

April 5, 2012

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 5, 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:

Mark Strain, Chairman
Melissa Ahern
Phillip Brougham
Diane Ebert
Karen Homiak
Barry Klein
Paul Midney (Absent)
Brad Schiffer
Bill Vonair

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Ray Bellows, Zoning Manager

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, April 5th meeting of the Collier County Planning Commission.

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

CHAIRMAN STRAIN: Thank you.

Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman is not here.

Mr. Vonair?

COMMISSIONER VONAIR: Present.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is not here.

Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham?

COMMISSIONER BROUGHAM: Here.

CHAIRMAN STRAIN: ***Addenda to the agenda. We have one item on consent on -- or two on consent and one on advertised public hearings. Anybody have any changes?

(No response.)

CHAIRMAN STRAIN: Okay, I want to bring up the -- the next item is Planning Commission absences. I want to bring up our other meetings. We have two meetings next week, one is short, one will be long.

On the 12th, which is next Thursday, a week from today at 9:00 we have a workshop on the mobility master plan. It's supposed to take no longer than the morning. We've just gotten our books I think yesterday to review it.

Does anybody know if they're not going to be able to make it to that meeting?

COMMISSIONER AHERN: I will be out of town.

CHAIRMAN STRAIN: Okay, so you're the only person then, okay.

On the 13th, that one will be a longer meeting. Either today, if -- Ray, did Caroline give you the agenda for that meeting?

MR. BELLOWS: I've seen it but I don't have it with me.

CHAIRMAN STRAIN: I'd suggested that she try to have you distribute it today. But if you didn't get it, that's not possible. It is an LDC amendment hearing. There's a lot of amendments, some are small and quick and others are going to be more intense. That will probably be an all day meeting.

And then after that meeting, we will continue to an evening meeting on the 25th of April. That's 5:01 in this room. That's a mandatory evening meeting on LDC amendments that are zoning related.

COMMISSIONER KLEIN: What time?

CHAIRMAN STRAIN: 5:01. It's got to start a minute after 5:00. And it's going to be in this room on the 25th, in the evening.

Let's start with the 13th. Does anybody know if they're not going to make it on the 13th?

COMMISSIONER AHERN: I'll be out of town.

CHAIRMAN STRAIN: No Melissa.

How about the 25th?

COMMISSIONER VONAIR: I won't make the 25th.

CHAIRMAN STRAIN: And Ray, by the way, I notice the 25th didn't make it on this calendar we have in our packet, so you may want to add that.

MR. BELLOWS: Okay, the 25th of April.

CHAIRMAN STRAIN: And that's -- was set up through the County Attorney's office. Am I right, on the date, Heidi? I believe it was the 25th that Caroline arranged. I know she talked to you --

MS. ASHTON-CICKO: That's my recollection. I'll double check to make sure.

CHAIRMAN STRAIN: If there's a change, we've got plenty of time to reannounce it.

COMMISSIONER HOMIAK: It's on this sheet.

CHAIRMAN STRAIN: It's on there too? Good. I haven't seen that yet. Okay, good.

And then our regular meeting is on the 19th. Does anybody know if they're not going to make the 19th regular meeting?

(No response.)

CHAIRMAN STRAIN: Okay.

COMMISSIONER KLEIN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER KLEIN: For some reason I had 9:00 to 12:00 on the 19th. Is that --

CHAIRMAN STRAIN: No, that's the 12th.

COMMISSIONER KLEIN: I mean on the 19th.

CHAIRMAN STRAIN: No, but on the 19th it's a regular meeting. I don't know yet what's scheduled.

COMMISSIONER EBERT: One thing.

CHAIRMAN STRAIN: Yeah, there's one item scheduled so it may not be a lengthy meeting. But that will be that.

***Okay, approval of minutes. We were electronically provided with three sets of minutes. We'll take them one at a time. The March 1st meeting. If there's no comments or changes, is there a motion to approve?

COMMISSIONER KLEIN: So moved.

COMMISSIONER SCHIFFER: Move to approve.

COMMISSIONER VONAIR: Second.

CHAIRMAN STRAIN: Made by Barry, seconded by Brad -- Barry jumped you guys.

All in favor, signify by saying aye.

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

By the way, Mr. Midney did call in, he has an excused absence today. So he won't be here for this meeting.

March 6th CCPC meeting minutes. Anybody have any changes? If not, is there a motion to approve?

COMMISSIONER VONAIR: So moved.

CHAIRMAN STRAIN: Bill Vonair. Seconded by --

COMMISSIONER HOMIAK: On page --

CHAIRMAN STRAIN: Let's get the second first and then we'll do discussion.

COMMISSIONER AHERN: I'll second.

CHAIRMAN STRAIN: Second by Melissa. Okay.

COMMISSIONER HOMIAK: On Page 7 there's -- I know there's at least something missing on it where I brought up the question of why work force housing was struck through on the material we had for that day and not the previous material. And it's omitted here. I mean, there's nothing.

And then Michele's -- there's a response to it, but there's nothing here.

CHAIRMAN STRAIN: And I don't know who --

COMMISSIONER HOMIAK: This seems -- doesn't seem right to me.

CHAIRMAN STRAIN: Could someone verify the minutes on Page 7 through the video for the next meeting? I don't know if that's a court reporter who's supposed to or the staff, but --

MR. BELLOWS: We'll figure it out.

CHAIRMAN STRAIN: If there's a revision, let us know so that we can acknowledge that's the correct --

MR. BELLOWS: So that was Page --

CHAIRMAN STRAIN: Page 7 of 46. It's the discussion starting with -- where is it, Ms. Mosca?

COMMISSIONER HOMIAK: No, it's where I asked -- yeah, I guess it is.

CHAIRMAN STRAIN: Ms. Homiak, started on the top of the page. And her indications are that there should be more -- there was more said regarding why the document was changed.

COMMISSIONER HOMIAK: Housing element, work force housing was omitted.

CHAIRMAN STRAIN: So if you could review the tape and let us know at our next meeting.

MR. BELLOWS: What minutes was that from, the March --

COMMISSIONER HOMIAK: March 6th.

MR. BELLOWS: March 6th.

CHAIRMAN STRAIN: Okay. Subject to any corrections that come out of that, there's been a motion made and seconded. All those in favor, signify by saying aye.

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

The next set of minutes is March 15th. Any corrections?

(No response.)

CHAIRMAN STRAIN: If none, is there a motion to approve?

COMMISSIONER AHERN: Motion to approve.

COMMISSIONER HOMIAK: So moved.

CHAIRMAN STRAIN: Made by Melissa, seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

***Okay, BCC report and recaps. Ray?

MR. BELLOWS: There were no land use petitions presented to the board during their last meeting.

CHAIRMAN STRAIN: Just out of curiosity, since The Dunes was a very controversial project, have you

received any extension -- or requests from them to --

MR. BELLOWS: Appeals?

CHAIRMAN STRAIN: Yeah, appeals.

MR. BELLOWS: Not to my knowledge.

COMMISSIONER BROUGHAM: Just a comment or a question on that. I had mentioned it to Mr. Bellows that I had a conversation with Mr. Pires, who represented Surf Colony in The Dunes hearing, and he had observed that in the wording of the ordinance that went before us on consent, he had referenced 49 boat slips specifically, even though the attached master plan was as we had altered it.

CHAIRMAN STRAIN: County Attorney's Office did correct that. The County Attorney's Office got that fixed. I think the resolution --

MR. BELLOWS: Yeah, it was a resolution.

CHAIRMAN STRAIN: -- matches the graphic now.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: In the future we should receive resolutions with the graphic. That probably was just something that slipped through the cracks at this point.

MR. BELLOWS: That's correct. During our last staff meeting we discussed that particular issue, and we'll make sure the policy is clear that on the CCPC consent that the entire resolution ordinance is attached, not just the page that was changed.

CHAIRMAN STRAIN: At least it got caught and fixed.

COMMISSIONER BROUGHAM: That was another one of my questions. I thought it was just me. I said maybe I lost the ordinance, because all I recalled was just seeing the modification to the master plan.

CHAIRMAN STRAIN: When it was called to our attention I checked and we had not gotten it.

COMMISSIONER BROUGHAM: Okay, thank you.

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: BCC. Ray, there was discussion, and I didn't see it, on the eliminating or revising planning communities. Do you know what the outcome of that was?

MR. BELLOWS: I don't believe we -- Mike Bosi is here to be able to address that question.

MR. BOSI: Good morning, Commission. Mike Bosi, Comprehensive Planning.

At the prior BCC meeting the Board directed comprehensive planning staff to initiate a reconfiguration of the planning committees. And for the planning community's benefit -- for the Planning Commission's benefit, the planning communities are basically geographic areas that have been designated since the mid Eighties that have been utilized for information data tracking purposes, utilized for historical regression analysis, trend analysis type information.

They felt that the prior configuration of the 11 communities that we had no longer fit some of the like geographic areas, and they wanted comprehensive planning to look at the configuration, the current configuration and vet with the public proposals for various combinations of different subsets of those geographies. So it's going to initiate over the next couple of months we'll start that process.

CHAIRMAN STRAIN: Good. Long time coming.

Go ahead.

COMMISSIONER SCHIFFER: Mike, is the Planning Commission part of that process, or --

MR. BOSI: I mean, we're in the process -- we're in the process of developing the project master plan for it. There was a number of -- or at least one public meeting that we've had anticipated. If it's the Planning Commission's wish to be involved within the planning community discussion, we will definitely make sure that the project amendment plan includes a stop at the Planning Commission before the Board of County Commissioners.

CHAIRMAN STRAIN: Good. Thank you very much.

Anything else, Brad?

COMMISSIONER SCHIFFER: No, that's it.

CHAIRMAN STRAIN: ***Okay, Chairman's report. Well, I think there's some good news. During the last board meeting a certain individual got a promotion that we all know. And he is now titled His Eminence. And --

COMMISSIONER BROUGHAM: He's got a new crown.

CHAIRMAN STRAIN: Yeah, he's got a new crown. If you notice his style's changed a little bit.

MR. CASALANGUIDA: Crown of thorns.

CHAIRMAN STRAIN: Crown of thorns. Anyway, congratulations, Nick. It ought to be fun.

And one of his things was that -- I don't know, did you get your new iPad? You didn't give it to everybody yet? That's coming, Nick. Nick's staying on top of things with his new position.

Just wanted to make sure I set you up, Nick.

MR. CASALANGUIDA: Thanks, Mark.

CHAIRMAN STRAIN: ***Consent agenda items. The first item up is RZ-PL20110001572, SSP Associates, Inc. It's the project -- or the change in zoning on the South Tamiami Trail East.

Is there any comments or anything regarding the consent agenda submissions?

(No response.)

CHAIRMAN STRAIN: Okay, is there a motion to approve on consent?

COMMISSIONER BROUGHAM: Motion to approve on consent.

CHAIRMAN STRAIN: Mr. Brougham. Seconded by?

COMMISSIONER SCHIFFER: Me.

CHAIRMAN STRAIN: Mr. Schiffer.

Discussion?

(No response.)

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

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

***Next item up is for consent is BDE-PL20110001409. It's the Wahl boat dock extension.

Any comments from the Planning Commission?

COMMISSIONER BROUGHAM: There is no resolution. There's the revision that we discussed and approved at the meeting, but at least in my packet I do not have a resolution.

CHAIRMAN STRAIN: This packet went out prior to your staff meeting, Ray, so --

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: I'm assuming that the resolution will mirror the packet. I feel comfortable in reviewing it -- as I sign it, if this Board's comfortable with approving it subject to that review on consent. Does that work for you, Ray?

MR. BELLOWS: Yes. The resolution would have been the same one that was in your packet when you originally heard.

CHAIRMAN STRAIN: Well, with the exception of we changed it now. They only got one dock, not two, remember? We didn't do -- so the variance didn't go through, just the resolution for the boat dock extension did. And the resolution for the boat dock extension was limited to that single extension; is that correct?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: I'll double check it now when it comes forward.

MR. BELLOWS: No, that's correct.

CHAIRMAN STRAIN: Okay. Does that work for everybody?

Brad?

COMMISSIONER SCHIFFER: I have a question, but that works.

One question. Is the railing that's shown on this plan new to this plan? In other words, why would we put the

railing on that side?

With the variance not being approved, there's not enough room to put a boat on the other side.

MR. BELLOWS: Say the question again?

COMMISSIONER SCHIFFER: Well, there's a railing shown on the plan. And I don't recall whether that was on the original plan. And since the variance didn't go through, I guess the purpose of a railing is to prevent a boat from being docked on that side of the --

MR. BELLOWS: I don't believe there's anything in the code that would prohibit a boat owner to moor a vessel without a boat lift on an existing dock.

COMMISSIONER SCHIFFER: Well, I mean, when we consider docks we consider the boat as part of the dock, so the boat and the dock have to meet the setback.

MR. BELLOWS: The petition before you last meeting was for a boat lift to raise the boat out of the water. It did not affect the ability to have a boat moored on that side. That was part of the discussion during the meeting.

CHAIRMAN STRAIN: But I think what Brad's saying is if you moor a boat there, the width of the boat still has to remain within the allowable area that they can use because the boat is considered part of the dock facility in regards to the way we do look at it. Is that not true, or true? I think that's the clarification he's seeking.

Good, Tim, you have some experience with this. You have to be sworn in.

(Mr. Hall was duly sworn.)

MR. HALL: For the record, Tim Hall from Turrell Hall and Associates.

When we went through this, I think we explained to you the variance was to put a boat lift over on that side. Because this dock is a grandfathered facility, the boat can moor there as it -- and still protrude into the setback line. It was the structures associated with the lift, the pilings and all associated with the lift that was the subject of the variance.

CHAIRMAN STRAIN: Okay. And because of the grandfathering, the time frame of this dock, that's the allowable reason why the boat, if it's wider and goes into the setback, as long as it's not a structure, it's acceptable.

MR. HALL: Yes.

CHAIRMAN STRAIN: Is that agreeable with staff?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Does that clarify what you're looking for?

MR. HALL: And so the railing is a state requirement. They don't want them to be able to moor boats on both sides of that dock. So the side where the boat may moor is left open and the other one is railed.

COMMISSIONER SCHIFFER: And the question, Tim, you showed that on the application, the same location of the railing?

You probably did, if what you said is true.

MR. HALL: I believe so. But I don't remember.

COMMISSIONER SCHIFFER: I'm good. We can move on.

CHAIRMAN STRAIN: Okay. The only detail that you might look at is on the dock cross-section and then on the proposed design. The proposed design, you show the railing on the inside of the finger pier. On the dock cross-section, it looks like the railing goes out to the full 54.6 feet, which means it would go out across the end of the finger pier as well. That was your intention?

MR. HALL: No, the railing only goes out the 32 and a half.

CHAIRMAN STRAIN: So the 32 and a half is the -- okay. I didn't see that dimension on here. Now I understand how you did it. You had 40.8 less 7.5. Okay, gotcha. Thank you.

Anybody have any other questions?

(No response.)

CHAIRMAN STRAIN: You okay?

COMMISSIONER SCHIFFER: I'm good.

CHAIRMAN STRAIN: Is there a motion to approve the consent as presented, subject to the review of the -- I'll review the resolution when it comes in?

COMMISSIONER AHERN: I'll make a motion.

CHAIRMAN STRAIN: Made by Melissa, seconded by --

COMMISSIONER SCHIFFER: I'll second.

CHAIRMAN STRAIN: -- Brad.

Discussion?

(No response.)

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

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0 .

***Okay, that takes care of consent. We'll move right into advertised public hearings. The first and only item up today is another boat dock extension. It's BDE-PL20110000300, Stella Maris boat dock extension. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(Speakers were duly sworn.)

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

(No response.)

CHAIRMAN STRAIN: No?

COMMISSIONER EBERT: No, none.

CHAIRMAN STRAIN: I don't think I -- Tim, you and I didn't even talk about this. No, I didn't think so. Okay, with that, it's all yours.

MR. ROGERS: Good morning, Commissioners. For the record, my name is Jeff Rogers, and I'm with Turrell and Hall Associates.

Usually I don't get the honor to present this information to you. I usually get taken over by Rocky Scofield or Tim Hall here. But I'm going to give this one a shot since I've been involved with this one --

CHAIRMAN STRAIN: At least you're honest, Jeff, this is good.

MR. ROGERS: So I thought I'd break the ice this morning. So bear with me if I stumble or get a little nervous here.

I'm here representing the petitioner, Stella Maris, which is located, as you can see on the overhead, down in Port of the Islands, Florida. It's down in the southeast corner of Collier County.

It's a man-made canal, water basin, and it's on the south side of the Faka Union Canal, across from the hotel/marina down there, for those of you that have been down there.

Our petition is for a multi-family development which currently sits with 48 existing boat docks that all protrude less than 20 feet from the mean high water line as they sit. However, the reason we're here for this petition is strictly for the vessels that are currently being stored on-site that actually overhang the 20-foot mark. And the furthest protrusion, existing protrusion, is out to 35 feet, which is why our request is in.

To give you a little history of what's been going on with this one, Stella Maris had some compliance issues in the past, and as of now we've been working on this diligently to get them all resolved, and this is -- basically we're in the home stretch coming here to Collier County. We have the BDE process, which we're doing right now. And then after that we will have the SDPI to come for making sure that the Site Development Plan reflects these changes and the boat docks themselves.

Originally the boat docks were not a part of the SDP, hence the reason we have to do an SDPI, to make sure that they reflect the docks are there now.

Anyways, back on December -- or March 23rd, 2010, the BCC by consent approved Stella Maris development to be allowed to have 50 slips, one per each upland unit.

Also in that approval was covered the perpendicular and angled mooring. That was not originally allowed, but since then has been approved by the BCC and now we're coming in for the BDE.

Okay, with that being said, boat dock extension is required for the 15 feet from the allowed 20-foot for overall 35 feet. And as I said before, this is strictly to be able to store the vessels at the site. All the docks are built right at the 20-foot mark. There are a few pilings that stick over a couple of inches down that 20-foot mark that are associated with boat lifts. But for the most part all the decking and everything is inside the 20-foot besides the vessels. I keep stressing that because that's what we're asking our boat dock extension for.

There is a one large sailboat that sits on the outside, I guess on the north side of the development that -- there's three vessels out there that basically are the reason we have to ask for the 15-foot extension. Other than that, most of the vessels on-site are 20's and 25-foot vessels.

If we go to the next exhibit. As you can see, if we can zoom in, you can kind of see, it's hard to tell, the inside line where the docks are all located is the 20-foot mark. And that's currently as it sits. That's exactly how it sits right now. If you can see on the far left side of the picture, there are some vessels that stick well beyond that 20-foot mark that are on the boat lifts. That being said, those are the reasons why we're here asking for the extension.

It's been also asked why aren't we coming in for individual BDE's for each and every upland unit. The reason for that is the seawall shoreline is part of the common space of the development, the Stella Maris HOA; therefore, the upland units do not have riparian rights to the water, and that's why Stella Maris HOA is the applicant on this for an entire boat dock extension out to 35 feet.

With that being said also, let me stress that Stella Maris has adopted rules in their HOA that will not allow any future docks to be built past the 20-foot mark, but the vessels can ultimately be stored out to the 35-foot mark. But no docks or overwater structure is allowed to go past the 20-foot mark. You guys might have some questions on that. But it's basically when you put a vessel on a boat lift, the vessel will stick out beyond the actual structure.

So that's -- like I said, that's really what we're here for. We're asking for the extension for the vessels. We are proposing two new docks at lots 46 and 63. But once again, like I said, those docks will be constructed inside the 20-foot mark, and the vessels ultimately could potentially overhang but will be located inside the 35-foot mark, if we're granted that protrusion.

To summarize everything, we're requesting a 15-foot extension for 50 vessels and 50 docks, extending out to 35 feet. The vessels only. And with that, I think I've covered everything.

If you guys have any questions, I would be more than happy to answer them.

CHAIRMAN STRAIN: Questions from the Planning Commission?

Brad?

COMMISSIONER SCHIFFER: I have some, yeah.

So all the docks are existing that are shown in these drawings.

MR. ROGERS: There's 48 existing right now and two additional ones will be constructed. I have an exhibit that I can hand out to you that will show the ultimate finished product. It's the SDPI exhibit. It's actually here.

MR. MULHERE: I can hand it out.

MR. ROGERS: What's Bob ultimately passing out to you is the finished product when it's all said and done with all of the proposed reconfigurations, the two additional docks that are proposed on lots 46 and 63. I don't know if those lots are specifically labeled. There are a few lots labeled. I can probably point them out to you if you would like clarification on that.

COMMISSIONER SCHIFFER: On this exhibit, look at lot 32, lot 29, lot 30. It looks to me like you're building -- I mean, if the darker docks --

MR. ROGERS: The darker docks are what's proposed.

COMMISSIONER SCHIFFER: Which means those are new.

MR. ROGERS: They're reconfigurations of what's existing.

COMMISSIONER SCHIFFER: Meaning the old will be torn down and these would be built?

MR. ROGERS: No, the decking will be torn up and new piles will probably be installed or removed. But for the most part -- we already have permits for all that, to be honest with you.

What we've done here is -- I'll give you a little bit more history, hopefully this will answer your question. We started this off. They don't have state and federal permits. They do now. Not all the docks have state and federal permits. So we went back and we permitted, did after-the-fact permits with the South Florida Water Management District as well as the Army Corps with the proposed changes that you have in your hand. We have permits for those, all those dock changes that you see in front of you. And we're all -- that's why we're proposing those changes through

the SDPI to be recorded.

But with those changes, no vessels will exceed the 20 -- the docks will not exceed the 20-foot mark.

COMMISSIONER SCHIFFER: One concern, and the concern I have, let me say that upfront and then we'll go back and work towards it, is that we are not allowed to give you excessive dock. Some of these docks are pretty large. And you're saying that you have permits from the county to build the dock out to that 20 feet, yet the county shouldn't have given you that permit because the boat is part of that dimension within the 20 feet.

If you look at the old wharf docks here, they're essentially compliant. They put a short four-foot, probably, five-foot maybe dock along the seawall and then they dock their boats alongside that, and everything is within 20 feet, and that's what's supposed to happen.

MR. ROGERS: Correct. But due to the lot lines, we're not -- there are zero lot lines here, we're not able to provide any setbacks. So doing a marginal mooring is very tight when you try to put -- imagine the seawall and you put a dock out front of it, along the front of it, and you put a lift out in front. Access to that lift is very difficult due to your neighbor's dock being right there on top of you.

COMMISSIONER SCHIFFER: But you explained that the actual seawall is part of the homeowners association. In other words, the property lines of the townhouses, which are individual, do not go to the seawall anyway. So the point is you can build all along that, it doesn't have to be in the backyard of the townhouse.

MR. ROGERS: With the dock?

COMMISSIONER SCHIFFER: Dock, yeah. I mean --

MR. ROGERS: You mean covering up the sidewalk? There's a sidewalk and there's a seawall and then a gravel area and then it goes up to a sidewalk and into a grassed landscaped area. And there's no -- the HOA will not allow any decking over those areas. I mean, that's a common open area for the HOA.

COMMISSIONER SCHIFFER: Not my point, though. The point is that the HOA owns the total perimeter of the seawall and the dock could jerry outside it. So they can put docks in any configuration they want. It has nothing to do with the location of townhouses or the property line, the zero line of the townhouses.

MR. ROGERS: Okay. Yes, you're right. They could -- they can't -- ultimately with the way it's set up now, they could deck out to the 20-foot mark behind their house and put a boat lift next to it and ultimately the vessel would hang out over the 20-foot mark, which is what's happened here.

COMMISSIONER SCHIFFER: I'm okay with that. What I'm not okay with is the -- take lot 29, there's a really large dock being built there. One of our requirements is not to allow excessive dock areas.

MR. ROGERS: That dock is actually being shared by both 29 and 30. If you look at it, it crosses the property line, and both those homeowners are basically building one dock with a lift on each side.

COMMISSIONER SCHIFFER: But the size of the dock. I mean, they don't have to be able to play basketball on it, you know, they just have to be able to access their boat.

CHAIRMAN STRAIN: But a question in this line of reasoning, Brad -- and Ray, maybe you need to answer this -- is the dock, as long as it stays within the 20 feet, subject to our excessive rule or is it only when it comes before this board as a boat dock extension that we get into the excessive rule issue? Because every one of these docks, regardless of the square footage, is within the 20 feet. So is that in our purview?

COMMISSIONER SCHIFFER: Let me answer that. In other words, could I as a homeowner go out and build a 20-foot dock and that's it, I don't have a boat? I just want to place the --

MR. MULHERE: You can. As long as you meet the side setbacks and you don't extend beyond 20 feet. And no boat can be moored on the end of that, because then you would need an extension. You would have to moor the boat on the side and still meet the -- both the side setbacks and the -- what's the -- no, the kind of angle -- the riparian lines. If you did those things, there is no -- nothing in the code that prohibits you from putting in, you know, whatever amount of dock you want within that 20 feet.

CHAIRMAN STRAIN: Right.

COMMISSIONER SCHIFFER: Is it true, Ray, that I could be a single-family lot, I can come in the side setbacks and I can build a dock 20 feet out and have dances out there if I want?

MR. BELLOWS: It's my understanding that the code allows for boat docks without boat dock extensions to be permitted administratively by staff as long as they do not exceed the 20-foot limit.

COMMISSIONER SCHIFFER: But that's not a boat dock. Because I can't put a boat on it because the boat would exceed the 20 feet. I mean, as soon as a canoe came up to it --

MR. MULHERE: You can put the boat on the side.

MR. BELLOWS: That's the key here.

COMMISSIONER SCHIFFER: I would be in the riparian, right, my --

MR. BELLOWS: If they moor the boat so that it exceeds 20 feet, then they need a boat dock extension.

COMMISSIONER SCHIFFER: So when people build boat docks, there's the insinuation that they're going to have the boat. So it's the dock and the boat that has to be within the 20 feet.

MR. BELLOWS: Most people design 20-foot boat dock so the combination doesn't exceed 20 feet.

COMMISSIONER SCHIFFER: So again, back to 29. Why do you need that large a facility? It's not to access your boat. I mean, it's that you feel you have the right to have a dock across that 20 feet, leaving a small area for the boat.

MR. ROGERS: That was the wishes of the resident in that unit.

MR. BELLOWS: Is this a preexisting condition that's built this way currently?

MR. ROGERS: Most of them are. I believe 29 is proposing a change.

MR. BELLOWS: I think the difference in this case is we're dealing with some preexisting structures.

COMMISSIONER SCHIFFER: Aren't the preexisting structures built without permits?

MR. BELLOWS: And even prior to us having the boat dock extension process, in some cases.

MR. ROGERS: Excuse me? These -- some of them do have county building permits, but a lot of them do not have state or federal permits. So there are some with permits.

COMMISSIONER SCHIFFER: The dock on 29 was permitted by the county?

MR. ROGERS: Could very well have been. I don't know for sure. Some of them do, some of them don't. There's a handful, honestly, that only have state and federal permits, only one or two. But there are a handful that do have a county building permit.

COMMISSIONER SCHIFFER: I'm done, thanks, Mark.

CHAIRMAN STRAIN: Bill?

COMMISSIONER BROUGHAM: Yes, I have quite a few questions along the lines that Brad started with there. But I guess the thing that bothers me the most is some inconsistencies.

Number one, is this officially a 15-foot extension or a 35-foot extension? I see it proposed both ways here.

MR. ROGERS: It's a 15-foot extension for a total of 35 feet.

COMMISSIONER BROUGHAM: Your application states a 35-foot extension. Just for clarity it's a --

MR. ROGERS: That's correct --

COMMISSIONER BROUGHAM: -- 15-foot extension beyond the allowed 20 foot; is that correct?

MR. ROGERS: Correct. If that's what the application said, that's incorrect.

COMMISSIONER BROUGHAM: It bothers me a great deal that there were 15 or 16 of these existing boat docks that never did get permitted. And I went back and researched at least three or four of them and it appears that the same firm constructed these docks, both permitted and not permitted. I know that's historical and so forth.

Were the individual owners responsible for originally contracting to have these docks built?

MR. ROGERS: Yes, sir, yes.

COMMISSIONER BROUGHAM: Can you distinguish their authority and responsibility to do that then versus the HOA's responsibility and ownership of that seawall then?

MR. ROGERS: It's the responsibility of each and every individual who goes to build a dock to -- that individual gets permits for their dock.

There is more history in regards to the seawall transfer from the developer in this case. There's more history in this one. The developer didn't sign over the seawall shoreline to the Stella Maris HOA. And docks were being built on technically land -- docks were being permitted to be built on land that the Stella Maris technically didn't own at the time.

Since then we've done transfers and have gotten the seawall now into the Stella Maris HOA's name, and now we are here for Stella Maris representing them as an HOA to get a boat dock extension for the entire facility after the fact. Because most of these are -- all of these are existing. There are some reconfigurations being proposed to the existing structures. We encourage them to propose those changes and get them permitted now so that down the road five years from now when the permits are still valid they could ultimately make those changes two years from now up to five years. They have up to five years to do what they wish. Whether or not it's built right away or the changes are

made, that's up to the client.

COMMISSIONER BROUGHAM: Since these docks that were not permitted but yet were constructed, constructed as I understand by the individual property owner.

MR. ROGERS: Constructed by a marine contractor that was contracted by the --

COMMISSIONER BROUGHAM: Well, by a contractor paid for by the owner, okay.

The unpermitted docks were never inspected or C.O.'d; is that correct?

MR. ROGERS: It's my understanding that a lot of them were not.

COMMISSIONER BROUGHAM: Then how can I as a commissioner be assured that the unpermitted, non-C.O.'d docks that were -- that are in existence conform to all of the county regulations?

MR. ROGERS: That's something that the county staff is going to have to reassure you that they've gone out. I can tell you that they are constructed per the criteria, but that's -- I'm not a county staff, I'm just telling you.

But the county's reviewed this, this has been ongoing for a few years with regards to negotiations between Stella Maris and county staff to get this ironed out, and what is the path of least resistance to get this worked out between the county? Because it's mistakes on both parties' ends.

Go ahead, Ray.

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

Code enforcement has been involved in this case and they have been dealing with all these owners and the homeowners association and they know which docks have not received the permits. And with this approval, they will be having to get after-the-fact building permits that will be inspected by the county. So that should take care of that issue. They'll be inspected with the approval of boat dock extension.

COMMISSIONER BROUGHAM: It seems like the cart's before the horse in my opinion.

MR. BELLOWS: Well, it's already there. If they don't get the extension, then they have to remove the dock.

COMMISSIONER BROUGHAM: But what concerns me is if this commission were to vote in favor of this petition, it's like we're giving carte blanche after what's already constructed.

MR. BELLOWS: No, if they don't meet the building code then they have to tear it down and rebuild it to meet code --

COMMISSIONER BROUGHAM: Why hasn't that occurred to date?

MR. BELLOWS: They can't do that until they get an extension. You're just granting the distance, the protrusion into the waterway. That's the only thing --

CHAIRMAN STRAIN: Instead of looking at what they've done wrong, we ought to look at what they're doing right --

MR. BELLOWS: And what they're trying to do --

CHAIRMAN STRAIN: They're coming in trying to fix -- they've recognized there's been a problem, the county's recognized there's a problem. And instead of going out and making a monumental task to do it individually and try to go through it piecemeal fashion, they're coming in to fix the whole thing at once on their own.

That's a good thing.

MR. MULHERE: I'm sorry. I was just going to say -- for the record, Bob Mulhere.

This has been going on for years. These folks have been trying to resolve these issues in the proper way. And they will do it in the proper way. They've spent a lot of time and effort to get to this point.

We've worked with staff all the way through this process. So this process that we're pursuing is the process that was recommended by the staff for us to resolve these problems. We can only do what we're told to do to resolve the problems. They will get after-the-fact permits. If the dock doesn't meet the inspection or the county's requirements, it will have to be altered or removed.

But we know that they can meet, because we've already gone out there and looked at them. So that we -- at least in talking with the owners we can adequately --

COMMISSIONER BROUGHAM: Has staff gone out for site visits and so forth?

MR. MULHERE: I don't know --

MR. BELLOWS: I know our code enforcement staff has and --

COMMISSIONER BROUGHAM: Planning staff?

MR. BELLOWS: I'm not sure if Mike has or not.

MR. SAWYER: Just for the record, Mike Sawyer, project manager for the project.

County code enforcement officers have gone out and inspected. They do in fact, as Ray indicated, know which docks have been permitted, which have not, which need to get after-the-fact permits, which ones need to be brought up to date.

So once the boat dock extension gets approved, we'll be working on getting the SDP to reflect the ultimate configuration of all of the docks as those building permits come in. Whether they're new permits or after-the-fact permits, those will be accompanied with a copy of that Site Development Plan, and they will be approved according to that.

Based on those permits, construction will occur, or reconstruction will occur, and then they'll get inspected. And that will also in this case, because it is multi-family, that will include fire review as well.

COMMISSIONER BROUGHAM: So you currently know, or code enforcement currently knows which docks that are existing today are going -- if this extension is approved, which docks are going to have to be quote, unquote, fixed.

MR. SAWYER: Correct.

COMMISSIONER BROUGHAM: Can staff provide a specific list or commitment of those docks? Because in this application you can't tell. I mean, the permits are issued by address and the plan is by lot. I couldn't make the correlation between the two. I'm just hesitant in that regard.

But if you know specifically which of those docks are going to have to be quote, unquote fixed, then I would like to -- I would like that to be documented.

Just another question of the applicant then. Jeff?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: Two different places -- different places in here, the perimeter is stated at over 2,000 lineal feet.

MR. ROGERS: Right.

COMMISSIONER BROUGHAM: And in other places, more in the historical documents, it's 973, I believe, feet.

MR. ROGERS: Where was that historical?

COMMISSIONER BROUGHAM: I can go back and dig in here, but in that settlement agreement or somewhere back in there. And which is correct?

MR. ROGERS: Well, I can tell you that the applicant owns 2,118 linear feet of shoreline. And that was surveyed by Court Gregory Surveying two years ago. In fact, in 2010. So based off that 2010 survey, which we reference in our notes, in our drawings, we have approximately 2,118 linear feet of shoreline.

Now, I don't know where that 900 came from.

COMMISSIONER BROUGHAM: That was in the settlement agreement on Page 1, approved March 23rd, 2010, under Considerations. Forty-two residential condominium units with related accessories and appurtenances and five buildings that were constructed between '96 and '99 with approximately 973 linear feet of seawall shoreline along the Sunrise Cay canal.

MR. ROGERS: That's Sunrise, across the way. Mike can answer the question for you.

MR. SAWYER: Again, Commissioners, for the record, Mike Sawyer, project manager.

The executive summary -- and this has quite honestly raised confusion both on staff's part as well as I'm sure on your part as well. The actual executive summary that was included in your packet, and I actually e-mailed that to you as well so that you had a full clean copy, the first two pages of that is the actual agreement that relates to Stella Maris.

The remaining balance of the documentation on that is actually the agreement, the settlement agreement that was done with the other project, the Sunset Cay project. It's in there as far as back-up to show at the time it was presented to the BCC the previous settlement agreement that they had in a related community in the same general area so that they had a correlation between the two. Again, it's back-up to the Stella Maris agreement, which again is just the first two pages.

The agreement itself that the BCC approved for Stella Maris is limited just to an agreement in the number of docks that they can have. In this case it's 50, one for each of the multi-family units, as well as the configuration. And that's all that the agreement is for. The remainder of that settlement agreement that you saw is actually for a different project.

COMMISSIONER BROUGHAM: Okay.

MR. SAWYER: And again, honestly, that caused confusion on staff's part too.

COMMISSIONER EBERT: Mike, I have a question for you.

CHAIRMAN STRAIN: Diane -- go ahead. Are you done, Phil?

COMMISSIONER BROUGHAM: Just one second. That's all for now with the applicant. I may have some more later.

CHAIRMAN STRAIN: Okay, Diane.

COMMISSIONER EBERT: Mike, when was this community built?

MR. SAWYER: Commissioner, I would have to research that. I honestly do not remember.

COMMISSIONER EBERT: Okay.

MR. SAWYER: I would honestly have to go back to the date of the SDP, and I may have that in my notes. I don't remember, quite honestly.

COMMISSIONER EBERT: And there -- how many homes are on this completely?

MR. SAWYER: There are 50 residential units. They are townhomes. It's a multi-family development.

COMMISSIONER EBERT: Okay. It's -- I found it a little interesting that the developer, whoever did this, there was no foresight as to what was going to happen. You would have thought that being on the water there would have been some planning for it, that the association should have this. And it was just kind of left up in the air, do what you want or whatever.

What kind of I'm looking at was the fact that you had a marine company that did some of these. Some they got permits for, you said, and some they did not. And it's the same company?

MR. SAWYER: Commissioner, that's a good key point. Quite honestly, this is a very unique development to say the least. Normally you think of townhome developments not necessarily having individual lots. This one does.

Besides that complication, there is also that strip around the entire development that is common property. Now, it's part of the homeowners association but originally the developer had that.

Again, there's been mistakes made by everybody on this particular development. Some of those boat docks, I'm sure when they actually came in and were reviewed as building permits for a single-family boat dock were approved as single-family boat docks, because they had single-family lots. And it's very easy to miss that very small little strip of land that isn't in that particular property. That's one mistake. And county made that mistake, and we recognize that.

Not only that, but it should have been recognized by everybody, including starting with the original developer, that this was a multi-family development and that the docks needed to be permitted entirely as the multi-family development. Similar to the SDP itself. The SDP is a unified development. It's got multiple parcels within it. But it's reviewed and everything is recorded on that SDP, including all of the lots, all of the lot descriptions, as a unified development.

For instance, from setbacks it's the overall development setbacks, it's not the individual setbacks for the individual lots. Otherwise you would no longer have multi-family development residential buildings, you'd have individual little homes through there; which honestly on a 30-foot lot you're not going to work real well.

So this is honestly totally a multi-family development, multi-family buildings. And right from the get-go they should have been, as far as from a dock standpoint, been permitted as a multi-family development.

Again, mistakes have been made, certainly by staff, certainly by the county, certainly by the developer. And right now the reason that there's the agreement that the BCC approved and why we're here today is to get all of that cleaned up so that we can get all the required permits in place, including the building permits.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Any other questions?

MR. MULHERE: Could I just add one comment to that?

Mrs. Ebert, I think though you raised a very good point in terms of typically the design would have been coordinated, this whole thing would have been avoided, and a lot of aggravation, I mean, you know, homeowners don't really know, they're trying -- usually they're trying to do the right thing. You had a marine contractor. We don't know whether he told them he got a permit, he didn't. We don't know the answer to any of those questions. He's not here today. So we're trying to resolve -- he or she, I don't know even who it is. Whatever, we're trying to resolve the

problems that existed in the process where we've worked with staff to resolve the issues. Thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I think this is remarkably well coordinated on the part of the developer. I think he had a good plan. I think he was smart to do it this way because what he did is he platted 50 upland lots. Non-waterfront, by the way, these are non-waterfronts lots. If you look at the plat, it says these are to be considered non-waterfront lots. And that was done purposely so that the 10-foot piece that is owned from the seawall back could be dedicated to the HOA out of a very, what I think would be good reason.

Number one, that's one way to regulate the docks and get them in without the side setbacks of the upland lots interfering with it, but also the maintenance of that seawall and all that operation is part of the HOA instead of individual units, which would have been a nightmare having every homeowner go out and fix his seawall independently.

So I think just the opposite. This has been a well planned, well thought out scenario for this project, and it's a logical way in which to apply for the docks.

So getting that past us, I think the issue now becomes what are we doing with this 35-foot boat dock extension and how do we look at that in the premise under which you have presented it.

You've made some points. You said that each one of these slips will be tied to the upland lot. I'd like to see that as a stipulation. Do you have any problem with that?

MR. ROGERS: No.

CHAIRMAN STRAIN: Okay. Because the last thing a homeowner there needs in an upland lot is to have the slip out front be leased to somebody else and you're in there sleeping and 5:30 in the morning someone's starting a boat up to go fishing. So I don't think that's fair at all. So as long as these are tied to the upland 50 lots, then that's a good thing.

The second thing is the protrusion past 20 feet, as you said, with the exception of those existing at this meeting today, which you qualified by the various drawings you've shown, are only for vessel extensions, not for any further future dock extension. If they want a future dock extension past that 20 feet after today, they've got to come in and ask for a BDE for that specific lot. Is that agreement?

MR. ROGERS: As well as the -- get permission from the HOA.

CHAIRMAN STRAIN: Okay. And there's going to be no future docks allowed past the 20-foot mark without then coming back in for another BDE.

So those three points kind of sew it all up as far as I'm concerned. And I do think that I've got to give credit to the Stella Maris people for getting this done collectively as an effort through the county. The amount of time the county would have been spent to chew on this dock by dock would have been forever. We could have just filled code enforcement up for weeks.

One question, though: Since the ownership, the HOA stops at the outside of the seawall face, who owns the submerged bottomlands?

MR. ROGERS: It's all man-made. It's man-altered. It's not the state, it's -- it's just man-made bottomlands.

CHAIRMAN STRAIN: But who owns it? Someone's got to own the underlying water.

MR. ROGERS: Federal. It's a federal navigable channel, so I would guess the feds would have it because it is a federal channel, so -- a federal waterway.

CHAIRMAN STRAIN: When you guys come in for a boat dock in those waters, don't you have to prove that you're allowed to put it there by the property owner who owns it, whether it be the state, DEP, submerged land lease? What is it you're using to allow that to happen?

I'm just -- I didn't see it and I was just -- I may have missed it but I haven't been able to get into my research base --

MR. ROGERS: It's not state owned lands and the HOA has waterfront property and therefore the state allows them to put docks out into the waterway. It's not state bottomlands, though.

MR. MULHERE: Settlement trust.

CHAIRMAN STRAIN: Are you understanding the question? I mean, you're putting a dock on someone's property. I assumed it was the state's and you have a submerged land lease, and that's what I was trying to get you to say. But it doesn't -- apparently that's not the case.

COMMISSIONER EBERT: There is none.

MR. MULHERE: I do not know who owns the submerged lands, except we do know that the state doesn't. They did not require a submerged land lease so -- those were dredged --

CHAIRMAN STRAIN: But then do you need permission from that property owner to put the docks on his, hers or whoever's property it is?

MR. MULHERE: If anything, it would be the association and they've already given the permission.

CHAIRMAN STRAIN: Okay. So you're assuming it's the association's property.

MR. MULHERE: For the 20 feet, yeah.

CHAIRMAN STRAIN: Heidi, do we need to have that verified, or is that sufficient?

And that's the only question. It just came up today. I would have asked you guys ahead of time had I thought of it, but -- and now realizing where the HOA definition of their 10 foot stops, which is the face of the seawall, I don't see anything telling me who's giving you permission to stick the docks on their property. I thought it was the state and I thought you were going to tell me you had a submerged land lease, but --

MR. ROGERS: We do have state -- the state and feds did give us permission through issuance of their permits, but we do not have a submerged -- we were not required to get a submerged land lease.

CHAIRMAN STRAIN: Right. So that means they didn't do that because they don't own the bottomlands.

MR. ROGERS: Correct.

CHAIRMAN STRAIN: Okay. Then who's the property owner of the bottomlands? We're back to that again.

MR. ROGERS: The county.

MS. ASHTON-CICKO: I suggest that what we do is that -- they're representing that the association owns the rights or has sufficient rights. We'll confirm it. Mr. Williams will confirm it after the meeting. And if that is not a correct statement, we'll bring it back at the next meeting.

CHAIRMAN STRAIN: That works for me. Does it work for you? I just want --

MR. ROGERS: That's fine --

CHAIRMAN STRAIN: -- want to make sure that you can put the docks on whoever's property it is. Again, I thought it was a submerged land. I'm a little surprised, but it doesn't really matter --

MR. ROGERS: We're here to make it right. We're here to make this right. However we have to do it, we want to do it.

CHAIRMAN STRAIN: Okay. Those three suggestions, I'm pleased you agree with them. That's the only issues I had left on this.

Anybody else?

COMMISSIONER SCHIFFER: I have one.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: One question. Since we're only going to do the 50 docks, is there a way we could limit -- when you show in the drawing you've given us that -- all the extensions going around, could we cut the corners off of that?

In other words -- well, actually, I think what I'd like to say is that the extension is only available with the extension of the townhouse property line. In other words, what I'm concerned about is the corner there, you don't need that thing to make a corner like you do.

MR. ROGERS: You talking about here on these corners?

COMMISSIONER SCHIFFER: Yes.

MR. ROGERS: Okay, yes.

COMMISSIONER SCHIFFER: And that could be dangerous. In the future somebody could think they could build a fishing pier out in there or something.

And then -- and it could be dangerous maneuvering around the corner.

Also, to prevent a large boat showing up, like for example, lot, I think it's probably 41 --

MR. ROGERS: Right.

COMMISSIONER SCHIFFER: -- if we didn't do that, he could extend a boat quite a distance out there.

MR. ROGERS: If he didn't -- well, he does have a large sailboat, and that's --

COMMISSIONER SCHIFFER: Which is fine. It seems to fit, if you've drawn this to scale.

MR. ROGERS: I don't understand your question, I'm sorry.

COMMISSIONER SCHIFFER: My question is I'd like to remove some of the areas from your dashed drawing, okay?

MR. ROGERS: Remove some of that decking?

COMMISSIONER SCHIFFER: No. I'll accept the decking, I'm --

CHAIRMAN STRAIN: I think I know -- what he's looking for is on the lot, on the side, the long side of 41 and the long side of 49, he's saying no docks there.

MR. ROGERS: Correct.

CHAIRMAN STRAIN: Now, you already have one existing there, though.

COMMISSIONER SCHIFFER: That's not --

MR. ROGERS: And that's for lot --

COMMISSIONER SCHIFFER: I'm saying no -- first of all, no extension there and -- because you do have a dock there, I don't want to make that a nonconforming --

CHAIRMAN STRAIN: I was getting that part. Those are the two areas you're talking about, though, right?

COMMISSIONER SCHIFFER: I wouldn't mind on the northern side if somebody built in there, but just the extension doesn't occur. And I guess a way to word it is that you only get the extension where it's, you know, the continuation of a townhouse property line. Other than that, it's the 20 feet stays back.

MR. ROGERS: Our extension is for the entire way around the place. But honestly, it's for the dock that's located behind the house. There will never be any docks built up here in this area, even though the extension is granted for this portion of the development. This upland developer has -- this is his dock here. He will never -- no dock will ever be built there.

COMMISSIONER SCHIFFER: So let's take it out. So essentially what it would be is -- and if you -- we could even -- just if you -- the extension is only available with the extension of, and you'll show it on the drawing, the townhouse property line. In other words, everybody gets it behind their townhouse but they don't get it on the side lot of their townhouse.

MR. ROGERS: That's the one exception, that's existing, the one on the southwest side --

COMMISSIONER SCHIFFER: He's fine. He can have his boat dock within 20 feet, and that's what he has, right?

MR. ROGERS: Right.

COMMISSIONER SCHIFFER: And does he want more than that?

MR. ROGERS: No, no. What's there is what's proposed.

COMMISSIONER SCHIFFER: Then he should be okay with the 20 feet there. And then we cut the ability to stick something way out into the corners, which could be a navigable problem.

MR. ROGERS: I understand what you're saying now. Yes, we could do that.

CHAIRMAN STRAIN: Brad, we could sum it up by saying there would be no extensions on the side lot lines.

COMMISSIONER SCHIFFER: Yeah. I mean, essentially the townhouse line, that zero line, and the staff's having trouble between townhouse and multi-family, but these are legitimate townhouses. It is the extension of that side lot that --

CHAIRMAN STRAIN: Right. So if you say no extension on the side lot lines, it applies to the two areas that you're concerned about, which are the only two areas in question. And that boat that's down there exists because he's not looking for an extension. Covers it.

COMMISSIONER SCHIFFER: Right. And I'll give them, I can pass it down so the commissioners can see, and they can hand it to him as to what I think I'm saying on this drawing.

CHAIRMAN STRAIN: Okay, anybody else?

Phil?

COMMISSIONER BROUGHAM: Just a couple more follow-up.

In your application under secondary criteria, item number five, you state the Collier County Seagrass Protection Plan was reviewed for the location of known seagrass beds.

I inquired of staff for such a document, and eventually we found the purported document that was authored in 1991 but never adopted by the county.

MR. ROGERS: Correct.

COMMISSIONER BROUGHAM: Certain recommendations were included in the LDC as far as protection of the seagrass.

Did you in fact look at this document?

MR. ROGERS: Yes. It's this Collier County Seagrass Management Plan, I believe --

COMMISSIONER BROUGHAM: Protection.

MR. ROGERS: Protection Plan, excuse me. And you are right, it was -- actually, I found out through Chris d'Arco, staff at Collier County, called me, I guess per your conversation with him and I told him that is the plan that we used to make that statement in our applications, and he informed me then that the document was not actually adopted by Collier County.

COMMISSIONER BROUGHAM: Correct. And it's now 11 years old.

MR. ROGERS: Correct. Therefore he asked me not to quote it anymore, because understandably it wasn't ever adopted and it's an old document so therefore --

COMMISSIONER BROUGHAM: And seagrass beds could have been present 11 years ago or could have grown since or become active since --

MR. ROGERS: I think, as you guys have learned, seagrasses grow and come and go as they please --

COMMISSIONER BROUGHAM: That's why your statement here in your application didn't hold a lot of water with me.

MR. ROGERS: I did get in the water and check around the site, sir, but I did not swim a 200-foot radius around the site. But that is something that we will have to start doing now because that plan was never adopted and therefore is not an official document. So we can't --

COMMISSIONER BROUGHAM: We might want to consider --

MR. ROGERS: Updating it.

COMMISSIONER BROUGHAM: -- someone in the county adopting the plan, updating and adopting the plan, so we have a firm base to go forward.

MR. ROGERS: Definitely something to consider.

COMMISSIONER BROUGHAM: One other thing, Mark. I would still like to see some sort of a stipulation added if we approve this extension that the current docks that are not in compliance with existing code be committed to be brought into compliance.

CHAIRMAN STRAIN: But I think that's a given. That's our law anyway. So why would -- and we don't generally restate our laws in our --

MR. MULHERE: We wouldn't have to restate it. If it would give you some sense of comfort, we're going to get it, we're going to have to get permits.

COMMISSIONER BROUGHAM: Quite simply, just list the lot numbers associated with those docks and that would be fine for me.

MR. MULHERE: I don't know if code enforcement has the list or not. I know that was said. But look, if there's no permit, they're going to have to get an after-the-fact permit.

CHAIRMAN STRAIN: Then if you insist on a stipulation for something that -- I mean, that's the problem, it's already stated. But we can just say something as simply that any unpermitted docks will go through the process to be legally permitted.

COMMISSIONER BROUGHAM: I'm good with that.

CHAIRMAN STRAIN: Okay. Anybody else?

MR. SAWYER: Commissioners, just for clarification, and Heidi was kind enough to point this out, the settlement agreement actually does in fact on Page 5 and 6 include a list of the docks and their permitting status. So you can use that list to understand what code enforcement's understanding is of the docks.

MS. ASHTON-CICKO: Actually the pages you have are the executive summary for Stella Maris when it went to the Board of County Commissioners. I don't know that they have that in their packets.

COMMISSIONER HOMIAK: We do have it.

MR. MULHERE: We'll get permits.

MR. SAWYER: We can certainly include this with the --

CHAIRMAN STRAIN: I think the stipulation covers it and that puts everybody to rest.

Is there anybody else asking at this time of the applicant before we go to staff?

(No response.)

CHAIRMAN STRAIN: Okay. You're there.

MR. SAWYER: Staff's here.

CHAIRMAN STRAIN: Do you have anything more to throw in, Mike, before we go to public?

MR. SAWYER: Just for the record, Commissioners, again, Mike Sawyer with planning services, project manager.

As I said, we do have the information as far as the permits and their status. This has been a complicated project, certainly from a standpoint of review. A lot of the original staff that have been working with the homeowners association honestly are not with the county any longer. And so those of us that are remaining have picked up the ball and been trying to get the project moving forward.

Again, you are looking at just the extension, principally for vessels in this case. That's what the request is. And also to recognize that they can have two additional docks, from 48 to go to 50.

You've got the staff report that's been provided. We are recommending approval of the petition.

CHAIRMAN STRAIN: Okay, thank you, Mike.

Any questions of staff?

Diane?

COMMISSIONER EBERT: I have a question.

Mike, can you -- I notice this is on the Faka Union Canal.

MR. SAWYER: Yes.

COMMISSIONER EBERT: So that would be South Florida Water Management that takes care of this?

MR. SAWYER: Actually --

COMMISSIONER EBERT: Or the basin, Clarence's department?

MR. SAWYER: I believe so. But honestly, when they come to docks, they are not permanent -- they're not pervious structures, okay. In other words, there isn't, I believe, any time that somebody comes in, for instance, that would be coming in on this project to do an insubstantial change to the SDP, to show this dock configuration. And because it's out over water and isn't increasing the impervious area on the site, I do not believe that our engineering department requires a letter mod. or anything from South Florida.

They've already got the state permits already from DEP as far as the dock facility itself.

CHAIRMAN STRAIN: Any other questions of staff?

Brad?

COMMISSIONER SCHIFFER: Mike, what -- the BCC has approved a lot of things in this, it was referenced in the application. So what have they approved so far?

MR. SAWYER: The only thing that the BCC approved were the number of docks for Stella Maris and the configuration itself; in other words, finger piers and angled docks.

COMMISSIONER SCHIFFER: So essentially everything beyond -- or up to the 20 feet. They're okay with the docks --

MR. SAWYER: Honestly, Commissioner, I don't know if that was even part of that agreement or if that was their understanding. I would assume so. It certainly didn't include anything related to the petition before you as far as the extension itself goes.

COMMISSIONER SCHIFFER: In other words, what I'm trying to say is they're okay with the size of the docks, because they were shown drawings similar to this showing the large size of the docks.

MR. SAWYER: The configuration and the number, yes.

COMMISSIONER SCHIFFER: Then I'm good.

CHAIRMAN STRAIN: Anybody else have questions of staff before we go to public speakers?

(No response.)

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

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Any members of the public wish to speak on this petition?

I know you were sworn in, so come on up and use the microphone, sir, and state your name for the record, please.

MR. KUNGLER: Good morning, everyone. Richard Kungler's my name.

I was elected by the --

COMMISSIONER EBERT: Can you hold the mic --

CHAIRMAN STRAIN: All these rules we've got just so we can hear you, huh.

MR. KUNGLER: I was elected by the homeowners association to initiate once we found that there were some violations. I've been working with Jeff and Turrell for four and a half years. We have spent some \$40,000 on this project. We wanted to comply. I met with numerous times code enforcement. They did not wish to, at the time, because we volunteered to go through with the compliance, to cite -- or write any violations. I've had to keep them posted where we were at for the last four years.

The state took the longest part, over three years to get their permits and do their research studies.

The Army Corps took about six to eight months. The Army Corps deemed we are not impeding any navigation hazards. And they too issued their permits not long ago.

Something about -- that was brought up about permitting the docks, some are permitted, some aren't and so on. And that is true. The developer built some docks, or had a dock builder build them in order to sell some of the homes that they included that. Some of those docks, actually the builder pulled permits but they were never closed. So there was a lot of those permits pulled, inspected. It went to the county, but a time period passed and those permits were voided. So there's a number of those fit that category. And I'm sure there's a number fit the category of just didn't get permitted, period.

And as it was stated earlier, a lot of the issues can be spread around to numerous people. Initially when we bought, the developer was going to turn that property, that 10-foot seawall over to the homeowners association, but he decided he had another buyer and was going to cut us out. So at that time the board elected me to negotiate a deal with Robert Hardy, which was the developer. And we came to terms and paid, by the time all the fees and documents were done, \$240,000 some for that seawall property.

So we've always been trying to make things right, to be in compliance. I've actually had Jim Seabasty from code enforcement speak at our homeowners association, I think it was three years ago. And he at that time had some of the numbers of the docks that weren't permitted, some of the electrical and so on, but he said don't send anybody down to the county to get permits, we've got to get the BDE, we've got to get the SDPI completed, then I will give you the list so those people can comply. And so that's where we're at.

Now, I understand there is an updated list and -- but I was instructed don't have anybody come until this whole deal is done, then they have to come into compliance or their docks go. And association's in full agreement.

What's interesting, we're listed as, I think some of you referred to as townhouses, multi-family. But we're taxed as single-family, if you look at the records. It's interesting how it can be both ways.

CHAIRMAN STRAIN: That's quite common anymore. That's quite common, sir. Up here. That happens a lot.

MR. KUNGLER: It was interesting to me and the homeowner, how can we be two things. But anyway, you brought up the dock, that one large, what appears to be one large dock earlier, I think 29 and whatever the other number was. There actually is a separation. I think the county required you can't use a common stringer where two docks are side by side, you have to put two independent stringers. Although it probably looks like the decking is probably within eighth inch, quarter inch, whatever. But it should be, if that dock met the -- or those two docks met the -- they were permitted, there has to be a separation. And if they were permitted and inspected and there was not a separation, then that's somebody else's error.

So the bottom line really becomes we've been trying to bring this into conformance. I understand there's a lot of communities don't have the money to do it. We've been fortunate. And that's why code elected not to fine us and start violation immediately. Let's get it done and get on with things and make it right. And that's basically where we're at.

I think at Turrell and Associates and myself, we've probably got well over 1,000 hours in this project. Pretty much on first name terms with the state and all the people at the State and the Army Corps of Engineers. And they too all say we're all part of the blame. Most people, including the dock builders, up until just recently, had no clue they had to have an Army Corps permit and a State permit, South Florida Water Management. There's only a real handful, probably in Collier County have all three permits. Code enforcement says the majority of the docks in Collier County do not have Army Corps and State permits.

And it's going to be a mind boggling issue to straighten out that whole affair over the next years. So anyhow, we're trying to comply. And if you have any questions?

CHAIRMAN STRAIN: I wish to just make a comment. I want to commend you and your organization for doing this right. I mean, a lot of people would have gone the route to fight this and try to grandfather and all these other things. You guys are doing it right, and I think that's a good thing. And I also commend code enforcement for working with you so diligently for so long to get it to this point. So those are good points, though. Thank you.

MR. KUNGLER: Thank you very much.

CHAIRMAN STRAIN: Any other public comments? Okay, any other general comments from anybody?

COMMISSIONER SCHIFFER: Yeah.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: No, I don't.

CHAIRMAN STRAIN: Jeff, I have one question for you. Whenever we verify the ownership of the water, I'm assuming it's the HOA, let's just use that as a basis, what is the mechanism that they're using to tie that dock that is outside the seawall to the upland unit?

MR. ROGERS: Basically --

CHAIRMAN STRAIN: Is it a deed, is it lease, is it what?

MR. ROGERS: No, it's basically just the location of the dock behind the unit. But we could work something out where we do have a document if required by the board to make it more clear.

CHAIRMAN STRAIN: That's -- Heidi?

MS. ASHTON-CICKO: I believe the HOA documents do say that the HOA will lease it out. That was in the declarations that I reviewed.

CHAIRMAN STRAIN: What I'm getting at is I would like whatever instrument you use, to make sure that instrument is required to tie the slip to the immediate back property line of the lot that it's directly behind.

MR. ROGERS: Correct.

CHAIRMAN STRAIN: So somehow I want that to be sewn together. When we know who the actual owner is, it will make it a little easier. But whatever mechanism that is, that needs to be brought together. Because again, I'm more concerned with those upland owners, they don't want somebody that's not themselves out there owning a dock.

MR. ROGERS: That's the intention of it, so --

CHAIRMAN STRAIN: Yes, sir. You want to come back out? Got to come to the mic first.

MR. KUNGLER: Richard Kungler again.

Originally the developer leased that space to the homeowner. We paid a fee. The homeowners association does not charge a fee to those dock owners. So that was -- I think it was mentioned about a lease. Originally that's the way the developer did present that to us. So we all paid a fee. But the dock owner does not pay a fee to the homeowners association.

CHAIRMAN STRAIN: Thank you.

Does any of the county attorneys, we have two county attorneys here, does either one of you have Internet access right now?

Could one of you go to the Property Appraiser's site, bring up Port of the Islands, click on that waterway and see who the owner is registered as. And that would solve the ownership problem before we even have to wait any longer. Because if -- something you just said could be concerning, or something you said combined with another statement that Bob Hardy used to own this. If when you negotiated your 10-foot strip you didn't negotiate ownership of those water -- the bottomlands, I'm not sure what they would entail. So I'm trying to find that out.

Well, he's going to know in a minute, sir. So we'll check in a minute.

Yes, sir.

COMMISSIONER SCHIFFER: While they're checking, just to make sure, you know, these inside corner lots, there's two of them, the top and bottom. With your upland requirement, that wouldn't be a problem for those, would it? In other words, I don't know what number it would be, lots -- 68 and 69, for example, might. They both share. But anyway, I think the homeowners can keep track of that.

CHAIRMAN STRAIN: I think when, Jeff, you guys, or staff when you word that stipulation, you know what the intent is. Every one of these lots is approved to have a dock based on what the Commission agreed to do in

the agreement. So now we just need to figure out a way to make sure the dock that they have is tied closely to their upland parcel and not to another location. That's all we're trying to do.

MR. HALL: Mark, if I could comment on the waterway. I don't -- we'll go back and look at this. The attorneys are looking at it as well. I believe when Port of the Islands was actually developed, it was all one big thing. And they dug the canal. There's a drainage easement through a portion of it. But the bottomlands there turned over or dedicated to the use of all of the waterfront property owners. It's the same as the county has over at the boat dock that they bought on the other side of the waterway and the docks all the way around it.

It was done under the Port of the Islands umbrella way back in the Seventies, I guess, when that was developed, and it was dedicated to that. And I believe that's the way I remember it. But we will follow up on that.

CHAIRMAN STRAIN: Basically then the plat would have the dedication, right?

MR. HALL: It should.

CHAIRMAN STRAIN: So if you have a waterway, well, it's titled canal on your plat. I don't -- well.

MR. HALL: I don't know where on there it would have an address --

CHAIRMAN STRAIN: I'll have to read it -- yeah, it's too small to try to read right here now. But there's a whole half page of dedications. So if the canals are dedicated, that would take care of it. It's just a matter of knowing it. I wanted just to seal it up and make sure all the T's were crossed and I's were dotted, that's all.

MR. HALL: Yeah, no, I understand.

CHAIRMAN STRAIN: Anybody else?

Go ahead, Brad.

COMMISSIONER SCHIFFER: Also while they're waiting, let me pass down, this is the drawing to make sure that that's the area I'm saying should be removed, if the Commission's okay with that.

CHAIRMAN STRAIN: You all remember, this is a professional architectural rendering by an architect licensed in the State of Florida. So if you want to see what his work product looks like, this is coming.

COMMISSIONER SCHIFFER: I'll do it for free.

MS. ASHTON-CICKO: I'm not getting anything. Under the Property Appraiser website, it's saying no parcel selected. But we do have software through the real property department that we can identify --

CHAIRMAN STRAIN: If it's dedicated on the plat, that works too. I'm just trying to find out to make sure that there's no conflict in the placement there.

MS. ASHTON-CICKO: Are you pulling something up?

CHAIRMAN STRAIN: He's got a bigger computer than you have.

MR. WILLIAMS: If you'd like me to approach, I've got my laptop, I can show you. I know you're familiar with the website -- your identify button, if you click on the lot owner -- but when you're clicking out here, it won't give you anything. It's not giving you any information --

CHAIRMAN STRAIN: That's probably just by dedication. That's good. That's good. Okay.

COMMISSIONER SCHIFFER: Phil, give it to the applicant, he can give one to the court reporter.

COMMISSIONER EBERT: Brad, I have a question for you. Where you have the little x's there's, there's already a boat.

COMMISSIONER SCHIFFER: No, the boat is in the 20-foot area. I'm only taking away the extension area.

COMMISSIONER EBERT: Okay, the 35.

COMMISSIONER SCHIFFER: Yeah. That boat's happy.

MR. SAWYER: Commissioners, as a suggestion, as far as tying the individual lots to specific docks, since we have to bring potentially that document back to you, I'm assuming under consent, we could also number both the lots as well as docks so that we have that identification at the same time. As a suggestion.

CHAIRMAN STRAIN: That would be a real simple way to -- if that works for everybody? Yeah, I think that's a good idea. Thank you, Mike, that will work.

And Brad's indications where the crosshatching are that in those areas where it's crosshatched, the additional 15 feet does not apply for extension purposes. But within the 20 feet they can still have what they've got. Is that --

COMMISSIONER SCHIFFER: That's correct. And give one copy to the court reporter, please?

CHAIRMAN STRAIN: Do you have any problem with it, Jeff?

MR. ROGERS: I do have one question. Let me pass this over.

Per this change, I understand what you're trying to do here. I believe we're fine with it. My question is what

if the applicant -- what if the homeowner of this property here wanted to move -- get a bigger boat or do a bigger dock? Would it be all right if he moved it behind his house in this area? Would he be handcuffed to leave the dock there?

COMMISSIONER SCHIFFER: Well, in other words, is that his little boat in the 20 feet?

MR. ROGERS: Yes.

COMMISSIONER SCHIFFER: He could certainly bring it around the corner. He has 35 feet, the additional 15 is waiting for him there. It's only along the side. And my biggest concern is nipping off the corner for navigations.

MR. ROGERS: Understand. We're fine with that.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Jeff. We've had all -- yes, sir, you want to -- since you represent the whole organization, we'll give you multiple bites at the apple.

MR. KUNGLE: Thank you. There's a couple docks that are angled or paralleled that they protrude over that lot line. It's been a sore spot with some of the owners. But the developer, we'll go back to the developer, he allowed that or did that himself to sell the property. So that lot line could create a problem for those couple dock boats that do show across somebody else's --

CHAIRMAN STRAIN: You're going to have to make everything legally compliant after today's meeting. So any reinspection by the county permits, if you're over a lot line you're going to have to get it fixed. So am I not right? If I'm mistaken on that, someone tell me.

MR. MULHERE: This is multi-family, so the setbacks apply. They don't apply on a lot-to-lot basis; there really are no lots there.

We can number each unit. Some of the lots may protrude a little bit, already existing, not any new ones but already existing, protrude a little bit over that lot line, that already exists. We'll identify those as well. And in general all lots will be assigned -- they'll be assigned to a -- all docks will be assigned to a lot and generally they'll be in front of that lot. I mean, you're only talking about a couple of feet.

CHAIRMAN STRAIN: And I think everything was accepting what's been already in place, so we're not trying to change and undo what the Board's already approved, we're simply saying when you go forward be a little more strict in the way it's laid out. That's all.

MR. MULHERE: Which is why Brad's concern over the side, that's where you would want to have that restriction, because that's where the actual setbacks do apply.

COMMISSIONER SCHIFFER: Right.

MR. KUNGLE: The association has agreed that any time those properties are sold where you have a boat that does protrude across that projected line, that has to be corrected and brought back within their perimeter of their space. And there's -- and some of those modifications to the dock that's shown on the proposed drawings, that is to correct some of that too as well.

CHAIRMAN STRAIN: Okay, Brad?

COMMISSIONER SCHIFFER: Just a question. How far do they protrude? I mean, is this one foot, two foot?

MR. KUNGLE: I don't know what the figure is. Do you know, Bill? Maybe four, five feet.

COMMISSIONER SCHIFFER: That's pretty big then.

COMMISSIONER EBERT: That's big --

MR. KUNGLE: Yeah, and it's upset a lot of people. But the developer created the problem initially. And that was the first buildings built.

CHAIRMAN STRAIN: Thank you, sir.

Anybody have any questions of anyone?

(No response.)

CHAIRMAN STRAIN: With that we'll close the public hearing and first have discussion.

I have a list of six stipulations, if we want to consider that, depending on the motion. I'll read those to everybody and then we can -- if you all want to discuss them further or make a motion, it's up to you.

That there will be 50 slips limited to each -- one per each upland unit, and it will be to the most adjoining unit, and that will be further delineated by a new plan showing the lot and the assigned number of the slip.

The extension will be only for vessels, with the exception of those facilities that could be existing as of today. No future docks will be allowed past the 20-foot mark without a separate BDE.

There will be no extensions on the crosshatched area that Brad has indicated on the diagram that's in front of us now.

Any unpermitted docks will go through the process to be legally permitted.

And the County Attorney's Office will check the water ownership, although we've just looked and it doesn't seem to be a problem. And we'll just get confirmation on consent that there is no issue there.

Those are the notes that I made on stipulations. Does anybody have any other comments, considerations?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion?

COMMISSIONER AHERN: I'll make a motion that we approve BDE-PL20110000300 --

COMMISSIONER KLEIN: Second.

COMMISSIONER AHERN: -- with all six stipulations.

CHAIRMAN STRAIN: With all six stipulations. Is there a second? Barry, with the stipulations?

COMMISSIONER KLEIN: Yes.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

We thank you all for coming.

And staff, it was an excellent job. Jeff, thank you, you did a great job without Rocky here.

MR. ROGERS: I know. Appreciate it.

CHAIRMAN STRAIN: I notice you had Bob, though, so I'm not sure --

MR. ROGERS: You have to have somebody.

MR. MULHERE: That counted against him.

CHAIRMAN STRAIN: ***Okay, that brings us to the end of our advertised public hearings. Is there any old business?

***Okay, is there any new business? Nothing listed.

***Public comment? Anybody? Discussion?

(No response.)

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

COMMISSIONER EBERT: I make a motion to adjourn.

COMMISSIONER AHERN: So move.

CHAIRMAN STRAIN: Made by Diane, seconded by Melissa.

All in favor, signify by saying aye.

COMMISSIONER VONAIR: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Aye.
We are out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:24 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK P. STRAIN, Chairman

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5-3-12, as presented _____ or as corrected .

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