMMISSIONER AHERN: Do we ever do time specifics for certain items that are going to be highly attended?

CHAIRMAN STRAIN: If we have a meeting that is rather lengthy and there is a sensitivity to a particular item, yes, we have in the past. But on our board it doesn't occur as often because we don't have so many no-zoning

issues. The BCC has a lot of stuff to deal with, so they sometimes try to separate it out. So, I mean -- yes, we -- if that did occur, we could do that. And we have in the past periodically.

COMMISSIONER EBERT: Very good.

CHAIRMAN STRAIN: So we'll leave it. Next meeting we'll get an update on that time change and see how that works.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Anybody else?

Ms. Homiak?

COMMISSIONER HOMIAK: Since we're talking about meetings, our schedule, are just the regular meetings throughout the year. Are there any other others?

CHAIRMAN STRAIN: There will be --

COMMISSIONER HOMIAK: Do we have any other meetings besides the regular meetings?

MR. BELLOWS: You will have some items, such as the EAR or Growth Management Plan special meetings. And you would have -- coordinate the time of those entities, or we would. Certainly I'll be coordinating with Mike Bosi and everyone else within the Growth Management Division about the 9:00 start time, so --

CHAIRMAN STRAIN: I think she means they don't show up on the calendar --

COMMISSIONER HOMIAK: No. We have nothing but regular meetings on our calendar. So I was just wondering what the other dates would be.

CHAIRMAN STRAIN: I think, as they come up, he will add them to the calendar, because he distributes that calendar every week.

COMMISSIONER HOMIAK: There is nothing?

CHAIRMAN STRAIN: I don't think --

COMMISSIONER HOMIAK: I mean, last year we had them and they were all already on, for, like, the whole year, at the beginning of the year.

CHAIRMAN STRAIN: Are any future dates set?

MR. BELLOWS: Additional dates other than your normal CCPC dates? I'm not sure I understand the question.

COMMISSIONER HOMIAK: Yes. Any other meeting dates throughout the whole year.

MR. BELLOWS: I will double check --

COMMISSIONER HOMIAK: Last year we had the whole calendar at the beginning of the year and now we just have the regular meetings.

MR. BELLOWS: Those would be some comp. planning items, special items. And I'll follow up and make sure that calendar you have has all the other dates.

COMMISSIONER HOMIAK: Okay. Good.

COMMISSIONER EBERT: I do also have a question. And it was so funny, because this morning I did ask Ray. I said, can we save some trees and maybe only do this three to four months out? Because you are right, that's all I see on here are, you know, so -- just save some paper.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. A massive amount of public here. I guess we're not going to have a lot of public comment.

Is there a motion to adjourn?

COMMISSIONER AHERN: Motion.

CHAIRMAN STRAIN: Made by Melissa --

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: -- seconded by Ms. Ebert.

We are adjourned.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 9:56 a.m.

February 3, 2011

COLLIER COUNTY PLANNING COMMISSION



MARK P. STRAIN, Chairman

ATTEST:

DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 3-17-11, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC. BY  
ELIZABETH M. BROOKS, RPR.