

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
June 2, 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 9:00 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

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

ALSO PRESENT:

Jeffrey Klatzkow, County Attorney
Bill Lorenz, Environmental Services Director
Ray Bellows, Zoning Manager
Thomas Eastman, Director of Real Property, Collier County School District

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the June 2nd 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: Okay, will the secretary please do the roll call.

COMMISSIONER HOMIAK: Looks like Mr. Eastman is absent, Mr. Schiffer is absent, Mr. Midney is absent.

Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Ms. Caron?

COMMISSIONER CARON: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak's here.

Mr. Murray?

COMMISSIONER MURRAY: Yes.

COMMISSIONER HOMIAK: Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: And Mr. Klein?

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: Okay, thank you.

**Addenda to the agenda. Yesterday we all received an e-mail of the request of the county to continue item 10(A), which is the Watershed Management Plan. Personally after reading it I think that's a good move on the county's part. But I didn't know if there was any -- as long as the Board approves, was there a recommendation to accept the continuance request?

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: Ms. Caron, seconded by --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Ms. Ebert.

Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

COMMISSIONER HOMIAK: Will it be to the July 7th meeting?

CHAIRMAN STRAIN: Doesn't -- whenever they get done with it. They had a series of issues yesterday at the EAC, I understand, but I think in reading it they may want to carefully look at what they were presenting anyway, and in that process who knows how long it will going to take. It already is what, 12 years overdue? So to do a better job and take a little longer may not be a bad thing at all, so in the end I think it's probably a very good move.

**Planning Commission absences.

The next meeting is on July 7th. We do not have another meeting in June. Does anybody know if they are not going to be here on July 7th?

(No response.)

CHAIRMAN STRAIN: Okay.

**Approval of minutes. We had a -- minutes electronically provided for the May 5th, 2011. Are there any changes, comments? If not, is there a motion to approve?

COMMISSIONER CARON: Motion to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Ms. Caron, seconded by Ms. Homiak.
Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

**Ray, do we have any BCC report?

MR. BELLOWS: Yes, on May 24th the Board of County Commissioners heard the PUD rezone for the church -- the Grace Romanian Church, and that was approved on the summary agenda.

CHAIRMAN STRAIN: Okay. Thank you.

**Chairman's report. Nothing specific to report, other than the fact that at 12:30 today I have to leave to attend to a family matter that I could not postpone any longer. So at whatever stage we're at at 12:30, I'll have to depart from these premises, and Ms. Caron will take over.

COMMISSIONER CARON: We're glad to have you back.

CHAIRMAN STRAIN: Thank you. It was 40 hours and 34 minutes of driving. I can't tell you how many gallons of gas. If you see a jump in the oil companies' profit margins, it's because I drove to Ohio and back.

**Consent agenda items. The only one up is the Vanderbilt Beach boat dock extension. Any corrections or changes to that item?

(No response.)

(At which time, Commissioner Midney enters the boardroom.)

CHAIRMAN STRAIN: Is there a motion to approve the consent agenda item BDPL-2010-1685?

COMMISSIONER AHERN: Motion to approve.

COMMISSIONER KLEIN: Second.

CHAIRMAN STRAIN: Made by Ms. Ahern, seconded by Mr. Klein.

Discussion?

(No response.)

CHAIRMAN STRAIN: I'll abstain from the vote because I was not here for the hearing.

Other than that, all those in favor, signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Anybody opposed?

Okay. I'll abstain, so it's seven approval, one abstention. That's where you're at. Okay.

COMMISSIONER HOMIAK: Mr. Midney is here.

CHAIRMAN STRAIN: Yes, let the record show Mr. Midney has shown up like he always does. Thank

you, Paul. And he opened the back window like he always does.

COMMISSIONER AHERN: No, I did that.

CHAIRMAN STRAIN: You did that?

COMMISSIONER AHERN: I did that.

CHAIRMAN STRAIN: Oh, okay. Paul's a creature of habit though.

**Okay, the first advertised public hearing is 9(A). It's RZPL-2009-25. It's the Gordon River Greenway Park.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Okay, disclosures on the part of the Planning Commission. Anybody?

COMMISSIONER AHERN: I attended the NIM.

CHAIRMAN STRAIN: Okay. I received a copy of the Corps permit from Anthony Pires. And I spoke to the applicant on the phone yesterday.

Other than that, we'll move forward. And it's a presentation.

MR. MARCHAND: Good morning, Mr. Chairman, Commissioners. I'm J.P. Marchand, a professional engineer in the State of Florida with Kimley-Horn and Associates. And with me today on our team for the Gordon River Greenway Park project is Ray Lorraine from Cardno-ENTRIX, an environmental scientist, Alex Sulecki from the Conservation Collier group. They'll both be participating in the presentation. And from the Parks and Rec Department, Barry Williams and Tony Ruberto.

I also just want to mention one of our major stakeholders is also in the audience from the zoo, David Tetzlaff.

What we have -- you have here before you today are two actions that you're being requested to take. One is on a rezone and the other is on a special treatment permit application.

The rezone is proposing to rezone the property in question from agriculture, conservation, commercial intermediate and residential multi-family six to public use for purposes of a public park.

On the maps that we have, in order to get them as large as we could, we've oriented them, north is to your left. So it might be a little awkward, but we felt that having them bigger was more important so you could see a little bit better.

The existing site is located south of Golden Gate Parkway and east of Goodlette-Frank Road. It's 123.6 acres. Currently vacant.

The southern portion on your graphic there, the red line, the southern portion is Conservation Collier lands, those three parcels that are highlighted there. The owner is -- of the entire area is Collier County, and the major partners from the various departments working on this are Parks and Rec and Conservation Collier.

The adjacent property has a variety of uses. You can see there's some vacant lands. There's also residential lands and some nonresidential lands as well adjacent to the site.

The majority of the site runs north and south along the Gordon River. There is a portion of the site, that L-shaped piece to the bottom of the screen, that is also part of the project.

What is proposed on the project is a proposed passive park. This is going to be part of an overall larger trail system. There are many stakeholders involved in this project, including the zoo, The Conservancy, the City of Naples, the airport, all of these groups brought together by the Southwest Florida Land Preservation Trust to work on this overall trail system. The trail will actually extend south and north of this project as it continues to grow.

In 2006 the voters approved taxes to purchase this land for purposes of the trail system. Again, we're proposing a passive park with trail system, two park nodes, and a stormwater treatment system.

A little bit more detail about the concept plan. This is the same plan that is in your packets. There are two development nodes shown on here. One is the northeast node located in this area right here, and then the westerly zone or the zoo node located right here. In those two areas we'll be providing parking, restroom, pavilion. In the northeast node there will be a park maintenance building for storage of maintenance equipment. And there will be shared parking in this west node for the zoo, as well as the passive park.

Also included in this west node is a kayak/canoe launch. And there are boardwalks, trails, bridges spread out throughout the project. As you can see, starting here at the north portion of the project running south is a trail going all the way to the southern end of the project here where it would continue on to the airport property and go south from there. There are also other trails located throughout the proposed project.

Two bridges, one here connecting this west node across the river to the rest of the project, and one so we can continue the trail across the Gordon River in the southern portion here near the airport.

All the trails through the wetlands areas are boardwalks, and in the upland areas they're proposed to be asphalt trails.

There's also a proposed fishing access on the site, not actually in the water, but access to the water for fishing. We have about 3.5 miles of boardwalks, about 2.4 miles of asphalt trail, and lighting on a portion of that trail for -- so that the overall trail can be used even after dark, if necessary.

The preservation area that's shown on here, I mentioned that this is the same plan that is in your packets. This preservation area is the shaded area highlighted here. It was originally planned to be at 22.2 acres. The requirement is 16.92 acres. What we're going to -- requesting from you today is consideration that we give the park a little bit more flexibility in the future and not exceed the required preservation area by quite as much. We're proposing instead a 17-acre preservation area. And we'll talk more about that later. That would meet the criteria and give the Parks Department a little more flexibility in the future, should they desire that.

With that, I'll ask Ray Lorraine to talk to you about the environmental aspects of the project.

MR. LORRAINE: Mr. Chairman, Commissioners, good morning. My name is Ray Lorraine, I'm a senior project scientist with the environmental consulting firm Cardno-ENTRIX. I want to just take a quick minute to sort of describe the overall environmental conditions of this project.

A key goal of the project here obviously is environmental preservation, as Parks and Rec and Conservation Collier are our partners on it.

The site supports existing wetlands along the river. There are proposed impacts I'll talk about briefly, and also we've done extensive work through our involvement on the project censusing for listed species and providing for their protection and planning.

There are five wetlands on the site. They border the river. And again, we apologize for this orientation, but north is to the left. The sites are tidally influenced; they're mangrove systems for the most part. Many of them are in quite good condition, but there are also other areas that are heavily infested with nuisance and exotic species, Australian pine, Brazilian pepper, things like that.

The proposed project will require some impacts. There are approximately 2.4 acres of fill impacts for construction of the northerly node and some other facilities in the property. As J.P. said, there's an extensive boardwalk system that will shade about 1.6 acres of wetlands on the property. And then there's a small area of dredging proposed for the kayak launch. All these proposed impacts obviously will need to go through your local permitting process as well as the state and federal processes. And Parks and Rec and Conservation Collier are prepared to do that as part of this project.

From a listed species perspective, ecologists from my firm probably spent 400 man hours on the site through our involvement so far. We've worked extensively. Gopher tortoises do occur on the eastern part of the property in scrub habitats there. Because of that density, obviously that's the key priority for Parks and Rec in terms of designation of a preserve, and has been designated as such.

It should be noted that while we're discussing a preserve to meet the county's code requirements of 7.2 or 22 acres, in essence more than 90 percent of this site will be preserve when it's developed. The park improvements for the most part are two previously disturbed areas on the western side of the river. Of the 124 acres there's approximately 113 acres of native habitats on the site right now, both uplands and wetlands. In a post development project more than 100 acres will be preserved, more than 90 percent, even though it's not specifically designated as such. Parks and Rec and Collier -- Conservation Collier is committed to the management and enhancement of their areas, just as they have been on your other conservation properties.

MR. MARCHAND: Let me just back up just for a quick minute here to talk about the 17 acres. On this exhibit, the red line that you see here, okay, that's the 22.2 acres that I mentioned earlier, okay. The purple shaded area -- hang on a second, I'll find it. The purple shaded area that ends right here, that's the proposed 17 acres that we're requesting a change to.

We've worked with staff on this. We've kept the 17 acres so that they meet the hierarchy of preservation in that first we're addressing the listed species, that's why I wanted to show it to you on this map. You can see that we've preserved the densest portion of the listed species areas where the gopher tortoises are. And then the scrub habitat also is included within that.

So we've revised that again to provide a little more flexibility for Parks in the future, should they want to do something in that area that is between the 17 and 22 acres. But at the same time meeting all the criteria of the county for the preservation area.

Okay, getting back then. The second part of what you're looking at today is an ST overlay, ST permit application.

The graphic that you see here illustrates the portion, the highlighted shaded area is the portion of the project that is within the special treatment overlay district. The regulations for a special treatment overlay district are directed towards conservation, preservation and protection of ecological and recreational values for the citizens of the county. Staff and us believe that this project in fact does exactly that.

The impacts within the ST area include this northeast node where we have the parking and the restrooms and pavilion facilities, and then the boardwalks and trails that run through the ST area.

In summary, the ST district, the portion of the area that is within the ST district of the project is about 63.5 acres. The altered area where we have the northeast node and the boardwalks is 5.7 acres. The impervious area within the ST district is 1.8 acres. Again, that is almost all within that parking area in the northeast node.

Ninety-one percent of the special treatment areas is unaltered except for exotic plants species removal. And the project does achieve the conservation goals of the ST district.

Summarizing the proposed rezoning, it is consistent with the county's Growth Management Plan, including the elements of the plan that are listed on the graphic. The proposed rezoning meets the criteria of your Land Development Code 10.03.05.I that is used to judge these kind of projects at this Planning Commission meeting.

The staff recommendation is a recommendation of approval with a limitation to parks, recreation facilities and parking on the site.

I do want to point out one clarification. The staff report talked about the park being open in daylight hours. The actual plan is to have the park be able to be open until 10:00 p.m.

The project, as Ray said, will also need to meet all applicable federal, state and local requirements and obtain all applicable permits.

Our request is to you that you do provide a recommendation of approval for both the rezone and the ST permit, provide the flexibility that we're requesting by allowing us to use the 17-acre preserve. It meets the requirements, it leaves more flexibility for the site. And again, the park will plan to be open until 10:00 p.m.

I've also included a -- the same concept plan again that is in your packet, but in this case what we have changed is the preserve. Here again is the -- this shows it with the 17-acre preserve, again encompassing the highest density gopher tortoise habitat, as well as the scrub habitat.

And with that I'd like to just let -- Alex wants to say a few words and have her close the presentation. Thank you very much.

MS. SULECKI: Good morning, Commissioners. A pleasure to be here with you. I don't often get to see you, so it's very nice.

I would like to -- for the record, Alex Sulecki, Coordinator for the Conservation Collier Program.

And on behalf of our staff and advisory committee, I would like to tell you how pleased and proud we are to be a part of this project. We think it adds a fantastic recreational, educational and functional amenity to our county and for the citizens and visitors. Kind of like a Central Park Collier.

We have partnered with Parks and Recreation for permitting and planning efficiencies to save money. We believe the park design is conservation oriented, so it fits well, and our collaboration is a good one.

There are some differences. Our portion, the uses are guided by our Conservation Collier ordinance. So functionally we're protected conservation lands.

Further, it is our intent to offer the South Florida Water Management District a conservation easement over our portion.

And one thing that I just want to mention that wasn't mentioned --

COMMISSIONER MURRAY: You might have to turn that on over there. No light.

CHAIRMAN STRAIN: Is it plugged in? Ah, there you go.

MS. SULECKI: Okay, I just wanted to mention that -- that you looked at the portion that was the preserve, the 22-acre preserve here. And our property line goes right through here. So approximately three acres of that land that they're asking to remove from the preserve is on Conservation Collier land, and it's totally protected anyway. So I

just wanted to make you aware of that.

Are there any questions?

CHAIRMAN STRAIN: Okay, thank you, Alex.

Paul?

COMMISSIONER MIDNEY: Yeah, what kind of flexibility are we trying to preserve by having the preserve just 17 percent of the area, even though we're planning to actually preserve 91 percent?

MR. MARCHAND: The Parks Department has not come up with any firm plans on what they would do with that additional area. But the thought is is that it could be some additional walkways, it could be an observation area.

Right now the trail system skirts the edge of the wetland in the upland area. There's really nothing that brings people into that different habitat, that more upland habitat. So it was thought, well, we might want to provide an opportunity for people to be able to do that. So -- and a place to rest, an observation area, a boardwalk or some kind of trail like that is the things that they have contemplated. But there's no strict plans for that at this point.

COMMISSIONER MIDNEY: I don't know if this is the time to address the Environmental Advisory Council recommendations?

CHAIRMAN STRAIN: Paul, it's time for everything, so go right into to whatever you want to ask, and we'll each take whatever questions we want.

COMMISSIONER MIDNEY: Well, they had voted to deny the petition unless there are three conditions that are approved: Incorporate a filter marsh, include pervious pathways instead of 2.4 miles of asphalt, and provide a parking analysis to evaluate whether all the impacts are required in the zoo node parking lot.

Could you comment on those?

MR. MARCHAND: Sure. The -- at this stage in the rezone stage of a project we typically don't have a lot of details on the project design itself, these kind of details. But in this case fortunately we do, because the Parks Department and Conservation Collier wanted to try and move this forward quickly. So we're already doing design work at this point.

Relative to the pervious pavements, the Parks folks are looking at, you know, what is the use of this facility, you know, we want to make a park for people to use and we want it to be a trail system that people will use and be able to use comfortably with various types of modes of transportation, bicycles, baby strollers, roller blades, whatever. And so from a user standpoint the Parks Department wants to use a smoother surface, especially on the trail system in this project.

From an environmental or water quality standpoint, in terms of the trail, you know, we don't have traffic on it, we don't have pollutants being added to that. There's really no pollutants to treat with runoff coming off the swale -- or off the trail. What we will do through in spite of that is the plan is to have a treatment swale along the edge of the asphalt trail so that water that does run off the trail gets captured in this treatment swale, is treated and held there and percolates into the ground before any discharge occurs.

On the parking facility, again the Parks Department wants to maintain a low maintenance, a low cost surface, so they want -- for a good portion of the parking facility they want to use an asphalt pavement, regular asphalt.

The difference -- you really have two options when you're trying to address water quality concerns. If you want to put in a porous pavement, what are you doing? Well, you're putting in a porous pavement that when it rains water seeps through the pavement and goes into the ground, and pollutants that would otherwise run off end up in the same place. It stays in the pavement, goes and seeps through the ground.

As an alternative, and this is what we're doing here, is we're capturing that runoff that comes off of the pavement, and instead of it going through the pavement and seeping into the ground, we're taking it into a dry retention facility where essentially the same thing happens. It's retained, it's not discharged. The water's retained in the retention pond and then seeps into the ground. So you still don't have the discharge and you still don't have the pollutant loading.

In a porous pavement in a big major storm event you're not going to keep all that water from running off. You're still going to have a little bit of stormwater runoff.

In the system that we've designed for 100 percent pervious pavement on the parking lot in that zoo node, we've designed it so that 99 percent of the average storm events -- of the storm events in an average year have zero discharge. All of that water is held in the stormwater pond and has to percolate into the ground. Same thing that

would do if you had a porous pavement. But we still get to address the user concerns and the parks issues.

On top of that of all that, even though that system's designed for 100 percent regular asphalt and can store that much water and has that little discharge, about half of the parking lot is going to be grass as well. So that gives us even more advantages.

So in short, based on the usage and what the Park Department wants to do with this and their experience with this and limiting maintenance costs that you have associated with porous pavements, the Park has chosen instead of a porous pavement, we'll do the same type of retention and percolation in a dry retention pond instead of in a -- using the porous pavements.

COMMISSIONER MIDNEY: And the filter marsh and the parking analysis?

MR. MARCHAND: And relative to the filter marsh, our system again retains the water. So there isn't a discharge under almost -- well, like I said, 99 percent of the average of the storm events in an average year. But when it does discharge it discharges first into the adjacent wetlands, and it's again very treated and relatively clean water at that point, and then filters through that before it ever gets to the river. So the natural system has sort of built that in for us.

On the parking analysis we are providing a lot of parking in this area. But it is a shared parking with the zoo and even potentially with The Conservancy. Our access points -- let me see if I can go back to that. Yeah. Oh, okay.

Alex can you help me? How do I change back to the other screen? Thank you.

Okay, let me get this up. Right now we have no access proposed directly to Goodlette-Frank Road here. Access will be through The Conservancy. They've already built a drive access here. We'll access it there. And then also through the zoo they're currently designing an access right here lined up with Fleischman Boulevard and we'll access it through there. So it's very much a shared parking lot. There's on the order of 660 allotted spaces in this node. I say on the order of, because we're still in the process of going through this and that number could change a little bit.

The passive park doesn't require very many spaces. I think we estimated on the order of 16, 17 spaces for a passive park. There's not a lot of data on passive parks for what they require. But if we just based it on the square footage of the buildings that are there, the little restrooms and pavilions and maintenance building, that's what we come up with.

But the zoo has a considerable need for parking. And during the design of this, the goal has been we need to try and get as much parking available there as we can to provide that for the zoo. And again, about half of it is proposed as grass parking that wouldn't be used on a regular basis but would be used when there's bigger crowds.

CHAIRMAN STRAIN: Okay, Paul, you finished?

COMMISSIONER MIDNEY: (Nodding.)

CHAIRMAN STRAIN: Okay. Does anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I've got several -- Ms. Caron?

COMMISSIONER CARON: The zoo already uses grass parking in their lot currently; is that correct?

MR. MARCHAND: Yes.

(At which time, Mr. Eastman enters the boardroom.)

COMMISSIONER CARON: And 50 percent of what you're proposing is for grass parking. Why couldn't you just do 100 percent of it as grass parking?

MR. MARCHAND: The experience with grass parking has been when it's used on -- and in fact it's not just grass, it will be a reinforced geotechnical base under the grass to beef it up a little bit so it can take some abuse. But if you use the grass parking on an everyday regular basis, it's not going to hold up and you're going to end up with no grass left. It's just going to be dirt, and when it rains it's going to be mud and you're going to end up with potholes and things like that in there. So that is why we don't want to use all grass parking. It's really only suitable for relatively less frequent use.

COMMISSIONER CARON: I don't know, I'm a pretty frequent guest at the zoo and we use that grass parking all the time. That lot is full all the time. I've never run into any issues or problems with it. I think there's way too much asphalt in this plan.

And what about all the trails, why all the asphalt on the trails? I mean, we're talking about passive recreation, we're talking about walking and jogging and --

MR. MARCHAND: Yes, and other uses as well that the park sees for this. Again, this is part of a bigger system. And part of the intent here is to provide off-road access and multi-modal transportation opportunities for people on bicycles, for rollerbladers, for other types of wheeled uses. And there was considerable --

COMMISSIONER CARON: What does that mean, other types of wheeled uses?

MR. MARCHAND: Strollers and that sort of thing.

But -- and we did have presentations by pervious pavement manufacturers and suppliers, and based on all that the decision was what we really need here for the uses that were intended is a smoother path and that can be provided with the porous pavement.

And again, from a treatment standpoint we're providing the same sort of -- the same kind of treatment in that we are retaining and percolating all the water coming off of the parking lot. If you put in a pervious pavement, you would trade the cost of the pervious pavement for smaller stormwater ponds is typically what happens.

COMMISSIONER CARON: How big is that parking node to the north?

MR. MARCHAND: The -- Ray, what was that?

MR. LORRAINE: Total area is about 1.9 acres, and that includes the facilities --

CHAIRMAN STRAIN: You've got to say things on the record, if you're going to speak. She can't --

MR. MARCHAND: It was approximately 1.9 acres for the entire node, parking, buildings, the works.

COMMISSIONER CARON: So the intent is to have buildings there as well.

MR. MARCHAND: Yes. This intent is at that location we would have a restroom, a pavilion and a small maintenance storage building for storage of the Parks maintenance equipment.

COMMISSIONER CARON: Yeah, that's it for right now.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Okay, I'm going to keep going after that asphalt question.

You indicated that the western portion of the parking lot, which would be the, as you called it, an L-shape earlier -- yeah, move it up toward the river -- you said there would be probably 16 spots for parking. You also indicated that there might be strollers and all kinds of things. And I'm assuming too that's where parking would be for the kayak launching. Would that be correct?

MR. MARCHAND: Yes. And the 16 that I mentioned was just what we calculated as a requirement for the passive park.

COMMISSIONER MURRAY: Well, then I don't understand. Are you saying there's 16 for the passive park and then another allocation for the kayakers and another allocation --

MR. MARCHAND: No, I'm sorry, no. That 16 was what we thought the entire passive park would be required to have.

COMMISSIONER MURRAY: And you probably are correct, I mean, in that regard. And that's what makes me concerned.

I agree with Commissioner Caron. When I read this, I had -- the first thought I had is, oh, my God, look at all this oil-based asphalt, and we're trying to keep it as a preserve type of park. It seems odd.

If you don't anticipate any more than the need for 16 spots, I don't see a traffic issue. And if I don't see a traffic issue, I can't appreciate an investment in asphalt paving and all of its maintenance over the years as being a requisite. It seems extraordinary.

So something to my mind is out of line. You either have an insufficient number of parking spots for the purpose, or you have an extraordinary amount of improvement.

I know the geo -- whatever it is you called that, the structure that you put underneath the grass is fairly strong and has a good life span, and so I'm struggling with the notion. I'm disinclined on all this asphalt, certainly.

I think the project in itself is attractive and interesting, but the calculations that you're offering us for those who would use it against the improvement, cost consideration seems extraordinary.

And I understand that you want to put asphalt then you want to put a swale, which means that you don't have a shoulder, and instead if somebody with a bicycle can go off and hurt themselves if they go off the path. So I don't see that as an advantage. Obviously you satisfy one thing but you create another condition.

So I don't know that you can explain it any better than you have. But I will tell you that I'm disinclined on the basis so far. Thank you.

MR. MARCHAND: If I could just --

COMMISSIONER MURRAY: Absolutely.

MR. MARCHAND: -- let me point that in addition to the parking demand, based on the shared parking that the zoo would be using this as well, there's sufficient amount of anticipated usage that -- you know, we're also providing bus parking. So, you know, anticipation is that we'll have heavy buses driving through here as well. So there is an anticipation of a considerable amount of use of this parking lot.

COMMISSIONER MURRAY: Now you've confused me. Driving through where, sir?

MR. MARCHAND: In the parking lot in this -- the node next to the zoo here.

COMMISSIONER MURRAY: Well, I can appreciate the view that an asphalt to support a large bus is reasonable, but I do know that again the zoo, I've passed it many times and been through it and I see buses and they're parked on the grass as well.

I recognize you're trying to plan for all the potential, but then when you speak of the facts for the use, they don't jive with the information.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, this is sort of a new wrinkle that we're planning for bus parking. I would think if we're planning for bus parking, because it's actually for the zoo, the zoo should handle their bus parking on their asphalt, which is already there, and patrons in their cars should be using the grass parking. And we shouldn't have to have asphalt for buses.

I mean, I can't imagine the county busing people in to walk on the pathways or -- I don't know, unless they are suddenly deciding to bus in bicyclers for an event which, you know, again, it gets away from the whole passive aspect of this if we're busing people into this place for something. I'm not getting --

MR. WILLIAMS: Just if I may, Barry Williams, Parks and Recreation Director.

I do like the idea of busing bicyclists in, that kind of has a nice ring to it for a special event.

But part of what the requirements are that we would be doing for the parking lot, the Board of County Commissioners has a lease agreement with the nonprofit Naples Zoo. That lease agreement, I think they pay \$10 a year for use of the land that there've on now currently. But also part of that agreement, there is a stipulation for developing this parking area. And the zoo would pay for 50 percent of the improvements for this parking. So they've been heavily involved in what the needs are for their -- for this parking area.

Because one of the things that you know, and especially on the free Saturdays I think is probably one of the most noticeable times, the free Saturdays, the parking is really a premium around the zoo. So it's -- and I think part of the consideration is it is on grass now, but we are trying to improve it to allow for some other uses.

And J.P. mentioned a couple other things that aren't part of this process. There's a whole redesign that's occurring regarding the zoo's entrance. And so a lot of the parking that's associated with right across from Coastland Mall, if you will, that will go away at some point. So while this may seem like a lot of parking, what we're basically doing is reconfiguring the parking in and around the zoo to this one location.

So we do have existing parking around the zoo, but once that road design comes through or is established, that will go away.

I don't know if that helps, but I did want to throw that out there.

COMMISSIONER CARON: Well, it shouldn't be taking away, it should just be shifting.

MR. WILLIAMS: Yes, ma'am.

COMMISSIONER CARON: All right. So it's not taking away any parking.

And I don't question the need for the amount of parking you're talking about placing on this, but I do question the fact that it has to be asphalt parking. I don't think that's necessary. I don't think it's necessary for the zoo. I don't think it's -- and it certainly isn't necessary for this park, this greenway. It just doesn't make any sense. And there is enough concrete -- or asphalt on the zoo's portion already that they can handle the buses. I mean, that's just a matter of logistics, figure out how to, you know, park them on the left side versus the right side.

CHAIRMAN STRAIN: You done?

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant?

(No response.)

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

I don't know who from the county can check on this while we're discussing it. But we routinely do churches.

Churches request a certain portion of their parking lots many times to be grass. And I thought there was a code provision about a required percentage of asphalt before they could do parking lots in grass. And the purpose for that was is you're going to have some heavier uses, no matter what level of activity you have on a site. So having asphalt there instead of mud, which a heavy used grass area will probably turn to is probably a good thing. And when you have an exceptional amount of traffic those occasional times you put them on grass.

That's how we look at churches I think. And I'd certainly like to have someone check the code to see if there's a provision in there requiring a percentage of asphalt. That would maybe resolve some of the concerns here today.

Ray?

MR. BELLOWS: Yeah, for the record, Ray Bellows.

I started looking just as you mentioned it. And there is a requirement for a certain percentage of required parking to be paved and a certain percentage can be grass. And the churches I believe is 30 percent, but I'm trying to find out.

CHAIRMAN STRAIN: Okay, well, I've got other questions while you're looking that one up.

One of the things that I seem to feel has a lot more opportunity for mistakes is when we do things on the fly. I understand your concern to go from 22 acres to 17 acres to ensure more flexibility. But if you're over 90 percent with the whole thing of being generally preserve area anyway, I'm not sure the opportunity to change the 22 to 17 is best addressed on the fly at one of these meetings.

I think it's something that if you had intended to do that, you should have gone through the process, including the EAC and others right from the get-go. So that part of your request I have problems with at this point.

As far as the EAC goes, I notice the EAC recommended denial. It wasn't recommending denial subject to these things, because if they recommend denial, it doesn't matter what you do, it's still denial unless you go back to them again.

So I'm a little surprised, because I think the EAC's recommendation could have been more productive for this board and the next board up had they made a recommendation of approval subject to these stipulations. Then each board could have had a better opportunity to understand their stipulations in more detail.

But regardless, I don't necessarily disagree with the comments about the pervious versus impervious, but I don't know if there's a code provision that requires that on a standard subdivision zoning.

Now, during a PUD process, people are asking for things that go above and beyond the minimum standards. And to get those, there's compromises.

This is -- in fact, I wanted to ask you, from what I'm reading in the Page 1 of the staff report, it says that you are changing a C-3 area. What area of this project was C-3 that we're looking at right now?

MR. MARCHAND: Let me put this on --

CHAIRMAN STRAIN: I mean, I know it was in our packet, but I'd like to discuss it on the overhead in public.

Could you flip that up so it's orientated the same as the others?

MR. MARCHAND: That's what I'm trying to do here.

CHAIRMAN STRAIN: That works. Right there is fine.

MR. MARCHAND: In this case north is up.

CHAIRMAN STRAIN: Okay. So the C-3 is a portion along Goodlette Road?

MR. MARCHAND: Right there, yes, sir.

CHAIRMAN STRAIN: In a C-3, the impervious area that's allowed I believe is substantially high. So if you had left that C-3, you would have been able to cover quite a bit of it with asphalt or whatever structures you wanted to.

The multi-family district six, there's two types of that that you had. And what are those going to be now?

MR. MARCHAND: That right now is proposed to stay vacant land and conservancy -- be in a conservation easement.

CHAIRMAN STRAIN: So the impervious area you could have on RMF-6 land, which could have been 40 percent or 30, whatever the percentage is, is zero. In return for that, you're converting all this land to over 90 percent preservation. You're putting in 1.8 acres of impervious pathways or boardwalks and then a parking lot that's going to be -- and you said 50 percent. Is that a number we can hang you with or do you want to say up to 50 percent or up to

40 percent?

MR. MARCHAND: Fifty percent is fine.

CHAIRMAN STRAIN: Okay. And you're going to add treatment swales to all of the walking areas that have impervious surfaces.

MR. MARCHAND: Correct.

CHAIRMAN STRAIN: And that's being offered in lieu of the C-3, the RMF-6 that's been on the plan that could be built today.

MR. MARCHAND: Correct.

CHAIRMAN STRAIN: Okay, trying to understand it.

The next item I have is your -- and this has nothing to do with the code, it's just a question of Barry from Parks and Rec. So it's not an item we can base a vote on because it's not code related.

But Barry, just out of curiosity, what budget process is this going into? What year are you going to develop this?

MR. WILLIAMS: Well, funds are budgeted currently. We have funds in a 306 project for this project. So the funds would carry over into next fiscal year. The anticipation is that construction would begin sometime in FY12.

CHAIRMAN STRAIN: Okay, are they grants, impact fees? What kind of funds are they?

MR. WILLIAMS: Actually the funds came from a grant received from the Trust for Public Lands many years ago. And part of the purchase of the Fleischman property, if you will, a portion of those -- or the grant proceeds went to complete this project.

The Trust for Public Lands and part of the stipulations that we are involved in with this project, it comes from the Trust for Public Lands in terms of certain requirements that we have, how we manage the property and those type of things.

CHAIRMAN STRAIN: Okay, thank you.

And Ray, did you finish looking up percentage of impervious?

MR. BELLOWS: Yes, I did. It's Section 4.05.02 of the Land Development Code. And it provides that all required parking shall be asphalt, bituminous, concrete or dustless material and maintained in smooth, well graded condition. Upon approval of the County Manager or designee, a suitable material, limerock excluded, with suitable stabilized subgrade may be substituted for the above materials.

For grass parking pertaining to churches is up to 70 percent of the parking spaces for house of worship may be surfaced with grass or lawn.

CHAIRMAN STRAIN: Okay. So there is a required portion that needs to be asphalt.

MR. BELLOWS: Yes, 30 percent --

CHAIRMAN STRAIN: Okay, and then the rest, there is -- yeah, okay.

Just out of curiosity, I know this is different and your traffic patterns are going to be different than a church. Do you know how much of your parking is asphalt and how much is -- well up to 50 percent, so you're about 20 percent over. Okay.

Thank you, that's --

MR. MARCHAND: And Mr. Chairman, if I could, just I was reminded of something by Alex. When you talked about the RMF area there, you have to remember that is -- currently at least it's owned by Conservation Collier. So while it is zoned for RMF and could have been developed prior to them purchasing it, now that they own it there's really --

CHAIRMAN STRAIN: I know, but my comment though was to be -- before Conservation Collier bought this, before you came in with a plan to develop it with the Conservation Collier land, the amount of impervious that could have been on this property as a whole is far, far in excess of what you're producing today.

MR. MARCHAND: That's right.

CHAIRMAN STRAIN: That's all I was trying to understand --

MR. MARCHAND: Right. I just wanted to clarify that, that's all.

CHAIRMAN STRAIN: Ms. Caron or Mr. Midney?

COMMISSIONER MIDNEY: Yeah, I have a question again about the filter marsh. When the EAC discussed it, you're saying that the swales behind the parking in the impervious surfaces, was that what their intent was when they wanted a filter marsh, to filter from the impervious surfaces so basically you're substituting swales for

the filter marsh? Is that what --

MR. MARCHAND: We're basically substituting a dry retention area for the filter marsh. And we'll probably put some plants in that as well. It may not be the same kind of plants you would put in an area that's wet more frequently or longer, but we would be putting some plants in there as well.

CHAIRMAN STRAIN: Okay, anybody else? Mr. Murray?

COMMISSIONER MURRAY: On that -- sir, on the map that's on the visualizer right now, in that section you called previously an L, I notice there's a CON in there, presumably for conservation. Am I correct with the subtle blue color that's conservation?

MR. MARCHAND: That's correct.

COMMISSIONER MURRAY: And yet you have it enclosed by your lines of ownership, I guess you call it. How is it possible to convert a conservation area into a parking area?

MR. MARCHAND: Well, and that's what we're here to request is a rezoning, an overall rezoning. There's a little bit about that that is conservation area now. It was designated that -- I've got to remember it here. Originally that area was -- let me find it again, hold on. Where did it go?

COMMISSIONER MURRAY: If you know, title rests with Collier County and Conservation?

MR. MARCHAND: Title for the project area is --

COMMISSIONER MURRAY: No, the specific CON area that I'm referring to.

MR. MARCHAND: The portion that is in the project area is owned by the county.

COMMISSIONER MURRAY: Well, both would be owned by the county, one would be Conservation Collier, would it not?

MR. MARCHAND: No.

COMMISSIONER MURRAY: No? They're both the county, same people.

MR. MARCHAND: The county owns the area inside the red line, okay. This area here is the southwest Conservancy outside the red line. Okay? Conservation Collier are these parcels, three parcels here.

COMMISSIONER MURRAY: Okay, fine. But I'm concerned with whatever portion of CON is located within the area. You've indicated now that somebody else owns or -- I'm trying to still understand. I wish I could point to it here and have you understand me, if you're not understanding me. I just need to understand if that's been designated, that entire, if you will, rectangle has been designated as conservation, and that small portion is now going to be changed into a parking lot. That small -- where your finger is, that small portion. And I wondered how that's accomplished here. How is that done? Is there a deed passed, or what? I mean, I don't know.

MR. MARCHAND: Okay. Yes, this area is currently zoned conservation, that's correct. Part of that conservation area, about 3.6 acres of this blue, is inside the proposed project area, okay? And inside the area that's proposed for rezoning. And this rezoning action that you have before you today would change that zoning of this portion. This 3.6 acres of blue would change that to P for public use.

COMMISSIONER MURRAY: Yes, I appreciate that. But the public use in this case would be away from conservation, and it would become parking.

I just -- I'm surprised that we're doing that. But I can understand why, based on what your plan is.

CHAIRMAN STRAIN: Could you put an aerial on the overhead for that area and blow up the CON area on the aerial?

Zoom in on that, if you could, Ray. Well, that's easy then. Keep bringing it up.

Okay, the CON area is that -- see where the number 4111 is? That's part of it and to the right of it, that big open field. I'm not sure if nature provided that big open field that way. But I'm not -- you know, we're quibbling over a conservation area that may be not that much of a valuable conservation area any longer. It may have been at one time. So I'm just not sure that the idea of using it any further like they're proposing is a negative, since it doesn't appear to be functional that much to begin with. I'm not sure who cleared it, since if it was conservation, how that may have been happened. I think you said The Conservancy owns it. So I'm sure they went through the right process to get done whatever had to be done.

MR. MARCHAND: If I could, Mr. Chairman, a little bit of history about that specific conservation zoning -- and again, it's a conservation zoning, it's not a conservation area -- is that the -- that site was previously zoned RO, recreation open space. And in 1991 when the county created the current Land Development Code, it created new zoning districts and eliminated the RO zoning district.

It was changed -- the RO zoning district was changed to CON. That was determined to be the closest thing to the RO district. And the old RO designation allowed for even more intensive uses than what is allowed under the currently requested P zoning.

CHAIRMAN STRAIN: Okay, thank you.

MR. MARCHAND: So if you go back in history, it was a little different.

COMMISSIONER EBERT: Commissioner Strain?

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: I have a question.

Are you saying that the zoo parking is also -- they're involved in this so this will also be zoo parking?

MR. MARCHAND: Yes.

COMMISSIONER EBERT: So it's really two different entities doing this, you're just kind of improving the zoo parking and adding the extra parking --

MR. MARCHAND: Yes.

COMMISSIONER EBERT: -- for -- okay.

MR. MARCHAND: And if I'm not mistaken, it will be actually relocating the zoo parking here. And as Barry Williams said, the zoo will actually be paying for a good portion of this as well.

COMMISSIONER EBERT: Okay. So this would -- most of this would have been done anyway, even without --

MR. MARCHAND: Yes, the zoo is looking for -- it's making some major changes.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Okay, let's move on to the staff report, if we could.

Thank you, sir.

MR. MARCHAND: Thank you.

CHAIRMAN STRAIN: Ray, do we have any public speakers?

MR. BELLOWS: Three.

CHAIRMAN STRAIN: Three, thank you. As soon as we finish with staff report.

MS. GUNDLACH: Good morning, Commissioners, I'm Nancy Gundlach, Principal Planner with the Department of Land Development Services.

And staff is recommending approval of this rezone with the proposed 17-acre preserve area. And also we are recommending a separate approval of the companion ST permit PL2011-677. And we would also --

CHAIRMAN STRAIN: Let's back up for a minute. The only permit -- the only approval we have listed on our agenda is RZPL2009-25. Should the ST permit have been listed separately on the agenda or are we okay?

MR. KLATZKOW: I think you're okay.

CHAIRMAN STRAIN: Okay. Because our motion would be subject to what's on the agenda, Nancy. And that's why -- if you want another motion, I'm not sure we could do it based on the way the agenda was presented.

MS. GUNDLACH: Okay. And I'd also like to attach the ST overlay affected area map to the rezone ordinance. And if you'd like -- it's part of your backup material. If you'd like, I can show it to you again on the visualizer. It basically just shows the ST permit area and the area that's affected by the development.

CHAIRMAN STRAIN: Please do.

MS. GUNDLACH: That's basically the master plan with the ST area shadowed in gray.

CHAIRMAN STRAIN: Okay, I -- I'm a little concerned after -- I mean, when you said that ST permit you're looking for separate approval, it does say that in the staff report. It says in the last sentence of the first page, a companion request, which we don't have, for an ST permit in conjunction with this rezone request has also been made in order to impact areas within the ST overlay.

Is an ST permit required to have a vote of this board separately from the rezoning? And honestly I don't know that answer. And until you said that I didn't perceive this as a potential issue.

And Jeff, I hate to throw you things without giving you a heads up but --

MR. KLATZKOW: I don't have the answer to that.

CHAIRMAN STRAIN: Why don't we move through the rest of the meeting and the hearing with the witnesses. And while we're doing that, maybe you could -- someone could come to an answer on that and we can get some input. Because I'm real concerned if you need two approvals and we can only give you one because of the

advertising, that does provide a dilemma.

So with that, we'll finish your report if you'd like.

MS. GUNDLACH: Okay. That was my -- those are my questions, those three requests. And it would be my pleasure to answer any questions you might have this morning.

CHAIRMAN STRAIN: Anybody have any questions of staff before we go to public speakers?
Ms. Caron?

COMMISSIONER CARON: Nancy, what's staff's opinion on decreasing the size of the preservation area?

MS. GUNDLACH: The Parks Department and the agent have kept us apprised of the fact over the last couple of weeks that they were considering reducing the preserve area. So we're aware of it, and we are supportive of it.

COMMISSIONER CARON: Why are you supportive of it?

MS. GUNDLACH: Because -- actually, it would probably be best if I invite our environmental specialist to answer that question.

And we have Summer Brown here -- Summer Brown Araque with us here this morning.

MS. ARAQUE: Good morning. For the record, Summer Brown Araque.

CHAIRMAN STRAIN: Could you spell your last name?

MS. ARAQUE: A-R-A-Q-U-E.

It's actually Summer Araque.

This was -- there's been discussion over the last week or so, and I have met with staff, including several levels above me, and we looked at the code to make sure that what they are proposing is consistent with the Land Development Code. And so I can tell you that what you see before you today is consistent with the Land Development Code.

We will do a formal review of that new line after this meeting. But what you have is consistent.

Does that answer your question?

COMMISSIONER CARON: Not really, Summer.

But part of it is that some of it falls within Conservation Collier land. So how is that affected by it?

MS. ARAQUE: Well, like Alex said, the Conservation Collier portion has different protections over it. And she might be able to clarify that better than I could. But my understanding is that essentially where that little wetland is right in the middle -- I don't know if that's on. The property line goes right through that. And so anything south of that area would be in conservation. Like she said, they're planning to put a conservation easement over that.

So really, you have a small portion, possibly one to two acres that would be left in an upland area. And the applicant said that, you know, they may want to use it for an observation area. All we can say is that there's nothing in the code that prevents us from saying yes, that's consistent. If they wanted to impact an area that was dense with gopher tortoise -- or not impact, but not preserve, that would be a whole different story.

COMMISSIONER CARON: But essentially they want to make a hole in a conservation area, or a preservation area that is going to be part of a wetland and border on the gopher tortoise habitat. I mean, it just doesn't seem to make a whole lot of sense.

MR. WILLIAMS: Barry Williams, Parks and Recreation Director.

One correction, first of all, if I may. I had Trust for Public Lands on my mind. I apologize. Mark, you asked me, Commissioner, about the -- funding source is actually Florida Communities Trust.

But just to kind of answer Ms. Caron's question, I think what we wanted was the flexibility. And, you know, we have a park, Eagle Lakes Park, which is a good example of where we've built observation platforms for the public to come and enjoy specific parts of that park. And in that case it's a collaboration that we have with our wastewater department where some of the ponds attract wildlife.

And I don't know that that would necessarily be the case here, but the concept is the same, just to have the flexibility. The observation deck is probably the most compelling one that we would be interested in as far as developing in the future if we could. So the gopher tortoise habitat that is there, we were on the property a couple of weeks ago, I was with the project manager and we personally observed a black racer in a tree, which was -- that's more of a joke between me and the project manager. But the ability to view wildlife is more or less what we're looking for in having that flexibility. So I just wanted to add that, if I could.

CHAIRMAN STRAIN: Okay. And I don't know if Summer was done with her presentation, or Nancy,

you're done with yours, where we're at?

You guys are doing a lot of conferring in the background. That must mean that question about the ST permit raised a lot of concern.

MS. ARAQUE: I didn't have a specific presentation, but if you had any other environmental questions. I mean, keep in mind though that this area is not going -- they're not proposing a specific impact, it's all parks.

CHAIRMAN STRAIN: But it's -- here's the problem I have with it. And you had basically alluded to it in part of your presentation. You said that this just came about recently, a week or two ago, and that you were going to provide an analysis of it after we got done today. That analysis should have been done before today; it should have been done before the EAC.

It's those kind of things that happen that trip us up down the road somewhere because we didn't know the anticipated nature of what we were approving because it hadn't been vetted out thoroughly.

So I'm still concerned about the on-the-fly changes and I'm going to stick with that position. But I appreciate your telling us how you're going to be looking at it. So thank you.

MS. ARAQUE: You're welcome.

CHAIRMAN STRAIN: Are you done with your discussion on the ST, since so many of you had to get up and get involved in it?

MR. BELLOWS: Yeah, for the record, Ray Bellows.

We were thinking that the ST would be processed in conjunction with the rezone. The review of the LDC doesn't require advertising for the ST permit since we're not adding ST lands or removing ST lands. So I think there's where some confusion came in. And we're trying to process it together with the rezone and so there wouldn't necessarily have to be two separate votes.

But we would, at the advice -- the recommendation of the County Attorney's Office, we're going to drop the ST permit from this discussion today --

MR. KLATZKOW: Well, before we do that, do you have to advertise the permit or not?

MR. BELLOWS: No, we don't.

MR. KLATZKOW: If you don't have to advertise the permit, you can hear it.

CHAIRMAN STRAIN: Well, how can we vote on something that hasn't been advertised? I mean, our motions can -- we're supposed to notify on an agenda what we're going to vote on. How do we vote on something if it wasn't advertised? We haven't done that ever, that I know of.

MR. KLATZKOW: Because it's ancillary to the rezoning you're doing here.

CHAIRMAN STRAIN: Well, then I think the rezoning can handle it if we vote on the rezoning.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Jeff, I don't want to get us into uncharted waters with voting on something that hasn't been properly advertised.

MR. KLATZKOW: That's the point. The point is whether or not it has to be advertised, Ray.

MR. BELLOWS: Yeah, it doesn't have to be advertised as a separate --

CHAIRMAN STRAIN: No, but I believe -- don't our motions, our intention to make a motion have to be advertised?

If we intend to hear -- to vote on something, it may not need to be advertised for the process of the ST permit, but for us to vote on it I thought our votes have to be -- anything we're going to make a motion on we have to advertise.

MR. BELLOWS: For the record, one more point. The title that was advertised for this rezone includes the ST process or impacts. So I think one vote on the rezone would take care of everything.

CHAIRMAN STRAIN: Well, if you guys are comfortable with that, that's --

MR. KLATZKOW: I mean, I'm not entirely happy with this, to put it bluntly. But --

CHAIRMAN STRAIN: I'm not either.

MR. KLATZKOW: Okay. But the choice is this, Ray, and I'll leave it to staff discretion here at this point in time. Do you want to just proceed with the rezoning and come back later with the permit or do you want the whole thing now? I don't know if you guys have any time crunches on this.

COMMISSIONER EBERT: They do.

MR. KLATZKOW: Because you may have to go to the -- start from ground one if you're going to do it all

over again.

CHAIRMAN STRAIN: Have we ever done an STP permit before?

MR. BELLOWS: Not in conjunction with a rezone.

CHAIRMAN STRAIN: Have we ever done an STP permit before?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: I don't recall because there's been so many things. What was the process we followed on that? Did we advertise it? Did we put it on our agenda? Was it a motion made based on what was on the agenda?

MR. KLATZKOW: I've never seen one, which is why I'm --

CHAIRMAN STRAIN: That's why I'm asking too. I don't recall, but --

MS. ARAQUE: Generally it's done with a PUD. And the ST area just goes away when you rezone to PUD. Because this is a straight rezone, it's a different process. And we do ST permits for single-family, but they don't fall within the threshold to come before you. So this is a pretty unique situation. So I don't know if that helps.

CHAIRMAN STRAIN: Well, there's another alternative. Jeff, if your office had more time to delve into this while we heard the next hearing up, and then came back to this afterwards, would that give you another couple of hours to come back with a better, more concise answer or --

MR. KLATZKOW: I don't know if the answer is going to change, but that's not a bad thought.

CHAIRMAN STRAIN: Okay. I'd like to get the public speakers then done. And as long as we don't have any overwhelming objection from this board, we'll go ahead and then move to the next hearing and then come back to this in the final -- after we can get more input from the County Attorney. Okay.

With that, let's go to the public speakers. Ray, if you --

MR. BELLOWS: The first speaker is David Tetzlaff.

COMMISSIONER AHERN: I had a question.

CHAIRMAN STRAIN: Oh, I'm sorry. Just one moment, David, I'm sorry.

Melissa, I didn't know you did.

COMMISSIONER AHERN: Summer, if I could ask you a question. Also John.

I read the EAC report and it didn't really address any of the issues that were discussed by the members. Does staff have an opinion of their recommendations or are you comfortable with the alternatives that the petitioner has proposed?

MS. ARAQUE: We do not have an opinion simply on the parking and the pervious, because it's not a requirement in the Land Development Code. I only do my review by what the Land Development Code and the Growth Management Plan require. So I don't have an opinion.

COMMISSIONER AHERN: Thank you.

CHAIRMAN STRAIN: Anybody else have a question of staff before we hear the first public speaker?

John, you got a question of staff?

COMMISSIONER AHERN: I also had a question for him.

CHAIRMAN STRAIN: Oh, go ahead.

COMMISSIONER AHERN: The trip generation reports, it looks like you did two separate reports, one for the Golden Gate entrance and then another one for the kayak entrance. And you were around 50, I believe was about the average.

For the Goodlette area, are you requiring any type of generation reports to accommodate the zoo or other uses? And where does that stand?

MR. PODCZERWINSKY: Yes, we are. With the zoo application that is in parallel with this, it's under a different process right now. We're working on intersection improvements at the Fleischman Park and Goodlette intersection; we're working those all out through the other application.

This application we kind of view as ancillary to that, because it doesn't directly touch the intersection. It's the other application that's ongoing for the zoo that we're working on that.

COMMISSIONER AHERN: So the parking that is shown here that looks really large, is that consistent with the calculations that are going to be presented for the zoo?

MR. PODCZERWINSKY: Actually, I'd have to refer you over to Planning and Zoning staff, because Transportation doesn't work with parking calculations.

Mr. Bellows, can I defer to you on that parking question?

MR. BELLOWS: Yes, could you repeat the question?

COMMISSIONER AHERN: The question is, the parking area that's presented looks really large for the uses right now. I think just for that area we're just discussing a kayak launch. But it's been presented that the parking is also going to be shared with the zoo.

So my question is, is the amount of parking being proposed consistent with the requirements for the zoo as well as the kayak area?

MR. BELLOWS: Well, it's consistent with the Land Development Code, based on what they're saying their need is. Whether you're saying -- you know, staff can't say that what they're requesting is greater than what their requirements are, you know. Basically the parking requirements are based on either the square footage of the unit, if it's a commercial type thing. But you can exceed those numbers and the code provides just if you go over a certain percentage, then you just provide additional landscaping.

So, you know, it's hard to say whether the needs -- required parking exceeds the standards of the Land Development Code.

CHAIRMAN STRAIN: Well, before you run off, boy, I'm getting these flashbacks to development times.

There is a provision in the code that says if you want a percentage greater than a certain amount over what you should have, you've got to go through another process to get it. I thought it was 120 percent or 200 something percent, some number like that.

MR. BELLOWS: Yes. And you increase the landscaping as a result of that.

CHAIRMAN STRAIN: Well, there's more -- I think there's more to it than that. I think it might require a deviation.

But regardless, John, how was the parking calculated -- well, you wouldn't know, because you're traffic. Parking isn't traffic, that's stationary.

So maybe -- what was the basis for the quantity of parking generated by this property for that parking lot? Does staff want to answer that question that they didn't pay any attention to just now and they're still not?

I'll just wait until they get done talking.

Nancy, that question was directed to you, I'm sorry, since John can't answer it. Can you tell me how the parking quantity for this project was calculated and what it comes out to?

MS. GUNDLACH: Okay, what I can tell you is -- John, they're losing parking at the zoo because they're putting the frontage road in. I mean, that seemed obvious to me.

CHAIRMAN STRAIN: John, you need to use the speaker when you answer her question.

Tag team, here.

MR. PODCZERWINSKY: Apologies, Commissioner.

Transportation has not reviewed the configuration of the parking lot at the zoo. We're just looking at the configuration of the driveway and whether or not the movements are safe at the intersection.

CHAIRMAN STRAIN: I'm really trying to resolve a simple question here. This particular project has a certain number of lineal feet of boardwalk, and an observation post or whatever they want to call it up on the north end. They have parking spaces on the north end and they're proposing a large amount of parking spaces on the west end. It's on the same property. How many parking spaces does that property's uses generate? That's all I'm asking.

Now that had to be part of the staff analysis. So what is the answer?

MS. GUNDLACH: I have not analyzed the quantity of parking. I just looked at it based on it's being used by The Conservancy, the zoo. I did have an opportunity to see the master plan and the parking configurations, and it looked appropriate for the amount of parking that's being lost to the frontage road.

CHAIRMAN STRAIN: I don't really have a problem with them using the parking there for the zoo or for The Conservancy. I think that's great. They have a shared parking agreement, that's fine. The problem I have is I do know there is a code provision that once you reach a threshold of a percentage above a certain amount that's required for your property, you have to look at another level of scrutiny or another level of involvement to get approval for that percentage.

I believe it's got to be pointed out and separately addressed. But I -- without spending a half an hour going through the code I can't tell you.

Ray?

MR. BELLOWS: Yeah, typically with conditional uses with their conceptual site plan there's a parking matrix. Doesn't appear to be one done.

We also calculate the parking at the SDP stage. But in regards to this conditional use, we need to figure that out and provide you with --

CHAIRMAN STRAIN: Okay. So we don't know sitting here today whether or not they've broached that threshold of over-percentage on parking because the analysis was never done.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: That does pose a dilemma.

Okay, there are also requirements for shared parking arrangements. If the zoo required -- has required parking and they're taking it out, they intend to use this as a shared parking arrangement to make up for the deficiency they're taking out, just like we do for shared parking on off-site parking, or The Conservancy is using it for a need to meet their required parking, they have to have a shared parking arrangement in place.

Has any of this been looked into?

MR. BELLOWS: I don't know about the shared parking. I think Mr. Tetzlaff --

CHAIRMAN STRAIN: And honestly, I didn't have the question until I heard the presentation today, otherwise I would have given you a heads up before today's meeting because I know that you're on a time schedule. I think these things could be looked at while we move to the other hearing in a little while.

MR. BELLOWS: I think the applicant may be able to explain a little bit more on the parking.

CHAIRMAN STRAIN: The applicant is standing there.

MR. WILLIAMS: Yes, sir.

CHAIRMAN STRAIN: You just got the arrow pointed at you.

MR. WILLIAMS: Not a problem. I can tell you what I know. That's always a good place to start.

Mr. Strain -- and I don't know if this was the question. Barry Williams, Parks and Recreation Director.

But there is a draft of a shared parking agreement that has not been finalized, not been approved by the Board of County Commissioners, the Naples Zoo and The Conservancy. It's a draft that is being circulated that is very close to being brought forward, but it has not been yet finalized.

CHAIRMAN STRAIN: Well, Barry, here's -- and I spoke to you on the phone. I really didn't have a problem with your project. I think some tweaking that needs to be done to clean it up to move it forward would have got through today.

What was -- couple of the questions we've had about the advertising for the STP permit and now this lack of analysis, let's say, on the parking is a concern because in my own experiences in the development field, I have had to utilize the shared parking arrangement, and I've had to utilize the percentage of parking over the required threshold. And I know those two things exist. I just don't remember the specific language today, and I didn't know based on -- until the presentation how this was coming together.

So there's now a hole there, an analysis that probably didn't know it needed to be done but it looks like it may need to be done.

And Ray, what I can offer is if we're going to have a -- if we take a -- if we move to this next hearing and come back to this before we close, maybe that's enough time to look into it, I don't know.

MR. BELLOWS: Well, I just want to clarify that my previous statement, I was thinking of conditional use. This is a standard rezone, and parking isn't addressed at the time of rezone. That's always addressed at the time of SDP review. You're not approving a parking plan with this, you're approving the use.

CHAIRMAN STRAIN: Then how are you going to provide at the STP review an arrangement that provides more than the percentage parking possibly required by the site?

MR. BELLOWS: There's a separate petition process for off-site parking.

CHAIRMAN STRAIN: So they'll have to come back through the process again.

MR. BELLOWS: Yes, for off-site parking.

CHAIRMAN STRAIN: And what about the arrangement between The Conservancy and the zoo in order to use the parking on this property to meet the minimum requirements that they might need to function, would they have to come back in too?

MR. BELLOWS: That would be part of the off-site parking between those parties. And their SDP's would have to reflect any off-site parking arrangements.

But this is a zoning action, not a conditional use, and that's where my misstatement was earlier. There is no conceptual site plan associated with a standard rezoning.

CHAIRMAN STRAIN: Even though they provided one, yeah, it's not required.

MR. BELLOWS: Yeah, the parking isn't addressed at the time of rezoning, it's always addressed at the time of SDP.

CHAIRMAN STRAIN: Okay. Well, let's move into the public speakers and we can chew on this a little bit afterwards.

David, you want to come up and start out? Thank you.

MR. TETZLAFF: Morning, Commissioners. David Tetzlaff, Naples Zoo.

I'm going to attempt to decipher my scribblings from your comments so I can hopefully add some clarity to the conversation, the presentation.

There is a shared use parking agreement in process, as Barry said. And Mr. McElwaine brought up a props copy of the agreement. What that basically says is that if the zoo is having a really heavy day, we can use 80 spaces on their current overflow and further special events, Magic under the Mangroves, et cetera, they can use the zoo/county parking. So that's been in the works for quite some time.

Also, there was a question about our overflow parking in our grass from Ms. Caron that it seems suitable. What you have to realize is that we water that overflow parking every single day, with reuse water, mind you, to keep it firm, compacted and usable. So it is a huge effort just to make that so cars and currently buses can drive on that and not get stuck. If we didn't water that every day we would be dragging cars out there constantly, and buses. Plus when you've got all that grass and dirt, that's a huge fire ant program that we maintain trying to keep up with the -- keeping our guests from getting bit.

The 50/50 on the asphalt and the grass makes the most sense, because currently most of our parking is on asphalt, and that gets the greater percentage of the use. The grass parking does not get used all the time. Free days, exceptional days in season, that's when that grass parking lot takes most of the pounding.

Let's see what else. The road from Fleischman, I want to clear that up because that's a whole nother program that's going on concurrently with this one. And what that will do is basically drive straight across Fleischman Boulevard, across Goodlette-Frank Road. That will dump in where there's currently a pond, and then that road then curves south and will almost touch the northwest corner of our current giftshop. And then that road curves around again and then dumps into this new 600-space parking lot.

So just imagine the zoo frontage, the north gravel lot, the center asphalt lot, the south asphalt lot will be gone. So our only parking will be the new plan that Kimley-Horn and county staff have been working on. So just imagine current parking gone and a whole new setup going on.

Question: Why are those many spaces needed? Last year we had a record 301,000 visitors. That's a lot of use. And when we have huge days in season and also our free days continue to be much more popular, we can have anywhere on a busy day from four to 5,000 guests in the zoo. Our current parking does not provide for that. So that's why we need 600 plus spaces. Because the issue is when we have our overflow completely full, people then park at Fleischman Park or they park at Coastland Mall. That is an issue for us. We do not want our guests having to cross six lanes of traffic in order to use the zoo. So that's why we need a parking lot of this size. It's just not a good safety issue.

Just stepping away from Zoo Dave into the Citizen Dave, because I don't think there's that many citizen speakers here, about the -- let's go back to the vote on November 2nd of '04. The Trust for Public Land bought all that property. They temporarily owned 166 acres. They knew the public in that historic '04 vote wanted two things: They wanted to save the zoo and they wanted more green space.

So, you know, I hope some resolution can be reached by all the parties who have an investment in this that the public wanted that land, the public should be able to use that land. And it was brought up at one time, why do you have to have asphalt, why can't you use grass or mulch or dirt? That is just not public usable. Public has to have some kind of firm surface that you can roller blade, push a wheelchair, a stroller, longboard skaters, all the cyclists.

Because that brings up another point. You're questioning how many spaces you actually need. Well, bear in mind, not everybody's going to access the greenway park from these two parking lots. You're going to have people coming in from neighborhoods, from sidewalks and so forth. So I think once this gets built, word gets spread, this is going to be something this entire community can be proud of.

But if you have any further questions, otherwise I'll --

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: I just have one question. Once you get your plan revised so that you're entering right there off Fleischman, how many parking spaces will you have on your property?

MR. TETZLAFF: None on the current line. It's all county land, but we kind of refer to it as our side, their side, so to speak. So all of it will be --

COMMISSIONER CARON: You're talking about the zoo --

MR. TETZLAFF: -- south, it will be south of our southern border. All of it will be.

COMMISSIONER CARON: You're taking away all of the parking you currently have on your property right now.

MR. TETZLAFF: That is absolutely correct. And that was part of the plan, the dealings that have been going on. Because all of our parking has to disappear to make room for the new access road.

COMMISSIONER CARON: Okay, but you also stated that the shared parking plan that now allows you to park on the greenway parking lot is 80 spaces.

MR. TETZLAFF: No. No.

COMMISSIONER CARON: You said 80 shared parking spaces in the agreement --

MR. TETZLAFF: That's the agreement with The Conservancy. The Conservancy can fit about 80 cars on their current overflow, not the zoo's. I'm sorry if I was not -- I'm not clear on that.

COMMISSIONER CARON: Yeah, you were not. Okay.

MR. TETZLAFF: And someone asked, you know, what studies have been done to see how many spaces the zoo actually needs. We've gone through master planning and we're going through a second round of strategic business planning. We're dealing with firms that work with zoos, aquariums and museums in North America, and they have seen that -- they have, both of those planners and master planners have said that this is the size parking lot the zoo needs to meet its growth.

COMMISSIONER CARON: About 600 spaces, is that what you said?

MR. TETZLAFF: Just over 600 spaces, yes, ma'am.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: And David, you're telling us that the 600 spaces that are being created with the presentation today, those all are going to be -- your facility is going to use as many of those as it needs.

MR. TETZLAFF: Yes, sir.

CHAIRMAN STRAIN: And you're not going to have any parking on your property.

MR. TETZLAFF: Not with the new roadway. The new road provides no parking. It will all be eaten up.

CHAIRMAN STRAIN: Ray, can you tell me how you can have a principal use with no parking on your property when a shared use agreement can only have a certain percentage of the parking, it can't have 100 percent? How are they doing this?

MR. BELLOWS: Well, it appears to be part of a taking for --

CHAIRMAN STRAIN: Who's taking what?

MR. BELLOWS: -- for road purposes.

CHAIRMAN STRAIN: The roads' a voluntary situation. I mean, they want to -- are you taking that big tree out, by the way, by the pond?

MR. TETZLAFF: No, I fought to keep that, thank you very much.

CHAIRMAN STRAIN: Good. That's a good move.

But back on the -- this whole thing is a package that I wish was better thought out with all the elements around it instead of just the one that you're trying to get the zoning on today. Because our questions could have been answered. I know the code addresses these items. I didn't bring it with me today because I didn't know of all the parameters I'm hearing now with the presentations.

But you've got some big issues with the required parking, none of it being on-site. I don't know how you do that.

MR. BELLOWS: Well, I guess it's all county-owned property. And what it boils down to is it's going to have to -- the SDP is going to have to reflect a unified site plan showing parking for the zoo and for the county park as

being one county project.

CHAIRMAN STRAIN: Okay. Thank you, David, appreciate it.

MR. TETZLAFF: This was all memorialized in the zoo-county lease on December 19th, '05.

CHAIRMAN STRAIN: Well, I just want to make sure that it's memorialized in the public process so you guys don't have a bullet hole in you as it goes down the road. And that's my only concern here today. I mean, I'm not against this at all. In fact, I just want to make sure it's as bulletproof as it can be when it goes forward. And I just -- I perceive some issues I'll have spend some time on after this meeting's over.

MR. BELLOWS: The parking will be addressed at the SDP stage, and the zoo site is going to be incorporated into a larger county holding and under one ownership of the county. So I don't see it as a problem. But it will have to be addressed at the time of SDP.

CHAIRMAN STRAIN: Okay, thank you.

Next speaker, Ray? Oh, Cherie', are you doing okay, do you want a break?

THE COURT REPORTER: Thank you, I can wait for the speakers to finish.

CHAIRMAN STRAIN: Okay, could we have the next speaker, Ray?

MR. BELLOWS: Andrew McElwaine.

CHAIRMAN STRAIN: There's two of them.

MR. McELWAIN: Thank you very much. For the record, Mr. Chairman. Andrew McElwaine, Conservancy of Southwest Florida. Appreciate the opportunity to speak to you today, Commissioners.

I wasn't planning to speak but threw my card in with the most recent discussion.

I do want to address this shared parking agreement, which actually reduces the amount of parking needed by the zoo, does not increase the amount.

What we are looking at, as you may have seen if you travel Goodlette, we have put in a new entrance, and we intend, and it's part actually of our SDP I understand, is to then connect to the south parking lot there, the zoo, the grass parking lot from ours.

What we will do, and this has been worked on for quite a while, and I want to compliment David Tetzlaff in particular for his good work on this, on their busy days, like their overflow days, we'll open that up and send some of their folks down our road and onto our campus for our grass parking, which is located behind the dormitory. And that can hold approximately 80 cars. So that will pull 80 cars off of this parking lot, put them on ours. And we're going to put a little foot path through the zoo.

And I will say that's not entirely a philanthropic act on our part because we're hoping people have a great time at the zoo, come all jazzed for conservation and decide to come to our place and enjoy our place as well. And in fact that really is -- those of you who knew my predecessor, Kathy Prosser, who actually chaired the planning for -- one of the advisory committees for this back in the day, they really envisioned this as Naples Central Park, where you'd have a zoo, a nature center and all these other amenities in one location. And we're 25 acres, the zoo is 50 acres. I'm thinking 80-some acres for the greenway park. Put it all together, it's quite something.

So in fact the shared parking agreement does not increase the pressure on this lot, it decreases it. So I did want to make that point very, very clear. So I don't think it needs to go through the formal process that we were discussing earlier, since it's a positive impact on this problem.

Now, on certain days we would also, with the zoo's permission, be able to put some of our overflow on that lot. But it's fairly rare. We can probably handle all of our stuff on-site. We do have some evening events where we need to park cars off-site. And again, that's off-peak, so to speak, in terms of the greenway.

Once in a while we had something that was Say Good-bye to the Turtle Day, which is when our sea turtle was being sent out to sea after being raised and rehabilitated by us, and we had about 3,000 people come through in one day, which stunned us. But so if we're going to have -- we only release a sea turtle every five years, so hopefully that won't be a regular occurrence here.

Thank you, Mr. Chairman and Commissioners.

CHAIRMAN STRAIN: I have one question, Andrew. Your dormitory, where on your property is it located?

MR. McELWAIN: The dormitory, if you're coming into the property and you make a right turn to go down to the wildlife hospital, you're passing the dorm there on your left. Immediately behind that over where now is our filter marsh is a big open grass field. You can't see it right now because our construction equipment is parked there.

CHAIRMAN STRAIN: Could you put the aerial -- it's on there, Ray. Could you just point out on the aerial

where your dormitory is?

MR. McELWAIN: Where's our spot, Mr. Chairman?

CHAIRMAN STRAIN: Show him where The Conservancy is on that plan.

MR. McELWAIN: Okay.

CHAIRMAN STRAIN: That's the area you're planning to put the parking in?

MR. McELWAIN: Sir, there's been parking there since 1977.

CHAIRMAN STRAIN: I know. That's the conservation area that we talked about earlier. That's why I was won -- boy, this is -- every time a presentation comes up we have another question.

MR. McELWAIN: Mr. Chairman, that is our property.

CHAIRMAN STRAIN: I know, I know. It's zoned conservation, according to the map that was shown by the park, which I'm -- okay.

MR. McELWAIN: Again, it's not permanent parking, it's in grass, it's an open field. It does get used for overflow parking.

CHAIRMAN STRAIN: I know, but if you're going to designate it as parking, you're designating a parking area, even though it's grass in a conservation zoned area, I'm sure this is all going to be approved properly, but it's just amazing, this kind of flexibility is different maybe than what we're used to seeing.

MR. McELWAIN: This may be a nonconforming use, Mr. Chairman, because that's been overflow parking since the 1960's.

CHAIRMAN STRAIN: Okay, but it's zoned conservation.

MR. BELLOWS: Yeah. And as the staff report notes, it was originally zoned RO, which allow for those uses, so that's where the nonconforming status comes in.

CHAIRMAN STRAIN: Okay. Thank you. Interesting.

Next speaker, Ray?

MR. BELLOWS: Andrew Dickman.

MR. DICKMAN: Good morning, Commissioners. For the record, Andrew Dickman, private citizen. I want to emphasize that, because I also am a member of the EAC, but I'm here as a private citizen.

As I've served two years on the EAC, nothing has given me more excitement than this project. I think everyone recognizes the fact that if you have The Conservancy, this greenway, the zoo and then also Freedom Park, you have an amazing opportunity and an amazing destination to demonstrate Collier County and Naples' dedication to environmental emphasize, environmental education, et cetera. And I wholeheartedly think that the shared parking and the description that Mr. McElwaine explained between the synergy between the zoo and The Conservancy, that is all well and good.

Here are my issues, and I think some of them have been drawn out today.

Number one -- and these are things that I personally had questions about at the EAC, and they weren't clearly answered. And there was a lot of unanswered questions similar to this, which is sort of why you're asking questions about the EAC decision.

Number one had to do with the parking. And when you look at the north parking lot and the south -- and the more southern parking lot, your total spaces, from what I could gather, because there wasn't a parking analysis, was 715 spaces. So that would be 55 at the top, Fleischman, and then on Goodlette and then 660.

From what I calculated today, it sounded as though the park itself, the passive park needed 17 spaces, the -- it sounded to me as though there were 80 spaces needed by The Conservancy. And that leaves 563. And of course I'm just jotting these down because we never had that calculation done. And if you'll see, I'll give you the minutes for the record.

The other issue that we had, or I had, had to do with the 12-foot-wide asphalt walkway going through this greenway. And then I had some questions and concerns about the land cover and where all of this impervious pavement would go in conjunction to what the type of land cover was there.

The stormwater management is a big issue for us. If you listen to Mr. McElwaine's explanation, they have committed themselves to a filter marsh, which is a fantastic thing. It is one of the more progressive, innovative ways that you can deal with stormwater management. And we brought that up at the EAC and there were really very little explanation for why they weren't going that route.

And then finally after a lot of these questions, and it was dragging on and on, we finally asked Mr. Williams

whether or not they would take a continuance so that we can get some of the answers back to us in 30 days. This was in May, so it would have come before us yesterday, and we could have vetted all of this out and handed over to you some of our specific issues and they may have conceded to redo some of these things.

And the reason I'm here today, because I very rarely do this. I mean, I firmly believe that our role is to, you know, make environmental comments, pass them on to you. That's the process. But this is so important to me and made such an impact on me that I'm here today. And the reason is, is on that very same agenda was the Watershed Management Plans, which you mentioned. The very next agenda item.

And when Mr. Williams said, no, we don't want to come back, just take an up or down vote and we'll move on, a lot of us including me were stunned that, unlike a lot of private developers who are more than willing to come back and get it right because they want the approval, the county, the public agency here said, no, we want to go forward. No real strong explanation why they wanted to do this, for something so important that would be a showcase for good water management.

And the reason we were talking about parking and things like that, which some may say well, that's a planning issue. Well, it's not necessarily, because it has to do with pervious and impervious pavement, stormwater management, et cetera. There really wasn't any explanation about this shared parking, and we were trying to fish it out and there was no discussion about the shared parking agreement, that never came up, we never got any information about, you know, The Conservancy's role, and of course all of you know that they acquired a very nice piece of property that is exceptionally beautiful and they're going to be really good stewards of that. So collectively all that's important.

But when the Watershed Management Plan came up right after this, I asked one of the consultants who in large part is giving us a lot of recommendation on low impact development, i.e., how to deal with stormwater management and how to do things progressively that would help with stormwater management, that at the end of the day will help keep Naples Bay and Rookery Bay and Wiggins Park, all these estuaries clean and healthy, not just for the environment but for the business sector in Collier County who come here for the clean beaches and the fishing and the boating et cetera.

I asked yesterday what that portion of the consultant's grant was from the county. It was \$1.8 million. And that was just the part of the consultants to tell us what is good stormwater management in part. And then at the same time, I asked the consultant right after the parks came up, and I asked him, do you think there are opportunities here to do low impact developments, and the answer was yes, simply.

And that's why I'm here today. Because as a private citizen, \$1.8 million to build a very good report that will help us as decision makers to help the community to educate themselves and decision makers to make good decisions, to go beyond what the Land Development Code says. It doesn't say you can't go beyond to be more progressive, it just says here's the minimum that you have to do. And at the same time have this other part of the government saying no, we're doing this just because the code says it and we did it this way in Freedom Park and blah, blah, blah. I just didn't find it good enough.

And there were so many questions that I voted no and I made it clear on the record I voted no, not because I think this project isn't worthy, because I've followed this since my short tenure with The Conservancy which I immensely enjoyed and also as the EAC. Because I do think this is probably one of the most exceptional opportunities for Collier County and Naples to show not only the community how it ought to be done, but when developers come to us we can say, go look at that, go look at that whole area, the filter marsh on The Conservancy. Go look at the filter marsh, go see how this is being done and bring back plans.

And again, most developers that come before us are willing to take a continuance and come back to us. But it stunned me, honestly, when Mr. Williams said no, give us an up or down vote, we'll move on. I found that very disheartening, to say the least.

So with that, I would recommend honestly that you table this and even if you can, send it back to the EAC so that we can finish our conversation with them and give you that information. Because I really think that something this important, there isn't -- in my opinion, no one's given a good reason why this has to be a fast track, which seems like it's going to be. I've been in government a long time as a planner and now as a private land use attorney, and I kind of sense what's going on. I don't need to say it, but I sense what's going on.

And I think that if the government is going to do something on the one hand to protect the environment and spend a lot of money and then also on the other side of the government do something that isn't as good as it should be

or could be, I think there's a problem there. There's something that's owed to the citizens of this county in that regard.

So thank you for allowing me to speak. I do have the minutes. I don't know if you have them. But I want to put them in as an Exhibit A. This is the minutes from our meeting in May, which --

CHAIRMAN STRAIN: Did you have copies for the court reporter --

MR. DICKMAN: Yes, I'll give her --

CHAIRMAN STRAIN: For the rest of us, they are public record anyway, so -- I mean, if you say the minutes to the EAC and provide the date, I'm sure that we --

MR. DICKMAN: Minutes of the EAC for May 4th, 2011. It sort of speaks for itself. Thank you very much.

COMMISSIONER MURRAY: Mr. Dickman?

CHAIRMAN STRAIN: Go ahead, Mr. Murray.

COMMISSIONER MURRAY: You indicated, I think, that you were perhaps unhappy with the trails being 12-foot-wide and composed of macadam or whatever. Is it because of the use of the material or is it because of the underlay, the disturbance to the land, the building up of it? What is your actual concern there?

MR. DICKMAN: Let me reemphasize that I'm speaking as a private citizen. Because yesterday we actually authorized one of our members to speak to you officially as our -- but the concern was the material, the impervious material, the width of it, because we have looked at projects from developers where they have smaller paths but with pull-off areas. So we felt that it wasn't -- or at least I felt that it wasn't needed to be roadside, because they described it as, you know, if -- as if all of these rollerbladers, bikers, walkers and everybody came together at one time. And I just felt like it was too large. And I didn't have enough information about what land cover it was going to be going through.

And gopher tortoises and relocation, all of that. But the size of it and the material being used and the reasoning for using that just didn't square with what I felt was adequate.

COMMISSIONER MURRAY: I thank you very much. I too agree with you, it's a wonderful project.

MR. DICKMAN: It's fantastic.

CHAIRMAN STRAIN: Mr. Midney?

COMMISSIONER MIDNEY: I just had a question. I don't want to put you on the spot too much, but do you feel that what they describe as their dry detention area is roughly equivalent or roughly as good as a filter marsh?

MR. DICKMAN: No, I don't.

CHAIRMAN STRAIN: Okay, thank you.

Andrew -- brief, please.

MR. McELWAINE: The Conservancy is not going to be using 80 spaces on the county property, rather, we've offered the zoo access to up to 80 spaces on our property. So I just want to correct the record on that statement that was made, The Conservancy is going to be using 80 spaces on the public property. We will not be using that.

CHAIRMAN STRAIN: Thank you, sir.

Ray, I think we're going to take a break and come back at five after 11:00 and then we'll resume the public speakers at that time. So see you all at five after 11:00.

(A recess was taken.)

CHAIRMAN STRAIN: Okay, welcome back from the break. We're one minute late, but we're still together. So we left off on public speakers for the greenway park. And let's resume. I think we had a total of four, Ray?

MR. BELLOWS: Yes. And the last speaker is Bill Barton.

CHAIRMAN STRAIN: But that's only three, so we had a total of three.

MR. BELLOWS: There was four.

CHAIRMAN STRAIN: Oh, was there? Okay.

MR. BARTON: Chairman Strain, members of the Planning Commission, for the record, my name is Bill Barton. I'm speaking to you today on behalf of the Southwest Florida Land Preservation Trust, of which I'm a member of the board.

My intent today was simply to come and tell you how strongly our board promotes and embraces this project. But some of the discussions this morning causes me to spend a few minutes and put on a different hat, if I may.

I'm a professional engineer in Florida, have been for many years. And during the course of my career, I designed hundreds of parking lots, many with combined asphalt and grassed areas. And I wanted to spend a few minutes talking to you about some of the technicalities of that design.

There was a lot of talk today about pervious and impervious areas. And I want to make mention that asphalt is not an impervious material. The runoff coefficient from an asphalt parking lot is typically considered to be .9. That is to say that for each amount of rain that falls on that parking lot, .9 of it will run off into the stormwater management system serving it.

From a typical grassed area, a lawn, if you will, that is well drained, and most of them are, the runoff coefficient is generally considered to be .3. So for every amount of rainfall that falls on that grassy area, typically .3 will run off and .7 will be absorbed in the ground.

Parking areas are sort of halfway between. You don't just go out in a grassed parking area and throw some geotechnical material on top of a sandy surface and expect it to serve as a good parking facility grassed. Instead what is necessary is for the subgrade in that parking area to be stabilized. In Florida, the typical south Florida, the typical way to do that is a mixture of the sandy soils that are prevalent on the site with a percentage of crushed limerock. And the two of those together will create what was referred to as a stabilized subgrade.

The runoff coefficient from a well drained stabilized subgrade grassed area is generally about .5. So keep in mind when we move from asphalt to a grass parking lot, we're not moving from 100 percent runoff to 0 percent runoff. Instead we're really moving from .9 to about .5. Striking difference in that analysis when you think of it in those terms.

The other thing that was mentioned was the maintenance factor. Maintenance of grassed parking areas is considerably higher than the maintenance of asphalt areas. And a grassed parking area, as Mr. Tetzlaff pointed out, number one, you've got to irrigate it. Number two, you've got to mow it. How many times depends on the time of year. You have to add fertilizer to it, you have to add pesticide to it. So the cost for maintaining a grassed area, typically if it's a grassed area that has got bumper blocks in it, because now you probably also introduced the need for hand mowing around those bumper blocks, typically with a weed eater or some type device. So maintaining a grass parking area is considerably more expensive. Even though on a 10, eight to 10-year basis you have to resurface a parking area, the cost is still higher to maintain a grassed had area.

So I wanted to make a couple of points on those. But I'll follow that up by saying, the appropriate amount of grassed areas, in my opinion, is absolutely good. I'll give you a good example. One of the parking lots I designed about 10 years ago was First Presbyterian church in Naples. And our goal was to put in as many grassed parking spaces as we could, and we did. But we still kept, obviously, all of the handicapped spaces were paved. All of the travelways in the parking lot are paved. And we paved enough of the spaces immediately adjacent to the building that we thought would take the everyday traffic. We underestimated. And I probably should have put an additional 10 spaces of pavement in, because those 10 spaces are used so extensively that they're constantly a problem, constantly a problem. When cars park on them all day long, day after day, they get no sunshine, grass can't grow and it just turns into a problem.

So just some thoughts for you mull over as you're thinking through this whole project.

In conclusion, though, I want to tell you that in all my years in Collier County, I'm not sure I've ever been as excited about the prospects of a single project. This project is going to create for the urban area of Collier County, in my humble opinion, something that is going to be remarkable for generations to come. And I urge you to support it. I urge you to think in terms of there's no such thing as a perfect project, and I suspect that each one of you at the end of the day will have a few little things with this project that you think could be better. I would urge you to ask the question, do my concerns rise to the level of a fatal flaw. I would hope they don't and at the end of the day that you would support this and send a recommendation of approval to the County Commission.

If there's any questions, I'd be happy to try to answer them.

CHAIRMAN STRAIN: Bill, I don't have a question, just kind of a comment. And I've been on this board a while and I've sure been in the county long enough to have worked with you on many projects. And we've always scrutinized projects pretty carefully. And projects you guys have brought forward, I can surely tell you between Al Reynolds and yourself and others, we have asked you an awful lot of questions and we've gotten an awful lot of detail out of you, and y'all do a good job and we get really good answers.

But that level of -- that standard of efficiency, that standard of professionalism that we get from the private sector isn't limited to just the private sector. And when the government sector comes forward with something, they too should expect the same kind of scrutiny. And that's the only issue I have with this. Like you have expressed, I certainly agree, this is an absolutely great project. I would love to see this. I personally would use this. Everything

about it is just great for Collier County. I don't have as many of the problems and concerns that the EAC did with the types of asphalt and all that. I think the suggestions made by the applicant are going to work.

I'm very concerned about the change to the process that we would have to kind of bypass to go forward that we wouldn't have bypassed if it was in the private sector. That's the only piece that bothers me, because it's not as fair then to the private sector who would have to go through the hoops and answer the questions about the shared parking, the percentages, why do you need 660 spaces for a boardwalk. Well, you don't. But the analysis was never done to show how many, therefore we don't even know the percentage over the amount to know how the code applies in some cases.

Those are questions that we would have expected to be answered. And that's the only bother I have with it, Bill. I hope maybe through some discussion we can resolve that. I just don't know yet. But I just wanted to let you know where I was coming from on it. I'm just making sure everybody's treated equally, so thank you.

MR. BARTON: Fortunately Chairman, that wasn't in the form of a question so I don't have to answer it.

CHAIRMAN STRAIN: No, I just was trying to express. I know a lot of people would like this, I would too. And I'm just trying to figure out a way to get there.

MR. BARTON: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Ray, is that the last speaker?

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Does Parks and Rec or staff, anybody want to make any closing comments? Staff? I see Nancy pop on up and --

MS. GUNDLACH: You're welcome to go first.

MR. MARCHAND: Thank you, Mr. Chairman. J.P. Marchand again for the applicant.

Just a couple of things. One, again, what we're here today for is to consider a rezoning of this project -- or this land from the current uses, include the agriculture, the RMF, the conservation and the commercial to the public use P use district. That's what we're here for.

Staff has pointed out that in this particular case where we're doing a straight rezoning that the parking details are handled at the site and development plan process.

But there has been a lot of discussion about the details of the parking and the design, and in this case we have gone forward and do have some answers to some of those. And I just want to comment a little bit about there was discussion about low impact development, LID, opportunities. And there are opportunities here. There's no doubt about it. And they are being employed in the proposed design here.

For instance, the big parking lot that we've talked about. There is a treatment train of stormwater treatment facilities proposed for that parking lot. It starts out with the grass parking over a considerable portion of it. We've said at least 50 percent. Mr. Barton talked about the .5 versus the .9. It goes on to some of the medians within the parking lot are depressed medians that will serve as a bioswale is the LID term. The water will go into there and be stored or treated in there prior to moving on to the rest of the system. From there it goes into the dry retention system. And retention of stormwater, keeping it from discharging at all, that's the goal of all LID techniques, whether it be a pervious pavement that allows the water to go through the pavement and into the ground. The idea is retaining it, not discharging it. Or even stormwater reuse, the idea is you prevent that water from being discharged into the ultimate receiving water, you are using it for irrigation. So retention is essentially the ultimate goal of LID.

But we're still not done. From there, instead of a direct discharge into the receiving water at the Gordon River, it goes through some of the wetlands on the site. And we're preserving a lot of wetland on this project.

So, you know, we are addressing the stormwater.

In addition to that, the project includes a stormwater treatment facility that's going to take currently untreated runoff from off-site from Golden Gate Parkway and treat that water in a treatment system, which is above and beyond what we would do on our site.

And then finally, getting back to the parking lot again, we've designed that retention area as if the entire parking area was pavement, was at that .9 that Mr. Barton talked about. So we're overtreating that water again as well there.

The end result is, as I said earlier, that for 99 percent of the storms in an average year, there's no discharge at all off the site.

And with that, I'll let Nancy go ahead.

CHAIRMAN STRAIN: Okay, Nancy?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: You had gotten up before when I asked if there was any final comments and offered you the opportunity to provide any.

MS. GUNDLACH: Thank you so much, Commissioner.

We do have final comments. Ray, is it appropriate for me to ask you if you would like to speak?

CHAIRMAN STRAIN: Do you want to put him on the spot. Ray, what's the appropriate comment?

MR. BELLOWS: Nancy and I were talking with Summer and we feel that the -- and with the County Attorney's Office. The best course of action is to drop the ST permit application as a companion item with this rezone action and just go with the rezone action. And we'll deal with the ST permit later and bring it back to the appropriate channels at that time.

CHAIRMAN STRAIN: Did you during any of this time frame take a look at the parking issues that have been brought up?

MR. BELLOWS: Yes. The parking issues, and I did mention that previously, because it's a standard rezone, there's no parking calculations associated with a standard rezone. And those will be addressed at the subsequent development order stage, which is typically the SDP.

CHAIRMAN STRAIN: I don't disagree that a standard rezone doesn't require it, but when the applicant puts the plan on record, it poses a problem. We're not then in a position to approve a plan without knowing the answers to those questions.

MR. BELLOWS: I think the plan isn't an attachment to the rezone ordinance, and --

CHAIRMAN STRAIN: Which plan will be attached to the rezone ordinance?

MR. BELLOWS: There is no plan, technically, unless you want one.

CHAIRMAN STRAIN: Right in front of us right now there's a proposed concept plan. Why do you intend to attach the rezone ordinance?

MS. GUNDLACH: Actually, to the ordinance there is no master plan, no site plan. There will be nothing attached because we removed the request to attach the ST permit plan.

CHAIRMAN STRAIN: Okay, and collectively how are you as staff going to handle the zoo's being a principal use with no parking on-site?

I mean, we've been -- we have testimony that it says the parking is going to go on this site. This site is -- and then how do you do that? How do you accomplish that, do you know?

MR. BELLOWS: My understanding is there will be an SDP that -- there are several ways to accomplish it. One is an SDP for county-owned property that incorporates the park use and the zoo use, and they'd have a shared parking as part of that unified SDP.

CHAIRMAN STRAIN: You've got The Conservancy's piece in here too.

MR. BELLOWS: That could either be done through an off-site parking agreement, which is another process that's brought before this planning commission.

CHAIRMAN STRAIN: And how is the process that provides for the percentage above standard parking requirement? Once you hit a certain threshold you have a higher level of scrutiny. I don't recall -- and it's not just landscaping, it's a process. Did you look that up to see?

MR. BELLOWS: Yes, we did one about a year and a half ago in regards to the site up on the East Trail, the flea market. They had an off-site parking plus parking in excess of the 120 percent. And that was like a parking variance, and the petition was brought to the Planning Commission. And so that could be the same situation, if they are in fact exceeding that --

CHAIRMAN STRAIN: Well, if they only need 17 spaces and they're providing 660 on the property, which they're certainly above 120 percent.

MR. BELLOWS: Yeah, depends if we're pulling in these other uses and the like. But --

CHAIRMAN STRAIN: What other uses on the property do you have besides what's shown on the plan in front of us?

MR. BELLOWS: My understanding is that the zoo could be part of the -- we're looking at one that's the P zoning district. But if you have an SDP, you can cross into the zoo holding. And also -- well, that's also part of this

zoning.

CHAIRMAN STRAIN: Well -- and Ray, each property gets weighed on its own parameters. This property has a boundary to it. The boundary shown on the concept plan in front of us, the uses on that property are what we'd be voting on basically today. You say you're going to go with a park use. We're looking at 17 spaces needed for a boardwalk. How are you going to justify the 600 spaces that are being put in? Has anybody even contemplated that?

MR. BELLOWS: Staff hasn't contemplated that as part of this rezoning action because parking is addressed at the time of SDP stage. If somebody is proposed greater than that parking allowed, then they have to do the off-site parking or come in for the percent above 120.

CHAIRMAN STRAIN: Well, I can assure you after this meeting I'll check on it too. But thank you for your input, I realize we're at a stopping point for those questions.

So, anything else, Nancy, you wanted to add?

MS. GUNDLACH: Just that we're only asking for approval of the rezone today.

CHAIRMAN STRAIN: We'll close the public hearing. Thank you. And discussion on the Planning Commission? Planning Commissioners, anybody have any comment they'd like to make?

Mr. Murray?

COMMISSIONER MURRAY: I think this is an excellent project. And I don't really -- now that I understand the parking that is intended for the zoo, I don't really have a problem with the idea of providing asphalt parking for them in the main. And I think that that can be worked out.

I do continue to have a problem with the asphalt running through the passive park. I think a better material could be chosen. And if a motion is made to approve it, I would probably do so reluctantly.

And finally, I would remind the Chairman that any question from a Commissioner does not constitute a quibble. Thank you.

CHAIRMAN STRAIN: I don't know what that meant, but that's fine.

COMMISSIONER MURRAY: What you did is you stated that we were -- that I was quibbling over the conservation question that I raised.

CHAIRMAN STRAIN: You were making a mountain out of a mole hill.

Go ahead, Ms. Ebert.

COMMISSIONER EBERT: Yes, I think for everything involved, this is all Collier County land, it would be nice to see a master plan so we can do all the parking, where it's going to be, the paths, everything. It would be nice to see a complete master plan for this whole area.

CHAIRMAN STRAIN: Okay, Ms. Caron?

COMMISSIONER CARON: Yeah, I think I'm -- I think I'll make a recommendation. And again, I think everybody on this board agrees that conceptually this is a great project and we all want to see it go forward. Seems to me, though, that on several different levels it's not ready for prime time yet.

I think I'll make a motion and see what happens, that we do send it back to the EAC. They had some serious questions that never did get answered. I think some of them may have gotten answered today. But they deserve that discussion time. They are the board that should be discussing a lot of these issues. And it sort of got tossed to them as vote it up or down because we don't want to deal with it anymore, we don't want to deal with you anymore. And I think that's inappropriate. We would not put up with that from anybody in the private sector.

In the meantime, that also gives staff time to address the parking issue. And from this standpoint, how much of it should be paved and how much should be grass, how much -- how can we have a primary use on the zoo and have zero parking associated with that. I think there are a series of questions that staff really does need to answer before this should come back to us.

So I'm going to make a motion that we send it back to the EAC, and it will give time for both staff and the other planning board to work out some of the details.

COMMISSIONER MURRAY: I'll support that motion.

CHAIRMAN STRAIN: Is there a second to the motion? Mr. Murray made a second to the motion. Is there discussion?

(No response.)

CHAIRMAN STRAIN: On my part I will not support the motion. I don't feel it needs to go back to the EAC. I do think with some stipulations, we could move it forward today. I do have concerns about the parking, but

they're outside the boundaries of this property, which means they're not part of the review of this board today. So I don't have any LDC cites that I could say for turning this down at this time.

So even though I think it could have been done a heck of a lot better, I would not be able to support the motion to send it back or to deny it.

So with that in mind, I'll call for the vote. All those in favor of supporting the motion to send it back to the EAC, signify by raising your hand and acknowledging aye.

COMMISSIONER MIDNEY: (Indicating.)

COMMISSIONER CARON: (Indicating.)

COMMISSIONER MURRAY: (Indicating.)

CHAIRMAN STRAIN: One, two, three. Three support the motion.

Those against, same sign.

COMMISSIONER HOMIAK: (Indicating.)

COMMISSIONER EBERT: (Indicating.)

COMMISSIONER AHERN: (Indicating.)

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: (Indicating.)

One, two, three, four, five against. So the motion to go back to the EAC has been defeated.

Is there another motion on the table? Anybody would like to make a motion?

COMMISSIONER EBERT: I make a motion that we approve this.

CHAIRMAN STRAIN: Motion been made to approve. Is there a second so we can get to discussion?

COMMISSIONER AHERN: Are there any stipulations with your motion?

CHAIRMAN STRAIN: We'll get to discussion on that. Did you want to make a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Ms. Homiak will make the second.

Okay, I would suggest if the motion maker and the second would so agree that we consider three stipulations. One is that treatment swales be added for all the impervious areas around the walking trail, as they agreed they would do or presented they would do.

Second, that 50 percent or greater of the parking lot be put in grass. It doesn't matter what parking lot it ends up being, but through the SDP process, any parking lot will have that process.

And then that the preserve area which analyzed and brought to us today at 22 acres remain and that the 17 not be granted at this time.

Does the motion maker agree with those?

COMMISSIONER EBERT: I agree.

CHAIRMAN STRAIN: Does the second?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Is there any discussion with board members?

(No response.)

CHAIRMAN STRAIN: All those in favor of the motion by hand and acknowledgment signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

One, two, three, four, five, six. It looks like seven in favor.

All those against?

COMMISSIONER CARON: (Indicating.)

CHAIRMAN STRAIN: One. Okay, motion carries 7-1. Congratulations, Parks and Recs. It was a tough battle but we got through it today. So thank you all for attending and your comments.

**Next item up is an item we heard before. We heard it in the fall of last year. It's a dual application. We'll hear both items at the same time. And we'll have separate votes for discussion.

The first item is -- I'll read both of them, first of all. It's SRAA-PL-2011-0657. It's the Ave Maria SRA north of Oil Well Road and west of Camp Keais Road. And then DOA-PL-2011-0653. It's again Ave Maria. This is for development order modification to the master plan. This is a -- I believe from what I was told in staff and what I've compared an identical process or application that was placed before us in the fall.

It went before the BCC but before it got there it was withdrawn. Because it was withdrawn, the only way to reactivate it come back through the process again. So I believe that's why we're hearing this today.

Disclosures -- go ahead, Ray.

MR. BELLOWS: Before we proceed into the next item, I just would like a clarification for the executive summary why Commissioner Karen had recommended denial. Was it to go back to the EAC?

COMMISSIONER CARON: Yes. It was to go back to the EAC and to go back to staff so that we could get answers to the parking questions.

CHAIRMAN STRAIN: Okay. First of all, all those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission.

Ms. Homiak?

COMMISSIONER HOMIAK: I spoke with Mr. Passidomo.

CHAIRMAN STRAIN: Ms. Ebert?

COMMISSIONER EBERT: I spoke with Mr. Passidomo also.

CHAIRMAN STRAIN: Mr. Klein?

COMMISSIONER KLEIN: Yo tambien.

CHAIRMAN STRAIN: I hope she got that recorded.

Anybody else? Ms. Caron?

COMMISSIONER AHERN: Ditto.

COMMISSIONER CARON: Yes, Mr. Passidomo drew the short straw and had to talk to me as well.

COMMISSIONER AHERN: And me as well.

CHAIRMAN STRAIN: And I also spoke to the applicant and the applicant's attorneys. And during break I think I spoke to him again. So we're off and running.

John, come on up, it's all yours.

MR. PASSIDOMO: Thank you. Good morning, Mr. Chairman, members of the Planning Commission. My name is John Passidomo. My address is 821 Fifth Avenue South in the City of Naples.

Our firm represents Ave Maria development as applicant in the companion petitions in front of you as agenda items 9(B) and 9(C) this morning.

Our land use and transportation consultants are Wilson-Miller Stantec. Margaret Perry, Al Reynolds and Jeff Perry from the firm are available to respond to any technical questions you may have at the closing of my remarks or at any time during the public hearing.

Our petitions propose to amend the master plan for the town of Ave Maria stewardship receiving area to do three things. If I can use this overhead, and maybe Ray can help me with it for the for the benefit of the viewing public.

And you'll recognize these as excerpts from your staff reports. The first thing proposed to be done with this map change is to divide existing Town Center 2 on Camp Keais Road into Town Center 2-A and 2-B.

The second proposal is to relocate newly created 50-acre Town Center 2-B from the town entrance on Camp Keais Road to the town entrance on Oil Well Road.

And finally, the petitions before you propose to relocate the previously approved Oil Well Road access point east to accommodate the entrance to Town Center 2-B.

The proposed map change does not change the overall proposed uses, entitlements, intensities, densities or perimeter boundaries of the previously approved Ave Maria SRA. It simply changes the location of permitted uses so that the major entrances to the town of Ave Maria each are anchored with a town center.

The Department of Community Affairs has determined that the map change does not create the likelihood of

any additional regional impact, and it therefore does not constitute a substantial DRI deviation.

The Regional Planning Council has determined that no formal by the RPC is required.

And the County Attorney has opined that the following criteria excerpted from pages five and six of the staff report govern CCP deliberations when considering a proposed SRA amendment.

Based on that criteria, staff has recommended approval. And we respectfully request your recommendation of approval today. Thank you, Mr. Chairman.

CHAIRMAN STRAIN: Thank you. Are there any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay. I think since we heard this exact application before, it might be rather simple to get through it today, so --

MR. PASSIDOMO: Thank you.

CHAIRMAN STRAIN: Thank you. Is there a staff report?

MR. BELLOWS: Yeah, for the record, Ray Bellows. I'm filling in for Kay Deselem.

The staff report makes note that this has been previously heard and it's now come back. Staff is recommending approval. And if you have any questions, I'd be happy to answer them.

CHAIRMAN STRAIN: Any are there questions of staff at this time?

(No response.)

CHAIRMAN STRAIN: Okay, out of fairness to Commissioner Schiffer, he did provide a request to have something read into the record. I think both Ray and the County Attorney has it. One of you please read it into the record.

What's the top part that you cut off?

Would you mind reading that -- well, I'll read it into the record since he's asking me to do it.

Fellow Planning Commissioners, since I'm not able to be at the meeting, I wanted to express my concerns with this application. The application is the same as the one we viewed last year with the exception of the site being adjusted to provide more exposure to Oil Well Road. This is the clue to a concern which is placing intense commercial zoning on this rural road.

While the County Attorney's first criteria for approval is compatibility with adjacent land uses, this application provides no discussion or proof that this is an appropriate use at this location. Nor is there any review on how this isolated zoning will affect the future development along Oil Well Road. At the last hearing staff responded to questions that there's nothing in the SRA that could prevent a big box commercial development.

However, my major concern is the application is silent on how this will alter the economic balance within Ave Maria. This location will become the convenient entrance to Ave Maria for eastbound evening commuter traffic, and with the new commercial uses, it could short-circuit the need to visit the interior town centers. It was a suburban shopping center that destroyed the old downtowns, why would we allow this to destroy the new downtown. Brad Schiffer, AIA.

Thank you, Ray. Any other questions or comments of county staff or the applicant before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: Ray, do we have any public speakers?

MR. BELLOWS: Yes, we have one speaker. Michael Mastandrea.

CHAIRMAN STRAIN: When you come up, sir, you may want to spell your name for the court reporter.

MR. MASTANDREA: Well, Commissioners, Michael Mastandrea, M-A-S-T-A-N-D-R-E-A.

I am a resident, a homeowner in Del Webb Ave Maria, and I'm also a merchant in the existing town center. And I'm just here today to say that I fully support the developer in the change that they're seeking.

CHAIRMAN STRAIN: Do you have any concern that commercial on Oil Well Road would any way take away the impact to your business on the interior Ave Maria?

MR. MASTANDREA: Not at all. Actually, the way I look at it, the existing site that's on Camp Keais is actually closer to the town center, and I'd rather see it out on Oil Well.

CHAIRMAN STRAIN: Thank you very much, sir.

That's the last public speaker, Ray?

MR. BELLOWS: That's it.

CHAIRMAN STRAIN: John, do you have any extended rebuttal you'd like?

MR. PASSIDOMO: Thank you, Mr. Chairman, we're all set.

CHAIRMAN STRAIN: With that, we'll close the public hearing and entertain a motion. Is there a motion from any member of the Planning Commission?

COMMISSIONER MURRAY: Sure.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: I'd like to forward with approval items SRAA-PL-2011-0657, known as the Town of Ave Maria Stewardship Receiving Area, companion to Petition No. DOA-PL-2011-0653. Move these for approval.

CHAIRMAN STRAIN: I think we have to take them one at a time. So your motion for approval is on Item 9(B), the SRAA?

COMMISSIONER MURRAY: That would be correct.

CHAIRMAN STRAIN: Is there a second to the motion for the SRAA?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Mr. Klein had his hand up before you spoke. So Mr. Klein will be second. Is there any discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

Motion carries -- oh, is there -- you're opposed?

COMMISSIONER CARON: Yes, I'm opposed to the motion.

CHAIRMAN STRAIN: Okay, sorry. The motion still carries 7-1.

Ray?

You state your reason for --

COMMISSIONER CARON: Yes, I'm more than happy to state my reasons.

I voted against these two motions the last time around, and my reasoning hasn't changed. We know that these 50 acres, when it was originally proposed to be the Jackson Labs, was going to be a game changer, not only for the county but regionally. And I don't believe that we've considered any of the regional impacts. I think that the statement that it does not create the likelihood of any additional regional impacts is not a statement of fact.

I think when we're talking about -- we were talking about 200 jobs the last time around, we're now talking about 150 jobs. And that was supposed to change our entire county. I think this is a project of incrementalism. I think we make the project just small enough so that we can get by the state and the Regional Planning Council so that they don't consider it substantial. And then the next thing will come and the next thing will come. And down the road somebody eventually is going to have to look and say was this the right move or was it not the right move.

I would rather analyze that up front, should this become the commercial corridor that we are creating here or not.

So I was the -- one of the only people that didn't support it last time and I'm sure I will be this time. But the reasons haven't changed. I think the analysis should be done up front and not after the fact. Thank you.

CHAIRMAN STRAIN: Okay, next item for a motion is item 9(C). Mr. Murray, did you still have the --

COMMISSIONER MURRAY: I certainly did.

CHAIRMAN STRAIN: Is there a second to Mr. Murray's motion to approve?

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: Mr. Klein. Is there discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

All those opposed?

COMMISSIONER CARON: (Indicating.)

CHAIRMAN STRAIN: Ms. Caron.

So the motion carries 7-1. But Ray is going to ask you for your reasons for denial, and so would you please tell him what your reasons are.

COMMISSIONER CARON: I think you can just restate what I've said to you already, and you can look back at the minutes of the last hearing. Thank you.

CHAIRMAN STRAIN: John, is there anything you wanted to add?

MR. PASSIDOMO: Mr. Chairman, very briefly, we respectfully request that the need to come back for consent agenda consideration be waived. There are no conditions that are being imposed and we have a sense of priority to get this in front of the Board of County Commissioners in July.

CHAIRMAN STRAIN: And I don't see a problem with that. We've heard this before so it's nothing new. Anybody on the Board have a concern? If so, is there a motion to waive the consent requirement for both?

Mr. Murray?

COMMISSIONER MURRAY: I make the motion --

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: Mr. Murray, seconded by Mr. Klein. Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

MR. PASSIDOMO: Thank you, Commissioners.

CHAIRMAN STRAIN: Thank you, sir.

And Ray, I think that gets us through everything, because old business has been continued until sometime in the future. There's no other business noted. With that, is there --

COMMISSIONER KLEIN: Mr. Chairman.

CHAIRMAN STRAIN: Go ahead, Mr. Klein.

COMMISSIONER KLEIN: Just one comment. I like Brad Schiffer, he's a great guy, he's been great to me since I've been on this panel. And I do disagree with him. It was not the suburban shopping centers that destroyed downtowns, it wasn't like a Kevin Costner movie Field of Dreams. The people had to be out in the suburbs already before they built the shopping centers.

CHAIRMAN STRAIN: Okay, Mr. Klein, thank you.

Any other comments?

(No response.)

CHAIRMAN STRAIN: With that, motion to adjourn?

Ms. Ahern?

COMMISSIONER AHERN: Motion.

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

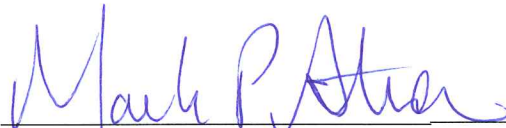
COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: Aye.

We are out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:45 a.m.

COLLIER COUNTY PLANNING COMMISSION


MARK P. STRAIN, Chairman

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 7/7/2011, as presented or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.
BY CHERIE' NOTTINGHAM