

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, November 1, 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: Melissa Keene
Douglas L. Rankin
Paul Midney
William H. Vonier
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham

ALSO PRESENT:

David Weeks, Comprehensive Planning
Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School District Representative

CHAIRMAN KEENE: Good morning, everyone, and welcome to the November 1st meeting of the Collier County Planning Commission.

If everyone would rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN KEENE: Roll call?

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Rankin?

COMMISSIONER RANKIN: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Ms. Keene?

CHAIRMAN KEENE: Here.

COMMISSIONER HOMIAK: Mr. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN KEENE: Okay. Ray, do we have any petitions scheduled for the second meeting in November?

MR. BELLOWS: No, we do not.

CHAIRMAN KEENE: Okay. So we are going to cancel that.

MR. BELLOWS: If the board -- Planning Commission would like to make that motion.

COMMISSIONER EBERT: I make the motion that we cancel the second meeting of the month.

COMMISSIONER KLEIN: Second.

CHAIRMAN KEENE: Okay. All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Okay, motion approved.

So the next meeting will be our December 6th meeting. Does anyone know if they will not be able to attend?

(No response.)

CHAIRMAN KEENE: So we will have a quorum.

Approval of minutes. Everyone was emailed the minutes from September 20th.

COMMISSIONER BROUGHAM: Madam Chair, you want to hit Item No. 3, addenda to the agenda.

CHAIRMAN KEENE: Oh, I apologize. We do have one addition to the Gordon River Greenway that we would like to add.

MS. ASHTON-CICKO: Yes. Staff is proposing an add-on item, it's not an advertised item, under 11C. That's been distributed to you all previously, and it's proposed scrivener's error to correct the Gordon River rezone ordinance. So they're asking that you add that on as a companion item to the Gordon River

Growth Management Plan. And I don't know if anyone wants to say anything further on that.

CHAIRMAN KEENE: Okay.

COMMISSIONER BROUGHAM: I make a motion to add it.

CHAIRMAN KEENE: Is there a second?

COMMISSIONER EBERT: I'll second it.

CHAIRMAN KEENE: All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN AHERN: Motion approved unanimously.

Does anyone have any additions or corrections to the September 20th minutes?

COMMISSIONER HOMIAK: No, motion to approve.

CHAIRMAN KEENE: Second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN KEENE: All in favor?

COMMISSIONER RANKIN: (Abstains.)

COMMISSIONER VONIER: (Abstains.)

COMMISSIONER SCHIFFER: Aye.

CHAIRMAN AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: (Abstains.)

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER KLEIN: One abstention. I wasn't here.

COMMISSIONER VONIER: I wasn't here.

CHAIRMAN KEENE: So --

COMMISSIONER EBERT: Two abstentions. So Mr. Klein --

COMMISSIONER RANKIN: I read them, but I wasn't here either, so do I abstain or vote for it?

CHAIRMAN KEENE: You would abstain.

Did you get that, Terri? Mr. Klein --

THE COURT REPORTER: I have Klein and Vonier and Rankin.

CHAIRMAN KEENE: Yes, thank you.

And the September 28th meeting from the AUIR.

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER VONIER: Is there a second?

COMMISSIONER BROUGHAM: Second.

CHAIRMAN KEENE: All in favor?

COMMISSIONER RANKIN: (Abstains.)

COMMISSIONER MIDNEY: (Abstains.)

COMMISSIONER VONIER: Aye.

CHAIRMAN AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN AHERN: Was everyone here?

COMMISSIONER MIDNEY: I wasn't here.

CHAIRMAN KEENE: And Mr. Midney was not in attendance.

COMMISSIONER RANKIN: Neither would I have been.

CHAIRMAN KEENE: And Mr. Rankin was not on the board at that time.

Ray, BCC?

MR. BELLOWS: There were no land-use items presented during the last BCC meeting, so there's no recap.

CHAIRMAN KEENE: Okay. Chairman's report. I having nothing to report.

We don't have anything on consent.

So the first item is under advertised public hearing. Before we go into this item, we have been inundated with a lot of information, communications, correspondence, so forth.

I spoke to staff concerning how to approach this item, and I think we have determined at this point today would be a fact-finding mission, and the commission can ask questions and determine what additional information they feel that they will need, and we will probably continue the item.

Having said that, does anyone on the board have an issue with that or anything they would like to add?

COMMISSIONER BROUGHAM: No issue. I would certainly support it. We've got a lot of historical information, but we certainly, in my opinion, don't have any current --

COMMISSIONER EBERT: Up to date.

COMMISSIONER BROUGHAM: -- information to make an evaluation. And I think that should be the focus today is to be definitive to staff and the petitioner as to what the commission needs for a full hearing.

CHAIRMAN KEENE: ***Okay. With that, we will move right into 9A, our first advertised public hearing. This is PL20110000769/CPSS2011-2.

MS. ASHTON-CICKO: Chairman Keene?

CHAIRMAN KEENE: Yes.

MS. ASHTON-CICKO: I'd like to treat this as quasijudicial. So if anyone has any disclosures. And also I'll just note for the record that I did distribute to the CCPC a document entitled "Criteria for Growth Management Plan Amendment Review" and "Criteria for Continual Use Review," because as you recall, the Board of County Commissioners at a couple of their meetings have advised that they want you to look at these and provide them advice looking at it as a conditional use and a Growth Management Plan amendment. So hopefully that will assist you in your review.

CHAIRMAN KEENE: And, Heidi, do we need to swear in?

MS. ASHTON-CICKO: Yes. Yeah, we'll swear people in, please.

CHAIRMAN KEENE: So if -- everyone who would like to testify on this item, please rise and be sworn in.

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

CHAIRMAN KEENE: Okay. And, Phil, we'll start with you for disclosures.

COMMISSIONER BROUGHAM: Yes. I had a meeting with Mr. Vega, Mr. Mulhere, and Nicole Johnson.

CHAIRMAN KEENE: Mr. Klein?

COMMISSIONER KLEIN: I had a conversation with Nicole Johnson.

COMMISSIONER EBERT: I have spoke with staff, I have spoke with constituents from the Golden Gate area, I have also spoken with Nicole.

COMMISSIONER HOMIAK: Just emails.

CHAIRMAN KEENE: I have spoken with staff and Mr. Anderson and email communication.

COMMISSIONER VONIER: Staff and Nicole Johnson.

COMMISSIONER MIDNEY: Nicole Johnson.

COMMISSIONER RANKIN: No one. And I don't have access to my email yet, so I have no idea what's in there.

CHAIRMAN KEENE: You lucked out.

COMMISSIONER RANKIN: I've tried, but there seems to be confusion about which staff members to give me access.

CHAIRMAN KEENE: Okay. David?

MR. WEEKS: For the record, David Weeks of the comprehensive planning section for the county.

First, Madam Chair, I just want to make a minor correction to something stated. This is not an advertised public hearing, this particular item; it is not.

This is the discussion of a lawsuit settlement, and as the Planning Commission is aware, on September 25th the County Commissioners had this item on their agenda and agreed with staff's recommendation to send it to this body for a vetting and for this item to be treated, as the County Attorney's Office has stated, to be, in essence, treated as a Growth Management Plan amendment because, in essence, that's what it is, except the avenue to get there is via a Bert Harris claim filed by the plaintiffs against Collier County and others.

I want to keep my remarks fairly brief. I know Mr. Vega, on behalf of the Husseys', wishes to make a presentation, and I think it's rather extensive. So I'll keep my remarks more, I think, to an overview at this point.

After Mr. Vega has completed his remarks and anyone else on his team, I believe staff would like to make a few more comments, both myself and also Steve Lenberger with the county's environmental staff.

First on the visualizer is a map which you have in your binders, and this is the countywide Future Land Use Map as it exists today with the exception of the fact that it does identify the two properties that are being discussed here. The northerly property -- both of those are identified in a magenta color. The northerly property, right here on the east side of Immokalee Road, north of Golden Gate Estates in the Orangetree area, that is the State Road 846 Land Trust Property, and then the southerly property, down here on the north side of I-75 a few miles east of 951, is the Hussey property. And the Hussey property is about 966 acres. The 846 Trust land is 2,500 and, I think, 60-something acres.

The starting point I wanted to give is going back to 1989 with the original adoption of the Growth Management Plan. The map looked almost the same as you see it now. The major exception, particularly relevant to this discussion, is that where you see orange and blue on the map, the rural fringe area, as well as the crosshatched area also within the rural fringe area, that is an area between Golden Gate Estates and Collier Boulevard and also north of Immokalee Road, north of the Estates.

The rural fringe area comprised about 95,000 acres. The color for those areas used to be simply white. When the Growth Management Plan was adopted in 1989, the agricultural rural designation applied to the rural fringe area and all the other white areas you see on the Future Land Use Map.

And those properties were allowed, really, the same uses you would see in the agricultural district today, a whole variety of agricultural uses, residential development at one dwelling unit per five acres, and a variety of conditional uses, churches, childcare centers, nursing homes, social and fraternal organization, golf driving ranges, and so on and so on.

My point here is that all of the agricultural rural designated area was treated the same. There was no distinction between one particular area of agricultural rural designation versus another.

In 1996 the county adopted its first EAR, Evaluation and Appraisal Report. And subsequent to that, we then adopted the -- in 1997 EAR-based amendments to the Growth Management Plan, that is the amendments based upon that evaluation and appraisal report.

The Florida Department of Community Affairs, which is now known as the Department of Economic Opportunity, has had and has oversight over local government comprehensive plans or Growth Management Plans. They found those amendments in 1997, certain portions of them, not to be in compliance with state law.

Ultimately -- I'll skip some history and just say, ultimately, in June of 1999 the governor and cabinet of the State of Florida, the Florida Administration Commission, found the amendments to the Growth Management Plan not in compliance with state law, and they issued a final order. And that final order directed staff -- directed the county, excuse me, to relook at the rural areas of the county, to do an assessment of the rural areas of the county, to address, mostly, the environmental protection realm, direct incompatible uses away from listed species and their habitat, protect natural resources, groundwater resources, protect

habitat areas, critical habitat areas, protect prime agricultural areas, and curtail urban sprawl.

I may have not covered it all, but it's, again, mostly in the realm of environmental protection.

And that final order provided three years for the county to conduct an assessment of the rural lands, allowed us to separate the rural lands into multiple phases if it so chose, and the county did choose to do so.

We created a rural fringe area and then what's known as the eastern lands area or rural lands area, which today is known as the RLSA, Rural Land Stewardship Area.

The county appointed two separate advisory committees charged with looking at those two respective areas.

And I'll leave the RLSA behind because that's not really relevant to our discussion today for the most part, maybe occasionally.

But for the rural fringe area, a citizen committee met over 50 times, staff assisted the committee and, ultimately, out of that process came the rural fringe amendments, the establishment of the receiving areas, the sending areas, the neutral area, and a Transfer of Development Rights Program.

And the objective was to protect the best habitat areas based on a landscape scale review of this 95,000 acres, not a site-specific scale as you would typically see when you see a land-use petition before you for 10 acres or 50 acres or 100 acres or what it may be, but at the landscape scale.

The orange on the Future Land Use Map, that represents the sending areas; the areas of the highest environmental value at the landscaped scale, the area which the county would like to see protected and preserved; the blue represents the receiving areas, the areas that can receive density from the sending areas, the areas generally of the lesser environmental value; and then the neutral designation, the crosshatched, is neutral to the TDR program. You cannot send or receive dwelling units, and that is an area of an intermediate environmental value.

Each of those designations has a different natural resource -- excuse me -- native vegetation protection requirement, sending being higher, receiving being the lowest.

The compensation mechanism for designating lands for sending is the TDR program. The density was greatly reduced on the sending lands. The allowable land uses were greatly restricted. I mean, there's no question that the property -- excuse me -- that the county's actions to adopt these rural fringe amendments for those sending lands' properties, that a lot of uses were lost, that rights were taken away.

The compensation mechanism for doing so is to allow the transfer of development at the same residential density as historically was allowed, and that's one dwelling unit per five acres.

So if you have sending lands -- let's say you have 40 acres of sending lands, you could develop one dwelling unit on the property today whereas previously you could have developed eight, one per five acres, but you can still transfer that density at the same ratio of one dwelling unit per five acres. And there's also bonus TDR credits that can be achieved, potentially a project could qualify for, so that you could transfer at even greater than one dwelling unit per five acres.

As I'm sure Mr. Hussey will address -- excuse me, Mr. Vega, on behalf of the Husseys will address -- the TDR program only deals with transfer of residential development rights. It does not address other land uses that previously were allowed on those properties that, under the sending designation, is not notably earth mining excavation, and that's the crux of the lawsuit. It has to do with the value of the lands not for residential but for earth mining.

I want to make it clear -- at different times it's stated different ways and accusations are made, or comments made -- the State of Florida did not tell Collier County you must develop a TDR program. They did not tell us you must designate sending lands and receiving lands and neutral lands. They just said, here are the issues. Go assess the land and come up with a way to satisfactorily address these issues.

They did list options, different things we could consider. TDR program was one of those items. It was Collier County's decision, ultimately, a committee, citizen committee, staff, this body, the EAC, ultimately, the County Commissioners that made the decision to adopt and implement the rural fringe amendments including the TDR program.

The Hussey property, again, located just north of I-75, also in addition to being designated as sending lands, is within what is known as the North Belle Meade overlay. That overlay, of course, specific just to that North Belle Meade area, which is comprised of all three designations, sending, receiving, and neutral, has

specific use allowances that don't occur elsewhere.

Most particularly, for certain receiving lands, certain blue properties within the North Belle Meade, are allowed to excavate without obtaining a conditional-use approval, which is the normal process.

It also allows for an associated use, which is the asphalt and concrete batch making plants, again, without conditional-use approval. Still subject to an excavation permit, which is a public hearing process, but the focus of an excavation permit is more technical in nature whereas the conditional use is a land-use consideration.

Also, for the North Belle Meade receiving lands, most of the environmental standards, environmental protection requirements in the Land Development Code and in the Growth Management Plan are not applicable to the receiving lands in the North Belle Meade overlay.

During the public hearing process for the establishment of the rural fringe amendments, which were adopted in 2002, there was a tremendous amount of public involvement, and that was the intent of the final order. It was explicitly stated in the final order that this is to be a public -- I forgot the exact phrase -- but a -- the hallmark -- thank you, Bob -- the hallmark of this process should be public involvement.

And the county went through significant efforts, to my knowledge unprecedented, at least as of that time, in having a website relevant to the rural fringe amendments that the public could access. I mentioned the Rural Fringe Advisory Committee met over 50 times, and all these meetings were open to the public, a series of -- as typical for Comprehensive Plan amendments or Growth Management Plan amendments, a series of meetings in front of the Environmental Advisory Council, this body and, ultimately, the Board of County Commissioners.

Signs were posted along U.S. 41 and Immokalee Road advising, you know, you're now entering the rural fringe area, and contact information to find out more about it.

Certainly not to suggest, however, that everyone was happy with those rural fringe amendments that were proposed and ultimately adopted. There was significant opposition and, most notably and no surprise here, people who owned land that was proposed to be designated as sending lands, people whose rights were going to be taken away.

But, ultimately, the amendments were approved. They were challenged by the Husseys and, ultimately, they did go into effect in July of 2003.

The TDR program, in some people's eyes, has not been successful. I can tell you that's not a view shared by staff. We have to keep in mind that this program is only seven or eight years old. The implementing Land Development Code amendments were adopted in, I believe, 2004. When we compare that to other TDR programs around the country that are successful -- and there are many TDR programs around the country. Most of them are not successful, but there are a few in particular, a handful, that are successful, and they've been around for quite some time. Again, ours is only about seven or eight years old.

And, certainly, the change in the economy throughout the whole country as well as this area has had an impact on the TDR program. But one of the pieces of information that previously was provided to you in your packet does specifically note how many TDR credits have been severed to date and then also identifies the total number of TDR credits that are potentially out there.

Commissioners, I think that's enough background. I know, again, Mr. Vega wants to give a presentation. I know he'll go into a lot of details about the history of the Hussey property and, I presume, on the settlement offer itself. And, again, staff would like to come back and make some remarks at the end.

I know you have speakers here today from various organizations or communities, and I expect this is going to be a lot more lengthy, Madam Chair, than the hour that I had suggested, foolishly, in our conversation.

CHAIRMAN KEENE: Does anyone have any questions at this point from David?

COMMISSIONER BROUGHAM: Just one, if I might.

David, can you briefly provide information as to the involvement, if any, of the staff in the settlement construct, the formation of that?

MR. WEEKS: Yes. First let me say that there have been various iterations of the settlement agreement.

And, Heidi, I'm going to ask that you at any time interrupt me if I'm saying something that I shouldn't

say, and what I mean by that is, you know, keep in mind this is a lawsuit settlement agreement that is being proposed here. And up until late September when the Board of County Commissioners -- when this was -- item was scheduled on the County Commissioners' agenda, this was all confidential.

And myself and a few other staff members were involved and, of course, the County Attorney's Office. We were not allowed to discuss this with anyone else; confidential, the nature of a lawsuit, and settlement negotiations and intervener party as well.

But in late September it opened up. So my understanding is this history and the various iterations of the settlement agreements over time are now public record. But if that's not the case, again, Heidi, I ask you to step in and hush me.

Without going into detail, the settlement offer starts with the Husseys; their attorney, John Vega. It is what it is. It's a settlement offer. We're here. We're proposing to settle this lawsuit. Here's our proposal. Here's what we're asking for, what we're willing to give up, and that offer was made to the county and to the interveners.

And there's been multiple meetings, negotiation meetings or discussion meetings, involving the Hussey representatives, the county representatives, and the intervener representatives.

So directly to answer your question, who wrote it? It was Mr. Vega and others on the Hussey team.

But I think it's fair to characterize that -- as a result of these various discussions or negotiations that have occurred where staff made observations, requested clarity -- and, by the way, that was staff's role. We were just looking for clarity. Here's this document that, if approved, is going to be implemented. Staff, can you implement this? Is this clear? Is it understandable?

And parts of it, in my view, were not. And so I was -- I and others were offering suggested edits for clarity only, not to change the intent.

The interveners had their various comments that they made, and I'm sure they'll speak to that as they wish. I think it's fair to say, then, that as a result of these negotiations involving county staff and the interveners, the iterations of the agreement did change, and so they reflected input from and discussion by the county and the interveners.

Very late in the process, right up and, I'll say, into September when we're getting ready to take this to the board, county staff's involvement switched gears a little bit to a little bit more substantive involvement in the sense that I'm going to call it a wish list where the county asked for -- specifically asked for certain items to be provided to the county by the Husseys. Road right-of-way in addition to what had already been proposed in the settlement agreement. Water management, I forget what else, but it was mostly in the vain of transportation, transportation related that -- if not totally, that the county had asked for.

I hope that answers your question.

COMMISSIONER BROUGHAM: Yes, it does. Thank you.

MS. ASHTON-CICKO: So I think what Mr. Weeks is saying is that there have been various meetings among counsel and environmental groups that have been interveners in this case and an attempt to reach a settlement that everyone could agree to, and that did not occur. So what's in your package is really a proposed offer of settlement.

And I don't believe that staff has taken a position of support or nonsupport, but it's being provided to the CCPC for you to analyze the land uses and make a recommendation on whether those land uses should change as proposed by the plaintiff.

CHAIRMAN KEENE: Okay.

MS. ASHTON-CICKO: Did I characterize that correctly?

MR. WEEKS: Yes.

COMMISSIONER RANKIN: May I?

CHAIRMAN KEENE: Go ahead.

COMMISSIONER RANKIN: Was there an assigned member of the commission assigned to this to negotiate on behalf of the county?

MS. ASHTON-CICKO: No.

MR. WEEKS: To my knowledge, not at all.

MS. ASHTON-CICKO: No.

COMMISSIONER RANKIN: So what substantive negotiations other than the last little bit you've indicated have been undertaken by the county?

MS. ASHTON-CICKO: There have been various meetings between the attorney on this case and various intervener groups or interested parties and Mr. Vega and the client representatives.

CHAIRMAN KEENE: David, during the process were there any areas that were initially put in sending that were removed?

MR. WEEKS: Are you talking about during the discussion of the settlement?

CHAIRMAN KEENE: No, no, no, for the whole program, for the whole amendment.

MR. WEEKS: Yes, yes. During the rural fringe amendments, there were some changes. It was an evolving process. As you, I think, all know, Comprehensive Plan amendments go through two major phases. There's the transmittal stage, which you could think of as preliminary or proposed amendments where, ultimately, the county, if they -- if the commissioners so vote, to transmit amendments up to the Department of Community Affairs or now Department of Economic Opportunity for their review, and then they respond back with the ORC report, Objections, Recommendations and Comments Report.

And then we go through the adoption phase where the board -- ultimately the board makes a final decision to either adopt the amendments, whether they modified them or not, or not to adopt them. So transmittal and adoption.

I mention that because, just like the typical site-specific amendment that you would see by the property owner's initiative, that amendment may change through the process, certainly if something of this magnitude has changed significantly.

In the initial version of it, before we ever got to public hearings, there wasn't even a neutral designation. It didn't exist.

Also, we had the committee, the county, had proposed different types of designations. There were two different categories of designation of sending lands, like a Sending 1, Sending 2.

So we, ultimately, end up with just one sending area. The difference, essentially, was the -- as I recall, the transfer ratio of density. That Sending 2 would have a lesser transfer ratio.

So one area in particular I'll point out is this white area here down at the -- in the southwest quadrant of U.S. 41 and State Road 29. That area was at one time proposed as a sending area and, ultimately, the decision was made to remove it completely from the rural fringe amendments and just leave it as agricultural rural mixed use.

Madam Chair, I don't know that I could get real specific about orange sending areas that changed, but I can tell you some did. The North Belle Meade overlay was one area where there were some adjustments to designations and, furthermore, with the adoption of the North Belle Meade overlay there were some tweaking of the boundaries.

You know, I talked about some substantive changes in particular about earth mining, for example, being allowed without a conditional use, but the actual boundaries of where's the orange, where's the blue, where's the neutral, those boundaries were modified by the North Belle Meade overlay versus the earlier version of where those boundaries would be.

CHAIRMAN KEENE: And what was that based on? What was the decision to make the changes based on?

MR. WEEKS: That was based on a -- as I recall, a settlement agreement between two private parties. The current interveners here, I believe, Collier Audubon and Florida Wildlife Federation and the East Naples Land Company, I think, a Mr. Brown. Those two parties came to some agreement between themselves, and they brought that to the county and said, county, you will adopt this into your plan, your Growth Management Plan.

And, ultimately, the county decided yes, we will. It certainly was tweaked or modified what that -- the version that they brought to the county, but that is the genesis of it. It came, actually, from the private sector.

CHAIRMAN KEENE: Okay. And one final question. Would the options that the state gave for the county to address the items, did they -- did any of the options include a mechanism that would address additional uses on the property?

MR. WEEKS: Yes. In the sense that one of the options were -- was satellite towns, rural villages, which is a concept that has been adopted into the rural fringe amendments. That -- now, that is -- that's additional because historically the agricultural rural designation only had one small provision for commercial development, and it was limited to, I think, a maximum of maybe five acres, and you had a spacing criteria of two or three miles from the closest commercial. It was just convenience commercial. Again, just small pockets of it.

The rural village concept, which has been adopted, is a whole community concept. The concept of residential development, civic uses, institutional uses, and yes, commercial uses; you know, a village or a town, a small community, not just a single use of commercial development. But, of course, that rural village applies in the rural fringe area to receiving lands, not sending lands.

CHAIRMAN KEENE: Okay. Anyone have any additional questions?

COMMISSIONER RANKIN: I have one additional question.

I was on the Golden Gate Master Plan Committee that was meeting at the exact same time this whole thing was being created. And at the time the entire Golden Gate Master Plan Committee wanted to meet with the rural fringe committee because we were very much concerned that virtually all the access, especially to North Belle Meade and to a lesser extent the other parcel, is through the Estates, and I believe there's, like, three villages going to go in North Belle, aren't there?

MR. WEEKS: Only one in North Belle Meade would be allowed, but three within the rural fringe area as a whole.

COMMISSIONER RANKIN: And that was turned down by staff. It turned out not at commission direction and -- because we had great concerns that whatever occurs in North Belle Meade that has to go through the Estates and, to a lesser extent the other part, would have a direct impact on the Estates because of all that traffic.

The only way to get in and out of North Belle Meade other than to go through the Estates is that one Landfill Road, which I understand has issues because it comes out so close to an interchange on the interstate, and the only other one is that Benfield proposed matter, which nobody has the money for in the foreseeable future; it has to jump the interstate.

Has anything been done since then to address those issues?

MR. WEEKS: I'll really need to defer, I think, to transportation staff because that's -- as I hear you, that's the crux of the question --

COMMISSIONER RANKIN: Yes.

MR. WEEKS: -- or the issues that you're raising is access. How are these -- whether it be the earth mining or whether it simply be a rural village or any other type of development allowed in the North Belle Meade area, where's that truck traffic going to go? Trucks, cars, whatnot, where's it going to go? How's it going to get there?

And I'll have to defer to transportation staff for the specifics of it, but I do know that the long-range transportation plan does call for that Wilson Boulevard extension, calls for road to go west eventually to 951, I think, connecting into White Lake Boulevard.

I was hoping that was transportation to the rescue.

COMMISSIONER EBERT: He is right behind you. He's right behind you.

MR. WEEKS: Okay.

COMMISSIONER RANKIN: Also, as part of the Golden Gate Master Plan, we did indicate that there had to be at least two forms of access to this area before any major would be allowed, and it was also my understanding that that Landfill Road, because it comes out so close to the interchange and is restricted from going any further away by the canal, that that violates all sorts of rules and gets us into all sorts of conflicts with the state and feds on that interchange and about running a lot of traffic out there.

MR. WEEKS: Before I let Nick speak, if I could make one comment further, a little bit more globally, but you touched on it, Mr. Rankin.

We referred to the rural lands, that the final order required the county to do an assessment of the rural lands. What I failed to say, but you might do, is that the rest of the county was excluded from the assessment, that all the urban area, the northern Golden Gate Estates was excluded from the assessment area; the

conservation lands, I believe, were also excluded. Those are mostly state and federal -- under state and federal ownership.

So the focus truly was on the agricultural rural areas. Not to discount your comment about the impact on these other areas, but the focus of the assessment was on the rural lands.

MR. CASALANGUIDA: Good morning, Commission Members. Nick Casalanguida, for the record.

To talk about your transportation issues, you're correct, that issue at 951 is a concern. The Florida Rock developer agreement went through an extensive analysis and public scrutiny and went to the board, and we worked with the CityGate folks to talk about that.

One of the primary concerns of this settlement was, okay, where are you going to come out? And because it wasn't discussed, it was going to be determined later.

Typically, that's been done, as David pointed out, through your conditional use process; public hearings. But this would be only an excavation permit, which goes in front of the board, but it's not a technical analysis of traffic, which I'm sure would have come up.

So something else to add to what David said this morning, when -- the primary people that worked on it the last two months was David, myself, and Bill Lorenz from a comp planning perspective, transportation perspective, and environmental perspective. It became abundantly clear to staff that there were folks that would be impacted by this settlement that we couldn't quantify in a sense just by the three staff people doing this.

So there was discussion we had to bring it up to the chairman of the board and also discussed it with the chair of the Planning Commission at the time. You know, we had done a settlement that had gone through Planning Commission before, and it was an opportunity to get public comment, because it was abundantly clear that if we didn't -- we weren't able to quantify all those things that would happen to people like CityGate or the public in, you know, northern -- Southern Golden Gate Estates, North Belle Meade area. There just wasn't a way to quantify that with just a settlement there.

So I want to make sure you understand that staff had recommended this is a good opportunity just to kind of vet this out, because it would have been, I think, in a sense, felt from the community that we'd done something, you know, improper, and we felt that way. We just couldn't quantify everything in that short amount of time.

But, again, to get a little bit more about traffic, one of the things we discussed with the applicant -- I call him the applicant, I guess, plaintiff. It's not a court of law -- traffic was an issue, and we talked about various different roads that would come out, all consistent with the long-range plan.

But as you pointed out, all of these roads have issues. If you come out Wilson Boulevard, now you're dealing with that subarea of Golden Gate Estates. If you come out at 23rd Street, that subarea of Golden Gate Estates.

One of the discussions we had with the Golden Gate Estates residents that asked to meet with us was, maybe it's an opportunity to flesh out many roads consistent with that Golden Gate Area Master Plan that said you have to have more than one alternative to come out of there and that this is an opportunity, this hearing, is to talk about that as to, you know, where they think they can come out. What are some of the options?

It's still early in the process. I don't even think they have that answer yet.

So hopefully that kind of answers a little bit of your question. I picked it up on the tail end.

CHAIRMAN KEENE: Thank you.

MR. CASALANGUIDA: Thanks.

CHAIRMAN KEENE: David, did you have anything else to add?

MR. WEEKS: Just one more comment about the process for those rural fringe amendments. I did mention that, certainly, it was not a unanimous decision. A lot of people were unhappy with the proposed designation of sending lands.

I should explain, I think, a little bit of the reason why and, certainly, if members of the public that are here wish to speak further, they can. But I want to stress again that it was done at the evaluation of the properties in the rural fringe area and, again, it was about 95,000 acres. This was a staff effort as in we're not given the funds to hire consultants to go out and do ground truthing or to do surveys, whatnot.

So we were using -- we, the county, were using existing available data. And, of course, there's a variety of resources available from federal and state regulations -- like, agencies like U.S. Fish and Wildlife Service, Florida Wildlife Commission and so on, or their predecessor names at that time -- that was available for the county to use. When I say "county," I mean globally referring to the advisory committee, to staff, to hearing bodies.

And the information included identification of habitats based on forested wetland, maybe based on FLUCCS codes, I think, based on panther telemetry points, bear telemetry points, Red-cockaded woodpecker locations. I mean, all sorts of data.

And you take these different pieces of information, mapped information, and you place it on top of one another, and we started seeing patterns form; you know, squiggly around the edges, of course but, nonetheless, we were generally seeing a pattern of like, you know, this layer shows this is good habitat area, this layer shows this layer and so, ultimately, that was the basis for saying this is where the orange goes on the map.

Sure, it's debatable as to whether it should have squiggled one way or squiggled the other way, the line but, generally, that was where the data cumulatively was showing that's where the sending lands designation should be.

The county did accept site-specific information if it was available. If a property owner showed up and said, hey, you know, you've got it all wrong here, look, here's more specific information, the county staff would consider that, but -- and in some cases I believe we reacted to that by changing the designation.

But keeping in mind that this is at the landscape scale and, as Bill Lorenz used to refer to, we don't want a Swiss cheese of sending lands. You don't want to have this preservation area, this sending area with a whole bunch of dots in it, holes in it like Swiss cheese of where you're going to have receiving lands or neutral lands, where you're going to allow higher intensity development or higher density development right in the middle, you know, all these little holes of an area that you want to see protected.

So, unquestionably, there are properties that are designated sending that, just at the local site-specific view, do not warrant sending designations. I mean, there's properties that have been completely cleared; we know that. But, again, looking at the landscape scale, and also for those properties that have been impacted or all the way to point of being cleared, restoration is a possibility, and one of the TDR bonus credits is for restoration of a property.

Property rights issues. That was raised. I mean, you can believe that people are standing here saying, you know, I can't believe you're considering doing this. You're taking away my property rights. We did. We did take away property rights on sending lands.

Again, the compensation mechanism that was adopted was the TDR program, the ability to transfer residential development rights from a sending land to a receiving land or, on a limited basis, into the urban area at the same historic density of one unit per five acres.

I think that's enough.

CHAIRMAN KEENE: Okay. Mr. Vega?

MR. VEGA: Good morning. We have a number of people here. I'm not going to punish you all by having them all speak, but I would encourage you to ask questions. The reason they're here is they each have different areas of expertise and, depending upon the question asked, someone different may be -- stand up to give the answer.

CHAIRMAN KEENE: Could you identify yourself for the record?

MR. VEGA: My name is John Vega, V-e-g-a. I'm counsel for the plaintiffs, Francis D. Hussey, Jr., and Mary Pat Hussey.

I'm going to hand David a couple maps as we go along here.

The task that the State of Florida gave to Collier County was an enormous one. Ninety-five thousand acres to be classified, and it was not given a great deal of time to do it.

I empathize completely with staff as to the enormity of the task that they had to do. And as David mentioned, in large part, FLUCCS codes were used as a guide in determining what land should be made sending and what land should be made receiving.

A quirk to FLUCCS codes is that it is not a land classification, but it is a land-use classification, and

it seemed like a small distinction.

The key here is if you have recently cleared lands, let's say you've recently cleared a wetland to be pasture, your land use is now pasture. You do not show up as a wetland. You may be a wetland. You may be up to your knees in water, but you show up under a FLUCCS code as a pasture.

So, by and large, or even though at the time 9J-5 mandated that we consider the presence or absence of wetlands because they were such a high priority to the State of Florida, by using FLUCCS coding, we sort of had one -- a hand over one eye when it came to certain lands that had been classified as agricultural or grazing, and we missed a great deal of wetlands.

The Husseys, when they learned at every stage of this process that they would be classified as sending, objected. They objected because their land borders the I-75 canal. Their land has been drained since I-75 was four-laned in 1986. It continues to be drained. It is a land in transition.

I've personally witnessed Cypress heads that have fallen in onto each other as the roots dried out as the groundwater fell. From FLUCCS coding, it would seem that the Hussey land had a great deal of wetlands. The reason for that is the FLUCCS coding, which was developed in -- was based upon infrared aerials that were taken in 1994 and 1995 by the U.S. Geologic Service.

That -- even though the interpretations were more recent, the underlying data at the time the RFA were adopted were already eight years old. At this point, they're 18 years old. We have 10 years of hydrologic monitoring data. We have Army Corps of Engineers jurisdictional wetland determination, and we have had a number of environmental surveys.

When you dry out land, wetlands gradually convert to wetlands. A problem with that is that pine doesn't come in quick enough; exotics come in faster. There was Melaleuca, there was Brazilian pepper hedge, and we also had evidence of wildfire, and that is in the packets of the material that was provided to this commission back the last time around in '07.

So the primary argument of the Husseys was we think you got it wrong. We think that you relied too much on the FLUCCS coding. Our land is much drier than these aerials depicted it to be a decade ago, and we really need to go out. And we submitted both to the county and to Planning Commission water monitoring data to show that land that was considered to be wetlands was not, in fact, wetlands.

What was particularly going to the Husseys was that lands to their east which have more wetlands, which have higher, deeper, better use, higher rating, you can see them with the naked eye. You just go to the property appraiser's website and click on the lands to the east of the Husseys, and you can see the wetlands. They show up as dark ovals.

Those lands were made receiving, and the Husseys' land were designated as sending. And the Husseys' thought is, these people have more incidents of wildlife, these people have more wetland, why on earth are we being asked to bear the brunt completely and the people to our east are being rewarded?

The Husseys have owned their land since 1979 in the Section 32. The part on 29 that sits on top is 1982. That was over 30 years they've had the right to dig for rock, to dig for fill, to create a subdivision, to create a gated subdivision, to build a golf course. These are all very valuable rights when you own several hundred acres. The Husseys, depending on whether you look at contiguous or aggregate, own between 900 and 1,200 acres. These are valuable uses that someone who owns a 5-acre parcel doesn't have. You can't build a golf course on a five-acre parcel.

And as David touched, when these rights were taken away from the Husseys, there was no compensation given for the taking away of the right to have a gated subdivision, no compensation for the right to have a golf course, no compensation taken for the right to earth mine.

And for most parcels, it didn't matter. If you had a five-acre parcel, you could still build your single-family home. If you chose to, you could sell your TDR which equated to the value of your residential building.

There was no value, no TDRs, not a dollar given for the rights that were taken away.

And the Husseys are relatively uniquely situated in this situation in that they have, I believe, the largest piece of land in the rural fringe that was completely designated as sending. There are some other large parcels, but usually it is a landowner that owns thousands and thousands of acres and part was made sending and part was made receiving.

I don't know of any other parcel this big that was told, you lose everything; you get nothing. That simply is not just.

Ironically, the only parcel in the North Belle Meade that's more than a few hundred acres that was made sending is the landfill. Believe it or not, the landfill is sending. And you would say to yourself, I don't think landfills are an acceptable use in sending. You'd be correct. So there's an exception written into the sending criteria for Collier County's land.

So I sit with my client, and I explained to the Husseys that they're not the only people in the North Belle Meade that got designated sending, but the only other people who were designated sending had an exception written in for them. And that's the genesis.

What was not considered and what was allowed to be considered under 9J-5 at the time was the presence and the value of natural resources. In your materials is a drilling report from a company known as MACTEC, M-A-C-T-E-C. That identified the presence of DOT-grade limestone at significant depths on the property. Mr. Bonness will touch on that in a little -- in greater length.

That -- those quantities of limestone were appraised. The appraised value of that limestone is \$90 million. That's not -- the reason why we're here today is not to settle a \$90 million claim, but to bear in mind that if someone has a \$90 million asset and that right is being taken away from them, perhaps we ought to think of an alternate land use that allows them to come out, if not with a whole loaf but a half a loaf.

Now, over the last decade there have been several attempts to avoid the litigation that we're in currently. I've been in more settlement conferences than I can recall. Some in this room, a number upstairs, some in my office. The Husseys have brought forth a conditional-use amendment, private party that was heard in 2007 asking to be rezoned. The Husseys -- when the option was to submit additional data, the Husseys submitted all the hydrology data, water table, a complete environmental assessment, identified the locations on their borders of Red-cockaded woodpecker colonies, identified foraging habitat, put in recommended proposals to protect that habitat.

And I know a number of those materials were provided to you. It was probably that thick. We didn't ask for that, and I apologize for the confusion it may have created, because the settlement proposal here today is different than the one that you -- of what was before you -- all in 2007.

MR. WEEKS: Madam Chair and Commissioners, I just want to identify John has -- Mr. Vega has made reference to a 2007 time frame a few different times. And he's referring specifically to Comprehensive Plan Amendment No. CP-2005-12. That was the primary second delivery that you received. I think that was dated October 18th, and it was probably one and a half to two inches thick.

And as Mr. Vega said, that was not his idea to provide that to you but rather two planning commissioners had asked for that petition. And it was staff's position that all of you should have the same information. So that's why that was provided to you.

But when he's made reference to that MACTEC study and others and referred to that 2007 time period, the hearings were held in 2007, but it was the 2005 petition.

MR. VEGA: Correct. And there was also, within the RFA themselves, there was the ability to petition and ask for a reclassification, and that petition was ultimately heard in 2007 as well, even though it was begun in, I think, '03 or '04.

This map here shows you -- I'll move this a little bit -- in general, the pattern that takes place within the North Belle Meade. This is the Hussey land. This land to the west is subdivided. This land to the east is subdivided. This is the landfill. These areas in purple are areas where mining has either been approved as a matter of right or as a conditional use.

These are all sending lands. And if you recall, I mentioned wetlands and you could see with your naked eye. There's one, and there's another. That -- each of the two petitions that we referred to, the conditional-use petition and the reclassification request, were denied by the County Commission at a 3-2 vote.

The primary concerns, at least that I heard, as to why we were denied were twofold. The first was we have spent a lot of time crafting a TDR program. We want to give the TDR program a chance to work. A balance between the number of sending and receiving credits is imperative to the success of a TDR program. And if you pull out a thousand acres and don't put anything back, you may upset that balance.

A second concern was that it -- was environmental. No matter what effect a drainage has had upon the land, no matter what is going on, land has some environmental value, even if it's degraded. And unless we protect something else in return, we are taking something from the environment but not giving anything back.

And it seemed clear to me that on behalf of the Husseys, even though what was done to them I felt was unjust, I was asking the commission to give them something, and I was not offering anything in return.

After years of litigation and a lot of back and forth, it seems to me or seemed to me that the best solution, although improbable, would be to find someone who owns receiving lands and persuade them to swap. It is a valuable right. It's not easy to persuade someone to give up their receiving lands. And if we want to benefit the environment, I needed to find someone with receiving lands that had environmental significance, and that environmental significance had to be the same or better than the environmental significance of the Hussey lands.

The entity that we approached was the State Road 846 Trust. They have four square miles of receiving off of Immokalee Road. They're immediately adjacent to Corkscrew Swamp Sanctuary. The wetlands run right across the street onto their lands. And that is the genesis of this proposal was to say to them, would you be willing to swap, and how many acres would be appropriate.

To that extent, we retained Passarella & Associates. Andy Woodruff is here. He has a bachelor's degree in biology. He has a master's degree in environmental science. He has been working as a biological consultant for his entire career. A great deal of continuing education, everything from evaluating wetlands and their significance through establishing gopher tortoise habitat.

And Andy reviewed the four sections, which what -- I call them State Road 846 Trust, and identified about 950, 960 acres that he felt had environmental significance. The primary of them is 853 acres here on the northwestern portion. You can see the pattern of wetlands coming over from Corkscrew and, further, this 110 acres down here in the corner is upland and is already home to gopher tortoise colonies.

And he ran several analyses. He ran panther habitat unit calculations using the federally mandated guidelines. He ran wetland evaluations using the UMAM wetlands evaluation method, and he concluded that these 960 acres or so were more environmentally significant than the Hussey lands.

An original settlement proposal, our thought would be, let's just swap. I'll pick 960 acres of the Husseys' land, which is about how much it is, and do a one-for-one swap. The TDR program would be perfectly preserved, and we would have a net benefit to the environment, a \$90 million lawsuit would go away, and a right -- or wrong would have been corrected.

That led to a number of back and forth -- and I received a great deal of input from environmental advocates. And David is correct in that we never could completely agree, but a lot of their input was very valuable and shaped the settlement proposal that's before you today.

If you look briefly, other than the in-parcel which has been acquired, that is roughly on the contiguous Hussey lands. And what was proposed, and what we have proposed, is to only redesignate approximately the top one-half. You see if I scoot this down, there's about a half mile below between the yellow line here and I-75. That would be maintained. It could be a wildlife corridor. It would remain sending. The sending requirements would be in place. The exception that we asked was could we still dig some lakes there. How big? We agreed to limit them to 115 acres. That entire parcel there is probably about 350.

It was asked if we build those lakes, could they be designed and used in a manner so that the proposed Wilson Boulevard extension could use them to capture surface water runoff. You don't want the road -- water that runs off from the road just to be dumped into the South Belle Meade. And, further, could they be used to help treat water as part of an overall Big Cypress Basin sheet flow. And the answer, of course, to that is yes.

Further, there is a concern, are you going to be putting trucks on the road network? Yes.

Well, if you're going to be putting trucks on the road network, don't you think you should give the right-of-way on the property? And the answer to that was yes.

Shouldn't you give the fill to help build the roads on your property? And the answer to that was yes.

How about off your property, roads that you might use? And on that, the compromise was we are

not going to give you that for free, but we will give it to you at cost. We'll not make a dime in profit. We'll dig it out of the ground, and whatever it costs us to dig it out of the ground is what the county would pay.

On the Wilson Boulevard alone, that would save the county about \$2 million in fill. Whatever the road right-of-way is worth would be on top of that.

It's not a dramatic shift. And I liked the squiggly line sort of comment, and no one wants to Swiss cheese the proposal. But that's what we're -- that is all that's being requested. The lavender area are the receiving lands that are currently present. They abut the Hussey property. They're currently approved for mining. They would share the same roadway.

And that would be -- and this is the current roadway plan. This right-of-way would be donated, this right-of-way would be donated, this fill would be donated, this fill would be donated, and fill for any of these roads that allow truck traffic to or from the Hussey property would be donated at cost.

There are more details in the settlement proposal. As David pointed out to me long ago, I don't speak planning. I could write a settlement agreement that I would think would be easily understood, but I inadvertently would use terms that do not exist in the Growth Management Plan.

So it's been revised. It's been clarified. It's been tweaked. I'm happy to answer any questions about it. But I don't want to walk you through it line by line.

I would like for Andy Woodruff to speak as to the environmental aspects related to this proposal and then Mr. Bonness as well.

MR. WOODRUFF: Thank you. Good morning. For the record, Andy Woodruff with Passarella & Associates, senior environmental ecologist.

I've been asked to look at the settlement offer, and I'll present to you today some of the facts regarding the environmental issues regarding the settlement offer between the two parcels.

Specifically, covering a little bit about the land cover and acreages off the two parcels, wetlands and listed species, and I'll touch on the panther, Red-cockaded woodpecker, wood stork, and gopher tortoise.

If you have any questions, please feel free to interject at any time.

Okay. So as John alluded to, the 846 Land Trust property is four sections of land. It sits on the Corkscrew Regional Ecosystem Watershed just off of Immokalee Road in this area. It's got two square miles of frontage on Immokalee Road.

It abuts on its western boundary county-designated rural fringe sending lands, also designated as NRPA lands there in the orange crosshatch. Again, the proposal is 835 acres in the northwest portion of the State Road 846 land property, and then there's also another 110 acres in the southeast corner of the 846 Land Trust property.

The Hussey settlement proposal is for receiving on just over 500 acres of land that's shown crosshatched in black on this exhibit. Husseys' proximate to, again, I-75. It sits in the rural fringe sending areas of the North Belle Meade.

On the south side of the interstate we've got the South Belle Meade, which was some conservation lands and NRPA lands south of the interstate.

It's enveloped by Golden Gate Estates from the west, north, and east sides in a regional perspective.

So if the county adopts the settlement offer, again, we have 945 acres to put into sending on 846 and the over 500 acres that we have on the Hussey lands to be put into receiving. There's about a net gain of 419 acres that would go from receiving to sending, so you'd had a net gain of sending lands in that settlement.

In addition, the 846 Land Trust property would also be giving up the rights on their lands. We have conditional use for mining in the proposed sending boundary and the 835 acres. There exists 202 acres of land conditional use for mining. They would be extinguishing that right as a part of the settlement offer.

The habitat types on both of the properties, fairly similar. You have upland habitats dominated by pine, palmetto areas, and that's similar to both. The wetland habitats, majority of those habitats dominated by cypress habitats. The difference being on the Hussey property, starting about five years ago, the majority of it was logged and currently used for grazing on the Hussey property.

The 846 Land Trust property does have some wetlands that are unique that aren't on the Hussey property or are not in the abundance that we have on the Hussey property. That includes short hydroperiod wetlands.

There's over 90 acres of wet prairie marsh on the 846 sending land area located in the 835-acre block that are short hydroperiod wetlands. I believe there's been less than two acres mapped on the Hussey land of equivalent short hydroperiod type wetlands.

So, again, if we look at some of the environmental facts, the total acres exchanged going to sending would be 945, and going to receiving would be 516.

The total wetland acreage, roughly equivalent, there's slightly greater acreage; 196 acres on the 846 Land Trust property versus 192 acres identified in the receiving land on the Hussey property.

And I'll point out that the wetland acreage that's depicted here is based on groundtruthed, FLUCCS'ed acreage. It's not based on remote data like Florida natural areas inventory or natural wetlands maps, some of the hydric soils maps for the county, which reflect more of the historic condition for some of these properties. They don't reflect what the current condition is.

We took a look at what the functional quality of the wetland habitats was between the Hussey receiving area and the 846 sending land area. Using that uniform mitigation assessment methodology, which is established by the state, the 846 Land Trust property has a higher functional wetland scores, roughly .68 on a scale of zero to one, and the Hussey property scored out as a .42.

Major contributing factor to that is hydrology. The hydrology on the 846 Land Trust property and in that Corkscrew regional ecosystem watershed is still fairly intact. That's not the case for the North Belle Meade, and that's a very important fact to consider.

And the Husseys, as I alluded to, is located in a hydrologically altered landscape. So this is almost a decade ago, mapping that was done by Hoover Planning; Jeremy Sterk put this together. And in the shaded green is the identified wetland areas on the entirety of the Hussey -- the Hussey property.

So if we fast forward almost a decade later, this is what it looks like today based on the Army Corps of Engineers' jurisdiction that was just recently issued within the last two years.

And you have almost a 50 percent reduction and roughly a decade of time, and that speaks to the regional drainage that's occurring and has occurred in the North Belle Meade area as a whole, and that's by no part anything that the landowner has done.

Yes, they've cleared, logged some of that area. It's not drainage that -- you know, they haven't dug ditches and deliberately tried to drain this piece of land. This is a regional effect of drain drainage.

Golden Gate Estates and all of the drainage project, I-75, this is the effect that you see. And, you know, that's a 10-year period, and you've lost half your wetlands on the property already.

Both of the properties do contain habitat for listed species. Some listed species are unique to each of the properties. The Hussey property is unique because it has Red-cockaded woodpecker active colonies on the property. Those are located on both the east and west sides of the property, and those exist in the remaining forested habitats on the land. 846 Land Trust, it has burrowing owls, which is not on the Hussey property.

Both properties are used by large mammals; bear, panther, listed wading birds, including wood stork. Both properties have gopher tortoises. 846 Land Trust has a significantly larger area of gopher tortoise habitat and a larger population of gopher tortoises.

So taking a look -- this is panther, the panther focus area identified by U.S. Fish and Wildlife and both properties inside of the panther focus area. The 846 property is slightly interior to that focus area. Hussey is located on a perimeter edge of that focus area located next to I-75 there on the drawing.

All of the Hussey property located in primary panther habitat -- there is 673 acres of the State Road 846 Land Trust property that's shown in the dark green that's in primary panther habitat. All of the remainder of State Road 846 property is in the panther secondary habitat.

And the secondary habitat's important for the expansion of the panther population as well as providing an important resource for panther prey, like deer and hog.

And just also to point out the importance of the -- both properties for panther, about three years ago Conservancy of Southwest Florida filed a lawsuit against the U.S. Fish and Wildlife Service to try to force them to claim all of 846 Land Trust property as critical habitat for the panther.

And the same applied to the Hussey property; they also wanted to apply the critical habitat designation to all of the Hussey property as well.

The Hussey -- and I thought this exhibit that I think David put together showed fairly clearly -- if you look at it from a regional landscape perspective -- and we're talking about -- when we talk about panthers, we talk about an animal that needs hundreds of square miles to exist. The habitat that's being provided by either the Hussey or the 846 Land Trust property is a fraction of their habitat needs. And you have to understand that this is a very wide-ranging animal that we're talking about.

Hussey is bordered by I-75. There have been several -- a handful of documented vehicular kills on that stretch of road near the Hussey property.

There's also been vehicle kills documented next to 846 Land Trust. I believe there's been two documented there as well.

But if you look at this exhibit and look at the -- some of the proposed Wilson Boulevard extension, if you go even further east, you're looking at Everglades Boulevard. You know, there's a proposed interchange that you're talking about possibly connecting to I-75 there.

And then if you look at the development of the Golden Gate Estates that wraps around these lands -- and you're talking about trying to preserve this piece of property over the long term as a corridor for panthers, and it just looks like to me that all you're doing is enveloping this piece of property by development at the end of the day.

Both 846 and Hussey have been identified, reported with radio-collared telemetry cats. This is an exhibit that shows a two-mile radius, just the telemetry within two-mile radius looking at the last -- just the last five years.

Am I out of time?

COMMISSIONER EBERT: No.

CHAIRMAN KEENE: Ray, do we know what that is?

MR. WOODRUFF: So the last five years, 846 Land Trust property documented telemetry. This is two cats in the last five years that have been documented in and around the 846 Land Trust property. This is Hussey, again, two-mile radius looking at telemetry cats in the last five years. Again, two cats. All of those dots up there on the Hussey property are two cats, okay. One of those cats was hit and killed, I believe, on I-75 in 2010. The other cat, as far as we know, is still living.

The historic telemetry, if you look south of Hussey, it does show more activity south of the property into the conservation lands south of the interstate. But, again, when we look at the Hussey property and people show you telemetry maps, you have to consider -- you have to look at it from the perspective that these aren't individual cats. These aren't individual cats that you're looking at the dots, again, okay. Only two cats that you're looking at in the last five years, all of those dots on the north side on the Hussey property there.

COMMISSIONER BROUGHAM: Mr. Woodruff.

MR. WOODRUFF: Yes.

COMMISSIONER BROUGHAM: Just a question. Those are only telemetry signals from cats that have collars. There may be --

MR. WOODRUFF: Yes.

COMMISSIONER BROUGHAM: -- may be panthers that do not have collars.

MR. WOODRUFF: Yes. That's a very important point, because these only represent the records from cats that have the collars. There are other cats that are undocumented, we certainly know that as a fact, and there are other cats that now have GPS collars, okay, and that's a different recording system. The GPS data is not a part of what you're seeing here either. And that applies to both properties, obviously, as well.

And, you know, just as an aside, the 846 cat that we did have telemetry on, that cat was actually killed last year by another male cat. So, you know, there's other cats that you may not be seeing on both pictures, obviously.

COMMISSIONER RANKIN: Is there any professional estimate about how many are collared versus non-collared?

MR. WOODRUFF: They did -- the game commission puts out a study every year, and they -- in addition to using the telemetry data that they have available to them, they look at tracks, they look at game cameras, they look at a sign in the field and try to come up with an estimate of how many cats are actually

utilizing these areas.

The cats in the 846 Land Trust, the CREW, Corkscrew Swamp Sanctuary area, I believe they estimated nine cats in that area as of last year. In this Belle Meade area, I believe they estimated 15 cats was their estimate from last year's study.

And, you know, the telemetry data, also important to point out that it's no prognosticator of any future use, okay. It's what has occurred in the past, and a lot of telemetry data that you see dates back now almost 30 years. They started collecting them in the '80s. So the points -- sure you can overlay maps and show a lot of points on some of these properties, but as I pointed out here, the last five years, you know, you have two collared cats in the area and two collared cats in the 846 area as well. So both properties do provide primary habitat.

The 846 Land Trust property, it provides -- in addition to the primary habitat, it also includes secondary habitat, and that's included in the sending land designation on the 846 property.

So just looking at the acreage on the panther, if we compare the receiving designated lands on Hussey, that's 526 acres of primary panther habitat. On the sending designated lands on 846, there would be 520 acres included in that sending land designation of primary habitat. And then if you look at secondary panther habitat, there's an additional 425 acres of secondary panther habitat in the 846 proposal.

We took a look at assessing the value of the habitat for the panther using the U.S. Fish and Wildlife Service Panther Habitat Unit Analysis. This is something that the service has been doing, oh, for about the last six years to evaluate what is the worth of these lands for panther.

They use this as a mitigation tool for developers. If you come in for development and propose to impact lands both in and out of the focus area, you're assessed using this tool. And it's a landscape tool. It looks at the land cover types, the value of those land cover types to panther, and it makes an assessment as to a score that we can then use for mitigation purposes.

So looking at those scores, the PHU values on the 846 Land Trust property and, of course, now we have -- we have more acreage to offer on there, we scored at over 4,600 PHUs. It's over 5,000 PHUs if we do restoration. There were some farm areas that you saw on the 846 Land Trust property. If we were to restore those back to some forested habitat for the panther, it would provide an additional value to the panther using the units.

On the Hussey property, roughly 3,300 PHUs for the Hussey lands that are processed in the receiving designation.

And, you know, a good part of that is the fact that Hussey was cleared of a majority of their forest. The forest habitats are what score out as the value for Florida panther. So when we look at these scoring variables, a good part of that score is related to the fact that Hussey has lost much of its forest to logging.

And as John pointed out to you earlier, the 526 acres on the north half of the property, proposed receiving. The remaining half of the southern end of the property is proposed to remain sending, and that could still act as a wildlife corridor for large mammals, panther, allow them to cross that area as well.

The Hussey property is unique because it does provide Red-cockaded woodpecker habitat, and that's located on both the west and east sides. So we have pine forested areas on the west here that have active colony sites, and then there's also pine forested areas on the east side as well that contain active colony sites for RCW.

The Hussey land, including the receiving 526, when they go for excavation approvals and permits, they still have to go through the agencies to get approvals for Red-cockaded woodpecker and make sure that they're preserving and mitigating for any effects that they have to Red-cockaded woodpecker. So it doesn't preclude them from having to go through those state and federal agency processes, including the lands that are being proposed for receiving, not only the ones -- the ones that are being proposed as sending.

And much of what is habitat for RCW on the Hussey property most likely is going to end up as a preserve on Hussey property, whether it's in the existing sending or whether it's in the proposed receiving area.

CHAIRMAN KEENE: Andy, I don't want to interrupt your train of thought. We're getting close to time for a break.

MR. WOODRUFF: Okay.

CHAIRMAN KEENE: Do you want to --

MR. WOODRUFF: I'm real close.

CHAIRMAN KEENE: Okay.

MR. WOODRUFF: Okay. Wood stork, another listed species utilizes both properties. 846, a bit unique, as I indicated earlier, because it does provide more short hydroperiod, the wet prairie, marsh habitat than exists on Hussey.

And that's important as the foraging habitat for the nesting birds that we have at Corkscrew Swamp Sanctuary. 846 is in proximate to those nesting colonies there.

The settlement agreement includes a provision to improve foraging habitat by incorporating these short hydroperiod wetlands into any restored areas that may be proposed in the sending lands, and that settlement does include some language that Corkscrew Swamp Sanctuary would be consulted on the design of any restoration areas in the old farms on 846. And those will be designed primarily for foraging for wood stork.

Gopher tortoise included in the sending land designation proposed for 846 Land Trust is 110 acres of occupied gopher tortoise habitat. The significance there, I think, is it's one of the larger occupied gopher tortoise habitat areas that we have in the county.

I'll finish with just one important point on the Hussey parcel. The settlement does not preclude Hussey from having to complete their consultations with the state and federal agencies for impacts to wetlands, for impacts to listed species, including panther and Red-cockaded woodpecker.

Hussey still has to evidence to U.S. Fish, Fish and Game accepted mitigation for panther and Red-cockaded woodpeckers that would be required prior to excavation approvals. And the listed species mitigation for the Hussey parcel will have to be above and beyond what's being designated on the 846 Land Trust property as sending.

So we're not proposing to use 846 Land Trust property for any additional panther or RWC mitigations that might be required for the agencies.

CHAIRMAN KEENE: Okay. Thank you.

Does anyone have any questions?

(No response.)

CHAIRMAN KEENE: Okay. With that, we will take a 15-minute break, and then we'll finish up with Mr. Bonness and public comments.

We will be return at 10:45.

(A brief recess was had.)

CHAIRMAN KEENE: Mr. Bonness, you're --

MR. BONNESS: Very good, good morning.

Commissioners, Joe Bonness. I represent part of the lawsuit. I basically represent Winchester Lake, and I'm here to talk basically about the geology and why we want to be there.

Let's see. Definitely got it upside down.

Collier County has a very unique rock geology that -- it's very -- it's actually a very young geological unit. It has been formed over the Ice Ages as basically through an area that was known as a Pleistocene re-fold. And during that period it deposited all the valuable limestone that we find in Collier County.

This is basically the upper Tamiami formation, also known as the Pinecrest and the Fort Thompson stratus. They're found at an elevation between six foot above elevation to 50 foot below sea level. Being very close to the surface, they're very easily identified through soils maps.

We've -- let's see. They found that being close to the surface area, the deposits are shown readily on soils maps, and they show up as limerock substratum. As the rural fringe amendment was coming through, we were, you know, questioning as to whether or not they were going to be out -- knocking out all of the areas that were going to be minable as far as hard rock excavation and that.

We did put together an exhibit that shows where we will find the hard rock that is in the area.

Basically what you have over the years was -- this is developed during the Ice Age. The first of the Ice Age has deposited a huge sand drift of quartz silica sand, and that was pushed down across the Peninsula of Florida. That sand was basically the grindings of the once majestic Appalachian Mountains. The

Appalachian Mountains were, historically, much taller than the Rocky Mountains.

There were remnants of the sand drift basically terminated just south of Immokalee.

This exhibit will show what is called the Immokalee rise. During the Ice -- the Ice Age had pushed that sand drift down over the area. When the water froze at a later date between the Ice Ages, you would have sediment that would form back into the shallow lagoons and that.

The sediment that rolled off of the top of the sand drift basically was noncementitious materials -- it would be silicas and clays -- formed the Bonita morrow layer that covered over most of northern Collier County at that point and formed what they call the Bonita Morrow layer.

Go back to the original drawing that was in there, and then you can see that the Bonita morrow layer is there underlying the Fort Thompson, the Pleistocene sands that formed.

The significance of this is that between the sand drift and the Bonita morrow layers, when you had high waters, you would have a deposit of different calcius (phonetic) materials between -- that would be between, you know, mollusks and shellfish and whatever to be able to digest and lay a bed of calcium carbonate. The calcium carbonate then would cement together and form the rock stratum.

Due to the sand drift being in the way and the Bonita morrow, that ended up with the final designation of where you have the rock that is in Collier County at that point.

Variable thicknesses, top of it basically about six foot above sea level. The depth underneath had to do with how deep the morrow was underneath is and if there were other sands and that that were in there.

The shallow warm water did form some very good storm foundations. There was also a tendency that -- with the amount of water that flowed through, that the closer you are to the shoreline, you'd have more water wash through the -- through the rock, washing out the softer particles, and that would come back in and recrystallize in with other mineralization, forming even harder rock. So there's a tendency in South Florida -- you find it in Lee County, too -- that the closer you can get to the coast, that the rock will get harder. There will be rock that you find much farther inland, but because it has not been through this water saturation washing out over the millions of years that that's been there, that it has not recrystallized and has not formed again as hard rock.

Then again, this deposit that we're talking about basically is -- stands -- ended deposit about 10,000 years ago. Earliest deposit was about a million and a half years, very young deposit.

As we went through the different land developments and that and different growth management plans, we have basically covered over most of what is that deposit either with Golden Gate Estates, the urbanized areas, and now finally with the rural fringe amendment coming through.

As you can see, the deposit has been pretty much blanketed over most of what the -- land restrictions by conservation easements and the rural fringe. So it becomes a working unit that's very difficult to get at.

This is one of -- the Florida Rock, APAC, the Hussey property here. Those are some of the last reserves of a fairly deep material. As you get towards the extense and even once you get down into the 6L Farms, the receiving areas to the south end, the deposit becomes very, very shallow. I think that that part of the deposit is less than two foot in depth.

There are other rock deposits that you'll find throughout Collier County. A lot of those are the lower Tamiami formation. We have not found any of that to be economical for mining. It's usually soft and has been more of a base rock. Also, the difficulties you have as far as deep rock mining in Collier County, as soon as you start going down through too many layers, you will start breaching aquifers, and you will start breaching retard layers. That will -- you can go over the rock that's down there, but you're probably going to be mixing aquifers, which is something that we don't want to see at this point. Go too deep, and you will start looking at saltwater intrusion.

We've talked a little bit about the land cover designations, and that -- as we're going through. You know, when this originally -- the plan for the sending lands came through, we were working with information that was, you know, 20 years old at the time. There's been quite a bit more information that has come out.

You know, LiDARs are one of the information -- one of the things that's out there right now that is so precise, and that was not really part of what we were looking at at the time.

This exhibit shows the outline of the Hussey parcel on a LiDAR map. The bright red is the highest area; dark blue is, obviously, the lowest. You can see through the -- on this drawing that the amount of blue

and the darker -- or the darker greens show more of the wetland areas and that that are out there.

There's actually a ridge that runs down through the top of the Husseys' property basically running off to the southeast and another ridge that runs through the eastern section of Husseys'. That's giving us our uplands for the cockaded woodpeckers and that; whereas, the associated property along side of us, you can see quite a bit of bowing and that where it is very shallow where the existing APAC stuff is to the north of us is actually going into what was some of the biggest depression areas that were in the area.

Along with that, you know, we've had the ability now to go through and do several different renditions of Corps of Engineer surveying and applications.

The Florida Rock vulcan pit has gone through, and they've submitted for their wetland jurisdictions. We've gone through with the Corps of Engineers and the Hussey property, and we have mapped out and come up with a different wetlands that are out there.

You saw earlier Andy Woodruff's drawing as to what is the major extent of what we would have on the Hussey property. It has been refined even farther from that after four or five years of well drilling and monitoring as to where it is. What we see as the final extent as to what we're going to have for Corps of Engineers, wetland design, is displayed on this chart.

Along with it, I have -- you've got the Hussey property that's on the side here, and alongside of it we show the wetland designations that you have going through the Florida Rock mine. And you can see the vast difference that you have between the wetland designations, between the LiDAR, between the Corps of Engineers. You can see a tremendous, tremendous difference between the two.

COMMISSIONER VONIER: Joe, where's the Florida Rock?

MR. BONNESS: Florida Rock is this section in here. This is all their -- all their -- or their Corps of Engineers permit designation.

COMMISSIONER VONIER: Are they mining?

MR. BONNESS: They're not mining at this point. They've been permitted through this -- the rural fringe amendment, they were given the mining use. They have -- I think they're in the position. They have gone through for a -- their mining excavation permit already. I'm not sure if they've got it at that point, but they do have the conditional use for it at this point. That was the right that was given to them during this -- during this whole process, and that's the right that we're asking for at this point with our settlement agreement.

CHAIRMAN KEENE: Joe, what is the date on the bottom of this? It's hard to read.

MR. BONNESS: On the --

CHAIRMAN KEENE: Down in the right corner, or your left corner.

COMMISSIONER BROUGHAM: January something.

MR. BONNESS: My glasses will help.

COMMISSIONER BROUGHAM: Just blow it up.

CHAIRMAN KEENE: Looks like January 25th, 2000 something.

MR. BONNESS: Yeah, that would be 2002.

MR. WEEKS: January 23, 2002.

CHAIRMAN KEENE: Thank you.

MR. BONNESS: That's January of 2002 for the Florida Rock mine. That was when they submitted their information for their permit. And we've been working with the Corps of Engineers. We're not even finalized with what we have at this point.

Of course, you know, we're not at a position to ask for a Corps of Engineers' permit till we do have the zoning to be able to move ahead.

Anyways, a provision of the settlement is to be using the lakes for stormwater transmission. The objective is to make a chain of lakes that start with APAC quarry passing down through the vulcan, Florida Rock mine, into the Triple H mine and making it down to I-75.

This would make a cascading set of stormwater lakes, retention lakes, diverting water from the Golden Gate Canal down to the Henderson Creek. Freshwater pollution is cited as a major factor in the quality of the Gordon River.

Reduction in the flow of the Golden Gate Canal will reduce freshwater to the Gordon River and

reduce flooding along the Golden Gate Canal. Historically, the water east of APAC would have flown down to -- would have flown down to the Henderson Creek basin.

The diversion would also restore the flow to Belle Meade. It would also restore some of the flow going into the Triple H Ranch, possibly revitalizing some of the wetlands that we will be saving there.

There are many examples of man-changed hydrology over this property. The cypress tree stands are dying, and we've had a tremendous invasion of exotics plants that are invading the drought stressed flora.

The cascading retention lakes would capture diverted stormwater, and the depths of the lakes, combined with the property and the porosity of the rock formation, will charge the surficial aquifer, hydrating the down slope and the local land.

They lithological reports for this formation show a porosity of between 15 to 18 percent. I don't know if that's going to show up so that you'd be able to read it.

I also brought a sample of the rock that you can pass on through. But this is very typical of the material that's in the area. A lot of times we take a look at the rock as being a retard level or a layer or something, and it's exactly -- that's the opposite of what's going on.

The rock itself is porous. It's got different layers. It's included -- excluded. It's got lots of different holes through it. The rocks themselves are not tight with each other.

The rock in this area, the lithology -- lithographic information on it shows that it has probably a porosity at the top layers of 15 percent, the lower layers of almost 18 percent.

Water will flow through this material. Where we've dug farther to the south, we found that we could not possibly pump water out of the lakes because the water flowed in as fast as we could possibly pump. It was like trying to take buckets of water out of the ocean and expecting the ocean to be able to change its depth.

There will be -- one of the things that you'll also be taking a look at is the evaporation from the lakes. We have gone through -- I had -- the last time that we were in front of the board here we had our hydrologist that came in, and he basically -- his testimony at that point was that the evaporation from the lakes would be replacing the transpiration of the plant life that's out there. The transpiration rates vary widely. Pines are fairly dry and will not actually transpire that much, but some the Melaleuca that was on site before we cleared them actually transpired more water than having open water bodies.

The hydrologist also testified that what you're looking at here is a basin and -- lake water, and if there's any rain event, 100 percent of the water is captured in the lake. If you're open -- if you have open land, the open land will have runoff, so you only capture a small portion of what's out there with rain. The open lakes will capture 100 percent of the water, and that way having a lake actually has a better recharge and has a much more positive effect on groundwater than you would have having forested lands.

Another effect of the lake is going to be with floodplain elevations. Recent FEMA actions have brought floodplain managements to the forefront of our land planning. The depressions of the lakes will receive flood waters, and they will reduce the flood elevation.

There is a balance of land -- and there is the balance of land that is filled by digging a hole in the same basin and where, basically, if you're taking material from the same basin and depositing it for your house pads or your roads, basically you have dug a hole that will receive that same water, and so you should not have much of a change in your flood elevation versus if fill or rock is imported and dumped into that basin, you're basically going to fill that basin up, and that basin will not fill up -- will change its flood elevation.

The lakes also are going to be great water retention. Every cubic yard of material that's removed, that's 210 gallons of water that's going to be retained.

The proposed lakes will probably retain in the neighborhood of about six billion gallons. More water -- or six billion gallons more water than what you have on the existing property.

When there's a drawdown on the water table, the lakes are 100 percent water. The adjoining land is possibly only 10 to 18 percent water. By removing a gallon of water from your well actually takes the water elevation down basically six to 10 times faster than it does if you're taking the water from a lake basin.

The lakes, obviously, they will change the wildlife mix. There'll be more diversification and denser population. Fish, amphibians, shellfish, et cetera, they start a food chain that brings in waterfowl, eagles,

hawks, wood storks, otters, and a host of the different mammals that will feed upon them and those, in turn, become the prey animals that bring in even the larger mammals.

RWC is a major concern of what we have here. We have, over the years, the 10 years that we've been out on this property now, maintained and monitored the RCW nests that are out there. RCWs are a very endangered species. RCWs left on their own with the problems that we have at this point will not survive. They do need to be managed. They do -- we do need to go in and, basically, man-manage the property that they're on. That's one of the plights that they have at this point.

Their nests are usurped by other animals, vines growing on the trees for our snakes to be able to get up and eat them. The understories, they've become too thick, invasion of cabbage palms and, you know, various exotic plants and that will destroy their foraging areas, and they will abandon and move on.

They have -- to be able to continue RCW colonies, clusters, they do need to be managed -- they need to be managed.

We also have gopher tortoises on site. Both of them use very similar areas. As the excavator on this property, we have a lot of background experience with this. I will run quarry to the south. We have voluntarily gone in and we have put in artificial nests for RCWs. We have put in gopher tortoise mounds. We have rescued gopher tortoises from other properties, introduced them into the Willow Run quarry.

And we did just provide the nest mechanism for RCWs. We cleared out some of the understory, took out the cabbage palms and that that would create some of the understory for them; and this year we have baby gopher tortoises crawling around in our preserve. We have fledged a RCW chick.

This also lays testimony to the compatibility of quarries and the wildlife that's out there. This is happening next to an active quarry. There is blasting. There's truck hauling. There's everything that goes on with the quarry. That has been documented very well over many, many years here.

Most of the RCW tests and that that they have come from gun ranges and bombing ranges alongside of the bombing ranges in Northern Florida. So they do adapt to the noises and sounds and that.

As we get into this, you know, one of the things that we do keep on our tabletop is the RCW recovery plan. That is our Bible. That is how we are working with RCW.

Our presence on this site will only ensure that they are going to continue. Without our presence on this site, there's a good chance that these colonies and clusters will fall demise to the natural changes.

The final thing is, we get into the -- into basically master mobility. This deposit is close to the market. It reduces trucking traffic, it reduces -- it reduces traffic as a whole, it reduces air pollution, and we're reducing the expensive shipping vast quantities of material. The fuel alone needed to bring this quantity of material from Lee County would be in the neighborhood of 8 million gallons.

If we have to go even farther to be able to find this material, say, Dade, we're talking about four times that amount. And, currently, we're -- at times we were having to ship material all the way from Tampa. You're talking 10 to 12 times that amount of fuel. We're talking maybe 80 million gallons of fuel burnt that this will cause if we are not able to continue mining in the Collier County area.

And there's the job effect. This quarry, over its life, will supply probably \$150 million in local wages.

That's basically it. Thank you.

CHAIRMAN KEENE: Does anyone have any questions for Joe?

(No response.)

CHAIRMAN KEENE: Okay. Ray, do you want to start with public speakers?

MR. BELLOWS: The first public speaker is Michael Ramsey.

CHAIRMAN KEENE: If anyone has not registered to speak, we will give you an opportunity to do so at the end.

MR. RAMSEY: Good morning, Members of the Planning Commission. My name is Michael Ramsey. I am a resident of the Golden Gate Estates. I'm also an ecological consultant, have spent quite a bit of time in the North Belle Meade, and I am the president of the Golden Gate Estates Area Civics Association.

I have four things I want to bring up to you this morning in regards to the Hussey settlement and the solutions that accompany the settlement. Number one, local tax dollars; number two, transportation traffic; number three, economics; number four, the most -- probably most important is community fit.

In regards to tax dollars, the Golden Gate Estates Civic Association, we are in favor of the way this is progressing finding a solution to accompany the settlement.

We don't -- we agree that the county does not have approximately \$90 million to pay for property that it's not going to own, and the money could be used for more important things for the residents.

Number two, in transportation and traffic. We do like the example set by Florida Rock in regards to their operation. If you're not familiar with it, they're going to pay, process, engineer, build a haul road that goes south from the Section 30 -- through 33 and then going west over to Landfill Road.

We are all open to any solution or suggestions from any group about how to handle the traffic or spread the traffic or to deal with the traffic in the Estates if the -- if this becomes a haul -- an area for traffic for hauling.

We also consider that this meeting at this point is putting the word out that we're looking for solutions. We're -- this is the new -- this is the announcement in the community now that in this area traffic -- if you're not aware of what's happening with the Hussey settlement, I want you to come in and participate and talk to us, find new solutions and new proposals, because we consider this to be like a first meeting of a few meetings in this regard.

Economics and business in the Estates and the North Belle Meade. We're very interested in proposed solutions that it would improve economic conditions in the Estates, along with the legal settlement especially in the area of job creation, because in the Estates area our big issue is not having jobs for all the residents, and that's why we have a lot of open houses.

Community fit. The Golden Gate Estates Area Civic Association, we consider North Belle Meade an integral part of the Estates area. Nothing can happen basically in North Belle Meade without it involving the Estates. So we consider it an integral part of the Estates civic operations.

We do have great concerns in the swapping of overlay classifications and the associated densities back and forth with the 846 Trust. We have great concerns, and we want to talk about it more and see if we can find proposed solutions. We're not against it; we just want to make very clear that we have more discussions on this issue, because there are pros and cons to it. We see good and bad, but we want to make sure we get that cleared out.

In closing, we are in support of finding a proposed solution combined with the legal settlement that fits the community, benefits the community, saves tax dollars, and it's thoroughly vetted through the people in the community.

And last, we want to make sure we -- that it is clear that we consider this meeting the first notice that this issue has come up, and everybody that has a say in it should come in with ideas or proposed solutions.

Thank you very much.

CHAIRMAN KEENE: Thank you.

Next?

MR. BELLOWS: Peter Gaddy.

MR. GADDY: Good morning, Madam Chair, members of the civic association (sic).

Doug, congratulations on your appointment.

I just want to amplify a little bit of what Mr. Ramsey said. What you are dealing with here is you're dealing with two growth management amendments and a conditional use. That translates to two areas of concern of what we as a civic association have.

We're concerned about the compatibility of the 846 amendments with the surrounding community. We're also concerned about the compatibility of the Hussey mine with respect to the surrounding community.

We are open to all suggestions. I think that, you know, the hint is already out that the major issue that the community is concerned about is one of transportation and transporting these rocks.

To that end, we believe that you don't have the data before you at the present time. Mr. Brougham, very early in the meeting I think you made a comment to that effect that the data we have is -- it's obsolete. And, frankly, that 2005 data is suspect. That was based on totally different economic conditions than currently exist.

So what are we looking for? We're looking for some determination of how much rock there is there that's going to be mined out, not only by the Hussey mine, by the Section 20 mine, by other mines that are

likely to be built in the area. We need to determine whether or not there is a feasible transportation plan to remove that rock without destroying existing communities.

So what we're looking for, first of all, are some public information meetings to be held in the community to tell people what this settlement is all about.

I understand that negotiations have been going on for a little over a year. We didn't learn about it, of course, until September. No one in the community outside of, you know, the political junkies who attend these meetings know anything about this. So please hold those public information meetings.

There's one other process that I'm a little concerned about. At a preliminary meeting where a number of people from Golden Gate Estates were present, we met with Mr. Weeks, Mr. Casalanguida, and Bill Lorenz. And at that meeting I asked who would be representing the settlement, and I was told that it would be Mr. Vega.

We're asked what the county would be doing. Well, they said the county would be neutral. And I said, well, who would be representing our community? And Nick looked at me and said, well, all of you.

Unfortunately, we're not land planners. We're not experts like the Planning Commission members. We need help. And we'd like you to appoint someone to represent the community.

Thank you.

CHAIRMAN KEENE: Thank you.

MR. BELLOWS: Nicole Johnson?

CHAIRMAN KEENE: Don't tell me we're going page by page.

MS. JOHNSON: I promise I will not go page by page through this.

For the record, Nicole Johnson here on behalf of the Conservancy of Southwest Florida. And I appreciate all of the time that you're taking and you're going to be willing to take to really get through this. This is a very, very important issue.

I provided you with detailed data and analysis from the Conservancy's perspective on the settlement itself. I won't go through that line by line, page by page because the direction that you started with this morning and some of your comments tend to be along the lines of what the Conservancy had been requesting which is, this is the first step, and you need to know what facts are out there, what facts you still need to do the appropriate assessment based on what the County Commission requested that you do. So I will just keep my comments a bit more general.

We do request that this be the first of a number of meetings, that you continue this meeting based on the information that you believe you need to move forward.

And one of the key components for that is to treat this for what it is, two Comp Plan amendments and a conditional-use permit, and that as part of that next step the plaintiffs be responsible for providing you the data and analysis that would be involved in those three applications.

As you know, Comp Plan amendments contain a lot of very detailed data and analysis. Conditional uses, what you have right now in the settlement would simply allow for the mining with no parameters for which a conditional-use process would provide.

I think back to the Lost Grove Mine, your days and days of hearings and testimony and expert witnesses. That process put in place a lot of important facts; the depth of the mine, buffers, setbacks, the footprint, transportation impacts. All of those things are very important.

And as a visual, I don't know how all of you keep your conditional-use information, but this is everything that you received for the Lost Grove Mine conditional-use application. Until you have this, you cannot approve any conditional use.

And as an aside, I have always tremendously respected all of the hard work that you do and all the paperwork you go through, but I have now a greater appreciation for how much you have to lug up here. This was quite a feat to bring it up. But I think it provides a good example of this is the amount of detail you need, and you don't have that yet. So making sure that you have what would essentially be that full conditional-use application is something essential.

A third recommendation that we ask you to consider is to direct staff and the County Attorney's Office to take a look at other parts of this settlement agreement. I didn't have this in my memo, but it did strike me as I was preparing for my testimony today. You have a lot of whereas clauses that are part of the

settlement, and they do tie into land-use decisions, land-use statements, and the importance is that, number one, under your recitals it says that the foregoing recitals are true and correct. So you have to make sure that you're comfortable and the county is comfortable saying that all of these whereases are really the gospel truth.

And a couple of them that just struck me, for example, the first full whereas on Page 2 states that at the time of acquisition, the Hussey property was designated agricultural on the zoning maps of Collier County, and the designation allowed agricultural use, rock mining, and low-density residential housing development.

Well, the ag and the housing are uses that are allowed by right, but mining requires that conditional-use permit. So you have to be very careful that the wording of that whereas, it really reflects what the law says.

On the top of the Page 3, it states the county failed to process the conditional-use mining application. I don't know what that means. Did the county shove it in a drawer? Did they say we're not processing it? What did that mean?

So Page 4 the last whereas statement says the sending designation was simply preliminary at the initial passage of Ordinance 2002-32. I know there was a process in place if you felt you were misdesignated, but does that equate to a preliminary designation? I just -- I don't know. So there are a lot of things in the whereas clauses that I think staff and the County Attorney's Office really need to go through to make sure that the county agrees with.

In addition to that, there are a lot of components of the settlement that would be inconsistent with the Comp Plan, with the LDC. Yes, a Bert Harris settlement does allow that, but it would be good to have staff's opinion as to what the impacts of those inconsistencies would be. Some of them will be looked at as part of the conditional use in the Comp Plan amendment, but for the others that aren't captured by that, it might be good to have some sort of explanation of that.

For example, part of the settlement would allow for TDRs on sending lands that have been cleared. Right now you wouldn't get your TDR for 25 years. It would, essentially, restore those TDRs.

So what's staff's opinion of that? Is that a good idea? A good precedent? Bad precedent? And also, there are a lot of questions that the public has raised about other things in the settlement. They may not be inconsistent with the Comp Plan, but they do raise questions.

For example, it says the county will support the application for the mine to the agencies. Is it county practice to support applications? And what does support mean? Is it a letter of support? Is it if the mining application is denied, the county would intervene on behalf of the applicant in litigation? It just -- it raises a question I think staff should at some point address as part of this process.

And a final thing that we would like you to consider -- and this may be something that evolves as this moves down the road -- but there's been a lot of talk about both the Hussey property and the State Road 846 Land Trust site. And the Conservancy -- as you've read in the memo, we are very concerned about having this State Road 846 property as part of the settlement.

The settlement is over a suit for what can and can't be done on the Hussey property in North Belle Meade, and we really believe that any settlement that comes out of that needs to be focused on the North Belle Meade area. We just don't see the 846 site as having any part of that. And we do have concerns about the ecological and functional value as compared between the two properties.

I will just go over a couple of the maps that I sent to you, because Andy did provide some of his perspective, and I know that we'll have future opportunities to do this also, but -- and I do have these map packets for you. I know some of you don't want to waste your color printers on a bunch of Conservancy maps, so I will hand these out at the end.

Really, from the natural resources perspective, the Conservancy sees two questions as really being at the crux of things, and the first is whether or not the Hussey property was misdesignated as sending land in the first place or whether it is no longer of sending-land value today as we're looking at it, and the second is whether or not the 846 Land Trust property contains environmental attributes that are equivalent to the Hussey property.

And in looking at the map of the Hussey property, the Hussey property is -- and it's a little tough to see here, but all of this area is within primary panther habitat, and you can see these are telemetry points.

And I think only about a third of the cats are collared, so this represents just a portion of the population.

But you can see they are crossing from South Belle Meade. They are coming over the interstate. This is an area where you don't have the high fencing, so the cats are crossing. They are getting hit on I-75. So it's an important area in the future to get fencing, to get underpasses.

And as you can see, the cats are crossing through the Hussey property. There's a little bit of movement into the west, but it's mainly this north/south movement that is very, very critically important.

In comparison to the 846 site, this site does have a portion of the primary panther habitat; the rest is secondary. And the secondary habitat certainly is important, but the primary habitat contains the lands that are considered occupied by the panther. So, yes, we do want, in the future, to take secondary habitat and get it up to primary habitat standards, but we can't do that in exchange for impacting primary panther habitat and taking that off of the books so to speak.

So on this site you can see the site isn't actually adjacent to Corkscrew Sanctuary. There are some agricultural fields that are in between, and also a road. Cats have crossed into this site, but you do have residential on three sides around there.

So this site, we believe, certainly can be improved upon. We don't want to indicate that it doesn't have functional value, because it certainly does, but when we're doing an apples to apples comparison between the two sites, we just don't see this as the functional equivalent. And this isn't just me speaking as a planner. I did consult with David Shindle, who is our panther biologist on staff with the Conservancy. He has a background in wildlife ecology. He has a master's of science in range and wildlife management.

And so when I'm speaking on behalf of the Conservancy, it's our panther biologist's position that I'm conveying, and I will provide this, his resume, for the record.

Another issue is the fact that the Hussey property contains RCW, both cavity -- a lot of cavity habitat within the Hussey property. The 846 site is not RCW habitat, so you cannot, in our opinion, exchange RCW habitat in one area for areas to the north where, yes, it's great that they're going to, potentially, be doing some wood stork restoration, but we don't see that as an appropriate exchange.

And I would also point out in our read of the settlement agreement, it doesn't say that there will be the short hydroperiod wetlands that are going to be created. It says that if they need the TDRs from restoration credits, then they will design short hydroperiod wetlands. I don't see anything in there that says they will actually create them or maintain them, and only if it's financially viable, economically viable.

So we don't really see that as a lot of assurance that the wood storks are going to get something out of this. And, again, because we're talking really functional panther habitat and RCW habitat, we still just don't see that as an apples-to-apples swap.

And I promise this is the last map that I will show you. But I did appreciate some of David's comments earlier about how the county looked when the sending and receiving lands were put together. They layered all of the different habitat maps, wetlands maps, everything on top of another. And what they found was a pattern emerge of certain areas, granted the lines could be a little blurry, but certain large areas of land that provided environmental value.

And this is a map that, quite frankly, I was hoping the county would provide, but earlier this week when we decided they probably weren't, we put it together because we wanted to give ourselves and you sort of the 10,000-foot level of what do these two properties look like in the grand scheme of things.

And you have -- and it's an approximation. And I realize it's not all of Section 29, and there's a little bit of 33 that's part of the settlement discussion, but here's the general area of the Hussey property. And you can see it surrounded by primary panther habitat. You can see this panther corridor in this area. Again, it's still important, but the functional equivalency we don't believe is there.

So we provide this for your discussion now, in the future. We just think this is a really important piece of information that hadn't been provided and needed to be.

So to conclude, the Conservancy isn't a party to this suit, and we're not taking a position today on whether the county should or should not settle. We're taking a look at the proposed settlement in front of you and providing our concerns, our feedback, and our recommendations as you move forward.

The recommendations that we have are, first, continue this item until all the data and analysis has been provided for Comp Plan amendments in a conditional-use permit, direct staff and the County Attorney's

Office to assess the potential impacts of the terms of the settlement that are inconsistent with the Comp Plan or the Land Development Code that obligate the county to certain actions, such as supporting permit applications that create inconsistency with current county policy or that raise questions where the Planning Commission and the public have said, what does this really mean.

Third, direct staff and the County Attorney's Office to really take a close look at those whereas clauses.

And, fourth, to discuss the appropriateness of allowing the SR846 Land Trust property to be part of this settlement.

So with that, when you're making your final recommendations, I did just print those out for you for your consideration. And as I said, I do have the maps that I had sent you in case you did not want to take up ink in printing them out. I will leave those with David for distribution to you.

CHAIRMAN KEENE: Thank you.

MS. JOHNSON: And if you have any questions for me?

(No response.)

MS. JOHNSON: Thank you. I appreciate all the time that you've allowed.

MR. BELLOWS: Nancy Payton?

MS. PAYTON: Good morning. Nancy Payton representing the Florida Wildlife Federation. The Federation has been an intervener in all the North Belle Meade legal actions that David Weeks referenced this morning. We also are coauthor of the North Belle Meade Overlay, along with Collier County Audubon Society and the East Naples Land Company.

And we also were a cosponsor of the private Growth Management Plan amendments that provided additional TDRs for five acres to give greater incentive to participate in the TDR program, and those amendments were adopted.

And we do think the TDR program is working, not as quickly as we would have liked, but those were forces beyond all of us.

I'd like to speak on several things today. One is clarification of what the next steps are going to be. What are the opportunities for the public to be informed about this process and also to participate?

Just as an aside, I'm an East Naples resident, and I think East Naples is tremendously impacted on this proposal. We heard today from Golden Gate Estates residents, but also East Naples along the 951 corridor up into Golden Gate City are also going to be impacted significantly because the trucks and the traffic is going to be on that corridor. So there does need to be outreach to others besides North Golden Gate Estates. And the public needs to know how to react or interact with you.

We suggest that you start with the settlement agreement. Nicole mentioned a number of the misrepresentations and confusion in that document. That's the foundation for your discussion. That is the settlement agreement, and it also goes to the need for additional information and clarification.

We have long said -- and this is even during the settlement negotiations -- that 846 and Hussey need to be separated, that 846 does have values in and of itself to be looked at and doesn't need to be confused with the issues that have been revolving around the Hussey property for a decade.

The North Belle Meade overlay was a result of a 1997 challenge by the Florida Department of Community Affairs, which Florida Wildlife and Collier Audubon were interveners. And what wasn't mentioned, that that litigation, which was won by the challengers, did result in a moratorium for three years while the planning process was underway, because growth was out of control. And many of those uses were inappropriate, and the county was not fulfilling its legal obligations under the growth plan to protect not just wetlands but wildlife habitat as well.

That was challenged by Hussey and others for many of the rationales that you heard today that you ought to move forward with with their settlement agreement, and the judge found that the data and analysis did support where the lines were drawn. And, incidentally, the lines were changed so they went along -- during the settlement talks so they went along section lines or quarter section lines rather than having wavy lines in and out. It was to make it a more manageable overlay.

The judge -- and we can provide you with the recommended order and the final order that came out of that challenge. The final order from the original settlement is also available. Actually, all of this is online,

and we could send you a link to both of those because many of the reasons that you heard today as to why we ought to move forward or you ought to move forward with the approval were found not to be valid back when the lines were first drawn and the challenge by the Florida Department of Community Affairs was resolved.

Then there was the glitch amendments, and they didn't hold water. The data and analysis didn't support under the glitch amendments that were just to tweak to make sure things were done properly close to the receiving lands. The Hussey property didn't rise to the level of being changed from sending to receiving during that process. And then they put their own private Comprehensive Plan amendment in, and that didn't rise to the level of being approved, and then we got to the Bert Harris, which Florida Wildlife Federation and Collier Audubon were and are interveners.

We withdrew from the settlement agreement discussions many, many months ago because nature wasn't getting its due consideration, and that's what this all started about was the county was not properly protecting wildlife habitat and wetlands.

It's kind of an interesting situation I hear today is that you go about decimating the habitat and then plead, well, this isn't -- doesn't have the value, so give us what we would have had if we had had this habitat or lack of habitat prior to 1999.

It's kind of like that person that kills the parents and then pleads, "I'm an orphan" to the Court, which is not true.

There was reference to Fish and Wildlife Service and consulting with them. There is an open investigation now by the U.S. Fish and Wildlife Service for Dr. Hussey's clearing of the land without properly consulting with the U.S. Fish and Wildlife Service. So when we hear they're going to consult with Fish and Wildlife Service, remember, there's an open investigation now.

A couple of other comments, random, based on what I heard today, neutral designation. Neutral designation did not come about as an interim environmental designation. In the final order that came out in 1999, it said that schools could not be in sending lands. And what happened is that the three school sites that were purchased, actually, when the modeling was done, those lands rose to the level of sending lands, and they couldn't be there. And we're talking about Section 24 in North Belle Meade. We're talking about property on the northeast corner of North Belle Meade; both at that time were school properties.

And then there's also one that is north of the Cypress Canal, which is south of Immokalee Road, and was purchased during the moratorium for two schools and a park. That's how neutral came about is that they couldn't be sending lands; they had to be something else. And neutral came about.

It has nothing to do with environmental values. Because if you go back and look at the modeling that was done for North Belle Meade, Section 24 had actually some of the highest values of all. It's not Dr. Hussey's property, but I think we've got to get things straight about these different designations.

Section 24, that school parcel now is part of Conservation Collier, and the school abandoned that site, sold it to the county because there were too many environmental hurdles.

So, please, when you hear neutral, neutral is not an environmental designation. It was one of necessity because the school board bought sites that had high environmental values. And there are other neutral designations that are part of the Mirasol project, which was underway before the designation came about for the final order.

The challenge to the sending land designation which was upheld by the administrative law judge and the state was based on best available data. And you didn't need -- the judge said, you didn't need to ground truth every acre, that how the county determined sending rose to the level of being legitimate and valid.

And there's more to this issue than just wetlands. It is wildlife habitat. Panthers do not have webbed toes. Neither do gopher tortoises for that matter, or other wildlife, burrowing owls.

So when you zero in -- when folks zero in on wetlands, please think broader. It is wildlife habitat, upland habitat. And, in fact, during the challenge, the expert for Dr. Hussey, Tom Logan, acknowledged under cross-examination that Dr. Hussey's property was within the home range of two panthers. He said that under oath and as the expert for Dr. Hussey. So we know from his expert that it is panther habitat.

Furthermore, U.S. Fish and Wildlife Service is approving panther mitigation, panther compensation lands in North Belle Meade near Dr. Hussey's property. If the Fish and Wildlife Service didn't think it was

viable for panthers and important for panthers, they could not be accepting permanent easements, conservation easements for land within North Belle Meade.

Florida Rock, East Naples, Section 20, those mines, which are in receiving areas, are doing some of their, if not all of their, panther compensation in North Belle Meade, all they possibly can do. So North Belle Meade does have value for panthers.

One of the oppositions from the wildlife agencies to the interchange is because of the impact to panther habitat in North Belle Meade. So when people say -- representatives of Dr. Hussey say that it does not have panther value, it does. And, in fact, there is a makeshift panther crossing under the Miller Canal bridge that is being used by wildlife. So there is habitat connectivity in a thin sense, and hopefully some day there will be a legitimate underpass.

A little bit about the roads and Wilson Boulevard. When the North --

CHAIRMAN KEENE: Could we -- we're well over the -- we're double the five minutes. So if we can kind of --

MS. PAYTON: But, you know, we're an intervener, and I think that our point of view is important to you. And I'm almost done. And you heard a lot from other folks.

CHAIRMAN KEENE: I'm trying to keep everybody to under 10 minutes, so we want to get through everybody that's here, so --

MS. PAYTON: Okay. The Wilson Boulevard extension that was originally part of the North Belle Meade overlay but it was opposed by county staff, Norm Feder, for the very reason that you're hearing today, it is dumping too much traffic in the 951 corridor. So 10 years ago it was a bad idea. Now, suddenly, it's a good idea.

I'll sum it up and say that please set a schedule. People need to know. And please start with the settlement agreement and going through that line by line because there is misinformation in there and misrepresentations.

CHAIRMAN KEENE: And if you would send the links you were referring to to us, that would be great.

MS. PAYTON: Oh, so that you can read the final order and the recommended order and such, yes. I'll do it for both the challenges.

COMMISSIONER RANKIN: Madam Chair, would it be appropriate for me to ask the speaker a question?

CHAIRMAN KEENE: Absolutely.

COMMISSIONER RANKIN: I don't go far back enough to the expansion of Alligator Alley into I-75, but I assume your organization was involved in that process, wasn't it?

MS. PAYTON: Yes, we were.

COMMISSIONER RANKIN: And as we heard, the primary reason this land is being degraded from an environmental standpoint is the drainage caused by that project, allegedly. What was involved in that project that foresaw that or dealt with that? Because you were involved. I know I wasn't back then.

MS. PAYTON: I wasn't back there, but I can speak a little bit about the North Belle Meade rehydration efforts, because we have been involved in that. And the water comes from the north. So if I-75 was blocking water, there would be more water in North Belle Meade rather than --

COMMISSIONER RANKIN: I believe the question is the canal is draining that area immediately above the interstate, which includes the Hussey property. And what was done back then to deal with that, or was that just given?

MS. PAYTON: I can't speak to that, but I can tell you there are plans under the Watershed Management Plan and the Big Cypress work plan to address that, and one of them is near the landfill for better passage under I-75 and also to do spreader canals in North Belle Meade to rehydrate the lands, particularly those that have been put into conservation easements as mitigation lands.

So there is a lot of work that's been put into and it's continuing to try and rehydrate and restore North Belle Meade, which was one of the goals of the North Belle Meade overlay. But I can't answer your question about the interaction of --

COMMISSIONER RANKIN: I know you've been involved in --

MS. PAYTON: -- I-75.

COMMISSIONER RANKIN: -- everything else. I thought you might have been involved in that. Thank you.

MS. PAYTON: Thank you.

MR. BELLOWS: Pat Humphries?

MS. HUMPHRIES: My name is Pat Humphries. I live in Golden Gate Estates since 1992 off of Wilson Boulevard. I'm also on the board of directors for the homeowners association of Golden Gate Estates. Today I am speaking for myself.

Earth mining, while advantageous to property owners, is not compatible with a residential neighborhood and creates many negative and dangerous conditions. In this case, Golden Gate Estates.

Safety is immediately compromised as hundreds of dump trucks impact the main commuter roads and school bus routes.

The trucks and the drivers are a major concern. Speed is money. When the trucks are empty, the drivers exceed the speed limit in order to reload as quickly as possible. This is especially true on Wilson Boulevard between Golden Gate Boulevard and Immokalee Road, a four-mile run with no light.

When they are carrying a full 70,000 gross vehicle weight load, they drive too slow, holding up traffic. The county had to pass an ordinance restricting them to one lane because they were using both lanes and causing traffic delays.

The commercial motor vehicle unit within the Sheriff's Department does an excellent job but cannot be expected to monitor such a large fleet of trucks.

Accident citations this unit has served on dump trucks include follow too close, careless driving, failure to maintain equipment, improper lane change, failure to yield right-of-way. The highest amount of citations were for careless driving.

Earth mine blasting causes structural damage to the homes closest to the mines. Real estate values are compromised because people don't want to live in an industrial park atmosphere nor do they want to buy a house when there's a dump truck parked in the driveway or backyard or front yard next door.

Living next door to a dump truck driving means being awakened at 3:30 a.m. to the sound of a truck warming up, doors slamming, loud voices, and noxious smell of diesel fuel. Although maintenance is not supposed to be done on the trucks on private property, the oil barrels and flat tires pile up in their yards. The sound of an electrical air handler is an added attraction.

Presently, there are not that many dump trucks on the road. The problems I have described were in conjunction with the two earth mining operations that were active several years ago. Since then a third mine has been added in the Estates area.

When these existing mines are up and running and at full capacity with all the accompanying negative impacts on the Estates residents, then the last thing we need is a fourth one.

You've discussed the value of rock, the preservation of the environment and endangered species. What about the residents? What about their safety and quality of life?

Thank you.

CHAIRMAN KEENE: Thank you.

MR. BELLOWS: Roger Rice?

CHAIRMAN KEENE: Ray, how many speakers do you have left registered?

MR. BELLOWS: Three left, including Roger Rice, or not including.

CHAIRMAN KEENE: Okay. I think we want to try to get through every -- all the speakers before lunch, if I everybody agrees. Okay.

MR. RICE: Good morning. I guess it's still morning. My name is Roger Rice. I'm an attorney. I represent the developers of CityGate Commerce Park.

On the overhead projector is an aerial of CityGate and the interchange of I-75 and Collier Boulevard. CityGate is over here in the northeast quadrant of the interchange just north of White Lake Corporate Park.

In light of the extraordinary circumstances that we have here, I ask that my letter of October 30th be considered by the CCPC even though it was not submitted within the normal minimum seven days prior to this hearing.

Now, these are extraordinary circumstances in that what we're dealing with is, essentially, it's a Comp Plan amendment and a conditional use. This was all made known to CityGate four days prior to the -- no, five days prior to the board meeting in September.

The data and analysis that you've been provided that we've already heard, it's outdated. It needs to be updated.

Nicole also advised you, and I concur, you need to have staff and the County Attorney's Office tell you or point out exactly what are the inconsistencies between the settlement agreement and what's in our Comp Plan so you know exactly what's changing.

One thing there would be the Future Land Use Element of the GMP only addresses mining and -- mining operations on an asphalt plant on a portion of receiving lands in the North Belle Meade.

Now, in the settlement agreement, it talks about these two uses, earth mining at an asphalt plant becoming a permanent -- excuse me -- a permitted use on the Husseys' property, on a portion of the Husseys' property, but then it goes further as a concrete batch-making plant, recycling of concrete and construction debris.

In any event, all of these inconsistencies need to be pointed out so that you can properly review it.

As I said, CityGate is a vested -- excuse me. CityGate is a vested PUD/DRI of approximately 290 acres. CityGate is located in the northeast quadrant of I-75 and Collier Boulevard. Now, we have two ingress and egress points on Collier Boulevard. CityGate Drive, which formerly was Utilities Drive, which also provides access to the county's landfill, the South Collier Regional Water Treatment Plant, White Lake Corporate Park, and others.

Also, we have CityGate Boulevard North. The northern entrance is near the main Golden Gate Canal. And these were mentioned by Mr. Rankin.

If you'll go to the next one.

Now, these intersection locations were dictated to CityGate back in 2002. This aerial is from 2002. Now, you can see, where CityGate Drive is, that was where Utilities Drive was. That was access for the South Collier Water Regional Treatment Plant. You can also see back in 2002, Landfill Road or White Lake Boulevard, if you were coming north on 951 and wanted to make a turn, you almost had to do a U-turn.

CityGate has relocated that as far to the east as it can, because it's limited by the South Collier Regional Water Treatment Plant.

Our entrance to the north is as far north and away from the interstate as possible without impacting the bridge of 951 going over the Golden Gate Canal.

If you could go to the next one. In the data that was supplied for the 2005 Comp Plan amendment, it indicated that there were 45 million tons of material to be excavated on the Husseys' property. Forty-five million tons of material, once loaded in the trucks, would equate to about 55 million cubic yards of material to be hauled off.

They also estimated that they would be hauling 930,000 cubic yards of material a year. Put that into perspective, that's over 59 years.

So we have some important considerations here, and we need to take our time and make sure that we do this right.

With regard to environmental issues, we're -- CityGate, we'll leave that up to the parties of the lawsuit, the county, excuse me, the Husseys, Florida Wildlife Federation, Collier Audubon Society, and also to the Conservancy, with the exception of one issue -- which I pointed out in my letter and which was also pointed out by Nicole -- the statement that the county agrees to support their federal and state permits, the Husseys' federal and state permits, without knowing exactly the extent and what they are is a pig in a poke; you can't do that.

Finally, as you would surmise from my letter, our major concern is traffic. If you could go to the next one. Now, the proposed Hussey settlement agreement stipulates that they would dedicate 180 feet of right-of-way for the future Wilson Boulevard extension, unquote, along their southern property boundary. This dedication is conditioned upon their permitted access onto, quote, the future Wilson Boulevard extension, unquote, for the hauling of excavated material subject to the conditions in any excavation permit.

Again, transportation issues should be taken on at the time of conditional permit, not at the time of

excavation permit.

The proposed Hussey settlement agreement benefits Florida Rock with at least one mile of right-of-way. Now, we've heard some mention about where -- let me move over here. Can I use this?

MR. WEEKS: Yes.

MR. RICE: No, no, no. Can I use this?

MR. WEEKS: Yes, sir.

MR. RICE: We've heard some --

COMMISSIONER BROUGHAM: It's on.

MR. RICE: Okay. We've heard some discussion with regard to the East Naples mine. That's that yellow that's indicated in -- or indicated as Florida Rock and also the blue that was indicated as APAC. Now, the blue is being -- a portion of the blue is being mined right now, and they're hauling off to the north on 5th.

The yellow, or the Florida Rock portion, they are in for permits for their haul road, that red line, which is 3.84 miles, which would then connect to Landfill or White Lake Boulevard just to the east of the county landfill.

As you can see the location -- I don't know if you can make out on the overhead, but the purple is -- essentially, that's the Hussey property there.

Now, the 2035 long-range transportation plan, needs plan, includes a four-lane extension of Wilson Boulevard and Landfill/Blackburn Road, but the whole right-of-way needed is 6.84 miles of right-of-way. What we've done here so far, we've permitted for Florida Rock a haul road. We're going to use our eminent domain to help them build a haul road. We can't just -- first of all, I don't believe that that's a public purpose. I believe that that's using eminent domain for a private use. But regardless of that, we certainly can't just exacerbate the problem.

In any event, the -- if the traffic from the Husseys' property were to come to -- heavy truck traffic were to come from the east, we have -- would you go back to this one. We have this -- and I'm going to wrap up very quickly here.

What we have here is a condition where right now the light is at Utilities Drive now known as CityGate Drive. The county is involved in their expansion of 951 right by the interchange. The expansion goes all the way to the Golden Gate Canal.

We have been told by the county that at the conclusion of that expansion they will move the light from CityGate Drive up to CityGate Boulevard North. What that would mean would be for Florida truck -- Florida Rock, for their trucks, they would come down, reach CityGate Drive, they would have to stop, fully loaded with 70,000 pounds, proceed to CityGate Boulevard North, stop, turn to the right, make a U-turn, then come back to 951 where they would have to wait for a light.

Now -- and it's been -- as everyone knows, trucks, fully load, travel slow. We would have to expand the green just to get the trucks out onto 951, which then will impact the road. This is all in close proximity to I-75, which they're already planning another expansion or construction project for there.

In any event, all of this needs to be taken into consideration, and we hope that you will take your time and start by having it identified, what are the changes, and then have current and proper analysis before you make any decisions.

Thank you.

CHAIRMAN KEENE: Thank you.

MR. BELLOWS: Brad Cornell?

MR. CORNELL: Madam Chair and Commissioners, good morning -- good afternoon. I'm Brad Cornell, and I represent Collier County Audubon Society. And I appreciate the opportunity to address you on this issue.

The rural fringe mixed-use district was established, as we have heard, in response to a 1999 final order from the governor and cabinet which found that Collier County was not adequately protecting its wetlands, wildlife habitat, and agriculture.

The proposed settlement before you today would destroy hundreds of acres of panther and Red-cockaded woodpecker habitat, thus basically undermining the rural fringe mixed-use district purposes.

This is not a minor adjustment or a squiggle of a line, to use David's terminology. This is a major

change, and it's an undermining change.

Let me provide a couple of details. There were several rounds of litigation that have already happened over these policies in which we have participated along with our colleagues and the county in helping defend the county's policies.

Those rounds of litigation have established the legality and fairness of the rural fringe mixed-use district. There is no need for this settlement. This has been defended successfully three times at least.

Many acres, hundreds of acres were clear-cut by the Husseys. This included Red-cockaded woodpecker habitat and Florida panther habitat, and it was done without the required incidental take permit from the U.S. Fish and Wildlife Service or any consultation with the U.S. Fish and Wildlife Service.

Settlement -- the settlement document implies, incorrectly, that the county should have granted the Husseys a rock mine application that was submitted after the adoption of the rural fringe mixed-use district. That doesn't make any sense.

It also suggests that TDR credits would still be available for sending lands where mining will now have been allowed. TDRs were forfeited for 25 years on much of that land because it was clear-cut, as I mentioned, without any incidental take permit.

The document refers to the National Audubon Society and implies that there's some support there. That is not the case. Audubon does not -- National Audubon, which owns Corkscrew Swamp Sanctuary, does not support this settlement nor has reviewed it significantly.

The Husseys' lands, their wetlands, could not change by hundreds of acres in the 10 years without a dredge-and-fill operation, as suggested by Mr. Woodruff earlier this morning. It takes many decades for such changes to occur, and the -- as the Hussey folks themselves have noted, there are wetland restoration opportunities that will be coming -- becoming available through the water -- the Collier Watershed Management Plan and Big Cypress basin, and Nancy Payton also mentioned this opportunity. That's without the mining. So these wetlands will be restored, and I question the maps that were shown to you.

The primary habitat values of the Husseys' lands focus mainly on pine flatwoods for Red-cockaded woodpeckers and significant Florida panther habitat.

The 846 Trust lands do not compensate for these values, which are going to be destroyed on the Hussey lands. So this is not an equivalent exchange. It is not fair compensation.

The 846 land values are primarily for restoration of wood stork foraging wetlands and, as such, could be and would be, if they were restored, very, very valuable because of their proximity to Corkscrew Swamp Sanctuary and, basically, the largest wood stork rookery in the nation.

But there is no wood stork habitat restoration as part of the settlement. So, again, this doesn't make sense. It's not compensation for the destruction that's going to be going on on the Hussey lands.

Now, as a stand-alone the 846 lands make a whole lot of sense for consideration in a future action but not in association with this settlement agreement.

Also, the 846 lands, as were referred to by Mr. Vega, are not adjacent to Corkscrew Swamp Sanctuary. These 846 lands are quite isolated and only valuable for their wood stork restoration. As panther habitat, they're surrounded on three sides by residential development and future increased development and a major road, 846, and private agricultural land.

Collier County Audubon Society recommends gathering the necessary data for evaluation of this settlement and, as such, continuing this discussion and this hearing; however, we believe the proposed settlement is ill-advised, unnecessary, and contrary to the purposes for which the rural fringe mixed-use district was established in the first place.

Thanks very much for your consideration.

CHAIRMAN KEENE: Thank you.

MR. BELLOWS: Mark Teaters?

CHAIRMAN KEENE: Is this the last speaker?

MR. BELLOWS: The last speaker would be Mr. Vasey.

CHAIRMAN KEENE: Okay.

MR. TEATERS: Oh, boy. Good afternoon, Madam Chair, staff, committee. And, by the way, congratulations to our good friend Doug Rankin on his new appointment.

My name is Mark Teaters. I'm the past president of the Golden Gate Estates Area Civic Association, one of the founding members of the homeowners association of Golden Gate Estates, and the final chair of your recently sunsetted Collier County Horizon Infrastructure Committee.

I'm not here to -- first of all, let me tell you, I do concur -- and I'll be brief. I do concur with many of the speakers that came here before that we do need much more data and we need public meetings. We really need to make sure that this gets vetted because this is really a complicated matter, not only in the transportation and the environmental and the wildlife issues, but I live on Golden Gate Boulevard -- I'm sorry -- I live on Wilson Boulevard South, which would be -- I'm sorry. It's been one of those days. Work and not as much coffee.

I think it's important to remember that we live in a neighborhood, and I represent basically the same 40 landowners that I stood before you representing many years ago on this same issue.

It's really important that we have rights that would be drastically taken from us if they run hundreds of dump trucks up our street every day, plus the fact the entire Golden Gate Estates would be impacted, not just if there's one entry point, but if there's several. Again, I've been here before. We do have vested rights as a residential community as well.

One of the things that I wanted to -- I talked with some other folks this week, and I think there was a -- there was an original settlement agreement that was offered several years ago in 2007, I believe, 2007 was the year, that -- and we've lost a lot of interesting things in this time period.

We lost -- there was a proposal made that they were going to have large preserves on this property. There was going to be an endowment that was going to be presented that was going to be given to the community for different community uses and things like that. There was going to be a truck wash that would wash the trucks before they got onto the streets so that they wouldn't impact the environment and the people and their health.

Also, the property at the end of this was going to be donated back to the residents of Collier County. Now, it appears through this process we've lost all that. And I think it's important. I'm not interested in discount rock. I don't think the county should make a decision even partly on getting reduced-price rock. We already have people that are in that business right now. We shouldn't be worrying about saving money on that.

Let's see. What else? I think that's pretty much it. I think that -- I just want to make sure that this is something that -- we need to make sure that this gets vetted, and I do -- again, I do agree with Peter and all the rest of the speakers before; we just need to make sure that the people are aware of what's going to go on and make the right decisions. Thank you.

CHAIRMAN KEENE: Thank you.

MR. VASEY: Ladies and gentlemen, good afternoon. I'm Duke Vasey, Chairman, Collier Soil and Water Conservation District.

My comments are really directed at two cases that are now pending before the Second District Court of Appeal, and I think, and we think, that any proper resolution must include not only the litigants but the general public. You know from comments today that there are three types of lands within the rural fringe mixed-use district, sending receiving, and neutral, and that was a discretionary decision made by the Board of County Commissioners.

You're also aware that the county, administratively, without public participation, decided boundaries in the rural fringe amendment and overlay for North Belle Meade. There's a consistent theme in this entire case: No public participation. No gathering of data.

You can't go to court five years later and have a judge rule, well, you don't need it. You can't arbitrarily do things. You can't deprive a litigant, you can't deprive the county. If it was a bad staff action, it was just a bad staff action.

We would hope that if something does materialize first, the public involvement is intensified.

Second, we actually understand what we're deciding in your recommendation to the Board of County Commissioners to approve some settlement agreement.

Thank you.

CHAIRMAN KEENE: Thank you. Okay.

MR. BELLOWS: No other speakers.

CHAIRMAN KEENE: Okay. At this point we will break for lunch, close the public hearing, and then the commission can discuss the next step.

Let's return at 1:15. Thank you.

(A luncheon recess was had.)

CHAIRMAN KEENE: If everyone would take a seat.

When we left off, we finished with public comments. At this point the commission will discuss where we go from here.

Bob? Where is Bob?

MS. ARNOLD: He's out in the hall.

CHAIRMAN KEENE: The petitioner was going to discuss some options to hold public meetings, so would you like to present that first?

MR. VEGA: Sure. We spoke over the lunch, and we think it would be a sound idea to supply the commission with additional data. I don't think we would ever come to the level of the Lost Grove stampede or stack that we saw earlier.

We think a public meeting would be a good idea. We'd be happy to hold one. And I would like some guidance. From what I've heard, I would expect that we should package and supplement our environmental data. We should put together some transportation impact data for you.

I also think that Mr. Bonness' comments regarding the natural resources ought to be pinned down and, as I said, the environmental data; those in my mind that would not rise to the same level of a Growth Management Plan amendment or conditional use.

We are in a settlement posture. We do have a clock ticking on the appellate court. If we don't get together and try to resolve this ourselves, their lawsuit will probably go one way or the other, and this is our chance right now to strike a chord that makes sense and to compromise.

And to the extent that I can get some direction from you-all as to what key points or key questions are, then that will give us something to work on and present back to you-all.

CHAIRMAN KEENE: Okay. I don't want to speak for the other commissioners, but I think one of the items is to have something that staff can evaluate to provide the commission with the incompatibilities so they can review from that standpoint.

MR. VEGA: Which incompatibilities?

CHAIRMAN KEENE: The incompatibilities that are listed in the settlement agreement versus the uses on the property.

MR. VEGA: Okay. Would you want me to go through the settlement agreement and highlight what we perceive to be the changes and why they're there?

CHAIRMAN KEENE: Yes.

MR. VEGA: Okay.

COMMISSIONER RANKIN: And then have staff do the same?

CHAIRMAN KEENE: And then -- right, correct, staff can review comments from their perspective.

COMMISSIONER RANKIN: Also -- sorry, I didn't mean to interrupt.

CHAIRMAN KEENE: No, go ahead.

COMMISSIONER RANKIN: Maybe we could have county transportation look at what they provide, too.

CHAIRMAN KEENE: Well, I think that would involve all of county staff; transportation, County Attorney's Office as well.

COMMISSIONER BROUGHAM: Melissa, I'd like to, with your permission, try to shape this into a motion with some more specific direction, and we can discuss whether we need to add to that or subtract from that.

So if you'd like me to take a crack at a motion, I'd be more than happy to do that.

COMMISSIONER KLEIN: Overachiever.

MS. ASHTON-CICKO: Madam Chair, could I just comment for a moment?

CHAIRMAN KEENE: Sure.

MS. ASHTON-CICKO: Because I think -- we haven't heard too much discussion yet, but I think from what I'm hearing where you're going is that perhaps the CCPC feels at this point you don't have enough information to be able to make a recommendation, and I think if you feel that way, you need to take a vote on that so that can be conveyed to the Board of County Commissioners.

I think that if you're going to go forward with getting an additional data and analysis and public hearings, we need clarification. Are the public hearings going to be hearings that are -- you know, if they're going to have public information meeting, are they going to be advertised or are they going to be just posted, and a time frame of when this would be completed, because I think that we're going to need a final resolution in January.

CHAIRMAN KEENE: What --

MS. ASHTON-CICKO: No later than January. So I just want to make sure that, you know, the course that you're proceeding and that we're clear on who's providing what information if you need additional information.

CHAIRMAN KEENE: Okay. What I discussed with David would be treating a public meeting kind of like a NIM.

MS. ASHTON-CICKO: Okay. So that would be advertised, and we need the applicant to confirm that they're willing to pay for the ad.

CHAIRMAN KEENE: I think it's imperative that we have some type of advertising for the public.

MR. VEGA: Are these like the ads in the newspaper?

MS. ASHTON-CICKO: Yes.

MR. VEGA: They're not terribly pricey, I don't think. No, they're less than a thousand or so.

MS. ASHTON-CICKO: I believe so.

COMMISSIONER RANKIN: And the other thing we'd have to do -- sorry -- I think before he can craft a motion is find out how long it's going to take Mr. Vega to produce what we want and how long it's going to take staff to look at it.

COMMISSIONER BROUGHAM: Well, until we tell him and agree on what we're asking for, it's going to be hard for him to estimate when he can come back. So in my opinion, we need to be a bit more specific in what our request for information is going to be.

And then -- I'm starting to craft a motion, but it would be my opinion that if we get concurrence on the type of information and the level of detail that we're asking for, then we could rely on our staff, our total staff, to then be responsible to set the date for the next hearing, because I'm also -- I also think it's appropriate that staff make some analysis that what the staff reports to us as is common after the data is submitted, and they're going to need some time to do that as well, so --

COMMISSIONER VONIER: There are two Comp Plan amendments and one conditional-use item, and we -- this panel, I think, would be risking compromising our LDC and GMP without full staff involvement.

COMMISSIONER BROUGHAM: I agree.

CHAIRMAN KEENE: Mr. Midney?

COMMISSIONER MIDNEY: I have a question about this date that you said of January. I don't see how we can really appropriately evaluate this before January. Why -- what is the big deal about January?

MS. ASHTON-CICKO: As you know, this case is in litigation, and it's now in the Second Court of Appeals, and the appeal briefs are due in February. We're -- apparently, the order that the Court's issued has indicated no further extensions on the appeal briefs, because there's been some time of negotiation. We could certainly approach the Court again, but I don't know that they would agree to another extension since the current order says none.

COMMISSIONER RANKIN: And in my experience, you can take the Second District at their word.

COMMISSIONER MIDNEY: But our board -- our role as a Planning Commission is to really carefully consider something with such big ramifications, and I don't see how we can really do that if we have such a tight time frame.

COMMISSIONER BROUGHAM: Paul, I agree with you.

MS. ASHTON-CICKO: Well, you know, you -- I guess my caution is that you would be deciding something after the Court of Appeals has already made a decision on the ruling, so the case could essentially be over at the time, and to avoid having a lot of cost and expense on both the applicant's shoulders and the county's shoulders, I'm trying to avoid that happening. It would be moot by the time you guys hear it, that's all.

COMMISSIONER MIDNEY: Yeah, I can understand your point, but at the same time, if we're going to deliberate on this, I think that we owe it to the public to do a good, thorough job, and if it's sort of a rush job, it's almost as though we haven't really thoroughly done our job.

COMMISSIONER RANKIN: Is this settlement contingent upon not submitting those briefs? Because as you and I know, you submit their answer brief, they submit their reply, and then you wait three or four months before you're going to get a decision.

MS. ASHTON-CICKO: Yeah.

COMMISSIONER RANKIN: And you, theoretically, have all that time. So are we rushing this just to avoid filing the answer brief, or is that contingent on it or what?

MS. ASHTON-CICKO: No, it's not contingent, but it's also -- remember, this isn't a settlement agreement. It's an offer to settle that's been proposed by applicant in the form of a settlement agreement.

So, you know, some of the comments of, has the County Attorney's Office accepted all these provisions? No. This is like a letter of an offer of settlement, just in the form of a settlement agreement.

So some of the comments of, look at whereas clauses and the provisions, you know, if the CCPC in the future recommends that, yes, we think these land uses can change and we can support that, it's at that time that both staff and the County Attorney's Office will flesh out the language for the settlement agreement. But you have the conceptual initial draft before you.

COMMISSIONER VONIER: Heidi, you also have two separate items, two separate parcels of land.

MS. ASHTON-CICKO: Yes.

COMMISSIONER VONIER: And the people that are going to comment, some will have comments about one and some have comments about the other, and they don't necessarily cross. So these should be addressed from a land-use point of view as two separate items, in my opinion.

COMMISSIONER BROUGHAM: If I might?

CHAIRMAN KEENE: I don't know the two --

COMMISSIONER BROUGHAM: Just some comments on the last conversation. As far as I understand and as far as we were provided excerpts from the BCC meeting, they asked us to do a thorough analysis and make recommendations concerning Growth Management Plan amendment and a conditional-use amendment. There were no time constraints put upon those deliberations and recommendations.

COMMISSIONER EBERT: That's correct.

COMMISSIONER BROUGHAM: If we're now hearing from the County Attorney's Office that we are under a time constraint with perhaps some penalties coming from the Court, penalties in terms of, well, we're just going to decide this case without your recommendations, then so be it, but that's not the way I understood our charge. And I agree with Paul and others that if we're going to do this job and do it right -- and we heard a lot from the public this morning as well that they want the time and the data to have an opportunity to input, then I think we have to do all we can to expedite, but I also think we have to do all we can to accommodate the public and this board with data.

MS. ASHTON-CICKO: May I make a suggestion?

COMMISSIONER BROUGHAM: I don't see the -- pardon?

MS. ASHTON-CICKO: I'm sorry. I didn't -- may I make a suggestion? My suggestion to you would be that you do -- your recommendation or update to the board would be in two parts; one, if you feel you don't have enough information, let the board know we don't have enough information. These are the following things that we need in order to give you a recommendation, and then staff and Mr. Vega can come up with a time frame of when those things can be accomplished and when it can come back to you, and that's how I would do it.

COMMISSIONER HOMIAK: Heidi, these two sheets, these were your sheets of the criteria that

you wrote?

MS. ASHTON-CICKO: Yes. Well, those are the criteria from the --

COMMISSIONER HOMIAK: Because this will pretty much sum up what everybody's looking for and asking for now.

MS. ASHTON-CICKO: Well, that's just the criteria that you need to review when you make your decision.

COMMISSIONER HOMIAK: The whole conversation all day's been about this, these specific things.

COMMISSIONER BROUGHAM: The only data --

CHAIRMAN KEENE: One at a time, please.

COMMISSIONER BROUGHAM: Sorry.

COMMISSIONER HOMIAK: And most importantly for us, we've heard a lot about it and there's a lot of concern is on the criteria for conditional uses in No. 3, under No. 3, ingress and egress and -- et cetera.

MS. ASHTON-CICKO: Uh-huh. I mean, this is --

COMMISSIONER HOMIAK: This would be the information.

MS. ASHTON-CICKO: -- your first public hearing on it. It's not an advertised public hearing, but it is a public hearing, and the schedule has been noticed.

CHAIRMAN KEENE: Schedule meaning?

MS. ASHTON-CICKO: I'm sorry. Your -- your agenda is noticed and posted on what's going to be heard so, you know, there is some notification to the public of what you're going to be discussing. But your first question is, do you have enough information to make your decision, because you may have enough information to make your decision.

COMMISSIONER EBERT: No.

COMMISSIONER KLEIN: I don't think so.

COMMISSIONER BROUGHAM: Well, we're all saying the same thing, Melissa, I think.

CHAIRMAN KEENE: Right.

COMMISSIONER BROUGHAM: I mean, we're hearing the same request from different voices.

CHAIRMAN KEENE: So, Heidi, is your recommendation that we form our motion to the BCC in terms of what we feel we need to make a final recommendation to move forward and then let staff work --

MS. ASHTON-CICKO: I think it should be two-part, is just a motion to let the board know that you don't have enough information, okay, and then the second one is going to be a motion on what information you need in order to make that decision, and then staff can evaluate when -- a time frame for you to be able to complete -- you know, to get the information to you and have it rescheduled.

COMMISSIONER RANKIN: And the thing that concerns me about this item is, unfortunately, this item has the dubious distinction of being the first time that major transportation impacts into this area are being considered. All these other environmental things, those are property specific. This where are we going to send 400 trucks a day is setting a policy and a provision that's going to govern this whole area from here on out, at least to some extent, and that I don't know is something that we can jump on on this short a notice.

The only thing else that surprised me quite a bit, I came in here thinking this was a settlement agreement like I do -- been doing for the last 30 years where the parties got together, beat their heads up against the wall and came up with a -- something. This is not.

All this is is this is an offer. There's been some staff involvement in it, but next to no policy decisions have been made. We're, essentially, being asked to review a first offer in a settlement negotiation.

COMMISSIONER BROUGHAM: Based upon 2005 data.

COMMISSIONER RANKIN: Yeah. Well --

MR. VEGA: I wouldn't say the settlement offer is based upon the '05 data, and I wouldn't characterize it as unilateral. This is this product of several mediations. I won't go into any specifics or who proposed what, but this is definitely bilateral, if not trilateral.

COMMISSIONER RANKIN: That makes me feel a lot better, because that's what I needed to know is that this just wasn't a first offer out of -- from your side with only technical staff review, which is what I was being led to believe this was.

MR. VEGA: No, sir.

COMMISSIONER BROUGHAM: What I meant by 2005 data is the only data that I've made -- that's been made available to me is from 2005 associated with that petition that went before the BCC. That's the only information that I have concerning transportation, environmental, hydrology, et cetera, et cetera, et cetera. We have no current information other than what we might have seen today.

MR. VEGA: Correct. And I believe we need to take what was presented to you today, both the hydrologic data, the environmental data, and the traffic information that we have, and package it for you--all so you have that in front of you, and not part of a slide show, but something that you can review ahead of time.

MS. ASHTON-CICKO: And I just need to jump in, if I could, for a moment. I can't say that this is a trilateral agreement. There's been no recommendation of approval by the County Attorney's Office, no recommendation of approval by staff.

There have been unsuccessful meetings to settle; otherwise, you would have a settlement agreement that was being supported by staff and the County Attorney's Office, and it would be presented to the Board of County Commissioners in a much different fashion. But there have been settlement discussions, and this is the product of their attempt to try to reach an agreement.

COMMISSIONER VONIER: And it's those staff reports, Heidi, that we lean on and work on to come to a conclusion, and we've had none of those.

MS. ASHTON-CICKO: Yeah, I understand.

COMMISSIONER MIDNEY: I'm also concerned about we may be creating a precedent; if a landowner who wants to get something expedited feels that he can do it by starting a Bert Harris claim, and then they may not get the full attention that it would otherwise if it was going to be a Comp Plan amendment or a conditional-use permit, this might encourage the same thing again.

MR. VEGA: If that landowner wanted to plan 10 years ahead of time and spend a couple hundred thousand dollars, I would agree with you. They would also have to have a mining application pending prior to the adoption of the RFA. This is a very unique set of circumstances that will never be duplicated.

CHAIRMAN KEENE: It definitely wasn't, I don't think, an expedient process.

COMMISSIONER BROUGHAM: Where do you want to go? I mean, I can form a motion that --

COMMISSIONER HOMIAK: Well, you need -- I'll make a motion that we don't have enough information today to make a recommendation to the board.

COMMISSIONER EBERT: And I'll second that.

CHAIRMAN KEENE: Okay. All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion passes 8-0.

You want to take a crack at the next motion?

COMMISSIONER BROUGHAM: I'll take a crack at it.

This concerns the Hussey property, and I'm specifically excluding State Road 846, which I think is not in focus, my opinion. And I would make a motion that we continue the meeting and -- to a date determined by staff and dependent upon the completion of the following: The preparation and submission of all appropriate data concerning the environmental impacts, transportation impacts; a full and complete description of mining operation proposed location, hours, blasting impact, depth of excavation, hydrology; the results of at least one, if not more, neighborhood information meetings with the residents of North Golden Gate Estates and properties surrounding both properties.

In addition, I think we need to request a full staff analysis of the data submitted and with

recommendations to the Planning Commission.

And with respect to the staff, both legal and other, I think that we do need some specific input from them and opinion on the land-use stipulations contained within the proposed settlement.

And one additional item, and I know this is a lot on emotion, but I would like to see some direction that staff approach the BCC, if this motion is successful, with some -- with a request for direction as to the appropriate fees that should be charged for their time and effort to analyze this information as it's submitted.

CHAIRMAN KEENE: Is there a second for discussion?

COMMISSIONER KLEIN: (Raises hand.)

COMMISSIONER MIDNEY: (Raises hand.)

COMMISSIONER VONIER: He seconded.

CHAIRMAN KEENE: Okay. Mr. Klein seconded it.

COMMISSIONER VONIER: Oh, okay.

CHAIRMAN KEENE: Okay. Discussion? Heidi, that last request is -- is that a normal process?

MS. ASHTON-CICKO: Well, as I'm understanding how this is set up is -- and I'm not directly answering your question initially, okay, but I will get to it.

The preparation of data being environmental, transportation, mining operations, hydrology, and NIM, my understanding is that would be something that the applicant would do.

COMMISSIONER BROUGHAM: Correct.

CHAIRMAN KEENE: Correct.

MS. ASHTON-CICKO: And then the second thing, the staff report, obviously, the staff would do it. And then your fourth question was whether a fee should be charged, and what would that fee be, and that's what you're asking to go back to the Board of County Commissioners. And I -- I'm not sure if that would need to go back or if applicant and the Growth Management Division could reach out -- reach an agreement. I know we have a fee resolution that allows for some calculation.

COMMISSIONER BROUGHAM: Just, if I might, the purpose I added that in, that there have already been fees charged in the past for Growth Management Plan amendments, conditional-use processes, and so forth. Those fees have not been insignificant. And I don't -- I don't feel badly to ask the applicant to provide current data for us to analyze, but I think staff also -- there needs to be some resolution of the fees that will be charged, if any, for their time to receive this material and to perform analysis and recommendations.

I mean, if that -- if the -- my opinion. If the BCC were to say, give them a pass, and you're operating basically pro bono, that's one thing, or they may say, charge them a certain fee associated with conditional use in GMPs. I don't know. I just think it needs to be a consideration.

CHAIRMAN KEENE: Nick?

MR. CASALANGUIDA: I think in the past -- for the record, Nick Casalanguida.

In the past, we've tracked staff hours, and we're out of different funds. Some of them are general funds, some of them are fee-based funds. I think maybe just the way to do it for right now -- and in asking your question of BCC is everybody tracks their hours on the project rather than just assigning a fee to it.

And I think if we do that, as part of the settlement we can just say these are the amount of hours staff put into it, if that's -- the BCC wants to charge the applicant, they can do so or do that.

COMMISSIONER BROUGHAM: That's fine for me, and I'll amend my motion.

COMMISSIONER KLEIN: And I'll go along with that.

CHAIRMAN KEENE: And you will second that?

COMMISSIONER KLEIN: (Nods head.)

CHAIRMAN KEENE: You excluded the other property, I think, at least --

COMMISSIONER BROUGHAM: Yes, I did.

CHAIRMAN KEENE: Go ahead.

COMMISSIONER BROUGHAM: Yes. My thinking there is, in my opinion, the real focus of this settlement and the real -- well, the real focus of the request is to gain permission to do rock mining on the Hussey properties. And part of the proposed settlement is we're going to trade some acres down here for some acres in another part of the county, and to me that's almost secondary. This State Road 846 issue is

almost secondary to the primary question that we have to deal with, and that is, are we going to recommend to the BCC yes or no with respect to allowing rock mining with conditions and so forth and so on.

What happens with 846 can be something that can be determined subsequent, but if we -- if we can't agree on a conditional use for rock mining in the Hussey properties, 846 makes no difference. It doesn't even play in the game.

CHAIRMAN KEENE: I disagree. I think we still need to receive information on both because, ultimately, it is a part of the settlement, and we're not in a position to be able to separate them out.

COMMISSIONER RANKIN: Yes.

CHAIRMAN KEENE: It is all inclusive, so --

COMMISSIONER RANKIN: Sorry, go ahead.

I understand where Madam Chairwoman is coming from, but there's no question there will be environmental impacts on the Hussey property, and the reason 846 is in there is trade-offs for those. And I guess to a certain extent that's what the board's asking us to determine is whether that's a good trade.

And, by the way, and forgive -- correct me if I'm wrong, Mr. Vega, but I think this is not only rock mining on the Hussey property; this is eventually going to be developed around those rock mines? Did I read that in here somewhere? Eventually, when you're done rock mining 40, 50 years from now, what's going to happen to this property?

MR. VEGA: The sending lands would remain sending, and we have put a prohibition in place against development on the sending lands even at the one unit per 40 acres.

The lands that remain in receiving would have whatever rights go along with the receiving. I don't know if the TDR program would still be there.

If you-all were to consider conditions as to restricting those receiving rights, to me that would be appropriate input. But as it stands right now, they're simply going to be receiving lands, no better, no worse than any other receiving lands.

COMMISSIONER RANKIN: Was this -- is this going to be a new village, or is it just going to be receiving lands?

COMMISSIONER BROUGHAM: Need you closer to the mike.

COMMISSIONER RANKIN: Is this going to be a new village or just receiving lands? Because there already were several villages proposed in North Belle Meade.

MR. VEGA: It would not be a village. It would not have the required acres. And I thought we had put in language that prohibited a rural village in the receiving lands.

COMMISSIONER RANKIN: I just want to be sure.

COMMISSIONER BROUGHAM: If the board is more comfortable, I would amend the motion to include the GP amendment data for State Road 846.

CHAIRMAN KEENE: Mr. Klein, would you --

COMMISSIONER KLEIN: I would do that --

CHAIRMAN KEENE: -- second?

COMMISSIONER KLEIN: -- go along with that.

COMMISSIONER EBERT: I have one other thing to add.

On this, Mr. Vega, I had written down just a couple things before. A market demand study for the commercial uses to demonstrate the change and that more inventory of the requested uses is needed. Sometimes the data only demonstrates a position site, but there -- you know, there are other reasons.

And rather than just demonstrate there -- there is a need for a new or expanded GMP provision to provide for the proposed uses and the need at the subject location and, of course, the specific (sic) to the proposed land uses and the appropriateness with compatibility with the surrounding area.

COMMISSIONER BROUGHAM: Which would all normally, I think, be --

COMMISSIONER EBERT: Which would be -- yes. Because we were told to do this as if it were a new GMP and a new conditional use.

MR. VEGA: I'm not certain that was Commissioner Henning's direction, but I'm happy to provide you with the information that you're asking for.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN KEENE: So that would amend your motion to also include a market study?

COMMISSIONER BROUGHAM: My view is that normally be submitted with the conditional use.

COMMISSIONER RANKIN: And I don't think that's going to be much of a problem. As I understand, Mr. Vega -- as I understand, Mr. Vega, there's a shortage of this type of rock in this area anyway, right?

MR. VEGA: That is my understanding.

COMMISSIONER RANKIN: Yeah. We've been hearing that for years.

MR. VEGA: And recall part of the proposal trims over 200 acres from the mine on State Road 846, so that will take away some of the current capacity.

CHAIRMAN KEENE: Right, which is why I think it's --

COMMISSIONER RANKIN: Actually, that's a soft rock area anyway, isn't it?

MR. VEGA: It is not as good for road building, and the proximity of the Hussey lands to the areas where the 2035 road plan is seems to be a strong benefit in favor of allowing mining in that area.

COMMISSIONER RANKIN: But this hard rock, like they said earlier, some of it's -- for several years it's being shipped in from Tampa, it's being shipped in from Lee County, even Charlotte, and I think for a -- at one time during the boom they were even considering shipping it by ship from somewhere.

MR. VEGA: There was a proposal, I think, to bring it from Mexico into Port Charlotte.

COMMISSIONER RANKIN: Yeah. And so that just shouldn't be much of a problem, I guess.

CHAIRMAN KEENE: Okay. Mr. Vega, are you clear on the motion? Would you like us to repeat it?

MR. VEGA: Be happy to.

COMMISSIONER RANKIN: That's what we have madam court reporter for.

CHAIRMAN KEENE: Yeah.

MR. VEGA: I'm clear on the elements, and I'd love specifics. The introductory phrase "all appropriate data" is a little ambiguous for my taste. I'm not certain what that means, but I'll certainly do my best to comply.

As far as the timing standpoint, if we work backwards, presuming that we would want the commission to hear this in the last meeting in January, is there a late December or early January meeting before you-all that would give us enough time to assemble the data, have a public hearing, and come back?

CHAIRMAN KEENE: I believe at this point, Ray, we do not have anything scheduled for the second meeting in December, and then we do have an early January?

MR. BELLOWS: While we don't have anything scheduled for the second meeting, it's still open for items.

COMMISSIONER BROUGHAM: We could certainly hold one.

MR. BELLOWS: Yes, exactly.

CHAIRMAN KEENE: So we have two options. Whether we can meet the December time frame with holding some type of NIM and staff reviewing it, I guess, would be a question --

COMMISSIONER BROUGHAM: That's why I suggested in the motion --

CHAIRMAN KEENE: -- for you guys.

COMMISSIONER BROUGHAM: -- that it be dependent upon staff and the petitioner to set a new date. I mean, if we set a date arbitrarily, then we don't know what we're shortchanging here, so --

CHAIRMAN KEENE: I agree. I don't think we should set a date, because if it's possible for you to get the information compiled and to staff, then we could potentially meet the December date, but we don't want to --

COMMISSIONER RANKIN: Well, why don't we just include in the motion that both -- time be reserved at the late December meeting and the early January meeting both so staff doesn't pile us up with those meetings so -- because I would assume, from what I've heard, this is pretty much the top priority of our work projects. And that's -- that comes straight from the County Commission. That's who we work for. And so I think we ought to schedule our items accordingly.

COMMISSIONER BROUGHAM: I have no problem with that. And if -- from my opinion -- from my point of view, if we have to have a special meeting, we can do that, too, depending upon people's

calendar. I mean --

CHAIRMAN KEENE: Ray, what do we have on the January meeting at this point?

MR. BELLOWS: For land-use items?

COMMISSIONER EBERT: In January?

MR. BELLOWS: Let me just pull it up here real quick. On the January -- January 3rd we just have one item. On the 17th we have two items.

CHAIRMAN KEENE: So I think there won't be any issues getting --

MR. BELLOWS: Doesn't appear to be.

CHAIRMAN KEENE: -- one of those meetings in December or January.

MR. BELLOWS: On January -- or excuse me. On December 20th there are no items scheduled, and on December 6th there are three items scheduled.

MR. VEGA: I think the 6th would be a little aggressive.

MR. BELLOWS: Excuse me. December 6th.

COMMISSIONER BROUGHAM: I think if everyone could shoot for the 20th. I mean, we'll run down the racetrack with everybody, provided that, you know, we have adequate information and time for analysis.

So, I mean, ball's in your court to begin with, but I think what you're hearing from the Planning Commission is we'll work our schedule as best we can --

MR. VEGA: All right.

COMMISSIONER BROUGHAM: -- as soon as we have the information provided to us and work in close conjunction with staff as well.

MR. VEGA: I will need to work with staff on transportation.

COMMISSIONER VONIER: Mr. Vega, you mentioned you didn't -- it was vague, the required information was vague. It's what we would consider -- it's what the staff would consider necessary information for a Comp Plan amendment or a conditional use. So, actually, if you go to the staff, they'll tell you exactly what the information is.

COMMISSIONER BROUGHAM: I agree, Bill. And Mr. Vega's been through it before.

COMMISSIONER RANKIN: The only question I would have in this -- since we are the first major transportation matter that wasn't considered as a part of the original plan, what do we want to do with that? Because I know a lot of transportation items are so many -- so much distance from the subject site. What does staff have to say about that?

CHAIRMAN KEENE: Well, I think we'll leave Nick to work with Mr. Vega on that, and then they can bring back the recommendations.

MS. ASHTON-CICKO: When you're asking about the mining operations, are you looking for some sort of conceptual plan of --

COMMISSIONER BROUGHAM: Absolutely.

MS. ASHTON-CICKO: -- where these things are going to be?

COMMISSIONER BROUGHAM: As the motion maker, I certainly am, because to date we haven't seen a footprint, we haven't seen a depth, we haven't seen --

COMMISSIONER EBERT: Anything.

COMMISSIONER BROUGHAM: -- anything concerning how they will operate a proposed mine.

COMMISSIONER RANKIN: I would imagine the depth is going to be -- as the other speakers spoke earlier, the depth is going to be determined by that confining layer. Because like he said, they don't like to go through that confining layer. And I know a property about five miles from here, the initial confining layer is down about the first -- the aquifer starts about 40 feet down. The confining layer is about 80, 90 feet down, but that varies all over the place, because this is an old seabed.

CHAIRMAN KEENE: Well -- and I think the goal was for you to provide the information and -- as far as blasting schedules and what type of blasting and so forth.

COMMISSIONER BROUGHAM: Hours of operation.

CHAIRMAN KEENE: That will -- buffers that will affect the environmental impacts as well as the neighboring property.

COMMISSIONER RANKIN: Identify any homes in this area, too, because I don't know --

COMMISSIONER BROUGHAM: That's all part of the normal conditional-use presentation and discussion is where are the nearby residences, how are they going to potentially be affected or not affected, analysis of how sound waves are going to carry or not carry. I mean, it's pretty in-depth, so --

CHAIRMAN KEENE: Okay.

COMMISSIONER VONIER: And truck washing was mentioned this morning, which was another item that we had some concern about in future mining operations. So truck washing is important.

MR. VEGA: I think both truck washing and regulation of peak hours traffic were part of our prior proposal and should be part of this proposal.

COMMISSIONER BROUGHAM: And queuing. I mean, if we want to continue to add all the considerations, it would be truck queuing and where they're going to queue, on site or off site, et cetera, et cetera. I mean, those are --

CHAIRMAN KEENE: I think all of that's part of a mining operation.

Okay. We have a motion on the table and a second.

All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion approved 8-0, and that included continuing --

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN KEENE: -- the meeting.

MR. WEEKS: Madam Chair?

CHAIRMAN KEENE: Yes.

MR. WEEKS: Point of clarification. Neighborhood information meeting was mentioned, was included in the motion, as I have it written down, one or more. Mr. Vega had offered to place an ad in the paper, which is part of the NIM notification process. But -- and another component of that is notifying surrounding property owners within a specified number of feet?

CHAIRMAN KEENE: Five hundred feet.

MR. WEEKS: In this case it would be both sides. And was that the intent?

COMMISSIONER BROUGHAM: Yes.

MR. WEEKS: Okay. The normal NIM process?

COMMISSIONER EBERT: Okay.

COMMISSIONER BROUGHAM: Correct.

MR. WEEKS: Thank you.

COMMISSIONER BROUGHAM: And the reason I said one or more is you're talking about two properties that are separated by a lot of miles, and it may be appropriate to have one associated with State Road 846 now and another down with -- adjacent to the Hussey properties.

CHAIRMAN KEENE: I'm not sure you would need a neighborhood information meeting for 846, because that's going to take -- basically take their rights off the table, so --

COMMISSIONER BROUGHAM: I don't know. I wasn't totally comfortable with including it, so -- but it's included.

COMMISSIONER RANKIN: Well, it's my understanding -- yeah, it's my understanding they're just going to -- they're going to be less than what they are now.

CHAIRMAN KEENE: Correct.

COMMISSIONER RANKIN: The only thing is, on the flip side of the coin you've got this -- this traffic's either going to have to come out Landfill Road, it's going to have to come out White, it's going to

have to come out Wilson and Golden Gate Boulevard, and at the moment that's it unless you were to arrange something like was proposed with one site where they were going to put an outgoing road onto 75. I know somebody was proposing one of those sites, but --

MR. VEGA: Florida Rock may have been proposing that.

COMMISSIONER RANKIN: Yeah.

MR. VEGA: We'd probably follow their trucks. But the -- a lot in my mind depends upon the alignment for the proposed Wilson Boulevard extension. I've seen one that lines up with White Lake, and I've seen another alignment that lines up with North CityGate Boulevard.

Also, in the 2035 plan, you'll note that there are improvements to Enez (phonetic) that would link up to the north. There's a second road that would also link up to the north. We're in favor of all of those. We've agreed to contribute financially to all of those. And we'd be happy to send the trucks and in whatever directions. Perhaps no one direction is best, because sending them all the same way would overload it. Perhaps best would be to spread them out. Those would all be fine.

COMMISSIONER RANKIN: And there are several other proposals that were out there at the time. I noticed Benfield was missing off that one map, and that extension of Green is missing off that one map. And I don't know where those stand these days.

CHAIRMAN KEENE: We'll see what you come up with.

COMMISSIONER RANKIN: Yeah.

CHAIRMAN KEENE: Thank you.

MR. WEEKS: Just one minor correction, if I may, Madam Chair. For the SR846 property, they're not just giving up. They are gaining. One thing they would not have to do if they develop a rural village is they would not have to provide a green belt. They would be allowed to have a rural village or a residential PUD or a mixed-use PUD.

Let me separate that. The rural village could be -- right now it would be capped at 1,500 acres. Under the settlement agreement, it could go to 1,631 acres. So it could be larger.

Secondly, they would be allowed to have -- if they went to a mixed-use PUD, they could have more commercial acreage than they could achieve under existing regulations. There might be some other things, but I think those are the two in particular that they do gain, gain something. But --

COMMISSIONER EBERT: We need that from you.

MR. WEEKS: -- just a point of clarification, that's all. Your motion stands.

From the sentiment of the Planning Commission, though, it sound like your primary focus is for the Hussey site, and my thought is as far as scheduling a neighborhood information meeting, one or more, that we should be focusing then on the location being closer to the Hussey site.

COMMISSIONER BROUGHAM: That's fine.

CHAIRMAN KEENE: Correct.

MR. WEEKS: Okay. Thank you.

CHAIRMAN KEENE: Thank you.

MR. VEGA: Thank you.

CHAIRMAN KEENE: ***Moving back to our advertised public hearings. Where are we at?

COMMISSIONER VONIER: 9A.

CHAIRMAN KEENE: PL20110000769/C --

COMMISSIONER VONIER: That's right.

CHAIRMAN KEENE: -- yeah -- CPSS-2011-2. And this is a small-scale amendment to the Golden Gate Area Master Plan and the Golden Gate Area Master Plan Future Land Use Map and Map Series.

If -- everyone who wishes to testify on this item, please stand up to be sworn in.

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

CHAIRMAN KEENE: And disclosures on the part of planning commissioners.

COMMISSIONER BROUGHAM: I had a conversation with Mr. Yovanovich a couple months ago when this was first scheduled to come before us. Nothing since.

CHAIRMAN KEENE: Mr. Klein.

COMMISSIONER KLEIN: (Shakes head.)

COMMISSIONER EBERT: Only spoke with staff.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN KEENE: I've spoken --

COMMISSIONER EBERT: No, go ahead. I can't remember what it was.

CHAIRMAN KEENE: I've spoken to Mr. Yovanovich.

COMMISSIONER VONIER: Mr. Yovanovich and Mr. Arnold.

COMMISSIONER RANKIN: None.

CHAIRMAN KEENE: None, okay.

Okay, Rich.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the petitioner.

With me today also is Chris Henning, as representative of the owner; Wayne Arnold, who's the professional planner on this; and Brandt Henning, who is the architect working with us on this particular project.

I'll go over a summary and answer any questions that you may have.

Before you today is a small-scale Comprehensive Plan amendment. The property in question is about 9.6 acres. We are requesting a change to the Golden Gate Estates commercial infill subdistrict, and the particular piece of property is on the visualizer. It's at the northwest corner of Santa Barbara and Golden Gate Parkway.

As part of this petition, we're adding about 2.8 acres to the existing infill subdistrict, and we're actually adding the term "institutional" to the name of the subdistrict, because what we're asking to do is change the allowed uses, basically, from office to senior housing, assisted living facility, independent living facilities, continuing care retirement community, and skilled nursing.

The plans for the property are to do a 120-bed assisted living facility, which would include memory care, Alzheimer beds as part of the project.

As you know, it's a two-step process. The first step is to change the Comprehensive Plan. The second process is to come back with the actual zoning for the property, and we're in the first step.

The property has already been zoned for medical office uses consistent with the existing Comprehensive Plan. That was the original intent for the development of the property; however, the world has changed since the original intent, and we -- we are asking to change the use on the property to a use that is both economically viable and consistent with and compatible with uses around the area.

As you can see on the visualizer, this property is probably at the intersection of -- probably the biggest intersection in the county. I mean, when you look at that intersection of Santa Barbara and Golden Gate Parkway, I haven't counted all the lanes, but it's probably a good, you know, five lanes on each side. So it's a pretty major intersection. We'll have limited access as part of this project to just Santa Barbara.

Our original request was to basically change the uses and include the floor area ratio concept of a .45, which is -- the .45 is from the Land Development Code.

If anybody's done the actual calculation on how many square feet we can accomplish under that, it's a rather staggering number, and it wouldn't fit on the property in the first place.

Our plans, and everything we've scaled out and showed it to everybody, is slightly under 70,000 square feet for the building. The current -- the allowed uses on the property are 35,000 square feet.

And we've received some comments from our neighbors to the north, and I know they're here, the Cirous, and they've been involved in the process from way back when when we did the original Comprehensive Plan amendment. But people are saying, well, you're going twice as big. Well, yeah, we're going to have twice as many square feet from what exists today, but the intensity on the site actually is reduced quite a bit more.

And the reason you need the square footage, as you all know, is that when you're doing assisted living facilities, not only do you have the beds and rooms that these people are living in, you also have a lot of community facilities that go along with that. You feed them on site, you provide exercise facilities for them, you provide common areas, and that's basically why we need to go to 70,000 square feet.

It's roughly a one-to-one ratio. You know, you have -- the rooms are 35,000 square foot, and the

space to serve the people who are living there is also about 35,000 square feet.

The traffic generation from the two different uses is dramatically less for what we're proposing. The overall traffic trips per day will go down by about 912 trips to go from the already approved office and medical office uses on the property, and so will the peak hour trips. The peak hour trips will go down from a.m. peak of 91 trips down to 17. So it's a reduction of 74 peak-hour trips in the morning, and it goes from 114 p.m. peak-hour trips down to 26, which is a reduction of 88.

So there's a significant change in reduction of traffic associated with this project. And as the Planning Commission knows, the reason that is is, pretty much, these people don't drive. You have -- you have the employees and the service vehicles that are really comprising the trips to these types of facilities.

We've also provided as backup a market study to show that there really is a need for this type of facility in this part of Collier County. Most of the assisted living facilities and skilled nursing facilities are, you know, pretty much west of Airport Road. They serve a different portion of Collier County, and this is intended -- this will be a market-rate facility, but it will serve the market, basically, of this area of, you know, the Golden Gate City area and other areas, Berkshire Lakes and other areas so people can kind of stay where they're currently living.

So we've provided a market study that shows that there's actually a market for what we're proposing. The gentleman who bought the property, when he originally bought it, intended to do medical office, but he also does these types of facilities. So you don't have -- this isn't speculative. This is a gentleman who is in the business of providing assisted living facilities.

So we're not asking to create market value to the site. We already have a gentleman who is in that business and knows that he can put this business on this site and make it work and do a nice project that's a market-rate project that will not, in any way, impact negatively on our neighbors around the project.

We also have done an analysis of what's the -- kind of the economic impact of a project like this. And when we looked at it, you know, obviously we're going to create constructed-related jobs that are associated with this, and it will create 62 on-site jobs. We'll create a total of 89 related to the spinoff that occurs when you create the construction jobs, and that's going to have an economic impact of about \$11 million for the one year of construction.

But the ongoing impact is we're going to be creating 151 permanent jobs for people who will be working in that facility, and that will range in skill level from, you know, people who will be serving food all the way up to, you know, nurses and others who will be working in this facility. And that's direct jobs and then, basically, a total of 195 jobs with indirect jobs, and that will be an annual impact from an operations standpoint of about \$15 million.

We've -- we'll also pay our property taxes and all the other impact fees that go along with this project.

So not only is it a good project and a low-intensity-use project for the site, it's a good project from an economic standpoint for Collier County.

Most of the people we've met with have looked at this and said it makes sense. The type of use we're doing, it makes sense for this location.

We did have a neighborhood information meeting, and Steve Cirou is -- Steve was here earlier. I guess he's left. But Steve was at the meeting and spoke. And I said, Steve, let's sit down and talk. Let's talk about what your concerns are with this particular property.

So we met him on site. He lives next -- he's the second house up. His dad is the first house, and his house with his wife is the second house, so they have a nice -- they have a very nice --

COMMISSIONER VONIER: North?

MR. YOVANOVICH: North, I'm sorry. Directly abutting us to the north. They have a very nice family compound. We met with them, we met with them on site. And one of the concerns was our original request was for two stories.

Now, obviously, with two stories we have a smaller footprint, building footprint. It was still the same square footage. And let me put up a -- that was -- that was basically the original proposed master plan for the site or site plan for the site. Keeping in mind that basically the light greenish was -- and the orangish color were two stories, and they were concerned about a two-story building and the -- could people from the second floor see over into their backyards if they were standing on their balconies.

So we said, okay, we'll go down to one story. So we went back -- and they also had the concern about -- you see how -- where's the -- the configuration of this building, it had a portion of the building, if you extend an imaginary line, which is their south property line.

If you extended it all the way, you'd see that a portion of this building actually crossed over and would be in their rear yard, if you will. So they had a concern about that as well.

And they also had a concern about the smells that may emanate from the cooking facilities that we had on the property.

We did revise the plan to go to one story, and I'll show you a revised site plan. And we're going to one story, and we also agreed to make sure that none of the building would, kind of, cross over to -- over that imaginary line. So none of the improvements would be in their rear yard.

So we went ahead, and we revised the site plan to make those changes to go to one story and make sure nothing crossed over their -- into their rear yard, and we committed that the only improvements in their rear yard would be our preserve area as well as water management.

I did state right up front we couldn't agree to cater food to the facility. We would need to be able to prepare food there to serve the residents.

We offered to take them to other facilities, newer facilities in Collier County, to hopefully allay their fears that they generated a lot of smell and create bad things associated with that.

We made those changes. We submitted those changes to staff knowing that we didn't have an agreement. We did not have an agreement. We attempted to address their concerns. We did address what we believe we could address. We revised our petition to go to one story to limit what could happen behind their property, and we submitted that request.

I know you've received a letter of objection, or you should have received a letter of objection because I've got a copy of it, still raising the same concerns about the size of the building being double the size of what's already there and raising a concern about the odors.

I would -- I would submit to you that the use that we're proposing and the size of the facilities, candidly, from a site impact, are not that different than what was previously approved for the commercial. And I'll put the commercial PUD's master plan up.

And that's the master plan for the existing commercial. And as you can see between buildings and parking and all of that -- can you see it, Ms. Ebert?

COMMISSIONER EBERT: No. Can you -- David? David, can you make it -- yes, thank you.

MR. YOVANOVICH: From a site impact -- now, square footage, yes, we're bigger, but from a site impact between the parking and the building, it's about the same impact that you'll see in today's petition other than we've added the -- you know, the new lot and the building got a little bit longer because we decided to go to one story for the entire structure to accommodate their request.

So we have tried to be sensitive to our neighbors. We continue to be willing to work with them as we go through the PUD process to address delivery schedules, to address location of dumpsters and those types of things that you would generally get into when you're talking about the PUD level of an analysis, because we know it's a two-step process. You know, today's just the right to come ask you for the PUD. We don't have the PUD approval. And we'll be addressing those concerns as we continue on, hopefully, in the process.

Your staff has reviewed our information, including the traffic analysis as well as the market study. Your staff agrees that our request is justified based upon the information that we've provided. Your staff is recommending that you transmit this to the Board of County Commissioners with a recommendation of approval.

And we would ask that the Planning Commission follow the staff's recommendation to go ahead and transmit this to the Board of County Commission with a recommendation of approval recognizing that the second step will be the zoning should we get adoption of the Comp Plan amendment.

If you have any specific questions regarding our request or how this will actually be operated -- I know operations are really a PUD level type thing, but I also know that when you're at the Growth Management Plan, a lot of those issues get kind of blended together.

So if you have any questions that -- of us on our request, we'll be happy to answer those questions.

CHAIRMAN KEENE: Anybody have any questions?

COMMISSIONER EBERT: Yes, I do.

COMMISSIONER VONIER: Yeah, I do.

COMMISSIONER EBERT: Rich, I do have a question. This is one of your favorite things to do are these ALFs. I can't believe -- is this person going to build an ALF at this site?

MR. YOvanovich: The answer, I have been told, is absolutely. He has -- he has been beating on me to get this thing approved for probably two years, Wayne; is that about right?

MR. ARNOLD: (Nods head.)

MR. YOvanovich: It's been about two years. And we've asked for continuances in an effort to continue to work with our neighbors. But he's ready to move forward. This is what he does --

COMMISSIONER EBERT: Okay.

MR. YOvanovich: -- for a living. This is purely -- this is not speculative zoning.

COMMISSIONER EBERT: Okay. Because your other ones kind of have been.

MR. YOvanovich: And I've been straight upfront with those.

COMMISSIONER EBERT: Okay.

COMMISSIONER VONIER: Rich, couple questions.

MR. YOvanovich: Sure.

COMMISSIONER VONIER: On the original PUD, how tall were those buildings? Were they single --

MR. YOvanovich: They were 35 feet max, one story. We're leaving everything the same as far as the height goes.

COMMISSIONER VONIER: Okay. And, Ray, the buffering that they refer to in here, is that normal between a residential area and a commercial area?

MR. BELLOWS: I don't believe I've had the chance to review all of that --

COMMISSIONER VONIER: Okay.

MR. BELLOWS: -- plan.

COMMISSIONER VONIER: Thirty-five feet to 75 feet on the northern boundary is what they --

MR. YOvanovich: That's the old --

COMMISSIONER VONIER: I'm talking about what you have in your proposal, Rich.

MR. YOvanovich: What we have in the proposal is a 25-foot enhanced buffer along the northern boundary and a 50-foot setback, which is greater than you would find under the code between a residential use and an assisted living facility.

COMMISSIONER VONIER: That's not what mine reads. Northern property line buffering varies from 35 feet to 75 feet it says here.

COMMISSIONER HOMIAK: That's not --

COMMISSIONER EBERT: That's crossed out.

COMMISSIONER VONIER: Is that the old one?

MR. YOvanovich: That's the old when we were doing an office.

COMMISSIONER VONIER: Okay.

MR. YOvanovich: Yeah, so --

COMMISSIONER VONIER: That's the original one?

MR. YOvanovich: That's the original. You do it in a strikethrough and underline and --

COMMISSIONER VONIER: Okay.

MR. YOvanovich: No. It's 25 feet for the buffer and 50-foot setback for buildings.

COMMISSIONER VONIER: Okay.

CHAIRMAN KEENE: Okay. Phil?

COMMISSIONER BROUGHAM: Yeah. Several, Rich, and I'm going to -- there's a couple out of the staff report, but it's directed towards you anyway.

On Page 11 of the staff report, they're talking about lighting and glare, and they're comparing existing approved uses to proposed group housing. It says some lighting glare from vehicle traffic would occur during nighttime hours. Can you speak to that? I mean, do you plan on lighting that rear areas if we have

this go forward?

MR. YOVANOVICH: Well, again, we've got to meet the code requirements regarding lighting.

COMMISSIONER BROUGHAM: So that's --

MR. YOVANOVICH: So as I understand the code, I'm not allowed to spill out over my property line. And also, I forgot to mention, we agreed to put a wall on the site as well that would go along the northern boundary closest to the travel.

COMMISSIONER BROUGHAM: So any spill --

MR. YOVANOVICH: There's going to be a wall right here, okay, that's on the north side of this travel, okay. So if someone's driving with their lights on going around there, it's not going to go over the wall, I mean.

So I don't agree that we're really creating any lighting issues that wouldn't already exist under an office building, because you would light -- you would have lights for the office park anyway for safety reasons and, you know, keeping people out.

COMMISSIONER BROUGHAM: Yeah, I'm just picking up on the comments on some of these things. And it is a one-story building?

MR. YOVANOVICH: Correct.

COMMISSIONER BROUGHAM: The only reason I say that is just to affirm that, because in the neighborhood information meeting minutes it was stated that it would be two stories at 35, but --

MR. YOVANOVICH: And that was -- that was the --

COMMISSIONER BROUGHAM: That was what you modified?

MR. YOVANOVICH: Correct, as a result of that meeting.

COMMISSIONER EBERT: Whether one or two stories, the limit would have been 35 feet?

MR. YOVANOVICH: Correct, but now nobody can get on the second level to -- unless you're really, really tall you're not going to --

COMMISSIONER BROUGHAM: It's stated in the underlying strikethrough in Exhibit A on Page 2, native vegetation preservation areas may be used for water-management purposes when it can be demonstrated that the use for water management will not be harmful to the native vegetation.

The only reason I picked up on that is when it can be demonstrated or when it -- yes, when it can be demonstrated.

MR. YOVANOVICH: And that's a standard provision, basically, I think, both in the Land Development Code and other portions of the Growth Management Plan.

You can co-use your native vegetation for water management, provided you could show that you're not going to drown the plants.

COMMISSIONER BROUGHAM: Okay. So as a matter of course, as you move forward with this --

MR. YOVANOVICH: Right --

COMMISSIONER BROUGHAM: -- you could quote-unquote --

MR. YOVANOVICH: The burden's on us to demonstrate that using that will not hurt the native vegetation.

COMMISSIONER BROUGHAM: Just a couple more and I'm there.

On Exhibit 5B, amended language of the Golden Gate Master Plan, Page 2, Item 3, it says, all principal structures shall be required to have a minimum setback of 50 feet from the project's northern and southern boundary. Just clarify that for me. You mentioned that in reference to Mr. Vonier's question before.

MR. YOVANOVICH: I did. And the southern boundary is Golden Gate Parkway. So we're required to be set back a minimum of 50 feet from Golden Gate Parkway as well as a minimum of 50 feet -- our buildings, a minimum of 50 feet from our neighbors to the north, the Cirous.

COMMISSIONER BROUGHAM: And that's as depicted on the current site plan?

MR. YOVANOVICH: Yeah.

COMMISSIONER RANKIN: All right. Is staff going to speak to this, or should we address --

COMMISSIONER BROUGHAM: I'm not finished yet. Excuse me.

COMMISSIONER RANKIN: I'm sorry. I didn't know.

COMMISSIONER BROUGHAM: I think I'm about finished, but --

COMMISSIONER RANKIN: I didn't know. I'm sorry.

CHAIRMAN KEENE: Take your time, Phil.

COMMISSIONER BROUGHAM: And just one other question. You mention in here -- and I've lost the reference -- that the preserve area, that it's going to be up there in that little L shape; am I correct?

MR. YOVANOVICH: Yes, sir.

COMMISSIONER BROUGHAM: There was a reference to formerly you were going to have passive parks, et cetera, et cetera, but now you've -- with the proposed use it's going to be the preserve and you don't mention any parks or benches or anything like that.

MR. YOVANOVICH: Correct. It's water management and native --

COMMISSIONER BROUGHAM: So it's just going to be -- okay.

So you're not going to have little passive areas for the old folks to go out. That's it.

CHAIRMAN KEENE: We will -- after Rich finishes, we'll go to the staff report --

COMMISSIONER RANKIN: I just wanted to make sure.

CHAIRMAN KEENE: -- and then address questions for staff.

Do you have any questions for Rich?

COMMISSIONER RANKIN: Well, the one thing I'd want to make sure is, as long as any of the property surrounding that L shape were estates or residential -- it's probably estates -- that there be no building in there whatsoever. That would need to be a condition.

I know you're not planning on that now, but some of the questions I'm going to ask staff concern me that future road use may cause you a problem in the future because, as you may or may not recall, several years ago there was an attempt to extremely widen Santa Barbara through this area, and that was defeated.

And I know they expanded this intersection somewhat in compliance with that six-laning, but the six-laning never happened. So my concern is, since it is such a major intersection, I'm going to want to know from staff whether or not these roads could be expanded in the future, and if they were, would they impact your development.

MR. YOVANOVICH: My understanding is -- and you can confirm it with staff -- is these roads can't get any wider. They don't have the right-of-way. The cost to acquire right-of-way would be prohibitive, the takings, the cost to do that. And I'm pretty sure that staff has maxed it out, but they can speak for themselves.

But in response to your question, if you look at Page 4 of your staff report, Mr. Rankin, regarding that I can't do anything in that area, it's clearly in there that says I can't do anything in that area.

COMMISSIONER RANKIN: I know, but --

MR. YOVANOVICH: And I would have to go through the Comp Plan amendment process again. So I'm not -- I can't do anything in that area.

COMMISSIONER RANKIN: I know. The only thing it -- I was also on the Golden Gate Master Plan Committee when we did this prohibition of development conditional uses from Santa Barbara to Livingston. When did this property get zoned for commercial -- for office buildings?

MR. YOVANOVICH: We actually went through and amended the Comprehensive Plan to add this property to the subdistrict, the -- let me get the exact wording -- the Golden Gate Commercial Infill Subdistrict. We went through the GMP process to add this corner to the infill to be allowed to have those uses. The zoning was actually approved in 2004.

COMMISSIONER RANKIN: Okay. That explains it.

MR. YOVANOVICH: But we did the Comp Plan amendment earlier than that. But we did go through the process. And I think -- you may have actually been on the committee when we went through the process to add it. I just -- I don't recall.

COMMISSIONER RANKIN: Yeah, I don't recall --

MR. YOVANOVICH: It all blurs.

COMMISSIONER RANKIN: -- because I know we were asked by a majority or all of the County Commission at that time to put that prohibition in, and at the time I know I personally had staff, who's not with us anymore, tell me what each property already was.

And during that growth -- during that master plan committee meetings -- and I couldn't recall whether or not this was already in this configuration or whether that was done later.

MR. YOYANOVICH: And David can correct me if I'm wrong, but basically in Golden Gate Estates -- there's very limited opportunities for conditional uses in Golden Gate Estates as a whole. And I could tell you that I've probably done Growth Management Plan amendments for four or five churches.

In order to get those churches approved out in Golden Gate Estates, I had to do a GMP amendment and then come through in either rezone and a PUD or do a conditional use because the prohibition in Golden Gate Estates was pretty broad.

COMMISSIONER RANKIN: This is a special prohibition, though.

MR. YOYANOVICH: Right.

COMMISSIONER RANKIN: This is a decision that was made that we wanted at least one exit off the interstate to not be commercialized, and this is a special prohibition that stretches from Santa Barbara to Livingston to make sure that this intersection would remain residential and noncommercial and nonconditional.

Now, there are already a number of churches and the like in there, but this is above and beyond what you speak of.

MR. YOYANOVICH: Right.

COMMISSIONER RANKIN: And that -- we were asked to do that, and the committee unanimously agreed to that. But I guess if it's already been zoned office building and you're, essentially, reducing the uses -- because, of course, I work with these kind of people all the time and these type of facilities, and no question, a lot less traffic.

So I don't have a problem with that. I was just interested into how this came to be or whether my remembrance of what this zoning was originally and Comprehensive Plan designation was originally was wrong.

MR. YOYANOVICH: No, you're correct. I mean, this was -- this was zoned ag -- I mean, estates at the time. And we had to go through and amend the Growth Management Plan to allow commercial on this particular corner. And, frankly, I remember the first time we almost had retail on the corner, and we had transmittal but we didn't get adoption, and then we came back and got office.

COMMISSIONER RANKIN: Because I remember this is one of the things we were concerned about. Across the street, I think's already a church, isn't it?

COMMISSIONER EBERT: Yes.

MR. YOYANOVICH: And a school.

COMMISSIONER RANKIN: School, yeah. We were concerned that this would eventually go this way anyway, because what else could you do with a corner? Nobody wants a house on a corner. But this was the one piece of property we'd figure would go anyway.

MR. YOYANOVICH: Right.

COMMISSIONER RANKIN: Thank you.

MR. YOYANOVICH: Thank you.

CHAIRMAN KEENE: Any other questions for Mr. Yovanovich?

COMMISSIONER EBERT: Yes, I do.

Rich, so you're saying that you're doing 70,000 square feet, so 65,000 is going to be ALF, and the other 5,000 is going to be like a rehabilitation center or --

MR. YOYANOVICH: Right, and -- yes, and that will serve not only the people who are staying there, but it would be open to --

COMMISSIONER EBERT: Correct.

MR. YOYANOVICH: -- the public who lives in that area. But, yes, 65,000 square feet of it, roughly, is exclusively to the people who are living there; 5,000 square feet is, obviously, also serving them. But we would -- the general public can use that 5,000 square feet as well.

COMMISSIONER EBERT: Okay. And then on No. 4 it was kind of mentioned, is that going to be a buffer and wall combo? Will we be seeing that in the PUD or --

MR. YOYANOVICH: Yes. We had asked for the ability to put that wall right on the preserve line

so we could maximize the preserve area for our neighbors to the north or the vege -- you have a good -- we may have a good exhibit to show you exactly where that wall's going to go.

So it would be to maximize the vegetation on the -- on our neighbor to the north side. It's the green line on this map. That's where the wall's going to go. And as you can see, it's right on the edge of the pavement so that we would be maximizing the vegetation on the north side of the wall.

COMMISSIONER EBERT: Okay. Only one ingress/egress, and that's on Golden Gate?

MR. YOVANOVICH: That's correct. The existing GMP, as well as zoning, prohibits any access off of Santa Barbara unless -- unless a frontage road system is established that would provide access.

I don't know if that ever is going to happen or not, but it would -- if it did happen, they didn't want to -- we didn't want to have to come through and do another GMP amendment if a frontage road system was established along Santa Barbara. That would actually require us getting rights from our neighbors to the north. So if they didn't like what we were doing, I'm sure they won't give us an easement to access their property.

So -- so the answer to your question is I only have access on Golden Gate Parkway unless a frontage road system is established that would get us far enough back to the north on Santa Barbara to allow not only our property but other properties to have access onto Santa Barbara.

COMMISSIONER EBERT: Okay. You held another -- you held another meeting?

MR. YOVANOVICH: We -- after the NIM --

COMMISSIONER EBERT: Yes, yes.

MR. YOVANOVICH: -- we went to the Golden -- and I'm -- I refer to it as the Golden Gate City Homeowners Association to distinguish it, because we're technically in the Estates. We didn't go to the Estates Civic Association because they generally have said, you know, this is really more of a Golden Gate City association.

So we did go to the -- a meeting last month. I don't know if they ever took a formal vote on it, but I could tell you that the feedback was pretty positive at that meeting regarding -- actually, it was all positive about the use that we were proposing on this site from the city's civic association, the comments of the people who were at that meeting.

COMMISSIONER RANKIN: On that question, when I was present at Golden Gate Estates association, we actually had a Santa Barbara/Logan division. I don't know that it exists anymore but -- or whether they've formed their own separate association. But at one time there was a subdivision; it wasn't a separate corporation, but a subdivision that the Estates association did, in fact, cover this area. It may have went away, though, because their primary purpose was to stop the six-laning of Santa Barbara.

MR. YOVANOVICH: Right. I remember when that -- I don't know that they still exist. I don't think they do, but I do remember the six-laning being kind of the catalyst for their coming into being, if you will.

CHAIRMAN KEENE: Diane, were you finished?

COMMISSIONER EBERT: Just two quick things, because -- on the southeast corner, I see there is a parkway center PUD just -- that's just offices over here.

MR. YOVANOVICH: Yes, and -- what page are you referring to, so I can --

COMMISSIONER EBERT: Oh, what the heck. I'm on Page 2 of 2 of Exhibit VA. It's an aerial.

MR. YOVANOVICH: Okay. I just want to make sure I'm -- making sure I don't miss -- yeah. If you -- basically, for a portion of the frontage on Santa Barbara and a portion of the frontage along Golden Gate Parkway, that -- that's all allowed to be office-type uses under the Growth Management Plan, and there's been zoning done appropriately to that.

I mean, if you -- I mean, this is a pretty big intersection. And if we were anywhere else in the county, I'd feel fairly confident to say all four of these quadrants would be commercial quadrants, but recognizing that we're at the edge of the Estates, it was treated -- this corner piece was treated differently than you would probably find at a major intersection like this in this type of area.

COMMISSIONER EBERT: Okay. Just one other quick thing. Michele's not here today, but she knows I have a weird sense of humor. I did notice that across the street to the east side, that -- and I didn't know whether you were trying to capture everything in this redo, whether you're using the master mobility or

whatever, but I notice there's a funeral home across the street from here, and I went, wow, now, that's really good planning.

COMMISSIONER KLEIN: For your convenience.

COMMISSIONER EBERT: Yeah, for your convenience, and -- but it is really right up into all this part. It's pressing against, I mean, all homes up here. So it is -- it's a little tight corner. You know what I'm saying? I mean, there is so much residential around there. Why did you want that other 2.8 acres? You could not do this because of water management with this --

MR. YOVANOVICH: We -- in order to get a facility that made economic sense --

COMMISSIONER EBERT: Sense. Okay.

MR. YOVANOVICH: -- we talked to -- we purchased the property or are purchasing the property to the north. I don't know if we've actually closed on it yet. But purchasing that 2.8 acres to make it work, to make it be a nice attractive --

COMMISSIONER EBERT: To make it available.

MR. YOVANOVICH: -- facility.

COMMISSIONER EBERT: That's all I have for now.

CHAIRMAN KEENE: Thank you. Nancy?

Oh, is this -- or staff? Oh, I'm sorry. I see you sitting there. I'm just assuming it's you.

David, you're earning your keep today.

MR. WEEKS: Thank you for saying that. I'm not Michele. We look a little different, I'm told.

For the record, David Weeks of the comprehensive planning staff, and I am pinch-hitting for Michele. She's at home sick as a dog. And I don't know who came up with that expression, but I feel bad for the dog.

My remarks are pretty brief. I did want to touch on the history. Mr. Rankin, I think, provided an opening for that, and I think it's appropriate.

I put this Future Land Use Map up. This is the same one from your Hussey exhibit from this morning, so you already have it in your packets. But the purpose for putting it up there is you see the brown color on the map, and it's pretty extensive. That is Golden Gate Estates subdivision, and it has been in the past and is different from the rest of the county from a regulatory standpoint.

Mr. Rankin made reference to the prohibition along the segment of Golden Gate Parkway, this two miles from Livingston to -- east to Santa Barbara Boulevard. That prohibition, if I recall correctly, came about around 2004 or '5. And as he stated, it was a result of the Golden Gate Area Master Plan Restudy Committee efforts.

Prior to that, if we go all the way back to 1989 when the Growth Management Plan was adopted, Golden Gate Estates was treated no differently than the agricultural rural areas or the urban area in the sense that the Growth Management Plan didn't have any type of restrictions on conditional uses.

So for properties zoned estates, which all of Golden Gate Estates is with the few exceptions of commercial properties at a few intersections, neighborhood centers and such, the process was no different than in the urban area. You submit your application for a conditional, use and you go through the zoning process.

When it comes to consistency with the Growth Management Plan, it was an automatic checkoff because there was no limitation of any sort.

The 1989 plan did include a policy that said Collier County will adopt a master plan for the Golden Gate area and also for Immokalee and Marco. And the Golden Gate Master Plan was adopted in 1991.

Part of the process leading up to the actual adoption included sending out letters to owners -- if I recall correctly -- all owners of property in Golden Gate Estates.

And it was a questionnaire asking about their preferences regarding conditional uses and regarding commercial and I think even industrial. Their preferences for whether the uses would be allowed in the Estates, how might they be allowed or should they be prohibited.

Also Mr. Rankin made reference to the stretch of Golden Gate Parkway here, and there are a significant number of existing conditional uses, churches, bridge center, a bingo hall that used to be commercial at one time, and so a lot of nonresidential uses, most of which were conditional uses.

And there was concern expressed by the public. We -- we want some control. We don't want these uses just popping up anywhere, and sometimes Golden Gate Parkway, this stretch was referred to as provisional use row. The predecessor in name for a conditional use was provisional use.

So, anyway, the results of that questionnaire -- certainly not unanimous, but the results of the questionnaire was that the citizenry wanted some certainty. They wanted certainty as to what type of uses could occur on properties in the Estates. They didn't want to -- for example, somebody would not want to buy a piece of property in the Estates and then a year later someone's filing their provisional-use application for a day care, church, whatever other type of provisional use would be allowed in the Estates zoning district.

So, finally getting to my point, Golden Gate Estates is different than the rest of the county as far as designations go in that it has locational criteria for conditional uses, and they're rather stringent and, also, limitations on where commercial can go.

Around 2004/'5, under the efforts of the Golden Gate Master Plan Restudy Committee, a further limitation was imposed, and that's the one that we're dealing with today, the one that says in Golden Gate Estates along the parkway between Santa Barbara and Livingston, no additional conditional uses are allowed.

And then it carved out the exceptions for the ones that -- one or two sites that already existed, one of which is the subject site, because its history goes back to the year 2000. That is when the Golden Gate Master Plan was approved -- amended to allow for what is currently zoned there today, the Colonnades PUD, the office use only.

Now, I want to jump to why is it that staff is supporting this petition, most particularly because of this prohibition in place, because staff has historically had a very, I'll say, conservative view or strict view on the Golden Gate Master Plan.

Our view, historically, and still is, that that represents the vision of the community. We do agree with those that say the master plan needs to go through another restudy. And we agree with that 100 percent. But until that happens, this is the Golden Gate Master Plan. This is representative -- representing the vision of the community in the Estates area.

The difference on this project is the fact that there's existing zoning in place for the majority of the site, not the 2.68-acre addition. That weighed heavily in staff's determination to ultimately recommend approval of this petition.

Secondly is, as Rich has already explained, there's a reduction in intensity from the standpoint of the existing use being commercial office. That's found in the C1 zoning district. They're eliminating all but 5,000 square feet of that. That balance is this institutional use which is something that's identified in the C1 zoning, but it's also identified in the Estates zoning district as continual use, other residential zoning districts as a conditional use. From the standpoint of zoning, it is a lower intensity land use.

The staff report includes some analysis of noise and glare and so on, and though not unanimous in the evaluation, staff's opinion is, ultimately, the overall result of this change is a reduction in intensity for the site as a whole.

Staff is satisfied with the buffering criteria that's provided to protect the properties to the north and to the west, which are still zoned Estates. They contain single-family homes, and that's all they're allowed to contain unless and until a plan amendment is approved for those properties.

With that, I'll just say that is our recommendation for approval.

CHAIRMAN KEENE: Okay. Do we have any questions of staff?

COMMISSIONER RANKIN: My only question would be what about transportation? Is this intersection the way it's going to be if and when they six-lane Santa Barbara?

MR. WEEKS: I'll defer to John.

MR. PODCZERWINSKY: Good afternoon. For the record, John Podczerwinsky, transportation planning.

My understanding is, yes, this intersection is maxed out.

COMMISSIONER RANKIN: Because that's what we'd asked at the time was that they max out the intersection, leave the rest of the road alone.

MR. PODCZERWINSKY: Yes.

COMMISSIONER RANKIN: I didn't know whether that is exactly what had happened or not.

MR. PODCZERWINSKY: Yes, sir, it is.

COMMISSIONER RANKIN: And then I assume Santa -- Golden Gate itself is maxed out also?

MR. PODCZERWINSKY: Golden Gate, I believe so, yes. I haven't checked it against the LRTP, but I believe it is, yes.

COMMISSIONER RANKIN: Okay. Thank you. Because my concern would be if they get a chunk of their building gone in the next couple of years, then they might want to intrude into that area that gets up against those houses because they come back and request a change. But if the roads are maxed out, then we're looking at the foreseeable future.

CHAIRMAN KEENE: Any other questions?

(No response.)

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

MR. BELLOWS: We have one speaker. Ms. Cirou, Caroo (sic), Cirou.

CHAIRMAN KEENE: We need to get you sworn in.

(The speaker was duly sworn and indicated in the affirmative.)

MS. CIROU: So help me God, I do.

CHAIRMAN KEENE: Thank you.

MS. CIROU: Good afternoon. My name's Alida Cirou, and I'm speaking on my family's behalf today. We live directly north of the subject property. And we want to thank you for the opportunity to be heard on this matter.

They're calling this whole thing a small-scale amendment but, in actuality, it's a request to change everything that was agreed upon with the previous owner, Dr. Grekos. We find the term "small scale" rather misleading.

Approximately eight to ten years ago, we worked with Commissioner Henning and Mr. Yovanovich to approve this property to be rezoned from residential to commercial, and we were assured that it would be restricted to low-intensity commercial use or offices.

Mr. Yovanovich and Commissioner Henning had asked us to be reasonable and to allow for these changes. How could the property owner ever sell his property as residential on such a busy intersection was their argument. And here we are talking about having 120 people live at this busy intersection. Like, it wasn't okay for one person to live there, so let's change it to commercial. Now let's have 120 people live there, and that's A-okay, like -- that, to me, doesn't make any sense. I find it rather ironic.

The low-intensity commercial offices would only be open from 9 to 5 Monday through Friday, possibly Saturday, and to us that was reasonable.

Now the request is to allow these 120 residents in a living facility with medical offices and memory care, and that's going to be 24 hours a day, seven days a week, and for -- from my standpoint, that's an intrusion on us as far as what we had already agreed upon with the County Commission and with Mr. Yovanovich and with the previous owner.

In our minds, we could see, like, even though it's a higher density, like more traffic coming out during the busy time of the day, we're not even home in the busy time of the day. We're home on the weekends. We're home at night. And we feel like this would impact us more because of the ambulances coming and going who knows at what hour of the day.

And our property -- our houses are, like, right next to this facility. And I really feel like it's -- it be more intrusive and more of an impact on us in our home life and in our property value if we ever go to sell our property, you know, living next to something that -- it's like a hospital, for crying out loud. So anyway, back to my spiel.

I feel like it's too much and too close and too far from what was put in place 10 years ago. We were asked to work with the property owner and the county. And just because someone buys this piece and doesn't like the restrictions in place, does that give them the right to change the Golden Gate Master Plan? And how many times and how many changes are we, the adjoining landowners who have lived there for 20-plus years and paid our taxes -- how many times are we expected to endure these meetings and these changes and -- I mean, isn't a master plan something that, you know, once it's in place, shouldn't it be respected and adhered by?

We are just trying to protect our homes and our quality of life for ourselves and for our future. Once these changes are made, we are the ones that have to live with them. What assurances do we have that these changes will not be amended again?

We actually live right next door, and we have for over 20 years. And our home is our greatest asset, and we truly believe that a 120-bed assisted living facility is just too much for this corner. Three meals a day, seven days a week, for 120 people sounds like a lot to me, a lot of deliveries and a lot of garbage, not to mention, of course, the ambulances coming and going at any given time, day or night.

So our request is to just leave the PUD the way it is. We feel like they're asking for too many changes, too many allowances to a plan that was already amended to suit their needs. We have already given up 16,000 square feet off our front to allow for the road expansion. Now they want to change the property zoning to our direct west.

And we accepted the change from residential to commercial next door. I mean, we've been very cooperative with the county. And, you know, we're just trying to live out our lives there peacefully, that's all.

So, anyway, I don't think it's small scale. I think we're being encroached upon at every angle. And it -- to me it feels like we'll be living next to a hospital with no buffer between us and the ambulances at two or three in the morning. You cannot convince us at this time that we will not be negatively impacted by these changes that they are proposing. There's too many variables left to chance with these proposed amendment changes.

And we appreciate you considering our impact in this matter.

Thank you.

CHAIRMAN KEENE: Thank you.

Ray, any other speakers?

MR. WEEKS: No other speakers.

CHAIRMAN KEENE: Thank you, Ray.

COMMISSIONER RANKIN: May I ask a question of the petitioner?

CHAIRMAN KEENE: Yes.

COMMISSIONER RANKIN: Do you absolutely have to have that road behind the facility on the north side?

MR. YOVANOVICH: That road is really fire access.

COMMISSIONER RANKIN: Is there -- I realize this is the Comp Plan amendment and PUD is another day, but could we restrict that road to that? Because I understand where this lady's coming from. I don't care if you've got a road and some trees there; if you've got an ambulance in there behind those buildings with all those strobes going at 2 o'clock in the morning, she's not going to like it -- and the like, and you're not going to be able to control where they go unless we put some sort of restriction on that.

MR. YOVANOVICH: And I think the appropriate way to do that is through the zoning on the property. To put that in the Comprehensive Plan is really is much greater detail than we've historically done.

Now, keep in mind, the standard for me to get a Comp Plan amendment approved is a supermajority of the Board of County Commissioners; likewise, is -- the standard is a supermajority for the rezone. So as you know, it's -- that's a tough burden for a petitioner to meet.

So when we get to the zoning aspects of these, we will be addressing hours of delivery of food. We'll be addressing where's the dumpster going to be and those types of issues to assure that there will not be a negative impact, because if I don't assure it, I won't get the zoning approved.

COMMISSIONER RANKIN: Yeah.

MR. YOVANOVICH: So I believe that we can get there to provide reasonable -- the reasonable person the assurances they need that we are not going to negatively impact this.

We are not going to be the first assisted living facility next to residential homes. There's other examples of that throughout the county where you have residential homes adjacent to assisted living facilities, and they do a good job of peacefully co-existing, if you will.

And I think that we have responsibly -- responsibly responded to comments that we've received from -- and I apologize that I've been calling you Cirous all these years, the Cirous.

COMMISSIONER BROUGHAM: That's why you have a problem.

MR. STEVEN CIROU: You've just known us too long.

MR. YOVANOVICH: And they've also gotten Yovanovich right, so that's not fair, you know, but -- but, no, I mean -- you know, we did work with them. And, yes -- and you know what, the world did change, and we are again asking for a change. And we think that the change, as staff has said, is a less intense use than's there today, and we hope that the Planning Commission can agree to recommend approval of the Comp Plan amendment.

And the terminology small-scale doesn't mean it's small. It just means based upon the size of the property, it's the number of hearings you go through. So I hope that we weren't belittling it.

And there's no way this is a hospital. I mean, I appreciate that comment, but we're not a hospital, and you're not going to have ambulances coming in and out like in an emergency room situation. So I -- I appreciate that comment, but I can assure you we're not a hospital as far as the uses.

We can answer any other questions you may have. And I think that's generally the comments I have in response to Ms. Cirou's comments.

COMMISSIONER RANKIN: The only reason I brought that up, sir, is because you can regulate what type deliveries are coming, but you can't tell EMS, well, come back in a couple hours when --

MR. YOVANOVICH: You're right, and -- exactly. And, you know what, I'm not going to -- no matter what I do, if that's the easiest place for the fire department to get to put a fire out or the quickest way to get somebody out, they're going there whether I have a prohibition on that or not.

But I can regulate when trucks come and make deliveries. And we -- and that's not unusual. That's -- we do that all the time, so that's an easy thing to do in the PUD. And we're happy to do that and will do that and have committed to doing that.

CHAIRMAN KEENE: Okay. Any other questions?

COMMISSIONER EBERT: I do. I do have a question. I didn't know quite about all the history back there, but you've been through this before. I understand where you are coming from, because if you worked with Mr. Yovanovich before and your commissioner, Mr. Henning, and you were told it was going to be 35,000 and now it's doubled, that's a lot. That is a lot.

And we'll just --

MR. YOVANOVICH: Well -- look, let's be fair about that comment. That was 35,000 square feet of office uses, okay. That is very different from the intensity that we're talking about today about an assisted living facility, okay.

I bet you, had I known that this was a good market for an assisted living facility, there probably would have been less. You know what, I'm not going to say that. I don't know. I don't know what their opinion would have been. I really don't know.

But an assisted living facility, by its very nature, is going to have more square footage than an office use. So when we said to them it was going to be 35,000 square feet of office use and the intensity of that, coming now with a 70,000-square-foot building with less intense use, I'm not going to say I misrepresented or I don't want to even be portrayed that I had made a commitment that, you know, there wasn't going to be a change in the future in the world.

If I were asking you for 70,000 square feet of office today, then shame on me, but I'm not.

COMMISSIONER EBERT: Okay.

CHAIRMAN KEENE: At this point we'll --

MR. LEON CIROU: I'd like to point out something.

CHAIRMAN KEENE: You need to come to the microphone.

COMMISSIONER HOMIAK: You need to be sworn in.

MR. LEON CIROU: My name is Leon Cirou.

CHAIRMAN KEENE: Sir, we need to swear you in.

MR. LEON CIROU: I can't hear you.

CHAIRMAN KEENE: We need to swear you in.

(The speaker was duly sworn and indicated in the affirmative.)

MR. LEON CIROU: I think so.

I sent each and every one of you folks a letter. And they make it all sound real glamorous. We've

worked hard for that property for a lot of years. And one of the things they're just bypassing lightly is feeding 120 people.

We -- our predominant winds are southeast and southwest. We will never get away from the stench of the kitchens. They can try all the glamorous stuff they want to; it's not going to work. It's going to put it right on us.

The other thing is, I pointed out to you this water management is basically water retention. I'm a Florida Cracker, born here. I can tell you that mosquitoes are bad. And there's nobody to keep check on all this water retention area. And I'm sure they're not going to go out there and spray for mosquitoes.

My son's got a swimming pool right in the backyard without a screen enclosure. It will absolutely wreck that swimming pool.

And it's gotten so that mosquitoes here in Florida are pretty dangerous. You shouldn't have them. You spend a fortune trying to do away with them. But it's never going to work. You're always going to have them.

And -- so anyway, that's the couple of main things that they make it sound like it's going to be real easy. But even after they build this place, there will be problems that we'll not be able to have any -- anybody to raise Cain with, and we'll ask you-all to turn your collars around and listen to us again, you know. So thank you.

CHAIRMAN KEENE: Thank you. With that we will close the public hearing.

Any discussion amongst the commissioners, or anyone like to make a motion?

COMMISSIONER BROUGHAM: I'll make a motion that we approve -- or forward to the Board of County Commissioners a decision of approving GP -- GMPA-PL20110000769/CPSS-2011-2.

COMMISSIONER KLEIN: I'll second it.

CHAIRMAN KEENE: Okay. We have a motion and a second. Is there any discussion?

COMMISSIONER VONIER: Rich, you want to say something? He raised his hand.

MR. YOVANOVICH: Mr. Brougham, at the risk of -- give me one second, because I think there's something you may need to add.

COMMISSIONER BROUGHAM: Okay.

MR. YOVANOVICH: I didn't hear you take us up on our -- I know we discussed limiting the square footage. Instead of going to the FAR --

COMMISSIONER VONIER: I was just going to amend that.

MR. YOVANOVICH: Okay. And I want to, you know, go to 70 -- I mean, 70,000 square feet was the number we've been talking about. I want to make sure that that gets into the record. And if you want to include that in your motion --

COMMISSIONER VONIER: I think you should redo the motion to 70,000.

COMMISSIONER BROUGHAM: I'll just include it, include it.

CHAIRMAN KEENE: Mr. Klein, do you accept --

COMMISSIONER KLEIN: I accept it.

CHAIRMAN KEENE: -- accept that amendment?

Is there any further discussion?

(No response.)

CHAIRMAN KEENE: All in favor of the motion, say aye.

COMMISSIONER RANKIN: Aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN AHERN: Anyone opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN KEENE: Okay. The motion passes 7-1.

COMMISSIONER BROUGHAM: Melissa, should we break or not?

CHAIRMAN KEENE: Thank you.

Yes, we are going to now.

COMMISSIONER BROUGHAM: She's frowning.

COMMISSIONER EBERT: Is she frowning?

CHAIRMAN KEENE: It is 2:55. We will break until 3:10, and --

COMMISSIONER RANKIN: The next matter.

CHAIRMAN KEENE: -- and finish up. Thank you.

COMMISSIONER RANKIN: And back to the regular agenda.

(A brief recess was had.)

CHAIRMAN KEENE: Welcome back, all four of the people left.

***We're going to move on to the next petition, which is PL20120000371/CP-2012-1, and this is amending the Future Land Use Map for the Gordon River Greenway. And I believe we have companion item for that as well.

MR. ARNOLD: Do I need to swear in? Do I need to be sworn in?

CHAIRMAN KEENE: Who's up?

COMMISSIONER KLEIN: Did you swear in already today?

MR. ARNOLD: Yes.

MR. WEEKS: No. Wayne was just asking, Madam Chair, if we need to be sworn in. These are not quasijudicial hearings. Though in the past the Planning Commission has chosen to swear in.

CHAIRMAN KEENE: I believe everyone's been sworn in. Okay.

MR. ARNOLD: Okay. That's fine. Thanks.

I'm here representing -- I'm Wayne Arnold with Grady Minor, and I'm here representing Collier County Parks and Recreation today.

You, this body, approved the rezoning for the Gordon River Greenway Park back in 2011. And as the park's progressing, one of the requirements in the grant under which they purchased the property requires there to be a Future Land Use Map change on the property to bring it to the most restrictive land-use designation that Collier County has that allows conservation and related uses.

So the map change is going from urban residential to conservation. The scrivener's error that Heidi mentioned and handed out to you is something that, in the adoptive ordinance for the rezoning, it said it's approving the Gordon River Greenway Park.

I think, for everybody's sake, we understand that to be truly consistent with the Comp Plan and the conservation designation it allows passive uses. So the idea is that we have a concurrent scrivener's error process. They normally don't come to you, but we want to clarify it for the record, and hopefully have you endorse it too, that this is a clarification we need to make by noting that this is for a passive park.

And, otherwise, it's a very simple map change from yellow to green on the Future Land Use Map. And I can answer any questions. I don't know -- David, I don't know if you have any other comments you need to make for the record, but this fulfills the commitment when the county purchased the property.

CHAIRMAN KEENE: Seemed pretty straightforward. Are there any questions on this item?

COMMISSIONER EBERT: Make a motion.

COMMISSIONER RANKIN: I saw something in here somewhere about a parking lot et cetera. Are there going to be parking lots, restrooms? Is that included in this designation, or is that going to be on a separate parcel?

MR. ARNOLD: No. The overall park master plan that was approved through the rezoning process has parking areas. It has a kayak launch. It has other facilities such as a restroom, and those were deemed to be related to the passive park use that it is.

COMMISSIONER RANKIN: So they don't require any separate designation.

MR. ARNOLD: No.

COMMISSIONER RANKIN: Thank you.

CHAIRMAN KEENE: Do we have a motion?

COMMISSIONER EBERT: I make a motion to approve.

COMMISSIONER KLEIN: Second.

MS. ASHTON-CICKO: Madam Chair, could we have two motions; one is going to be the motion on the Growth Management Plan amendment, and then the second motion would be on the rezone ordinance, the scrivener's error.

COMMISSIONER EBERT: Scrivener's error.

MS. ASHTON-CICKO: And it's a scrivener's error because the record was very clear when it came before the Planning Commission as well as the Board of County Commissioners that it was for a passive public park, but the ordinance, when it got generated, referred to it as a public park. So we're just creating that further limitation to clarify the use.

CHAIRMAN KEENE: Thank you.

COMMISSIONER EBERT: Okay. Include Heidi's on this motion.

CHAIRMAN KEENE: So you'll make --

COMMISSIONER EBERT: So it's two separate motions, but I'll make a motion to approve both.

CHAIRMAN KEENE: Okay. So we have one motion to approve the GMP, and then a second by Mr. Klein.

All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion to approve 8-0.

And then, Diane, you are making another motion to approve the --

COMMISSIONER EBERT: To approve the scrivener's error.

COMMISSIONER RANKIN: Before we do that, could I ask one more question? Where's the access going to be? Is that already handled or off of a --

CHAIRMAN KEENE: It's already approved. This is just --

COMMISSIONER HOMIAK: It's already been approved.

COMMISSIONER RANKIN: Okay, good. Just want to make sure we didn't miss anything.

COMMISSIONER KLEIN: I'll second.

CHAIRMAN KEENE: Mr. Klein has seconded the motion.

All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN AHERN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN AHERN: Motion approved 8-0.

MR. ARNOLD: Thank you.

CHAIRMAN KEENE: Thank you.

***Okay. The next item is to amend the Future Land Use Element to change the Bayshore Gateway Triangle Redevelopment Overlay.

MS. JOURDAN: I have not been sworn in. Do I need to be sworn in?

(The speaker was duly sworn and indicated in the affirmative.)

MS. JOURDAN: For the record, I'm Jean Jourdan. I'm the interim director for the Bayshore/Gateway Triangle Community Redevelopment agency.

The amendment before you is to expand the area subject to the density bonus for mixed-use development adding allowance for residential-only develop (sic) to qualify for the density bonus, adding an explanation of the density bonus calculation and deleting the development standards, all without increasing the total density allowed within the overlay and to add cross-references to other provision's FLUEs -- other provisions of the FLUE.

I know some of you are probably not familiar, being new, with the CRA and the Bayshore Gateway Triangle Redevelopment Area, so I'd like to read something into the record to give you a little background information.

On March 14, 2000, the Collier County Board of County Commissioners determined that the Bayshore/Gateway Triangle area of the county merited public attention and to establish a means by which economic and physical redevelopment could alter the negative image of the area and generate favorable conditions. As a result, Resolution 2000-82 was adopted establishing the Community Redevelopment Agency, and the Bayshore/Gateway Redevelopment Plan was adopted June 13, 2000.

Since the adoption of the 2000 redevelopment plan, much has changed, and accomplishments are being realized within the redevelopment area, including streetscape improvements, stormwater infrastructure improvements, pedestrian pathways, crime reduction, facade improvements, the opening of the Botanical Gardens, creations of a cultural and arts district, and rezoning of a catalyst site to accommodate and facilitate cultural activities.

In addition, the CRA has assisted many new businesses to come to the area through our grants and incentive programs.

To solidify development and redevelopment planning efforts, numerous studies have been contracted since the establishment of the CRA in 2000. Extensive community outreach and public involvement was spearheaded to identify areas of opportunities.

Through implementation of the Land Development Code, Growth Management Plan, and public input, it has become apparent there is a need to amend the Bayshore/Gateway development overlay to better facilitate development and redevelopment opportunities within the area.

The proposed amendment seeks to provide for additional means to utilize an underutilized incentive afforded to the agency known as the density bonus pool. The density bonus pool consists of a maximum of 388 residential dwelling units permitted to be utilized in the overlay for density bonuses. The 388 density bonus pool corresponds with the number of dwelling units previously entitled to the Botanical Gardens site prior to the rezone in 2003.

The Growth Management Plan currently limits the use of the density bonus units to mixed-use projects within portions of the overlay. Through public input, the CRA has realized that there are other areas within the overlay that are suitable to receive density bonus units.

The areas targeted and identified through amendment and would be eligible to receive density units have been considered for development and/or redevelopment by either prospective developers or individuals during their due-diligence phase.

Unfortunately, interest to develop or redevelop these sites diminished when the potential investors realized the sites did not qualify for the residential density bonus as other areas of the overlay. As a result, the proposed projects were deemed not viable and remain as-is.

The current limited means of distribution of the density bonus units have resulted in a lack of utilization in some instances, and diminished the appeal and prospective redevelopment sites within the redevelopment area.

This amendment will serve to expand the mixed use potential to parcels on the north side of Davis Boulevard and Activity Center 16 and add text to permit additional means for distribution and utilization of the residential density pool through a defined PUD process.

This amendment does not seek to increase the total number of dwelling units presently allowed within Bayshore/Gateway Triangle area but merely allows for different means of distribution of the dwelling units, affording increased opportunity and utilization of the density pool dwelling units. The proposed amendments to FLUE Policy 5.1, density bonus pool, density rating system, and mixed-use activity center subdistrict are for clarity purposes and provide cross-references to the density bonus pool and its relationship

to the Bayshore/Gateway Triangle Redevelopment Overlay.

Additionally, the proposed amendment seeks to delete development standards that have already been incorporated into the Land Development Code and are currently in the Growth Management Plan.

I'd be happy to answer any questions after all that.

CHAIRMAN KEENE: I think you've covered it all.

David, do you have anything to add?

MR. WEEKS: No.

CHAIRMAN KEENE: She did a good job.

Any questions from commissioners?

COMMISSIONER RANKIN: My question -- I assume Commissioner Fiala and Commissioner Coyle are behind these, right?

MS. JOURDAN: Yes. Actually, when we were going forward to do the Growth Management Plan amendment, we took it to the CRA board, which is the BCC, but they sit as the CRA board for permission to move forward with this amendment.

COMMISSIONER RANKIN: Okay.

CHAIRMAN KEENE: Okay. Do we have a motion?

COMMISSIONER HOMIAK: Yeah. I'll make a motion to recommend approval for transmittal to the -- that the BCC transmit to the Florida Department of Economic Opportunity.

COMMISSIONER VONIER: Second.

CHAIRMAN KEENE: All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion to approve 8-0.

Thank you.

MS. JOURDAN: Thank you very much.

CHAIRMAN KEENE: ***Next item on our agenda is Grace Romanian Baptist Church, and this is PDI-20120001345.

Good afternoon.

MR. HANCOCK: Good afternoon, Madam Chairman, Commissioners.

Mr. Rankin, congratulations, condolences, whatever may be appropriate.

COMMISSIONER RANKIN: I'm told it's both.

MR. HANCOCK: We appreciate your time and commitment.

I have the pleasure of appearing today on behalf of the Grace Romanian Baptist Church. The petition before you is PDI-PL2012 -- and I'm sorry. I see -- is that -- shall we be sworn in? Do we need to take care of that?

COMMISSIONER KLEIN: And tell the court reporter who you are.

(The speaker was duly sworn and indicated in the affirmative.)

MR. HANCOCK: And, for the record, Tim Hancock with Davidson Engineering. Thank you very much.

The purpose of this application before you today -- and it is an unsubstantial change to a PUD master plan. It's simply to move a required county preserve from the north side of the property line to the south side of the property line.

Now, I say simple, but things are rarely as simple as they seem. So the property's located on Livingston Road, located just here on the west side, just north of the second curve as you go north of Immokalee Road.

The project is bordered to the south by the Royal Palm International Academy, to the north and to the west by unzoned, currently wooded agricultural property, and to the east by Livingston Road.

And, again, it looks a little bit dark on the visualizer. But just to give you an idea, this piece was rezoned back in 2011 for the Grace Romanian Baptist Church. We are not proposing any changes to that rezone, any changes to the development standards, any changes to the intensity or land-use intensities or uses. This is simply to move a preserve from one location to another.

But as you can see, the Royal Palm International Academy, which I understand has been recently either purchased or under contract and may be coming back in as a residential community -- you have Learning Lane immediately to the south here, which accesses the middle school back here, and then again, these are vacant, unzoned, and undeveloped agricultural parcels to the north and west.

The PUD, as originally approved in 2011, had a preserve contained along the northern property line. The main reason it was on the northern property line was that the county Land Development Code has an interesting little glitch that I think you're going to be seeing for a change in the near future, and that is this: For properties that have wetlands that do not have a UMAM score that reaches a minimum standard, the county puts a priority on uplands higher than that.

And it's kind of interesting, because if you have a project that's not going to the district for permitting, you don't get a UMAM score. And so -- you know, it's interesting, but it also ignores the ability to go in and take out some exotics and take a wetland and make it a higher functioning wetland, which would be a higher UMAM score.

So the LDC actually, in that sense, promotes the destruction of wetlands and the retention of upland. Again, a very limited scope but one that this project pointed out, and one that I think we're going to be addressing in the next cycle of LDC amendments.

And the reason I give you that background is this is a FLUCCS map of the subject property. And as you can see, it's predominantly uplands here in this light orange color, but the blue you see down here and the green you see here are wetlands, and they're wetlands that have less than 50 percent exotics.

So when you go to the South Florida Water Management District, they don't want you to mow them down. They want you to improve them.

And so what happens is, the county's PUD zoning required that a preserve be along the north side. You go to the district, and in order to impact even a portion of these wetlands, it was going to cost the church an additional \$60,000. And they were going to take a 12-acre site and lose the preserve to the north because of the county LDC requirements and then lose more land to the south because of the district requirements.

What we're here to do today is to combine those two. And the way in which we've done it is work with Chris D'Arco with your environmental staff. We went to the district. And what the district did, more or less -- they weren't required to, but they went out and walked the property again with our environmental consultant, and by just simply removing the exotics, the relative UMAM score will elevate to a point that it meets the county's LDC requirements for preserve.

So, therefore, if those exotics had been removed, the county's own LDC would have promoted the area to the south as being the required preserve area. That's what we're trying to do today is we're trying to make sure that the church's little 12-acre parcel doesn't become a 7-acre parcel because the LDC and the district requirements were not in sync.

So what you see here is this is the proposed master plan and, literally, it takes the preserve, which was along the northern property line, and moves it to the south. That's all. No changes to development standards. No increase in intensity.

The one thing that did come up during the course of this review is -- and I know some of you were here when this came through in '11, 2011, there was a long discussion about an interconnection to Learning Lane, much longer than anybody here probably really wants to remember. But it was pointed out at that time that it has to kind of be shown there because the GMP requires it, but in all practicality, it's not a feasible connection.

With the passage of time and more information, transportation staff has indicated they also understand it's really not feasible. So if that -- you know, if that could be removed, great. If you-all want to keep it there, that's fine, too, because based on the verbiage, we're never going to be able to connect to

Learning Lane. It's just too darn expensive.

But by having it on there, it kind of creates a situation where the preserve could be -- you know, if there were an interconnection there, you'd have to move preserve from one side to the other, and so it's something that's probably a little unnecessary. So I certainly don't want to confuse the matter.

Our primary purpose here is simply to adopt this master plan which shows the relocation of the preserve. But if it is of a mind of this body to go ahead and get rid of that connection because it's not feasible, it's not going to hurt our feelings.

That's kind of a Reader's Digest summary of why we're here. And I'd just asked that -- obviously, that you look upon this favorably because what is being proposed, actually, is in compliance with the Land Development Code. It just takes a different route to do that.

None of our setbacks to the property lines for any future buildings have changed. And as we all know, master plans are conceptual in nature. As they come in for Site Development Plan, buildings and lakes can be relocated on the site. The one thing you can't do is you can't up and move a preserve. So that's what caused -- and it triggered this process. That's why we're here.

And I would -- in addition to answering any questions you may have, if there's any public comment, we'd ask for the right to come up and address those comments after they're made. But thank you.

CHAIRMAN KEENE: Any questions for Tim?

COMMISSIONER RANKIN: It's one level of government doesn't agree with another level of government.

MR. HANCOCK: Shocking, isn't it, sir?

COMMISSIONER RANKIN: Yes, it is.

MR. HANCOCK: But we're going to get it on the same page in the next LDC cycle. It's a glitch.

CHAIRMAN KEENE: Thank you, Tim.

MR. HANCOCK: Thank you.

CHAIRMAN KEENE: Nancy?

MS. GUNDLACH: Good afternoon, Commissioners. I'm Nancy Gundlach, principal planner with the department of planning and zoning.

And staff is recommending approval of this petition. It's consistent with the Land Development Code as well as the Growth Management Plan.

And regarding the interconnect, staff has reviewed that request not to have the interconnect there. And we understand it's not viable, so we do support the removal of it if that is what the Planning Commission would like to recommend.

CHAIRMAN KEENE: Okay.

COMMISSIONER EBERT: I have one question, Nancy. Then in entering the church, it would be a left-in and a right-out? Is that the way this is going to work on Livingston?

MS. GUNDLACH: Let's ask transportation about that. Okay. Actually, the agent just said it's just a right-in and a right-out.

COMMISSIONER BROUGHAM: Southbound on Livingston.

COMMISSIONER EBERT: Okay. A right --

MR. HANCOCK: Yes, ma'am. We're somewhat mid-block. As you may know, Livingston Road is a very limited access facility, I think, just one step below I-75. And so median openings are not thrown in willy nilly.

So we're fully aware that our users will have to turn right-in and right-out. But, fortunately, Learning Lane is a median opening. So they can travel just to the south of the property, get into a left turn lane, and make a safe U-turn. Again, primarily being Sundays where there's low traffic involved. It's -- and we're a fairly small church. It's just not going to be a problem.

COMMISSIONER EBERT: So it's a U-turn -- yeah, until you grow.

MR. HANCOCK: That is always the hope of a church, ma'am, yes.

COMMISSIONER EBERT: So in other words, it is where you -- John, is it where you come around then and -- so you have to make a U-turn. I think that's what we talked about last time?

MR. PODCZERWINSKY: For the record, John Podczerwinsky, transportation.

Yes, ma'am, that's correct. You'll have to go north of the site. If you're headed northbound and want to enter this site, you'll have to go north of it, make a U-turn and -- to get southbound to come into the site.

COMMISSIONER EBERT: How far north? It's --

MR. PODCZERWINSKY: As I recall, it goes all the way up to Veterans.

COMMISSIONER EBERT: So you have to go all the way to Veterans, make --

MR. PODCZERWINSKY: Make the U-turn.

COMMISSIONER EBERT: Okay.

MR. PODCZERWINSKY: Although I may need to amend that because there is a fire district facility that's coming in, and there have been some discussions about opening the emergency median opening that they would have there into a full median opening that would be mid block. So I don't know where those discussions have gone, but they are on the table.

COMMISSIONER EBERT: Okay. Thank you.

COMMISSIONER RANKIN: And while transportation is up there, if I could, that's definitely a comment I need to make, because once or twice I've made a mistake of going down a couple of our roads, and you have to drive, like, two -- a mile or two miles to be able to turn around. That's just -- I realize that needs to be limited access, but that's just way too limited.

MR. PODCZERWINSKY: I understand, sir. It was this body and the Board of County Commissioners that adopted the resolution that made it a limited access roadway, so staff is bound to follow those rules. We'll be under your purview to change it at some point if you'd like.

CHAIRMAN KEENE: Thank you.

Ray, do we have a public speaker?

MR. BELLOWS: Yes, Frank Pitt.

CHAIRMAN KEENE: Were you sworn in?

(The speaker was duly sworn and indicated in the affirmative.)

MR. PITT: Hi. My name is Frank Pitt, and I've owned the property to the west and the north with my brother for a long time.

I just kind of learned a little bit more about this whole situation today. Talked to Nancy, got some ideas on how it's structured.

I know in the original plan we had a nice big buffer on the north end of their property, out on the west we had a nice buffer of the lake. This would change that a bit.

From an ecological standpoint, it sounds like it makes sense to flow it that way. Talking to Wayne Arnold, because he's been talking with some of the people in there, too, and that seems to make some sense. It's just that I know on the west end of the property, along the middle school, that the original plans called for a berm in there, and then later on all they had is a parking lot and a dropoff.

And I don't know for the future -- I haven't had a chance to talk to my brother further about this, so I'll hold my opinion on some of this for the future -- but some of the buffers and these other things may or may not be adequate, depending on how it all plays out in the future.

But thanks for your time. Appreciate it very much.

CHAIRMAN STRAIN: Thank you.

With that, we'll close the public hearing.

And do we have a motion?

COMMISSIONER BROUGHAM: I'll make a motion, please, that we approve PDI-PL20120001345, Grace Romanian Baptist Church, with the stipulation that the master plan be revised to remove the interconnection to Learning Lane as shown.

COMMISSIONER EBERT: I'll second.

CHAIRMAN KEENE: All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion approved 8-0.

MR. HANCOCK: Thank you very much.

COMMISSIONER RANKIN: And while we're on this subject, could we request -- is it common practice for staff to sit down with these other agencies that have jurisdiction over our plans to make sure we are on the same page on a regular basis?

MR. BELLOWS: For the record, Ray Bellows. Staff does meet with and coordinate with other state and county and even federal agencies on issues that pertain to various projects as time goes on, and where we've uncovered or discovered inconsistencies, we've worked to resolve those things.

But sometimes things don't come up very often, and there's an unusual project where these things are discovered.

COMMISSIONER RANKIN: I just wanted to make sure there was a process to bring those to our attention and the board's attention so we can correct them.

MR. BELLOWS: Yes. They come back as either GMP or LDC amendments.

COMMISSIONER RANKIN: Thank you.

CHAIRMAN KEENE: Okay. Moving on to old business. LDC amendments has been continued again until the December 6th meeting.

New business. We are requested to accept a schedule to review past clarifications of the Land Development Code and forward a recommendation to accept the selected staff clarifications to the Board of County Commissioners.

Ray?

MR. BELLOWS: For the record, Ray Bellows. I put together this executive summary and schedule. The purpose of creating a schedule is not to give the board all of the staff clarifications at once, or the Planning Commission.

We wanted to review them as staff to make sure they're still applicable. Some of them have been superseded by subsequent LDC amendments, or some of them don't reference current LDC citations. So staff is reviewing each one of them, and we are revising to note current staff citation numbers. And if they have been superseded, we've removed them from your packets.

And we've put together approximately five or six per meeting for you to review and then forward a recommendation to the board.

CHAIRMAN KEENE: So you just need us to accept this -- the schedule included in our packets for review?

MR. BELLOWS: Yeah. And if you have questions on the five or so that were included in your packet today.

CHAIRMAN KEENE: Okay.

COMMISSIONER BROUGHAM: Staff clarification is simply that, it's a staff clarification of existing LDCs?

MR. BELLOWS: Great. I'm glad you asked that question. I meant to include that in my presentation.

Over the time -- over the years, as staff has turnover and we have new staff trying to implement or explain the code to our customers or the public, and they may not fully understand some of the language.

And instead of keep asking the zoning director of how these things should be interpreted, the zoning director at the time decided to create kind of a memorandum of law where they explain it once, and then staff at the front counter can review those things. So if they have a question about, say, guesthouses, they can look at the past staff clarification and not keep going back and searching for someone to explain it.

So that's -- it's really a memorandum to help explain what the code means and doesn't change any of the language or intent of the Land Development Code.

COMMISSIONER BROUGHAM: Is that still your practice? I mean, are there new staff clarifications coming --

MR. BELLOWS: Yeah. The one in the packet --

COMMISSIONER BROUGHAM: -- from time to time?

MR. BELLOWS: -- today was for window signs, and that was a 2012 one.

COMMISSIONER BROUGHAM: Okay. So the process is still in place --

MR. BELLOWS: Yes.

COMMISSIONER BROUGHAM: -- when required? Okay.

MR. BELLOWS: Yeah. It really is a useful tool. If you ever visit our front counter staff and there's a line of people wanting to ask questions and -- you know, it's a great place to learn when you're a new employee to Collier County. It forces you to read the code and understand it, but there's so many things in there that aren't readily evident. And instead of having that person contact the zoning director time and time again during the day, it's easier to refer to the log and find your answers there. And if you're still unsure, then they go to the director or myself.

COMMISSIONER BROUGHAM: Frequently asked questions?

MR. BELLOWS: Yes, exactly.

COMMISSIONER RANKIN: So our function of these, if we see one of these that we don't agree with or we think you're incorrect, we need to bring it up at this point?

MR. BELLOWS: Yes, yeah, and we'll try to explain it. And if you point out something that one of our staff people have not uncovered, then we'll address it, and it might result in an LDC amendment.

CHAIRMAN KEENE: And I'll just add -- just, you know, in dealing with some of these items over the years, the issues would be you would go in for a permit and get something today, and then staff would change over, and you would apply for the same thing, and you would get denied. And so --

MR. BELLOWS: Yeah. This helps prevent that. It may not always happen, but it's supposed to help.

CHAIRMAN KEENE: Right. It just keeps it consistent and fair across the board.

COMMISSIONER RANKIN: Well, we don't get the other comment that would so shock the other gentleman that you get one answer at one end of the counter and the other answer at the other end of the counter.

MR. BELLOWS: Yeah, that's the main reason for it.

CHAIRMAN KEENE: Okay. Do we have a motion to accept the schedule as presented?

COMMISSIONER HOMIAK: Schedule? I'll make a motion.

COMMISSIONER VONIER: So moved.

COMMISSIONER HOMIAK: And I'll second.

CHAIRMAN KEENE: Okay. All in favor?

COMMISSIONER RANKIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN KEENE: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN KEENE: Motion approved 8-0.

And I believe --

COMMISSIONER BROUGHAM: May I ask something? Because the recommendation was for us to approve to forward a recommendation to the BCC to accept the following staff clarifications, of which there are two, four, six, in addition to accepting the schedule.

CHAIRMAN KEENE: Correct.

COMMISSIONER BROUGHAM: Did the motion say that we're forwarding these six items here with a recommendation for approval?

COMMISSIONER RANKIN: No, it didn't, but --

COMMISSIONER BROUGHAM: All I heard was accept.

CHAIRMAN KEENE: No, I think that was the intent.
COMMISSIONER HOMIAK: I just accepted the schedule. I don't know if there are --
COMMISSIONER VONIER: That was the schedule.
COMMISSIONER RANKIN: That would need to be the next motion.
MR. BELLOWS: Yes, a second motion.
CHAIRMAN KEENE: Then we can do another motion to accept the ones presented.
MR. BELLOWS: Yes, in the packet today.
CHAIRMAN KEENE: In the packet today.
COMMISSIONER HOMIAK: I'll make a motion to accept the ones that were presented in the
packet today and forward to the --
CHAIRMAN KEENE: The BCC.
COMMISSIONER HOMIAK: And -- yeah.
COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN KEENE: And it looks like it was seconded by Mr. Klein.
COMMISSIONER KLEIN: Yes.
CHAIRMAN KEENE: All in favor?
COMMISSIONER RANKIN: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER VONIER: Aye.
CHAIRMAN AHERN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN AHERN: Motion approved 8-0.
MR. BELLOWS: Thank you very much.
CHAIRMAN KEENE: And now that brings us, I believe, to the end of our hearings.
Any public comment? There's no one left in the room.
So do I have a motion to adjourn?
COMMISSIONER BROUGHAM: Motion to adjourn.
COMMISSIONER RANKIN: So moved.
COMMISSIONER VONIER: Second.
CHAIRMAN KEENE: Meeting is adjourned.

There being no further business for the good of the County, the meeting was adjourned by order of
the Chair at 4:41 p.m.

COLLIER COUNTY PLANNING COMMISSION


MELISSA KEENE, CHAIRMAN

November 1, 2012

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 12/6/2012, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.