

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, March 6, 2012

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:

CHAIRMAN: Mark P. Strain
William Vonier
Brad Schiffer
Karen Homiak
Diane Ebert
Paul Midney
Melissa Ahern
Barry Klein
Phillip Brougham

ALSO PRESENT: Corby Schmidt, Comprehensive Planning
Mike Bosi, Comprehensive Planning Manager
Raymond V. Bellows, Zoning Manager
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School Board Representative

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the continuation of the Planning Commission meeting that started on Thursday, March 6th (sic), and we will continue and hopefully -- definitely finish it today.

Everybody please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Ms. Homiak, would you do the roll call, please.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is absent; Ms. Ahern's absent.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Present.

COMMISSIONER HOMIAK: Mr. Klein is absent, and Mr. Brougham is absent.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. Last time I mentioned that we had an April 12th mobility plan update -- an update for the new phasing. That was going to occur on April 12th, noon -- or nine to noon, and then at the same time staff has informed me they have some LDC amendments that they want us to start working with.

So if there's no objection, I'd like to continue that meeting or, you know, actually we will adjourn that meeting and open a new one for LDC amendments that afternoon and continue after lunch with the LDC amendments, or whenever we finish the morning meeting.

And then the 13th of April is open to continue those LDC meetings if we don't finish them on the 12th. Does that work for those of us that are here?

COMMISSIONER VONIER: Twelfth, I think, is okay with me.

CHAIRMAN STRAIN: Twelfth is -- because we asked about the 12th earlier, and it seems okay with everybody.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: How's the 13th look for you?

COMMISSIONER EBERT: Fine.

COMMISSIONER SCHIFFER: I'm good.

COMMISSIONER VONIER: What is that, a Wednesday?

CHAIRMAN STRAIN: I think -- I don't know.

COMMISSIONER EBERT: The 13th is a Friday.

CHAIRMAN STRAIN: Friday.

COMMISSIONER VONIER: Oh, that's probably all right.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: This room is open on that day?

CHAIRMAN STRAIN: Yes, it is.

COMMISSIONER HOMIAK: No MPO?

CHAIRMAN STRAIN: I don't know. They just told us it was open that day, so we're trying to take it.

And then the second Master Mobility Plan phasing update is needed on June 19th, nine to noon. Does anybody know if that does not work for their schedule? And I'll go over all this again next week when we have a full body here, but that's kind of tentatively where we're going with some additional meetings for this board, nontypical, that is.

Planning Commission absences. We asked that last time. We're going to be fine on the 15th. By the way, the 15th will probably be a long day.

Approval of minutes, there were none.

Ray, was there any BCC reports since -- okay, shaking his head no.

Chairman's report, there is none.

First thing up today will be the EAR. We'll try to finish that up. We'll do the hearing and the one consent at the same time, basically. So we'll vote for one and then vote for the other right afterwards so that gets cleaned up.

And I believe this board has met -- this will be the third meeting. I did miss the second meeting on the 16th. I have some questions from the information I received but, Corby, it's all yours.

MR. SCHMIDT: All right. Good morning. For the record, Corby Schmidt with the comprehensive planning section.

And, you're right, we've taken parts of this under consideration in previous hearings, and today we bring you, what should be, to a close with the EAR-based comp plan amendments.

Quickly, to look ahead, in some of the elements before you, we will be suggesting some small changes, additional modifications to what you have. One of those takes place in the Transportation Element. That does not have a handout for you, but when we reach that point, that would be mentioned for you.

In the FLUE --

CHAIRMAN STRAIN: Corby, before we go too far, how were you expecting us to move through this today? Because we had gone through page by page the first meeting I was here, and the second meeting I assume you guys accomplished some of it that we had to finish up, and I thought then we'd be here today just to finish up those items that were new. Right?

MR. BOSI: That is correct. Today's really those out -- there's a number of outstanding policies, just a handful, that we're here to discuss.

CHAIRMAN STRAIN: So why don't we just -- when you hit those sections, like you just said transportation, why don't you just take us to the page, and let's look at it now and get done with it. Does that work for you?

MR. SCHMIDT: It does.

CHAIRMAN STRAIN: Okay. That might be more expeditious.

MR. SCHMIDT: All right. Then if -- by preference then, if you'd like to simply start and go element by element, I'll help assist and walk you through them.

CHAIRMAN STRAIN: Okay. Well, again, I think we already did that. Well, I guess what I need to know is, from the meeting that I was at in January, what do we need to look at in addition that we didn't cover in January?

MR. BOSI: That's what we're going to do. Each -- we're going to go through this. There's a CIE, there's the Transportation Element, there's also one of the utilities where there's changes that haven't been discussed, and then the housing will be -- the housing and then also the final will be our -- the CCME --

COMMISSIONER EBERT: CCME.

MR. BOSI: -- with the marina policies, those two policies we hadn't cleaned up.

CHAIRMAN STRAIN: I understand. And the Housing Element -- I knew the Housing Element and the CCME were outstanding. I didn't know there was additional others.

MR. BOSI: The others are -- Corby's just going to note. They're minor procedural changes, but they haven't been vetted with the full body, so we wanted to mention them to you before -- you know, before we get to consent.

CHAIRMAN STRAIN: Okay. Well, Corby, why don't you just take us in order to the elements and point us out what the changes are, and we'll comment on them, and we'll go from there.

MR. SCHMIDT: All right. Let's first go to the Transportation Element then.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: And I'd --

MS. ASHTON-CICKO: Corby, do you have an extra copy by any chance, because I don't seem to have the same version as Tom. I've got February 7th.

MR. SCHMIDT: I've brought along the public view, which is on the table in the hall; otherwise, I don't have one myself.

MS. ASHTON-CICKO: Okay. I'll just look on with Tom then.

MR. SCHMIDT: Right.

CHAIRMAN STRAIN: Well, does that mean you've not reviewed any of the March 1st revisions that are going to be presented here today?

MS. ASHTON-CICKO: Yes. It means I have not reviewed it. I had the February 7th. I thought that's what was on the schedule.

MR. SCHMIDT: That should not be a problem, Mr. Chairman. All of the changes I'm going to be mentioning are small except for the FLUE where David Weeks will be addressing that specifically.

CHAIRMAN STRAIN: How does it occur that the County Attorney's Office, who really is critical in reviewing legality for these things, doesn't get in the loop on a draft? I mean, I'm just curious how that happens. I can't imagine anything going this far without that office having touched it as they should have.

MR. BOSI: The EAR book that was reviewed on the -- on the -- our first meeting in January was fully reviewed by the county's attorney's office.

CHAIRMAN STRAIN: Right.

MR. BOSI: And as we've made modifications, I think that's where there's been maybe a couple policies that haven't been fully reviewed or vetted with Heidi.

MS. ASHTON-CICKO: I know that they've sent me copies of things as they've made some changes. I just don't know that I've reviewed them all. I thought --

CHAIRMAN STRAIN: Well, if you see anything that makes you uncomfortable today --

MS. ASHTON-CICKO: It might be my mistake. Maybe we do have a book up in the office, but --

CHAIRMAN STRAIN: All right. Let's go to the Transportation Element.

MR. SCHMIDT: And the element itself on the final page, Page 11, looking at Objective 13 and Policy 13.1, and in the last statement on that page, which reads through other appropriate modifications, based upon the conclusion of the Master Mobility Plan, inserting there a date, based upon the conclusion of the November 2011 Master Mobility Plan. That helps indicate what phase and which version. I will --

CHAIRMAN STRAIN: So as the mobility plan moves through the process, the reference date -- the title of that plan will still always reference that November 2011 date?

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: I'll direct you to the Housing Element next.

CHAIRMAN STRAIN: If there's members of the public that have comments on specific elements as Corby brings them up, please raise your hand or get my attention so we can let you talk, okay.

MR. SCHMIDT: And here, also in your cover memo, these new policies under Objective 1 in the Housing Element are already a part of the materials in front of you.

In Policy 1.1, 1.2, 1.3, 1.4, and the 1.5, the reading of the policies were left incomplete previously so we could identify the agency that would be responsible for doing so or the direction given by the policies.

So in this instance -- and I believe there's a supplement being handed out or perhaps one to be put over the overhead so you can see these, Policy 1 reading, by January 2014, the Department of Housing, Human, and Veteran Services shall establish a method of indexing the demand for very low, low, and moderate housing. In each case simply identifying which agency in the county is the responsible one.

CHAIRMAN STRAIN: Any question on the Housing Element changes? I have a couple. Let's take 1.1 as an example. So in the text on the revision that we have got in front of us, the latest one -- this one happened to be dated 2/21/12. It's in the -- it was in the binder.

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: Policy 1.1 was -- the one was crossed through, and now it's Policy 1.6. So what this means is Policy 1.1 is only that text that's on the handout that was given to us this morning; is that correct?

MS. MOSCA: That is correct. Michele Mosca, for the record.

COMMISSIONER EBERT: That's not on, Michele.

CHAIRMAN STRAIN: Okay. Then Policy 1 -- okay. So all the other policies simply just move up or later in -- so we've actually increased the Housing Element by four, five or six policies.

MS. MOSCA: Yes, that's correct.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: I can see -- again, for the record, Michelle Mosca.

CHAIRMAN STRAIN: You're turned off again.

MS. MOSCA: It's not on?

CHAIRMAN STRAIN: I don't think you're on. I heard that the Republicans were here last night. And from what I -- and they mixed up all the mikes, so --

MS. MOSCA: Michele Mosca, for the record.

CHAIRMAN STRAIN: Whoa, that one works.

MS. MOSCA: That's better. Thank you.

The handout that I provided in yellow text, the policies are Policy 1.1 through 1.5, and I believe Corby just mentioned that. So the other policies within the element would drop down.

So if you look at your March 1 binder, we would be up to one point -- let me look. We'd be up to 1.10. So we added the five additional policies.

CHAIRMAN STRAIN: Okay. And all this stuff is referring back to Objective 1?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: And Objective 1 --

MS. MOSCA: All the policies following Objective 1 would match up with the text within that objective.

CHAIRMAN STRAIN: Okay. And we've changed that objective to the following: The number of affordable/workforce housing units shall increase by at least 15 percent over the units to be built in Collier County per year not less than 1,000 units per year averaged over a five-year period. Why did we go from our previous recommendation of this board, if I'm not -- I mean, I'll try to find it.

We were trying to maintain a balance of affordable housing at a certain rate, not constantly increase it whether we need it or not. So how is that objective rational? So whether we need these units or not, we're still going to increase affordable housing in this county by a certain percentage, but not less than a thousand averaged over a five-year period. Why, if we've got so much of it we're flooded with it now?

MS. MOSCA: And probably -- I'm probably going to ask for Commissioner Schiffer's help. But this new methodology that was developed by the Affordable Housing Advisory Committee, as well as housing staff, is intended to provide for a methodology that would follow the market rate. So it would be some sort of indexing, so when the market dictated a need for additional units, then those units would come online.

CHAIRMAN STRAIN: That's not what this says. It says you're going to increase it by at least 15 percent per year.

MS. MOSCA: No, no, no.

COMMISSIONER SCHIFFER: No.

COMMISSIONER HOMIAK: That's been crossed out.

MS. MOSCA: That's been struck through. If you look at your -- if you look at your summary page, the one that Corby actually had sent out, that is the memorandum.

CHAIRMAN STRAIN: So it's not the one that came in the book?

MS. MOSCA: No.

CHAIRMAN STRAIN: And it's not -- is it the one that you passed out this morning?

MS. MOSCA: It is. It's the same as.

CHAIRMAN STRAIN: Okay. Well, I'm sorry. You've flooded us with some new stuff, and I want to make sure I understand it, so --

MR. SCHMIDT: The version that is in your cover memo matches the handout from this morning, and that language is different than the shaded language that was read aloud.

CHAIRMAN STRAIN: Yep. And it took out that -- thank you. That works.

MS. MOSCA: Right. The February 21st memorandum, that actually identifies the outstanding issues both within the Housing Element as well as the Conservation and Coastal Management Element.

CHAIRMAN STRAIN: Okay. And there's one question. On Policy 1.5, could you add that -- you're going to report to the Board of County Commissioners on the status of affordable housing within the county. Would you consider adding "per commission district"? Because the whole issue right now is saturation in specific districts of the county, and you don't know that unless the report's tailored to tell you what it is per commission district.

We use all these planning communities, these TAZs and other arguments that don't match up to any of the lines that we normally see.

MS. MOSCA: And that's fine. We certainly can add that. And that's what we actually did for the housing study back in 2010. We provided that information per commission district.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: And I stepped out of the room, but I believe that perhaps Corby Schmidt identified that we did add the Department of Housing and Human and Veteran Services to the policies under Objective 1, and that was provided in the handout. I just want to make sure that that was provided to you-all.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: Michele, let me ask you why you did that, just --

MS. MOSCA: I'm sorry. Excuse me?

COMMISSIONER SCHIFFER: As opposed to county manager or his designee, why did you focus on that particular agency? It is the one that will do it now, but --

MS. MOSCA: Right. Well, we identified the Housing and Human Services and Veteran Services Department because they handle all of the intake and they identify all of the programs relative to affordable housing. We could use the manager or designee. That's acceptable as well. We did need to identify a department name, though.

COMMISSIONER SCHIFFER: All right. But --

MS. MOSCA: I mean, if that's --

COMMISSIONER SCHIFFER: Well -- because we change the names of some of these departments. I mean, even this one's a new name.

MS. MOSCA: Right. But it would fall on that department whether the name changes or not, and we would assist them if they needed any guidance with developing the methodology.

Mr. Schiffer, did you want me to retain the housing department, or would you rather see --

COMMISSIONER SCHIFFER: Oh, that's fine. I just asked you why.

MS. MOSCA: Okay.

COMMISSIONER SCHIFFER: You gave me a good answer. It happens.

MS. MOSCA: Okay.

MR. SCHMIDT: There you go.

CHAIRMAN STRAIN: Okay, Corby. Let's move on.

MR. SCHMIDT: Well, simply, before we leave Housing Element, there were minor changes, I believe, also as part of the supplement sheet handed out in Objective 4, striking some previously added language.

COMMISSIONER SCHIFFER: Let me -- Mark?

CHAIRMAN STRAIN: Yeah, go ahead.

COMMISSIONER SCHIFFER: Corby, there's other one too. If you go back to your initial memo, it does cover Objective 2, or are you just going -- are you going through the changes to the Housing Element or just the changes to the changes to the Housing Element?

MR. SCHMIDT: Just those changes that are new today through supplements.

COMMISSIONER SCHIFFER: Okay. And we will go back and discuss the memo in the beginning of the book in its entirety later. Never mind.

MR. SCHMIDT: As you would wish to, yes.

CHAIRMAN STRAIN: Okay. Well, the first couple pages of that memo are just housing, so did you have any -- I mean, aren't those what we're talking about now?

COMMISSIONER SCHIFFER: Well, that's what I was -- but Corby's saying is there were changes to the memo which do go through more items than just the --

CHAIRMAN STRAIN: Right, the ones in yellow that Michele handed out this morning.

COMMISSIONER SCHIFFER: Right.

MS. MOSCA: And, actually, those changed in yellow for Objective 1 do not go beyond what's within that memorandum except for that name, for the addition of the department name.

COMMISSIONER SCHIFFER: Right.

MS. MOSCA: But I do have one addition only because it was the directive of this Planning Commission at the January meeting in Objective 4 to remove the term "substandard," and that's on Page 4 of the Housing Element, if you want to review that, and it's also on the handout that I provided to you in yellow.

The recommendation from the Planning Commission was to remove the term "substandard" and add that far below the minimum housing standards. But subsequent to that January meeting, I looked in the Code of Laws, and I found the definition of substandard, and I put that on the visualizer.

So staff's recommendation would be to retain the term "substandard," delete the "far below minimum housing standards"; that would be for consistency of implementing this policy and other policies that identify the term "substandard."

CHAIRMAN STRAIN: Okay. I don't hear any objection from this board. Okay.

MS. MOSCA: Okay.

MR. SCHMIDT: All right. Then returning to the cover memo and sticking with the Housing Element --

COMMISSIONER HOMIAK: Before you leave there.

MR. SCHMIDT: Yes.

MS. MOSCA: I believe that was a recommendation from the housing staff, I'm thinking, from the January meeting. The term "workforce" is identified in statute, so I'm okay with leaving workforce in there. I'd actually prefer that workforce remain in the text simply because it is found in the statutory language. So we can go ahead and add that back in.

COMMISSIONER HOMIAK: It's taken out in a number of these policies, but not all of them.

MS. MOSCA: Okay. Well, my recommendation as staff would be to insert them back in, if it's acceptable to the Planning Commission.

CHAIRMAN STRAIN: Why were they taken out again?

MS. MOSCA: It was a recommendation by the housing department. My understanding is they no longer use that term "workforce." They just refer to affordable housing as affordable housing with the various categories.

CHAIRMAN STRAIN: Is workforce affordable housing?

MS. MOSCA: Workforce is affordable housing, yes, but it is a statutory term as well.

CHAIRMAN STRAIN: Okay. So if you didn't have it in but we just left the word "affordable," would it still include workforce housing?

MS. MOSCA: Yes, it would.

CHAIRMAN STRAIN: Could anybody make an argument that it didn't because it was a separately used terminology in the statute?

MS. MOSCA: I would have to defer to legal. I don't know. It is affordable, though. Workforce is --

CHAIRMAN STRAIN: What we're saying is affordable affordable then, instead of -- if workforce is affordable -- so we're saying affordable affordable housing?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: But if we say affordable/workforce housing, we've designated a certain portion of the affordable housing category specifically meaning workforce; is that correct?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: Okay. So what happens is when we take it out, for example, in Objective 2, the county and its municipalities in achieving a goal of increasing a number of affordable/workforce housing units, what that means is we would be only designating the goal of the workforce portion of the affordable housing.

So if you take workforce out, it then designates the goal of all affordable housing.

COMMISSIONER SCHIFFER: Correct.

MS. MOSCA: I agree.

COMMISSIONER SCHIFFER: And that's why it was taken out.

COMMISSIONER VONIER: That's why it was taken out.

CHAIRMAN STRAIN: Right. Well, that's what I'm trying to understand.

COMMISSIONER HOMIAK: Then in Policy 2.9 on the -- Page 3 at the top it references affordable/workforce housing density bonus ordinance.

MR. SCHMIDT: And that I can explain as well. Whereas, when talking about affordable housing, workforce is a subset or a category of; the affordable/workforce housing density bonus and the ordinance it refers to is a title or a proper term inside the document.

CHAIRMAN STRAIN: Because that's a specific bonus for that category of affordable housing.

MR. SCHMIDT: It is.

MS. MOSCA: It is.

MR. SCHMIDT: So as it's presented, it should be accurate.

CHAIRMAN STRAIN: Karen, does that still give you any heartburn over it, or --

COMMISSIONER HOMIAK: I guess not.

COMMISSIONER SCHIFFER: Let me -- Karen, because one thing, if you look at Policy 1, it's not in there. And let me wait till -- and, Michele, the reason it's not in Policy 1 is the state requires us to review these three categories of affordable housing, correct?

MS. MOSCA: Yes, the state --

COMMISSIONER SCHIFFER: Very low.

MS. MOSCA: The state requires very low, low, and moderate.

COMMISSIONER HOMIAK: What are you looking at, Brad?

COMMISSIONER SCHIFFER: I'm looking at, like, Policy 1.1, for example, or Objective 1.

CHAIRMAN STRAIN: Well, the Objective 1. See where it was taken out? Yeah.

COMMISSIONER SCHIFFER: So, in other words, we've never -- we're only doing what the state requires us to do.

Now, when we had the housing crunch, when we had people -- workforce was a problem. Would you like to add that into the -- are we able to do that, or should we just meet the standard the state sets for us? In other words, if we want to start indexing workforce housing, which to me would be the smartest thing to do if we don't want to get ourselves in the condition we had before.

CHAIRMAN STRAIN: What do you mean by indexing workforce housing?

COMMISSIONER SCHIFFER: Well, in other words, in Policy 1, Objective 1, all the policies, we're only doing very low, low, and moderate. And I think workforce is one notch above moderate.

CHAIRMAN STRAIN: Is it?

COMMISSIONER SCHIFFER: Yeah, that's -- I guess the first question, is that true, you know?

MS. MOSCA: I actually -- I had pulled the definition of workforce, and within statutory guidelines, we are to provide for workforce as well. So let me put that on the visualizer. Let me see if I have two copies.

Well, let me read it into the record first. Affordable/workforce housing means housing that is affordable to a person who earns less than 120 percent of the area median income or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. So based on the statutory requirement, we are to provide for workforce category as well.

COMMISSIONER SCHIFFER: Michele, let me -- questions. Remember you -- at some of the meetings we had the state statute. It had four categories. We dropped the lowest one.

MS. MOSCA: The extremely low, which is the 30 percent.

COMMISSIONER SCHIFFER: Right. But I don't remember this one. It wasn't required in that paperwork.

MS. MOSCA: No, it wasn't, and I believe that may have been a requirement of House Bill 7207.

COMMISSIONER SCHIFFER: Okay. So then -- anyway, so the good thing is if we add it through Objective 1, Karen's happy because now we're keeping an eye on it, we're tracking it, and we're discussing how to solve a problem if a shortage develops, and you say we may have to do that anyway, so --

CHAIRMAN STRAIN: But I think your first question was never answered. How many categories of affordable housing are there and what are they called? Why don't we start there.

MS. MOSCA: Right. The present statute -- and I have to -- and if you'll give me just a moment to look through House Bill 7207, because that's been incorporated into statute. The three categories that we have to provide for is the very low income, low income, and moderate income.

CHAIRMAN STRAIN: Okay. But that wasn't my question.

MS. MOSCA: Okay. Repeat it again then.

CHAIRMAN STRAIN: How many categories are there in the affordable housing statute? How many specific categories of affordable housing are there?

MS. MOSCA: There's actually several. I'll have to pull that, if you'll give me a few minutes.

CHAIRMAN STRAIN: Because I'm trying to figure out what it is we're not including that we may want to

consider including if something has been selectively excluded because the particular name of it is not written on these documents.

MR. BOSI: And from what I've heard is they've eliminated the extremely low. And right now we have very low, low, and moderate housing. And I think Brad's suggestion is if we add workforce housing to that list, we've got a gamut of four categories that we'll be trying to track and index and be able to make sure that that workforce is part of that indexing process.

And I think then your question is, are we in line with the statutes in terms of all the categories that we need to monitor.

CHAIRMAN STRAIN: Well, I'd like to know how many categories there are. If there's seven or six and we've only picked three, maybe there's others we ought to consider looking at that would be better for Collier County. I mean, I'm not sure how that was looked at.

MS. MOSCA: Commissioner Strain, could we just come back to that. Let's move ahead, and let me just look through House Bill 7207.

CHAIRMAN STRAIN: Marjorie's indicating she wants to contribute.

MS. STUDENT-STIRLING: For the record, Margie Student-Sterling representing Habitat for Humanity of Collier County.

I've done a bit of research on this point. And in the new definition section, there's a definition of extremely low. So there would be extremely low, very low, low, moderate, and then workforce in the other statutory section that was alluded to by Michele.

Now, there is a glitch that I've drawn the DEO, formerly DCA's attention to, because there's still a provision in the statute that talks about providing for very low, low, and moderate, and extremely low has been left out of it. And I think it was a glitch in the statute.

And I want to point out, the definition of affordable housing in the new definition sections refers to another statutory section. I don't recall it off the top of my head, but that's where you have the four categories of extremely low, very low, low, and moderate.

And as I said, I've drawn this to the attention of the housing person at the Department of Economic Opportunity and the planning division so they know that there's a glitch and it needs to be addressed.

CHAIRMAN STRAIN: Okay. But you've identified then five types of affordable housing.

MS. STUDENT-STIRLING: Yes. That would be the workforce. It would be extremely low, very low, low, moderate, and workforce.

CHAIRMAN STRAIN: Right, I understand. I just wanted to make sure.

So, Michele, there's an indication there's five. You may have indicated more than that. So while we go on with the rest of this, maybe we can circle back to this after you've had time to check on to.

MS. MOSCA: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Let's -- we'll get back to Ms. Homiak's concern on workforce and how we should word it once Michele gets back to us on what the other standards are.

Karen?

COMMISSIONER HOMIAK: And one other -- in Policy 1.3, why do you -- why are you just predicting future shortages and not increases?

MR. BOSI: And I guess that what you're saying is there's a conclusion that's being drawn --

COMMISSIONER HOMIAK: Yeah.

MR. BOSI: -- assumed to be drawn.

COMMISSIONER HOMIAK: You may have an increase in -- like now.

MR. BOSI: And if the indexes and -- if the index would show that we've had an increase, then I think -- then we would have an appropriate reaction. And I guess -- so you want to kind of -- you want to just -- you want the policy to not predict that it's going to be somewhat neutral in terms of the language that we utilize?

CHAIRMAN STRAIN: Well, change the word "shortage" to "need."

MR. BOSI: Yes.

CHAIRMAN STRAIN: Maybe that works. Then if you predict a future need and there's no prediction that one's needed, you haven't got to deal with it then.

MR. BOSI: I agree.

CHAIRMAN STRAIN: Does that work, Karen?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: I think "needs" fills it in.

Okay. Well, let's move on till we can get back to Michele.

Anything else, Corby, in this section, from this board?

MR. SCHMIDT: What remains from your cover memo with Objective 2 and Objective 8.

COMMISSIONER SCHIFFER: Yeah, I have a question on 2.

CHAIRMAN STRAIN: Okay. Go ahead.

COMMISSIONER SCHIFFER: And that's the last line where -- the assistance of for-profit and not-for-profit providers of affordable housing within the county and its municipalities. Does that mean that they're providing housing or their offices located, or is that even worth worrying about?

In other words, are we referring to people who are -- could live outside the county yet they're providing housing within the county? I mean, is there anything that would --

MR. SCHMIDT: Well, it would certainly seem that we're talking about the providers within the county, the municipality, not simply those providers inside the county who provide housing inside the county.

COMMISSIONER SCHIFFER: Okay.

MR. SCHMIDT: It's not both.

COMMISSIONER SCHIFFER: So it could be a firm from Atlanta that's providing housing, and you're happy with that? Okay.

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: Okay. Corby?

MR. SCHMIDT: With Housing Element, that is it.

CHAIRMAN STRAIN: Anybody else have any questions on the -- further on the Housing Element? (No response.)

CHAIRMAN STRAIN: Objective 8 -- I'm trying to see if you changed it in the recent handout, but it doesn't look like you did.

MR. SCHMIDT: It was not changed further.

CHAIRMAN STRAIN: Okay. In Objective 8 on the previous handout crossed out the reference to Immokalee Urban Area Rural Fringe Mixed-Use District within the RLSA. Why did you cross that out?

MS. MOSCA: I'll answer that so Corby doesn't have to.

The reason why we did that is because the process for awarding funds, grants, is a competitive process. And the policies under Objective 8 refer to other areas in addition to the rural fringe Immokalee and the RLSA.

CHAIRMAN STRAIN: Okay. And then the 50 rehabilitated or new residential units per year, does that go back to the concern that we've had that we readdressed in Objective 1 about maintaining a -- maintaining an inventory but not demanding we keep creating things that we already have standing inventory for? How does that theory -- or how does that mindset fit in Objective 8?

MS. MOSCA: My understanding from discussions with the Affordable Housing Advisory Committee, housing staff, and Habitat staff as well as some other not-for-profit providers of affordable housing is that they can meet that 50 unit per year.

CHAIRMAN STRAIN: But I'm not --

MS. MOSCA: So it wasn't an issue with whether or not -- go ahead. I'm sorry.

CHAIRMAN STRAIN: I'm not concerned with what they can meet. I'm concerned with why do we need to insist it has to be created if it's already -- we already have an inventory of more than we can need. I just visited a house this morning, for example, that's on our inventory, and over the last month or two, since I went there last, it was -- it's been broken into, I mean, or at least parts of it, the outside parts have been stolen because it's empty. We've got empty inventory all over the county.

So why would we want to insist on a policy -- and correct me if this doesn't do this -- that requires somebody just to keep creating 50 more a year whether we need them or not.

I mean, I just don't -- I don't understand what the government's objective is there. And if we don't need them, why don't we go back to like we did in Objective 1, position it so that we worked towards a standing inventory or a need, and then we maintain that instead of just creating this false ceiling that we build up and build up

during times like we have right now.

MS. MOSCA: And maybe, Commissioner Schiffer, you might want to add to the conversation, because I know it was discussed during the affordable housing advisory committee meeting about retaining that 50-unit.

COMMISSIONER SCHIFFER: And to be honest, I think the reason we retained it is we really didn't know how else to deal with it. I mean, that's kind of how it came about in the first place. I mean, I kind of agree with Mark, we have no idea whether that 50 means anything. We don't track it. We're not sure whether that's even happening.

MR. BOSI: Well, based upon the discussions that we've had, and kind of sort of the point that Ms. Homiak had made, if you would modify that objective to say to provide a minimum number of rehabilitated or new residential units per year for low -- low and moderate income residents based upon need, you would eliminate a specific number -- and the nonprofit providers that are -- have every intention, I think, to continue to do the work, will continue to do the work that's based upon the need as they identify.

And we're out of a quantifiable number that isn't always maybe reflective upon what the demand side of it or the supply side of it is, and it is as flexible towards the needs of the county.

COMMISSIONER SCHIFFER: But, Mike, I think what happened, once you scratched out the fact that this was a focused housing -- you know, these 50 units are in the Immokalee -- the farmworker area -- it essentially is a subset of Objective 1. In other words, we will include Immokalee in Objective 1.

So we would know whether there's a shortage, and I guess in this case it would be a shortage due to the needs of the farmworkers.

So it essentially is covered in 1.

MR. BOSI: I agree.

COMMISSIONER SCHIFFER: The intent of 8 was to focus a special need in a special area. Once you scratched out the special area, it doesn't make a whole lot of sense just having the special need.

MR. BOSI: Based upon -- based upon that, I mean -- so what the discussion would be -- and hopefully we'll hear from -- on the other side, but Objective 8 you're saying doesn't have a lot of value to us then?

CHAIRMAN STRAIN: Well, I mean, that's a good point. No, I mean, that's -- if you've got Objective 1 meeting all issues, why do you need Objective 8? I think Brad's brought up a really good point.

MR. BOSI: Especially if Objective 8 was specifically to target those geographic areas and we're eliminating those geographic areas, there may -- there may be some wisdom to looking at Objective 8 and its policies to see, should we retain them. I'd like to hear from Michele.

MS. MOSCA: Commissioner Strain -- I had contacted Frank Ramsey, so he's on his way. If we could move on to another element -- and I apologize to ask you to move on -- but I'd like for Frank to have the opportunity to discuss why the housing staff had recommended what they did within this document.

CHAIRMAN STRAIN: Okay. And, interestingly enough, the objective -- the policies that follow Objective 8 are in line with where Brad was going that they refer repeatedly to the Immokalee Urban Area. In fact, in some cases that's been added as a specific. So, yeah, you may want to look at that whole objective in regards to this issue.

MS. MOSCA: And, you know, we have looked at that previously. And, actually, 8.5, which isn't in this particular document -- it was just renumbered -- just refers to farmworker housing. So it's not per geographic area.

CHAIRMAN STRAIN: Well, but Policy 8.1 is specific within the Immokalee Urban Area.

MS. MOSCA: It is.

CHAIRMAN STRAIN: Policy 8.2 is deficiencies identified in the 2004 Immokalee Urban Area. So some are very specific to what --

MS. MOSCA: They are, I agree.

CHAIRMAN STRAIN: Okay.

MR. BOSI: So that would --

CHAIRMAN STRAIN: So I guess we need to rethink this policy.

MR. BOSI: So that would lead us to believe that there is value within eight. And if you're -- if you feel that the specific number of 50 has a problem and you just want it need based, you could make the adjustment as suggested based upon need.

CHAIRMAN STRAIN: Well, Brad's point was, if you take the references to those three specific areas out,

then it's no different than Objective 1. So if you're trying to focus on a specific area but it's already covered in Objective 1, what is the purpose of leaving Objective 8 in?

MR. BOSI: I would say, I mean -- and Objective 1 doesn't really talk about rehab.

MS. MOSCA: That's correct.

MR. BOSI: It talks about new units. And the rehab effort is really, I think, where the most value, especially within this market, would contain in terms of, you know, providing for -- addressing already existing inventory and making that existing inventory usable within the system to these individual categories, I think, is something that's -- is a strategy we want to pursue over the creation of new units.

COMMISSIONER SCHIFFER: Objective 1 doesn't exclude rehab. If you notice, what happens is, once the index is working, we have to come up with strategies to obtain this housing. Rehab would certainly be one of those strategies.

MS. MOSCA: But Objective 8 also refers to specific funding sources. I mean, we could go back and forth. Again, why don't -- if this commission doesn't object if we wait until Mr. Ramsey --

COMMISSIONER SCHIFFER: All right.

MS. MOSCA: -- is present, we can discuss that in more detail.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: Thank you.

CHAIRMAN STRAIN: Let's move on. Does that move us out of the Housing Element and into another one?

MR. SCHMIDT: It does.

CHAIRMAN STRAIN: Okay. Let's go there.

MR. SCHMIDT: That brings us to the CCME.

CHAIRMAN STRAIN: I believe the changes in the CCME left are the ones on the handout.

MR. SCHMIDT: They are.

CHAIRMAN STRAIN: Okay. And, Michele, there's no new handout for those; it's the one we were given recently, right?

MS. MOSCA: I provided a handout this morning.

CHAIRMAN STRAIN: Oh, so that affects this one, too?

MS. MOSCA: It does. There are two outstanding policies, 10.1.6 and 10.1.7, and that's identified in the memorandum.

CHAIRMAN STRAIN: Okay. Before we go too far, you said you handed something out this morning that had new language for --

COMMISSIONER HOMIAK: The second page.

CHAIRMAN STRAIN: Right. I just want to make sure I'm on the same page. I've got --

MS. MOSCA: I provided two sheets. They were paper clipped together.

CHAIRMAN STRAIN: Yep. Does that have a reference to -- I mean, I can't see 10 on it. Maybe it's on the back.

MS. MOSCA: It should be in the header.

CHAIRMAN STRAIN: No, I see the reference in the header, CCME, but you started out by talking about a policy ten point --

MS. MOSCA: Well, I thought we were referring -- I know it gets confusing. We're referring to the memorandum versus the element itself in the addition.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: So however you'd like to proceed, Mr. Chairman.

CHAIRMAN STRAIN: Oh, I'd try to -- I'm trying to pursue this in a manner that's easily understandable, but I can see that's not going to get there today.

MS. MOSCA: I think there's still hope.

CHAIRMAN STRAIN: Well, I'm trying.

MS. MOSCA: Mr. Chairman, if you wouldn't mind, if we could just go to the memorandum. The handout that I provided to you, those are minor changes that didn't make their way back into the document as of the January hearing. All of those items were discussed previously.

So what I'd like to do is focus on the memorandum if possible, and that would be Policy 6.1.1 that deals with the changes as a result of the coastal high hazard line as well as the two outstanding policies from our last meeting when we discussed Policy 10.1.5 and 10.1.6.

CHAIRMAN STRAIN: Good.

MS. MOSCA: Okay. Six point -- Policy 6.1, if you want to refer to it in your actual document that was handed out in the Conservation and Coastal Management Element -- and I'll refer to the page. That's on Page 11 of the document. And this is to address properties that were in the coastal high hazard area previously, but as a result of the change to move that line, there's now properties that fall outside or are now within that those preservation standards in the CCME would not apply to. And, again, that's identified in your memorandum.

And then Policy 10.1.5 and 10.1.6, those are specific to new marinas as well as water-dependent and water-related uses and the destruction of wetlands. Staff has proposed to delete those two policies.

And I know the Conservancy had provided an email to the Planning Commission last night, I believe, or late yesterday afternoon where they may want to address those policies. But staff, at this point, we're recommending the deletion of the two policies.

CHAIRMAN STRAIN: I find --

MS. MOSCA: And Stephen Lenberger had provided the justification, and that's within that memorandum as well.

CHAIRMAN STRAIN: Well, I'm a little surprised, after last Thursday's lengthy meeting, that you would want to take these out now. I mean, prior to the meeting it might have been a different mindset. We didn't realize how clearly these could provide.

But the fact that we can enforce standards more strict than what are done by state and federal law I think is advantageous to Collier County. We've done it in the past. If we continue to do it, I think we're better off. We've got a county that's far better than the other examples of the other counties that we use to try to model ourselves after. They should be modeling after us.

MS. MOSCA: And if that's the directive of the Planning Commission as well as the board, then what that would require are future Land Development Code amendments so that we could define the term "destruction" or -- whether it be defining the term "destruction" or looking at impacts or other things to the wetlands as well as defining public use. What is intended by public use.

So it was really a question of, one, administering the policy -- it was very difficult for staff to administer -- as well as deferring to the state for their wetland policies.

CHAIRMAN STRAIN: Well, I think to fix the administrative ability of this policy is better than eliminating the policy, with the exception of 10.1.6. 10.1.6 refers to a fiscal analysis. Those are useless. They basically are -- they come out to whatever the economist is hired by. So if you hire an economist to tell you it's going to be beneficial, he's going to say it's beneficial. And if you look at it closely, you'll find there's arbitrary language and numbers and things used.

So I think that's a waste of time and money and it's pushing people into spending money on things they don't need. But I do like a reference I saw in one of the other documents. Instead of a fiscal analysis, a needs analysis because that was relevant to last Thursday. There was testimony saying there's no need to have additional docks. Now, I'm not saying I buy into that argument, but I would have loved to have seen the backup for that, okay.

If there's all these docks that are available in Collier County at these marinas and all these places, fine. What are they? What's the inventory? Is there a need?

So instead of a fiscal analysis, the only change to 10.1.6 might be to put a needs analysis in order to demonstrate the public benefit and feasibility of the proposed development. Drop the word "financial" and "fiscal." That might be one suggestion. And I'm certainly looking to the rest of you-all here to combine.

COMMISSIONER EBERT: Yes.

COMMISSIONER SCHIFFER: I mean, my comment on it is, why would they have that in there to begin with? I mean, there's -- at one time were we having a problem where people would go in, destroy wetlands, and then the project collapsed because it wasn't fiscally sound? Because that's the only thing that would prevent.

CHAIRMAN STRAIN: Well, I think this is for the public. Open it up to the public, I think.

MR. LENBERGER: For the record -- is this mike working?

COMMISSIONER EBERT: Yes, you're on.

MR. LENBERGER: For the record, Stephen Lenberger, land development services department.

We have not applied this policy because there is no destruction of mangroves. We went through this lengthy discussion at the last meeting, if you remember correctly, that the mangroves are mitigated; therefore, there's no net loss of wetland function; therefore, there's no destruction of mangroves.

CHAIRMAN STRAIN: It says marine wetlands. So you're saying the only marine wetland is mangroves? I mean, what about seagrasses?

MR. LENBERGER: All marine wetlands, sure. They all have to be mitigated. You have to avoid impacts to marine wetlands, and you have to mitigate for their loss and wetland function.

CHAIRMAN STRAIN: Okay. And if they didn't, they would have to then abide by Policy 10.1.6, correct?

MR. LENBERGER: That's correct.

CHAIRMAN STRAIN: That sure is incentive to mitigate properly.

MR. LENBERGER: I can't hear you, I'm sorry.

CHAIRMAN STRAIN: That sure is an incentive to mitigate properly.

MR. LENBERGER: That's correct.

COMMISSIONER EBERT: I don't like that.

CHAIRMAN STRAIN: Okay. I mean, I don't see why we would want to remove it under those circumstances.

COMMISSIONER EBERT: No.

COMMISSIONER SCHIFFER: Yeah.

CHAIRMAN STRAIN: I mean, if you have a problem administrating it, I think we need to write better implementation language in the LDC. In fact, after last week, I think we definitely need to write better language in the LDC. I think that would be good for everybody.

MR. BOSI: 10.1.6, specifically, the only reference -- the only thing it's asking for is the public benefit analysis and the financial feasibility analysis. You've opined that you feel that the financial feasibility doesn't provide us with any value and you'd like to see modifications, and a needs analysis?

CHAIRMAN STRAIN: Well, last week, Mike, and the big -- one of the -- most repeatedly brought up by the public is that they didn't think we needed more slips. Well, that's fine. But if we had a needs analysis as a requirement or at least as a -- something that was going to be needed if they did certain things, that whole issue could have been -- testimony could have been put on there factually.

I don't know if we have enough slips out there. I mean, I have no idea. So we don't know. I mean, I think that may not be a bad thing to leave in. If they do get into a point where they need to destroy any marine wetlands and they're not going to mitigate them, well, then they do a needs analysis to show us why.

MR. LENBERGER: Well, they're going to have to mitigate through state permitting because of the ERP process. And as far as a needs analysis, if they have residents who need the docks and don't have docks now available to them, then they've demonstrated that there is a need.

COMMISSIONER SCHIFFER: Well, a private need.

COMMISSIONER EBERT: Yeah. I don't -- I prefer it staying in.

MS. ASHTON-CICKO: I think that the sentence or paragraph is a little bit difficult, because from what we're hearing from staff is that if you destroy the marine wetlands the state and federal agencies are going to require you to mitigate, and staff is telling you that if there's mitigation, then this section doesn't apply is how I'm hearing it. And I don't know that that's what it says, because it doesn't talk about if you mitigate then, you know, it's not required to be for general public use.

COMMISSIONER SCHIFFER: Question, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I mean, why -- this is -- do you think this was written prior to the mitigation requirements?

MR. LENBERGER: These policies have been in place, as far as I know, since the original Comp Plan was adopted in 1989, and the ERP process came about later. It's --

COMMISSIONER SCHIFFER: And it really makes me wonder what they -- you know, the legacy of this. What were they trying to protect us from? If there wasn't a mitigation policy, maybe they would have thought differently. But, obviously, what they're saying is that, you know, you have to -- and the one prior to this really sets

that point is you don't destroy these areas unless it is for the public good, public benefit, and then the financial feasibility, somewhere in there they had to be having trouble where people would go in and they couldn't afford to complete it and really mess up the area.

So somehow what this is saying is you can only do it for the public good and you have to prove to us that you're able to pull it off, right?

MR. LENBERGER: They could produce a financial feasibility that shows they have the resources to construct it, but there's no insurance that, you know, their financial backing will remain stable or it's subjective to economic conditions. You know, so there's -- it's not going to give the insurance you'd need.

COMMISSIONER SCHIFFER: Well, that's, you know, the staff reviewing that feasibility. I mean, I don't think the feasibility study is to see whether they can rent the boat slips. I think it's to see that if you're going to go in and destroy this natural wetland, you better do it for the benefit of the public and you better make sure you can complete what you start. That's what it means to me anyway.

CHAIRMAN STRAIN: Well, I think last Thursday is a really good example. The state gave them permission to put that access -- well, actually the terminal platform in, but they didn't call it that, which was kind of nice for the state to decide -- up against the seagrass beds within four or five feet, increase the width and shading by the boats being moored against it and the dock boxes being on the back side of it, yet we had the opportunity not to do that because we have Policy 13.1.2, I think it is, that we can be more stringent.

This policy also would have worked in the case had they -- they actually are destroying, based on our code, that closeness in proximity to seagrasses and the report's written in the Coastal Zone Management plan as well as the Fran Stallings report seemed to indicate that that kind of shading was going to destroy that seagrass bed. Well, that gave -- this kind of a policy gives us the latitude to push the envelope, to push them away from things like that. And that's another one that would have been -- was relied upon and actually to come up with a solution to last Thursday's outcome.

So I don't see the need to dismiss it. I think we just change the fiscal and financial part. Instead of the word "fiscal," put "needs analysis," drop the word "financial," and if someone wants to destroy seagrasses, they better have a really good reason to do it. And this would enforce that.

COMMISSIONER EBERT: I like that.

CHAIRMAN STRAIN: I just don't see the need to drop it.

MR. LENBERGER: But these policies deal with public use. They talk about destruction of mangroves. Are you talking about any impacts -- it doesn't say you can't impact these resources.

CHAIRMAN STRAIN: It says "public benefit," by the way, not "use."

MR. LENBERGER: Well, it says you can't write a public -- well, it has general public use in Policy 10.1.5.

CHAIRMAN STRAIN: I'm looking at --

MR. LENBERGER: Public benefit in 10.1.6. It talks about destruction of mangroves, and they're going to mitigate with the state. So this policy doesn't say you can't impact any wetland resources, marine wetlands. It just says if you do you have to provide public benefit or public use.

CHAIRMAN STRAIN: Right.

MR. LENBERGER: And public benefit, in the narrative I gave you, talks about the state criteria, how you have to be clearly in the public interest in your OFW or you have to be non-contrary to the public interest or the test. So, you know, you are demonstrating that you're meeting their criteria.

But, you know, general public use, what exactly do you want, you know? And also, general public use of a private facility, you know, you look at the definition of marina in the Land Development Code, it includes a broad category, you know, all marina facilities that you typically envision; it also includes multifamily dock facilities.

CHAIRMAN STRAIN: So you're saying it'd be hard to do?

COMMISSIONER SCHIFFER: Yeah.

CHAIRMAN STRAIN: Okay, and that's good, because you know what that means is then they wouldn't trigger it. So I think it's another hammer that we can use to say, if you trigger and destroy functioning marine wetlands, you've got to provide public use. Guess what? There are going to be a whole bunch of private people out there not wanting to trigger that public use action, and they're going to avoid it then. There's nothing wrong with that.

MR. LENBERGER: Well, then any dock which crosses any mangroves -- and we're talking about

destruction of mangroves. What you're saying is impacts to mangroves or other marine resources.

CHAIRMAN STRAIN: I'll use the word "destroy" then. Let's just substitute my word "impacts" to "destroy," fine.

MR. LENBERGER: Okay. So use impact?

CHAIRMAN STRAIN: No, destroy. If they destroy and they don't mitigate --

MR. LENBERGER: Well, they have to mitigate.

CHAIRMAN STRAIN: Well, they didn't mitigate in the seagrass issue last Thursday. The state gave permits; so did the Corps.

MR. LENBERGER: I don't know the particulars of that permit. I don't know what mitigation was required, if any. I'd have to look at it.

CHAIRMAN STRAIN: God, after nine hours -- were you here?

MR. LENBERGER: No, I was not here.

CHAIRMAN STRAIN: Oh, you're lucky.

MR. LENBERGER: But Tim Hall possibly could answer those questions as far as --

CHAIRMAN STRAIN: Well, yeah. He was the person that was arguing in the other side, so I'm sure he would love to answer those questions.

MR. LENBERGER: Well, he should be very familiar with the permit conditions since he handled the permit, as far as I understood.

CHAIRMAN STRAIN: Oh, we could talk permit, but I don't think he's going to feel that comfortable when we get into the details.

MR. LENBERGER: But the point is is that they mitigate for impacts and they minimize the impacts. So they're not destroying wetlands. They're mitigating.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: But here's the thing. Read what this says. We're talking about to destroy a viable naturally functioning marine wetland. We're not talking about a mangrove plant. So the point is, what this says is if you're going to destroy a viable naturally functioning marine wetland, essentially, don't ever do that, but if you do, you have to -- you have to be held to an extremely high standard, and it has to be for the public benefit.

So, you know, it's not a little guy in his backyard with a mangrove plant and he wants to run, you know, a dock across it. That's not going to destroy a naturally viable wetland. So, you know, you may be trying to bend this, you know, into the wrong area.

It's pretty clear what this is. If you're going to build a new marina and you're going in and you're carving out and destroying a viable wetland community, you better be doing it for the public good, public benefit.

So, you know, I mean, that's -- it's not -- I mean, I don't know how you would mitigate, you know, a wetland -- a viable functioning marine wetland.

CHAIRMAN STRAIN: Well, you know, an example of a complete destruction, the place across the street from the docks we discussed on Thursday -- across the waterway, I'm sorry.

COMMISSIONER SCHIFFER: Exactly.

CHAIRMAN STRAIN: What was the name of that? Surf Colony. They were a mangrove island. They dug a channel to put boats in. They filled it, killed all the mangroves, and put high-rise in. Now, they'd have a hard time doing it with Policy 10.1.6, and they'd probably have a hard time doing it with agencies today. But I like the extra impact we have by leaving some of this language in our code. I don't know why we would want to take it out.

COMMISSIONER EBERT: And I agree.

MR. LENBERGER: And we're talking about complete destruction. And I understand what you're talking about, totally obliterating all the mangroves. But that, most likely, would not be permitted today. The mitigation standards would be extremely high. And one product I saw, at least at a proposal stage, was to dig a basin in an upland area so they wouldn't be impacting the marine resources.

MS. ASHTON-CICKO: But, Steve, this section doesn't talk about mitigation. It just talks about marine wetlands. So you're reading in that if you destroy it and you mitigate it, this section doesn't apply, and I don't know that that's what this section says.

COMMISSIONER EBERT: I'd like to leave it in.

CHAIRMAN STRAIN: Well, you know, we can probably beat this to death for another hour, but what --

COMMISSIONER SCHIFFER: Well, but here's the thing. Steve's saying there's no way he can do what we're describing anyway, so how could this probably be hurting anything?

MR. LENBERGER: I'm having a difficult time hearing you.

COMMISSIONER SCHIFFER: What you said is there's no way you could do what we're describing anyway. And I think Mark's right; think back in that time, they're building bulkheaded sites. Look at that, the site that Aqua was ultimately built on. These are things that are happening in their community when they're writing these things, and they put a stop to it with these clauses. So before we open up these gates, we better make sure we understand why they were locked in the first place.

And if you're saying that they can't do what we're describing by destroying, you know, this huge marine wetland, then how could this clause being there hurt anything?

CHAIRMAN STRAIN: Yeah.

COMMISSIONER SCHIFFER: You've also said that staff's ignoring it anyway in the beginning. They're not fulfilling it. So I mean, I think you are because I think the level that this was written for is not the level that you're talking about it. This is for some brutal site work that happened in the past when this was being written.

MR. LENBERGER: And that's the clarification we need. You're talking about complete destruction where you totally remove the system as opposed to building a boardwalk or an access walkway for a dock.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: Well, it doesn't say you can't build a board -- it says destroy -- proposed to destroy a viable natural functioning marine wetlands. That dock going -- that access dock didn't destroy any of the mangrove wetland functions.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: It just put out a boardwalk over the top of them, just like Corkscrew's got and other places where they've got other pristine -- but I have to think that in 1998 the Dunes property was platted to put in more fingers than canals and seawalls and bulldoze the mangrove, just like Surf Colony's.

In 1998, they already had in their hands a zoning re-evaluation approval from, I think it was, Ken McGinsky or somebody at the time saying that this property can have that density and those things done to it.

So while you may think it can't happen today, if it ever by chance had to for some grandfathering issue or somebody that didn't vacate a plat and we still had that sitting on the books, I'd love to have this policy to hit them with. And I think it should say in, and I --

COMMISSIONER EBERT: Mark --

COMMISSIONER VONIER: I agree.

COMMISSIONER EBERT: -- I agree with you. I think sometimes staff relies too much on the state and federal where they just say we don't need to do anything because it's supposedly covered. I would rather leave it in.

COMMISSIONER SCHIFFER: Yeah.

COMMISSIONER VONIER: I agree.

CHAIRMAN STRAIN: Okay. Karen, do you have --

COMMISSIONER HOMIAK: And you're going to change the wording --

CHAIRMAN STRAIN: No, we're leaving Policy --

COMMISSIONER HOMIAK: Take out --

CHAIRMAN STRAIN: Yeah. I would -- and that's, I guess, where we need to be. Let's look at Policy 10.1.5. Does anybody have any need to take that out or leave it in --

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: -- leave it back in.

COMMISSIONER SCHIFFER: Same thing.

CHAIRMAN STRAIN: Okay.

MR. SCHMIDT: And, Mr. Chairman --

CHAIRMAN STRAIN: Yeah.

MR. SCHMIDT: -- for clarification, are we looking at the shaded version now in the element itself?

CHAIRMAN STRAIN: I'm looking at the handout that somebody now told us to refer to.

MR. BOSI: We know where you're at.

CHAIRMAN STRAIN: Okay. In the handout, Policy 10.1.5 is completely crossed out. I think we're

suggesting as a board don't cross it out.

In Policy 10.1.6 it's completely crossed out. I think we're saying as a board don't cross it out. And I want to ask the board, additionally, if they would mind suggesting to change the words "fiscal" to "needs" and drop the word "financial" in the last line, and that puts the onus into a different kind of analysis rather than an financial analysis, which I understand is going to be difficult to do.

And, yes, and, Tim and Donna, we're going to be getting to you guys in just a minute.

But I want to -- first, is that --

COMMISSIONER VONIER: Mark, or you could say --

COMMISSIONER EBERT: Needs is correct.

COMMISSIONER VONIER: -- or demonstrate both need and public benefit, period.

CHAIRMAN STRAIN: Well, it would be easier just to change that one word to "needs" and drop the "financial," rather than reword it.

COMMISSIONER VONIER: Okay.

CHAIRMAN STRAIN: I mean, either way it says the same thing, I think.

COMMISSIONER VONIER: Yeah, it does.

COMMISSIONER SCHIFFER: But I'm still worried. Why would -- you know, I think people back when this was written knew what the word "financial" and "financial feasibility" meant. Why did they have that in there? What were they worried about? What was happening that made them write that down?

MR. BOSI: I think you probably have identified it. I think you've already identified it, to make sure that there is some sort of assuredty they had the financial wherewithal to carry the project through.

COMMISSIONER SCHIFFER: Yeah. So why do I find that comfortable to have? I mean, granted, you could take out a financial thing, but the point is that means that you could look to an applicant's financial ability with that clause in there to do what this is doing. I mean, this is a really nasty thing that's going to have to happen here, and I'm going to make sure that the people are --

MR. BOSI: They would simply just submit their pro forma.

CHAIRMAN STRAIN: Well, I was just going to say, it's different -- there's two references here. The second line where it says functioning marine wetlands shall be required to perform a fiscal analysis in order to demonstrate the public benefit. Now, that one, I think, needs to have the needs analysis, not fiscal. But I think what you're referring to, Brad, is saying -- and then it says, and financial feasibility of proposed project.

So what you'd be suggesting is leave the word "financial" in on the second reference, because that's relevant to the pro forma that you're talking about, Mike, and the second line, dropping the word "fiscal" and putting in "needs" changes the type of analysis needed for a public benefit rather than a fiscal analysis for public benefit, because I think a fiscal analysis for public benefit just is worthless.

COMMISSIONER EBERT: Correct.

COMMISSIONER SCHIFFER: I'm good. So the only thing we're proposing is you kill the word "fiscal" in front of the word "analysis."

CHAIRMAN STRAIN: And just put "need."

COMMISSIONER EBERT: "Need."

MR. BOSI: Yes.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: And then to leave the policies intact, and I think Steve needs to strike up the band to get LDC language that he's more comfortable with. And I certainly would be in favor of that, so -- after last Thursday, I think we need it.

So I thank you for pointing all this out, Steve.

MR. LENBERGER: Thank you.

CHAIRMAN STRAIN: It's been a big help. Good discussion.

And we need to have two other speakers. And, Tim -- well, let Donna come up first if she wants to speak, or shake your head no if you don't want to. You change your mind if you don't like it -- I mean, you could change our mind. We'll have to see, Donna.

MS. CARON: Donna Reed Caron, for the record.

No, I don't want to snatch a win here; however, I would just like to say as far as the financial feasibility is

concerned, I think that's an important consideration. It would seem to me that if you're going to grant somebody the right to destroy a wetland, a naturally functioning wetland, then you want to make darn well sure that they're going to be able to carry through with the entire project and not let it drop the ball midstream because they don't have the money to do it or whatever.

So I think that the financial feasibility is probably a good thing. Chances of it coming up are not going to be great, but having it in there as a safety measure for the county is good.

And I'd just like to say I think it's really important and I'm glad you are keeping this policy in, because I think it is incredibly important for us to take control of our own destiny. We cannot rely on the state or the feds to do it for us. We must take control.

Thank you.

COMMISSIONER EBERT: I agree.

CHAIRMAN STRAIN: Thank you, Donna.

Tom?

MR. EASTMAN: As far as the financial feasibility goes, I think that that has to be focused on the sustainability of the project, because just completing a project and then having it not used and then later abandoned is probably just as bad as eliminating the mangroves and not completing the project.

So when I think they're talking about financial feasibility, I think that they're worried about the sustainability of the entire project, because an abandoned project is just as cumbersome and just as negative of an impact as one that's incomplete.

CHAIRMAN STRAIN: Agreed.

COMMISSIONER SCHIFFER: Agree.

CHAIRMAN STRAIN: Thank you.

Tim, did you still want to jump on --

MR. HALL: I can go after --

CHAIRMAN STRAIN: Oh, we're done with -- if you've got anything on the --

MR. HALL: You have another --

CHAIRMAN STRAIN: Oh, Jeremy. Come on up, Jeremy.

MR. FRENTZ: Jeremy Frentz representing the Conservancy of Southwest.

I'll just echo the last statements. I think this is a good opportunity for the county to strengthen state policies, and I just would like to make sure that along with that -- along with keeping these policies, we are making the recommendation that whatever LDC policies need to be created to be make sure that there is enough criteria for them to actually be implemented, that that is happening.

CHAIRMAN STRAIN: And I think that's the indication we provided to staff. It may take a while, but we'll get there. Thank you.

MR. HALL: Good morning. For the record, Tim Hall.

I had talked to the Marine Industries Association about these policies, and they asked me while I was here to speak on their behalf and just to let you know that they're supportive of the staff's position to go ahead and eliminate those.

I do want to say that one of the scenarios that you guys were talking about there, if you have a residential project that was going to come in and take out the mangroves, like the development on the other side did, this policy wouldn't apply to them because it's only for marinas and water-dependent uses, and residential doesn't fit under that, so this policy wouldn't even apply to a project like that.

CHAIRMAN STRAIN: But they could have applied to put a marina in the waterway.

MR. HALL: It would apply to the marina --

CHAIRMAN STRAIN: Right.

MR. HALL: -- but not to the actual destruction associated with any of the residential areas.

CHAIRMAN STRAIN: Gotcha.

MR. HALL: If the intent is to leave these policies in, then I kind of went through -- and 10.1.5, I don't have any problems with the first sentence. I mean, I think that should happen. Any marina, water-dependent, water-related uses needs to conform to applicable regulations. That's, you know, I think common sense.

The second sentence, I'd like to clarify whether that also is talking about marine wetlands or wetlands in

general. There's different terms. 10.1.5 talks about wetlands, 10.1.6 talks about marine wetlands, and they are different.

I'd also like to define -- better define marina. In the Manatee Protection Plan that the county has, marinas are basically commercial facilities, the yacht clubs.

The county definition of marinas talks about -- actually, I wrote it down because I knew I wouldn't remember it. A boating facility on navigable water frontage providing all or any combination of the following. We always interpreted that to be a combination meaning it had to be more than one.

County staff in the past had said if it has any one of those, then it can qualify as a marina. And that's how the multifamily residential projects, they have boat slips or dockage, so they're counted as a marina even though they don't supply or offer any of the other things that you would normally associate with a commercial facility or a yacht club.

CHAIRMAN STRAIN: So you're saying when it says here "all or any combination of the following" --

MR. HALL: That it should be --

CHAIRMAN STRAIN: -- that it's been now interpreted to be a stand alone? So if you have a small boat launching facility, you're a marina whether you have fuel supplies, bait, or anything else there?

MR. HALL: Correct. Or if you have boat slips alone, you're a marina even if you don't offer any of the other facilities.

CHAIRMAN STRAIN: How did we get there? I mean, if it says "all or any combination," do you have an example of where this was -- do you have anything to tell -- when was this done?

MR. HALL: How about last Thursday, the Dunes.

CHAIRMAN STRAIN: That was a multifamily docking facility. It wasn't a marina.

MR. HALL: No, it's a marina. It's classified as a marina.

CHAIRMAN STRAIN: I didn't even pick that up, and I read everything.

MS. ASHTON-CICKO: I don't think so.

CHAIRMAN STRAIN: I don't think so either. I saw it as a multifamily docking facility.

MS. ASHTON-CICKO: It falls under the section that deals with marina in the LDC, because it says, like, multi slip and marinas, so it does fall under a section that is entitled "marina," but it -- I don't believe it falls under the definition of marina, because --

CHAIRMAN STRAIN: Well, if that's --

MS. ASHTON-CICKO: -- as Tim's represented, it's only one and not more than one.

CHAIRMAN STRAIN: If that was considered a marina, we need to have another hearing on it, because that would certainly affect my vote. I didn't see -- I saw that as a multifamily docking facility, because that was repeatedly the way it was addressed. You did not supply other facilities, you did not supply marine bait and fish and all the other stuff. You basically were docks for residential uplands, and I didn't see how that classified as a marina.

MR. HALL: I can go back -- I'm sorry I don't have that kind of information with me right now. But in past -- and I think, Steve, can you clarify? There have been other multifamily facilities that have been designated as marinas when they go through the review with staff.

CHAIRMAN STRAIN: But, see, that would have been a different level of scrutiny last Thursday, probably a more intense one. So had you been -- I thought you were better off being classified a multifamily docking facility than a marina. But if you want to be a marina, maybe we can bring it back.

MR. HALL: No. I am not saying I want to. I'm saying that from my standpoint, I don't think that we should -- that the standard should be the same for a multifamily as it is for a commercial marina.

CHAIRMAN STRAIN: I don't believe it is, from my interpretation of what I've read.

MR. HALL: But when you get to these policies it doesn't really matter because it talks about marinas or all other water-dependent and water-related uses.

CHAIRMAN STRAIN: Right.

MR. HALL: And that then means any single-family dock, any observation platform, any boardwalk that goes through those areas. It, I think, expands the scope more than what may have been intended here because other portions of your code -- if you're talking about docks, a residential dock project or a single-family dock project, which is a water-dependent use, they're not allowed to provide for general public use.

They're -- those facilities are accessory to the residential, and they're not allowed to let other people come in

to use them. So you get into a situation where you could be requiring them to do something in one portion of the code that's not allowed in another.

CHAIRMAN STRAIN: Well, with staff's earlier testimony or comments, I think what they indicated was that these policies really aren't -- haven't been needed that much because the state already covers the destruction through mitigation, and mitigation offsets that destruction.

So I'm not sure, by leaving this in, what it hurts, especially as a -- like I said, a tool to make sure no one does this to an extent that is undesirable.

MR. HALL: And if that's the -- if that's the standard that's defined that if mitigation is -- that's how that's in -- there are people in the public that will say, if you cut down one mangrove tree, that's destruction of marine wetland.

CHAIRMAN STRAIN: Well, but Tim, look at last week as an example. The state allowed the crossing of the seagrass beds with a graded spacing, and there was virtually no concern on their part, or at least it seemed, from the potential destruction of the seagrasses with the shading effect from what was being built three or four or five feet away from the seagrass beds, in some places even closer.

We had the ability through our codes to come back and say it is going to have an impact, and everything we read -- I know you may not agree with this -- showed that the impact may be negative.

I think those are -- these are valuable tools to have in case those circumstances come up again on some other project. So I'm not sure they're hurting anything since they've been very rarely used, from what I understand. And until we get better implementation language placed, which I'm sure we'll be working on, I don't know why we'd want to take them out.

MR. HALL: Well -- and, again, I would back the staff if you do, but if not I'm offering suggestions on how I think that they could be better understood, anyway, from the general.

CHAIRMAN STRAIN: But, see, you could do that better in the implementation language. You'll be more specific than you can on the GMP policies. And that may be where to leave this in collectively and then address everything in implementation.

If you think there's a difference between marinas and multifamily docking facilities and how this should apply, then that's the place to be effective to get it done.

MR. HALL: Well -- or opening, I mean, to any water-dependent or water-related, you know, use. I think that's -- that encompasses a lot more than may be intended.

CHAIRMAN STRAIN: You know, you come in a lot, you and Rocky; I don't see you guys ever having -- finding less things to do because of these two policies, and that mere fact in itself means that everybody's doing something to avoid this kind of destruction. So if it's these policies that's causing that, that's good.

Brad?

COMMISSIONER SCHIFFER: Are you having trouble with the staff and thresholds of when they're starting to implement this? I mean, because somewhere in --

MR. HALL: No, I haven't. I mean, I would agree with Mark. I don't know that I have ever actually seen it implemented until, you know, last Thursday.

COMMISSIONER EBERT: Tim, I have a question for you just quickly.

CHAIRMAN STRAIN: Good comeback, Tim.

COMMISSIONER EBERT: Tim, did -- do you feel that the Dunes docks is a marina; 49 slips, to you is a marina?

MR. HALL: No, ma'am. I feel it's a multifamily.

COMMISSIONER EBERT: Well, you just called it marina when you came up here.

MR. HALL: I said that it is looked at -- I believe it's looked at as a marina by the county, not by me. In the county review it's looked at as a marina.

COMMISSIONER SCHIFFER: Wasn't it a residential dock with more than 10 slips, which brought it into the Manatee Plan, which did everything else? So they differentiate in that between a marina and a residential dock with more -- 10 slips or more.

MR. HALL: No. I think --

MR. LENBERGER: Steve Lenberger, for the record.

The Manatee Protection Plan has a marina siting criteria which also applies to multifamily docking facilities

10 slips or more.

COMMISSIONER SCHIFFER: Right.

MR. LENBERGER: The definition in the LDC -- and I put it on the visualizer -- is the definition for marina in the LDC. And you can see that it's very encompassing. It would include a multifamily docking facility.

CHAIRMAN STRAIN: How?

MR. LENBERGER: Well --

CHAIRMAN STRAIN: I mean, it says "all." You have to list all those things or "any combination." So which two things did they have that would have made it a marina?

COMMISSIONER SCHIFFER: They just have boat slips.

MR. LENBERGER: They just have boat slips?

CHAIRMAN STRAIN: Right. So that's all they've got. So it wouldn't have been a marina under this classification. I never proposed it as such when we talked about it last week. Heck, that would have brought a whole different level of review from at least me on this board and maybe others.

MR. LENBERGER: And does it have -- Tim, does it also have dockage on it?

MR. HALL: Well, the boat slips are dockage, yeah.

MR. LENBERGER: Okay. So it's boat slips and docks, okay.

CHAIRMAN STRAIN: Right. So it's not a marina.

MR. LENBERGER: I stand corrected.

CHAIRMAN STRAIN: Okay, good. Phew. Thank you, Steve. I didn't want to have to go back and redo last Thursday.

COMMISSIONER SCHIFFER: And we never discussed it or thought of it as a marina, that I recall.

CHAIRMAN STRAIN: Okay. Tim, is there anything else you wanted to -- I think one point that you made on Policy 10.1.5 -- and, Steve, maybe you could weigh in on this where he says, purpose to destroy marine wetlands. I think that's well founded. I think the intent of this policy is for in-water issues, not upland issues. Upland issues are already addressed in numerous ways in other parts of our code. Do you have any -- do you see any problem with that?

MR. LENBERGER: I'm not sure which language you're --

CHAIRMAN STRAIN: 10.1.5, the last line. It says, uses that propose to destroy wetlands. And what Tim suggests is we insert the word "marine wetlands" to coincide with the same and similar language in 10.1.6.

MR. LENBERGER: That's fine. I believe you suggested that initially also that we insert "marine wetlands."

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: Let me ask a question, though, Tim. And the last week is a good example. We, obviously, had wetland and you had a mean high-water line. Would the area above the high-water line, is that a marine wetland or is --

MR. HALL: I would classify mangroves in general as a marine wetlands whether above or below the mean high-water line because they are still regulated by the tidal action of the --

COMMISSIONER SCHIFFER: Okay.

MR. HALL: -- or by the action of the tides.

COMMISSIONER SCHIFFER: Okay, thanks.

CHAIRMAN STRAIN: There are specific definitions for that, too. I had looked them up once quite a while ago.

MR. HALL: Yeah. The other thing, I guess, was the -- in terms of the general public use. And what you're saying is if this goes into the Land Development Code, then exemptions for single-family docks and the use and all of that would be defined at that time?

CHAIRMAN STRAIN: I would -- that's the best place to put it, not in the GMP. All that implementation language is where we determine when and how it applies. And if it hasn't been done for these policies -- and, Steve, I appreciate you pointing it out to us, because it needs to be done. You need to be able to approach these things with a clear rule and not have to interpolate, so --

MR. HALL: Okay. And then, you know, I don't have any comments really with regards to the needs analysis unless -- you know, if that's defined as need by the general public or need by the -- you know, by the project

itself, I guess that would have to be --

CHAIRMAN STRAIN: And the rules, when we do the LDC we could spell it out. But I would think for whatever type of facility there is being proposed, the needs analysis would have to relate to that. I mean -- right?

MR. HALL: Okay.

CHAIRMAN STRAIN: That's my thought on it, anyway. Steve?

MR. LENBERGER: Couple of things. I just want to make sure I'm understanding all this. You want to insert the word "marine" in front of "wetlands" on 10.1.5 --

CHAIRMAN STRAIN: Yes, sir.

MR. LENBERGER: -- second sentence. You want to eliminate "fiscal" and put "needs analysis."

CHAIRMAN STRAIN: Right.

MR. LENBERGER: And you're keeping "financial feasibility."

CHAIRMAN STRAIN: Yes.

MR. LENBERGER: Okay. And I heard about sustainability.

CHAIRMAN STRAIN: We didn't go there. That's something that you can address in the implementation language if it's warranted through the public and stakeholder meetings.

MR. LENBERGER: Okay. I'll let Michele clarify the rest. Thank you.

CHAIRMAN STRAIN: Thank you, Steve.

MS. MOSCA: Just for clarification -- again, Michele Mosca, for the record.

The Policies 10.1.5 and 6 have been revised. In your document if you'll refer to Page 27, please.

CHAIRMAN STRAIN: Is this the document that was passed out to us --

MS. MOSCA: This is the document. This is the actual Conservation and Coastal Management Element, the latest version. What's reflected in the memorandum is the existing CCME text for 10.1.5 and 10.1.6. And as you can see within the element itself on Page 27, those two policies have been revised. I want to make sure, for clarification purposes, what we're going to include moving forward. If we refer to 10.1.5 or the new 6, second line, are we going to retain water-dependent and water-related uses, or are we going to refer only to marina development?

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: My opinion is to leave the water-related uses, because there are --

MS. MOSCA: Okay.

COMMISSIONER SCHIFFER: -- other things in marinas that could be itching to destroy those marine wetlands.

MS. MOSCA: Okay. So we're going to retain the existing language under 10.1.5.

CHAIRMAN STRAIN: I think that's where we're back to.

COMMISSIONER EBERT: Yes.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: Your definition of marine wetlands that is shown in parenthetical on the book that was supposedly replaced with the handout, in the book I think that -- that definition's fine. I mean, if you wanted to throw that in, I don't see what it hurts. It sure steers everybody in the right direction.

Anybody have a problem with that?

(No response.)

CHAIRMAN STRAIN: All it says is what marine wetlands are, which is needed. And then in the --

COMMISSIONER HOMIAK: In the Florida statute --

CHAIRMAN STRAIN: Right, Florida Administrative Code, right.

COMMISSIONER HOMIAK: Okay.

MR. LENBERGER: You want to keep water-dependent, water-related uses. That would be your condominium docks. Just make sure that's understood.

COMMISSIONER EBERT: Yes, yes, yes.

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: I think we need to go back to what we just said we wanted to do, and that's leave the handout language as it's seen with the exception of adding "marine wetlands" and then adding the definition that you've shown in the older document, and then we're there.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: Now let's move on to the next one, 10.1.6, which is now 10.1.7.

MS. MOSCA: And we got clear direction on --

CHAIRMAN STRAIN: Yeah, I don't think we need --

MS. MOSCA: 10.1.6, no.

CHAIRMAN STRAIN: Yeah. Let's just leave the handout as we discussed it with you just now.

COMMISSIONER EBERT: You're just taking out "fiscal" and put in "need"?

CHAIRMAN STRAIN: Right.

COMMISSIONER EBERT: Okay.

COMMISSIONER SCHIFFER: Yeah, old 10.1.6.

CHAIRMAN STRAIN: Okay, we clear?

MS. MOSCA: We are clear on 10.1.6, thank you.

CHAIRMAN STRAIN: Okay. Anybody else have a discussion on this portion of any?

(No response.)

CHAIRMAN STRAIN: Thank you.

While we're at a break point -- are we done with the CCME?

MS. MOSCA: No, we're not, actually, unless you don't care to go over the minor changes. And I'll just put those on the visualizer. They're changes that were agreed upon at the January Planning Commission meeting. So I just want to put them on the visualizer so they can be incorporated into the element.

CHAIRMAN STRAIN: Yeah, let's go. Then we'll take a break after that. These are the ones that we've got in front of us in the handout.

MS. MOSCA: That's correct, and they're minor changes. 2.1.7, strike through "rely upon" and replace with "include in their review."

Policy 2.2.5, that language was just revised in January to allow for greater flexibility. And in 3.1 point new 4, lower case "aquifer," and add the "S" to make it plural. And Objective 4.1, strike through "more," and that's it.

CHAIRMAN STRAIN: If I say it more accurately, it's assuming that accurately isn't accurate to begin with.

MS. MOSCA: That's correct. You don't need that. So as I said, they were minor and discussed previously, but wanted to put them on the record.

CHAIRMAN STRAIN: Anybody have any problems with the suggested change?

(No response.)

CHAIRMAN STRAIN: Okay.

MS. MOSCA: And that would complete the CCME.

CHAIRMAN STRAIN: Looks like we're a go.

Okay. With that, let's take a break until 10:40 and come back, and we'll resume, finish up the AUIR at that point. Thank you.

(A brief recess was had.)

MR. SCHMIDT: You're live.

CHAIRMAN STRAIN: We're getting into a bad habit here; we're another minute late.

So with that in mind, where do you want to go next, staff?

MS. MOSCA: We can return back to the Housing Element.

CHAIRMAN STRAIN: Oh. Your backup isn't here, I can see.

MS. MOSCA: That's okay.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: What I'm going to put on the visualizer -- what we've decided to do as staff is to add affordable/workforce housing into that listing under Objective 1 in the policies. So under Policy 1.1 and Policy 1.2 -- and those are the new policies with the highlight, and it's also within the memorandum. So we'll add affordable/workforce housing.

And I'll put the statutory text on the visualizer so you can all see what it includes.

CHAIRMAN STRAIN: Under Objective 1 you're going to put the word "workforce" back in as well, right?

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: So the objective -- you're not going to do it, but you're going to put it in the policy?

MS. MOSCA: No.

COMMISSIONER SCHIFFER: Don't put it where it was. Put it on that list of very low, low, moderate, and workforce. In other words --

MR. BOSI: Towards the end of the sentence.

COMMISSIONER SCHIFFER: In other words, we list the four. Now we're going to have four because they're adding workforce at the upper end.

MS. MOSCA: That's correct.

COMMISSIONER SCHIFFER: So in -- where you're saying, "the future needs of residents with," you'll add it to that list also.

MR. BOSI: Correct.

MS. MOSCA: Yes, that's correct, in Objective 1. Again, so that will appear in Objective 1, Policy 1.1 and Policy 1.2.

CHAIRMAN STRAIN: Good.

MS. MOSCA: And then we can go back to Objective 8.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: And that's on -- that's on Page 6 of your element. What staff would like to do there is -- I believe Mr. Schiffer had made this recommendation. What we'll do is put somewhere in Objective 8 "in concert with Objective 1" so it refers back to Objective 1 so that we don't lose the policies for the time being under Objective 8.

CHAIRMAN STRAIN: So you want to keep Objective 8 and its policies?

MS. MOSCA: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: And the wording will be -- because we're going to go for consent. So let's play a second here. Will seek to provide new residential -- or provide rehabilitated and new residential units in concert with Objective 1, something like that.

MS. MOSCA: Yes.

COMMISSIONER SCHIFFER: Real quick.

CHAIRMAN STRAIN: So you're dropping the words "to provide a minimum of 50."

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: Okay. So Objective 8 will basically read as it reads in the shaded on Page 6 with the proviso you're going to drop the words to -- we'll provide a minimum of 50 and insert the reference to Objective 1?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: I think that works. Everybody?

COMMISSIONER EBERT: Yes.

COMMISSIONER SCHIFFER: Yes.

MS. MOSCA: And I think that -- oh, well, we do have the one additional item for --

CHAIRMAN STRAIN: 1.5.

MS. MOSCA: -- the housing would be the reference to affordable workforce. What we'll do is just -- we'll leave it as "affordable" throughout the document, and that covers everything.

COMMISSIONER SCHIFFER: Yeah.

CHAIRMAN STRAIN: Correct.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: And then your Policy 1.5, the suggestion to do it per Board of County Commissioners district, you're going to --

MS. MOSCA: Yes. We already have that change, correct.

COMMISSIONER HOMIAK: I have one more question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER HOMIAK: Sorry. In Policy 2.10 on Page 3, the fourth bullet down, when we went over it last time, that was going to be removed, and now it's here and it's changed.

MS. MOSCA: The directive had been -- my understanding was to make sure it excluded Collier County because there will -- Collier County will not acquire additional properties.

CHAIRMAN STRAIN: That was correct.

COMMISSIONER HOMIAK: Collier County will not, okay.

CHAIRMAN STRAIN: That means the county's not going to be in the housing business.

MS. MOSCA: Right.

CHAIRMAN STRAIN: The private sector's going to be.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: Anything else?

COMMISSIONER HOMIAK: Nope.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER SCHIFFER: Nope.

CHAIRMAN STRAIN: Okay. Looks like we're good.

What's the last or -- near the end, right?

MR. SCHMIDT: We'll take you to the FLUE next, and Mr. Bosi will talk about the specifics.

MR. BOSI: Mike Bosi, comprehensive planning.

This is related to a public petition that was brought to the Board of County Commissioners on the 14th of February. They asked staff to look at the early entry bonus for the TDR program in the rural fringe mixed-use district.

And with that early entry bonus, it was originally stated to expire in 2008. In 2008 the Board of County Commissioners directed it to be extended an additional three years, so the expiration date is March 27th of 2012 of this year, you know, not too far from now.

The Board of County Commissioners directed staff to make the modification to the program to extend that early entry bonus. We have extended it as the handout suggests for an additional three years with also an alternative. Now, this would have been -- this would have been the second time the program has been extended.

Part of the backup that accompanied the executive summary was the assessment from the original EAR report. And the original EAR report from the rural fringe mixed-use district did a calculation of all the potential credits that would be available.

And if every parcel in the sending land designation that was privately held took advantage of the early entry credit as well as the base credit and the restoration and maintenance and the conveyance of all four credits, there still would only be enough TDRs total available to entitle 74 percent of the receiving lands that are available.

Now, the program is not supposed to be 100 percent participation, but what that assure us, that even with the extension of three years, we could -- we won't be creating an imbalance within the supply and the demand ratio between how many credits are available and how much land is available for entitlement.

Based upon that recognition, the proposal would be an additional three years or an alternative. Instead of having to potentially, three years from now, make the same change or a similar change to extend it, we may just want to eliminate the early entry bonus TDR program or credit and replace it with a participation credit.

And that's strictly an alternative if the Planning Commission felt that, well, this is now the second time we're extending the program three years, so we won't be -- it won't be back, just as an alternative for the Planning Commission to consider.

CHAIRMAN STRAIN: Mike, the idea that it sunsets periodically and it has to be renewed probably is good, because then we are looking at the market and needs on a regular basis instead of leaving a blanket program there to go on forever. Plus, it may -- if there's a need for someone to do something earlier, it provides a little incentive because they don't know what the future holds.

So I'm in favor of the first one, not the alternative. I don't know about the rest of this panel.

COMMISSIONER EBERT: I am, too.

MR. BOSI: And if that's the will of the body, we can bring that recommendation to the Board of County Commissioners to let the Planning Commission know. The second meeting in April will be when the EAR is going to be heard by the Board of County Commissioners.

CHAIRMAN STRAIN: Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Anybody object to using the first one?

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Okay. Looks like that's the direction we'll go, Mike.

MR. BOSI: Thank you, Chair.

And I believe, Corby, that covers all of the proposed modifications. Everything else that was presented were as agreed upon by the Planning Commission. And, of course, the books that will go to the Planning Commission (sic) will be the recommended language as suggested and as modified and as revised by the Planning Commission not only through the transmittal hearings, but also back -- remember, when this started back in August with our workshop.

So everything will be as directed from the dais.

CHAIRMAN STRAIN: Okay. Is there a motion pursuant to the way Mike just described everything?

COMMISSIONER SCHIFFER: I do. I'll make that motion.

CHAIRMAN STRAIN: To approve the EAR for a recommendation to the board?

COMMISSIONER SCHIFFER: Forward with a recommendation of approval.

CHAIRMAN STRAIN: Seconded by Bill.

COMMISSIONER VONIER: Yep.

CHAIRMAN STRAIN: Okay. Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. BOSI: Thank you, Chairman.

CHAIRMAN STRAIN: Consent. Does everybody accept the language proposed by Mike on consent?

COMMISSIONER SCHIFFER: I move that the -- as proposed, that it represents the hearing, thus accept it on consent.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Okay. Seconded by Diane.

All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Any opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries again, 5-0.

You got both, Mike.

MR. BOSI: Thank you. And I think we will see you in September for the adoption.

CHAIRMAN STRAIN: Maybe not me.

Okay. That brings us to our regular hearing items, and we have two cases left to go.

Mr. Schiffer, we certainly appreciate your presence today. I know you weren't supposed to be here and other members were, so we definitely like you staying. Thank you.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: ***The next item up will be RZPL20110001572, SSP Associates, Inc., for a rezone located on the south of Tamiami Trail East.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission?

COMMISSIONER SCHIFFER: Nothing.

CHAIRMAN STRAIN: I had emails with Mr. Fernandez. He asked me of some of my concerns. I sent him a list of them, and I'm sure we'll be going over that list today.

Okay. Michael, it's all yours.

MR. FERNANDEZ: Good morning, Commissioners, Mr. Chairman. My name is Michael Fernandez with Planning Development, Incorporated, representing the petitioner.

This is for a rezone of existing commercial property. It's a portion of the property that our client owns. The land is currently C3. It's proposed to be rezoned to C5.

On the telestrator you can see that there's a portion of the property that says C3, is now hatched, and that's the area that's in question.

I'll call your attention to the area to the -- I'll call it to the south. It's really to the south/southeast -- but the area to the south for a length of approximately a thousand feet. All those lots, all that property is already zoned C5, which is what we're proposing to rezone our property to.

The property to the north or to the left, if you will, is zoned PUD. It's part of a mixed-use project, but that property was done -- was rezoned many, many years ago, and there are many C5 type uses in that property. And also -- that's part of the Treetops PUD. And it's also worth noting that the maximum height on that property is 100 feet high. So it has a substantial height component to it.

The access to the residential that's behind it that's part of the Treetops PUD is this -- these two thin lines here that go up and split that commercial property where they could actually do 100 feet of height.

Across the street you have a mixture of uses but there's 300 feet of right-of-way, but that does include C4 uses, and it also includes a couple variances for what would be C5 uses.

The property to the rear, which is under common ownership, will remain C3, which has been there for many years. In fact, our client has owned this property since 1985. So our client has owned this property for nearly 30 years now and is looking to really form a viable use.

In our submittal to the county, in our cover letter, we wrote that there were a number of reasons that we were seeking this rezone. Our client, being the owners, have been approached over a period of years, and when they are approached, a lot of the people that would like to use their property have been requesting C5 uses. And, in part, we believe that's because this stretch of 41 is already improved with such uses. So they're looking at it and saying, well, that's what really fits. That's where they feel comfortable going.

And that's -- and, specifically, we've seen people that are doing storage facilities, and there's already existing storage facilities nearby. We have a used-car dealership on site that's not actually allowed in C3, but is grandfathered in from the old commercial zoning that was on the lot -- on the property previously.

And, you know, boat storage, for instance, which, again, is just down the street. In fact, just driving by to refresh my memory earlier today, we see gas station, laundromats, arcades, hardware stores, grocery stores, die metal shop, mini storage, repairs shops, quote, marinas, heavy equipment rental, bars and cocktail lounges are all in this immediate area.

Our client is, as I said, looking for it for three primary reasons. One is to be compatible with the neighboring properties so that they could potentially aggregate the property and develop it consistently with the -- between properties. Two, to add those uses that -- that people are asking for which tend to be construction-related or storage-related uses. And, three, just to get -- again, to make it a more viable economic development.

And I said since 1985 they've been paying taxes on this. Our client has told me repeatedly they've paid more in taxes than they've ever received in income from the property, and they believe that making this change is significant.

Relative to compatible, obviously, if we've got C5 next door, we would be compatible with C5. To the other side with the PUD that allows 100 feet of pipe and has C5 type uses, again, I would tell you that we believe we're compatible.

What we are giving up by going from C3 to C5 is a -- we're going from a maximum height of 50 feet, which is allowed in C3, down to a maximum height of 35 feet. So you're looking at, potentially, a five-story building versus a three-story building.

And probably just as importantly, what you're looking at is the ability for vegetation like trees in a relatively short time to be able to give you a solid buffer of a 35-foot height. So in terms of mitigating impacts through buffers and development standards, I think you've got a higher threshold by limiting it to a 35-foot height.

So even though we're going to a more intense use by some measures, the buffering and the reduced height mitigate that.

I'd also suggest to you that because it's still commercial property, those uses are subject to the county's architectural design standards, and because of that you're looking at a higher-end type of facility that would be developed on that property. You're also looking at the buffers that would be applicable along a corridor like U.S. 41. So in terms of impacts, we believe it's mitigating the change in intensity.

Relative to residential, again, I want to point out on the telestrator a couple of items. Again, this is the C5 portion of the property that's being proposed to rezone. Adjacent to it's the C5 that's existing. You notice that the C5 that's next door actually goes back further. It's almost another 100 feet back further than what we are requesting. And we have lined up the other side so that it's only 300 feet back which equals the commercial next door that's allowed to go to a hundred feet.

Additionally, relative to residential, again, I'll point out that there's some distance here between us and that residential area to the -- that's behind the existing C5. And, in fact, our client owns the lot that's actually adjacent to us, adjacent to the C3 back there.

On the other side, the entry again to the Treetops residential neighborhood is right through the adjacent commercial property, and the closest building is over 100 feet away, and that area has a significant buffer and preserves right over here in the corner. I'll point that out on the aerial.

Again, what we're looking to rezone this -- our client's property only goes back to 300 feet. You can see the closest residential building back here. That's over 100 feet away from the corner of the property. We actually don't abut any residential.

And, again, this property right next door, which has a lot of C5 uses, can be developed up to 50 foot height. The area on the other side of the driveway over here is a C5 use, which is mini and self storage. Next door is the Naples Marina. They have boat storage outside, boat repair, boat maintenance. Then there's a milling facility, and then additional storage and retail and a gas station.

All of these areas along the frontage all the way to the southwest is all C5 uses. And, again, as I said before, it actually goes back further than the subject property that we're talking about.

So from our standpoint we believe that we have a very compatible type project. We concur with staff's analysis. Staff has reviewed this, and we concur with their conclusions going through the criteria that we're compatible with the adjacent properties, that the land uses that we've -- that are in the C5 district are, again, compatible with the adjacent, uses. In some cases the exact same zoning.

With that I'd be happy to answer any questions you might have.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: In your presentation you said the landowner owns the piece of property adjacent to this. What does he own?

MR. FERNANDEZ: Our client actually owns this whole area that's yellowed.

COMMISSIONER SCHIFFER: Okay.

MR. FERNANDEZ: All the way back, and that's been C3 since they purchased it in 1985. They also own -- and it's in the disclosure -- they own a single-family lot back here, which is adjacent to the C3.

COMMISSIONER SCHIFFER: Okay. The concern I have, or the only concern I have, is that when you -- you're going to be accessing that C3 lot through the C5 Lot. So that residential lot that he owns, there's no way in heck you're thinking that you'll ever access the C3 through that; is that right?

MR. FERNANDEZ: No. In fact, if you look at it, the subdivision that was developed has a local road that's built along the rear. The zoning actually goes to the center of the street. There's a number of homes back there, and it terminates on a cul-de-sac.

Additionally, if you were to look at the property records and the plat, there's a 20-foot buffer and drainage

easement that separates that C3 from the single-family residential lot.

COMMISSIONER SCHIFFER: Okay.

MR. FERNANDEZ: So that provides a significant buffer and a transition between the existing C3 and that single-family lot.

COMMISSIONER SCHIFFER: And does that provide a protection that he could ever access the C3 lot through that residential neighborhood?

MR. FERNANDEZ: Again, it's a platted subdivision. You'd have to go and, you know, change things through it.

COMMISSIONER SCHIFFER: Okay.

MR. FERNANDEZ: But, I mean, that's not something that we're concerned about. We're not certainly doing anything to that C3 property right now to cause any problems or cause any impacts to that residential neighborhood.

COMMISSIONER SCHIFFER: But you will have to access through the C5 to get to the C3.

MR. FERNANDEZ: That's correct.

COMMISSIONER SCHIFFER: So in your design of that front end you'll be -- because C3 could have some nice uses, some nice office. You're going to make sure you keep that open and everything, right?

MR. FERNANDEZ: Absolutely.

COMMISSIONER SCHIFFER: I mean, you lose if anybody.

MR. FERNANDEZ: Yeah, I mean, it has to retain access. We're not segregating. It's just changing the zoning for that first 300 feet that would allow us to have some different uses than what we would be able to have in the rear of the property.

COMMISSIONER SCHIFFER: Okay. I'm done.

CHAIRMAN STRAIN: Anybody else have any questions? Karen?

COMMISSIONER HOMIAK: No. For staff, I guess.

CHAIRMAN STRAIN: Really?

COMMISSIONER HOMIAK: Not for --

CHAIRMAN STRAIN: Oh, you don't have any use issues? Usually you read all those commercial uses.

COMMISSIONER HOMIAK: Well, it's conventional uses to C5.

CHAIRMAN STRAIN: Right.

COMMISSIONER HOMIAK: You can't go through all those, can you?

CHAIRMAN STRAIN: I did. I have a whole page of uses I thought --

COMMISSIONER HOMIAK: Well, I'm not understanding why one parcel of property can be split up into two uses like that.

CHAIRMAN STRAIN: Well -- but if you look at the uses that can be expanded into that property, that different -- that are different than C3 -- because C5 includes all of C4. So what happens is that parcel now has not only C3 uses that it originally had but all C4 uses and all C5 uses.

COMMISSIONER HOMIAK: Right.

CHAIRMAN STRAIN: And if you were to look at those uses individually, as I have with the SIC code, there are some uses there that I would certainly want to bring up to the attention of this board to consider if they're appropriate for that location or not.

Michael, you've seen the list. Do you have -- do you have a way of shortening this, or do you want me -- because that was the purpose; you asked me for the list ahead of time -- or are you saying you want all the uses, and we'll just start with the top and work our way down every one of them?

MR. FERNANDEZ: What I'd like, if we can go through -- and you can help me, because, yeah, when I went through I had some questions, and I understand you were using a chart and -- as we went through -- and I think staff had some of the same questions -- there's some inaccuracies in there. For instance, I know there's -- at least one of those items is not permitted in any commercial district, and it's only permitted in the industrial district, and so it doesn't have any bearing. So there's a number of mistakes that --

CHAIRMAN STRAIN: No. I wouldn't classify my work as a number of mistakes, Michael. You can classify it that way if you want, but I wouldn't. So we can start walking through it a page at a time, item by item. And, I mean, I'm prepared to do it. I thought you wanted this early to save some effort. But if you --

MR. FERNANDEZ: Well, what I'd like to do, if we could, as we're -- if you have specific issues --

CHAIRMAN STRAIN: Yep.

MR. FERNANDEZ: -- what I would like to know is, are these issues relative to -- you propose to remove it because of either traffic or, you know, noise or fumes or, from a professional standard -- planner's standpoint and an architect, why is it that these type uses would be incompatible with property that's adjacent to it that's already zoned C5 or property that has a lot of C5 uses that could go up to 100 feet for C3?

CHAIRMAN STRAIN: Your qualifications of the Treetops as having a lot of C5 uses, there are 99 permitted uses in the Treetops and 11, more or less, conditional uses. Did you go through -- out of those 110, can you tell me exactly how many are going to be C5 uses, rather than just saying there's a lot of them? How do you know there's a lot of them?

MR. FERNANDEZ: Well, a couple clarifications. Where it says that they're conditional uses, staff has interpreted those to be not conditional uses but just requiring an SDP.

CHAIRMAN STRAIN: Either way, Michael, they're not part of the principal -- they're in addition to the principal uses. You have 110 uses allowed in the Treetops property. Of the 110, how many did you believe are part of the -- are C5?

MR. FERNANDEZ: I did not count them. If I had to guess, probably at least 50 percent if you include the provision in addition to that that says any other commercial or professional service which is comparable in nature with the foregoing uses, which the director can make a judgment call on.

CHAIRMAN STRAIN: But we --

MR. FERNANDEZ: A lot of these uses are, for instance, generic. For instance, cocktail lounges would allow for bottle clubs and other things that are more expanded, if you will, in the SIC codes that we use.

So a lot of these are old or just, I would say, placeholders compared to what we use today. And they could be readily expanded if you were asking for a director to review it and say, okay, how would that particular use be expanded?

Again, for instance, book binders is one that would allow for newspapers and other types of lithography and other types of publications to be taken care of, where in the SIC codes it's broken down into multiple uses.

CHAIRMAN STRAIN: Well, you're making the assumption that because of that clause "any other commercial use," our team of staff would go ahead and allow uses there that virtually are all C5 uses. I'm not sure that's a true assumption. And I'm not going to go along with that assumption.

Basically I'm going to start with the list I gave you since I thought this was done to expedite it. Instead, it's going to take longer. We will walk through every one of the 25 or 30 or 50 numbers, and we will decide which ones are appropriate for that location and which aren't.

My objections are all compatibility related, and you can take that for all the varieties of compatibility that you want to insert.

You're near a residential development. The residential development has a commercial component in the front. It is not C5. It is a mixture of a variety of uses. I've tried to be careful so that the uses I'm pointing out to you aren't necessarily mentioned in the Treetops, which means then they're a different use than the Treetops would be, and they're uses that may not improve the corridor of East Naples, so -- and by the way, I don't believe we have to accept a blanket rezone on this property. We can pick and choose and suggest alternatives. And if you don't like them, then I guess that will weigh in on our vote.

But I don't know why your client would want some of these. What kind of livestock, vet services are you going to offer on that property? Are you going to bring cows, sheep, goats? What are you going to be bringing in there?

MR. FERNANDEZ: Well, again, you know, I think you've got to take it in, look at the whole picture. There are vets that will have livestock where they come back, whether or not it's for breeding purposes or some other use. And by eliminating that, you make it incompatible with, let's say, the aggregation of property next door which would allow this property, perhaps, to redevelop.

And what I'm suggesting to you is C5, on the other side, is consistent with C5. And you mentioned a residential development that you're trying to protect. But, again, we're reducing the height from 50 feet to 35 feet, and there's 110 feet of separation between us and the closest residential, which we don't even abut because we only go to a corner.

So our impacts are significantly less than the potential development next door of 100 feet, which is part of the PUD. So, you know, I have a hard time.

And I know you mentioned a couple of them to me verbally. For instance, massage parlors which, talking with staff, for instance, will tell you that it's an antiquated term. For instance, if you go to the Costco over here in town, there's a strip center there and there's a place called Massage Envy which is classified and allows this use to be in that facility, and yet I don't see where it's objectionable. In fact, I know a lot of people that go to that facility. It's a national chain. It's in a new architectural building that meets the architectural design standards.

Or, for instance, you mentioned tattoo parlor and, you know, my son has tattoos and my future daughter-in-law has tattoos. And, you know, it's something that's fairly commonplace, but I don't see the need for --

CHAIRMAN STRAIN: No, let me finish. I only asked one question, and I got a 50-minute dissertation. We're going to be here all day by the time I get done. So I wanted to ask him -- you know, Mike, I --

MR. FERNANDEZ: I'm trying to figure out what the impacts are between, let's say, these uses in a neighborhood.

CHAIRMAN STRAIN: Lookit, I asked you one simple question, and you seem to indicate that you want to keep this open so if you want to breed cows in the back lot, you want to have that ability to do that on this property. Is that what you're telling me when I ask you, do you need 0741, which is livestock vet services? You got off on this tangent about breeding livestock. Then you want to combine it with others to put a potential breeding place in there. That doesn't seem appropriate for this neighborhood either from smell, odor, or noise.

So I'm certainly not in favor of something like that. But if you insist on having it, those are the simple answers I need. Do you need livestock vet services on this property?

MR. FERNANDEZ: Well, I'm saying they could be inside the facility. They don't necessarily even have to be outside.

CHAIRMAN STRAIN: Karen, did you have a comment?

MR. FERNANDEZ: So I don't see it, that it's an incompatible use.

COMMISSIONER HOMIAK: Well, I didn't know if -- I did write down a few things. I didn't know you could change a straight conventional zoning like that and pick through it, but --

CHAIRMAN STRAIN: He's changing it. We're not.

COMMISSIONER HOMIAK: With the -- right, but to exclude it in the conditional uses, I wouldn't want to see bottle clubs, homeless shelters, or correctional institutes or soup kitchens allowed there.

COMMISSIONER SCHIFFER: Well, Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: Could you come up with a process, because I'm worried about time.

CHAIRMAN STRAIN: I am, too, but I can't get a simple answer, so --

COMMISSIONER SCHIFFER: Yeah. I think his answer was yes, he wants the livestock.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHIFFER: But the -- let's come up with a process where if you have things or anybody on the board has an objectionable use, we state it. If the committee agrees that that's an objectionable use, then that's going to be the condition of approval, so --

CHAIRMAN STRAIN: I know. It's just going to take a long time to go through if we're going to debate every single one of these. I don't think that anybody would ever put livestock vet services in that location. Just for the farmers to bring their livestock there would be ridiculously expensive.

MR. FERNANDEZ: But it has -- for instance, under that use it lists animal hospitals for livestock. So a vet that has other purposes and may be serving other people, again, they might be bringing livestock in there. And I think they're going to see a lot of these things where that's a service that a vet might want to offer and it may not be its principal business.

CHAIRMAN STRAIN: You know, you ought to pick the ones you want to fight on that are worthwhile rather than something that probably is never going to happen. But we can go through and do that, Michael. I just think it's a waste of everybody's time. I don't know how many people are looking at specialty vet services or animal specialty services or farm labor contractors or farm management services or outdoor storage for construction and specialty trades or installing building equipment or specialty trade contractors. And, by the way, the issue here is all outdoor storage.

The printing of newspapers. I built a facility that prints newspapers. You wouldn't put one there. Printing periodicals, commercial, printing, lithographic, local trucking, general warehousing and storage, special warehousing and storage, packing and crating, communications for -- communication towers, livestock, lumber and other building materials, used-car dealers, boat dealers, drinking places, various fuels dealers, rooming and boarding houses, miscellaneous personal services of which are things like escort and tattoo parlors and things like that, heavy construction equipment, equipment rental and leasing, car washes, there's a series of repair services, drive-in theaters, bowling services, bowling centers, sports clubs, coin-operated amusement devices, amusement and recreation, which involves all kinds of things from firing ranges to who knows what else, and various social services.

I'm not sure why all those are needed, and I'm not convinced that they're compatible with the residential neighborhood by noise, sound, the attraction of clients and whatever else they do there, and especially the Treetops. I looked at their commercial list. I have it in front of me, and it doesn't have all those uses in it.

So I'm not sure why we need to make the change from C5 -- from C3 to C5 if the intensity is going to be some of these uses that aren't allowed there right now under C3. Doesn't make sense to me.

MR. FERNANDEZ: Well, again, they're trying to do it for economic reasons as much as anything else. And the guy next door, who has C5 already -- you know, we're at a disadvantage.

And in terms of being able to aggregate and develop, it's problematic not to be able to say -- if you built a commercial center across both properties, then you're going to say to your realtor, okay, you can only put those uses on this side of your shopping center but you cannot put them on this side even though it's the same -- you know, same piece of property, same building even, but we wouldn't be able to differentiate between Unit No. 10 over here and Unit No. 15 because of extracting these, because most -- a lot of these uses will actually be interior, into them, and a lot of them really depends on -- like anything else, what he -- how it's handled architecturally and how you handle the use of the property.

And I really don't see the nexus between a use that has 35-foot height limit and is separated from the residential next door by at least 110 feet, over 100 feet and, in fact, doesn't physically abut that commercial development that you're speaking of.

I just don't see the nexus of an impact from a professional standing -- professional planning standpoint.

But I'm happy to go through those uses one at a time, because I think there are some -- in the numbers that we got, there are some corrections. Like I said, there's at least one that would not be allowed in -- that is not allowed in C5, C3, or any other commercial district. It's only allowed in industrial. We're not asking for it, but it's one that you listed in your list.

CHAIRMAN STRAIN: Okay. So --

MR. FERNANDEZ: And there's some others that I think that will show up as being differential or that already are included in a lower use district.

CHAIRMAN STRAIN: So I've got about 40 numbers here. So you think one of them may be inadvertently in the wrong list, and the list that I got it from was a list that is on county file for charting out the different uses in both, so --

MR. FERNANDEZ: I understand. I went through with staff, and they concurred that it doesn't exist in the use.

CHAIRMAN STRAIN: Okay, fine. It's not an issue then. But if you're not going to -- if you're going to argue with every one of these and you see the need for every one, then we don't need to go any further with my part of it. So I'd be more -- I'll defer to the rest of the members of the commission.

COMMISSIONER SCHIFFER: Well, if it takes the length of time it's taking, it won't matter, because I'll be gone and we won't have a quorum.

CHAIRMAN STRAIN: I know. And that's -- I already know -- I mean, not going to be in favor of any project that is so stiff in the way it's going to be rezoned that we can't look for some additional protection and flexibility for the neighborhood. And if it means we've got to allow more things that are alongside it just because they're alongside it, now, that's not the right way to do things. We've made mistakes in the past. We don't need to make them in the future.

If you want a rezone, the burden's on you, not on us. And if we feel something is inappropriate for that area for whatever reason, I don't see why it has to be given to you. You're asking. You can't demand, so --

MR. FERNANDEZ: I understand we're here asking, and -- but we're looking for a rational reason why not to include a use. And, like I said, let's go through, and we can go through one by one, and I think we might find some common ground on some of the ones you think you have objections to.

CHAIRMAN STRAIN: Mr. Corradi, wherever -- he was here.

MR. SCHMIDT: He stepped out to make a call.

CHAIRMAN STRAIN: Okay. The gentleman that is after you has been waiting patiently for two meetings for a rather quick item, and I hate to see it delayed again till the 15th because we can't --

MR. FERNANDEZ: I'm happy to break for him. In fact, I told staff it might be good to bring him sooner than after. I'm happy to do that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: But, Mark, let me -- while he's bringing him in, what if we did this, we ran down the use, you could object to it or say you want it, and then the board could do a straw vote to see if they support the denial of that use in the application, and then we could just move on.

MR. FERNANDEZ: Yeah. I've got all the uses here. I'm happy to go through them, too, and then -- you know, because in some cases the SIC code that was used, the information on that is now changed. And that the -- what's listed, if you go into the SIC code system online, it's different from what --

COMMISSIONER SCHIFFER: Okay.

MR. FERNANDEZ: -- the issue is.

COMMISSIONER SCHIFFER: But we do have to make, you know, the discussion on each one kind of binary, yes or no real quick, you know. But anyway --

CHAIRMAN STRAIN: Why don't we -- if you don't mind then --

MR. FERNANDEZ: Not at all.

CHAIRMAN STRAIN: -- let's switch gears and let Mr. Corradi get up here, because we'll never get this done; if Brad leaves that will really be a problem.

***So let's break from this item, and we'll move into our next item, CPSS-2011-1. It's the Orange Blossom/Airport Crossroads commercial subdistrict located at the intersection of Airport Road and Orange Blossom Drive.

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

(The speakers were duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Okay. Disclosures from the Planning Commission.

(No response.)

CHAIRMAN STRAIN: Okay. Mr. Corradi, it's all yours.

MR. CORRADI: Hello. For the record, my name is Michael Corradi.

I'm requesting today to amend the Future Land Use Element, FLUE, of the Collier County Growth Management Plan and remove transportation commitments relating to the intersection improvements and related provision from the Orange Blossom/Airport Crossroad commercial subdistrict language in the urban mixed-use Paragraph 11B and 11CV.

The reason for this is that Airport Road has been determined by the transportation department of Collier County to be sufficient and currently has enough capacity and is deemed consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan without the need of additional mitigation.

CHAIRMAN STRAIN: Okay. Are there any questions?

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Okay. Thank you, sir.

MR. CORRADI: Okay.

CHAIRMAN STRAIN: Get the staff report.

MR. CORRADI: Excuse me?

CHAIRMAN STRAIN: Thank you. We'll just ask for staff report now. I know, it shouldn't be so simple, but some of them might be. So we've still got a member of the public here to speak, and you'll hear what he has to say, and then we'll make a decision. Thank you. I think we all read it. It's a pretty short read.

So, Corby?

MR. SCHMIDT: I've got nothing to add. The staff report -- the staff report explains that, yes, the

transportation division analyzed that intersection and the improvements that may be necessary, but they agree that they're not necessary at this time or along on a fixed schedule.

CHAIRMAN STRAIN: Understand. Thank you.

And, gentlemen, if you'd let -- you've been patiently waiting. Please come on up, identify yourself. We'll be good to go.

MR. GARBO: Good morning. John Garbo with the Orange Blossom/Pine Ridge Community Alliance. I believe I might have spoken to the petitioner. And our organization, which really is there to protect the interest of Orange Blossom Drive, don't see any real issues, just want to make sure -- and I did speak to Corby about this -- that if for any reason a development happens on that particular parcel and an interconnecting road that would cut through the corner piece, which we kind of know as the Italian-American Club, that any interconnecting road that would then go out onto Orange Blossom would not allow a left turnout or westbound onto Orange Blossom.

There's currently a cut there coming out of the library to go east on Orange Blossom and coming out of the Italian-American Club parcel to go west on Orange Blossom. Our concern is is that it could be a real danger there.

We have spoken to transportation. We have presented a plan to them that would probably mitigate that in the future when they redid the intersection. So no issues with, I think, what is being asked for just, if any interconnection needs to be done, we want to make sure that that cut-through at some point does go away.

CHAIRMAN STRAIN: Okay. Thank you. And I think that's a little bit out of the scope of the request, but I think putting it on record is a good thing.

MR. GARBO: Yep.

CHAIRMAN STRAIN: It will keep everybody aware of it. So appreciate it very much.

Okay. Is there any questions of the Planning Commission of anybody at this point?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Ray, are there any more public speakers?

MR. BELLOWS: No other speakers have registered.

CHAIRMAN STRAIN: Close the public hearing and entertain a motion.

COMMISSIONER SCHIFFER: I move we forward CPSS-2011-1, Orange Blossom/Airport Crossroads commercial subdistrict with a recommendation of approval.

COMMISSIONER EBERT: I'll second that.

CHAIRMAN STRAIN: Motion made and seconded.

Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 5-0.

Mr. Corradi, sorry you had to wait through all last Thursday through all that.

MR. CORRADI: Thank you very much.

CHAIRMAN STRAIN: I appreciate it. It was a long meeting last week.

Okay. We'll move back on to RZPL20110001572, SSP Associates, Inc., for the property located on South Tamiami Trail East.

We had left off discussing the needs for certain uses.

MR. FERNANDEZ: Mark.

CHAIRMAN STRAIN: Yes.

MR. FERNANDEZ: If I could make a suggestion. Would it alleviate a lot of your concerns if we came back and agreed to -- first of all, outdoor storage would be located behind any building and be limited to no more than eight feet of height? And I believe the code already provides for opacity as far as a buffer to the perimeter.

And I think that would take care of a lot of the issues that perhaps you have.

And then in addition to that, I would suggest to you that relative to anything having to do with vet services, for instance, that it be contained interior to the buildings so that there's no outside kenneling. And I think most of the kenneling or outdoor use or location of animals is actually only allowed as a conditional use in the C5.

So if we eliminate those, I'm hoping that a lot of that will alleviate a lot of your concerns especially with -- a lot of our client is actually focusing as in our letter that -- our cover letter has to do with construction-type uses, because that's where he sees a lot of it, and also self-storage.

So, again, if we can eliminate and make it so that any outside is basically buffered and to the rear of any -- of the most forward building. We just did that on a similar petition and, you know, I think it would work here, too. And that way if there's, like, parking in front of the building, you know, that becomes the public parking, and then everything else is kind of hidden, basically, from the rest of the site.

CHAIRMAN STRAIN: That will take care of a lot of it. Let's just work down the list then.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: So the vet services would all be interior to buildings?

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: No outside vet services. So you're willing to stipulate that?

MR. FERNANDEZ: Yes, sir.

COMMISSIONER SCHIFFER: Well, let me -- quick question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: I mean, you can take the animal out to go to the bathroom and stuff like that, correct?

MR. FERNANDEZ: Well, I mean, we've done those before. The facilities can actually be taken care of in the interior of a facility.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: And then there will be -- the only storage -- outdoor storage will only be behind buildings, right?

MR. FERNANDEZ: It will be behind the most forward building on site, yes, sir, and it will be screened, and I believe it's -- the code provides for an eight-foot -- Ray's nodding his head, eight-foot either wall or vegetation that provides 80 percent opacity.

CHAIRMAN STRAIN: Do you intend to do any communication towers?

MR. FERNANDEZ: Not that are not already provided by the code. The code allows us -- for instance, on Capital Center on Airport Road, you can do a 75-foot tower under the code. In fact, you can do it under any commercial zoning district. So only the ones that are allowed under any zoning district, but none that would require additional height. So no more intense than is already permitted by the C3.

CHAIRMAN STRAIN: How about farm labor contractors?

MR. FERNANDEZ: I'm assuming that's interior to the building, so I'm not sure what the issue is, or --

CHAIRMAN STRAIN: Well, farm labor contractors mean it's going to be like a local day hire facility.

COMMISSIONER HOMIAK: Day labor.

CHAIRMAN STRAIN: Day labor. And we generally don't like those near residential. And, basically, I think that would be problematic in this one. So do you have a reason to need farm labor contractors? It would be 0761.

MR. FERNANDEZ: Okay.

COMMISSIONER EBERT: You do have less than two acres, is that correct, that you're trying to do?

MR. FERNANDEZ: Yes, ma'am. It's only -- it's a small postage stamp piece of property, but it's important to our client.

CHAIRMAN STRAIN: Printing presses. I understand you can have a mimeograph machine or something small, but printing newspapers require large multi-ton machines and large facilities. Do you need to print newspapers and periodicals from this location?

MR. FERNANDEZ: I would suggest to you, because it's such a small piece of property, that anything would be like a neighborhood newspaper or, for instance, lithography is something that has now really become an artform. And there's a whole number that's associated with that.

So, again, what I'm trying to do is so that -- permit the potential aggregation of property, for instance, that would, you know, allow the better use and the economic use of this property.

COMMISSIONER SCHIFFER: Mark --

CHAIRMAN STRAIN: Yes.

COMMISSIONER SCHIFFER: -- I'm concerned about that, because it may be difficult for staff to determine a threshold as to -- you know, if a guy's using -- doing blueprinting for architects or something, is he a printing press? Is he -- you know, a lot of reproduction now is moving into machinery that could be confused with a -- with some of those uses. So I can't see where that could create a problem.

Now, one thing I think we have to say out loud is this guy could buy the neighboring site and do a project, and you've referenced that. So we aren't just talking about this parcel. We are talking about the two combined, potentially.

MR. FERNANDEZ: But what would happen in that case, if we're changing it, is that, for instance, the neighborhood newspaper would be on the one piece even though it's in the same building.

COMMISSIONER SCHIFFER: Right.

MR. FERNANDEZ: They could be over here. But once you cross this line, you couldn't have that same use.

COMMISSIONER SCHIFFER: So I don't have heartburn on that one.

CHAIRMAN STRAIN: Okay. How about local trucking? I mean, it's a two-acre parcel. What, are you going to bring in semis to that two-acre parcel and handle a trucking company in there? I mean, it doesn't seem practical. 4212 is the category. It includes carting by truck or horse-drawn wagon; debris removal; local carting only; draining; localing (sic) without storage; farm to market hauling; furniture moving, local without storage; garbage, local collecting and transporting without disposal; hauling live animals local; hauling by dump truck; local trucking without storage; log trucking. I mean, do you think you're going to be putting a trucking facility in there?

MR. FERNANDEZ: No. So, yes, in other words, we can eliminate it.

CHAIRMAN STRAIN: I understand. Go ahead. 4783, which is packing and crating, and the only concern I have there is the noise that would be generated by a facility like that.

COMMISSIONER SCHIFFER: Is a UPS store packing and crating?

CHAIRMAN STRAIN: I don't know.

MR. FERNANDEZ: Again, it would be --

CHAIRMAN STRAIN: Interior?

MR. FERNANDEZ: It's an interior function unless it's outside storage.

COMMISSIONER EBERT: I have a question for you. Is your client asking for a blanket C5 zoning, and he will take no less than that? Is this what your client is asking for?

MR. FERNANDEZ: We didn't -- ma'am, I already have agreed to reduce the number, so obviously not; however, we believe it would be appropriate to do so. But, again, that's -- but we've already agreed to reduce a number of items already.

COMMISSIONER EBERT: Not many.

MR. FERNANDEZ: We're still early in the numbers.

CHAIRMAN STRAIN: Livestock, 5154. Establishments primarily engaging in buying and/or marketing cattle, hogs, sheep, and goats. This industry --

MR. FERNANDEZ: No.

CHAIRMAN STRAIN: -- also includes the operation of a livestock auction and markets.

MR. FERNANDEZ: That's fine.

CHAIRMAN STRAIN: It's not needed.

Lumber and other building materials. It's a two-acre site. A lumberyard with, like Naples Lumber where they millwork and do a lot of work there, did you see a need for that?

MR. FERNANDEZ: We have had requests for doing millwork, for instance, and somebody who's actually approached them from time to time. And, again, if it's interior and not exterior storage except for less than eight feet, I would suggest that that's an appropriate use.

CHAIRMAN STRAIN: Okay. As long as the interior storage applies to it.

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: Used car dealers.

MR. FERNANDEZ: They're on the property now, sir.

CHAIRMAN STRAIN: Oh, that's the front piece that's under -- okay.

Drinking places.

MR. FERNANDEZ: What's that, 85?

CHAIRMAN STRAIN: 5813. It goes everything from bars, beer gardens, beer parlors, nightclubs and salons to wine bars and taverns, cabarets, and cocktail lounges.

MR. FERNANDEZ: I assume it doesn't impact a restaurant that would have beer and wine?

CHAIRMAN STRAIN: No. Restaurant is 5812.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: Various fuel dealers. My concern here is safety. These are high-explosive fuels. Everything from petroleum to diesel, gasoline. I don't know why you'd want fuel dealers there, 5983 to 5989. Liquefied petroleum, direct selling establishment -- I mean, fuel oil dealers and then fuel dealers not elsewhere classified, coal dealers and wood dealers for retail fuel.

MR. FEDER: That also includes, like, bottled gas, like, retailers.

CHAIRMAN STRAIN: Bottled gas retail, that would be 5984. That's just bottled gas. So if you took off 5983 and 5989, that would leave you with the one you may be getting concerned about, 5984.

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: 7021 is rooming --

MR. FERNANDEZ: Okay.

CHAIRMAN STRAIN: -- and boarding, okay.

Then miscellaneous personal services, and the problem with these miscellaneous ones, it's a catchall for a lot of different uses, 7299. Some of them aren't bad, but some of them are considered -- may bring elements into the neighborhood that would not be wanted in East Naples.

MR. FERNANDEZ: Can we exclude the ones you have specific concerns about?

CHAIRMAN STRAIN: Well, I think that escort services, massage parlors, and tattoo parlors certainly don't seem to --

MR. FERNANDEZ: Well, when you say "massage," nowadays, again, apparently these are spas that a lot of people go to, whether at the Ritz-Carlton or -- you know, just down the street from where I live on Central Avenue -- and the City of Naples actually has -- under this SIC code has 12 facilities, most of them on U.S. 41.

CHAIRMAN STRAIN: Okay, I understand. I didn't even think of it that way. I was thinking of a different type of massage parlor, but that's fine.

COMMISSIONER SCHIFFER: I think this is referring to legal massage parlors.

CHAIRMAN STRAIN: Yeah.

MR. FERNANDEZ: Yeah, I -- right. And a lot of people -- for instance, if you go to a hair salon, they have that as another use, and I wouldn't want to put them at a disadvantage.

COMMISSIONER SCHIFFER: And I'm sure the value of the cars in front of the tattoo parlor might surprise us.

CHAIRMAN STRAIN: Well, then any problem with eliminating escort services?

MR. FERNANDEZ: No.

CHAIRMAN STRAIN: Okay. Then 7922 except escort services.

Number 7353 is heavy construction equipment and rental leasing. It's just large --

MR. FERNANDEZ: That's fine.

CHAIRMAN STRAIN: -- and noisy equipment. Okay. 7353 is that one.

7359 is similar. It's equipment rental leasing not elsewhere classified.

MR. FERNANDEZ: That has facilities, like, there's one almost across the street, and there's somebody that was looking, again, that wanted to use this, and they rent all kinds of things, whether it's for parties or for --

CHAIRMAN STRAIN: Okay.

MR. FERNANDEZ: -- other facilities like that.

CHAIRMAN STRAIN: Okay. I have no problem.

Car washes, 7542. Now, the issue there is just the noise generated from the car wash?

MR. FERNANDEZ: No. I think there's specific development standards in the LDC for car washes that mitigate those things right adjacent to residential. So hopefully you would find that to be acceptable. There's a number of car washes already in this -- you know, on U.S. 41.

COMMISSIONER HOMIAK: Yeah, out of business.

MR. FERNANDEZ: And they are limited by hours of operation by the LDC and so forth.

CHAIRMAN STRAIN: That will work.

7699 is repair services. I'm not saying all of them, but there's a list of about a hundred of them. I'm not sure all of them are going to be something you'd want. Like engine repair, except automotive. What is it then? Is that airline engine repair -- I mean, cesspool cleaning, catch basin cleaning, boiler repair, boiler cleaning, blacksmith shops, septic tank cleaning. These are heavier uses that are going to take some -- tractor repair. They're going to take some heavier equipment. Do you need all those uses?

MR. FERNANDEZ: I'm sure we don't. But, for instance, you also have, like, awning repair, dental instrument repair, drafting equipment repair, you know. So it's a matter of -- a lot of these, the ones that you probably find most objectionable, it's not something that the client would probably put on there. For instance, like a cesspool repair facility, that would probably hinder him as well.

CHAIRMAN STRAIN: But if you're going to keep it all indoors and there's no outside storage except for the eight feet in the back, that would eliminate most of these, so --

MR. FERNANDEZ: It would.

CHAIRMAN STRAIN: Okay. Drive-in theaters.

MR. FERNANDEZ: That's fine. That is --

CHAIRMAN STRAIN: Bowling centers?

MR. FERNANDEZ: Drive-in theaters is a use on the Treetops one.

CHAIRMAN STRAIN: Well --

MR. FERNANDEZ: Which one?

CHAIRMAN STRAIN: Bowling centers, 7933.

MR. FERNANDEZ: That's fine.

COMMISSIONER SCHIFFER: What's wrong with bowling center, though?

CHAIRMAN STRAIN: They're noisy.

COMMISSIONER SCHIFFER: Inside.

CHAIRMAN STRAIN: Right, but you -- it's pretty noisy outside. I owned one, so --

COMMISSIONER HOMIAK: I think they make them a little more sound now, don't they?

CHAIRMAN STRAIN: Okay. You live in East Naples. If you don't mind a bowling center, I'll leave it in.

COMMISSIONER HOMIAK: Bowling isn't bad.

CHAIRMAN STRAIN: No, it isn't bad. I was just trying -- I was concerned --

COMMISSIONER HOMIAK: I like to bowl.

CHAIRMAN STRAIN: -- about the neighborhood.

COMMISSIONER SCHIFFER: Let's keep it in. It might make a great place for bowling if the guy buys both lots.

CHAIRMAN STRAIN: Okay. Coin-operated amusement devices, but that's inside so I don't think that's going to be any different than some of the other things.

Then 7999. This is amusement and recreation services not elsewhere classified, and there's pages and pages of stuff. Amusement rides, I mean, are you going to put a roller coaster on the property? Animal shows and circuses, fairs and carnivals, archery ranges/operation of, bookies, bookmakers, racing, carnival operation, circus companies, fireworks displays, go-cart raceway operations, go-cart rentals, motorcycle run. Do you need these --

MR. FERNANDEZ: But there's also going to be in there, like, boat rental, and there's, like, a boat rental place next door.

CHAIRMAN STRAIN: I don't have a problem with that, but if we give you that -- if you get 7999, you get all 150 uses, of which some of them are pretty extreme, and I'm just wondering --

MR. FERNANDEZ: How about can we --

CHAIRMAN STRAIN: Shooting ranges. Do you want to put a shooting range there?

MR. FERNANDEZ: Well, again, if it's interior, they design them so you don't hear them on the outside.

Can we say interior only? That way if you have a go-cart race, I mean, no one's going to build it inside, but --

CHAIRMAN STRAIN: 7999, subject to interior only.

MR. FERNANDEZ: Right. In other words, bridge clubs are listed there, too, so --

CHAIRMAN STRAIN: So you can have an interior bookie; that's good. Okay.

MR. FERNANDEZ: They teach bridge in the morning; they do bookie in the evening.

CHAIRMAN STRAIN: In the afternoon.

Let's see. That takes us through -- and I just wanted to make sure the social services don't include homeless shelters is what I'm trying to find.

MR. FERNANDEZ: We can exclude homeless shelters.

CHAIRMAN STRAIN: I think you already -- yeah, that was -- you asked that earlier.

COMMISSIONER HOMIAK: Under the conditional use, I think it -- I don't know if it's in both places or not, but under the conditional uses, it lists homeless shelters.

CHAIRMAN STRAIN: Or soup --

COMMISSIONER HOMIAK: I want to remove that, bottle clubs, homeless shelters, correctional institutions, and soup kitchens.

CHAIRMAN STRAIN: So there would be none of the conditional uses. Do you need any of the conditional uses in C5?

MR. FERNANDEZ: The ones that wouldn't be in C3 or less, no. So that would eliminate bottle clubs, the ones that you mentioned.

CHAIRMAN STRAIN: So no conditional uses that would be attributed to C5 only.

MR. FERNANDEZ: Correct.

CHAIRMAN STRAIN: Well, then I think we're there. I've got a list. I can read it to you. There will be no outside vet services, no outdoor -- the only outdoor storage would be limited to eight feet most -- behind the most forward building, and it would be screened.

MR. FERNANDEZ: Mark, do you want to say no outdoor animal use or --

CHAIRMAN STRAIN: Yeah, that's the same -- yeah.

MR. FERNANDEZ: That way it's covered under one blanket.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: And, Mark, that behind, does that mean behind the front facade or behind the building entirely?

CHAIRMAN STRAIN: Behind the building is what he said.

COMMISSIONER SCHIFFER: But that's -- when you referenced the other project, it was behind the front facade.

MR. FERNANDEZ: It was behind the front facade, but no further than the front of building. That way the public parking areas and so forth are all public and everything that's behind it.

CHAIRMAN STRAIN: Well, the purpose of putting it behind something is so it wouldn't be seen. So if you're just on the side of the building but past -- but just south of the front facades, that doesn't keep it from the --

MR. FERNANDEZ: Well, what we did in the one that Brad's referring to is that it required that opaque buffer also to be, again, no more than eight feet. It had to be -- it created a continuous facade, basically.

CHAIRMAN STRAIN: Eight feet. What do you mean, height?

MR. FERNANDEZ: Yes.

COMMISSIONER SCHIFFER: I mean, theoretically what you could do is you could build the building and then have the fence, let's say, five feet back from the front.

MR. FERNANDEZ: It would be a wall or vegetation that's 80 percent with opacity.

COMMISSIONER SCHIFFER: So, essentially, it's visible from the street.

MR. FERNANDEZ: Yeah, it would be visible from the street.

COMMISSIONER SCHIFFER: Just want to make sure you're -- because I think your impression, Mark, is that it was actually behind the building itself.

CHAIRMAN STRAIN: Yeah. I'm not sure what good it does to drive down an entry road to this community and seeing outdoor storage packed up on the sides of the building. I anticipated it -- when you said behind the building, I thought you meant behind the building.

MR. FERNANDEZ: Well, you wouldn't see it if it's got to be less than eight feet high. You basically would -- we would have opacity -- any outdoor storage has to be screened, not just on the property lines, but forward of that, and that's already -- that's in the code; is that right, Ray, I believe?

MR. BELLOWS: If I understand the question correctly, you're saying the outside storage areas only, or the commercial lot?

MR. FERNANDEZ: Outside storage areas.

MR. BELLOWS: Yes, outside storage areas, that's correct.

MR. FERNANDEZ: So if it's -- basically then if you had a building and there was a parking lot that went back further and you had some storage back there, you'd have to have that screened between the building and the property line with a wall or a vegetated buffer so you can't see beyond that point. Does that make sense because --

CHAIRMAN STRAIN: I understand what you're saying. It's just different than what I thought you intended.

COMMISSIONER EBERT: Then I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Going through this -- you're still going to go through this property to get to the property in back. So you're going to have an alleyway of some type or a road of some type?

MR. FERNANDEZ: It will probably just be a driveway. I mean, it's under common ownership. It would probably be under common development. Again, that's another reason you're not going to see the owners ruin the value of what they can use the back property for by, you know, using it inappropriately in the front.

COMMISSIONER SCHIFFER: Mark, I've got an idea. The site's 300 feet deep. Why don't we just limit outdoor storage 150 feet back.

Can you live with that, Mike?

MR. FERNANDEZ: Yes.

COMMISSIONER SCHIFFER: Okay.

MR. FERNANDEZ: And if you want, we can add screen from the road and that way, again, if there's any width to it, we would screen it.

COMMISSIONER SCHIFFER: Right, right.

CHAIRMAN STRAIN: I'm just writing this real quick so we get it right.

MR. FERNANDEZ: Yes. I assume this will come back on a consent so we pick up any little thing that we missed.

CHAIRMAN STRAIN: There will be no outside animal services. The outdoor storage will be limited -- will be not allowed in the front 150 feet, and then wherever it is, it will be screened from the road, and there will be no items over eight feet in height.

MR. FERNANDEZ: Yes, sir.

CHAIRMAN STRAIN: There will be no communication towers outside the standard towers allowed in the C3 district.

MR. FERNANDEZ: Yes.

CHAIRMAN STRAIN: You're going to omit the following SIC sections: 0761, 4212, 5813 --

MR. FERNANDEZ: I'm sorry, Mark. Can you go back a couple there. Let me follow along.

CHAIRMAN STRAIN: Sure. 0761, 4212, 5813, 5983, 5989, 7021; you'll -- under 7299 it will be excluding escort services; you're going to omit 7353, 7833; and under Section 7999, it will be interior only; and then as -- then there'll be no homeless shelters or soup kitchens; and you are not asking for any of the conditional uses applicable to C5 only.

MR. FERNANDEZ: That's correct.

CHAIRMAN STRAIN: Okay. Does that --

COMMISSIONER SCHIFFER: Yeah, that's good.

CHAIRMAN STRAIN: Okay, great. That's all. Okay, thank you.

Kay, do you have a staff report?

MS. DESELEM: Good morning. For the record, my name is Kay Deselem. I'm with zoning services.

You do have the staff report. It's been submitted to you. It is dated "last revised" February 8, 2012.

The applicant has gone over the details in the surrounding uses. Staff will just note for the record that we

are recommending that this petition be found consistent with the Growth Management Plan. We are recommending approval. And we have provided findings of fact in support of our recommendation.

COMMISSIONER SCHIFFER: Good.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: I have a question.

CHAIRMAN STRAIN: Questions, go ahead.

COMMISSIONER SCHIFFER: And, Kay or Ray, the answer to this is that when you have a parcel with a zoning district line going through it like this will now have, do you take setbacks from that zoning line treating it, essentially, as if it was a property line with setbacks or not?

MS. DESELEM: I'm not sure I follow --

MR. BELLOWS: I wanted to see --

COMMISSIONER EBERT: I understand.

COMMISSIONER SCHIFFER: Well, I've been involved in some projects that have had zoning lines go through it, and we're doing setbacks and everything from that zoning line, treating it like a property line. Is that what will happen in this case?

MR. BELLOWS: For the record, Ray Bellows.

While the zoning line doesn't function as a property line, the setbacks were building crosses over a zoning line, it would have to comply with the setback requirements for that.

COMMISSIONER SCHIFFER: So as Mike's laying out a building here, the rear setback of that building could be right on this zoning line. You do not have to measure a rear setback from the zoning line?

MR. BELLOWS: Well, they have to file a site development plan that shows where, in fact, the zoning line falls within the property line.

COMMISSIONER SCHIFFER: Right.

MR. BELLOWS: And if he's using the entire site for a Site Development Plan, the rear yard, if it falls within the other zoning district, that's the rear yard setback for that zoning district.

COMMISSIONER SCHIFFER: Okay. So you're saying you don't have to measure --

MR. BELLOWS: It's not measured from the building. It's measured from the rear property line.

COMMISSIONER SCHIFFER: Okay. But in other words, you don't measure any setback from the zoning district line?

MR. BELLOWS: That's correct.

COMMISSIONER SCHIFFER: Okay. Obviously if one district had a different side setback, you would see the jog, you know, at that line?

MR. BELLOWS: Yeah.

COMMISSIONER SCHIFFER: Okay, all right. I think I was robbed on the other site, but anyway.

CHAIRMAN STRAIN: Okay. Any other questions of Kay? Karen?

COMMISSIONER HOMIAK: Yeah. Is this a -- is this common that one parcel of property can be split, the zoning can be split?

MS. DESELEM: It can be done, yes. In this case it's dictated by compliance with the Growth Management Plan in that they don't want the borders to extend beyond what is already designated for commercial, and that's addressed in the Growth Management Plan analysis. That's why it's limited to the first 300 feet.

COMMISSIONER HOMIAK: But it -- so if this were -- if they used the whole parcel of property, they couldn't rezone it to C5 because it's bordering -- it has two sides with residential on it?

MS. DESELEM: Something like that. It's because of the fact that the commercial only extends a certain portion into the site, the depth of it, and they can't extend the request to intensify the commercial uses beyond the smallest boundary. Like on the one side where it abuts the Treetops commercial, you notice that they align with that rather than the C5. We've seen this in other petitions as well.

COMMISSIONER HOMIAK: So this -- when it says under -- in your staff report on Page 3 of 13 in C, it says a rezone to commercial zoning is requested for the subject property in its entirety. That doesn't mean the entire parcel of property?

MS. DESELEM: That's correct. This is common along that 41 corridor because you oftentimes see this where the frontage is stripped out with the commercial zoning and then behind that is residential.

COMMISSIONER HOMIAK: I think the community's trying to avoid is strip commercial.

MS. DESELEM: To the most extent, but this is an infill project and it does meet that criteria. We've seen this also on 951 where there's commercial on one side or another and they do use an infill to a certain extent.

COMMISSIONER HOMIAK: So this is not an urban residential subdistrict?

MS. DESELEM: According to the Growth Management Plan, it is urban mixed-use district urban residential subdistrict, yes.

COMMISSIONER HOMIAK: And it does not allow commercial zoning in this location?

MS. DESELEM: Except when they utilize the infill provision, and that's what they've done.

CHAIRMAN STRAIN: This was, though, commercial before the C5. It's always been C3.

MS. DESELEM: That's true, yeah. It is commercial.

CHAIRMAN STRAIN: He's just increasing the number of uses by going to C5. So it's always been commercial.

MS. DESELEM: Yeah, good point. I'm sorry, I neglected to notice that, yes. It is C3 zoned. So it's already commercial.

CHAIRMAN STRAIN: And instead of rezoning the whole thing, which would have been problematic because the south piece, he rezoned the top 300 feet because it's in line with the adjoining commercial on the north side. That's the shallowest one of the two pieces he's aligned against.

COMMISSIONER HOMIAK: Right. But it can't be done where there's residential anyway. They can't -- both sides -- the back of the property has both sides against residential.

CHAIRMAN STRAIN: Well, it's already zoned C3 there, that back property against residential. Is that what you're asking?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: It's already C3. That was done -- this is an old zoning parcel that's left over from the old days, from what I could tell, and it's been there a long time. So Treetops already has C3 against it, and so does that subdivision to the south. But that has always been that way.

And that's not changing in this meeting today. It's only the north or, I guess, the northwest or northeast section of 300 feet that's being attempted to be changed.

COMMISSIONER SCHIFFER: I have a question, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And, Ray, in the future when somebody wants to see how to use this land, they would go to the zoning atlas, they would see a number, they would pull up that number, the hearing, and this is where the restrictions that we put today would be advisable to somebody in the future, correct?

MR. BELLOWS: Correct. The title of the approving ordinance will reference that there are changes, that it's not just C5 zoning without conditions, that there are conditions, so the zoning atlas, when it's revised to show the current -- or the approved zoning district, it'll have asterisks and notices that say, you know, you'll need to pull the ordinance number to find the full range of conditions.

COMMISSIONER SCHIFFER: Good.

CHAIRMAN STRAIN: Any other questions?

COMMISSIONER SCHIFFER: Nope.

CHAIRMAN STRAIN: Ray, just out of curiosity, how often is the zoning atlas updated?

MR. BELLOWS: My recollection, talking to graphics department, that comes out every few months.

CHAIRMAN STRAIN: Okay. Because I just happened to do some research last night and found a project from 2011 that's not been changed in the zoning atlas, and I was just wondering.

MR. BELLOWS: Some projects were held up from being put on there if there was an issue with the legal description and maybe has to go through a scrivener's error. I'll -- if you can let me know which one that is, I will --

CHAIRMAN STRAIN: Yeah. I'm going to be meeting with you on Thursday. I'll go over it with you then. I was just curious.

Okay. Anybody else have any questions?

COMMISSIONER SCHIFFER: Nope.

CHAIRMAN STRAIN: Okay. Thank you. Is there any public speakers, Ray? I mean, nobody's in here, so I doubt it.

MR. BELLOWS: Yeah. No one registered.

CHAIRMAN STRAIN: And we already heard from Michael. I'm sure he doesn't want to talk again. So with that, I'll close the public hearing and entertain a motion.

COMMISSIONER SCHIFFER: I'll make a motion --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: -- that we forward RZ-PL20110001572 with a recommendation of approval with the stipulations of uses as outlined.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: Seconded by Bill.

Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. Thank you.

MR. FERNANDEZ: Thank you very much.

COMMISSIONER SCHIFFER: Ray, one other thing. In researching the uses on this project, remember we had a chart and we decided to put the stuff back into the description of the different zoning districts, correct?

MR. BELLOWS: Correct.

COMMISSIONER SCHIFFER: So when we did that, since some of these zoning districts inherit uses, for example, this one, you know, inherits the uses of C4, which inherits C3, the fact that we put it in both of them is kind of confusing, because it doesn't really isolate the new uses per district.

For example, let's say C1 has -- and it doesn't; it has more -- ten uses. I go to C2, it says it inherits the uses of C1 and then lists all these uses that are in C1. And then let's say it adds five more. So now I have 15 uses.

That can be really confusing, because it's difficult to see -- rather than just see the new five, you know, you have to go through and see which one was inherited, which one, you know, is new. And it really gets confusing to review an application like this that goes through a bunch of inherited ones. That's the old charts, right?

CHAIRMAN STRAIN: Right. But -- that's what I did. What you're getting at is the old chart. If you highlight the columns that represent the different zoning districts, you can see which ones are added by the new zoning district and which one was accompanied.

So you have to do that for every page. But Brad's point is well taken. If we didn't have this sitting around us as an obsolete file -- even though it's slightly inaccurate, it's better than nothing at all, and it gives you a bird's eye view of what the changes are.

COMMISSIONER SCHIFFER: So the question is, why didn't we just -- and the prior version of the code did that. It inherited -- you know, it just makes it easy to see that, you know, a C3 has these additional uses, plus the inherited uses.

So, I guess, is that something you could look at maybe, or is there a reason why that's easier for you or --

MR. BELLOWS: For the record, Ray Bellows. I'm not sure of the -- 100 percent of all the problems with the charts that led to the need to go back to the old way of listing them, but we can look at that again and talk to those who were involved with the LDC amendments at that time to find out why the tables were problematic and why they were discarded.

COMMISSIONER SCHIFFER: Well -- and we do continue on with the tables. We never eliminated them, right?

MR. BELLOWS: The tables are no longer part of the current LDC.

CHAIRMAN STRAIN: They're just not updated.

COMMISSIONER SCHIFFER: So that's not good.

MR. BELLOWS: They're only for general reference. For specifics you have to go back to the LDC.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHIFFER: So would you look at, in the LDC, you know, treating the uses like I described where you only add the new uses to a zoning district and inherit the ones from the prior by reference? Like, it is by reference now, but then you put them all in. And wouldn't that be cumbersome, you know, just to --

MR. BELLOWS: I'm not sure I'm understanding what you're --

CHAIRMAN STRAIN: Well, I think what he's saying -- you might want to come back with a, first of all, reasoning as to why the charts aren't a good way to go.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: But second of all, if we don't go with the charts and we go with our listings, like we do currently, how those listings could be amended to show what is continuous from the prior zoning district and what new uses were specifically added by going from a C4 to a C5, and separate out the --

MR. BELLOWS: On the zoning change?

CHAIRMAN STRAIN: -- additions.

MR. BELLOWS: Yeah. That would be a big task, so --

COMMISSIONER SCHIFFER: Well, it's a big task when we have to use it.

MR. BELLOWS: Yeah, I understand. I think the tables would be the better way of researching that kind of information.

COMMISSIONER SCHIFFER: I mean, we either have one task where you do it once and then everybody in the future can see it, or everybody in the future whenever they use the code has a big task.

MR. BELLOWS: I think what I'll do is -- because I don't know the reason why the tables were eliminated. So I'll find out what the problems were and issues, and we can look at how they -- you know, the better way to depict that information. But, you know, I always thought the tables were fine, but I'm not sure what the issues were.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: The new way's not fine.

MR. BELLOWS: The new way's basically the original way prior to the tables.

COMMISSIONER SCHIFFER: Except I don't remember it listing all the inherited uses. It only had the new uses in the old days.

MR. BELLOWS: The one thing that might have been a problem is I think maybe the tables were incorrect off the bat, and so they went back to -- instead of fixing the tables, they just went back to the old way of displaying them. But I'm not sure. So let me just check on the reasons why, and we'll get back to you.

CHAIRMAN STRAIN: Okay. Does that work?

COMMISSIONER SCHIFFER: That's good.

CHAIRMAN STRAIN: Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Okay. Old business? No new business.

Motion to adjourn?

COMMISSIONER SCHIFFER: So moved.

COMMISSIONER VONIER: So moved.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Mr. Schiffer, seconded by Diane.

All in favor?

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you.

March 6, 2012 (Continued from the March 1, 2012 meeting)

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:01 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5-17-12, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.