

October 1, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
October 1, 2015

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Mark Strain, Chairman
Stan Chrzanowski (Absent)
Brian Doyle (Absent)
Diane Ebert
Karen Homiak
Charlette Roman
Andrew Solis (Absent)

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Fred Reischl, Principal Planner
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, October 1st meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay, will the secretary please do the roll call.

COMMISSIONER EBERT: Yes, good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski is absent. Mr. Solis is absent. Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Stan and Andy had contacted me. They had other commitments they couldn't break today, so they will not be able to be here. That's an excused absence.

***With that we'll move into the addenda to the agenda. We have two items on today's agenda. The first one will be the East Gateway PUD, and the second one is the rescheduled meeting for the AUIR.

And I would like to talk to the panel about the AUIR. Each year we've been reviewing the AUIR, and over the years things have changed. And more recently there's been some legislation that changed the status of the AUIR.

But more noticeable is the changes that the AUIR has taken over the years this panel has reviewed it. And it's pretty much standardized now and everybody's on the same page, we're using the same population statistics, and it becomes the basis for the upcoming budget.

This panel's main involvement is the CIE, the Capital Improvement Element, and the other elements of the AUIR, which is Annual Update and Inventory Report, feed that and tell us how those numbers get there.

In reviewing this year's it's very standardized like we've gotten used to. I have spent a lot of time on all the 15, I think there's 15 different elements, reviewing each one. And with the exception of some questions I have of stormwater, I don't really need for my answer for any of my questioning, because I don't have any basically on the other elements, so I don't need a presentation from staff members today on anything but stormwater.

And the reason that's important is the staff is waiting to understand how many of them have to be here. As you know, personnel and staff administrators usually come to this meeting and they spend a lot of time making presentations.

So I'm going to suggest to the panel, if we don't have a need for their presentation in the sense that we've got the document, then let them keep working and let's just focus on those that we may have questions on.

And the only one I have left out of my review is stormwater. And I don't know if anybody else shares that idea or thinks that's a good idea or bad, but I'd sure like to get the input from the rest --

COMMISSIONER HOMIAK: Good idea.

CHAIRMAN STRAIN: -- of this panel.

Good idea, okay.

Charlette, are you willing to work --

COMMISSIONER ROMAN: Yeah, I think that that's a good idea. Because the public will get the full benefit of the AUIR at the Board of County Commissioners; is that correct?

CHAIRMAN STRAIN: That's correct, yes.

COMMISSIONER ROMAN: Yeah, I can support that.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: That's fine. I just had a couple of questions in two different areas, but

stormwater was one.

CHAIRMAN STRAIN: And I understand that the department administrators are watching this or at least they're going to be monitoring this discussion, and so I'll start, Diane, with you. If you have -- I'm asking that stormwater attend the meeting, and I notice Jerry's here so that's going to be taken care of.

Is there anybody besides stormwater you'd like to hear -- have a discussion with based on your review of the documents?

COMMISSIONER EBERT: Just a little bit from utilities.

CHAIRMAN STRAIN: Well, there's several. There's water, there's wastewater and there's solid waste -- well, solid waste isn't probably utilities, but yeah, water and wastewater. Which one?

COMMISSIONER EBERT: I don't know which one. It isn't wastewater. No, it's the regular utilities.

CHAIRMAN STRAIN: Potable water?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Okay, so you'd like someone from potable water to address the panel for your questions. I only have stormwater.

Do you have any, Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No additional.

CHAIRMAN STRAIN: Okay. So Mike, based on that we need two departments to attend. And I notice Jerry's already here, so that takes care of one.

We'll move into the AUIR right after we finish up with the first hearing on the PUD.

And Mike, if I'm not mistaken, one of the changes in the statutes was that the CIE is now a resolution instead of an ordinance, making it more flexible?

MR. BOSI: Correct, Chair.

Mike Bosi, Planning and Zoning Director.

In 2011 the legislature passed and the Governor signed the Community Planning Act and made revisions to a number of different components within planning within the State of Florida. And they basically provide a lot more flexibility to how you go about amending your CIE. Before it was done by a resolution -- or by an ordinance. Now it only requires a resolution. So it's taken the level of standard down a bit.

And they provide a lot more flexibility to the local governments in terms of what you can and what you're required to include within your CIE. So they just provided more flexibility and a little bit more home rule control to the jurisdictions and to the counties.

And we'll reach out to utilities and make sure that someone can come and address some overview of the potable water issue.

The one thing I will say, there's no improvements contained within the five or the 10-year CIE. But we can most certainly make sure that someone from utilities will be able to answer whatever questions that you may have regarding the system and the future system expansions, Ms. Ebert.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay, Mike, thank you very much.

Heidi, did you have something you wanted --

MS. ASHTON-CICKO: I wanted to elaborate a little bit. We had been doing it as an ordinance the past few years, including what's proposed for this year. It can be done by resolution, if you prefer. The advertising is the same, it doesn't really make much difference.

And as Mr. Bosi said, the difference is this ordinance amendment as proposed is not amending the GMP, it stands alone in the approval of the schedules.

CHAIRMAN STRAIN: And from our perspective we simply recommend. It doesn't matter to me and I don't think anybody on the panel whether we're recommending for an ordinance or a resolution. So the Board can do it any way they want when they get it, and I'd just leave that up to them. I don't think we want to weigh in on whether it should be either one.

MS. ASHTON-CICKO: Yeah, as Mr. Bosi said, it can be a resolution. We've done it as an ordinance. I don't really think it makes much difference because the advertising is going to be the same.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: But again, it's not an amendment to the Growth Management Plan like it had been several years ago.

CHAIRMAN STRAIN: Great, thank you.

Okay, Mike, thank you very much.

And with that, we'll look at the rest of our agenda.

***Planning Commission absences. Does anybody know if they're not going to be here on the 15th? Now, the 15th is probably going to be a long meeting. We have a couple of returns that were controversial, including Briarwood. So I want to make sure we retain a quorum the whole day. If all of us know we're going to be here, and I believe the others have not said they wouldn't, so we're going to assume we still have a good quorum on the 15th.

***Approval of minutes. Has anybody or everybody read the September 3rd minutes? And if so, is there any changes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion to approve. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane.

All those in favor, signify by saying aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

***BCC report. Ray?

MR. BELLOWS: Yes, on September 22nd the Board of County Commissioners heard the PUD amendment for Toll Gate Center, and that was approved on the summary agenda.

CHAIRMAN STRAIN: Great, thank you.

***Chairman's report. Nothing new to report today and there's no consent agenda items, so we'll move right into our first advertised public hearing. Actually it's our only hearing today. It's Item PUDA-PL20140000548, known as the East Gateway Planned Unit Development. It's been continued from our August 6th meeting and from our August 20th meeting and then again from our September 17th meeting to today.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Okay, we'll start with disclosures.

Tom?

MR. EASTMAN: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Just staff and Wayne this morning.

CHAIRMAN STRAIN: Okay, and I --

COMMISSIONER EBERT: Oh, excuse me, Nicole Johnson from The Conservancy.

CHAIRMAN STRAIN: Okay. I've reviewed files; in fact a lot of historic files on this property. It's got an overlay attached to it and I've thoroughly gone through that. I've talked to staff. I've met with the applicant and various representatives from the applicant. I received an email this mor-- well, I think it was sent out last night. It was from Nicole. I've talked to Nicole and received her email. Actually, it was a book, 10 pages, the last three pages of which were graphics. But I've gotten used to Nicole's writing and I turned to the seventh page of the text which is the last page and read the second to last paragraph and that's all I've had

time to read.

COMMISSIONER HOMIAK: I did.

CHAIRMAN STRAIN: Well, I just didn't get time. She sent it kind of late.

And when I read the overlay I found some language that I wanted some clarity on, so I went and found the list of people who were involved in the 2000 overlay. I've talked to five of those people: Ray Bellows being one; Nancy Simeon, who is Nancy Gundlach now; Bruce Anderson, who we all know; Anita Jenkins, I talked to her a couple of days ago; and I talked to Jeff Perry.

And with that, that's the last of my disclosures.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich and I read Nicole's email.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, I met with staff and I talked with Nicole Johnson.

CHAIRMAN STRAIN: Okay, with that, Wayne, we'll move on to you.

MR. ARNOLD: Good morning. I'm Wayne Arnold with Grady Minor.

With us on the project today we have Rich Yovanovich and David Genson. David's with Barron Collier Companies who are the owners of the property.

This is a PUD amendment and it's a fairly simple amendment with regard to what we're requesting. It's a previously approved industrial and commercial PUD. We're seeking an amendment to add a residential option for development of the property for up to 250 units.

As Mr. Strain mentioned, it is in the activity center; it qualifies for up to 16 units per acre. We're seeking less than the maximum density. But it is in the activity center labeled the project that are adjacent to us. And this property as you can see is vacant. It is -- previously approved master plan looked like this. It's not a lot of detail other than the preserve. And then it shows an area for industrial and an area for commercial.

Our new master plan proposes to relocate the preserve in part and subject of a deviation as well, which I'm sure we'll be discussing in more detail. And then we've added the residential component to each of the commercial and industrial.

So in our PUD document you'll find pretty simple strike-through underlined amendments to add residential dwellings as the permitted principal use in each of the tracts.

And then we've also established development standards for the various types of residential that could be developed here.

Staff reviewed this and is recommending approval subject to some conditions that I think we need to discuss. We did have a neighborhood information meeting that no one attended, so there's not a lot of neighborhood discussion with regard to this one.

But I think in this particular case, you know, the meat is probably two of the deviations that we're seeking. So I'll try to discuss those.

We've asked for the deviation for sidewalk on one side of the street. And I know it's probably a very untimely request, but given the fact that the board hasn't had their discussion on this -- I know you did. I don't think there was any decision made with regard to how we're going to handle these in the future. But the deviation is still there and we'd like to continue to request the deviation for one side of the street. It's -- you know this is a -- even though it's a larger parcel of 37 acres it's still an infill parcel between two established projects, the residential component, and it would be the residential component only for that deviation that we've asked for the sidewalk on one side of the street.

I have a street cross-section in there. We think it makes sense, we think it's justified. We know staff doesn't agree with that finding, and I'm sure we'll be discussing that momentarily.

The other deviation we requested, it's a little unique, and it's one that is allowing us if approved to go off-site and mitigate our preservation requirements for the project.

And we knew that wasn't going to be a simple request. But this is an activity center, it's one of the most intensive development areas you can have. It's at the interchange activity center. It has commercial development to the east that has no native vegetation on it. The site itself doesn't host any listed species that are utilizing it. And even though the canopy of the trees that are there are considered native, Turrell-Hall who

did the environment assessment for the property identified a majority of the site that's actually exotic infested 50 percent or more. So from a vegetation standpoint it's not the greatest.

And we're not arguing that there's not some urban green space that's valuable here. The fact is we're not asking for any deviation from the overall open space requirement. But in this case we're looking to basically relocate the preserve.

And one of the components that really was the basis for our continuances was to try to establish the off-site location for this. And Barron Collier Companies has identified a location in the Immokalee area that we think is well suited to be the mitigation for this parcel.

I don't know how well it reads on there, but the subject parcel that would be the mitigation parcel is just under 30 acres. It's 29.5 acres.

The area to the north that's kind of a blue shading is property that's owned by the Water Management District for preservation. And then the areas to the west and south are Pepper Ranch, part of your Conservation Collier acquisition.

So this piece would actually link the two together and offer we think a good mitigation at the -- for the poorer quality that we have on site.

And the numbers that we have, it's -- it's a numbers game, I understand in part. But part of it's also your policy discussion. But from a numbers standpoint we would have 7.7 acres of native vegetation preservation on this site. We're establishing and recreating a wetlands system on the north end of the property. It's shown on our master plan. That's adjacent to I-75 but it's also adjacent to the preserve area that's part of the Saddlebrook project next to us. We're not asking for any credit for that 2.7 acres of property. That would be property that we would go ahead and put back as native vegetation in a wetland environment.

So really the difference, we're going off site for the 7.7 acres but taking no credit for those 2.7 acres on site.

And again, you know, our thought process is this is valuable land for the purposes of the more intensive development. There's not a wildlife component here, there's no listed species, we have a good off-site recipient for the mitigation, and we think it makes sense if we're going to encourage these infill projects to incur at the densities they need to be developed at and to make economic sense.

Because at the end of the day the economics of a project is important. You know, the Barron Collier companies, they know this. And, you know, for every part of the preservation area that we would grow on-site, they lose opportunity to build units. The fewer number of units that you build brings the price point up potentially. But there's also probably a maximum price point at a location that's at the interchange activity center, so I don't think there's going to be a market for million dollar residences in this location, but we do think that there's a strong market for gap housing. And to get the gap housing at the number of units that make economic sense, we can't physically fit the preservation requirements on this site and bring delivery of what they want to develop, which are small lot single-family residences in this location.

So that's where we've come from. And the one component that you hadn't seen was the off-site mitigation parcel which we think makes a lot of sense as a preservation area. It's zoned agricultural with a mobile home overlay today. And it could be put into a preservation.

And we had this discussion with others but, you know, people seemed to be concerned that this sets the precedent. And there are a lot of factors here that make this something that can't happen throughout the county. It's in an interchange activity center, it's an infill parcel, it doesn't have any listed species utilizing the site. The preserve area that was shown on the original master plan is a narrow strip of land that serves no real purpose other than the green space component. So we'd like to do something more meaningful by going off-site and preserving land that should be preserved.

That's our position on that deviation. I don't know if there's a whole lot more we have to discuss with regard to the project. I'd be happy to answer questions from Planning Commission or go through the document if there are questions about that.

CHAIRMAN STRAIN: I mean, I know there's going to be questions about the document, so maybe the rest of your presentation we can just go back and forth with questions from this panel.

MR. ARNOLD: Sure.

CHAIRMAN STRAIN: With that, I'll ask my fellow commissioners if they have any questions

they'd like to start out with.

(No response.)

CHAIRMAN STRAIN: If not, I'll just work through the document from the beginning of it and we'll go through the questions. Then when we get to things that you all have notes on, just jump in.

Okay, in our package the PUD part of it starts on Page 27 or 28. My first question in the PUD is on I -- the pages aren't numbered like we're used to. It's Roman numeral I-5. It's Section 1.5, the end of it on I-5.

And Wayne, on the top of that page, these are things I have come up with since we talked. Last sentence at the top of the page, it says: A catch basin culvert system along the overland sheet flow will collect and convey project runoff to the dry detention areas into the preservation native vegetation area once acceptable water quality is achieved.

Well, if you're proposing to take off the preserve native vegetation area, then where is this water going to go; do you know?

MR. ARNOLD: Well, it's still going to discharge off-site. But we intend to utilize the recreated wetland area as part of our water management system.

CHAIRMAN STRAIN: Okay. Well, then I'm trying to fit that with the paragraph below which says: The off-site outfall was constructed during the construction of Saddlebrook Village. Said outfall is in existence and functional. No further design modifications to the existing system are required.

How does that fit in with what you just said?

MR. ARNOLD: I don't think it changes anything I said. We still have to provide on-site water quality treatment before we can discharge through the control structure that's on the property.

CHAIRMAN STRAIN: The control structure is on, it looks like, Saddlebrook Village's property. Do you know where and how it relates to the creative preserve that you're going to use for water management?

MR. ARNOLD: Well, the relationship is we have a discharge location and the water quality function and the wetland that we have is a component of the overall water management system. It's not the discharge location.

CHAIRMAN STRAIN: So what are you going to do, pipe down to wherever this existing outfall is? Is that what your intention is?

MR. ARNOLD: It will either be piped or swaled. I'm not sure that we've gotten that far in our designs. Depends on whether or not we get a deviation or not.

CHAIRMAN STRAIN: Under 2.2 under general, A, I made a note to you and I assume you corrected it or intend to correct it. The reference on the second line is it said FUD, planned unit development. You mean PUD, right?

MR. ARNOLD: Yes, I'm pretty sure we did. But it might not be inappropriate.

CHAIRMAN STRAIN: I think it would be very appropriate to change it.

On 2.4, maximum project intensity. This is -- the last sentence says: If industrial business park is constructed on the IBR, industrial business park, or residential tract, then no residential uses or dwelling units are allowed on this tract.

Can we make that a little clearer in the sense that we could say if any industrial or business park use is constructed on the tract then there will be no residential constructed anywhere on the tract?

MR. ARNOLD: I think we can do that, yeah. That was our intent.

CHAIRMAN STRAIN: I thought it was, but the way that reads, if -- you'd have to create something called a business park to trigger it, and I'm worried that someone might try to do that. So really you're talking about any industrial business park uses, and that would help clarify it.

The 2.7.B is existing language, but it's referring to a green space of not less than 10 feet in width as measured from the property line or edge of pavement between the off-street parking and the drive aisles.

In the activity center number nine language in the LDC, and it's Section 4.02-23.D.2.A, it says: Landscape buffers adjacent to all other public streets shall measure a minimum of 15 feet in width.

And I just want to make sure that that paragraph that you've got there doesn't try to modify that section of the code, because you're not asking for a deviation from it.

MR. ARNOLD: Honestly, Mr. Strain, I don't know that Bedzel Circle is a public road.

CHAIRMAN STRAIN: I don't either. And that's what I was hoping since it involves your project you'd know. But well, maybe by the time we get back for consent that issue can be looked at. And if needed, you'd have to modify it.

And that takes us to one of the more questionable issues which is 2.1.1. It's on II-5. And this is the one involving the native vegetation retention requirements. And you and I spoke about it. I had tried to see if the overlay provided any assistance, and I did talk with five different people who were involved in the overlay. None of them could confirm that it related to that -- the issue of the preserve.

I therefore have a concern over the consistency in that deviation which would affect paragraph 2.1.1. So I'm just telling you that now. We're going to have more discussion, but in the end I still can't get past the consistency issue for that deviation.

The other deviation which is on paragraph -- or page II-6 is deviation number three. I know you believe by waiting for the Board to weigh in further on sidewalks you might have a different outcome. As far as my concern over that one is, I don't see the deviation being warranted, and that's another deviation I'd have to agree with the staff recommendation on that as well.

And we get to Page III-4. It's 3.3.B, top of the page. You're talking about on-site recreation facilities, and I just needed to clarify one of your references. The last two lines refer to bollard type lighting limited height needed for security purposes but no greater than 12 feet in height. They don't make -- I thought bollards are those waist-high lighting, not 12-foot high lighting.

MR. ARNOLD: I don't know what the height of a bollard light is. I mean, I do think of them too as sort of the waist high, chest high type lighting.

CHAIRMAN STRAIN: So I think you might want to reword that so that either/or is what your intention is. Because if you don't do bollards 12 feet high if they don't exist, you may find a problem fitting them in.

MR. ARNOLD: So if we said we'd do either bollard lighting or other lighting limited to 12 feet, would that --

CHAIRMAN STRAIN: That would work.

On Page III-4.D at the bottom of the page, minimum yards and buffers, the overlay has strict buffer requirements, as does that section in the LDC. The 25-foot landscape buffer referred to in the last sentence shall be provided along the entire frontage of Davis Boulevard.

That buffer has design criteria in the overlay. Are you -- and so does the LDC. You're not intending to change that by not referencing the overlay on this, are you?

MR. ARNOLD: I don't think that was our intent.

CHAIRMAN STRAIN: Then when we get to the next paragraph, B, talks about commercial residential uses are developed in the tract. A minimum of 20-foot wide C landscape buffer shall be provided between the two uses.

You don't mention a wall. I just want to make sure that we add the language a wall will be included in that as well.

MR. ARNOLD: Is that because of the reference to the Type C?

CHAIRMAN STRAIN: Yes. I know Type C references a fence/wall, but I don't know if it's a requirement. Sometimes it's been read to not necessarily mean a requirement, so -- okay?

MR. ARNOLD: Wall is fine.

CHAIRMAN STRAIN: Okay. And then on F, maximum height for commercial. And I think I mentioned this to you yesterday or day before. Directly adjacent to Saddlebrook. Can we just put a reference to a footage in there instead of just directly adjacent? It used to say 35 feet directly adjacent to Saddlebrook, but at least we knew within 35 feet that was considered directly adjacent.

What was your intention of --

MR. ARNOLD: Well, I think --

CHAIRMAN STRAIN: This is commercial. I think you've got a 50-foot elsewhere, but I'll get to that in a minute.

MR. ARNOLD: Well, I think what might be the simple solution, Mr. Strain, would just be for the residential. You know, it's the heights we have. And for -- it's stricken as a height, but we could add it as a

distance from the property line and say commercial uses or say within 50 feet of Saddlebrook or greater than 50 feet.

CHAIRMAN STRAIN: That's all I'm looking for.

MR. ARNOLD: So directly adjacent it would be 35 and 45. But to go above and get to the 50 and 60, we would be at least 50 feet from Saddlebrook. Does a number like that work? And that's equal to our height.

CHAIRMAN STRAIN: Yeah, that would work.

I think we're going to get to another section that starts talking about some of that distances too. Let me see where that is.

Oh, before we get there, III-5, at the bottom of the page, L, talks about architectural uniformity. Commercial development in this MPUD shall have a common architectural theme for all structures. And then it talks guidances in Section 5.05.08.

Then after that -- I mean that's on the top of the following page it continues. Section 5.05.08 of the Land Development Code: Or may be unique to the MPUD in conformance with the interchange master plan.

There's nothing that I can find that allows that "or" to be something allowed. It is. You have three choices for your architectural theme; they're in the overlay and they're in the LDC. So it's not a matter of or, it has to be one of those three, unless you're asking for a deviation, which I don't think you are.

MR. ARNOLD: I think the language we're talking about is already existing in the PUD document today.

CHAIRMAN STRAIN: Well, it may be, but you had inserted language at the bottom of your development standards tables for the new residential. That basically says anything not noted as a deviation in this PUD will not be a deviation. So if you've got a requirement in the -- and I can read the -- we have to pull it up but it said there's three. There it is: Buildings within the activity center number nine, this is 4.02.23.B, shall be limited to three complimentary character themes: Everglades, rural and old Florida, as defined in the vision statement for activity center number nine interchange master plan.

Are you telling us you want to deviate from that? I mean, this is a rewrite of that PUD. And the new statements that you put in here, like we have expected under the developments standard table, says that if something isn't listed as a deviation then it isn't a deviation. You're going to be consistent -- you're looking puzzled. I can read that paragraph --

MR. ARNOLD: I am puzzled, because the residential table is not the same development standards table for any of the commercial or industrial.

CHAIRMAN STRAIN: Okay, I'll read the sentence. It says: Nothing in this MPUD document shall be deemed to approve a deviation from the LDC unless it is expressly stated in the list of deviations.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: So it says nothing. Doesn't say just residential, it says nothing in this PUD. I agree with that.

And if your intention was to deviate from that vision statement, we've got a couple of other areas that this is going to come into play. And in particular the buffer that goes along I-75, it's supposed to be 25 feet wide within 400 feet of I-75. And according to this you're abutting I-75 so -- I think with the buffer at some location. So that's another item that maybe you would want a deviation on but you didn't ask for one. And I'm trying to understand why the interchange activity center visioning statement wouldn't necessarily apply to this project, if that's what you're thinking it doesn't.

MR. ARNOLD: Well, I think this project was approved previously with the interchange activity center language that exists, because it's referenced in here.

CHAIRMAN STRAIN: Oh, I agree. But you're coming in for a change, and I think that it was missed once doesn't mean it needs to be missed twice. I mean, who said that if -- some attorney said we reserve the right to get smarter. And I'll never forget that statement, so I'll use it too.

MR. ARNOLD: Let me think about this paragraph, because it's not something that I recall us discussing. And all we changed in there was the new code reference to the architectural standards --

CHAIRMAN STRAIN: I'm --

MR. ARNOLD: -- under the architectural uniformity language that you questioned.

CHAIRMAN STRAIN: Let me get back to it.

MR. ARNOLD: We struck division 2.8 which is no longer referenced in the LDC. And it's now Section 5.05.08.

CHAIRMAN STRAIN: Right, I see that. But then you say: Or may be unique to the -- I'm saying you don't have a choice. It's not "or". We have a section of the code that's written specifically for this interchange activity center. You're not asking for deviations from it. So why would it be "or", like you have a choice? You don't. It's going to be one of those three styles unless you ask for a deviation.

MR. ARNOLD: But I don't think this contemplates a deviation. I think it --

CHAIRMAN STRAIN: I know.

MR. ARNOLD: -- it says we're going to be in conformance with the LDC or the interchange activity center criteria.

CHAIRMAN STRAIN: Okay. But the LDC 5.05.08 does not have the three limitations in style that the over -- the vision statement does, the interchange activity center overlay does. That's all I'm getting at. If it did we wouldn't need that section of the code for that activity center.

MR. YOVANOVICH: So can I ask this question? If --

CHAIRMAN STRAIN: Who are you?

MR. YOVANOVICH: I'm the attorney that you quoted, Rich Yovanovich.

CHAIRMAN STRAIN: Okay, you're representing the applicant, I take it?

MR. YOVANOVICH: Yeah.

So Mr. Strain, I'm asking this question: Does the reference in the interchange activity center to the three types mean that's all I have to do, I don't have to comply with Section 5.05.08?

CHAIRMAN STRAIN: No, it's not the way 4.02.23 is written. These supplement. And it says: In addition to the requirements of Section 5.05.08, buildings shall have the features, characteristics, and then it goes on from there.

MR. YOVANOVICH: Are you asking that the word "or" be changed to the word "and"?

CHAIRMAN STRAIN: Yes. And they've both got to be consistent. So "or" needs to be "and" is what it boils -- that would be a simple way to fix it.

MR. YOVANOVICH: And that's for the commercial structures, correct?

CHAIRMAN STRAIN: Well, it's going to be for both. I mean, you're going to have the same language I believe pops up under the industrial side of it or --

MR. YOVANOVICH: That probably wasn't the best way to phrase the question.

Do the homes that we intend to build have to meet the three architectural types?

CHAIRMAN STRAIN: I don't believe it was the intention. I think it was --

MR. YOVANOVICH: I didn't either.

CHAIRMAN STRAIN: -- for the commercial.

MR. YOVANOVICH: I just wanted to --

CHAIRMAN STRAIN: No, I'm not suggesting it does. I'm trying to get this thing --

MR. YOVANOVICH: I know it just says commercial, but I wasn't sure -- you're reading from something in the interchange activity center, and I don't know if it intended to apply to residential within the interchange activity center.

CHAIRMAN STRAIN: I don't believe it did. Doesn't seem like the intent.

When we get to the first development standards table on 3.5, I went back and looked at some other projects and tried to figure out how a multi-family building could have a side yard of 10 feet when it was going to be 50 feet high. I understand that your side yards would be superseded by the minimum distance between structures. But what if you've got a multi-family up against a -- I mean, your three-story up against a single-story building? Which standard would apply then? Because one is 25 feet and the other is 12. And I don't know how you intend to lay this project out and mix up the product.

COMMISSIONER EBERT: I don't either.

CHAIRMAN STRAIN: So I'm suggesting that under the minimum side yards we look at either half the building height or the minimum distance between structures some way and mix that together so that one suffices when another one drops out because of a change in stories between buildings.

MR. ARNOLD: I'm going to need to give that some thought on how this could be --

CHAIRMAN STRAIN: Okay. Well, we're going to end up coming back on consent on this one, so we'll have time to do that.

Under the accessory structures, your minimum side yard setbacks, you have five feet, then you go zero feet, asterisk one. I'm wondering why you put the asterisk one in there when it gives you zero feet.

MR. ARNOLD: Well, I think it could reference because we establish the minimum if it's detached of 10 feet in that footnote.

CHAIRMAN STRAIN: Minimum distance may be reduced at garages to a minimum of zero feet where attached garages are provided and a 10-foot minimum separation is maintained if detached.

So if you didn't put the asterisk one, the zero feet wouldn't give you that separation? I mean, that's --

MR. ARNOLD: I think it would. I mean, clearly 10 feet's greater than zero. I mean, if you don't think I need the reference --

CHAIRMAN STRAIN: No, I just wanted to understand if it meant anything different than what it seemed to. And you can leave it in for clarity. I just wanted to make sure I understood what you're getting at.

On the next page under section four, item 4.2, you had some new language and it says: Instead of the industrial business park uses, dwelling units shall be permitted in the IBR area.

And I would suggest you add to the end of that instead of the -- or modify it. Instead of the industrial park uses, dwelling units up to 250 or -- somehow put in there that it's "or". Because here it was reading instead of. I'm suggesting it's or up to 250 units. I think it just needs to be crafted a little differently so we know that you can do one or the other but not both.

MR. ARNOLD: Well, the last sentence does say: Has to be developed entirely with either nonresidential or residential. Maybe that --

CHAIRMAN STRAIN: I think -- and the other thing I did, maybe this is -- the second sentence I suggested crossing out, the IBR tract shall not be developed with mixed use development consisting of residential development.

I'm not sure you need that. We don't do mixed use and industrial that I know of.

MR. ARNOLD: Well, our industrial allows certain other non-industrial uses in the list of uses. So I didn't want it to be exclusive to only being able to put industrial uses out of that list there.

CHAIRMAN STRAIN: Okay. The first sentence where it talks about the 250,000 square feet of industrial business park uses.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: If you just continue that and say: Or up to 250 residential units, and then left the rest of it, I think we'd get there.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: Just make sure that --

MS. ASHTON-CICKO: Mr. Chairman?

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON-CICKO: I think it might lack some clarity if you put that in there, because they can do residential in the commercial district as well, and it's capped at 250 for the whole PUD.

Correct, Wayne?

CHAIRMAN STRAIN: Right, it says that elsewhere in the PUD that they can --

MS. ASHTON-CICKO: But if you put that they can have 250 here, I just don't want it misconstrued, that's all.

CHAIRMAN STRAIN: Your mic's not picking up, Heidi.

MS. ASHTON-CICKO: The cap for the entire PUD I understand is 250. So the commercial can also have residential.

CHAIRMAN STRAIN: That's right.

MS. ASHTON-CICKO: I just didn't want to confuse the calculation of the total. But, I mean, we can clarify that.

CHAIRMAN STRAIN: I think you just need to make some clarifications to that paragraph by the time we come back for consent. We'll just -- I think you can figure out a way to tweak the language to meet

the concerns.

MR. ARNOLD: I think we could just add another reference to the maximum of 250 dwelling units shall be permitted within the entire PUD or something like that.

CHAIRMAN STRAIN: Fred?

MR. REISCHL: Mr. Chairman, Fred Reischl, Zoning Division.

We also wanted to make sure that the intent of this is clear, that you're not going to have industrial and residential in the same tract. So as long as the language preserves that statement, we'd like to keep that in.

CHAIRMAN STRAIN: We agree. And I think the applicant agrees too. We've just got to get there a little bit more -- that sentence is a little hard to understand.

If we go to page IV-3, top of the page, you talk about your on-site recreational facilities. In the other projects where this language has been used before when we're close to residential, we ask for a wall. So I would suggest we need to add an eight-foot wall required when within 50 feet of residential. So that would only happen when you're up against Saddlebrook or your internal stuff.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: And then under 4.4.C, you're asking for a floor area ratio of .45. But that's not needed because you have a cap of 250,000 square feet. So what is the point of C?

MR. ARNOLD: I think the reference to business park there, Mark, is where that is derived from. If you look at the business park zoning district, I think it has an FAR, but I'm not sure it's a .45. But probably is. I'm sure Mr. Genson would be happy to remove the floor area ratio.

CHAIRMAN STRAIN: Well, you're limited to 250,000 square feet. I don't think it matters how you get there. So I would think that just could lend confusion to someone on argument in the future that you can do more than 250,000 square feet because that ratio exists. I don't think that was the intent by either the applicant or by the approval process previously.

Ray?

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

I agree, it would be conflicting language. It appears to be older language that's not needed anymore.

CHAIRMAN STRAIN: Okay, then we can just -- unless -- you don't have an objection dropping that paragraph, Wayne?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: On Page IV-4.J, we need to clean up that "or" to an "and". And the same as we talked about previously.

Page 51, when you figure out a way to take a look at the side yards in reference to height, it needs to be cleaned up on that table as well.

On Page 5 -- well, not Page 56, it's my Page 56, but V-5, the top of the page is item B. I notice we cleaned up all the traffic paragraphs, but we left this one in which doesn't really do anything because we have codes to address it. So do you have a reason why you left that one in?

MR. ARNOLD: I believe it was at the request of the former transportation planning director. We were asked to delete all but those that were remaining. I agree with you, I don't think it's necessary.

CHAIRMAN STRAIN: I'd just as soon see it struck. We've got codes to address it so it's not needed any longer.

COMMISSIONER EBERT: You're talking about C?

CHAIRMAN STRAIN: B.

On Page V-8, number A on the bottom, it's existing language, but we're back to is this a deviation. And it appears to be. Because you want a nine-foot high fence measured differently. If it's a deviation, we need to state it as such. I don't have a problem with it, I just want to make sure we've allocated.

Fred, do you guys see that as a deviation or not?

MR. REISCHL: Well, we looked at it as an existing portion of the PUD that was previously approved. So we didn't ask them to put it in as a deviation. If you want to, we have no objection to that.

MR. ARNOLD: Mr. Strain?

CHAIRMAN STRAIN: Yeah.

MR. ARNOLD: Might it just be easier if we just limit it to eight feet, consistent with what commercial walls are allowed to be?

CHAIRMAN STRAIN: Well then you just need to strike it, right?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Yeah, that would clean it up. That's fine.

Under V-9, item B, you added a new sentence involving the landscape buffers. And it says: For residential development buffering shall be per the Collier County Land Development Code.

I think you want to just say or this PUD. Because you have some changes to the landscape buffering in the PUD that you may want to benefit from.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: When we get into your master plan, in the section of the code that talks about the standards for the activity center there's another standard there that says: Landscape buffers adjacent to Collier Boulevard, SR 84 (Davis Boulevard and Beck Boulevard) and within 400 linear feet of I-75 right-of-way line they shall measure a minimum of 25 feet in width. Where industrial lands about I-75, an eight-foot high unified opaque and masonry wall will be installed.

And I just noticed that on the South Florida Water Management District creative preserve you end up actually going right up against it. It appears to be the right-of-way of I-75 on the eastern side. So somewhere along there you're going to probably trigger that language in the code.

MR. ARNOLD: We're saying it just means we're going to have a minimum width of 25 feet where it terminates along our frontage is how I would interpret that. Of I-75.

CHAIRMAN STRAIN: Right, within 400 feet of I-75, right.

And in some of the graphics you have an Exhibit B for your deviation two and three. I understand two, but three is the one with the sidewalks, so that graphic would need to be amended to show the sidewalks on both sides.

On the Exhibit C --

MR. ARNOLD: Mr. Strain?

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: I hate to interrupt you, but --

CHAIRMAN STRAIN: That's okay.

MR. ARNOLD: You've asked for us to modify that. I think that's something that the applicant is not willing to do at this point.

COMMISSIONER EBERT: I can't hear what he's saying.

MR. ARNOLD: Essentially eliminating the sidewalk deviation.

CHAIRMAN STRAIN: Okay. So you're still going to go to the Board with the request to remove the sidewalks?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Okay.

And that takes me to the last of my questions from the PUD. And that's all -- does anybody from this panel have anything that they'd like to add?

(No response.)

CHAIRMAN STRAIN: Okay, Wayne.

COMMISSIONER EBERT: I do have one question. No, more than one. But at this point.

This is an old PUD. They have taken out industrial of this within the new language, correct?

MR. ARNOLD: No, we're -- it's actually the residential comes in as another development option to industrial or commercial. We haven't eliminated the industrial itself. We just added the residential as an option.

COMMISSIONER EBERT: Wait a minute. Then I'm reading something wrong here.

Industrial uses were formerly allowed in this quadrant of the interchange activity center but are no longer allowed.

Can maybe you -- can someone then from -- it's --

MR. BELLOWS: What section are you reading from?

COMMISSIONER EBERT: It's on Page 4 and 5.

CHAIRMAN STRAIN: It's on the top of I think Page 5 of the staff report. I read it too. I don't necessarily know if it's right or wrong. It doesn't really pertain because this project grandfathered in ahead of it. So if they've still got it, they've got it. They've had it industrial for all this time. I don't think that's the intention is taking that away.

MR. REISCHL: That was a comp. planning --

CHAIRMAN STRAIN: Yes.

MR. REISCHL: -- sentence.

I don't know specifically what took those uses away, but the uses are permitted there now in the PUD. And I don't think we're saying that because they're no longer allowed we're going to take them away out of this PUD. They have the right to do that if that's one of their options.

CHAIRMAN STRAIN: I think what happened is there was a change in the GMP that said the north -- the two quadrants in the north side, I believe, and then it said the southeast or southwest quadrant of Collier and Davis, which was south of Davis now instead of north where this one is.

That I believe is why it may say that, although that means the interchange activity center vision statement and a few other things don't mix right with the statements in the GMP.

I didn't pay it a lot of attention because it's irrelevant. They've had their industrial there already so they would be grandfathered in.

MR. ARNOLD: I agree.

CHAIRMAN STRAIN: So I didn't get into that issue. Although if it was a new PUD we certainly would.

MR. ARNOLD: Yes.

COMMISSIONER EBERT: Okay, one other thing. On the environmental, the 2.25 acres that go to the South Florida Water Management has nothing to do with Collier County. But you keep wanting to add that in.

MR. ARNOLD: Well, we're not taking credit for it. It would be lands that would be scraped down slightly and converted to a wetland environment, replanted. It would meet the preservation requirements for the South Florida Water Management District permit we have to obtain.

But under your code in Collier County the recreated preserves are not allowed to be credited toward preserve area calculations. So we took no credit for that. And that's why our off-site mitigation proposal was for the entirety 7.7 acres.

COMMISSIONER EBERT: Okay, I'll do some more listening here then.

CHAIRMAN STRAIN: Thank you.

I think that's all the questions at this time, Wayne, thank you.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: And Fred, I guess we'll have a staff report now?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl, Zoning Division.

Staff was very supportive when this first came in of the adding the residential component. We believe that an activity center is a good place and the GMP says it's a good place for high density residential.

In another submittal they've reduced it down to the 250 units, which I think if (sic) the entire PUD it calculates out to 6.7, I believe, units per acre, which is moderate and not high density. But still it's a good place for residential.

The two deviations that you had already mentioned that had staff disagrees with would be the sidewalks on only one side of the residential streets. Because of the discussion at the Planning Commission and because of the Argo Manatee at the Board, staff feels that we should go forward with sidewalks on both sides of residential streets.

And Kirsten Wilkie is here, she can get into more detail on the preserve, but we believe that since the code says one acre would be the max, that going to over seven acres off-site would be precedent setting, whether it's referring to an interstate activity center, an activity center or the urban area in general. So we agree that that deviation should not go forward.

Except for those two deviations, we would recommend approval.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: I had one question of the applicant. Wayne, you had said something I meant to follow up on. You said you were going to be doing gap housing. Does that mean you're going to be providing it as a commitment through the Housing Department like gap housing is supposed to be?

MR. ARNOLD: I think the reference was that's the price point that they want to deliver homes in.

CHAIRMAN STRAIN: Are you going to keep that price point for 15 years as the gap housing requirements require?

MR. ARNOLD: Let me inquire with my client.

CHAIRMAN STRAIN: Because if you are, we can stipulate that and that would help confirm you're going to do gap housing. If you aren't then it really isn't gap housing, it's what you want to start point -- your starting points are, which a lot of projects all over the county do that.

MR. ARNOLD: Mr. Strain, the reality is if we don't get the deviation approved, I don't know what the housing type is going to be. It may have to morph into something else, if there's even a market for that.

CHAIRMAN STRAIN: Yeah, I'm not asking you to do this, I'm just suggesting if you -- you're using that terminology, I want to understand the intensity or meaning of it. And honestly, it's a reference to a starting point for a sale price, that's what it seems to be. Thank you.

Okay, with that, Ray, do we have any public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Any members of the public wish to speak? Except for Nicole Johnson.

MS. JOHNSON: Good morning. For the record, Nicole Johnson, here on behalf of The Conservancy of Southwest Florida.

And The Conservancy is very concerned about deviation number four for the preserves. I apologize for the lateness of the letter going out, but I did want to wait until after I had the opportunity to meet with the applicant out of fairness to that discussion, and that's why the letter did not get to you until yesterday afternoon.

The outcome of our discussion was I think we cordially agreed to disagree on the impact of having that preserve be relocated off-site.

And just one comment that I want to make from our discussions, because we talked a bit philosophically about what if 640 acres, one square mile of land, was offered in exchange for these 7.72 acres.

And my response, I think to the amazement of the applicant and their team, was no, because we believe that that sets a dangerous precedent.

But I think it's an interesting philosophical question, so I just want to digress for a brief second on this. Because if you buy into 640 acres for 7.7 acres, that's a good deal. Yes, we agree to that. Then it's going to come back, well, what about 600 acres? That's still a lot of land. 500 acres, 400 acres. And then you've bought into this idea that you can do the trading of the urban preserves for off-site acreage somewhere else and you end up where we are today, at a 2-1 ratio, 15 acres out someplace towards Immokalee, Lake Trafford. An important parcel, a good parcel, but it really gets away from this idea of having these urban preserves and the importance of the urban preserves.

So I think it was a good question for discussion, and after I had a little more time to think about it, that's my complete answer, Rich.

You know, in looking at this one acre maximum, I do want to say The Conservancy was part of the LDC discussions. I think they took place 2007, 2008, 2009. We were concerned about allowing any preserves to go off-site because we thought wait a minute, it is going to have a snowballing effect of first it's a small preserve and then it gets bigger and bigger and bigger.

One acre seemed to be that threshold that everyone could agree you could probably in certain cases allow that to happen because of the shape of the parcel, because it wouldn't make the parcel marketable for anything. And that could be appropriate. And so The Conservancy did agree, yeah, anything less than an acre we believe might be appropriate.

And a good example of that, The Landings at Bear's Paw, a very odd triangular shaped parcel. They have I think about a little over a half of acre of preserve that they needed on-site. And in that case it made sense to transfer it off-site. Again, something very small and you could get something much greater in return for it.

We do believe that this will set a precedent, as staff has said. Certainly others are going to want to come in and be afforded the same opportunity to not put a preserve in place, especially in the urban area.

Looked at another way, okay, if it's not going to set a precedent, certainly every project could come in and say that they are unique in their own special way. In this case it's in the interchange activity center. The next project will be unique in its circumstance and they'll look back and say well, you gave it to them, we'd like to have it for us. So we think that it just sets a really bad pattern.

In looking at the applicant's reasons for the deviation, one of them is with the exotics. And a bunch of the property has over 50 percent exotics infestation.

I think it's important to point out, even exotic infested native habitat does provide benefits: Groundwater recharge, you still have pollutant filtration, urban wildlife will still use it, avian wildlife will still use it. So there are benefits.

And it's also a kind of an unfair argument, because when do you actually have to clean up your land? Not until the development stage. So it's this circular argument of it's exotic infested so we shouldn't have to save it, yet you don't actually have to go in and clean it up until you're developing.

I think a good example to show what happens when you clean up exotic infested parcels is the Logan Woods preserve. That was a five-acre parcel, relatively isolated that Conservation Collier spent for over \$700,000 at the corner of Logan and Pine Ridge Road. Because the voters, the people who approve Conservation Collier said we want urban green space, it's important and we want to put our money towards that.

And on that parcel, a lot of exotics. But when the county went in and cleaned it up they found that you have the native seed source that was kind of buried in the soils. Everything started to regenerate, you had natives coming up and now it's a beautiful place to go and take a walk and you have the urban wildlife, avian wildlife using it.

So once they clean up their 7.72-acre preserve it is going to have even more value.

Another one of the justifications for the deviation was this idea that listed species aren't using it and that it's a relatively isolated parcel. Certainly preserves are important for more than just listed species. They provide benefits esthetically for quality of life for us as residents, and they're also again important for those other benefits such as urban wildlife.

And I also wanted to discuss the idea of this being an isolated parcel. I think the county has done some mapping on this also, and it was in your packet.

But this acreage, and you can see that we have used the current configuration from the existing PUD so the preserve is in kind of a funny alignment. I'm not sure if that is consistent with today's LDC or not. But that's why we have it in that configuration.

And you can see that there are a lot of conservation areas in the vicinity of this project, even though it's within an activity -- interchange activity center. You can see Saddlebrook, it's directly adjacent to the 11 acres at Saddlebrook. It also is very close to other county required preserves which are in the teal. These are Water Management District conservation easements in the green.

This is part of a system of preserves that is important, especially for those avian wildlife species. And in pulling that out even a little more you can see that all along the 951 corridor you have conservation areas. This is the Naples National Golf Club, it's in a different color. Because for some reason back in 1992 the district and the county had them give their conservation easement to The Conservancy.

But you can see it's a whole system of green space of which having an addition right here at East Gateway will be beneficial.

And one final map on the connectivity and potentially on the listed species, and this was something that was in the letter that I sent to you, there is a program underway to reinitiate red-cockaded woodpeckers within the Picayune Strand State Forest and within other areas such as the Resource Recovery Park.

And you have some dots here that show the boxes that have been installed in certain pine tree areas

to try to recruit red-cockaded woodpeckers into the area. You have at Willow Run, that's an active cluster.

And so we're trying to get these RCWs to be branching out. We have a really exciting opportunity for a recruitment cluster to be placed at Naples National. And when you look at sort of connecting the dots of the RCW habitat, the East Gateway parcel which is not currently RCW habitat, and we're not saying it should be regulated as such, but it shows that it provides some of these hopscotch areas for birds potentially such as RCWs to use.

And one final point. With a two-plus acre created wetland on-site, you're certainly going to be attracting wetland bird species. Some of them may be listed. And in that case they could actually use the on-site preserve for roosting, for resting, those sorts of things.

And in response to the final reason for justifying this deviation that it's in a highly developed, high intensity interchange activity center, really what they're wanting to put here is a residential community. And we don't believe that that constitutes any kind of unique use. And certainly with residential having some additional green space in the form of a preserve is something that we think is important.

It seems like what this really is about, and it may not be intentional but I think that it will lead to the discussion of, is having urban preserves and green space, is that important to the community? And The Conservancy believes it is. We believe that preserves are valuable and having them within the urbanized area is important. And therefore we ask that this deviation not be approved. We believe it will set a negative precedent. And we would like to work with the applicant to find a way to get those 7.72 acres within their project. Thank you.

CHAIRMAN STRAIN: Thank you.

Nicole, just out of curiosity, on this map you show the woodpecker nesting near Willow Run. That's right where the new Nick Casalanguida road corridor is going to go.

MS. JOHNSON: Yes.

CHAIRMAN STRAIN: Okay. That might slow that corridor down a little bit.

MS. JOHNSON: Well, that and the gopher tortoises and the conservation easement there, we hope that it will.

CHAIRMAN STRAIN: I was curious. Okay. I was surprised to see that. Thank you.

COMMISSIONER ROMAN: We've had that discussion a little bit.

CHAIRMAN STRAIN: Yeah, I know.

Thank you, Nicole. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Is there any other members of the public that would like to speak on this matter today?

(No response.)

CHAIRMAN STRAIN: Wayne, do you have any last minute condolences or --

MR. ARNOLD: No, I don't think so. I think the edits that you've questioned, I think I captured those well. And we've explained our rationale for the deviations and hope you can support them.

CHAIRMAN STRAIN: I'd like to ask you a few other things that I think we've somewhat talked about.

I notice one of the staff concerns was the intensity of the commercial that could be there next to the residential if you did a mixed commercial and residential. Because you can go from C-1 through C-5, and the C-5 is like light industrial.

Would you mind limiting it that if you use residential in the commercial tract you'd only be C-1 to C-4? We have C-4 adjacent to residential in other parts in the county. Do you need to go to C-5?

MR. ARNOLD: You know, I'm not certain, Mr. Strain.

CHAIRMAN STRAIN: Would you look at that when you come back?

MR. REISCHL: Mr. Chairman, are you staying if it stays as 100 percent commercial it can be C-1 through C-5, but if residential is a component then you're --

CHAIRMAN STRAIN: Yeah, C-1 to C-4.

I know staff recommended a C-3, but since we have a lot of C-4 bordering residential in the county, we know we can reach some compatibility standards there. Especially if they're trying to sell a product,

they'll try to make that happen. So I think we're safer.

C-5 on the other hand is pretty heavy stuff, so --

COMMISSIONER EBERT: You already have an answer?

MR. ARNOLD: No.

CHAIRMAN STRAIN: Then the other question I have is more process-wise. I like the idea of your adding residential to this property. I don't see a problem with it. There are some people that feel that we don't have enough commercial and industrial shovel ready property. This is certainly shovel ready, and it's certainly been on the market a long time. And Hertz and other people haven't picked up on this piece.

So the fact that it hasn't gone to commercial/industrial and you want to introduce another product, I don't have a problem with that and I think it's a fine idea.

I think the tweaking that we've done to the language straightens all that out.

I do have a concern over the two deviations, number three and four. Normally when we find a problem with a deviation, we can, if the board so chooses, recommend approval subject to, and then we stipulate.

The problem I've got is if we stipulate, we don't agree to deviation three and four. Three's not so much of a problem, we've dealt with that one before, but four becomes a problem, because normally we have the preservation area is shown opposite the master plan. And if you're going to refuse to acknowledge that request from the Planning Commission, which I think that's your position, you're going to go on to the Board with a request for that deviation, then are you willing to come back and show a preserve on the master plan for consent or is that going to be a stumbling block we've got to figure out some way around?

MR. ARNOLD: I don't know the legal answer to that, but I know that the County Commission in many cases makes additional changes to these PUDs that don't come back to you. So I'm not sure if that's one that the deviations are tied.

CHAIRMAN STRAIN: Well, the reason it rises to a higher level, we're hearing this today as the EAC as well. So I want to make sure that if we try to recommend approval subject to the denial of those two deviations, that automatically says then we should be seeing a plan that without those deviations there reflect how the plan would be then, how you would add -- and by the way, I don't have any problem with you including the South Florida Water Management District preserves as part of the 7.7 acres or whatever it is that you've got -- that you calculate the preserve to begin with. Because to me that's logical.

So you've still got about five acres you'd have to show on this plan to satisfy the removal of that -- or the no vote on that deviation, if that's the way this board goes.

And I'm just wondering, if that happens how do we get there today? And I don't know if there's a solution, so I was kind of looking for staff. We haven't had this come up before.

MR. BELLOWS: For the record, Ray Bellows.

If the Planning Commission stipulates that the preserve area as currently configured be the design, then I don't know if you need to see it again unless there are some conditions you would like to place in addition to that.

CHAIRMAN STRAIN: Well, they can't be as currently designed because the South Florida Water Management District preserve area is differently configured than the current design. And if they get the credit of that against the county required preserves then they've only got to add about five acres.

But if we're not on the same page to get there, I'm trying to figure out a way to still make -- acknowledge that -- I think this is a good addition, a good change to this project in regards to the uses.

So Richard, do you have --

MR. YOVANOVICH: I think the only other option you have, Mr. Strain, because we're not going to come back with a master plan that's different than what is in front of you today, your only default is to say we'd like to keep, and I think Nicole was advocating, the configuration that exists in the current master plan, which is the long, skinny one.

CHAIRMAN STRAIN: Well, I think you could come back with a better more thought out plan for preservation land that would fit better with the product that you're asking to add.

MR. YOVANOVICH: Well, the product that we're asking to add -- and let me take a step back. We

are willing to commit that the deviation we're requesting regarding the preserve is only if we build single-family housing, not multi-family housing. Because our goal, as we've said up front, is to build single-family housing on this project. I don't recall if Wayne mentioned that the square footage of the housing was going to be between 1,800 square feet and 2,500 square feet, so we're not trying to come in and shoehorn small units.

The reference to the gap housing was the reference to the recognition that where this project is located there is a certain market price that will be supported. And we believe that that market price is going to fall within the range of gap housing. This is never going to be five and \$600,000 units. So our plan was 200 units of single-family with a reconfigured native preservation being scraping down and building a wetland and going off-site for a full 7.72 acres.

We had even talked about with staff a ratio of 2-1, which would have meant we would be providing 15.5 acres, almost, in exchange for the deviation. Plus you would get the on-site recreative preserve. Staff wasn't supportive of that, so we haven't -- we felt it made no sense to move forward with that as we sit here today.

But we want to build a nice single-family project on this site. We think the price points are in the price points that people are asking to be delivered for skilled workers as well as teachers and firefighters and sheriff's deputies.

So that's the goal. So we could limit the deviation to single-family, not for multi-family. But otherwise, you know, we're going to have to just respectfully agree to disagree. And we can't come back -- we're not going to come back with a reconfigured preserve because we know it will not work for our single-family development. We've looked at it. Can we fit 7.72 even including getting credit for the Water Management District? And the answer is no, we lose too many lots, the project is not economically viable. So it doesn't make any sense to come back and show you something that we know we can't live with.

CHAIRMAN STRAIN: Okay. I've got a question of staff that might dovetail into something you just said.

Is there -- I thought I remember reading and I've got to go back to be sure, maybe you guys know -- a change in the preservation if you qualify for the affordable -- some affordable package? I thought we had some leniency, if someone was doing an affordable project, to allow a modification in the preservation.

And the only reason I'm suggesting that is maybe that's what the applicant may need to do is commit to a required number as affordable if that's in the code. If it isn't in the code, then no. But I haven't read it for a long time in that section of the code.

There was a project in Immokalee that I thought tried to benefit from that. And it's been years since that was discussed.

I see you're conferring.

COMMISSIONER ROMAN: We could take a break.

CHAIRMAN STRAIN: Let's take a break for 15 minutes and see if that's a possibility. And we'll come back at 10:30 and resume and then go right into the AUIR after that.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, if you'll please taking your seats, we'll resume the meeting.

During the break Nicole Johnson showed me the sentence that she thought I might be referring to, I think it is. It says that if you're going to do all affordable housing you get to waive the preservation requirements, or something to that effect. And I know you're not going to do that.

Did staff find anything else?

MR. REISCHL: That was what we saw also, that for affordable housing, which is true affordable housing, then you can take an equal percentage of the preserve off-site.

CHAIRMAN STRAIN: Okay. And you guys are not willing to commit that this be gap housing on a stricter process?

MR. YOVANOVICH: I don't think any developer has willingly committed to a 15-year deed restriction. That's the killer. That's why you don't have affordable housing being constructed in Collier County.

We certainly have been willing on other projects to market to and sell to people who qualify for workforce housing. The stumbling block has always been for that person who buys the house to have to live with a 15-year commitment. We think that that's why you're not getting the development you want. If you were to get rid of the 15-year commitment, there might be an opportunity to discuss it. But the 15-year commitment is the deal killer, because nobody wants to buy a house knowing that should they get relocated they have to sell it to someone who is in their same exact circumstance. So it's -- the price isn't the problem, usually, it's the 15-year commitment. And I don't know a way around that.

CHAIRMAN STRAIN: I don't either, but I thought we'd just explore that possibility, depending on how it was written. And unfortunately it's written in a manner that doesn't sound like it will work.

Fred?

MR. REISCHL: Mr. Chairman, we also discussed a possible deviation to that section that would widen it to gap housing and percentages taken off-site. But if it's 15 years, I don't know if that's -- that's not in the LDC, so I don't know if --

MR. YOVANOVICH: Mr. Strain, just for purposes of discussing this, everything you're referring to deals with affordable housing density bonuses.

CHAIRMAN STRAIN: I know.

MR. YOVANOVICH: We are not asking for a density bonus.

CHAIRMAN STRAIN: I know you're not, Rich.

MR. YOVANOVICH: So my point is is you can, if you want to, being staff, Planning Commission and the Board, customize an approach. If you want to customize an approach to provide for workforce house, we basically are telling you the market's going to lead to that. But, you know, I don't know what else to do because it doesn't seem like anybody's been willing to customize an approach when somebody's willing to use with -- to develop within the density they're allowed to under the Comprehensive Plan.

CHAIRMAN STRAIN: Okay, thank you. Appreciate the effort to look that language up during the break.

Do you have anything else? Applicant, anything else you want to add?

MR. YOVANOVICH: No, but I do have a process question.

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: But I guess -- I mean, if you ultimately -- are you going to recommend denial, are you going to recommend approval? I don't know how -- without the deviations? I don't know how this is going to go. So I'll ask my question after you all elect.

CHAIRMAN STRAIN: After we all elect what?

MR. YOVANOVICH: Which way to go.

CHAIRMAN STRAIN: Well, my question after you got done speaking was to find out from staff and the county attorney how we could approach this if this board -- and maybe I should poll the board first -- what is the inclination of this board as far as deviations three and four? Does anybody --

COMMISSIONER HOMIAK: I just think there's a need for that type of housing there, single-family in that price point.

COMMISSIONER EBERT: Yeah.

COMMISSIONER HOMIAK: I just -- if there was a way to get there. The preserve, you know, if you're getting twice as much land someplace else, to me that's a good thing. But I get it that you need preservation on that area.

I don't know if that strip could be a little narrower just to make up the five whatever acres it is or -- if that still wouldn't work for --

CHAIRMAN STRAIN: Well, they're saying no. I mean, from what I understand they're willing to leave the South Florida Water Management preserve area because they have to. And I've already suggested they could count that as part of their preserve that the county requires to make up an additional five, but that's not where they want to go, from my understanding.

And I --

COMMISSIONER HOMIAK: So it would be next to the Saddlebrook preserve up to the South Florida Water Management area that you have? That's still two --

MR. YOVANOVICH: What we're proposing is that we have an on-site preserve of roughly 2.8 acres. It will be a wetland preserve, okay? That's what we're proposing.

And we're proposing -- but we get no credit for that from the county. So please don't say -- we are going to have a preserve on our property. We will go off-site for 7.72 acres which we're required to have 7.72 acres of upland preserve under the current code. So we're going to have 2.8 acres of preserve, we're going to have our landscape buffers and we're going to have the yards in this community. It's going to be a green community. It's not going to be total asphalt and it's going to be nice sized houses at a price point that people have been saying please bring that type of product to us.

So there's a way to get there. The way to get there is to approve the deviation. You're still going to have 2.8 acres of on-site preserve. I'm sure that whatever birds fly to that wetland preserve can go next door and find a tree to rest on. I don't think you need to have trees on our site for birds that might be attracted to this wetland.

And if there's a -- the way to get there is to agree to the deviation in this location. Otherwise we're not going to get there and you'll have whatever preserve exists today which is that long skinny piece and you won't have single-family housing.

MR. ARNOLD: May I add something?

COMMISSIONER HOMIAK: But you said you would give 15 acres off-site?

MR. YOVANOVICH: Yeah.

MR. ARNOLD: If I might add one other thing that really didn't come up, but the code for a commercial and industrial PUD, if it were only that, requires 15 percent native vegetation preservation rather than the 25 percent that applies for a mixed used project as we're asking. So the preservation requirements for straight industrial/commercial project would be 10 percent less than you have today.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, I was going to say that I can't support this petition with deviation four. I think that there's an important point to bring out about the policy that this influences if we would support such a deviation, because it directly impacts whether or not we want preserves in the urban area. And I think the answer to that is yes.

The code is clear, it gives a provision for off-site location of preserves when it is one acre. In some cases where it's been 1.1 acre we as a board have approved that off-site preserve location. But we're talking here seven times as many acres, roughly. And I think it's a bridge too far for me to support it with that deviation.

CHAIRMAN STRAIN: Wayne, I understand you guys have actually produced a plan that laid this project out. And I'm not asking you to put it on record, but I know it's been discussed with some staff.

Where were you going to go put the residential in this project? How did you lay the project out? If you don't mind, just --

MR. ARNOLD: The last iteration that I saw that Barron Collier Companies were looking at had a couple of commercial out-lots fronting Davis Boulevard. There's a frontage road connection to the east, so the areas south of the frontage road would be commercial. The balance of the site would be residential. Sort of like that. The commercial would be south of the pen, the residential would be to the north.

MR. YOVANOVICH: This aerial might help. This road would connect up.

CHAIRMAN STRAIN: Okay. And if the -- the reason I'm trying to understand this, and maybe staff can help me with it, they're going to be primarily then residential, even though it's mixed use, because of the commercial component's almost forced by the road that's coming through on the south up against Davis. We are looking at 25 percent for all the property, even though the ratio of acreage to commercial is substantially different? I mean, looks like they're going to be 80 percent maybe residential and 20 percent commercial? And -- but the trigger for the amount of preserve is based on it being any amount of mixed use?

MR. REISCHL: Mixed use or residential, right.

CHAIRMAN STRAIN: Okay, so because we don't have any ratio allowance in the code, so if they're doing -- say they had 100 acres and they've got 80 of it residential, then 80 percent of that project then would be at a certain percentage for the residential component and the balance would be at a commercial component. We don't have anything like that.

MR. REISCHL: No, but that could be a deviation that's in the code, if that's what you're looking at.

CHAIRMAN STRAIN: Well, I'm just trying to find a solution. Because it's not a bad idea to put residential here. And if they're going to do that much residential, I don't know how much acreage is involved. And I don't even know what the computation is different between 15 percent and 25 percent. Is that what the number difference is if residential is 15?

So maybe there's an opportunity to get to an acreage that you could keep in the residential portion.

COMMISSIONER ROMAN: Residential is 25, I believe.

CHAIRMAN STRAIN: It's just the opposite.

MR. BELLOWS: I just want to point out those percentages are in the Growth Management Plan, not in the Land Development Code.

CHAIRMAN STRAIN: Well, that takes care of that deviation idea.

MS. ASHTON-CICKO: Mr. Chair?

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON-CICKO: I just want to go over the options for the board. If each of the board members is not supportive of the two deviations, you have either two options: One is to approve it with the condition for the two deviations which applicant has said they won't support, in which case it will go to the Board on regular agenda for the Board to discuss which way we want to go on those two conditions. And at that point if applicant wants to withdraw their petition because they don't want it rezoned, then they could elect to do that.

The other option is to go with motion for denial in which case it would go on the regular agenda as well.

CHAIRMAN STRAIN: And my concern is if we are recommending approval subject to the denial of those two deviations or one or whatever this board decides on, how do we send it forward without knowing where the preserves are going to be? Granted, we can utilize the preserve configuration that's on the current master plan, but there are a couple of things wrong with it.

Contrary to Mr. Yovanovich's concern of not counting it, I think we should count the South Florida preserve in this particular instance as part of the 7.7. But the previous configuration didn't take that into consideration. And also was for two acres more than 7.7. It was about nine something.

So no matter what happens, the configuration that was there before isn't correct for what we're dealing with today. So if we don't go along with the deviation, that means the master plan needs to show the configuration, or at least we're used to seeing a preserve area configured on the master plan as it goes to the Board. Is that a necessity if we want to deny deviation four?

MS. ASHTON-CICKO: Well, at the Board level if the Board wants the preserves on-site, then they would need a master plan that depicts the location.

CHAIRMAN STRAIN: Okay, so they'd have to --

MS. ASHTON-CICKO: I suppose you could recommend to the Board that it stay in the location of the existing preserves, you know, unless staff can recommend an alternate location.

COMMISSIONER ROMAN: It seems to me that if we would proceed in that way that we're leaving too many loose ends for the Board to sort out at their level. I think that a tighter package would be to have either way, either take the vote to recommend denial full out or tie up those loose ends before we send it to the Board of County Commissioners.

CHAIRMAN STRAIN: Well, but to tie up the loose ends we need the cooperation of the applicant on our potential denials of those two deviations, and they're not in that position to do that.

But the other side of the coin is there's nothing problematic with some of the language cleanup we've suggested for the text of this request. Putting residential there isn't going to be a detriment.

So I'd still like to see the Board see that as a positive but let our recommendation on the preservation and the sidewalks be the thing that the Board then has to determine if they want to support our recommendation or go with their own.

I'm just trying to figure out how to give it to them. I know we can't deny it outright, but that doesn't give the Board answers, it just gives them a package that hasn't been refined.

And one thing the Board has is a lot on their plate. They've got volumes of data to read for each

meeting. And if we can clean this up with the exception of those two things and somehow go to them with that, at least they know if they want to go along with our recommendation of denials then the rest of it works and they've got a project that's at least as well packaged as we could put together. That's what I was trying to get there for.

COMMISSIONER ROMAN: But don't we need that cooperation that you just mentioned? I mean, we need that diagram.

CHAIRMAN STRAIN: And that's why I was trying to ask the county attorney, how we can proceed if we don't agree with the deviation.

I would suggest we could craft some language to indicate that if we agree that we don't want to support deviation number four that the master plan, should the Board accept that as a recommendation, that they get the credit for the South Florida preserves on the north side and that the preserve area on the west side extend down as far as necessary in its current location to make up the difference of the 7.7 acres. Then we've got the credit that they're getting for the north side and we've got the balance of the acreage to make up to be consistent on the west side. I don't know of a better way to craft it without asking them to do another master plan which they're not agreeing to do, which I can understand their possession on that. That's the only suggestion I had to get there.

But I'll certainly go with what this board wants to further discuss.

Diane, did you have anything you wanted to add?

COMMISSIONER EBERT: Yeah, I will not be supporting this because of the two deviations. The problem is, like Rich said, an exception. Until his project he brings before us and that's a special exception too. It's exception after exception, and I will not deviate from this one. Thank you.

CHAIRMAN STRAIN: Well and there's three standards I've tried to use in all the issues that come before us. And they're the three Cs: Concurrency, compatibility and consistency. And repeatedly we address those in every aspect.

And this one's hitting them fine, we can get into the concurrency and compatibility. Where I am -- problematic for me is this consistency item on deviation four. And I haven't been able to get past that. I tried to find a solution over the weekend and over the last few days. I was unsuccessful. And I don't know how to get there without triggering a consistency issue that I had a real problem with and I just can't -- so I can't support that deviation. I certainly couldn't vote to do that.

So Wayne?

MR. ARNOLD: Mr. Strain, I would suggest that your approach of crafting -- if otherwise you like these changes, my fear is if you deny it outright none of your changes move forward. It's a straight denial. It's not denial subject to stipulating all these other modifications, and including the residential.

So I think to me the better approach for the Board's consideration is you like the other changes but you don't like the two deviations. And I think your executive summary -- and I'm pretty sure that Nicole and her folks are not going to let the Board not see the requests that we've made.

CHAIRMAN STRAIN: Well, let me float something -- first of all, we'll close the public hearing. I'm going to for discussion purposes suggest something to this board to see how you all feel it might or might not work. And we'll get right into the meat of it. And that is that we would support approval of the project, recommend approval with the discussion items that we've had in regard to the changes to the grammatical part of it.

The other items that we would clean up is that if a residential is used in the commercial it would only be if the commercial remained from C-1 to C-4 uses.

We would deny deviation number three and require sidewalks on both sides of the streets.

We would deny deviation number four and require the preserves to be on-site with the caveat that the current preservation plan can be modified so that the applicant may benefit from the credits of the South Florida preserve to count against the 7.7 that they're calculated to need and that the balance of what is needed to make that number stays in that western alignment to the point as far as it has to go south to make up the difference in acreage.

And then the buffer along I-75 needs to have a wall and needs to adhere to the section of the code because they didn't ask for deviations, and that's the cleanup item they're going to come back with.

And that the single-family housing will be between 1,800 and 2,500 square feet.

That's the conditions I think would get us to at least a recommendation to the Board that acknowledges the benefits of the project in regards to the uses they're asking. It cleans the use language up and provides an option for the Board to consider requiring the preserves to remain on-site. I don't know how to do it --

MS. ASHTON-CICKO: Mr. Chair, I just wanted to note for the record that the standards that we've applied to deviations for textural changes is the standard that applies to master plan changes under Section 10.02.13.A.3, and that standard is the deviation will not have a detrimental effect on the health, safety and welfare of the county.

CHAIRMAN STRAIN: Okay, thank you.

So I think then our denial of deviation two and three is because if we decide to do that would be because it would have a negative impact on the health, safety and welfare of the residents.

COMMISSIONER HOMIAK: Three and four.

CHAIRMAN STRAIN: Three and four, I'm sorry. Good catch. Three and four. I was thinking of the way it was written previously.

Okay, does anybody have any comments on that?

MR. YOVANOVICH: Am I allowed to have a comment? Over here.

CHAIRMAN STRAIN: Sure, I'd like to hear your input.

MR. YOVANOVICH: Not that we're agreeing to it, but if you really want to talk about instead of being so definite on what the preserve needs to look like, by simply adding five acres to the south, maybe you would want to change your recommendation to it being the configuration be consistent with the Land Development Code.

CHAIRMAN STRAIN: I have no problem with that. I think it provides some additional flexibility that may help make it work. So if that modification is fine with whoever might make the motion, I'm fine with it.

COMMISSIONER HOMIAK: So it would be on the corner of 7.72 acres?

CHAIRMAN STRAIN: They would retain the 7.72 on-site. They would get the credit for the South Florida Water Management preservation to the north, and they would make up the rest of it on-site as allowed by the Land Development Code.

MR. YOVANOVICH: Not that we're agreeing to that, but --

CHAIRMAN STRAIN: I understand.

MR. YOVANOVICH: -- what you're proposing is a line in the sand.

CHAIRMAN STRAIN: Well, it got us to a point of discussion to get there, so that's what we're trying to do.

COMMISSIONER HOMIAK: I'll make a motion to approve with all the stipulations that you just listed.

CHAIRMAN STRAIN: And the changes that we just discussed with the applicant?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Excellent.

Is there a second?

COMMISSIONER ROMAN: And that includes denial of deviation three and four; is that correct?

CHAIRMAN STRAIN: Yes.

Is there a second?

(No response.)

CHAIRMAN STRAIN: Okay, well I'll second.

Any discussion?

COMMISSIONER HOMIAK: Well, four is denial?

CHAIRMAN STRAIN: Four is a recom-- four is the preserves and three is the sidewalks, and we're recommending denying three and four. And then substitute for four, we're suggesting the language that we just crafted for the north preserve and then letting the rest of it remain on-site in whatever location the LDC allowed, so they still will get 7.7 acres on-site.

COMMISSIONER ROMAN: And that was your motion?

CHAIRMAN STRAIN: That was the motion that Karen made, I seconded it, and now we had discussion.

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

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Motion carries 3-1.

Thank you. That gets us to the end. And good luck with the Board of County Commissioners.

MR. YOVANOVICH: Well, I'm confused. Do I have to come back for a consent hearing since I got denied?

CHAIRMAN STRAIN: Yes, and that's another -- I'm sorry, it's a good point.

In fact, we've got two more cleanup issues. We need to vote as the EAC, which I would suggest we just mimic the vote as the Planning Commission. And then we need to vote to have this come back on consent so we can see the final language.

Is there a motion to those two?

COMMISSIONER HOMIAK: I make the same vote of approval as the EAC.

CHAIRMAN STRAIN: Is there a second?

(No response.)

CHAIRMAN STRAIN: I'll second it.

Is there discussion?

(No response.)

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

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

MR. YOVANOVICH: And I'm assuming the county will write the --

CHAIRMAN STRAIN: We haven't done consent yet. We're going to do consent next.

Is there a motion to have this come back on consent?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Charlette.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER ROMAN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Motion carries 4-0.

MR. YOVANOVICH: And I'm assuming that county staff will write the replacement language or whatever language you're going to draft and send to the Board for purposes of the native preservation?

CHAIRMAN STRAIN: That's fine, we can -- yeah, that can be done by the next -- we'll have it here for consent. I'll be glad to work with Fred and Ray on it so we can give it to the Board when it gets back.

Okay, with that, we thank you and we'll see you in consent in a couple of weeks.

(Time is 10:54 a.m.)

***Next item up we be the AUIR, Annual Update and Inventory Report.

Let me get that agenda back up.

This item has been rescheduled from our 9-25/15 CCPC meeting, which was last Friday. It's the annual review of the Annual Update and Inventory Report for 2015.

And this isn't legislative. Heidi, we don't need swearing in and disclosures, do we?

MS. ASHTON-CICKO: No, you don't.

CHAIRMAN STRAIN: I didn't think so. Okay.

We usually start -- and by the way, Corby had handed out a Policy 4.2 on a single sheet for us during break. And we normally start out with a discussion with Mike Bosi giving an overall to it and then we have two departments here to discuss this with: One is our potable water utility section and the other would be stormwater management.

Okay, Mike.

MR. BOSI: Good morning, Planning Commission. Mike Bosi, Planning/Zoning Director.

Won't have a very elongated presentation. Just as a reminder, as the Chair has pointed out, this is the Annual Update and Inventory Report. We go over our category A buildings, we go over our category B buildings, we describe the populations that we expect within the next five-year period, how we're going to meet the levels of service that are associated with each one of our infrastructure and service providing departments.

Essentially this document is intended to ensure the Planning Commission, the Board of County Commissioners and the citizens of Collier County that we're going to maintain the levels of service that they've come to be associated with the county and what they've bought into, so as we add population, those services won't diminish.

Every year it's a snapshot of where we're at in time. One of the things that we have most particularly paid attention to obviously is the rate of growth.

This is the -- since 2010 we have basically had anywhere between 1.9 to just under a two percent growth rate annually. We've maintained that level at 1.89 percent annual growth rate. Basically we're adding somewhere between five and 7,000 new members of our community on a yearly basis. And I think what you've seen within the housing recovery is a reflection that that steady stream of growth has had that positive effect, and we've issued on a regular basis COs to reflect those populations.

Contained in the program is basically an update from what we provided from last year. Here's the new improvements that are contained: The primary drivers where the money is really being spent is within our transportation department; within our stormwater component as well.

Each -- as we've done in the past years, we've had individual presentations. This year we're doing a little more abruptly, and I would just ask whatever questions that the Planning Commission may have for myself or any one of the members that we've invited here we'll feel free to entertain.

CHAIRMAN STRAIN: Okay. And Mike, the one item that I believe we're going to probably weigh in on as a vote would be the Capital Improvement Element.

MR. BOSI: Correct.

CHAIRMAN STRAIN: We don't need to weigh in on the rest like we have in the past, if I'm not mistaken.

MR. BOSI: No, really the only one for a requirement would be the recommendation from the Planning Commission on the proposed CIE, which updates the Capital Improvement Elements of our Growth Management Plan. And those are the five-year program of new constructions for roads, for potable water, for utilities and the allocation indicated within the book.

And the Chair -- Mark, we did have an addition to the CIE that we have to update from a textural standpoint, and it's just updating the dates really to how the school board and the board CIE interrelate with each other.

CHAIRMAN STRAIN: I want to tell you, I think the staff and all the departments did a fine job in getting the templates and putting this package together.

We've worked on it a lot over the years. And I remember the very first one back when Joe Schmitt was administrator and it came to us, and we spent a full day or more on some of these with the productivity committee at some points.

And as it progressed over the years I think the department saw the kind of concerns and questions these panels had. And I now notice that everything's in alignment. We're using standardization across the board for population, and all the other elements that need to be part of this. So I'm very pleased with the way this product's come out. And I think it's a good template to move forward with, and hence the reason why we need limited questions today. And I appreciate that, all the effort the departments have put into it. They did a good job.

MR. BOSI: And we most certainly are very happy to hear that sentiment, but we recognize that the direction and the improvements have been a collaborative effort between the staff's efforts, but also direction from the Planning Commission.

You mentioned the productivity committee. There was a three or four-year period where they were involved within the process. And the productivity committee was a disbanded advisory board that was made up of former business leaders that really brought a degree of efficiency to the process and collaborative effort with the planning commission that did help the process. And their imprint still is felt within the document today. So we appreciate those word, thank you.

CHAIRMAN STRAIN: Thank you, Mike.

And with that, ladies first. Well, I think I'm totally outnumbered here today. Tom is way down at the end.

We'll ask the utility to respond to Commissioner Ebert's concerns.

MR. CHMELIK: Thank you, Commissioners. Tom Chmelik, Public Utilities, for the record.

COMMISSIONER EBERT: Yes, good morning. In looking at your AUIR you've added three new areas?

MR. CHMELIK: Yes, that's correct.

COMMISSIONER EBERT: Which is great. We've just got to get the Estates in there.

CHAIRMAN STRAIN: As soon as you want to pay the lineal foot price of that, I'd be more than happy for it. But right now the last numbers we got would have been hundreds of thousands of dollars per lot.

COMMISSIONER EBERT: Remember I said I was going to have some fun with you today?

CHAIRMAN STRAIN: Yeah, you did.

COMMISSIONER EBERT: The other question that I had was answered during the break time. I'm happy to see that more is coming on. I think it's great. I think you've done a great job on this.

Chris -- when Chris was there, we'd always ask Chris, everything was always up to par. But I am very -- I mean, you really see the big areas that were added and that is good to see.

I think the other question was answered, yes.

MR. CHMELIK: Very good. Thank you very much.

MR. BOSI: And for the benefit of utilities and the time that they spent here, I did want to at least point out one thing that I always like to point out.

Sometimes as government we're criticized for inefficiencies in not being a direct benefit in a lot of the efforts that we've done. Mr. Dan Rodriguez and that solid waste team in the recycling program, if you notice, and I always like to point this out, if you notice, in 2000 we had a 1.23 annual disposal rate per person, over a ton per person. By 2015 we're more than half that, we are at .52 tons per person capita rate. And that's by the efforts that they have done with the new recycling program. And I know that we're moving on to the commercial land uses and are trying to improve that rate, but I think this is significant. When I started in 2006 with the AUIR, it was 2017, 2018 that we thought we needed a new landfill. And you know about new landfills and trying to set those, talk about nimbyism and a real tough set.

We have now extended out to 2067, 2068 before the useful life of that landfill starts to hit the end point. So I think those are -- this is an opportunity to at least recognize, you know, the solid work that Solid Waste has done and the continued efforts that utilities has provided to the county.

COMMISSIONER EBERT: Yes. Mike, thank you. I knew Mr. Rodriguez was here. He knows I'm

a great recycler. I under-- there's two things I wanted to ask him, because it has picked up every since the big cans came out for recycling.

Are you having problems with businesses recycling?

MR. RODRIGUEZ: Good morning, Planning Commissioners. For the record, Dan Rodriguez, your Solid and Hazardous Waste Management Division Director.

The businesses Collier County could do a lot more in recycling, absolutely. About three years ago we did a waste composition study of your landfill, the materials coming to the landfill. And what we found out is that still 60 percent of the material going in the landfill is recyclables: Cardboard, plastic, aluminum.

The really good news is thanks to our Board of County Commissioners, our County Manager and our administrator we have programs in place to educate but also to potentially update our recycling ordinance to make it -- it already is mandatory, but actually to provide that mechanism for those businesses likely Lee County where it's mandatory to have single-stream recycling at businesses.

So we hope to bring a proposal to our administrator, County Manager and get Board direction on that this year.

COMMISSIONER EBERT: Okay. The only other one thing is the bears. Florida Wildlife has been around to a lot of the communities, and they're telling people to get garbage cans that have a lock on them. And I have called your department and we do not -- Collier County does not have that.

Is there a way you can tell Florida Wildlife to stop telling people this? Because we can't provide it to them.

MR. RODRIGUEZ: Absolutely. And in fact, we've been in several meetings with the wildlife agency. And for the few complaints that we get in the county, bear sightings are not complaints, but it's the actual taking the trash container, things like that. It doesn't merit to have the residents put their garbage can out three hours before the pickup. It just is physically impossible.

In addition to that, we have a national award-winning automated collection program. That's why we have some of the lowest rates for waste collection assessment in the state and certainly competitive nationally, because of that automated system.

The good news is technology is advancing. They will eventually have a container that will work with that system that is as bear proof as possible. And we have pressure on Waste Management to bring that to our community, and once it does come to fruition we'll certainly bring it to the Board's attention to gain their approval and recommendation.

COMMISSIONER EBERT: Thank you.

MR. RODRIGUEZ: Absolutely.

COMMISSIONER ROMAN: I have a question.

Last year you basically said that we still needed to do more in commercial recycling. It was either last year or the last time the AUIR came before us.

And I just heard you say the same thing again. And I'm wondering what milestones do you have, what timeline do you have, and what specific things are we going to do in the near term to enhance commercial recycling?

MR. RODRIGUEZ: That's a great question. And as you know, we've just come out of a recession, one of the greatest recessions that we've ever experienced in our lifetime, and we didn't want to put that burden on the businesses just yet. We wanted to give them an opportunity to basically rebuild themselves and get our community back on line where it was five, six years ago.

And what we're doing is we're actually laying out those pieces of the ordinance that need to be updated so that businesses could easily bring in contractors that could provide single-stream recycling. So -- and it takes a lot of education working with vendors. You have to have enough vendors in place that can provide that service so it's competitive.

Six years ago we didn't have that. So with the recession for the most part in the past, we're seeing more and more vendors that can provide that single-stream recycling coming to this area.

COMMISSIONER ROMAN: When do you see the program beginning to take shape in the county?

MR. RODRIGUEZ: I would say with Board approval, probably over the next two years.

COMMISSIONER ROMAN: Okay, thank you.

MR. RODRIGUEZ: But just if I could add to that.

As far as commercial recycling, we've advanced in many other areas. The construction demolition area, many of our contractors in this community recycle more than 70 percent of their material. The concrete does not go into the landfill actually goes to reef material. The national resources department has done an outstanding job in developing six reefs. And we've probably put the lion's share of that material that came from the landfill that was recycled.

In addition to that, we've seen several vendors come to the industrial park that provide recycling for metals, plastic, cardboard, more so than in the past. And we're seeing larger volumes of that material.

And lastly and just as important, our hazardous waste has increased. The collection of hazardous waste in Collier County has increased over the last three years from 600,000 pounds to just over 2.7 million pounds. So we're making advancements across the board. And most of that hazardous waste does come from the small commercial businesses.

COMMISSIONER ROMAN: And so when you're looking at improving recycling for commercial businesses, are you speaking just small businesses, mostly the restaurants, those business types?

MR. RODRIGUEZ: I'm speaking all businesses, whether they're small or large. If you go to any restaurant, department store or clothing store, look for a recycling container. What we want to see, the vision for the future, is to see a recycling container next to every waste container.

So similar to our residential collection program it's a matter of opening the correct lid. So that material does get reused and we capture that value of that material.

COMMISSIONER ROMAN: And it was interesting that you used the term burden when you described -- you didn't quite want to put the burden on those businesses yet.

MR. RODRIGUEZ: Absolutely.

COMMISSIONER ROMAN: Is the challenge getting the right stuff in the right container? Is that what you're addressing as the burden? Or what exactly is the burden?

MR. RODRIGUEZ: The challenge is getting the containers at the businesses. And it's just a matter of developing the correct policy that affords them the opportunity, the time to bring those on and budget accordingly.

But we've done business cases that show that the more you recycle the less frequency and quantity of waste material has to be hauled out so therefore you can reduce the cost of your waste disposal bill, which will more than offset your recycling bill.

And there's perfect examples in other communities. We were the first in the state to provide single-stream recycling containers at the residential level. And it works wonderfully. Close to 80 percent of the material that's put curbside by residents is recycled. We can do the same thing with businesses.

COMMISSIONER ROMAN: Thank you so much.

MR. RODRIGUEZ: Thank you.

CHAIRMAN STRAIN: Thank you, Dan, appreciate it.

Okay, with that, the remaining department that I had questions on was the stormwater department, and Jerry is here.

Let me explain -- I'll explain to the Board why I have a concern. As you all know, Haldeman Creek was moved to this panel to discuss the docks that are going in the Haldeman Creek area. And unbeknownst to this panel, in 2006 when the docks to the north side of Haldeman Creek were presented, the documents then didn't show it to be a drainage canal. They called it a canal right-of-way. And there are a couple other things. And they didn't show it was owned by a private property either.

But when Haldeman Creek came through they provided a more detailed survey that's required and in that survey it culled it out as a drainage easement and cited the sections where it was culled out.

Well, likewise, you haven't seen it yet but there's another one coming to the Planning Commission called Henderson Creek and it too is in a county drainage easement. That one's very carefully annotated as a county drainage easement.

Both instances we're dealing with dock extensions.

Now, if you look at the zoning maps on these tributaries you'll see that while they go back up into the waterway, I could not find a dock extension issued on any of these tributaries at all. Now, I did see docks that

are further than 20 feet out in the water. Some were there before the boat dock extension process came into being, some may have been there unbeknownst to anybody.

But as far as official processed boat dock extension requests, I didn't see any. And that brings in a concern when we start seeing more of these coming through. We have one in Haldeman that's still being debated, we have one in Henderson that's still somewhere in the process.

And in looking at the stormwater AUIR data -- and Jerry, on Page 4 you have a map. I don't know if you've got it loose-leafed, but it would be nice if you could put that on the overhead. It's Collier County major stormwater canal system. And that's the map that brought the most questions to me regarding what I needed to talk with stormwater about today.

MR. KURTZ: Jerry Kurtz, for the record, Collier County Principal Project Manager and Stormwater.

Mine's all marked up so Mike's going to put up a clean copy for you.

CHAIRMAN STRAIN: Okay. You see the third line on the right when it says unmaintained? That's green. And that corresponds to the tributaries that have been coming in, the tidal waters that have been coming in in discussions that we've had on Haldeman Creek and Henderson Creek.

The county's -- my understanding is the county's responsibilities or the county's activities stop where the weirs are. And downstream from the weirs the county isn't really involved as much as they are upstream from the weirs.

I went to Big Cypress Basin to ask them where their involvement was and they have done. In the case of Haldeman, I checked with DOT. And DOT, because it was a DOT's easement to start with, and DOT believed they pass it on to the county. Henderson Creek is clearly Collier County.

So what I need to understand, Jerry, is what would it take to take that line that says unmaintained and to do a study or consideration to see what it would take to maintain those and establish what we need in there so that when we have a dock request coming through that's above the 20-foot norm, which is usually within the sloped area of the creeks and they're easier to understand there, that goes deep out into the water, that the volumes that you need to service what's coming down from upstream are assuredly adequate so we don't have any problems under the worst case scenario.

And that's the suggestion I'd like to make. And I found some language throughout your document, and I'll walk you through, that I think could be fitted in if the board so chooses to do that.

And let me turn to page -- first reference is on Page 28 under FY 1620 project descriptions you have stormwater planning. And it says: Long-range strategic planning for future program progression, capital improve project and identification and prioritization, and then specific basin issue evaluation and funding appropriation.

Then if you turn to Page 13 under attachment -- not Page 13, Page 34 under attachment B, system inventory and GIS database report. The objective is to maintain a complete and current inventory of all existing county maintained stormwater and surface water management systems.

And then under considerations, the second line, it says: The data base currently includes 100 percent of the main canals and ditches and the water level and flow control structures and 90 percent of the arterial roadway drainage infrastructure.

It's paragraphs like that that I'd like to see encompass or at least have your department weigh in on what it would take to encompass these tributaries that are the receiving waters after your weirs that nobody seems to look at.

And also I notice they're not maintained in Henderson Creek. They're asking for a dock extension, yet I walked out on that creek and I know it's got a lot of muck in it. So I'm not sure we would need dock extensions if we have a basis for maintaining them. And the opportunity might be a policy or something that originates from people putting docks in these locations can do so if they de-muck them and they clean them up. That would save your department money and effort but at least it would put us into a position where we're monitoring it knowing that we've got some methodology to clean some of these areas up so they're functioning like they were designed to function.

And that's what I'm trying to ask you about. How feasible do you see that as a possibility for your department to consider? Is it something that if this goes to the Board -- well, this will go to the Board -- can

this be added as a consideration for the Board to take up and discuss? I'd certainly like your thoughts on it.

MR. KURTZ: Thank you. Yeah, I agree with all your comments, Commissioner. I certainly think we can do some things differently to better address the situation.

I wanted to go back to the map a little bit and explain. The map, I think we need to change the label and the color green. Those areas, the label's not really appropriate, I wouldn't say. It was kind of a catchall label when we initially created the map.

And the map is basically -- the purpose of the map is to demonstrate really the split of operation and control of the canal system between us and the Big Cypress Basin, our partners.

It's almost a schematic or a snapshot. It's meant to be user friendly and real easy to pick up and show basically what's the county maintained and what's the district maintained.

The green again was kind of a category that was an attempt to pick up everything else, and it's mislabeled, I would say, to say it's unmaintained. It captures tidal creek areas, natural waterways, it captures a lot of the system that's downstream in the last water control structure.

And I wanted to say that it's a variety of things. It's not really areas that are unmaintained.

These areas we have had efforts previously in a lot of them. It's like a case-by-case effort, though, however. These areas are different than the red and blue in the sense that the red and blue we had a lot of places we have legal access points that we've paid for and constructed, we have adjacent canal travel ways that we again spent a lot of money creating. So upstream in the freshwater part of this system is a lot different.

The tidal areas, you know, the land is more valuable, you've got boaters, we've got preserve mangrove areas, so the access is not good for us. We have gone in there on a case-by-case basis, but it's really a lot different.

And we just need to do a better job. You know, we tried to keep this map very simple, and I think it's too simplistic maybe. It's raising more questions that might need to be addressed in a better way. And some of these actually green areas are natural. I saw one that was a natural flow way through a slough downstream or south of Rattlesnake-Hammock Road, for example. I saw one that we finally negotiated with FDOT along 41 for them to understand and realize that that ditch is not being unmaintained, it's simply been transferred. We've maintained it in the past, it's being transferred to them, FDOT, for maintenance.

So again is the green, it's mislabeled, it's not unnecessarily unmaintained, and specifically toward the tidal areas, Henderson and Haldeman. And the example I would say is Haldeman had gone fairly neglected for years, and it's a good example of it got to the point where the boating community mostly demanded that something be done with Haldeman. And we did form the MSTU, we dredged Haldeman.

And, you know, we've talked previously, most always the level of service for boating becomes impacted way ahead of the level of service for flows and surface water movement. In other words, the complaints are going to come in about sand bars and boats running aground way before we would notice tremendous impact to getting the water out of the uplands through the tidal areas.

So that's how Haldeman got addressed. Henderson I would say falls into the same category. We know that there's silt there, however, we're very confident that the controlled rate of discharge that has to flow through there by permits and regulatory constraints, it's working fine as far as that.

We have talked about scenarios during storm events which taxes the system to its limits. We're still confident that like the Henderson wouldn't need to be dredged today to ensure that stormwater can flow out. It's adequate.

Another thing I'd like to say in these tidal areas with the land value and the sensitivity and the other uses, boating and such, we always encourage the landowners to try to maintain their section along the water body first. And they do historically. Palm River, Cocohatchee, they get in there and remove debris and downed trees. They want our assistance, but often they have the resources and can get it done quick and easy. And historically it's worked out quite well.

CHAIRMAN STRAIN: Well, see, I'm trying to suggest that we look at establishing a policy for these docks that want to go in to a drainage easement that's controlled or owned by the county.

Mike?

MR. BOSI: And when you had first raised that issue, I would think that would be something that we

could mention. It's not really growth related to the AUIR in the Capital Improvement programming, but that most certainly is a land use policy that the Planning Commission is most appropriately to suggest to the Board of County Commissioners.

CHAIRMAN STRAIN: But I think it is growth related in the sense of the AUIR because it would increase the maintenance cost of the canals that Jerry has laid out in his report. He's currently not including those. And so if we could -- if we analyzed those on a regular basis and required people putting docks in on a drainage easement that is needed by the county or owned by the county, that they perform the maintenance that we would have had to do for the benefit of putting a dock in.

Dock extensions on the other hand are a different animal. They're going out and they're at some point restrictive. Now, a single pole in the water may not be restrictive, but a single pole far out in the water that catches debris on an outgoing storm event in which we're trying to dry out the uplands so people can move back in their homes might be something to consider if it hasn't already been looked at.

I have no concern over the ability of these easements to maintain what the volume is let out of the weirs on a regular basis. From day one my concern has always been public safety in a high storm event and getting this county dried out as quickly as possible by not making it worse by putting obstructions there that slow it down.

And in my previous discussions with you you had indicated that that study hasn't been done under those conditions. And I'm suggesting let's look at that. Let's look at how we can benefit from the need that some people seem to have to put docks in these locations and have them actually assist the county in maintaining what we need to have maintained.

I don't know how to get there. I think it's something that ought to be looked at. We've got two instances where this board's had to deal with it, one so far and one coming up. And I just think it's a valid item. And that's my suggestion is that we get that specifically looked at.

And when this goes to the Board, it's an item of topic that if they bring it up in discussion, if they say no, they don't want to deal with it or they say there's not a concern, so be it. Then at least this board hasn't got to look at this as an issue from here going forward, or neither will I under other conditions.

MR. KURTZ: I agree with you. And I think we need to look at the boat dock extension approval criteria. And the Henderson boat dock proposal was a bit of an eyeopener for us, and I agree with you, I think we need to look at flow considerations and how the approval process would impact those.

CHAIRMAN STRAIN: Thank you, Jerry, I appreciate that.

I have one other question. In your revenue sources you list two types of general fund. MSTD and a GF. What is the difference? What is the source of those monies? The difference connote something. I don't know what an MSTD is. I mean, I know what a municipal district taxing is, but do we have one to do stormwater countywide? Is that where that money's coming from? I know like Haldeman Creek has their own. But this isn't for Haldeman Creek. So do you have MSTDs that are over your basins that generate I think it's 1.5 million a year?

MR. KURTZ: Under what page are you looking?

CHAIRMAN STRAIN: I'm on the CIE now. I'm sorry, in the summary. And it's on -- well, Exhibit A of the CIE summary under stormwater.

COMMISSIONER EBERT: Page 27.

MR. KURTZ: Well, I can tell you that our funding -- funds come to stormwater from two different funds: A portion of it comes from the general fund and then a portion comes from the overall, which includes the incorporated area. So there's a split of revenue coming in.

CHAIRMAN STRAIN: Then what does in this case where it says MSTD-general fund and you've got it straight across 1,550, 1.5 million, 50,000 a year for all the years. And I'm just wondering, what is that? I know what a general fund is, but I don't know what an MST-general fund is. Because a municipal taxing district isn't the general fund. At least I never understood it to be that way.

MR. KURTZ: I'm not really sure. That's the split. It's listed again on our AUIR on our facility table one facility form. It's the same numbers.

CHAIRMAN STRAIN: Yeah, I checked that out. I just couldn't figure out what it stood for.

MR. KURTZ: The way I understand it is some of the money comes from the fund that includes the

incorporated areas as well as the unincorporated. And the rest of the money comes from the areas that exclude the cities.

CHAIRMAN STRAIN: Well, I'm sure the money's coming in. I would -- when you get time if you could just drop us an email or send to it Ray so we could get an explanation of that? That's all I'm looking for. I'm not questioning the validity of it, I'm just saying I'd sure like to know what it is a little more refined, if you don't mind.

MR. KURTZ: Sure.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I have a question for you, Jerry. I did talk to you I believe when the Henderson was going to come up, and ask you a couple of questions there.

You have done nothing in this creek, it's been a natural flow; is that correct?

MR. KURTZ: Yes.

COMMISSIONER EBERT: Okay. And I've heard that like it goes under, what is it, 951 to go to Rookery Bay?

MR. KURTZ: Yes.

COMMISSIONER EBERT: I don't believe the county should be having to worry about these boaters, you're right. I mean, if they want something, to me, have them dredge it and, you know, maintain it. The problem is I know on Haldeman, trees have gone in there. And when this has happened they've called the county, the county said we're not responsible. They call the state, they're not responsible. They call the South Florida Water. Nobody wants to take responsibility, and there's where the problem lies.

I feel that we should not get this county spending a lot more money on these, these are -- especially probably Henderson when this is kind of a natural flow. And I was going to ask you in fact on Page 25 that green portion along Tami-- is that part of the Henderson right there? Tamiami Trail East where it's in the green?

MR. KURTZ: That is, yeah. Where it interconnects kind of 41 and 951? That is the Henderson, yes. It's red upstream indicating that the Big Cypress Basin maintains the upstream portion, and then downstream the last water control structure it's colored green. Yes, that's the area.

And I would say that when a tree goes down and there's a problem, we -- it's handled -- it is handled case by case. It's relatively rare, but we do not ignore it. Most of the time, by the time we find out where it is, it's already been taken care of by the boaters along the waterway.

We don't ignore it. We do try to find out where it is. And obviously if it stays and continues to fester and there's a buildup there, we are going to get concerned and start measuring whether it's a flow impact or a safety exact. And we've had a number of places where we've gone in. And they're relatively minor efforts, but to get something kind of obstruction addressed, we do. But it is case by case.

COMMISSIONER EBERT: Okay, thank you. I just know that these can -- these can be a problem. I understand that the one that went down in Haldeman -- I wish they weren't named so close together -- FEMA came and took out. It was after a big event.

MR. KURTZ: We did, for lack of a better word, we benefited after the storm event. We identified a lot of obstructions in these tidal water bodies. And since it was tied to the storm and it was a declared emergency, we did do quite an extensive job in inventorying the debris and ultimately did get FEMA to reimburse us for removal of all those obstructions.

And that effort's lasted quite some time. We got Rock Creek cleaned out, a number of these water bodies. And again, stormwater is involved, stormwater does care and we do monitor these downstream flow areas. Again, not as extensively as upstream where our access is good and our crews can get in regularly, but we do look at the downstream areas. And a lot of times the boaters kind of are our sentinels out there. They'll start telling us about a big sand bar or a log or something like that.

Recently we went into Rock Creek, there was a big log there identified by kayakers, canoers, and that got removed. We were lucky where it was, we could access it from the edge of Airport Road.

So, you know, I apologize if the perception was that we're not active in watching these areas. We are. But again, difficulty for boating and recreation is going to manifest itself much sooner than when we actually have an identified problem for flow or movement of stormwater out of our system.

COMMISSIONER EBERT: Okay, thank you.

MR. KURTZ: You're welcome.

CHAIRMAN STRAIN: Thank you, Jerry.

COMMISSIONER HOMIAK: Now I'm confused.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER HOMIAK: We're talking about Henderson. That's a drainage easement and it's the county's drainage easement. And it's not been cleaned out. And you're suggesting that property owners should clean it out?

CHAIRMAN STRAIN: If the property owners want to improve --

COMMISSIONER HOMIAK: Because I went back through the years in the Property Appraiser's and it was clean at one point and built for drainage for the water from 41 to drain down to 951. And it's labeled as the county's property. So shouldn't that be maintained and dredged and kept cleaned by the county?

CHAIRMAN STRAIN: Well, I'll answer that. What the problem is in Henderson, they have depth there that is impinged because the silt has built up substantially. When I walked out in that crook, I walked out, I was up to my knees in silt.

So the solution to the property owner was instead of cleaning that silt out and cleaning out the debris on the bank I'll just put some more planks on the boardwalk and push it out into the creek further to get the depth.

What I'm saying is we shouldn't be allowing that. We should tell them no, you're got the depth, go clean the silt out. And that would benefit the county because now we've got a private party who needs a benefit of that. And they're cleaning it up where the county doesn't have to because they don't need to put a dock in and especially extending it out.

So I thought that was a way to solve the maintenance issues when they are pushing people further out into the water that don't need to be pushed out in the water. That was where I was going with that, Karen.

MR. KURTZ: And that particular one, we'll absolutely look at that when it resurfaces again. I was talking to the attorney before the meeting and asking the status. And it's been pulled back, it's being revisited. So I think, you know, that was a bit of an eye opener for us, that whole proposal. And I agree with you and we'll be looking at that again when it's resubmitted.

CHAIRMAN STRAIN: Well, then they said there was rip-rap. And when I went out there there isn't rip-rap. There's debris from uplands thrown into our canal easement from the people who used to own the uplands. And you go out there and there's concrete block, broken off concrete chunks all in the waterway. And that's more the reason why there's a maintenance issue there. And if we could solve that maintenance issue by granting them a permit to put their dock in to whatever length is practical, once it's dredged, or once the silt's out of there, you wouldn't need the extensions. That then gets into an issue of restriction.

So it just seemed like a logical way to approach it if the Board desired and if your department could look at it that way.

MR. KURTZ: Yes, sir.

CHAIRMAN STRAIN: That's what I was suggesting.

Mike?

MR. BOSI: Well, I just wanted to let you know Mr. Isackson has an explanation for the funding question that you had related to stormwater.

CHAIRMAN STRAIN: Oh, great, thank you.

MR. ISACKSON: Chairman Strain, Commissioners, Mark Isackson. I'm the Director of Office of Management and Budget.

Each year we identify specific funding sources in the general fund, and then what we term the unincorporated area general fund. It's a separate unincorporated area that is essentially void of any incorporated area.

So you have the general fund which encompasses the whole county where there was a millage rate of 3.5645 applied across that whole area, and then there is the unincorporated area general fund, which is unincorporated area. There's a separate millage for that on your tax bill at .7161.

CHAIRMAN STRAIN: That's the MSTD?

MR. ISACKSON: Well, it's probably mislabeled, Chair. So we can work with Mike and Jerry and the crew to try and clean up that language a little bit.

But there's a -- transfers into their stormwater fund come from him both of those particular areas. And where there's a deemed county-wide benefit, you'll see projects funded from that transfer from the general fund. When there's deemed unincorporated area benefits primarily then you'll have money moving in. So there's different funding sources for different projects.

CHAIRMAN STRAIN: And I figured you were trying to indicate it was a different funding source but I couldn't figure out what it stood for. Now I appreciate your explanation. Thank you.

MR. ISACKSON: Thank you, sir.

CHAIRMAN STRAIN: Okay, does anybody else have any questions involving the Annual Update and Inventory Report or the Capital Improvement Element? If not, is there a motion to recommend approval of the Capital Improvement Element?

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER ROMAN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

And the other point I'd like to ask, and it doesn't need a motion, Mike, when you approach the Board, will these concerns over the question on the stormwater section of it be at least articulated to the Board or be in your report?

MR. BOSI: It will be articulated within the executive summary.

The discussion point, whether we get into a stormwater discussion point or not, the November is a single meeting in the month. The tendency -- we do not have a lot of time. And that's why I almost suggest that it's probably maybe an issue that we bring up -- we'll bring it up in the executive summary but direct us to bring it up at the next opportunity when we're in a discussion with the Board of County Commissioners related to dock extensions within the drainage easement.

CHAIRMAN STRAIN: Well, and that's going to happen at their next meeting, because you've got Haldeman coming to them. So it may all dovetail together. That would be good.

MR. BOSI: That appeal between Mr. Pires and Mr. Yovanovich, I'm not sure how much I'm going to be able to get a couple of words in edgewise in terms, but I will --

COMMISSIONER HOMIAK: Go first.

CHAIRMAN STRAIN: Okay. Well, that gets us to the end of our agenda. There is no old business, there's no new business.

***Is there any public comment?

(No response.)

CHAIRMAN STRAIN: With that, is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: By Diane.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out of here. Thank you all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:40 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on ✓ as presented or as corrected 11-5-15

Transcript prepared on behalf of
Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.