

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, December 1, 2016

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

CHAIRMAN: Mark Strain
Stan Chrzanowski
Diane Ebert
Karen Homiak
Joe Schmitt
Patrick Dearborn

ABSENT: Tom Eastman, School District Rep

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Eric Johnson, Principal Planner

PROCEEDINGS

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

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Is present.

COMMISSIONER EBERT: Mrs. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Schmitt?

COMMISSIONER SCHMITT: Present.

COMMISSIONER EBERT: And, Mr. Dearborn.

COMMISSIONER DEARBORN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: And, for the record, Mr. Eastman notified me he couldn't be here for a conflict, so it's an excused absence.

Addenda to the agenda: Our Item 9B has been requested by the applicant to be continued to January 5th. It's the Regency Autohaus. So we would -- if there could be a motion to continue Item PUDA-PL20140001836 to January 1st -- January 5th, 2017. Would someone like to make such a motion?

COMMISSIONER HOMIAK: I'll make that.

COMMISSIONER DEARBORN: So moved.

CHAIRMAN STRAIN: Mr. Dearborn, seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: (No verbal response.)

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Planning Commission absences: Our next meeting is December 15th, I think. Ray, do we have anything scheduled for the 15th?

MR. BELLOWS: Yes, we do. We have -- Hamilton Place is scheduled for that, and some LDC amendments.

CHAIRMAN STRAIN: Okay. So does anybody know, sitting here today, if they're not going to make to it on December 15th?

(No response.)

CHAIRMAN STRAIN: Good, we have a quorum.

COMMISSIONER SCHMITT: I'll be here, but are we talking a full-blown LDC amendment?

MR. BELLOWS: I don't have that part of the agenda. I know there are LDC amendments, but I

don't -- I don't believe it's a full-blown, but we can verify that.

COMMISSIONER SCHMITT: Well, the cycle -- the amendment cycle?

CHAIRMAN STRAIN: No, it's not a cycle. It's bits and pieces. One, in particular, I believe, is the golf course conversion amendment, and that will be rather intense, so that one's one that's a lot of pages, so that will be one of them.

COMMISSIONER SCHMITT: I'm just trying to figure out, because I'm going to travel that afternoon. I just didn't know if it was like an all -- we think it's going to be an all-day event?

CHAIRMAN STRAIN: No. If it's just Hamilton and that, it shouldn't be all day.

MS. ASHTON-CICKO: Five or six amendments.

COMMISSIONER HOMIAK: When do we get it; the week before the LDC amendments, or we get it earlier?

CHAIRMAN STRAIN: Like we -- it's not going to be a book worth. It's going to be pages. It's not going to be as -- and we're going to talk about this in a minute. But it's not going to be 1,031 pages like you received on this.

MS. ASHTON-CICKO: I believe there was five or six amendments.

COMMISSIONER HOMIAK: Oh, that's what I wanted.

COMMISSIONER SCHMITT: Yeah. I got the delivery truck delivering the rest of the box I got this week.

CHAIRMAN STRAIN: Five or six. You think there's five or six?

MS. ASHTON-CICKO: I believe so. There's about five or six.

CHAIRMAN STRAIN: Yeah. It won't be that bad. We should be able to finish up in the morning. So that's December 15th. And the meeting after, when we just continued this Item 9B to, is January 5th. Does anyone know if they're not going to make it on January 5th?

COMMISSIONER EBERT: I won't be able to make it January 5th. But at this time nothing had been planned -- at this time nothing had been planned. I already asked Ray about that.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. Well, we've got something now, potentially.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: I have to leave at 11 today.

CHAIRMAN STRAIN: Hopefully we might be done, so thank you.

Approval of the minutes: The minutes for November 3rd, 2016, were distributed electronically. If there's no changes, anybody want to make a motion?

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER DEARBORN: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Stan. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Ray, BCC report and recaps.

MR. BELLOWS: There were -- there was no BCC hearing from the last time we had a Planning Commission meeting.

CHAIRMAN STRAIN: Okay. And then we'll go into chairman's report, which is probably a good time to talk about the package that we received for this meeting.

I was surprised at the magnitude of the package, 1,031 pages on the resource recovery park alone, not including the others.

I asked Judy Puig why she had distributed 1,031 pages on issues that were not relevant to the case, and she said she believed that through the planner that Mr. Schmitt had requested that kind of backup. Somehow we need to kind of get a handle on it, because I don't think anybody on this panel saw it as relevant. It's old information. It's information prior to the conditional use that was instituted in 2009, so why did we get that kind of volume?

MR. BELLOWS: For the record, Ray Bellows. I made the decision that it should be sent given the fact that we were having some long discussions with Pollution Control about certain aspects of the potential uses. And since the EAC no longer meets on these things, we wanted Mr. Schmitt to have the complete background on it. And if Mr. Schmitt gets it, all the Planning Commissioners should have what he gets.

CHAIRMAN STRAIN: Oh, I agree with that portion of it, but I don't think he intended that whole -- I don't think you intended the old --

COMMISSIONER SCHMITT: No, no. I think the -- and I appreciate the thought but, frankly, what was sent to us pertained to the original permit for the original conditional use. So though it was interesting, it's the original Corps of Engineer Permit and the ERP for the conditional use. I don't think it had any -- other than some background data, it had no relevancy to the -- at least I don't think it had any relevancy other than knowing that the permit's already been issued.

MR. BELLOWS: Understood. I just felt that because you're new to the board, I wanted to make sure you had the background information.

CHAIRMAN STRAIN: Ironically, he may have been in -- were you here in 2009? I mean, were you on the --

COMMISSIONER SCHMITT: No, I was --

CHAIRMAN STRAIN: Were you administrator at that point?

COMMISSIONER SCHMITT: I left in December 2009, so --

CHAIRMAN STRAIN: Oh, yeah, you were then. So this conditional use came through. So you were involved in all this originally.

COMMISSIONER SCHMITT: Yeah.

CHAIRMAN STRAIN: Okay. The only reason, Ray, most of the Planning Commission members don't receive things electronically; it's hard copy. That's an awful lot of copying. Maybe what we ought to do, when we have that kind of need and you feel it's relevant, send a link, and those that want to get on the Internet and read it can have the opportunity to do it, and if it's relevant, then they can ask for hard copies from staff. That might be the best way to go.

MR. BELLOWS: Excellent idea.

COMMISSIONER SCHMITT: When I originally -- when Judy originally asked me, I said, that kind of backup material I can take electronically. But I understand if I get it electronically, everybody does. As Mark said, either we get an FTP site that we can go to to access the data or just provide us a link.

MR. BELLOWS: I think the link will work, and then if somebody wants a hard copy after looking at the link, then we can provide it.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHMITT: This is a lot of information. I mean, it was the valuable -- a lot of money spent in printing this and plans and everything that were --

CHAIRMAN STRAIN: Better be careful. You always might get what you ask for.

COMMISSIONER SCHMITT: I know it.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: I have a question. On a site like this, I requested a LiDAR from staff, and they don't send copies to everybody. They just send a copy to me electronically. Should you send copies to everybody? Should it -- maybe it should be, ahead of time, put into the packet that you send out.

MR. BELLOWS: That is something we're exploring to have it ready for the packet. One of the options we were looking at when the petition comes in and a zoning location map is generated by graphics, that's a perfect time to generate the LiDAR map and be distributed to all the review staff as well.

COMMISSIONER CHRZANOWSKI: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Well, that gets us past that discussion. And there's no items for consent, so we'll move right into our first advertised public hearing.

***It's Item 9A, and it's PUDZ-PL20150002737, and it was continued from the November 3rd Planning Commission meeting.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're going to speak on this item, please rise.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. We'll start with Stan.

COMMISSIONER CHRZANOWSKI: I only have one. I've been the secretary of the Collier Sportsman and Conservation Club since March of '92. The president is Wayne Jenkins. Wayne Jenkins lives on Jenkins Way, which is immediately adjacent to this parcel.

I have visited his house many times over the last 25 years. And when I got this parcel (sic), the first thing I did was contacted Wayne to see what his feeling was about the public information meeting, your neighborhood information meeting. And, you know, I don't know that that has to be disclosed.

CHAIRMAN STRAIN: It should. No, you've disclosed it properly.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: We're good.

COMMISSIONER EBERT: I had none.

CHAIRMAN STRAIN: And I talked to the applicant and both the representatives of the applicant and actually the director and one other of the gentlemen that work in the Solid Waste Department. I don't believe I've had any contact with members of the public. So that's it.

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: No -- nothing to report.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: Nothing.

CHAIRMAN STRAIN: Okay. With that, we'll move right in.

And, Tim, I know that we -- it's your -- you're always ready to do a typical presentation. Just so there's clarity, this was a conditional use approved originally in 2009. And the focus of today's meeting is supposed to be on converting that conditional use to a IPUD, but I think what's most relevant is the differences between anything that you could have or could not have done in the conditional use versus what you're requesting to have done through the Planned Unit Development.

And I want to make sure we stay focused on that, because as we've all seen, 1,031 pages of information to support the original conditional use is not as relevant in regards to the changes that may be coming forth in this PUD today. We need to focus on those, and hopefully we'll stay on track.

Tim, it's all yours.

MR. HANCOCK: Yes, sir. Tim Hancock with Stantec, representing Collier County Hazardous and Solid Waste Department.

And I will, really, confine my comments really to the changes before us today. But by way of a little bit of background, Mr. Dan Rodriguez, I think, would like to address the Planning Commission and give you a little bit of context for this decision today, and I'd like to ask Dan to do that before we go into the presentation.

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

This project you see before you -- first of all, thank you for the opportunity to present it to you -- was initiated many years ago when the property was actually acquired for solid waste activities.

Most importantly, about 10 years ago, the Board of County Commissioners approved an integrated

Solid Waste Management strategy, which you've heard me talk about before, that talk about four components.

CHAIRMAN STRAIN: You might want to slow a little bit down. I know she has to type as fast as you talk, and you're doing really good.

MR. RODRIGUEZ: Okay. Sorry about that. Thank you.

It had four components. And through the great wisdom and direction from our Board of County Commissioners, we chose waste reduction recycling as our primary goal. Another component of that was waste diversion, finding those private companies in the private sector, obviously, that could help us better manage the waste better than we could in government.

And the second -- or the third and fourth option was to maximize our existing resources, take those facilities that were antiquated, old, that didn't really meet the needs and demands of the community and enhance them. And, of course, the fourth component was to buy new infrastructure, new properties where we could handle the demands of the future. This is part of that third component, and that's to maximum the existing resources that we have.

And our goal, with this Resource Recovery Business Park, was to develop the infrastructure so that we could bring those partners in here that could turn some of that waste stream into usable products or help us prepare it so we could send it off to other companies that could better dispose of it.

The really great news about Collier County Government and our solid waste operations is that we are diverting more than 80 percent of our waste. There's about 1,300,000 tons of waste generated in Collier County. The vast majority of it is handled by the private sector, whether it's construction demolition material, hazardous waste, yard waste, or recyclables, it's managed in that. So about 230,000 tons is actually disposed of in the landfill.

The bad news is, of that 230,000 tons that goes to the landfill, more than 60 percent of it is still recyclable. And with this property and its correct zoning and Site Development Plan, we can build more of the infrastructure we need so we can move that remaining 60 percent. We already have 70 years of life available in our landfill thanks to the commitment from the community, our leaders, our residents for recycling so much. We're ranked No. 3 in the state of Florida for recycling. We're at 63 percent, which is tremendous.

So, with that, I'll turn it back over to Tim, and he'll talk about some of the requirements that we need so that we can move this project forward.

But before I do that, I want to introduce Dane Atkinson. If you would, Dane, stand up for a second. Dane has been a project manager with us for over 10 years. Some of the newest facilities that you see, the recycling centers, the new scale house, some of the planning at the landfill, reclamation, one of the largest in the state of Florida, third in the nation of reclaiming our own landfill, Dane Atkinson was responsible for that, and he's also responsible for getting us to where we're at today on this resource recovery park.

And really good news, if I may, on his facilities. Yesterday we had a milestone. Over 150 people came to the North Collier Recycling Center, which is the highest we've had for a regular business day. And on Marco Island, over a hundred people came to that center. Those are individuals bringing us the hazardous waste recyclables so that we can better manage that waste stream.

CHAIRMAN STRAIN: Thank you. Thank you, Dan.

Dan, real quick question. Who's No. 1 in the state in recycling, and what percentage are they, just out of curiosity?

MR. RODRIGUEZ: Actually, one of them is Lee County and Sarasota County are above us. Lee County is higher because they have an incinerator, and they qualify incineration as a form of recycling.

CHAIRMAN STRAIN: Interesting. Okay. Thank you.

MR. HANCOCK: Thank you, Mr. Rodriguez.

And, for the record, he's the only person who speaks faster than I do, so...

In addition to Mr. Atkinson, also here, members of our team, Mr. Jeremy Sterk, who has handled the environmental permitting for this project, really, from inception all the way through the issuance of the ERP and continues handling the long-term maintenance and management of the preserve areas on site.

Also, Mr. Jeff Perry with Stantec, a transportation planner, I'm sure you are familiar with, is also

here, should you have any trip-generation or transportation-related questions.

Mr. Rodriguez covered the Solid Waste Management strategy, which was adopted in 2006. Before you is a project location map.

One of the surprises I had at the neighborhood information meeting was I asked those present, how many of you were here when this project went through its zoning in 2009? There were about five hands that went up out of a fairly full room of people, and that got me thinking. I went and started looking.

What we found is more than 50 percent of the nearest homes around this project have been sold since 2009. So we have a lot of residents that are new to the area that weren't here in 2009. And that was a little bit of a learning curve that I didn't fully anticipate.

So at the NIM we tried to step back a little bit and talk a little more in broad strokes. But as the chairman has indicated, this property was zoned in 2009. It was zoned for a set of permitted uses. The application before you today rolls those uses into a PUD without adding or deleting any of them. There are no new uses being planned for this property that were not approved in 2009.

The location map before you -- just to give you a quick bearing, the property is approximately 344 acres. It is immediately north of the Collier County Landfill; it is also north of what is now a county-owned property you'll hear called County 305. That's a very clever name for a 305-acre parcel.

Adjacent to that is the City Gate development here, White Lake development here, both slated for industrial, light industrial, and retail uses. The Estates zoning borders the Golden Gate Canal, which is an L bend here, and that canal is approximately 100 feet in width in that area. I think the easement is 150.

The Hideout Golf Club is immediately to our north, and then you get into kind of a smattering of houses and vacant lots and agricultural zoning. There are some ag operations out here as well. It's not just residential. There are some folks operating nurseries and tree services and those types of things. But, for the most part, a rural lifestyle around that side of the project.

The property -- and in your staff report it goes through the Growth Management Plan designation and our consistency with that. I won't delve into that but, needless to say, this property was carved out of the Growth Management Plan specifically for, and I quote, public utilities, including solid waste resource recovery facilities and public vehicle and equipment storage and repair facilities.

So when the rural fringe was created in the Growth Management Plan, this property was individually identified for these uses.

Another aspect of that designation was that at the time the property was required to have at least 50 percent of native vegetation preserved. That would be approximately 172 acres of the site. The plan before you, as well as the conditional use in 2009, exceeded that by six or seven acres. But the preservation requirement in the GMP is being met with this project.

We discussed the current zoning. Resolution 09-275 was approved by the Board. Within that were 12 conditions. All of those conditions have either been rolled into the PUD before you today or have been met and, therefore, are not called out in the PUD.

Chairman Strain pointed out in our meeting with him, one of them that he did not see addressed was the requirement that 39 acres of offsite mitigation be identified prior to Site Development Plan approval.

The 39 acres at the time was a mitigation number that was anticipated for the impacts to wetlands on site. This requirement has already been met in three ways: Number one, the county does own 35 acres in close proximity to the project, and they're holding those in reserve. They haven't just been identified. They have been secured.

Number two, for the impact area you see here -- this was cleared in 2014, Dane? In 2014 that 40 acres was cleared for emergency storm debris and lay down. That was the first phase of development of this project.

In accordance with that, because of those impacts, 1.5 wetland mitigation credits were purchased for Phase 1. As the project proceeds, it will require, in accordance with the ERP, an additional 10 wetland mitigation credits. So that's the second part of mitigation.

The third, and probably the most significant and one that I'm proud of as a win-win for Collier County, was the Caracara Preserve, which was purchased by the county, was looking at becoming a form of a wetland or panther mitigation bank. As we were bringing this project forward, this project has a significant

need to purchase PHUs, Panther Habitat Units, for offsite mitigation.

What turned out was a wonderful marriage that this project has purchased 100 percent of the PHUs from the Caracara Preserve. So instead of that money going to an outside mitigation bank, the Caracara Preserve now has its long-term maintenance and management funded by another arm of Collier County, and Collier County got the PHUs at a little bit of a discount, so it was a win-win. So well beyond 39 acres. What we're talking about here is 35 acres that are in hand, 11-and-a-half wetland mitigation credits that will be purchased, and I think it was about 1.5 million in Panther Habitat Units went to another arm of Collier County providing for long-term mitigation and preservation of the Caracara Preserve.

So, en masse, we think that far exceeds a designation of 39 acres for mitigation and, therefore, that's why that language has not been rolled into the PUD.

COMMISSIONER SCHMITT: Tim, a question. Where is the Caracara Preserve now? Is that on site, or is that --

MR. STERK: That's a Conservation Collier --

MR. HANCOCK: Mr. Sterk just -- it's a Conservation Collier property north and east of this one off Corkscrew Road.

COMMISSIONER SCHMITT: So that was a fully accepted alternative. In purchasing PHUs, you would be able to apply it directly to that site then?

MR. HANCOCK: Yes. And the agencies basically approved the Caracara Preserve's environmental permits at the same time as ours and tied the two together. We purchased all 2,200 PHUs from Caracara Preserve; however, we're not done yet. We need to buy more.

COMMISSIONER SCHMITT: And that was all coordinated through U.S. Fish and Wildlife then?

MR. HANCOCK: Yes, sir. And as a matter of fact, they tied the biological permits together, and our permits are somewhat intertwined.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN STRAIN: Before we go off that, the stipulation is acres. How many acres is in Caracara Preserve?

MR. HANCOCK: Wow.

CHAIRMAN STRAIN: You said over 27 and a half?

MR. HANCOCK: Hundreds.

CHAIRMAN STRAIN: I just need that acknowledged.

MR. HANCOCK: Yes, sir, well in excess.

CHAIRMAN STRAIN: Okay. And you've purchased all of the PHUs generated by that acreage for offsetting this site?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: So, in essence, you've exceeded the 39 by a substantial number then?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Since it called out acreage, I just needed it to be converted to acreage terms, and you've just clarified it. Thank you.

MR. HANCOCK: Yes, sir. Thank you.

COMMISSIONER SCHMITT: That was an excellent move, excellent.

MR. HANCOCK: It was one of those things that just kind of falls in your lap and makes a lot of sense. And so everybody won; taxpayer and the environment.

The reasons for rezoning: There really are two primary reasons we're here today. One is to improve the access to the Resource Recovery Business Park. Previously permitted under the 2009 conditional use, access was to occur through the landfill. You can see at this time there was a road that went through the center of the landfill --

CHAIRMAN STRAIN: You need to, yeah, zoom out on that. We can't see it.

MR. HANCOCK: Oh, I'm sorry. I can actually slide this -- I can do it on this one.

There was a road through the center of the landfill here, that was going to be the primary access, and then there were secondary accesses on either side of the landfill. Even though this was going to be a primary access, we knew at some point the landfill was going to have to kind of consume that airspace, and that

access would go away. That allowed, at the time, either one of the two access points onto either side to be used, but it was always a long-term play that somewhere down the road there would be access coming in from either City Gate or White Lake Boulevard. As a matter of fact, conversations occurred with Wally Lewis about the purchase of this property many times over the years, but a price could not be arrived at.

The county also, in parallel, did the Wilson Benfield study. This is City Gate Boulevard North right here, and the Wilson Benfield study studied the possibility of a corridor, this roadway extending over and through this property, crossing I-75, and become a parallel reliever to 951 all the way down to U.S. 41.

This study was reviewed and accepted by the Board. The final alignment of either Alternative 3B or 3A or over this property was not determined. So that's still yet to be decided. But this was coming in some way, shape, or form.

When Mr. Lewis lost the 305-acre property to the bank, Collier County entered conversations and negotiations with the bank to purchase 305. I'm happy to say another win for the taxpayers; the property was acquired by Collier County, thus opening up the door to improved access to the Resource Recovery Business Park.

What you see here is the proposed access. This was one of the primary reasons for today's rezone. As you know, we can't add an access point to a master concept plan willy-nilly. We had to go through the process to accomplish that.

This will take City Gate Boulevard North -- and the county is already at 100 percent design on this roadway -- and bring it through Phase 3 of City Gate. And the building you see just north of the roadway, that's actually the South Florida Water Management District offices. The roadway will continue through City Gate Phase 3 and then turn up into the Resource Recovery Business Park. This will become the primary access points for this property.

There are not a lot of trips generated by this facility, as you can imagine. We don't know exactly what's going to be there in the end, but the total net new p.m. peak hour trips anticipated is around 91. Most of these trips are already on the network.

But this access point does two things: Number one, it provides a more direct and appropriate access; number two, it's safer. We don't have trucks traveling through an active landfill site carrying materials to a Resource Recovery Business Park; and, three, it gives us -- as a primary access, it retains the landfill as a potential secondary access. So should one access road be closed for some reason, we do have another way to get into the park without putting trips on the adjacent residential roadways. And I think that's important. So that was the primary reason for the change.

The second reason -- and this is the master concept plan that's a part of your package. The second reason really came out of a site visit to a biosolids facility in Reedy Creek. And if you'll notice here, the tracts are identified as Tracts A, B, C, and D. Currently under the agricultural zoning, the maximum building height is 35 feet.

When we were visiting the facility at Reedy Creek, we were looking at the way it was operating. And a truck pulled up to the biosolids facility, and it was dropping off material that became a part of the biosolids process. And as the truck tipped, the truck was outside. It was dumping and tipping into an open door. And there was a vacuum sealed area, so they were trying to contain odors and doing a good job with it.

But the noise of the engine, the backing up, you know, Mr. Rodriguez was looking at it and he says, why didn't they just back it into the building? And the guy said, well, we'd have to increase the height of the building. So we estimated what that would take in order to be able to have that truck inside the building. And 35 feet doesn't get us there, but 50 would.

So the reason for an increase in height is from an operational standpoint on Tracts B and C to give us greater opportunity to enclose, shield, or buffer potential noises where we can reasonably place things in an enclosed building instead of being outside. That doesn't mean all processes can be enclosed. Some of them are going to have to be outside because of the nature of their operation. And one of those is mulching.

But this will give us better opportunity to address and abate noise and avoid us having to come back to this body for some type of a site-specific variance in the future.

Those were the two main reasons that we really found our way to the PUD. And there are some lesser important reasons, such as giving us the ability to go through the hearing examiner process if we need

to determine if a use is comparable and/or compatible. You don't have that opportunity in a conditional use.

So we don't know what technologies may fall out of the sky. There's always somebody promising to turn waste stream into pixie dust. But some day one of those might actually work, and if it does and it hasn't been defined, we want the ability to come before the Hearing Examiner or this body and seek that definition.

We also saw this as an opportunity to increase compatibility over what the 2009 conditional use did by focusing on a few things and tweaking them. Noise, as it relates to building height, we just reviewed that. I think that is a positive for the neighbors.

Second, the native buffers: At 2009, what was shown as preserve in native areas were proposed. The majority of that has now been reported in a permanent conservation easement to the benefit of the Army Corps of Engineers and the Florida Department of Environmental Protection. We're permitted through the FDEP, not through the South Florida Water Management District, because of our operation. And I think at the NIM I used -- I kept saying South Florida, and I should have been saying FDEP. They use the same rules but different agency.

So there's no "trust me" attached to the native preserves that you see here. The vast majority of that is in a permanent conservation easement with a specific mitigation strategy.

Third, outdoor lighting. The conditional use in 2009 did not address this, so the code would have prevailed. We have taken that one step further, as you'll see as we go through some items in the PUD, to require flat panel fixtures with cutoff shields to avoid light spill, not just onto neighboring properties, but also into the preserve.

This preserve has a very unique characteristic that was a part of our permit, and Mr. Sterk worked long and hard on this. This is actually an RCW recruitment colony. We are required by the agencies, and happily so, to manage that preserve to recruit RCWs, everything from houses for them to nest in, to thinning of certain types of vegetation to improve foraging, so -- and at the same time, the Florida bonneted bat hit our radar, so it turns out the RCW and the Florida bonneted bat use very similar structures for housing and whatnot.

So we actually have a dual species approach here. And so because of that, the outdoor lighting could be even more of an issue. So flat panel cutoff shields, and we've also added LED to that after our conversation with Chairman Strain.

The buffer language within our PUD is being clarified to require that along the western property line where we are closest to Estates homes, that the required Type C buffer be planted and reach 80 percent opacity within six months of the first building CO. That way it's not a problem that has been conveyed to me as planting scrawny stuff out there and a year from now it doesn't take and then you've got to do it and wait another year. We want to make sure the folks to our west know that we're serious about providing that screening and, in doing so, will have to plant a little hardier, sizable material to achieve that within six months.

Long-term access. One of the primary concerns in 2009 was, what if you can't go through the landfill? Well, the only option then would have been to use some or one of the adjacent streets to provide emergency access to the site. By virtue of moving the access opportunity to come through City Gate, that becomes our primary, the landfill becomes our secondary, and only in a situation where both of those access points were to be cut off in some way, shape, or form would we have to use any other access. That would be probably 31st, and it would probably require an Army Corps style bridge over the canal. So, as you can imagine, the likelihood of that is very, very small.

Water quality testing. Collier County is currently undergoing a review of the models for its wellfield protection zones, and that will lead into some changes to the Land Development Code to balance proposed land uses with the new wellfield protection zones.

This is a work in progress. And Danette with Pollution Control is here today if you have specific questions about it. I'm involved with that to some degree. Stantec is working with the modelers on that. So we kind of knew this was coming. And while the LDC language has not been developed yet, what we have put into the PUD is language we've worked with Pollution Control on that as each SDP comes forward, Pollution Control will be a part of the review process. And should stormwater quality monitoring be

warranted based on the use, we will develop what that program needs to be and what the testing parameters are.

Once all of this is done and it's in the LDC, then we'll follow the LDC. But this is somewhat of a preemptive move to make sure that this project is really kind of on the front end of ensuring that stormwater that leaves the site meets the county standards, and I think that will give assurance to the neighbors that we are not just following the rules, but there's a degree of monitoring and enforcement of same.

Mr. Chairman, with that, that concludes my presentation. I did go through the PUD page by page and make some of the changes, many of which are minor. It's an 11-page document. I'd be happy to share those with you and walk through them if -- it is your choice, or if you want to hear from the public first and come back to that.

CHAIRMAN STRAIN: No, no. I'd rather get into the PUD changes first. So whatever the public wants to address, they'll see what the most recent changes are. So why don't we move right into that document. And that is -- starts on Page 20 of the packet that was distributed to the Planning Commission.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: Before we get into that, can Tim tell me a little more about that parcel that says "this parcel not subject to this rezone"?

MR. HANCOCK: That parcel is currently owned by three separate property owners.

COMMISSIONER CHRZANOWSKI: How do they access through the preserve?

MR. HANCOCK: There are -- there's language in the document that says -- and it was actually crafted in 2009. Let me get to that language. And it's on Page 10 of your document, Item No. 4.

If it's judicially determined or otherwise agreed by the county, then the county shall provide access to those outparcels identified. And on the boundary survey that was in your packet, they're called 40, 41, and 42.

So the county may provide access, but the phrase "judicially determine" was a requirement that came from legal review. So how they get access, it's through the same means anybody else would, but if the Courts require that the county provide it, the county will provide it.

COMMISSIONER CHRZANOWSKI: So you'd have to eliminate part of the preserve?

MR. HANCOCK: Actually, the preserve only goes to the edge of what would be easements in that area. We have a hard corner there that I think it could be negotiated through, but --

COMMISSIONER CHRZANOWSKI: That hard corner goes to zero. I mean, it's, you know -- it goes to zero. You somehow have to build a road --

MR. HANCOCK: Well, and when I say --

COMMISSIONER CHRZANOWSKI: -- through the preserve.

MR. HANCOCK: When I say I have room there, we have utility easements in that area that could be re-purposed. And I've driven down that side where it comes down and makes a turn. It's 20 or 30 feet wide, the utility easement is, so -- and it is not part of the preserve, utility easements.

So I don't have a hard answer for you for the simple reason that, candidly, it's not the county's responsibility to provide access to that property owner.

COMMISSIONER CHRZANOWSKI: It looks like you're creating a parcel with no legal access. Just -- I don't care.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: The language you're referring to is a carryover.

CHAIRMAN STRAIN: Your mike's not working.

COMMISSIONER EBERT: Your mike's not on.

MS. ASHTON-CICKO: The language you're referring to is a carryover from the 2009 conditional use. And if I can recall, when we did the conditional use in 2009, this parcel is currently landlocked, and the access would probably be to Garland Road. So we just left them in the condition that they were, you know, prior to the conditional use and now PUD amendment.

So we don't know where the access would go, and that's something that the county, if, you know, they're approached and can work something out, would provide.

COMMISSIONER CHRZANOWSKI: Okay. It just looked to me like it would have to go through the preserve.

CHAIRMAN STRAIN: I think what you're saying, it's going to take -- it will have to take that northeast corner, a little chunk maybe the width of the utility easement or a little bit wider to get a road access through there. I think that's the -- by being through the preserve, that's probably the simplest way to get just a piece taken off of it.

MS. ASHTON-CICKO: I know that the Real Property Department was looking at different locations but didn't want to pin one down at this point in time if access is deemed to go through the county's property.

COMMISSIONER CHRZANOWSKI: It seems like his solution is the only practical solution. We should create something now. But, like I said, I was just curious.

MR. HANCOCK: The county also has the ability and opportunity to acquire those parcels at fair market value and have approached the owners on multiple occasions to do so, and they have chosen not to sell or put a price on them that far, far exceeds fair market value.

So the county, much like -- you may recall in 2009 the conditional use was delayed or continued, and the reason was the county had reached terms to purchase an inholding, if you will, and so it was delayed until that could occur. So the county continues to make efforts to secure these properties and not have that problem. But should access be required and the county have to provide it, we'll do what's necessary.

COMMISSIONER CHRZANOWSKI: And a landlocked parcel is worth less than a parcel with good access.

MR. HANCOCK: Understood.

CHAIRMAN STRAIN: Okay. You want to take us through the changes to the PUD, Tim? And if you -- the members of the Planning Commission have any questions as we go through the pages on this particular item, just speak out, please.

MR. HANCOCK: On Page 1 what we're simply doing is changing the phrase "shall be" to "is" to show and reflect that the master concept plan has already been changed to show the appropriate buffering.

On Page 2 of 11 -- and, again, many of these were reviewed with Chairman Strain, and most of them are things that are intended to make the PUD read a little bit simpler. What we're doing here is we're eliminating some language to basically show that administrative buildings are allowed in all four tracts, equipment maintenance buildings are allowed in all four tracts, and vehicle and equipment storage and repair is allowed in all four tracts. That make these two subheadings of administrative offices and public vehicle and equipment storage and repair unnecessary, so they're being removed.

Again, no change in designating where the uses go; just a clarification based on verbiage.

No changes to Page 3.

Page 4, we had included minimum open space with a note of one here to reference this statement here which requires 50 percent of the open space or 172.2 acres. Because we had an entry without any data in the table, it was a little confusing, so that notation has been moved up here to property development regulations, and the language remains the same.

The second change that we are doing is eliminating the language that says "sidewalk shall be located in the road right-of-way." There's a possibility this road may never be platted. It may be under a single SDP with multiple phases, in which case we wouldn't have a right-of-way. And you've already seen in your deviations we're asking for a sidewalk only on one side of the internal roadway.

If somebody wants to carry their washing machine in to be recycled, God bless them, but we don't think we're going to see a lot of that. So we think one sidewalk that connects the internal parcels on one side of the roadway is adequate, and this language was extraneous.

CHAIRMAN STRAIN: Tim, before you leave that page, we had discussion about the second line up. It says "minimum lot width." You're actually writing this up as though you're creating lots, thus causing you to have various front, side, and rear setbacks and, equally so, if those lots are platted or however they're worked out even in an SDP in some -- some SDPs actually lay out the lot lines. I don't want to -- I don't think you intend to provide buffers and things like that between the lots based on any of that.

And I know we talked about having this discussion so Ray could jump in, and if a deviation is

needed for eliminating the buffers and things between separated tracts and lots, it might be a time to discuss it and make sure it doesn't get confusing as we go down the road.

MR. HANCOCK: We did propose that as a deviation, which I'll be getting to --

CHAIRMAN STRAIN: Oh, you mean you added it since we talked?

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: I add a lot of things after we talk.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: More than five?

MR. HANCOCK: Yes, ma'am. This was not a good day for me. It was more than five.

Exhibit C, master concept plan, the changes we're proposing are just shown here in red, and they are two. Number one is in Tracts A and D we showed plus-or-minus 300 feet. Chairman Strain appropriately asked, what does that mean? What it means is a minimum of 300 feet, so that will be revised to read 300 feet minimum on each side.

The second change is this leg of the preserve on the original conditional use was shown as a width of 200 feet. It wasn't addressed in the stipulations, but it was shown as 200 feet, but that 200 feet included a 40-foot access easement for Garland. So -- I'm sorry?

CHAIRMAN STRAIN: You saw me shaking. Why don't you turn to Page -- I'll give you the page here in a minute.

Well, I showed you the page. Turn to Page 807, and the leg of that preserve down at the bottom where it flares out just a little bit is L35. And as I pointed out, that's 200 feet, but that's outside of the UE because the UE's shown to the right of that leg. Take a look at that survey.

MR. HANCOCK: I'm familiar with the survey. I'm going to get it and put it on the visualizer so we can all take a look at it.

Yes. Mr. Johnson, you lose. I was faster. The point -- and it's a little harder to see on the eight and a half by 11, but --

CHAIRMAN STRAIN: That isn't the survey that's in our plan.

MR. JOHNSON: It's this one.

MR. HANCOCK: Okay.

CHAIRMAN STRAIN: And you might want to blow up that right -- lower right corner of that; right there. And see the L35, you go to the left, it's the first one on the table on the left. It's 200 feet.

MR. HANCOCK: That's correct.

CHAIRMAN STRAIN: Okay. So how do we get down to 170?

MR. HANCOCK: And here's how it happens. The cord, L51 here, is at an angle.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: As that angle comes in, it matches up with a line that is parallel and at the western side of the access easement for Garland.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: Therefore, for the bottom of that, we could say it's 200 feet wide, but for this middle section here, it's actually 170.

CHAIRMAN STRAIN: Okay. So you verified, then, that the cord that comes down and moves over to the east doesn't move over to the east of the UT -- UE, it moves over to the east of the access easement or the Garland Road, is that -- or to the section line. Let's say the section line. That makes it simpler.

MR. HANCOCK: Yes, sir. And that the minimum width for this leg through here, based on the AutoCAD drawing, was 170 feet.

CHAIRMAN STRAIN: Okay. Look at L51. Now, you notice that's written in an east/west direction, which would mean it would seem to follow L35. Look at L51 on the table to the left. That's 15 -- it's almost 16 feet. So what it looks like is your section line easement is -- that's a midpoint where your section line easement for Garland Road is. Then there's 10 feet outside of that.

The only thing I'm saying is I think you've got some extra footage there. This could have been clearer. Maybe that's the problem. Do you see -- I see L51 as meaning the line towards the bottom, not the

north/south line.

MR. HANCOCK: Correct. L50 must be the one that is at the angle then.

CHAIRMAN STRAIN: That's correct. So if L51 is the east/west line, it would have to add to 135 to get you the distance over from the section line, which is where Garland Road's portion of this would apply.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. So you're 15, plus 200, so you're 215, and out of that you've got to take the section line half of Garland Road and then 10 feet for the UE.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: And you're looking at, what, 45 feet?

MR. HANCOCK: Yes, sir, which leaves 170 feet.

CHAIRMAN STRAIN: No, I just calculated out, but I'm not sure that -- well, 170's better than 160, but whatever the conservation easement is is where you're going to be locked into it anyway, so...

MR. HANCOCK: That's correct. And I confirmed on the AutoCAD drawing for the conservation easement itself that came from the surveyor that the width of the primary leg of that buffer is 170 feet.

CHAIRMAN STRAIN: Okay. Could you send that to me, that --

MR. HANCOCK: The AutoCAD file?

CHAIRMAN STRAIN: Yeah, just that file just so I have it.

MR. HANCOCK: I'll have the surveyor send it to you rather than send you my copy.

CHAIRMAN STRAIN: That's fine. Have him convert it to PDF first. That way it makes my file complete. Thank you.

MR. HANCOCK: So in order to be accurate, we will amend the master concept plan to show that dimension at 170 feet instead of 160 feet. And, Commissioner Strain, you asked if that would cause our Tract D line to move, and the answer's no. The Tract D line will remain at 300-foot minimum from the edge of that preserve.

There were no changes to the second page of the master plan. Fortunately, no changes to the legal description; otherwise, we wouldn't be here.

And this is the deviation. We have discussed the first deviation, which is reducing the sidewalk requirement for both sides of the road to one. And if you remember where -- the access road is along the southern property line. To the south of that is the County 305 and the landfill. So I think moving the sidewalk to one side of the road there is a pretty straightforward approach. I'm not sure it's necessary but, for us, for example, if employees were moving from one site to another, the ability to walk and have pedestrian connectivity makes sense.

We're adding two deviations based on our conversation with Chairman Strain to try and hopefully avoid problems or confusion down the road. The second deviation, which is a request to deviate from LDC Section 4.06.05, which requires a 5-foot buffer between industrially zoned lots or tracts to require no internal buffers between tracts owned by Collier County. All permitted buffers will still be required regardless of ownership.

The point being, we anticipate developing this as a phased SDP. And if you do, there would be no requirement to have a landscape buffer between Use A and Use B; however, if down the road that pixie dust manufacturer comes in and their condition is that they have to have land fee simple in order to put a 20-year investment into it and the county agrees to that, we could have to have a metes and bounds or a plat created.

In that case, the end product is the same, and we think an internal buffer requirement is chewing up public land with no benefit. So we're requesting a deviation so that only internal buffers are not required. All of the external buffers, which would impact adjacent properties, would be required and retained.

The third deviation, which has an addition as well, is regarding compliance for the county architectural code requirements. We're asking a deviation from 5.05.08. B.2.B, which requires all nonresidential buildings within 300 feet of the boundary of a residential zoned district to comply with provisions of 5.05.08.

There are very limited areas within this PUD that that could apply, but the idea that you could be coming in with a wellhouse structure on a corner of a property and have to comply with 5.05.08 because it is technically within 300 feet of a residentially zoned property is something we would rather not deal with.

So it's a limited deviation but one that we think -- again, it just doesn't make sense. The public can't really see what's going on in here for the most part. So we're asking for those two deviations as well.

MS. ASHTON-CICKO: Mr. Chair, I will have some changes to those deviations, and I have not been able to check the citations since we just got it now. So it won't change the substance, but it will clean it up a little bit.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER DEARBORN: I have a question, Mr. Chairman.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER DEARBORN: This could be just a new-guy question. So the copies we had, why weren't those two new deviations on the copies we had?

CHAIRMAN STRAIN: They didn't happen until I had a pre-meeting with the applicant --

COMMISSIONER DEARBORN: Okay.

CHAIRMAN STRAIN: -- on, I think it was, Monday? Yeah, we met Monday. Was it Monday?

MR. HANCOCK: Yes.

CHAIRMAN STRAIN: Yeah.

MR. HANCOCK: We met on Monday, and I, literally, was crafting them yesterday and putting the package together. And I try not to do that in bringing items to this body. My hope is that these are straightforward and clean enough we can handle them today, but we fully expect to come back on your summary agenda to review this language, particularly with the fact that Ms. Ashton, I'm sure, is going to want to have a shot at these.

MS. ASHTON-CICKO: Since you didn't provide the site -- what the section is, for the benefit of the members that don't have the LDC, those are the architectural standards.

CHAIRMAN STRAIN: And, Patrick, since you are new --

COMMISSIONER DEARBORN: Yes, sir.

CHAIRMAN STRAIN: -- on the weekends I generally read all this stuff because it's peaceful and quiet, and then some of the applicants or members of the public who have called and expressed interest, I meet with them between Monday and today, let them know any questions I might ask so that they're better prepared to answer.

And in the case of Tim, his response to some of my concerns was, well, why don't we just fix them. And so that's what they're working on now.

COMMISSIONER DEARBORN: Okay. Thank you.

MR. HANCOCK: It's a lot easier to amend these things than to craft them on the fly here. So hopefully we'll get 90 percent or more the way there today.

On Page 9 of 11, we have under Item 2, which was the requirement for outdoor lighting fixtures, to be flat panel with cutoff shields. We've added that they would utilize LED light sources as well.

CHAIRMAN STRAIN: Tim, on that one, before you go further, you're basically relying on the LDC for the height of these fixtures, which is 25 feet.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Do you need to go 25 feet in that area?

MR. HANCOCK: We don't necessarily need to go 25 feet. It becomes, what can we do to get minimum-security light coverage cost-effectively. And we've discovered this on a lot of projects. If we lower the height from 25 to 20 or 15 feet, we increase the number of fixtures, but we don't really change the level of illumination.

In this case we have -- we prepared a sightline study that we used at the neighborhood information meeting --

CHAIRMAN STRAIN: Yeah. My concern is offsite viewing or glare of higher fixtures, so...

MR. HANCOCK: This was a sightline study that we prepared for the nearest residential property Estates properties to the west. And from across the canal, plus the access road, it's 150-foot right-of-way, 20-foot access.

We went out and actually looked at these trees. The average height of the pines in that area are 45 feet. And so, while we prepared this exhibit to show that the building massing at 35 feet in Tract A and 50

feet in Tract B would not be readily visible from that property, I think the key component here is at 25 feet that is going to be right in the mass, if you will, or the crown of most of the pines.

Ironically, lowering it may make it more visible, but we are required by our PUD to have full cutoff shields to a preserve. So, you know, I don't think, based on the distances we have here, Commissioner Strain, that we're going to have people that are actually looking up into the flat panel portion and seeing glare. And if we are, the cutoff shields should address that.

CHAIRMAN STRAIN: Thank you.

MR. HANCOCK: Hopefully I get extra points for using the pretty exhibit, too.

MS. ASHTON-CICKO: Can I just make another comment?

CHAIRMAN STRAIN: Yes.

MS. ASHTON-CICKO: Under the environmental section, No. 4, after the yellow language, I'd also recommend that you repeat Note 1 from the master plan so it's deemed to be an inconsistency when the reviewers review it later. That's the part that says that the preserves can qualify as landscape buffer.

CHAIRMAN STRAIN: And I think it's in that area that the -- oh, you already put the 80 percent opacity in this highlighted yellow section. Okay. So we're covered both ways.

MR. HANCOCK: Yes, sir. This is the additional language we referred to earlier where we have the Type C buffer required. Where we are adjacent to residential properties, we're putting a higher burden on ourselves to make sure that is planted and reaches that 80 percent opacity within six months of the first CO of any buildings.

So, you know, the shielding will be there. And, again, this is hopefully going to correct a potential issue that seems to be occurring on one or two other properties at this time.

And, by the way, there was also a question about the 200-foot buffer along the west side. It has been impacted through utilities doing some work in there, and we are going to have to do some additional replanting above the buffer requirements to get that 200 feet back to where it belongs, and this is what would trigger that.

So now there's -- someone was asking at the NIM, well, when are you going to do it? The answer is, within six months of that first building CO being issued, those plantings will need to be in place.

CHAIRMAN STRAIN: And while you're on this page, landscaping, No. 2, the same time frame that you have in the previous paragraph under environmental for the six months that you added should be added to that one as well. That's actually where the intent's going to be.

MR. HANCOCK: It might be more appropriate to take that language from the previous page and move it here under landscaping, although I think it does address both.

CHAIRMAN STRAIN: Well, I think you need it both, because you could have exotic removal outside the buffer, so...

MR. HANCOCK: On this page, Page 10 of 11, two changes: Number one is specifying that no access shall be permitted on Garland Road. And we got several questions on that. And you can tell someone, well, you know, the zoning won't allow it, but I think until you call it out specifically, maybe it doesn't hit home for people.

And under hours of operation, the language for nonessential facilities really just provided confusion, so we took that out to keep it simple. And what that really says is that we'll have the same hours of operation as the landfill. There are some operations, however, such as public utilities has to serve a downed lift station no matter what time of night it is.

So those types of operations will go on, but we're not talking about, you know, mechanical operations as much as we are service-based operations going beyond the hours of the landfill.

No pages to -- or no changes to Page 11.

Those are the changes that we have proposed based on the meeting we had with Chairman Strain plus some of the phone calls and input we've received to date. And with that, I just want to confirm that we agree with staff's assessment that the project, as proposed, meets or exceeds the minimum requirements of the Growth Management Plan and the Land Development Code.

And should there be any questions raised by the public that require additional information, we certainly would appreciate the opportunity to address those.

CHAIRMAN STRAIN: Okay. Thank you. Questions at this time from the Planning Commission of the applicant? Anybody have anything?

COMMISSIONER SCHMITT: No, I have no questions. I think Tim already answered questions that I had, so -- in his presentation. Well done.

MR. HANCOCK: Thank you.

CHAIRMAN STRAIN: I have a few.

Patrick, did you have something?

COMMISSIONER DEARBORN: Great presentation.

CHAIRMAN STRAIN: Tim, what processing on this site is done outdoors?

MR. HANCOCK: Primarily, it's going to be yard debris and storm debris that is processed in a grinder. Initially C&D. Some processing of C&D can occur outdoors. That's the way it is currently at the landfill. Both those processes are occurring right now in fairly close proximity to this property, the only difference being they're happening at 100 feet in the air versus at grade.

CHAIRMAN STRAIN: Okay. The 200-foot native area to the west, did you add somewhere in that PUD -- and I may have missed it in the discussion -- that you're going to be restoring all those areas that don't currently meet the opacity due to whatever reasons they don't? Not just ones that are the result of exotic clearing and not just ones that are the result of the buffer being added. But whatever doesn't meet that opacity within six months of that CO, the whole thing will. So all those areas will be restored. Is that your belief?

MR. HANCOCK: May I ask a question of my team?

CHAIRMAN STRAIN: Sure.

MR. HANCOCK: I just wanted to confirm. Native vegetation buffers, or even if it were a preserve, you do have planting requirements but not opacity requirements.

CHAIRMAN STRAIN: Right.

MR. HANCOCK: So --

CHAIRMAN STRAIN: But you made a commitment for opacity of 80 percent. I just want to make sure wherever that opacity commitment applies, if there's -- for example, the problem project that we have is that beach house down the road where the opacity on that preserve was eliminated when the exotics were removed, and applicant's not willing to put it in right away to restore it.

I don't want that to happen here. So I don't want -- if you're relying on the preserve to reach any of the opacity that's needed, then it has to be done within six months, as you've agreed to do the buffer as well. That's what I'm getting at. I'm not sure how much overlap we have between the two.

MR. HANCOCK: The language was intended to address that through the Type C buffer requirement. That is where the 80 percent opacity will be achieved.

CHAIRMAN STRAIN: That's on the western side of the preserve?

MR. HANCOCK: That's correct, closest to the residences.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: Because the rest of the preserve, while it's a native vegetation buffer, it's not defined as a preserve; however, we are going to treat it the same as if it were a preserve. The only concern I have is that I don't think planting ground cover in that preserve is going to help the adjacent property owners very much. But I think it's safe to say, whatever the requirements are of the Type C buffer to reach the 80 percent opacity, we will meet or exceed that within that 200 feet within six months.

CHAIRMAN STRAIN: Okay. See, the note that you have on the second page of your master plan, preserves in the native vegetation buffer tract may be used to satisfy the landscape buffer requirements after exotic removal is in accordance with the LDC.

Supplemented plantings with native plant material shall be in accordance with the LDC as well. Now, that's the piece that's going to be done within six months. The problem is, you don't show a buffer on the western side of that preserve. You show a 20-foot utility easement, which also has a road on the aerial. There's a road to the right of that utility easement that I know you -- based on our conversation, that road's going to be restored because it's now part of the preserve.

So -- and this is a -- unfortunately, this piece is called a native vegetation buffer tract, not a preserve, and that's the other piece that I had to ask is, we know how preserves have to be maintained, and we know

how they have to be supplemented. We don't know how native vegetation buffer tract is to be maintained and supplemented. I want to get all that cleared up now so we don't have another problem like we had down at the beach house.

MR. HANCOCK: Well, first of all, one iteration, until this iteration, we actually showed where the Type C buffer would be located on the master plan. There was questions concerning how it was shown and whether it was confusing or whatever, so that's how we ended up with the language you have. So we kind of took off the bracket that showed where that Type C buffer would be.

That being said, let me ask one question of Mr. Rodriguez, and I think I have an answer for you.

What we can do is add to the PUD document language that says the native vegetation buffer tract will be treated the same as a preserve by LDC standards.

CHAIRMAN STRAIN: Okay. And because you're using it as a buffer tract, you've got to maintain that opacity. That's the difference. That's what -- the problem had occurred down the road on Estey and Airport. That's what I want to make sure we don't have here. And it wasn't clear enough when the Planning Commission discussed that project and, unfortunately, it got out of hand. So we need to make it explicitly clear today.

MR. HANCOCK: I think if we add the language that the native vegetation buffer tract will be subject to the same planting preserves -- as the preserves standards in the LDC section, and we'll cite the section, you then have the language that also requires that the Type C buffer be planted within six months and achieve the 80 percent opacity within that time frame. Those two can work in tandem to get where you want to go.

CHAIRMAN STRAIN: When you come back for consent, please have that in a paragraph so we understand it and can see it. I just don't want the same confusion. We had to have meetings on that Estey one; a lady, rightfully so, was upset, and we still can't cure that problem. And it should never have gotten that far out of hand.

MR. HANCOCK: I agree. And I actually looked back on that project -- as you mentioned, I was involved with that one. And it was always my assumption that when you pulled your SDP and you went in and cleared out your preserve, you know, of the exotics, whatever buffer requirements were required of the LDC, they would be installed on the far side of that adjacent to the residential, and you would reach the opacity requirements within 12 months, and that was that. That's how it should have played out and how I envisioned it when we created that language.

And here I think we're just going to shorten that time frame to six months and be explicit about how we get there and when we need to get there.

CHAIRMAN STRAIN: Yeah. It's not changing anything you were planning to do. It's just making sure everybody understands it and it's more clearly written, so that's --

MR. HANCOCK: And, in fairness, to get there in six months, we will have to plant more substantial material and that, I think, is fair with respect to the residents and potential impacts.

CHAIRMAN STRAIN: Okay. I want to make sure I've -- the 50-foot height will be limited to Tracts B and C. Did I hear you say that?

MR. HANCOCK: Yes, sir. But before we get off the preserve item, Summer is lying in wait. Would you like to hear from her on this item?

CHAIRMAN STRAIN: I always like to hear from Summer.

MS. ARAQUE: Summer Araque, for the record, Environmental Planning.

So I want to clarify that it's understood that in regards to the preserve areas those would still need to follow the LDC planting requirements, which may not be as much as what a Type C buffer is.

CHAIRMAN STRAIN: That's correct.

MS. ARAQUE: Is that an issue? Okay.

CHAIRMAN STRAIN: Because the preserve areas don't start till after the active part of the facilities.

MS. ARAQUE: Okay.

CHAIRMAN STRAIN: So the facilities, where they're active, the buffer there is called out as a native vegetation buffer, and the problem there is we don't have something defined as a native vegetation

buffer nor how to maintain it in perpetuity, which is what we're trying to get to today.

MS. ARAQUE: Okay. I just wanted to make clear that they cannot install a Type C landscape buffer in the preserve areas. But I think we're all on the same page now. I just wanted to make a clarification.

CHAIRMAN STRAIN: Okay. Appreciate it. Thank you.

MS. ARAQUE: Great. Thanks.

MR. HANCOCK: We may find a way to put back in showing where that Type C buffer is. I think that will help clarify it as well.

CHAIRMAN STRAIN: That's fine. As long as we've got the opacity required, that's the key to this whole thing, so...

MR. HANCOCK: Okay.

CHAIRMAN STRAIN: I don't have any other questions at this time, so anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Tim.

Eric, do you have a staff report?

MR. JOHNSON: Yes, sir.

For the record, Eric Johnson, principal planner, zoning.

Staff recommends approval of the petition, including the deviation.

With respect to the changes that are being proposed today, they seem acceptable to staff. And something to clean up on Page 1, any change that is being proposed on Page 2 would also have to be carried through with Page 1 with respect to the labeling of the proposed uses.

And it seems, perhaps, that Deviation No. 3 would not be needed. I'm sorry. Yes, Deviation No. 3, the one regarding the architectural review. But if -- I don't think staff would have an issue with it being in there anyway. So with that --

CHAIRMAN STRAIN: I would rather leave it in for clarity, because there's two different departments that review these things, and sometimes they don't mesh. So this would just make sure everybody's on the same page.

MR. JOHNSON: Sure thing. And that concludes my presentation.

CHAIRMAN STRAIN: Okay. Anybody have any questions of staff?

(No response.)

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

MR. BELLOWS: No one has registered to speak.

CHAIRMAN STRAIN: Is there any member of the public here wishing to speak? Please come up to the mike and identify yourself, and we'd sure like to hear what you've got to say.

MR. SCOTT: Good morning. Ryan Scott, homeowner at 2809 Garland Road.

I just want to kind of touch on a few points. As this process moved forward here into the extension from the November 3rd initial date, there was never an additional mailing sent out to notify the residents in that area.

I know the initial letter went out with the wrong dates and then was corrected thereafter, but the additional extension here was never notified or shown publicly on the signage.

Additionally, for the residents on the east side, the sign, I think, was briefly up before tore down. So there wasn't much, you know, notification of this change of meeting date to the neighboring residents, you know, as required.

On the environmental sides, you know, I just we've talked at length here regarding the Caracara Preserve. You have active tracking collars of panthers on this property here, you know, just in the last months. The Caracara Preserve, per the FWC's, you know, tracking information doesn't really show any panther stuff there.

So I know as much as it is a great effort to, you know, provide additional lands, it may not be as suitable as panther habitat, even though it has been deemed as such.

You know, additionally, on the environmental reports submitted for the area, you have eagles noted as being present in the area. There is a sizable eagle population there in that area that, as you get into these

uses, you're potentially impacting. You know, there's been as much as six of them or eight of them right there in that area just in the last month.

So the environmental impacts there, it's a concern. And to that same accord, as we're adding this lighting, you know, there's the light pollution effect to that, that, you know, as this preserve -- you lose a bit of that use.

You also -- you know, as we're trying to provide additional things for the bonneted bats and things like that, that lighting then also is a fact for that. You know, is it really going to fully gain its use as a preserve that was initially intended? I don't know if that's something where the lighting could be shut off during off hours and only provided as, you know, necessary and a limited basis. That would be something I would ask the Board to kind of look into.

You know, on the traffic side, it's been stated that there's no additional impact to the roads there. The challenge is is you're moving everything from the south side of the landfill to the north. So I get it's not necessarily new trips, but you're moving it from a corridor that aligns with I-75 now up against a residential area, you know, to the north, and then ourselves as neighbors to the east.

So the challenge gets to be is, yeah, it may not be new trips, but the sound impacts and everything else that those trips that were down against I-75, you know, which is a natural noise in itself, then directly is impacting the residential neighbors to the north and east.

Regarding the emergency access, I know there was mention that there's potential for one at 31st, and it was mentioned that there was -- put at the NIM meeting, I think that it was said it was not going to happen. I know earlier in the meeting today we mentioned emergency access through Garland, although in Page 10 it's excluded. So I'm sure all the neighbors would really like that clarified here before it gets final approval.

Additionally, I know we talked at length regarding the native vegetation buffers, Type C's. With the trees being at 45-foot there to help obstruct view, as you go to a 50-foot height, that's from natural grade. The question then gets to be is how high is this site going to be brought up?

You know, some of the neighboring properties there where the Water Management District offices went in and things, it's probably a 4- to 5-foot elevation increase from what was natural grade. So really, as you bring up the building pad and go the 50-foot from there, is the 45-foot trees really adequate to shield that from the neighboring properties?

Additionally, you know, with that Type C buffer that's been added on the west side of the property, you know, I know there was a fair amount of concern at the NIM meeting that there isn't necessarily adequate coverage to the north and to the east. And we would just ask that that, you know, potentially Type C buffer encompass that area to help further provide, you know, visual and sound obstruction.

Just checking my notes here real quick.

The other item that was stated here early on was kind of the conditional use of the property from the rural fringe zoning district notation. It is called out, you know, as allowable for, you know, as Mr. Hancock stated, solid waste resource facilities and public vehicle, equipment storage and repair facilities, but the last line of that, the actual excerpt from that rural fringe zoning district is that this shall not be interpolated to allow the expansion of the landfill into Section 25 for the purpose of solid waste disposal.

Some of these intended uses seem to blur that line at times. You're really looking at just taking it and dumping it there and moving it offsite, but it's still a part of the process of solid waste disposal. So that -- I get it's not going to stay there forever, but it's still part of that process, and that's where I see a conflict with the rural -- you know, the rural fringe zoning district for that intended use.

You know, this property was set aside as an initial preserve, agricultural, and to see it -- to make a change into industrial is a significant and massive change. So we'd just like the Board to take that into consideration.

CHAIRMAN STRAIN: Thank you.

MR. SCOTT: Thank you.

CHAIRMAN STRAIN: Ray, as far -- or, Heidi, I wanted you to address the concern first of the advertising and the extended date of the continuance. How do we -- we announced the continuance at the meeting where people would have shown up if they were interested originally, and it's through that process that they would have then realized it got continued.

Do we do anything -- is there anything required for advertising beyond that?

MR. BELLOWS: For the record, Ray Bellows --

CHAIRMAN STRAIN: For a change of date. Go ahead.

MR. BELLOWS: The typical procedure is to announce the continuance date to a date specific.

There is no further advertising unless it's generally over five weeks; then we would get new advertising done.

CHAIRMAN STRAIN: And that's consistent with state statute and all the other rules that we have in place?

MS. ASHTON-CICKO: That's correct.

CHAIRMAN STRAIN: Okay. As far as the RFMUD, the RFMUD district was written excepting this particular parcel out and specially treating it, which is why it was able to go forward as a conditional use in 2009. And I understand the concerns of the reading of the language, but that language was written with this intention in mind. I was part of that. I remember those days.

So it's not -- I don't think there -- I can't see how it's inconsistent with the intent of the RFMUD, although it's a good question. But that's not the way we looked at it, and that's not what we intended when we did that back in -- right after the governor's order.

So as far as the clarification of Garland, Tim, you agreed that you will not be utilizing Garland. So you will be adding that language to the PUD, and there won't be any conflict with any other part of the PUD?

MR. HANCOCK: That is correct.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: Mr. Chair, I think the emergency access, perhaps, that he was referring to is the outparcels that are in the middle. They would be provided access to Garland if --

CHAIRMAN STRAIN: Well, Garland Road, yes, that is one of the conditions, that's correct. Garland Road would be used if those outparcels needed access for legal access to their property and it was worked out, but the county's not going to use it for landfill operations or for this property's operations. That's what I believe we just heard, and I see Mr. Rodriguez and Dane nodding their head yes.

MR. SCOTT: I can --

CHAIRMAN STRAIN: Sure. Do you want to address that?

MR. SCOTT: Yeah. I think it was more the survey that was put up at one point. I know it was shown on some earlier surveys and probably corrected. I think you started to bring it up, and we changed subjects, Mr. Strain.

MR. HANCOCK: The survey was never modified or corrected from the initial application.

CHAIRMAN STRAIN: Yeah. The survey's not going to carry any weight in regards to how the zoning is addressed. What's going to carry the weight is the language in the PUD, and it's going to be prohibited in the PUD.

MR. SCOTT: Fair enough. And the same for the 31st access then as well?

CHAIRMAN STRAIN: Well, no. 31st isn't one that's been eliminated. They -- for emergency purposes, that's still on the table, but we're talking about Garland.

MR. SCOTT: Fair enough.

CHAIRMAN STRAIN: Okay, thank you.

And, Tim, one other thing. And we've worked this out on other projects, and it seemed to work okay. When you're operating or as you cease and get towards the end of your operations or start up in the morning, you have more need for working light versus security light, and proof in mind is the dealerships that we currently have conditions on. Car dealerships are asked now to reduce their nighttime security lighting to a certain percentage of the overall lighting.

And I'd like to have you take a look at that and consider, when you come back with your language and changes for consent, that that be an option that is in there; would that be something that you can commit to on a percentage basis? Do you have any objection to that?

MR. HANCOCK: No, sir. We'll certainly take a look at it.

One of the issues that came up repeatedly at the neighborhood information meeting that has been problematic in this area is the degree of ATV use of the well easements. Every time, you know, public utilities puts up a solid fence, it gets broken down. No matter what we put up, they find equipment bigger,

larger, and heavier to find their way in.

And one of the things that I think will help security in this area is a physical presence and having somebody there operating who may be able to patrol the lands on a daily basis a little better and that kind of thing. So, certainly, we will look at the ability to reduce lighting levels to a minimum security level at night. But as Public Utilities facilities go, there's going to be a base that we have to maintain.

CHAIRMAN STRAIN: No, and I understand that. What do you do now at the landfill in regards to nighttime operations? And I don't mean lighting. But do you have personnel there at night round the clock?

MR. RODRIGUEZ: For the record, Dan Rodriguez, your Solid Waste Director.

We actually don't have personnel there, but we do have, as you stated, lighting. We also have security alarm systems there. Some motion detection on our lighting systems as well as building alarms, so...

CHAIRMAN STRAIN: The only reason, whatever you're doing there seems to work. I don't read in the paper about a lot of theft of trash, so...

MR. RODRIGUEZ: We wish. To the tune of 200,000 tons, we wish.

But actually what we do get, believe it or not, in that preserve area as well as at the landfill, we do get occasional break-ins. We've had stolen cars abandoned on the public property. Like Tim stated, they break in the fences, they take down the signs, and we're talking maybe two, three incidents every other week.

CHAIRMAN STRAIN: Please take a look at the possibility of reducing some of the lighting in the nighttime and come back -- when you come back for consent, we can consider the language.

MR. HANCOCK: And Mr. Rodriguez raised the issue, and Mr. Scott did, too, of signage. We actually did update all of the public information signs with the corrected date once it was moved. So not required by code, but we did it anyway in the hopes of informing more people of today's date.

CHAIRMAN STRAIN: Okay. Thank you.

Are there any members of the public who have not spoken that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. There are none.

Joe?

COMMISSIONER SCHMITT: For clarification on what Mr. Scott brought up, in regards to the panther tracking and bald eagles, just for the record, can you state, is there any requirement now to update any of the existing permitting on site for this use? I would think not.

MR. HANCOCK: No, sir.

COMMISSIONER SCHMITT: The permit you have is adequate. It's already been approved through U.S. Army Corps of Engineers, Section 7 consultation through the U.S. Fish and Wildlife?

MR. HANCOCK: Yes, sir. It was a full colonoscopy.

COMMISSIONER SCHMITT: Okay. I know the pain.

The -- regards to the bald eagle, you have no intent to issue for any take permit for existing bald eagle nesting on site? As far as you're concerned, what's there, at least if there is existing nesting, will be protected? It should be protected. It's endangered species.

MR. HANCOCK: Yes, sir. We do not have any active nests or even roost trees that I'm aware of on the site. But what is there will remain there and be protected through our management plan.

COMMISSIONER SCHMITT: Okay. I just want to make that clear for the record. Thanks.

CHAIRMAN STRAIN: Okay. There are no additional public speakers. Do you have anything -- any final comments you want to make, Dan or Tim?

MR. HANCOCK: Yes. I'll let Mr. Rodriguez address you, and then I have one comment.

MR. RODRIGUEZ: I just wanted to say thank you for the opportunity again to bring this great project before you. We look forward to going to the Board of County Commissioners and getting their review and potential approval and moving this to the next step following the County Manager under administer direction to just deliberately execute this and bring this service to our community and enhance what we are currently doing as it relates to recycling and waste reduction. Thank you.

CHAIRMAN STRAIN: Well, it will be nice to hear, when you come back for consent, that you've already beat Lee County and we're number one in the state.

MR. RODRIGUEZ: Well on our way.

COMMISSIONER HOMIAK: You want an incinerator?

CHAIRMAN STRAIN: Well, without an incinerator.

MR. HANCOCK: We'll just send it up to them and let them burn it and take credit for it.

COMMISSIONER SCHMITT: I remember that pain from many years ago.

MR. HANCOCK: The only comment I need to make is Mr. Scott indicated that -- the blurring of lines in the Comp Plan. I want to be very, very clear. The Comp Plan does not allow for disposal on this site. Disposal is a permit act. This project does not include any form of disposal on site; therefore, we are 100 percent consistent with the Growth Management Plan. There is no inconsistency.

CHAIRMAN STRAIN: Well, I think you've got a Comp Plan letter to that. But back in those days, Tim, I remember the concern from at least reviewing the standards was that the landfill operation, as the mountains that we have out there wouldn't move northward, and that was my understanding why that language was put there.

COMMISSIONER SCHMITT: Correct.

MR. HANCOCK: Correct.

CHAIRMAN STRAIN: And that is not what you're planning to do, and that's not what you're going to do.

MR. HANCOCK: That is absolutely correct.

CHAIRMAN STRAIN: Okay. And I don't have anything else. And you're finished. And with that, we will close the public hearing, and we will have a discussion and entertain a motion.

Part of discussion, the motion should include a review of this project coming back on consent for clarification of the language, which means, especially for Patrick's viewpoint since he's new, a consent is not to revote. A consent is simply acknowledging that today's vote is reflected in the language that staff cleans up and brings back on consent. So we don't go to that consent hearing and say, oh, we're going to change our vote. We can't do that. It's got to stay -- the vote stays the same. It's simply the language is right.

And with that, I have some items besides the language we talked about in the PUD that was presented today here, some items that may be considered by the motion maker.

We're going to limit the 50-foot height of the buildings to Tracts B and C, Tim already put the buffer opacity in, we'll accept changes to the PUD language including the two new deviations, and the applicant will consider reducing the lighting during the off hours when they come back on consent.

Those are the only three notes remaining after all the other changes that were shown today. If there's a motion to approve and have it come back for consent, the motion maker needs to consider including those if they would like.

Is there a motion?

MR. JOHNSON: Mr. Chair? Over here. I'm sorry, Mr. Chair.

Just for clarification, or in my own edification, I think that in the PUD document, you wanted to repeat note -- some note under Environmental No. 4 and then under Landscape No. 2, I think.

CHAIRMAN STRAIN: Yeah. Tim made the note on the PUD.

MR. JOHNSON: Okay. All right.

CHAIRMAN STRAIN: He'll bring it back in formal language, but he wrote it in as I was speaking. That was the one involving the six-month opacity issue.

MR. JOHNSON: Yes.

MR. HANCOCK: I'll scan my notes in this afternoon and forward them to you.

MR. JOHNSON: Thank you.

COMMISSIONER SCHMITT: Mr. Chairman, I make a motion to approve subject to the three changes that you cited, also subject to the changes that Mr. Hancock introduced in his presentation to the PUD document, and subject that it come back to be reviewed on the consent agenda.

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Okay. Is there a second to the motion?

COMMISSIONER DEARBORN: Second.

CHAIRMAN STRAIN: Patrick made the second. And I just want to make sure there's nothing that we've missed before we vote. Hold on just one second. Nope, there isn't.

Discussion?

(No response.)

CHAIRMAN STRAIN: Hearing none, all those in favor of the motion, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Thank you-all for your time. We will see you on consent. It will be two weeks.

MR. HANCOCK: Thank you, Mr. Chairman and Commissioners. Thank you.

CHAIRMAN STRAIN: Thank you.

***And that takes us to Item 9C. This will be an interesting one. It's not -- it's an ordinance change for Ordinance No. 92-43. Back when the Comprehensive Plan was put together, there were some stipulations on parcels to be consistent by policy through various actions. And this particular group of parcels had some accessways that were requested, and in today's world it's kind of hard to make those work.

But it is the -- Item 9C will be amending Ordinance 92-43; it will be Demere Landing Subdivision located at the corner of Bayshore Drive and Becca Avenue.

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

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

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

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Michelle Arnold.

CHAIRMAN STRAIN: And I didn't speak with Michelle, but I think I've talked to everybody else on staff for -- I think David Corbin, we've been working on this for, I don't know, maybe a year. It seems like forever, so I'm glad we finally got here.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Joe?

COMMISSIONER SCHMITT: Nothing.

CHAIRMAN STRAIN: Patrick?

COMMISSIONER DEARBORN: Nothing.

CHAIRMAN STRAIN: Okay. Michelle, it's all yours.

MS. ARNOLD: For the record, Michelle Arnold, Public Transit and Neighborhood Enhancement Division Director.

I'm here representing the county but on the -- in the capacity of the Community Redevelopment Agency.

The chairman has kind of summarized why we're here. We're making an amendment to an ordinance to remove the access requirement that is very difficult to conform with under today's standards.

The existing property is located on Bayshore Drive on the corner -- on the southwest corner of Bayshore and Becca. And there are five lots that consist of this property, and at the time of the zoning reevaluation process, there was a requirement that with a unified plan that is put in place, that they were required to provide access onto Bayshore Drive.

The Bayshore Drive location is currently inconsistent with our Access Management Plan. The Access Management Plan for this particular classification requires a 220-foot spacing requirement, and the bridge that is on Bayshore Drive would be in conflict with that.

So I'm here trying to just help clean up the process and ask that the Planning Commission consider

this removal of that requirement.

There is an access on Becca Drive, and that will be the primary access for the particular project that is being proposed.

CHAIRMAN STRAIN: Any questions of Michelle?

Michelle, just for the record, has the CRA reviewed this?

MS. ARNOLD: The CRA hasn't reviewed the access per se, but it has reviewed the project that's being proposed and is in favor of that project.

CHAIRMAN STRAIN: Okay. Thank you. No questions?

(No response.)

CHAIRMAN STRAIN: I guess there's not a staff report, because you're the staff and you just provided a report. So thank you.

Any members of the public here to discuss this item?

(No response.)

CHAIRMAN STRAIN: Well, you know, we've made a couple people wait all morning to hear this. We need to take longer on it, but I can't see how we can do that. So hearing that, we'll close the public hearing and entertain a motion. Is there a motion to approve?

COMMISSIONER HOMIAK: Make a motion to approve.

COMMISSIONER EBERT: And I'll second, because I've seen this project a year and a half ago, and I -- Rebecca showed it to me. So all in favor of it. I'll second that motion.

CHAIRMAN STRAIN: So the motion's been made to recommend approval to the Board of County Commissioners for this action.

All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

MS. ARNOLD: Thank you.

CHAIRMAN STRAIN: Thank you, Michelle. That was probably the simplest presentation that anybody could possibly have today, so...

MS. ARNOLD: I wanted to drag it out so that we would stay till 11 o'clock and have Stan --

COMMISSIONER HOMIAK: Stan would have to wait.

CHAIRMAN STRAIN: He just woke up. Uh-oh.

MS. ARNOLD: I know.

CHAIRMAN STRAIN: Okay. With that, we have no new business scheduled. There's no old business scheduled. Are there any other public comments?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER HOMIAK: Motion to adjourn.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Made by Karen, seconded by Diane. All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:32 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 1-5-17, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
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