

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
December 2, 2010

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 8:30 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

PRESENT:

Mark Strain, Chairman
Melissa Ahern
Donna Reed-Caron
Diane Ebert
Karen Homiak
Barry Klein
Paul Midney
Bob Murray
Brad Schiffer

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Nick Casalanguida, Growth Management Division/Planning & Regulation
Ray Bellows, Zoning Manager
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the December 2nd meeting of the Collier County Planning Commission.

If you'll all please rise for pledge of allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Roll call by the secretary, please.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Caron?

COMMISSIONER CARON: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Mr. Murray?

COMMISSIONER MURRAY: Yes.

COMMISSIONER HOMIAK: Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: And Mr. Klein?

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: ***Thank you. Addenda to the agenda. We have an item under old business which was to discuss the watershed management update. That's been continued to I believe December 16th.

COMMISSIONER MURRAY: Oh, good.

CHAIRMAN STRAIN: Barry mentioned he'd like to address us with an issue under new business for -- briefly, so that will be added. Just your name at this point, Barry.

COMMISSIONER KLEIN: Barry Klein.

CHAIRMAN STRAIN: We're going to do it under new business, so that will be towards the end of the meeting.

Then now into Planning Commission absences.

COMMISSIONER CARON: One thing under old business, the Flood Damage Prevention Ordinance was supposed to be today. Was continued until today, except it's obviously not. So is that going to be on the 16th as well, or do we know even?

MR. CASALANGUIDA: I'll find out. But I'll check with Robert. I believe he's working with the DSAC members to get that information you guys had requested.

COMMISSIONER CARON: Okay.

MR. BELLOWS: That's my understanding. I talked to Robert yesterday and he's still trying to get all those little fine points worked out.

COMMISSIONER CARON: All right, so it's just sort of continued indefinitely until --

MR. BELLOWS: Yeah.

COMMISSIONER CARON: Okay. Good, thank you.

CHAIRMAN STRAIN: ***Planning Commission absences. We have -- because it's holiday season, we're doing double time. So I have three dates coming up currently that we're scheduled for. Next one is December 7th, which is Tuesday. It's our EAR adoption hearing.

Does anybody on this board know if they're not going to make it next Tuesday?

(No response.)

CHAIRMAN STRAIN: Okay. We have a continuation of that meeting on to Wednesday, it might be a two-day meeting. Does anybody know if they can't make it on Wednesday?

COMMISSIONER MIDNEY: Maybe.

CHAIRMAN STRAIN: Maybe not Paul. Okay, well, that still leaves a quorum.

And then we have our regular meeting on December 16th, and I understand we have a full agenda that day.

Does anybody know if they --

COMMISSIONER MIDNEY: I can't on that day.

CHAIRMAN STRAIN: -- can't make it?

And you won't make it either.

Okay, we'll still have a quorum, so we're good to go.

COMMISSIONER SCHIFFER: Question, Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: Isn't the meeting on the 6th and 7th at Horseshoe Drive?

COMMISSIONER CARON: 7th and 8th.

COMMISSIONER SCHIFFER: 7th and 8th, I mean.

CHAIRMAN STRAIN: I -- I'll check right now. I don't remember -- I don't recall if it was or not.

COMMISSIONER EBERT: It says board room.

COMMISSIONER SCHIFFER: Good.

CHAIRMAN STRAIN: I think we try to schedule them all here now because of the acoustics and the cost to move all the electronic gear over to Horseshoe Drive.

***Okay, approval of minutes. The set that were distributed were from November 4th, 2010.

Anybody have any changes, corrections or deletions?

COMMISSIONER KLEIN: Is this my time?

CHAIRMAN STRAIN: No. If you have anything to do with the minutes --

COMMISSIONER KLEIN: Sorry about that.

CHAIRMAN STRAIN: See all the people in the room, when they all go home, that's when it's your time.

COMMISSIONER KLEIN: As it should be. As it should be.

CHAIRMAN STRAIN: It's going to be late in the day, I think.

And Barry's new on the board, so his -- some of the scheduling of the agenda he's not used to. So that's probably why that's -- now, as far as the November 4th, 2010 minutes, if there's no correction, is there a motion to approve?

COMMISSIONER CARON: Motion to approve.

CHAIRMAN STRAIN: Ms. Caron. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Ms. Homiak.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

***BCC reports and recaps, Ray?

MR. BELLOWS: Since the BCC has not met since the last Planning Commission meeting, there are no recaps today.

CHAIRMAN STRAIN: Okay. ***Chairman's report. Nothing new other than I would like to make the audience aware of our schedule today, in particular, because I believe some of you are here to discuss the map change

for Ave Maria.

We have five items on the agenda today. Last two are the issues with Ave Maria. They'll be discussed simultaneously when the issue comes up. Therefore, a map change for the DRI and a map change for the SRA. The DRI is development of regional impact, and the SRA is the stewardship receiving area. They have master maps, and those maps are moving some of the property to the south.

That will come up after the other three items on the agenda.

First two items are dock requests for extensions of docks. The third item is a golf course driving range request. So you'll have to bear with us and move through that and then we'll get into the issues that many of you may be here about.

By the way, the discussion today is about a map change, a zoning issue. And I ask that as you see how this board reviews things, we focus on the technicalities of zoning issues, the Land Development Code and the Growth Management Plan. So maybe when you decide to speak today, if you focus your issues on technical issues that were (sic) related to, it would help us understand your concerns.

***And with that we'll move on to -- there's no consent agenda items so we'll move first right into our first advertised public hearing.

And this is for -- Ray, the format of our agenda, why is it done like this? Everything's in caps. Can we go back to the way it was? This is -- what was the mistake that caused this?

MR. BELLOWS: I'll look into it. I believe it might be a CityView issue, but we can certainly go back to that format.

CHAIRMAN STRAIN: It's a lot easier to read if we just go back to the way it was.

MR. BELLOWS: I have no problem with that. We'll get that done.

CHAIRMAN STRAIN: ***Okay, this is Petition No. BD-PL-2010-1194, Bayfront Gardens Subdivision, and it's a boat dock extension. With all the caps, it looks like it's eight-foot dock extension.

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

(Speakers were duly sworn.)

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

(No response.)

CHAIRMAN STRAIN: Other than I ran into Quin yesterday when he was in the building, he passed me going out of one of the offices and we briefly touched base on the issue. But other than that, I've had no other disclosure.

So with that we'll move into the presentation by the applicant.

MR. KURTH: Good morning. For the record, Quin Kurth of Kurth Consulting, representing my client, Maryann Kriger. Maryann is the owner of the subject property which is located at 205 Bayfront Drive in Bonita Springs.

The site location map is located on the overhead, which is also in your staff report.

This morning we are presenting to you in order to pursue a boat dock extension approval of eight feet from the allowed 20 feet. As such, the total dock protrusion in the waterway would be 28 feet.

Currently the subject property has a boat dock and lift facilitating one 21-foot vessel. This dock structure was authorized in 1995 by Collier County Planning Commission to protrude 29 feet. However, per the most recent as-built survey completed, this dock was constructed to only protrude 28 feet, as shown on the existing conditions drawing, and that survey was done this year.

We're now requesting to modify the docks designed to facilitate one additional vessel up to 35 feet in length and a boatlift. The total protrusion will not exceed the previously approved 28 feet, which has been measured from the most restrictive point, the mean high water line.

Setbacks are met, square footage of decking has been minimized, and there are no impacts to the navigation, nor view impacts to adjacent property owners.

Water depths will be sufficient. This proposed expansion is congruent with the neighboring docks and no submerged resources such as sea grasses, oysters or corals will believe impacted.

We have designed this dock addition to prevent all possible impacts are within the total protrusion previously approved.

This is all I have, and we'd be happy to answer any questions.

CHAIRMAN STRAIN: Any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay, Nancy?

Thank you.

MR. KURTH: Thank you.

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm Nancy Gundlach, Principal Planner with the Department of Land Development Review.

And staff is recommending approval of this boat dock petition. And it would be my pleasure to answer any questions you might have this morning.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

CHAIRMAN STRAIN: Nancy, I'm got just two, just so we're clear.

The existing facility is already at the 28-foot level, so we're just going parallel to the shoreline with an extension of the old dock that was there, the floating dock, and adding a second boat.

MS. GUNDLACH: The floating dock is going to be removed and replaced with a permanent dock. But the extension will still remain at 28 feet.

CHAIRMAN STRAIN: Okay. And has the County Attorney seen any problems in regards to the -- this is on two lots. Is there any issue with that? I know there's another one coming up afterwards that's on two boat dock lots and you were looking at that concerning how they arrange the lot lines.

Is there anything on here that concerns you in the fact they've got this one dock servicing two lots?

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

CHAIRMAN STRAIN: Okay, thank you.

Oh, Steve.

MR. WILLIAMS: Steve Williams, for the record.

But no, I've reviewed this one and had no issue with it, Commissioner Strain.

CHAIRMAN STRAIN: Okay, thank you. Are there any -- thank you, Nancy.

Any speakers, Ray, registered for this item?

MR. BELLOWS: No speakers on this item.

CHAIRMAN STRAIN: Okay. I'm sure there's no rebuttal by the applicant.

With that, we'll close the public hearing and entertain a motion.

COMMISSIONER CARON: Motion to approve.

CHAIRMAN STRAIN: Made by Ms. Caron. Seconded by?

COMMISSIONER SCHIFFER: I'll second it.

CHAIRMAN STRAIN: Mr. Schiffer.

Is there discussion?

(No response.)

CHAIRMAN STRAIN: Hearing no discussion, all those in favor of the motion, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

That will go down as a record for today so far.

***Next item up is Petition BD -- another boat dock -- PL-2010-1297. It's a 26-foot boat dock extension in

Little Hickory Shores.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay, hearing none, the applicant may proceed.

MR. SCOFIELD: Good morning. For the record, Rocky Scofield, Turrell, Hall and Associates, representing the owner, Michael McKee.

I'd like to ask, I haven't been here in a while, excuse me --

CHAIRMAN STRAIN: You sure haven't.

MR. SCOFIELD: -- Commissioner.

On the agenda -- I have another question. They eliminated the applicant and the -- and also the person representing the applicants. Is that for a reason?

CHAIRMAN STRAIN: Just because it was you, Rocky.

MR. SCOFIELD: Okay. I thought I was special.

CHAIRMAN STRAIN: No, I'm hoping that as with the instructions given this morning to Ray, we'll get back to the old format. That was much more user friendly and provided better information than the format we have here today.

MR. SCOFIELD: Okay, thank you.

CHAIRMAN STRAIN: You bet.

MR. SCOFIELD: The boat dock extension here this morning is up in Little Hickory Shores in Bonita, Bonita Beach, north end of Collier County there, 267 Third Street West.

And these are the lots on both sides of the street there that are zoned boat dock lots. They're too small to have residential units on them, so they're just deemed for boat docks.

Most of these lots are 28 to 30 feet in width. Most of them have zero lot lines that were approved by LDC, which means a lot of these people can have two boats, two slips on their lot and go right to the property lines.

That's an aerial overview of where the dock is; it's outlined in red there. And those are the distances across the waterway. You can see it's mangroves on the other side. No houses. That's a preserve. No houses. And it can be built over there.

The one area measures -- is the wider distance, the 420 feet. The other distance is the navigable waterway, which you can see measures to the sand bar which is 220 feet from the shoreline. And you can see from that aerial all these boat docks in that area are pretty much the same configuration. They come in perpendicular to the shoreline, so they're in and out. That's because of these narrow lots. It's really the only way boats can get in and out of the here.

Most of the docks are the same protrusion into the waterway. This one certainly is sticking out no further than the rest.

The owner has two lots, and he is proposing one dock with two boats on these two lots. He's kind of precluded from doing what the other people have done there where they have two lots, because if you can see the dock that's angled just to the west -- excuse me, the east side of him was put in a while ago. Didn't really adhere to the standard riparian lines which we adhere to now, which usually run perpendicular to the center line or thread of the channel. So that's -- he's a little bit hindered by that. But the owner's okay with it.

And so the riparian lines that you received in your packet, we had to go back to the old way, which they usually did. And they just -- it was an extension of the side property lines where they continued them straight out in the water line. So that's what we had to do here. So he's kind of restricted on these two lots to the two slips.

We're asking for a 26-foot extension for a total of 46 feet.

And this is designated the Outstanding Florida Waters by the DEP in this area. We have a natural shoreline with mangroves on it.

And we meet all the criteria for the extension, and I'll answer any questions you have.

COMMISSIONER MURRAY: Questions.

CHAIRMAN STRAIN: Okay. Mr. Murray, then Mr. Schiffer.

COMMISSIONER MURRAY: Good morning, Rocky.

MR. SCOFIELD: Good morning.

COMMISSIONER MURRAY: Looking at it as tight as it is in there, do you have a distance between that newest boat area -- well, I guess they're both new. The distance from -- looks like a tarp on that other one, I'm not sure what that is. But can you tell me how far it is from that proposed boat to where I guess the pilings would be, at least? It looks like it's really tight.

MR. SCOFIELD: It's -- the riparian line -- the neighbor to the west you're talking about there --

COMMISSIONER MURRAY: Yes, I am, I'm sorry.

MR. SCOFIELD: -- the two slips.

Yeah, those are the canopy covers. We're also proposing one of the canopy covers for Mr. McKee on his lot, which is covered under the LDC.

COMMISSIONER MURRAY: Yeah, I don't have any problem with it.

MR. SCOFIELD: There's -- on the survey it is a half a foot between the riparian line and that owner with the blue canopy cover that you see. There's a foot and a half -- excuse me, one-half of a foot there from our riparian line to that.

And a lot of those are built that way on the -- they're zero lot lines, so as long as they stay just off of the lot line, they're permitted.

COMMISSIONER MURRAY: I was thinking more of the safety issues associated with bringing a vessel in under those conditions.

What I wondered, would it not have served to come out even further to allow that other vessel to not even encroach or get near enough to that other vessel? Would that be -- would that have been a problem, bringing that one arm out, so to speak, another say three or four feet, whatever?

MR. SCOFIELD: Well, I don't think it's going to make that much difference. You know, there's piling -- that's a boatlift there, there's pilings on that side. They stay inside. That keeps them away from the neighbors.

All these people up here, they're pretty cramped in and they know the situation. And I don't think that's going to cause that much problem. Normally we always try to -- we get the survey, the Bathymetric survey. We try to stay in as close as we can. The owner's fine with this situation. I don't think it presents any hardships.

COMMISSIONER MURRAY: Well, the presentation that you have here suggests that it's going to be two outboards or I/O's, one of them. And I can see that you could have a better control than say a single prop, certainly.

MR. SCOFIELD: Absolutely.

COMMISSIONER MURRAY: And that would be the concern that I would have, any single prop going in there is really going to be hard to maneuver.

That would be my concern on that. Other than that I don't have a real problem. I see where they're really squeezed.

MR. SCOFIELD: Okay.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Rocky, since the canopy's covered in the LDC by right, would you have a problem taking it off of this thing just so we -- because there's no setbacks for the canopy. We don't really show the canopy, we just note that there will be a canopy. But you're allowed that anyway.

There is setback requirements, height requirements, stuff like that for the canopy, so would you have a problem just taking it off of the exhibit of the proposed dock? The word with canopy.

MR. SCOFIELD: Are you asking me not to build it at all or just take the --

COMMISSIONER SCHIFFER: No, just take it off of this exhibit. You can build it by right.

MR. SCOFIELD: Okay.

COMMISSIONER SCHIFFER: So once this is -- you know, once we give you the approval, you can put the canopy on it. And then at that time they'll be studying the canopy. I don't want to give the false impression that this location is okay for the canopy.

MR. SCOFIELD: Okay, as long as you get clarification from the attorneys. Because what I've run into before is when I get a boat dock extension, anything's that's not on that boat dock extension that's outside of the 20 feet I can't do unless it's stated, and that -- you know, we used to be able to do it that way. Then I ran into those problems later on where we wanted to come back and do anything. And even though it was by right, you can't do it because they said it's not in the approved extension.

COMMISSIONER SCHIFFER: Yeah, I kind of see where you're going. But, you know, we really don't get

into what the canopy is here, you know, what the overhang's on it, how close they are to the property line, the stuff -- there's no analysis of the canopy in this thing. So I wouldn't mind if we worded it that the thing would be allowed the canopy as per the LDC.

MR. SCOFIELD: That's correct. I mean, I -- and you can do that 5.0 -- the 03.06.G.1.2 and 3. That's the LDC code. And if you want to do that, put that in there, that's fine with us.

COMMISSIONER SCHIFFER: All right.

COMMISSIONER CARON: That's the way to do it, Brad.

COMMISSIONER SCHIFFER: Okay, that's it.

CHAIRMAN STRAIN: Okay, anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Thank you.

Nancy?

Where did Kay go? She be didn't fall asleep somewhere, did she? Kay came in last night on a late flight just to be here today for this meeting, so she's going to have her hands full.

MS. GUNDLACH: Yes.

Just for the record, Nancy Gundlach, Principal Planner with the Department of Land Development Review.

And regarding this particular boat dock, Commissioners, staff is also recommending approval.

And if you have any questions, I'd be happy to answer them this morning.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

CHAIRMAN STRAIN: Nancy, thank you.

Ray, do we have any public speakers?

MR. BELLOWS: No public speakers.

CHAIRMAN STRAIN: Okay, with that we'll -- I'm sure Rocky's got nothing else to close with, so with that we'll close the public hearing and entertain a motion.

Barry?

COMMISSIONER KLEIN: I move to approve.

COMMISSIONER MURRAY: Second.

CHAIRMAN STRAIN: Made by Barry, seconded by Mr. Murray.

Discussion?

COMMISSIONER SCHIFFER: Well, I'd like to add that -- that clause in there with the canopy. Maybe a simple way to do it is with canopy and after that note, as per the LDC.

Ray, would that cause any confusion that he's allowed to do it?

MR. BELLOWS: For the record, Ray Bellows.

I think it would be redundant, but it wouldn't hurt. Because the code would apply anyway.

CHAIRMAN STRAIN: Yeah, that's the same language we had taken out of every PUD because it's redundant; you've got to go by the code, period. But I'm not objecting to it, I won't certainly vote against the motion for that reason, but it is getting back to the redundancy we've been fighting.

COMMISSIONER SCHIFFER: Well, the concern is the canopy isn't shown. The canopies are allowed overhangs and stuff like that. This thing could theoretically be built to violate the LDC. So I guess since they've asked for no deviation from it --

MR. BELLOWS: That's correct.

COMMISSIONER SCHIFFER: -- they've noted that they intend to put it on, it probably is okay as is?

MR. BELLOWS: It's my opinion.

COMMISSIONER SCHIFFER: Okay, then I'll drop that.

CHAIRMAN STRAIN: Okay. So we're not going to add any reference to -- we'll just leave it like it is in regards to the diagram in front of us.

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER CARON: Aye.
CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you. Rocky, it's good to see you again.

***Next item up is a conditional use application to allow a golf course driving range with an agricultural zoning district at 6500 Airport Road North.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission.

COMMISSIONER CARON: I had an e-mail with Ms. Mac'Kie.

COMMISSIONER AHERN: E-mail.

COMMISSIONER HOMIAK: Same here.

COMMISSIONER SCHIFFER: I had an e-mail --

CHAIRMAN STRAIN: Melissa had an e-mail.

Brad?

COMMISSIONER SCHIFFER: -- and I e-mailed back denying the need for a meeting.

COMMISSIONER HOMIAK: Same here.

COMMISSIONER EBERT: We all did.

CHAIRMAN STRAIN: Okay, everybody got an e-mail?

I did too. In fact, we exchanged a flurry of e-mails, the results of which are going to be discussed today, and I think have been added to the recommendations list anyway.

COMMISSIONER KLEIN: I was in a conversation, a telephone conversation also with the attorney.

CHAIRMAN STRAIN: Ms. Mac'Kie.

MS. MAC'KIE: Yes.

CHAIRMAN STRAIN: Okay, thank you.

Pam, it's good to see you again.

MS. MAC'KIE: Thank you, good to see all you Commissioners. Thank you so much.

I'm really proud today to be representing the Pulling family in their application for a conditional use approval for a golf driving range on a property that I'm sure you're familiar with, the Temple Citrus Grove there on Airport Road. It's near the King Richard's Fun Family Park or whatever the name of that is.

The property, the entire property is 29.6 acres. The application covers 14.9 acres within the grove. And this is something the family is seeking as a diversification opportunity possibility of in these economic times to diversify their opportunity to have a little income off of that property.

This is -- will be located within the grove. It will use the existing retail building, about 400 square feet there, for the -- going in and signing up and getting your bucket of balls. And there will be -- 19 of the existing parking spaces will be used for the driving range.

We've gotten a staff recommendation of approval. We've agreed to all of the conditions that they requested, and we had some clarification questions from Commissioner Strain. And we have agreed to incorporate those into our approval as well, which I presume the staff will represent to you.

So what we'd like to do is just be here and answer any questions you may have. We have a team here that I'm sure there's someone who will be able to address any issues you may have.

CHAIRMAN STRAIN: Okay, Planning Commission questions?

COMMISSIONER MURRAY: Yes.

CHAIRMAN STRAIN: Mr. Schiffer, then Mr. Murray.

COMMISSIONER SCHIFFER: My question is the fencing, the netting on this thing. It's agricultural. If it's

a wall or a fence, there is no height limitations, so -- and the drawings didn't show a location or note any fencing, so I assume there's none?

MS. MAC'KIE: Is there fencing?

I'll ask Karen Bishop to address that, she's very familiar with the site.

MS. BISHOP: Good morning. Karen Bishop with PMS.

We are going to have a 60-foot fence, and that's proposed 60-foot at this point. We haven't finished doing all our research yet.

That fencing will be inside the power pole line, which is south of the roadway that goes in there. And on the border on the south line, that will also be there.

CHAIRMAN STRAIN: Would you put -- yeah, if you put a drawing on the overhead. I know where you're talking about, it would be easier to see it, though.

MS. BISHOP: All right. So you see the existing access road right here. So the fence line will be inside of that, which is about 115 feet south of this northern property line. And the fence will be right on this particular line right here, which is about 175 feet north of the next property.

The fence, there will be no outside fence that I'm aware of here. We will just have a Type B buffer on the north side. And on the south side this is another ag. use, so we don't really have to buffer that ag. use from an ag. use.

COMMISSIONER SCHIFFER: So it's not shown on the drawings. Can you show that on the drawings, the location of it, the start and stop of that?

MS. BISHOP: Yes, sir.

COMMISSIONER SCHIFFER: Okay. And then it's going to be 60 feet high.

MS. BISHOP: Yes, sir.

COMMISSIONER SCHIFFER: That's high. So will --

MS. BISHOP: We've done a lot of research. I mean, that's the number we think at this point. Only because this road right here will also be utilized. I mean, there's still a hundred and -- the grove itself extends back. It's a total of about 150 acres, I believe. So this road is still going to be continually used for the agricultural use. So that will protect any errant balls on cars. Plus all of this right here is here is where there's a nursery is coming in.

And it may not end up being 60 feet, but I didn't want to say it was going to be 50 feet if it's really going to be 60 feet. So if I say it's going to be 60 feet, it may be 50 feet, then I've covered what I believe it's going to be.

And these notes in general are -- you know, they're not very intrusive. I've been to a few places and seen these nets. You know, they are nets but they're not as -- it's not like looking at an opaque -- something opaque 60 feet in the air.

COMMISSIONER SCHIFFER: But, I mean, they do -- I mean, if you drive down to Marco you see the nets on the golf range. I mean, they're pretty --

MS. MAC'KIE: They're visible.

COMMISSIONER SCHIFFER: -- common in --

MS. BISHOP: They are visible. I'm not suggesting that they're not. But they --

COMMISSIONER SCHIFFER: I mean, there are poles that are going to be pretty structured to hold them up there.

MS. BISHOP: Well, but from all property lines we're over -- the one on the north is 115 feet. The one on the south from the next property that's got -- I believe this is Laguna Bay, we're 175 feet from them. So we're off the property lines a significant distance.

COMMISSIONER SCHIFFER: And do you think that residents of Huntington will see that thing? Will that be --

MS. BISHOP: I'm sorry, the residents of who?

COMMISSIONER SCHIFFER: Huntington, which is the Huntington Condominiums.

MS. BISHOP: I believe that they may have -- some parts of their project may. But the great thing about that project, I've been out there a few times, they have some of the best vegetation of the existing projects around us. Their trees, their oak trees are probably in the range of about 40 feet tall that are right in front of their buildings. They have garages in front of their buildings, and then they have a ficus hedge that's right along this edge. As a matter of fact, we have a drawing we did.

So this is what it looks now without the fence. And then we -- what we did was we went and took some

pictures of a fence off of Daniels in Fort Myers and we put the fence line in here -- I mean, the netting line in.

So essentially this is what they're going to see now, and this is what they're going to see right here is where the fence is going to -- or the netting --

MS. MAC'KIE: That's a photo shop.

MS. BISHOP: Right, we photo shopped in a net over that area.

But when I went out there and looked, most of their -- I didn't get on anyone's property, but I did take pictures looking at what their vegetation looks like. And hold on, I've got a picture of that.

COMMISSIONER SCHIFFER: But just before you leave the picture of the fence, I've seen golf driving range fences. I like golf driving ranges. This one shows no fence between the poles, and there is a fence between the poles.

MS. MAC'KIE: No, actually that's an actual photograph of a net --

MS. BISHOP: Right.

MS. MAC'KIE: -- in Ft. Myers that's in existence that we just laid on top of this photograph. It's not perfect, but it was our attempt to try to give you some idea or for our own purposes too to analyze just what will the view be like. And so that was our -- it's just photo shop, but it's not perfect.

MS. BISHOP: If you look right here, this is the type of trees that exist on the property there. And the majority of this whole roadway, which like I said is quite lovely, has a significant amount of oak trees that are very, very large. And not suggesting that there isn't some place along that area that they may see this net, but we believe that the majority of their vegetation, because of its -- how close it is to the buildings are going to obscure that line of sight.

COMMISSIONER SCHIFFER: Are these two-story units in Huntington?

MS. BISHOP: There is one building that it looks like it's a two-story, but it's got two other buildings in front of it. And let me show you which one that would be.

This one right here. The rest of these are one-story and these are one-story garages in front of that. And then the trees are all along the north side of this road right here.

COMMISSIONER SCHIFFER: Okay, and then -- and thank you.

The other thing is the sound of the driving range. It's not quiet, especially with some of these aluminum drivers. So what is going to be done, do you think, to help keep that random ping noise from disturbing the neighbors?

MS. MAC'KIE: The property -- the use will obviously have to comply with local ordinances and whatever the requirements are for not violating any of the sound ordinances will be a requirement there, and that will be done.

It certainly -- you know, whenever change comes to a neighborhood, there will be change. People will hear pings and people will see nets. And fortunately that doesn't take away somebody's property rights to develop their property. We certainly will do everything we can to obviate those, but change happens. And this is one of those times.

COMMISSIONER SCHIFFER: Thank you. I'm done.

MS. BISHOP: Excuse me, Mr. Schiffer. Also, just to remind you that the ambient noise levels during the day are much higher than they are at night. We are only going to operate during daylight hours.

So there -- you will be hearing something, but there's already a significant amount of activity on this site that's ag. So we already have tractors out there running, we have trucks running. I mean, there's already a lot of activity.

And with the Airport Road noise, which is probably the biggest noise source in the area, I don't know that they're going to hear them. It's not going to be as detrimental as it would be if this was out in the twilight zone and nothing there but ping.

COMMISSIONER SCHIFFER: And they do have batting cages in that neighborhood, so -- all right, thank you.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: No, those are the questions I had.

CHAIRMAN STRAIN: Okay, anybody else have any questions of the applicant at this time?

(No response.)

MS. MAC'KIE: If not, we just will stand by to see if you have other questions, and we appreciate your consideration.

CHAIRMAN STRAIN: Hang on, I'm not quite done yet.

MS. MAC'KIE: Oh, darn. Look at me --

CHAIRMAN STRAIN: I usually reserve my questions till the end.

The Type B landscape buffer, normally there -- and I know it says it's required in the conditions for approval, but generally they're shown on the site plan as well in a 10-foot or whatever width is required of that buffer. I can't recall offhand if it's 10 or 15 feet wide. Do you remember? Nancy would.

MS. BISHOP: I want to say it's 15. I know that it's 30 foot -- trees are 30 foot on center with a hedge and it's 80 percent opaque within a certain time frame. But it's a six-foot -- if I remember correctly, it's a six-foot maxi -- you know, that's what it has to be.

The ficus hedges on the other side are around 12 to 15 feet. So I don't even know that you're going to see our buffer for a while.

CHAIRMAN STRAIN: I understand that. And I agree, now that you show the picture with the ficus. But we usually see the buffers -- show the buffers on the site plan and I didn't catch it on this, unless the scale is too small and I couldn't see it.

MS. BISHOP: No, actually we didn't put it on there. And not that -- we didn't purposely leave it off either.

Originally what we had proposed in our neighborhood meetings was that we were going to leave the existing exotics up there for a lot of reasons. One is because they're taller than the ficus. And that would -- we thought that would -- we would be able to do that since we were limiting our development to 100 and some feet south of this line.

The staff came back during the staff report and said that they would like us to remove that. So we have agreed that we will put in that Type B buffer.

And at the time of the SDP obviously that will be shown on the plans at that point.

CHAIRMAN STRAIN: Okay. But I'd like to ask you to put it on the site plan --

MS. BISHOP: Yes, sir.

CHAIRMAN STRAIN: -- just like you're putting on the fence.

MS. BISHOP: Yes, sir.

CHAIRMAN STRAIN: Okay. That would be helpful for anybody pulling up the conditional use and looking at the site plan.

The other question was of Reed. Did he show up? Oh, there he is, hiding.

MR. JARVI: I'm listening.

CHAIRMAN STRAIN: No, would you mind coming up.

MS. MAC'KIE: I guess he's shy.

CHAIRMAN STRAIN: Boy, I'll tell you, Reed --

COMMISSIONER CARON: Really trying to get out of it.

CHAIRMAN STRAIN: -- it doesn't take far to walk from that seat to the podium.

MR. JARVI: It's a lot of effort for me.

CHAIRMAN STRAIN: And Reed, in our e-mails about the discrepancy between the number of people on the tees, I know it's not a big deal, I just want for the record, we've got two tables in our package, one showed 40, one showed 39. Just to be technically correct, 39 is the number; is that correct?

MR. JARVI: Thirty-nine is the number, that's correct.

CHAIRMAN STRAIN: Okay, that's all I needed to hear you say. Thank you.

Are there any other questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay, is there a staff report?

MS. GUNDLACH: Good morning, Commissioners. Nancy Gundlach, Principal Planner with the Department of Land Development Review.

And staff is recommending approval of this driving range, but we do have a few additional conditions for approval. There are three more. I'll hand this out to you.

COMMISSIONER EBERT: That's what I was going to ask.

MS. GUNDLACH: And the additional commitments are commitments number five, six and seven. And we can tweak them a little bit now that we have an idea of what the height of the fence will be.

Number five says that the netting to catch errant golf balls shall be installed along the northern and southern

edges of the driving range.

And the sixth commitment is regarding the operating hours between sunrise and sunset.

And also that there will be no -- the last commitment is that there will be no night lighting of the driving range.

CHAIRMAN STRAIN: Okay, are there any questions of staff?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Nancy, one thing I just want to -- there may be some requirements down the road. For example, the tees are far away from the building, so there may be some problems with codes on restroom locations, stuff like that.

If that occurs, what happens to this conditional use? Because there's no buildings shown for that down in that area.

MS. GUNDLACH: I'm going to --

COMMISSIONER SCHIFFER: I mean, here's what I don't want to have happen. This doesn't give them the approval to waive those requirements. In other words, after they leave here, they do have to meet those requirements. If it does require a building, would they come back, or what would happen?

MS. GUNDLACH: Generally speaking, the first condition of approval says that they are allowed to make minor changes. However, I don't think that a restroom building would be considered a minor change.

MR. BELLOWS: That's correct.

COMMISSIONER SCHIFFER: Okay. So if it's approved, it leaves here with no building allowed there. If they have to -- if there's a concern over restroom distance locations, they just can't use that tee.

CHAIRMAN STRAIN: Or they can supply the portables or something like that.

COMMISSIONER SCHIFFER: Well, that's not friendly.

MS. MAC'KIE: We are happy to confirm on the record that whatever the code requirements are, we will comply.

COMMISSIONER SCHIFFER: Well, you'll have -- yeah.

MS. MAC'KIE: Right, I think that's what you're asking. I mean, I think the questions you're asking though are addressed by the LDC. And if there is a distance requirement, we'll comply.

COMMISSIONER SCHIFFER: It would actually come out of the building codes --

MS. MAC'KIE: And we will comply.

COMMISSIONER SCHIFFER: -- which answer to a different master than us. Okay. I mean, that's good.

Nancy, what's your thought on the fence? You know, this is a thin strip of agricultural; residential to the south, half of residential to the north. The office buildings I'm not too worried about.

Do you think that's compatible with a 60-foot high fence? Netting? I mean, the netting is visible. I mean, I don't know what your experience is.

MS. GUNDLACH: I think it will be visible initially, but when the Type B buffer grows in -- that Type B buffer is very, very close to the existing neighborhood and line of sight. If you can catch it closer to what you're trying to protect which we will be doing with this particular site, I think in a couple of years it should not be visible.

COMMISSIONER SCHIFFER: But from a guy walking a dog on the road next to the property line. But from the other people in the development driving around the roads, it could be.

MS. GUNDLACH: I don't know that for sure. My professional opinion, the closer you are to that buffer, the better.

COMMISSIONER SCHIFFER: Right, because it blocks your line of sight. But the further you get away from that buffer, and there's a whole residential community on both sides further away, the worse it gets.

MS. GUNDLACH: I was thinking like a couple hundred feet away. But at that point they've already got their existing trees in place that are quite tall.

COMMISSIONER SCHIFFER: Okay. I'm done, thank you.

CHAIRMAN STRAIN: Any other questions of staff?

COMMISSIONER EBERT: Yes, I have one.

CHAIRMAN STRAIN: Okay, Ms. Ebert.

COMMISSIONER EBERT: Nancy, in your package you -- I'm glad you did change and add some things,

because Ms. Mac'Kie said that there would not be approval without the nets and yet it was not in the conditional use.

The other thing is you have a letter of approval here from someone, but I did not see the other letter of rejection or somebody who didn't want it. We happened to get our packets on the 24th because the county was being closed, and so this one that you just e-mailed to us --

MS. GUNDLACH: Yes.

COMMISSIONER EBERT: -- is November 24th?

MS. GUNDLACH: It was dated November 24th. The office was closed that day. I'm trying to think, when was Thanksgiving?

CHAIRMAN STRAIN: Thursday.

COMMISSIONER EBERT: The 25th. But --

MS. GUNDLACH: Okay, okay. I was in the off --

COMMISSIONER EBERT: -- their meeting was in January, and they did not send anything until --

MS. GUNDLACH: Oh. No, their -- and I have copies of all of the paperwork. There were letters mailed out, there were announcements in the Naples Daily News, and I have evidence of that with me today, if you'd like for me to put it on the visualizer.

COMMISSIONER EBERT: But you're saying this did not come to you until the day we received this packet? From the January meeting?

MS. GUNDLACH: Actually, I picked up the e-mail Monday morning.

COMMISSIONER EBERT: Okay.

MS. GUNDLACH: Yeah. And then I -- and that's when I think about when you received it, probably Monday afternoon.

COMMISSIONER KLEIN: I received it that day.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay, thank you, Nancy.

Ray, are there public speakers?

MR. BELLOWS: Yes, we have one speaker. Mary Strouse.

CHAIRMAN STRAIN: Ms. Strouse, please come up and use either podium.

MR. BELLOWS: Were you sworn in?

MS. STROUSE: Yes.

CHAIRMAN STRAIN: Yes, she was.

I need for you to state your name for the record and we're good to go.

MS. STROUSE: I'm Mary Strouse. I live in the Huntington neighborhood in Walden Oaks.

And I'm here because some of my neighbors are very concerned. They live on Tannen. And their garages face this development.

And despite the fact that they're only garages, these people spend a lot of time sitting on their driveway socializing. It's what they do. And they will see -- they're very concerned about the view. They're very concerned about the impact this will have on resale values, which of course are dropping like rocks now anyway.

The view of nets and poles is a great concern to some of these people.

I'm very happy that you have addressed most of the concerns we had about daylight hours and noise. Additional noise, we understand. And we also understand that there could be worse things going in than a driving range, but it is a great concern. The view is the primary concern.

And Walden Oaks and Huntington is not as heavily treed as I feel like it's been implied. From my house I see that existing -- there's an existing pole of some sort there, and it is very visible. And it is very visible from every street in that neighborhood. And to have two more poles there, they will be visible.

And I don't know what a Type B buffer is, but I certainly hope it is significant, because it's going to need to be significant to diminish the effect. I understand it won't be gone, but we need to diminish the effect. Thank you.

CHAIRMAN STRAIN: Thank you, ma'am.

Ray, is there any other speakers?

MR. BELLOWS: Yes, we have one other speaker that just signed up. George Vurrow (sic), I believe.

CHAIRMAN STRAIN: Sir, were you sworn in when you originally came in?

MR. VUKOBRATOVICH: Yes, sir, I was.

CHAIRMAN STRAIN: Great. Thank you.

MR. VUKOBRATOVICH: My name is George Vukobratovich. Vuko is fine.

I represent the Willough Park Owners Association, the commercial project just to the north. We wholeheartedly support the Pulling family's effort. They were -- we bought the original driving range and they were great neighbors and were cooperative, and I would imagine they would be in any issues that come up. So we support it.

This discourse that we've already had answered most if not all of the other questions. And personally this would be great from all the people who say, George, why did you take our driving range away. So another one can be put back. Thank you very much.

COMMISSIONER SCHIFFER: Let me ask a question, Mark?

CHAIRMAN STRAIN: Sir? We need you to spell your last name.

MR. VUKOBRATOVICH: V-U-K-O-B-R-A-T-O-V-I-C-H.

CHAIRMAN STRAIN: And we have one question.

COMMISSIONER SCHIFFER: And the question, so there was a driving range where the office buildings are?

MR. VUKOBRATOVICH: Yes, sir.

COMMISSIONER SCHIFFER: Okay.

MR. VUKOBRATOVICH: And it worked out great, and they were great people to work with. And I imagine they still will be.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Okay, anybody -- thank you, sir.

Any other members of the public wishing to speak on this matter?

Yes, ma'am, come on up and use the microphone, I need to know if you were sworn in.

MS. STEVISON: Good morning. I'm Lacy Stevison from Laguna Bay.

CHAIRMAN STRAIN: Were you sworn in originally?

MS. STEVISON: I was not sworn in. I arrived late.

(Speaker was duly sworn.)

THE COURT REPORTER: Would you spell your last name?

MS. STEVISON: S-T-E-V-I-S-O-N.

THE COURT REPORTER: And who are you with?

MS. STEVISON: Laguna Bay Associates.

A lot of our concerns have been addressed with the meeting this morning. But one main thing is the maintenance on our side, the south side of this property line.

And I have pictures. And it's been an ongoing battle for us to try to maintain the property line. There's a lot of exotic vegetation that's overgrowing, and it's very tough to try to maintain it. And so our main concern is just the maintenance of this driving range and its impact on our property. We already have an extreme eyesore with the vegetation that's there, and it seems it's proposed to leave it there and leave the existing vegetation as is. But we've spent quite a lot of money just in this past year, close to \$20,000 in maintenance and repairs of our fence line.

So my main concern is the upkeep and just the overall maintenance of this project. Because we haven't seen anything in years past in maintenance on our end from this property owner. And, you know, moving forward we'd definitely like to see something done with the exotic vegetation.

CHAIRMAN STRAIN: Well, that's certainly a good question. We'll have to -- it will be something to respond to.

Ms. -- thank you, you'll hear us talking about it here in a few minutes --

MS. STEVISON: May I submit the pictures for your view?

CHAIRMAN STRAIN: Sure.

MS. STEVISON: And some of my expenses.

CHAIRMAN STRAIN: If you could put them on the overhead, Ray, since -- unless there's enough copies. Save one for the overhead, at least mine, and I can look at it on the overhead.

COMMISSIONER MURRAY: These are all the same?

MS. STEVISON: These are the invoices of work that I've had done.

CHAIRMAN STRAIN: Ray, they're all different. But let's give -- I think what you've got there is probably one -- a bird's eye view of the whole -- the plants that are on the left on both these pictures are the plants you're complaining about?

MS. STEVISON: That's right. And we had to have them removed continuously by our landscaping company.

But, you know, in speaking of the netting being an eyesore, just the removal of that and the netting would be a great improvement for us. Obviously walking your dog down the street -- we have apartment buildings directly to the right of that photograph. You know, I as the property manager get complaints all the time. And there's all types of wild animals and rodents and feral cats and different things that come out, and gives us a hard time trying to take care of it.

CHAIRMAN STRAIN: Okay. We've had occasion where exotics have been removed by adjoining properties, and the residents would have come in here very upset that their views are destroyed, because now they're looking at a vast open area or whatever is left there outside the -- once the exotics are gone a lot of people don't realize that exotics are not landscape vegetation and they just see it as a buffer that to them is beneficial. Have you taken that into consideration?

MS. STEVISON: We have. And our owners of the community were in town on Monday, and that was part of our discussion. Because we just spent, again, close to \$20,000 on planting a buffer on our end that was more appealing. So we have an existing buffer there.

But the damage to the gate that the exotics is causing, it's completely torn up the gate, the fence that's there. So there's actual large holes up under the fence, up from where the roots are taking up the fence. And there's -- you know, it's absolutely destroying the barrier there.

CHAIRMAN STRAIN: Is the fence that's there, was that put in place by you guys or by the property owner to the north?

MS. STEVISON: By us.

CHAIRMAN STRAIN: Well, there might be a disagreement on that.

That's another thing, it would be -- if the exotics come out, the fence will probably be entwined with the exotics, so that will come out too.

MS. STEVISON: Right.

CHAIRMAN STRAIN: Which means if you want a fence up there, you may be in a position to have an open area without a fence. So those are considerations that you ought to really consider carefully. A lot of people sometimes don't like the outcome of the removal. Even though it's -- I understand your -- I certainly understand your dilemma. But we'll pursue it.

MS. STEVISON: Or even just to maintain the exotics on the fence line. Just to cut it back a foot or anything that, you know, could help. Because right now it's completely overgrowing the fence.

CHAIRMAN STRAIN: Okay. Well, let us explore it with the applicant, and we appreciate your calling it to our attention.

Mr. Schiffer?

COMMISSIONER SCHIFFER: Yeah, who owns the blue fabric on the fence?

MS. STEVISON: We do.

COMMISSIONER SCHIFFER: You do, okay.

And one question is, and I guess it's to the applicant, is this -- this property isn't part of this application.

CHAIRMAN STRAIN: Before we go into the applicant, let me see if we can finish with this young lady, because we'll have to bring the applicant up here.

Any other questions of this young lady?

(No response.)

CHAIRMAN STRAIN: Okay. Miss, thank you, and we'll -- obviously stick around, we'll be pursuing it.

Ms. Mac'Kie, could you answer Mr. Schiffer's question?

MS. MAC'KIE: Yes. This -- respectfully, this property that she's referring to is an entirely separate parcel. It is adjacent to the parcel that we seek your approval on today, but it's 175 feet away.

My client does own the fence; has not taken any action with regard to the fact that they did trespass to install whatever that blue fabric is on the fence owned by him.

They did have to recently spend a great amount of money to bring their landscaping that had previously not been in compliance with code. Now it appears that it is. We were out there yesterday, they planted a lot of arecas, it looks very good and we're very happy with that.

They're adjacent to an ag. use. This fence is on a separate parcel, not subject to today's review. We don't -- frankly, it's just not relevant to today's review.

Also, we just note so that you know, my client says he's never gotten a phone call. We are good neighbors. We'd love to talk to you. We've never had a phone call. We'd love to talk about it.

You are next to an agricultural operation, so there are going to be critters and there's going to be stuff. But we would love to work with you. But never having heard from you even about the trespass onto our fence was a little troubling.

So I think this is a neighbor issue. We would love to work with our neighbor and we will work with the neighbor, but I can't find a nexus frankly to -- my client owns a lot of property all over this county, and we can't stretch this application to cover properties that aren't a subject to the application.

CHAIRMAN STRAIN: Mr. Schiffer, does that answer your question?

COMMISSIONER SCHIFFER: It does.

CHAIRMAN STRAIN: Any other questions of Ms. MacKie?

(No response.)

CHAIRMAN STRAIN: Pam, I have one.

MS. MAC'KIE: Yes, sir. I keep doing that, I'm sorry.

CHAIRMAN STRAIN: You do have something to consider. Your driving range is temporary. I mean, you're not going to -- that land's too valuable to be a driving range forever, I would assume.

MS. MAC'KIE: We hope.

CHAIRMAN STRAIN: At some point Mr. Pulling or somebody's going to want to come in and either sell the property or change it to another use. At that time it will be important to know that you're being cooperative with the neighbors all around you. Otherwise it makes it real hard to get a rezone.

So I would highly suggest that especially -- and I'm going to ask staff in a minute the same question. If you've got exotics that are going over your property line, the least that ought to be done is have those trimmed up on a regular basis. And that would be something I believe would go a long way to being more cooperative with the southern neighbors.

MS. MAC'KIE: Absolutely. It's something that we do need to work with on both sides. Because part of the problem that we have on our side is that their landscaping has encroached over onto ours, and it's actually caused my client -- it's a nursery there, and the shade that's resulted from their plants shading over onto our property has cost him the ability to produce an income.

So it's a two-way street, but we're very happy to work with them and we have no problem with condition -- you know, or instruction to staff that we comply with the code and work together.

CHAIRMAN STRAIN: Nick, is there any regulatory -- the gentleman will have to wait.

Is there any regulatory issues involving the exotics on the agricultural portion of this project?

MR. CASALANGUIDA: We'll get our code enforcement folks to coordinate and just kind of be the liaison, just to make sure that everything's being followed accordingly.

CHAIRMAN STRAIN: Okay. I think there's been an acknowledgment to cooperate on maintenance of those areas that overhang. So maybe that could be relayed to code enforcement as well.

MR. CASALANGUIDA: Will do.

CHAIRMAN STRAIN: And Ms. MacKie, you know, you've been around here a long time, so I hope that we could see all this work out.

MS. MAC'KIE: We want to be good neighbors.

CHAIRMAN STRAIN: Sir?

MR. CLEMINSON: I would like --

CHAIRMAN STRAIN: You're standing there for a reason?

MR. CLEMINSON: -- to speak on this issue.

CHAIRMAN STRAIN: Sure. Go right ahead. And please -- were you sworn in originally?

MR. CLEMINSON: Yes, I was. I raised my hand.

CHAIRMAN STRAIN: Okay.

MR. CLEMINSON: My name is Ron Cleminson. I'm --

THE COURT REPORTER: Please spell your last name?

MR. CLEMINSON: C-L-E-M-I-N-S-O-N.

I am the president of the master board of Walden Oaks Homeowners Association.

We too are encircled by exotics, the Brazilian pepper that are the border for the south and the east. And we have been cutting those ourselves.

Mr. Pulling did step forward about five years ago and came in and did cut them.

I have written two letters in -- since that period, and I have not had a response regarding maintenance of the Brazilian pepper on our side of the border.

The residents in Huntington have expressed a concern, and I have forwarded some e-mails relative to that. And you dealt with those today. Primarily lighting was a major issue.

The other issue certainly was the height. The 60-foot height, I think I would like for you to consider more of a compromise here, perhaps a 30 or 40-foot fence. I think 60-foot is going to be visible. As soon as you drive south on Tannen Lane, you're going to see a net. I think it does not -- it takes from our property.

I would like to continue to work with Mr. Pulling and have him address the issues not only of the Brazilian peppers and maintaining them on our side, as well as coming to a compromise on the height of this fence, please.

CHAIRMAN STRAIN: Sir, to help us, could you show us on the map behind you on the wall what community you represent? Just by pointing to it.

MS. CLEMENTS: Let me get my bearings here.

This is the property.

CHAIRMAN STRAIN: You're not --

MS. CLEMENTS: This is Walden Oaks.

CHAIRMAN STRAIN: And Cherie's trying to take your comments when you walk from the mic. All we need you to do is point.

So you're in the project to the north.

If I'm not mistaken, you're required by this application to remove all the exotics within the property that's on issue here today.

MS. MACKIE: Yes, sir.

CHAIRMAN STRAIN: So the exotic issue will go away once they start working out there.

MR. CLEMINSON: So I thought I heard them speak to leaving the exotics.

CHAIRMAN STRAIN: That's on another piece of property to the south. That's not part of today's application. Your property to the north is part of today's application. It abuts the part that is. And that property will be cleared -- I mean, the exotics will be removed.

MR. CLEMINSON: We have, as you indicated, a 12-foot ficus barrier there. That's going to make the fence even more visible.

CHAIRMAN STRAIN: Okay, and there's also going to be a buffer added, which will be consisting of trees. And usually they're like live oaks and they are 30 foot on center. They have a canopy spread that will fill in between them, and it will be quite high. But it will take a couple years before that happens.

MR. CLEMINSON: I understand that. But I do feel, knowing the area, that a number of oaks that were represented, I would agree with the resident from Huntington, there's not that number there. Yes, they're there, but it takes some time.

When you say a few years, two years or four years, are we looking at this buffer that he's going to plant will take 10 years to grow?

CHAIRMAN STRAIN: And I guess, Pam, the better responder to that will be Nancy.

And Nancy, could you tell us the size of the oaks that would go in? And by the way, I don't believe they're in yet. Do you know if they are, Nancy?

MS. GUNDLACH: Are we talking about on the Pulling property side?

CHAIRMAN STRAIN: North side buffer. The Type B buffer that's --

MS. GUNDLACH: No. The Type B buffer that Pulling driving range would be installing, that's not installed yet.

CHAIRMAN STRAIN: Okay. And when it gets installed, what will it be?

MS. GUNDLACH: When it's installed, the trees will be 10 to 12 feet tall and they will be spaced 25 feet on center.

CHAIRMAN STRAIN: And they will grow possibly to what canopy do you --

MS. GUNDLACH: Well, it depends on the species that's selected. The live oak unfortunately is a little bit of a slower species. Mahogany is a little quicker. So they may want to select a species that will grow a little faster so that we can have our screen in place sooner.

CHAIRMAN STRAIN: Okay. And maybe we'll ask them that particular question.

Ms. Mac'Kie, do you know what you'd commit to for a plant material along that buffer?

MS. MAC'KIE: Yeah, we were just discussing. There are some existing black olives out there, and that's what we would put. And they are faster growing.

CHAIRMAN STRAIN: Nancy? And I'm sorry, I'd rather -- staff needs to confirm things.

MS. GUNDLACH: Sometimes landscaping can get very complicated.

We have a 75 percent native requirement, but those could be used for 25 percent, certainly.

CHAIRMAN STRAIN: Then of the other 75 percent --

MS. GUNDLACH: Would have to be --

CHAIRMAN STRAIN: So if you have 100 trees required, 25 could be black olives. You still need 75 trees of another fairly fast-growing preferably --

MS. MAC'KIE: Alex is indicating it would have to be oaks. And they are slower growing, but it would have to be oaks.

CHAIRMAN STRAIN: Okay. And oaks are a staple around here for most everybody that's using them.

MS. MAC'KIE: And I guess I will throw this in. This is not out suggestion, but there is a way that this application could perhaps leave those exotics in. And that's not our preference, but we could exclude the roadway from our application and then --

CHAIRMAN STRAIN: I would rather us -- not see us do things that circumvent our codes.

MS. MAC'KIE: Thank you.

CHAIRMAN STRAIN: The exotics should be removed. The county over -- the fact that agriculture is exempted from it is just a loophole right now and I'd rather not create another one.

MS. MAC'KIE: We feel that way very strongly too and we're happy about removing them. I just wanted to offer you that option.

CHAIRMAN STRAIN: Thank you.

Thank you, sir.

MR. CLEMINSON: My other point dealing with the 40-foot compromise on the height of the fence, I would hope you would please consider that. I realize there could be some golf balls, but as you can see on the map, there is a distance there. I personally don't feel a 60-foot fence would be necessary. Would also serve to not be as visible, in my judgment.

CHAIRMAN STRAIN: Thank you, we'll take that up with the applicant.

MR. CLEMINSON: Thank you.

CHAIRMAN STRAIN: Appreciate it, sir. Thank you for your comments.

Ms. Mac'Kie, I know that when you build a community and you have a golf course and villages planned around it, in those villages you can provide deed restrictions or covenants that address the issue of errant golf balls and how the people moving there have to accept that. There's a liability issue for breaking windows, damaging property and things like that.

The idea that your fence is going in is a real good thing in a sense. It will stop those balls from creating liabilities for your client and damage for the other property owners who will have to deal with their insurance companies and deductibles and who knows what else.

But having said all that, as the fence leaves the area of the tees and you move further into the distance from the tees, golf balls will not be traveling as high or as far. Is there a step-down possibility for this fence? Because Walden Oaks, or the -- I think the community that's been questioning this is quite a ways away from both tees, it's

more in the center of the landing area.

MS. MAC'KIE: Just thinking about this, perhaps the best idea would be to say that whatever the industry standard is for safety at the minimal height, you know, recognizing your point, that if it is possible for it to be lower at a farther distance under the industry safety standards, we would comply with that.

CHAIRMAN STRAIN: Okay. So if we stipulated that on consent, you'd come back with a fence shown on the site plan with indications that the height will be consistent with a minimum standards of the industry, and you will bring documentation to show us what that is, we could tie that all together in a final document.

MS. MAC'KIE: I wonder why it would necessary to bring that back.

CHAIRMAN STRAIN: It's not coming back. You have to come back anyway on consent.

MS. MAC'KIE: I see.

CHAIRMAN STRAIN: That's a requirement of the Planning Commission. So we could clear it up at that time.

MS. BISHOP: Let me see if I -- showing it on the drawing I think is absolutely not a problem. Putting together the minimum industry standards before my SDP might be a little bit more difficult.

So can I label on -- just put the label on there that we will comply with the minimum industry standards for these heights and safety issues? And then when I submit --

CHAIRMAN STRAIN: If we stipulate that, Ray, would staff be able to follow that through at an SDP, or is that a workable solution?

MR. BELLOWS: Staff would be reviewing the conditional use for the conditions of approval to assure they're adhered to. If there's a standard that says that they're going to adhere to a maximum -- or industry standard in regards to fence height, I think we just need to be able to verify what that is at the time of SDP approval, just because that's part of their application. That would be something staff would have to still verify.

CHAIRMAN STRAIN: Okay, but would staff be able to follow it up if we included language to that affect in the stipulation?

MR. BELLOWS: If there's no true industry standard, then that's another issue that --

CHAIRMAN STRAIN: Well, I think testimony here today was that there was.

MS. BISHOP: We've done a lot of research, and there are guidelines. I mean, the term industry standards, I don't know that there's a -- you know, like an ASTM standard like you have for so many other things. But there are guidelines.

We are hiring a designer specifically who does driving ranges and we'll be utilizing his expertise as well as what you call the industry standards. Now --

CHAIRMAN STRAIN: Well, Karen, I've seen you work very fast on issues that pop up. We're not coming back for consent for two weeks. You could have something put together in the consent presentation in two weeks that conforms to the standards and then we can make a decision on that issue.

MS. BISHOP: I will certainly give it a try. I don't know, I'm not as up on this as my client is who's done all the research and who's talked to his designer. So I will see what I can put together for you in two weeks that you can review that gives you the guidelines of what they're saying the standards are for heights versus distances.

Because there's a road that's right next to this. And that's the one thing. And apparently none of you have ever seen me hit a golf ball, so -- but that road, because it's utilized on a regular basis, we are really concerned about safety.

CHAIRMAN STRAIN: Right.

MS. BISHOP: And so that is really what our main concern is is making sure that none of those cars that go back and forth, including the -- by the way, including the client who lives on this property to the east of here. His vehicles will be going back and forth. So he's very concerned about that. As well as Tannen Road, which is another vehicle type roadway.

So we're going to be looking for not the minimum standards for us, as a matter of fact, they're probably the maximum standards of safety.

CHAIRMAN STRAIN: And realizing that our consent agenda is not one that we can change our motion on, it's only to acknowledge the motion is articulated right by staff, I'm not sure how to work that out here today.

MS. BISHOP: Well, and if I may, I'm concerned that if I go by minimum standards, then I will have a lot more issues with my neighbors over any potential errant golf ball. I mean, I promise not to be on this range but, you

know, that something may happen.

So we're really just trying to do the best we can for our neighbors. And although I appreciate the neighbors concern about the visual end of this, I think that we want to keep our golf balls inside our property.

CHAIRMAN STRAIN: Brad, did you have a --

COMMISSIONER SCHIFFER: Well, I have a point. I mean, to build a driving range you need a field, you need a tee and you need the fencing. And this application essentially was silent on the fencing.

COMMISSIONER MURRAY: Yeah.

COMMISSIONER SCHIFFER: It's not even shown on the plans. It's brought up by everybody.

So the problem is for the convenience of how to design a good fence, I'm wondering -- you know, I think the fence could be properly designed and I think we should know that.

MS. MAC'KIE: I think it sounds like in all likelihood when we bring this back -- and we will bring it back and it will show the fence. But I'm willing to bet you that it's going to be a 60-foot fence. Because it sounds like, you know, there are competing concerns, and that safety has to trump everything else.

COMMISSIONER MURRAY: I agree.

MS. MAC'KIE: And so we can commit to bringing it back with the fence. We will give you some research to support the fence height selection. But it's likely that it will need to be 60 feet for safety.

COMMISSIONER SCHIFFER: But here's the problem. I mean, I think that would be sloppy design. Because first of all, we don't know where it is. It certainly does need to be 60 feet at the tee. Somewhere there's a dimension where it should be 60 feet, somewhere there's a dimension where it should be less.

In other words, the most important part of this project is the least thought out part. And the most dangerous part to the neighborhood to be compatible is the fence.

MS. MAC'KIE: I have to say, I don't -- it wouldn't be accurate to say it's the least thought out. It was one that was not a code requirement, wasn't something that we saw as required by the application and therefore isn't shown on the plans, but it has been well thought out by our client who's quietly sitting in the back of the room, but he's the operator and is prepared to do what's safe and appropriate by standards for the development of a driving range.

We would be happy to show it on the plans so that the commitment that we've made today as an additional stipulation that there will be fencing in accordance with safety standards for driving ranges will be shown. And I think that really is all that is required and is -- should be adequate to comply with the conditional use requirements.

CHAIRMAN STRAIN: Brad, I -- I've been thinking about it, if we stipulate that the fence will be -- they'll show a fence on the site plan to the minimum standard height for public safety, then it would be under their burden when they come in for an SDP to prove that what they've produced is as minimum standard height.

MS. MAC'KIE: Exactly.

CHAIRMAN STRAIN: And that would cover your issue and probably everybody else's to the point it can.

COMMISSIONER SCHIFFER: But if it comes back 60 feet all the way across the line --

CHAIRMAN STRAIN: They'd have to show --

COMMISSIONER SCHIFFER: -- I don't think that's been met. Because, you know, the distance, the angles, all those things are going to determine the height of a fence.

MS. MAC'KIE: And that will be your staff's job, to be sure that it complies with the requirement that you're adding today. And I'm sure they will be very strict and careful that it is adequately designed and appropriately height (sic).

COMMISSIONER SCHIFFER: Okay.

COMMISSIONER CARON: I'm not sure we really want to leave it that loose. We've done that in the past.

COMMISSIONER MURRAY: I'm not happy with that statement.

CHAIRMAN STRAIN: Anybody else have any comments to anybody at this --

COMMISSIONER SCHIFFER: Well, one other comment is if a little building's necessary, should we put that in now? Because I don't want to --

CHAIRMAN STRAIN: It wasn't -- I don't think the project's been evaluated for any structures, and that wouldn't take care of setbacks and heights, buffers and anything else, plumbing.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: I don't think we want to go there off the cuff.

MS. BISHOP: No, actually our application specifically says we're utilizing existing facilities. Now, I've been

on a bunch -- many, many driving ranges, and the distance for (sic) the tees to the bathrooms are in some cases greater. Because a lot of the driving ranges, even at the country clubs, they switch the tees from one side to the other, depending on what time of year --

COMMISSIONER SCHIFFER: Okay.

MS. BISHOP: -- and -- so that's why we are proposing that you go to the bathroom, get your balls and then go play. And then if you have to go, you go back. But --

CHAIRMAN STRAIN: Okay, I'm not going to go there.

Let's -- anybody else have any questions of anybody at this time?

(No response.)

CHAIRMAN STRAIN: Is there any further rebuttal by the applicant?

(No response.)

CHAIRMAN STRAIN: I don't think so.

Ray, do we have any other public speakers?

MR. BELLOWS: No other public speakers.

CHAIRMAN STRAIN: With that, we'll close the public hearing. And I can review what I'm going to suggest as motions -- stipulations, or I can entertain a motion. What's the preference of this board?

COMMISSIONER CARON: Go ahead.

CHAIRMAN STRAIN: Well, I'll read what I'm suggesting as stipulations.

First one is that they would show on the site plan the fence for the errant golf balls, and it will be to a minimum standard height for public safety, not to exceed 60 feet.

Number two, the buffers will be shown on the site plan, and the buffers would be 25 percent black olive, with the remaining -- the native vegetation requirement.

And other than the seven stipulations provided by staff, that's all the notes that I got during the discussion.

Now, is there a motion by --

COMMISSIONER MURRAY: No, I have a question.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yeah, the issue of the standards distresses me about -- that's great, we should have them to standards. Do we know what standards exist? And then if there are different standards, what -- it's too open in my mind.

I know you made your attempt to try to close it there, but based on the petitioner's assertions, it sounds like the matter is intended to fall on the staff to qualify. And I think it's the obligation of the petitioner to qualify that completely. And staff certainly would be in a position and had to -- have to verify that.

But I do not think it's the burden of staff to go through all of that. And I don't know, I do -- if it was well thought out and not presented, because that was the one issue I had here, the matter of the net. Safety has to trump it. And I appreciate that, no question about it.

But I'm just uncomfortable, I don't feel that -- I don't feel comfortable that the petitioner in this particular case is very enthusiastic to seek the best, and they'll do the minimum. That's what I'm concerned about. The minimum's adequate, providing the standard is real and there's no other challenges to that standard, or various standards.

Do we even know where to go for that kind of standard?

MS. MAC'KIE: May I?

CHAIRMAN STRAIN: Go ahead, Ms. Mac'Kie.

MS. MAC'KIE: I needed to clarify. When I said minimum standards, I meant the minimum height that meets the maximum safety standards. So please don't --

CHAIRMAN STRAIN: That's what I said.

COMMISSIONER MURRAY: No, I understood that. What I was trying to ascertain is ASTM, American --

MS. MAC'KIE: Sure.

COMMISSIONER MURRAY: Okay. What I'm getting at is what standard is there for safety relative to golf courses. If we know that, then we know the answers already. If we don't know that and we're coming back on consent and it doesn't comport with what we think we want to do, this is not going to be approved.

MS. MAC'KIE: And respectfully, we are not your first driving range in this county. I imagine -- I mean, staff has -- whatever they have required of driving ranges in the past will be what they will require of us and we will

comply.

CHAIRMAN STRAIN: Nick, do you have any problems?

MR. CASALANGUIDA: No. Why don't you direct staff, as part of this motion, that we come back on the consent with the language you've put in to review what we've approved in the past, what is apparent in the industry standard, and work with the applicant to put that on the plans.

CHAIRMAN STRAIN: Okay. And then I think that -- well, therefore, I would say I'm going to -- as far as I'm concerned, the language ought to stay then suggesting that they adhere to the minimum standards for public safety not to exceed 60 feet. And it's between the applicant and staff to make sure that gets done.

And I do believe staff is in charge of making sure public safety standards are adhered to in this county and therefore you'll review it that way.

MR. CASALANGUIDA: If we can look at it before the next meeting, it will be outlined and defined on the plans.

CHAIRMAN STRAIN: Okay. Now, is there a motion?

Mr. Schiffer?

COMMISSIONER SCHIFFER: No, I mean, I'm going --

CHAIRMAN STRAIN: You breathed, so I figured that was you.

COMMISSIONER SCHIFFER: Okay, I'll wait for the motion.

CHAIRMAN STRAIN: Okay, does anybody want to make a motion?

COMMISSIONER MIDNEY: I'll make the motion.

CHAIRMAN STRAIN: Go ahead, Mr. Midney.

COMMISSIONER MIDNEY: I'll make the motion that we approve this with the stipulations that we've already discussed.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER KLEIN: Second.

CHAIRMAN STRAIN: Seconded by Barry.

Now, is there further discussion?

COMMISSIONER SCHIFFER: Yeah, one thing. I mean, I'm going to vote in favor of this with a huge leap of faith that that net is the minimum. The scary thing is the words we have, the minimum to meet the ma -- I mean, you know, so we've given no guidance whatsoever.

It's really going to be -- and the 60 feet is really high. And so for that neighborhood you've really got to make sure that there's nothing excessive, it doesn't start too soon, it doesn't -- it doesn't height in the middle where it isn't necessary, that somebody really does -- pays a lot of attention, because up until now there really hasn't been.

So I will be voting in favor of it, again with that huge leap of faith.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, I think it's really -- I mean, we're dumping a lot onto staff here now, because this is going to become a really critical issue on two levels: First is the safety issue, public safety issue; and secondly is the desire of the neighborhood not to be staring at 60-foot of netting and fencing if they don't have to, if 40 feet will do.

So I just -- you know, again I think I'm sort of with Brad, this is a real leap of faith here on our part. And you know me, I'm usually the one that says, nah, not so much, come back and show it to me first.

But if everybody is willing to do this, to take this leap, then let's do it. But I'm sure going to want to be --

MR. CASALANGUIDA: Well, our goal is to come back with something on the consent that we've looked at. I don't think this is something that's new to the industry. We'll do this --

CHAIRMAN STRAIN: No, it's not.

MR. CASALANGUIDA: -- the next two weeks and we'll hopefully lay it out in the plans.

CHAIRMAN STRAIN: And I think the fact that the maximum can be 60 feet, if that's what ends up being the most safest, then that's what will be shown. And we've already acknowledged that.

Any other discussions?

(No response.)

CHAIRMAN STRAIN: Okay, the motion's been made for approval, subject to the stipulations.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.
COMMISSIONER AHERN: Aye.
COMMISSIONER MURRAY: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER CARON: Aye.
CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you.

Now, the next two items involve the map changes to Ave Maria. We'll be hearing those simultaneously and voting on them separately.

Normally we take a 15-minute break at 10:00. We'll take it now so that we'll come back here at five after 10:00 and we'll go right into the Ave Maria thing until it's -- until we go for lunch.

(Recess.)

CHAIRMAN STRAIN: Okay, welcome back from break. If everybody will please take their seats.

Okay, we -- I don't know how long we'll be on this issue, but we'll be on it as long as it takes. And we normally break around a quarter to 12:00 for lunch, and we'll be doing so about that time today and we break for about an hour. So whoever's got schedules to meet, that's generally how we move forward.

During break I was told something and asked not to speak about it, but that means I have to. When Nick comes in, everybody, he's done a good job in his brief tenure so far with Collier County. Today is his birthday. He is 44 years old. So if he -- he's not here, I don't know where he went, but he missed the opportunity.

***Okay, we're going to hear two items. And we're going to discuss them simultaneously but after the discussion we'll vote on them individually. So I'll read them both off together to start out with.

The first one is for the Town of Ave Maria Development of Regional Impact, known as the DRI. And it's a map change for Petition DOA-PL-2010-1751.

The companion item to that item is the -- again for the Town of Ave Maria Stewardship Receiving Area, which you'll hear the acronym SRA, and that's for Petition SRAA-PL-2010-1988.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Okay, disclosures on the part of the Planning Commission.

Let me start with Melissa.

COMMISSIONER AHERN: None.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Nothing.

CHAIRMAN STRAIN: Paul?

COMMISSIONER MIDNEY: (Shakes head negatively.)

CHAIRMAN STRAIN: Donna?

COMMISSIONER CARON: I spoke with Mr. Passidomo yesterday.

CHAIRMAN STRAIN: And I think Paul indicated a shake of the head no.

COMMISSIONER MIDNEY: I'm sorry, no.

CHAIRMAN STRAIN: That's okay.

Barry?

COMMISSIONER KLEIN: No.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Only staff.

CHAIRMAN STRAIN: Bob?

COMMISSIONER MURRAY: Yeah, I had a brief conversation with Al Reynolds.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Okay. For myself, most of my disclosures are from the last meeting that I didn't make, and it was continued anyway. But prior to that meeting I was contacted by a lot of people. And it was about -- most of my discussions were all similar in their request. They're about the process that's going to be here, going on here today. And I'll touch on that as I did with them in just a moment.

The general exception of the process discussions were the ones I had with the representatives' applicants -- representatives of the applicant in regards to issues that I found in their request.

So the people that I spoke to, I spoke to two commissioners: Commissioner Fiala and Commissioner Henning. I spoke to the applicant's representatives, George Varnadoe, Margaret Perry, Al Reynolds and Blake Gable. I've also communicated with a variety of citizens who have contacted me. And the best I can recall at this time is Nicole Ryan, Tim Nance, Peter Gaddy, Mark Peters, Georgia Hilliard, Dwayne Billington and Tony Pires. There may have been others on this issue that have come up to me in casual conversation, but at this point that is the most I recall. And plus I've had numerous conversations with staff as issues have popped up to seek clarification.

Now, with that I'd like to ask -- first of all, this is a technical board that focuses on the Land Development Code and the Growth Management Plan. There's a lot of issues involving the area of Ave Maria. A lot of people are upset over issues involving Jackson Labs. This is not a rezone for Jackson Labs, this is a map change for Ave Maria.

I'd like to ask that when you come up, please remember, this board is not one that can weigh in on the financial issues involving Jackson Labs or any kind of ideological issues. We strictly are here to address the zoning issues. And that will sure help us understand your concerns better if your concerns are presented to us in a zoning matter.

So with that I'd like to ask the applicant to start their presentation, and we'll hear both simultaneously and go forward.

MS. PERRY: Good morning, Commissioners. I'm Margaret Perry, planner for WilsonMiller Stantec, here today representing Ave Maria Development.

With me today are Alan Reynolds and Jeff Perry, also from WilsonMiller Stantec, John Passidomo from Cheffy-Passidomo, and David Genson from Barron Collier Company.

The applications you are considering today both deal with the Town of Ave Maria SRA master plan. Our goal is to memorialize the administrative approval of the division of Town Center 2 into Town Center 2-A and 2-B, and the repositioning of Town Center 2-B from Camp Keis Road to Oil Well Road.

CHAIRMAN STRAIN: Margaret, if you had an aerial you could put up so that everybody could follow a little bit from your master plan, that would be helpful during your discussion.

MS. PERRY: No, I don't have an aerial, but I do have the SRA master plan. It may be kind of --

CHAIRMAN STRAIN: That's what I meant. That's fine. Something to show us the uses on the project. Great.

MS. PERRY: Thanks, Ray.

We also wish to relocate an access point on Oil Well Road further to the east. And that is depicted on the SRA master plan that you have in your packet dated October 20th.

The Ave Maria -- just for recollection, the Ave Maria DRI and SRA were approved in 2005 and include up to 11,000 dwelling units and over 1.2 million square feet of nonresidential uses. At this time we are not requesting any changes to the development standards or the uses.

Town centers are designed to provide a diversity of opportunities for businesses and residents. They include retail, service, residential, employment opportunities and the like. They're very mixed use in concept.

The applications on your agenda today are the first in a multi-staged process that has been established and agreed to, consistent with current regulations after detailed discussions and review with county staff, Regional Planning Council staff and the Department of Community Affairs.

All three agencies have concurred that there are no new regional impacts associated with the applications before you today, because the land uses involved have already been approved and impacts addressed as a part of the 2005 approval of the DRI and SRA.

Subsequent applications for future stages will be reviewed by reviewing agencies and ultimately by you, the Planning Commission and the Board of County Commissioners.

You have in your backup materials letters of no objection from Pacific Tomato, which is the property owner south of Town Center 2-B.

I'd like to add to the record letters of no objection from Pulte Home Corporation and from Del Webb Naples Community Association, the property owners to the north of the site across Anthem Parkway. And I will give Ray a copy of those of both of those letters.

CHAIRMAN STRAIN: Ray, if there's copies for each member of the Planning Commission at some point, and especially the court reporters.

MS. PERRY: There should be plenty there.

The SRA master plan that you have in your packet was originally prepared back in January of this year. It has been tweaked somewhat through the review process. Since that time a more detailed plat for Town Center 2-B was prepared and is currently being reviewed by county staff.

The configuration of the Town Center 2-B has kind of morphed a bit, so in order to make it more -- but it's still 50 acres, as indicated on the SRA master plan and as indicated on the plat.

In order to more match it up, I have an updated SRA master plan which more accurately depicts the configuration of Town Center 2-B. I've given a copy of this to Kay, and I'm going to distribute it to you all.

While I'm doing that, I'm going to ask Jeff to come up and give you a brief traffic report.

CHAIRMAN STRAIN: Thank you.

And Ray, before Jeff starts to speak, why don't we get that distribution done so we all are working off the same page.

Margaret, if I'm not mistaken, you've just fattened it and shortened it; is that right?

MS. PERRY: That's absolutely correct.

CHAIRMAN STRAIN: Just so -- is this one you have, an eight-and-a-half by 11 you can leave on the overhead, since it's the one we'll be working off of?

MS. PERRY: Unfortunately I don't have it by eight-and-a-half by 11, but I can put this one up and focus in on the town center, if that would work.

CHAIRMAN STRAIN: That would be helpful, yeah. That way we all -- we can see what we're talking about as this goes forward. Thank you.

Okay, Jeff, thank you.

MR. PERRY: Good morning, Mr. Chairman, Commissioners. For the record, my name is Jeff Perry with WilsonMiller Stantec. I'm a transportation planner.

As Margaret has indicated, the map change is moving a portion of Town Center 2-B -- a portion of Town Center 2 now known as 2-B, from the adjacency to -- from Camp Keis Road on the east side of Ave Maria more to the south, so it would be adjacent to Oil Well Road.

The application does not -- as Margaret has indicated, does not change the development entitlements, does not increase any of the allowable square footage, nor change any of the uses. These are the types of things that we look for when we do a traffic analysis and when we're determining whether or not there's any additional impact as a result of an amendment or a change in the master plan. And I can tell you in this case, obviously there is no change in the traffic impact of this particular -- for this particular amendment.

During the course of the review, we were asked to review the issue of whether or not the relocation of the commercial mixed use Town Center 2-B down to the Oil Well Road area would have any impact on Oil Well Road, whether or not the mere relocating of that acreage and the development of the parcel to the south would have any negative or adverse impact on Oil Well Road. And I can tell you it does not. There's a traffic impact analysis that we prepared in your agenda package.

I'll just briefly tell you that we built out the entire 50-acre site with 165,000 square feet of office, 300,000 square feet of retail, calculated the traffic that would be generated by that particular type of development, which would be a fairly intense amount of development that could be put on the 50 acres. We examined the Oil Well Road traffic, the background traffic, what's out there today.

Historically in most cases it has either decreased in traffic volumes or in one instance a segment actually increased by one percent. We actually grew that background traffic from 2010 numbers up to two percent per year out for five years. We then took the additional traffic, assuming that this site were to be developed in its entirety in the five-year period. We added that traffic to the background traffic, distributed it across the network to determine

whether or not there was any adverse impact on Oil Well Road. And I can tell you again that there is no adverse impact. We compared it against the capacities of the road.

As you probably know, Oil Well Road -- two portions of Oil Well Road are currently under construction, being four-laned and six-laned. There's a segment in the middle that's remaining currently unfunded but proposed to be also multi-laned. It remains as two lanes.

But even in that case there is adequate capacity on that road to handle the traffic from the development of this tract, if it were to be developed in its entirety within the five-year period.

And with that, if you have any questions, I'll be glad to try to answer them.

CHAIRMAN STRAIN: Okay, any questions of the applicant?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Ms. Ebert.

COMMISSIONER EBERT: I would like to know how many miles difference is it from the Oil Well Road to the Camp Keis Road? If you were -- where section two is, the town center was originally at.

MR. PERRY: Not including the access into the site, it's probably about three-and-a-half miles.

COMMISSIONER EBERT: So you're moving three-and-a-half miles --

MR. PERRY: Yes.

COMMISSIONER EBERT: -- closer --

MR. PERRY: Yes.

COMMISSIONER EBERT: -- this way.

MR. PERRY: Yes.

One of the things we looked at during sort of a review of the distribution of traffic was how traffic coming to and from this particular site would be altered. And in fact, because the bulk of the traffic we would predict would be coming along Oil Well Road anyway, and if the project were actually located -- if this development takes place up on Camp Keis Road, then that traffic is passing through the Camp Keis/Oil Well Road intersection.

By actually moving that site to Oil Well Road, that traffic no longer passes through there. And the minor movement down Camp Keis Road, which would always be there, that's the amount of traffic.

So there's a reduction of the amount of traffic that would actually be passing through the Oil Well/Camp Keis intersection as a result of moving some of the commercial down to Oil Well Road.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Yeah. And let me just kind of walk back to the beginning.

The reason you're moving this from this area; in other words, why aren't you building -- your intention up there at -- where Town Center 2 was, is? Why are you moving this area down to Oil Well Road?

MS. PERRY: The reason that we're --

(Sound interruption.)

CHAIRMAN STRAIN: Whoever's got that cell phone, I'd like to ask you to just please put it on silent or turn it off. Thank you.

Go ahead, sorry.

MS. PERRY: The reason is we find that this location would be a good place for a mixed use town center. It's not -- you know, it's a good location to move it. And we have enough square footage that it makes sense not to put it all in one place but to put it in different town centers.

COMMISSIONER SCHIFFER: Okay. And, you know, we discussed this last time, I really agree with the mixed use. But why are you making this -- you know, why are you splitting 2 in half and then taking 2 and moving it rather than just reducing the size of 2 and adding a new 1-4?

MS. PERRY: And the reason being, the list of uses that are included in the SRA master plan include all the uses that we want on 2-B. They're not different. The uses for Town Centers 2 and 3 are all the same. So we're not asking for anything different that's not already allowed. So why come up with another column and say Town Center 4 and repeat the same uses?

COMMISSIONER SCHIFFER: Well, the same reason you didn't -- 2 and 3 are separate would be a good reason for 4, but we don't need to do that.

The concern I have is the mixed use. In the traffic analysis it doesn't look mixed at all, doesn't show on your

residential. So if I were to ask you in the future, a build-out, how many people live in Town Center 2, 2-B probably won't have anybody living in there, will they?

MS. PERRY: You know, we don't know, to be honest with you. But the reason the traffic report was the way it was, it's looking at worst case, what if. What if it was all, you know, retail, business, R and D, whatever. So that's why the traffic analysis. Who knows?

I mean, we intend for them to be mixed use, including residential, you know, live/work/play type of development, but can we guarantee it? No.

COMMISSIONER SCHIFFER: Well, and the intent of mixed use, like your introduction had, I mean, my concern is we could lose that. If we pull this over here and just make it essentially a business park, then we pulled all the business out of one area, put it in another area and claim we have one town that's split -- and how many miles apart are these sites, do you think?

MS. PERRY: They're about three, three-and-a-half, I believe.

And I think that there is plenty of commercial square footage, with approval of over 1.2 million, that you could have of a town center of this size and also have a town center of the same size or larger in the existing Town Center 2; 2-A would be now.

COMMISSIONER SCHIFFER: Right.

Okay, thank you, that's my question.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, back to traffic.

You had detailed how the segments -- the various segments of Oil Well. And I think you had broken them down into three segments, and only one had any kind of increase on it. But can you show me the segments?

I think it's on your last page, but I just don't know. Which was the segment that had the increase is all I'm asking. I think the last page of your traffic --

MR. PERRY: The segment that actually demonstrated a growth was -- the segment that actually increased, based on the county records, was between Immokalee Road and Everglades Boulevard, which would be the western piece that's currently under construction from two lanes to four lanes.

The other two segments, Everglades to DeSoto, which is actually the limits of what the county counts, what we've shown is Everglades to what's called Oil Well Grade Road, it's that diagonal road that you see there. That decreased by five percent, an annual negative growth rate of five percent.

And the easternmost section between Oil Well Grade Road and Camp Keis Road also decreased.

So the county's practice in analyzing traffic like this is when these kinds of anomalies occur is to take the last data that would be available -- in this case we had 2010 data -- and then ramp it up by two percent per year. So we're obviously in excess of what the previous four, five, six years of historical data represent.

COMMISSIONER CARON: So that last segment is down by how much?

MR. PERRY: The last segment was also down by five percent.

COMMISSIONER CARON: Okay.

Secondly, you have used PM peak hour. Is that actually the peak? Because we've changed how we do things, and we use the actual peak, whether that's AM, PM, or in some cases Sundays or middays, depending upon what it is, so --

MR. PERRY: There are obviously two peak hours of the day: One in the morning and one in the evening. And the counties and the state, everybody requires the use of the PM peak. It's not necessarily the same hour for each roadway. For instance, Ave Maria has an influence on the peak hour traffic along Oil Well Road that's later in the day. Later in the -- during the two-hour period between 4:00 and 6:00 is usually where your peak PM would appear. So it is in fact calculated as the peak hour --

COMMISSIONER CARON: But it's not significantly greater in the AM, for example?

MR. PERRY: Generally not, no, generally not --

COMMISSIONER CARON: But you didn't analyze it --

MR. PERRY: No, we did not, no. There may be 15-minute increments that would be different. But on balance PM peak is the most important hour of the day, in large part because of the commuter traffic, people leaving work. A lot of people leave work at 5:00 in the afternoon, whereas the early morning peaks are not influenced by a lot of retail commercial; it's not open yet. People are traveling to and from work at different hours of the morning. So

the morning AM peaks typically are not really the ones the county is most concerned about.

CHAIRMAN STRAIN: Okay, anybody else have any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: And I think Margaret's probably the better one to answer the questions I'm going to ask. Jeff, I know you're the transportation guy.

Margaret, the former town center location was just Town Center 2. It was split by a road down the middle. But if you add both those sections together, what was the total acreage of the former Town Center 2?

MS. PERRY: I can tell you the acreage of Town Centers 2 and 3. I don't know -- hang on. Maybe Mr. Reynolds can help me, if you can bear with me. I don't know.

CHAIRMAN STRAIN: I'm just wanting to -- trying to understand how much acreage is left. Because I think you took far less than half of it.

MS. PERRY: That's right.

MR. REYNOLDS: Thank you. For the record, Alan Reynolds, WilsonMiller Stantec, planner.

Approximately 158 acres in Town Center 2, 50 acres being relocated, leave approximately 108 acres at Town Center 2-A.

CHAIRMAN STRAIN: Okay. And according to the SRA you had the most -- the most largest diversity of uses were allowed in Town Centers 2 and 3. So if you had 108 acres left in Town Center 2 and you wanted to maximize the square footage in the remaining acreage that was there, you're still partially split by a road, what is your footprint capacity that you could put there, do you know, square footage-wise of just a mixed -- of any kind of mixed use?

MS. PERRY: You know, it's going to -- the way that the design standards work in these town centers, it's really set up for them to be developed in blocks with actual streets and road patterns --

CHAIRMAN STRAIN: Right.

MR. PERRY: -- so the intensity on a particular piece of property within a town center may have a floor area ratio of in excess of one to one-and-a-half. I think overall what you'll find is that the -- that on a gross basis you're going to see something between 4,000 and 9,000 square feet per acre on a gross basis. So if you have 100 acres, you could be anywhere between 400,000 and 900,000 acres -- or square feet --

CHAIRMAN STRAIN: Okay, so that's what you could have left there. Okay.

MR. REYNOLDS: Of course the ultimate determinant is that we are only approved for a maximum of 1.2 million square feet of retail and office at this time.

CHAIRMAN STRAIN: The methodology or the concept that they would use to develop is a block development. So a large regional mall development like Coastland or something, would you be able to do something like that in that location?

MR. REYNOLDS: If you had 100 acres you could do what I would describe as a mid-size regional. Coastland Center in its original form was 40 acres before it was redeveloped about I think 15 years or so ago. So right now I think when they redeveloped it, it probably tripled in size. So you can do a small-scale regional on 40 to 50 acres.

If you look at the other end of the spectrum, it takes probably 200 acres to do something like you see up at -- up at Estero.

CHAIRMAN STRAIN: Okay, thank you. That's the last question I had at this time.

Does anybody have any other questions?

Ms. Ebert?

COMMISSIONER EBERT: I do.

In doing the reading, Margaret, and going through this, I see that on Page 4 of 29 that you have 15 years left of this development order and then it expires.

MS. PERRY: Well, we actually got a statutory three-year extension that was done by statute because of the slowness in growth and that. So our build-out now is 2019. I think that the document you have may say 2016. It's actually been extended.

COMMISSIONER EBERT: No, I'm talking about the complete development order that was what, a 20-year development order? So it says it expires in June of 2020.

And you're right, on Page 27, on the physical, this project is being built in two phases, two five-year phases.

And you're just going to start your second five-year phase is -- in January, and you figured build-out was in 2016?

MS. PERRY: Yes. But again, by the statutory, you know, three-year extension, it didn't just expend the build-out --

COMMISSIONER EBERT: From the Collier County Commission?

MS. PERRY: No, from the state, State of Florida.

COMMISSIONER EBERT: The state? Okay.

MS. PERRY: The phasing schedule has also been extended by three years. So now instead of 2016 as the build-out, it's 2019. Same with the phases.

COMMISSIONER EBERT: Do you think you'll be built out by 2019?

MS. PERRY: I sure hope so.

COMMISSIONER EBERT: Well, being you're starting your second phase now, it just doesn't kind of gel at this point.

But on your -- first of all, I was going to ask you what each town center -- like Mark asked, what is the acreage on number 1, on number 2 and 3. And you did give me the acreage on 2.

Do you know what it is on 1 and 3?

MS. PERRY: Unfortunately I don't know it off the top of my head. I know the total of 1, 2 and 3 is 265 acres.

COMMISSIONER EBERT: Yes.

MS. PERRY: So I could probably eyeball it and give it -- if Alan says Town Center 2 right now is 158 acres, looks like Town Center 3 is maybe a little bit bigger. It appears to be anyway from the master plan. But just the total of all town centers is 265.

COMMISSIONER EBERT: Okay. And then on your transportation analysis -- and I'm going to stick with you -- it says here that -- and I'm new to this commission, but it says here that Town Center 2-B was already permitted. I thought that's what we were here to do today.

MS. PERRY: In the traffic analysis it says it was already permitted?

COMMISSIONER EBERT: Uh-huh.

MS. PERRY: Well, maybe it --

COMMISSIONER EBERT: It says it was permitted on March 23rd, 2010.

MS. PERRY: Oh, I'm sorry, you're absolutely right. The staff administratively approved the movement of a portion of Town Center 2-A -- I'm sorry, 2-B to Oil Well Road. That was administratively done.

What the staff did not do was approve the movement of the access point. That has to be done by an actual SRA amendment, which is why we're here.

CHAIRMAN STRAIN: Before we go on from that point, I'd like to interject. And Ray, you know the issue.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: You are here today for an SRA as well. So we're not here just for the DO. The SRA approval by staff was administrative in regards to the process they had to go through to get it here today, but today is the approval for the SRA map change.

MS. PERRY: You're absolutely right.

MR. BELLOWS: Yes, that's correct. When we started the process, we coordinated with the Regional Planning Council and determined that there were no regional impacts -- additional regional impacts.

However, after the review process, we coordinated with the County Attorney's Office and DCA and we determined that the process should require an SRA resolution to be part of this process. And that's why we're here with both items today.

CHAIRMAN STRAIN: Just wanted to make sure we got that clarification for Diane's question. Thank you.

MS. PERRY: And just so you're clear, the DO is being amended because the SRA master plan was attached as an exhibit to the DO. So it's one map but two processes.

CHAIRMAN STRAIN: And when you file 800 pages for a legal document, it does present problems, especially trying to download it and read it all.

MS. PERRY: It sure does.

CHAIRMAN STRAIN: Go ahead, Diane, I'm sorry.

COMMISSIONER EBERT: No, that's -- well, I do have another question, as long as you're up here.

I see that you're bringing the 50 acres, but this map that I got from the paper on July 25th doesn't match what you're doing here.

Are there homes in this area over here now where you're bringing 2-B?

MS. PERRY: Are there homes existing now?

COMMISSIONER EBERT: Yes.

MS. PERRY: No, ma'am. It's vacant agricultural operation.

COMMISSIONER EBERT: Okay. And this picture from way back, is this what you plan on putting here? You're only -- it's like a -- to me it's like a puzzle. It's Where is Waldo. You're only bringing bits and pieces of the puzzle, you're not bringing the whole picture. And I'm wondering why you're not bringing the whole picture at this time.

MS. PERRY: I think the answer is because we don't have the whole picture. At the SRA master plan level, it's conceptual. It's bubbly, if you will. And we say and list all the uses that could be in there. Could it be residential mixed with office, retail, business? Yes, it could. We can't really predict, you know, the future. We don't have a detailed plan, especially at this level, that we want to be bound to when it's a conceptual master plan.

COMMISSIONER EBERT: But you do have a complete picture? In other words, it will look like this at some time is what you're hoping?

MS. PERRY: That's what we're hoping. And I'm sure that our client has had architects do multiple renderings of what it could be. What it will be is going to be directed by market demand, what do they want.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Any other questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay, thank you. We'll need Kay now.

And just so everyone knows, Kay got in on a real late flight last night, so thank you for getting up and getting in early. Appreciate that.

MS. DESELEM: What's to get up? I never went to bed.

Good morning. For the record, Kay Deselem, Principal Planner in Zoning.

And you have before you the staff reports that were prepared for both petitions, the DOA petition and the SRAA petition.

And I won't belabor the issues other than to say that we -- the staff reports on both show the requested action, explain the geographic location, and attempted to depict what was being proposed to change on the various pages of both staff reports, noting that they do tend to mirror one another because the change is the same for both, just two different things that have to be changed.

On Page 4 of the SRA staff report is the Growth Management Plan analysis. Going over to Page 5 you have the zoning review and the transportation review. And staff's recommendation then follows that.

Staff in their review did consider primarily the compatibility with adjacent land uses, with our focus being on the things that are adjacent to this particular tract, where it's being moved to. And we did consider the criteria in LDC Sections 4.08.07.E.1 and 4.08.07.A.1. And obviously we did consider the GMP, finding that this particular petition's request is consistent with the Growth Management Plan. Staff did recommend approval.

Similarly, on the DOA you have the requested action, the geographic location and the explanation of what is being proposed. This does go into more detail about the DRI issues as far as the involvement of Department of Community Affairs and the Regional Planning Council. And staff's review and the transportation review is also included.

And staff is recommending approval of the DRI development order amendment with the resolution that you have, noting that we do have a new master plan that was submitted today.

And if you have any questions, I'd be happy to address them.

CHAIRMAN STRAIN: Okay, are there any questions of staff?

Mr. Schiffer?

COMMISSIONER SCHIFFER: Kay, and you heard my concern. My concern is that we really wanted this to be a mixed use, all of these new towns. And the concern about splitting up one town into two towns and dividing it I still don't understand, but there is a bookkeeping, or somehow it's easier to do that.

Is there any way we could lose the balance that a mixed use town would have? For example, the way the

development program is now, could somebody grab a town center and build it all residential?

I don't think they could, because I think the intent is that it's supposed to be a mixed use development.

So the concern here is if they pull all the office area out of what would be 2-A and put it in 2-B and then add it all up back into 2, is -- do you have that same concern or is this --

MS. DESELEM: Not really. Just understanding that this is a large, large project DRI. And it's customary that you have a large list of uses. And the applicant is then allowed to develop the project as they wish over time using whatever uses are permitted.

COMMISSIONER SCHIFFER: All right. But if they put all the office in 2-B and all the residential in 2-A, did we -- is this a mixed use development then? I don't think it is, because that's the same as if you conventionally zoned one land residential and one land commercial.

So my concern I guess is that in its division of how they're building it out we have no idea. When we ask questions about it, they have no idea. At least they've not giving us, you know, what it is they intend to do there. So how are we assured that this site is going to be a mixed use?

If it came in to your office totally office buildings, is there anything in the development that you would say, whoa, you can't do that, this is a mixed use, these towns?

MS. DESELEM: Off the top of my head I'm not aware of anything that would prohibit that. Like I said, as long as it's consistent with the uses allowed in the Growth Management Plan and the allowances within the SRA designations of the LDC.

COMMISSIONER SCHIFFER: Okay. So the site has a gross amount of uses. And theoretically each of these new towns now could grab one of those uses and hundred percent it on each of their sites. Which would be the same as conventional zoning, and why did we go through all this conversation about mixed use five years ago?

MR. BELLOWS: For the record, Ray Bellows.

I worked on the original SRA for Ave Maria. The total SRA boundary is a mixed use development. The town center is also encouraged to have a mix, but there are no minimums set of how much residential -- or there is no ratio between residential and commercial within the town center itself, so it technically could come in as all commercial.

COMMISSIONER SCHIFFER: Okay. All right, thanks.

CHAIRMAN STRAIN: Anybody else have any questions of staff at this time?

(No response.)

CHAIRMAN STRAIN: Kay, on your staff report on Page 5, the --

MS. DESELEM: Excuse me, which staff report?

CHAIRMAN STRAIN: The one for the SRA, I'm sorry.

MS. DESELEM: Thank you.

CHAIRMAN STRAIN: The fifth line down, there's a sentence that starts, it says the petitioner. Under staff review.

MS. DESELEM: Yes.

CHAIRMAN STRAIN: Says, the petitioner has demonstrated that he has acquired or will acquire sufficient stewardship credits to implement the SRA.

That SRA's already been implemented and they did acquire them, so that's not -- no longer will acquire, they have required; is that correct?

MS. DESELEM: That's correct, sir.

CHAIRMAN STRAIN: Okay. The other thing I noticed, and I think it's been corrected, the traffic impact statement letter that was supplied with the SRA was different than that of the DRI. The DRI still retained the old letter. We've received an email acknowledging, I want to make sure it's right for the record, that the letter applies to both the DO application and the SRA application. You may have been gone.

MS. DESELEM: I was going to say, I can't respond to that because I didn't see it. Perhaps Ray can.

MR. CASALANGUIDA: It does, yes.

CHAIRMAN STRAIN: Okay. And in your analysis of the map change, the one that was originally in the packet, would you have changed your analysis in any manner based on the one that was slightly modified and is in front of us today?

MS. DESELEM: No, sir.

CHAIRMAN STRAIN: Okay. And that's the only questions I have at this time. I may have some more later as we go through public speakers.

Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, Ray, we'll start calling the public speakers. I ask that please limit your discussion to five minutes and --

COMMISSIONER MURRAY: Heidi wants --

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: At some point, whether you want me to do it now or a little bit later, I just wanted to go over the criteria for the DRI that you would be reviewing, as well as the criteria for the SRA, to make it clear. We've got some new members, and I want to make sure everybody's clear.

CHAIRMAN STRAIN: The criteria meaning under what -- what we have to review by? What elements we use --

MS. ASHTON-CICKO: Yeah, the criteria --

CHAIRMAN STRAIN: That might be useful for the public to hear before they speak, so why don't you do it now then.

MS. ASHTON-CICKO: Okay. As to the DRI, you're looking at compatibility with the Land Development Code, the Growth Management Plan and impacts on the infrastructure.

As to the SRA, Kay mentioned the applicable sections, so you're looking at compatibility. And then you're looking at Sections 4.08.07.E.1 and 4.08.07.A.1. And I have copies here that I'd like to distribute that you can take a look at.

CHAIRMAN STRAIN: They're existing code?

MS. ASHTON-CICKO: Pardon me?

CHAIRMAN STRAIN: They're all existing code, right?

MS. ASHTON-CICKO: That's correct. And I'm just going to pass it out because it wasn't part of the backup materials. So you can take a look at that. And if anyone has any questions, I'm happy to answer them.

That's it, thank you.

CHAIRMAN STRAIN: And Heidi, before I forget, in the proposed resolutions I had mentioned a suggestion to a change on items four and six to you previously, involving the additional impacts and inserting the word overall. Did you have any objection to that?

MS. ASHTON-CICKO: Yes, I agree, it's appropriate to the insert those words. Would you like me to read how the sentence would read?

CHAIRMAN STRAIN: That would be better, yes. It's on Page 3 of the proposed resolution. And there were two instances in which the impacts weren't defined as overall impacts, and I suggested adding that language. Go ahead.

MS. ASHTON-CICKO: Okay. So on Page 3, number four would read: A comprehensive review of the impact generated by the proposed changes to the previously approved development has been conducted by the county's departments and has established that the changes result in no additional overall project impacts.

The insertion of the word overall.

Number six would read, no increase in overall development intensity is authorized by this development order.

CHAIRMAN STRAIN: Thank you.

MS. ASHTON-CICKO: Those would be the changes. And I have extra copies of the sections that I distributed to the Planning Commission, if anyone would like them.

CHAIRMAN STRAIN: Okay. Now, with that, we'll ask for public speakers. Ray, would you start reading off the registered speakers.

MR. BELLOWS: Nancy Freeman.

CHAIRMAN STRAIN: And you can use either podium. The next person in line will be mentioned, just so that you're ready to come up when your name's called.

Ray, could you read the second one?

MR. BELLOWS: And the second one is Mark Petersen.

CHAIRMAN STRAIN: Thank you.

MS. FREEMAN: Good morning. I'm Nancy Freeman, I'm a homeowner in Ave Maria. And I actually object to the rezoning on two fronts. First and foremost is a matter of faith, but I won't go into that, since we were basically asked not to.

I moved to the area believing that this would remain to some extent a rural setting. And not only neighboring but including in our complex a medical center which would also include perhaps industrial, commercial, housing that we were not aware of.

As Mr. Schiffer pointed out, there's so many factors unknown. And that's a lot scary. If they don't even know what's planning -- what's going to be planned there.

And I believe that this rezoning is in fact laying the groundwork for possibly a facility and/or facilities that is not compatible with our community of Ave Maria.

I also have two other letters from homeowners that I would like to submit. I won't read, but I would like to submit them.

CHAIRMAN STRAIN: Okay, staff can take them and make sure the distributions are provided to the court reporters and to the Planning Commission when they're available.

Thank you, ma'am.

MR. BELLOWS: Mark Petersen, to be followed by Fay Petersen.

MR. PETERSEN: Good morning, ladies and gentlemen, Mark Petersen.

My wife and I are the longest living residents in the Del Webb community at Ave Maria. In fact, Del Webb community is encompassed right here --

CHAIRMAN STRAIN: Sir, if -- you can go close to it, but you've got to use that remote mic. in order to -- for us to -- you've got to be on the mic. at all times. Thank you.

MR. PETERSEN: Thank you.

The Del Webb community is right here. And here's the proposed where they're moving the zoning of 50 acres from 2-A to 2-B. Our home are (sic) also the closest home in entire Ave Maria to this, right here.

We're 100 percent in favor of this rezoning down here. And for us, whatever use they want to do is in full compliance with what we want in this community. We have no problem with it at all.

And just want to also mention, this is a BelleraWalk area, which will also be incorporated here. I think it's important the developers, Pulte, which has all this area, is in favor of this rezoning. They're currently spending \$34 million in building a new sales center, new models. There's four new homes going up now. And right across from here is where our new 33,000 square foot amenity center will be going up. So the Del Webb portion should be alive and well, and they expect to sell several hundred homes, hopefully within this next year.

The rest of Ave Maria, when they mention going out John Pope Paul Boulevard where 2-A is and the commercial area out there, there's nothing. Ave Maria, to survive with the other developments there, Emerson Park, Hampton Village, we've got to get some type of business in there. Right now they don't have anything. They're trying to entice business to come in.

As Mr. Schiffer said, whatever intention -- and other people are referring to Jackson Labs. Even if it doesn't become Jackson Labs, this is going to be an area, we're right near a six-lane new road going in that hopefully will be a further enticement to bring business out there to hopefully have Ave Maria survive into the future. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MS. PETERSEN: Good morning, Commissioners. My name is Fay Petersen.

And I won't -- I just want to go on record as saying that I fully support the rezoning that's the issue today. Obviously I have the same sentiments as my husband. I just want to go on record saying I 100 percent approve of it and support it. Thank you.

CHAIRMAN STRAIN: Thank you.

MR. BELLOWS: Richard Dionne, to be followed by Ann Hunt Brefka.

MR. DIONNE: Richard Dionne:

I apologize if we're going to be saying things that don't pertain exactly to zoning, but I will be brief.

This is from our neighbor who asked me to read this, and you already approved this, okay. This is from Frank and Karen Apang (phonetic): Dear Commissioners, as residents of Ave Maria at 4423 Kentucky Way, we strongly oppose the resolution to revise the SRA master plan to divide a town center. We are against any rezoning

that would accommodate the Jackson Lab and the technological cluster.

We are morally opposed to some of the Jackson Lab research methods, specifically those that do not respect life from conception to natural death. As taxpaying property owners, we oppose the use of taxpayers money to support a project that the majority of Collier County voters do not want.

And from my wife and I, at 4422 Kentucky Way, we disagree with the rezoning proposal in Ave Maria. We are opposed to any rezoning to the Ave Maria master plan which would accommodate Jackson Lab and the technological cluster.

We are morally opposed to some of the Jackson Lab research methods, specifically those that do not respect natural conception to natural death. As taxpayers we do not want to use taxpayers money to support a project that most voters in Collier County do not want.

When we bought our home in Ave Maria a year-and-a-half ago, we saw the plan as part of the booklet from Pulte, and we agreed to it. And we certainly did not expect it to change into what it's becoming. We agreed to live there under those conditions, and we want it to stay that way. And we plead you to please do not approve this rezoning. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. BELLOWS: Ann Hunt Brefka, to be followed by John Hallenbeck.

MS. BREFKA: Yes, I'm Ann Hunt Brefka, and I also live in Ave Maria.

I would like to point out that although the gentleman did speak from the area where he claims was going to be the closest to the commercial area, I do believe it actually is being changed for the purpose of Jackson Lab, but that's beside the point. It could happen that Jackson Lab would not go there.

I happen to come from a small town where the residential and the commercial happen to interject (sic), as it will be with Del Webb and this commercial area. There was a small shop, and then they extended it.

And the neighbors who would have been proportionately between the closer Del Webb and the commercial on Oil Well Road, because it is going to be a six-lane, it turned out to be a motorcycle repair shop. So the neighbors who were within the mile or so area were hearing all that rrrrrrr, rrrrrrr. It might sound fantastic, it couldn't happen, but it does.

So I do think that you should be very careful. I do not think it would be necessary or it would even be appropriate for the sake of Del Webb to have a commercial area there, especially since it's been so -- well, what's it going to be, well, we don't know what it's going to be, well, it could be this -- I do think that all of a sudden people in that area would find their properties devalued. This is what I would like you to consider at this time. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. BELLOWS: Joanne Hallenbeck, to be followed by Magdlyn Olander.

MS. HALLENBECK: Joanne Hallenbeck.

As a homeowner and resident of Ave Maria, I am one of those most impacted by Jackson Labs setting up shop virtually next door to our entrance. And I have serious doubts about its purported benefits. And for that reason I respectfully submit the following questions to our Board of Commissioners.

Why has the feasibility study on the success of a biomedical complex in Ave Maria not been undertaken? One does not incur \$130 million debt without some assurance of a return on their investment. Other bio-clusters in Florida and elsewhere are not performing as they projected due to the economic downturn. And other clusters, such as the one in Austin, Texas are having to lay off workers.

Two: Why are the taxpayers of Collier County not being allowed to vote on the issue? Four of our five County Commissioners have refused to allow our citizens to vote on the subject of taxpayer funding of Jackson Lab for 130 million, yet the expansion of the Naples zoo for three million was put to a vote.

Let us proceed with prudence. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MS. OLANDER: My name is Magdlyn Olander, and I live at 5472 Katia -- spelled K-A-T-I-A -- Court, and that is in Ave Maria. It's the BelleraWalk portion of Del Webb.

I'm here today because I am against the rezoning of the situation.

I won't belabor the point, but I just want to tell you that I am retired and came to Ave Maria to enjoy the

beauty of Collier County and the community of Ave Maria. My brother has lived in Naples for like 35, 40 years, and I always loved coming to visit because it is so beautiful here.

I came here because I believe in the sacredness of being able to practice my faith in a community of young, with the university, and older people of wisdom, because we are a mixed community. This is a great combination, in my estimation.

However, I am opposed to the rezoning. We all want economic growth and jobs; however, not at the expense of taxpayers in Collier County.

I mean, we read the newspaper and we are not -- we are enlightened by some things that may be true, some things that may not be true. None of us can predict the future. But from what we have seen from some of the situations that have occurred, it just doesn't look Kosher to me.

I would like to say that we need to -- excuse me. We need to have the right situation for our citizens and local community that evolves at the proper time, and then we can have peace. We don't want our neighbors divided or having any situations in there that would cause us division. And I'm afraid that's what is happening, a company we want who will bring their own resources to stimulate their own growth and progress.

I cannot envision a Jackson Lab at Ave Maria's front door. It would be comparable to putting mice mecca mosque next to Ground Zero sacredness. Jackson Lab could alter its mice to use them as human minions, allowing the killing of humans in the name of genetic research. I say no from the beginning, no rezoning, no arbitrator, no mice mecca. I stand for growth and I stand for life. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. BELLOWS: Mike Hallenbeck, to be followed by Jim Kelly.

MR. HALLENBECK: Good morning, everybody. My name is Mike Hallenbeck, H-A-L-L-E-N-B-E-C-K.

This is a technical forum, so I had my speech all made up and everything, but everybody's covered it.

So I'd just like to go on record that I am against the rezoning. That's all I have. Plus my wife's here. So thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

MR. HALLENBECK: Merry Christmas.

CHAIRMAN STRAIN: I appreciate your brevity. Sometimes that's more impactful. Thank you.

Next speaker, please.

MR. BELLOWS: Jim Kelly, to be followed by Elizabeth Bancom (sic).

MR. KELLY: Good morning. I just wanted to point out when I came into the building today I was struck by the In God We Trust sign by the elevator, In God We Trust sign by the stairwell, In God We Trust on the seal of the State of Florida right behind you.

And I understand this is a technical zoning matter, but I also understand this is the United States of America. And it's not coincidence that that's on our great seals, both for the country and for the state.

So I'll just go ahead with my statement, my contribution as a public citizen.

When the founders of our country established our current form of government, they did so with an understanding that people will need both faith and reason to successfully operate in a free and open society. They also understand that a state endorsed religion would lead to tyranny, the same type of tyranny from which they fled in order to practice freely their religion. The journey's well written and we all know about it.

We find ourselves today in a similar situation here in Collier County. Except for the establishment of Ave Maria University, the Ave Maria Stewardship District wouldn't exist and the request for rezoning would not be necessary.

Our country's founder put in place safeguards to religion and society in the form of amendments to the U.S. Constitution and a mandate that all states form their own Republican form of government.

So we are here, assembled peacefully, exercising our rights spelled out in our constitutions both the Florida and U.S. Today my desire is to call to mind both the constitutions that we operate under. Certain rights are spelled out and granted to us in those constitutions, not by the state, but the constitutions acknowledge those rights are granted by our Creator.

I believe that the liberty that this country has provided the citizens here and has facilitated around the world would not exist without the elected representatives acknowledging that they have a final Arbiter that will judge their

actions.

You have enormous responsibilities as freely elected representatives of our country. You may act with near impunity and suffer only the fate of being voted out of office, or off the commission. Your decisions will live on and impact our children, our grandchildren, as you know.

In today's culture it is an accepted practice to denigrate religion, especially the Christian religion, and secular culture is trying to push religion from the public square.

Well, in my view there's no wall of separation written into either of the constitutions, and such a law would in itself be unconstitutional. States and municipalities are arguing the point throughout the country as you know also.

Therefore, it is appropriate that citizens of Ave Maria bring religion into the debate on rezoning for our town. Ave Maria is a Catholic university. The history of Catholic thought and Catholic emphasis on reason and seeking truth had great influence on liberty and the advancement of modern society, vis-a-vis individual rights.

Therefore, I encourage you to recognize that today there is a very significant connection to what the debate is all about. And the question that the founders had at the beginning of our country; namely, how much we must acknowledge and thank -- excuse me, this is heartfelt, as you know -- how much should we acknowledge and thank the Almighty God in founding our country. And much more so today -- excuse me -- how much should we use our personal faith as a part of our decision-making when we come to the choices that we have to make as elected representatives.

Today I pray that you use both faith and reason when you consider the truth as it is revealed to you during these deliberations. Because you're not making these choices just for the citizens of Collier County, you're making them for our posterity.

I'll leave you with my favorite quote: If we ever forget that we're one nation under God, we'll certainly be one nation gone under.

Thank you very much for your time.

CHAIRMAN STRAIN: Thank you.

Next speaker, please?

MR. BELLOWS: Elizabeth Balcom, to be followed by Don Imbus.

MS. BALCOM: That's a hard act to follow.

I am Elizabeth Balcom and I'm a homeowner at 4436 Steinbeck Way, and I've come to express my opposition to this zoning proposal.

And the presentation before our break really did focus on one of my main objectives. Because there's really no specification in this proposal, nor what I've heard from those who have presented it, as to exactly for whom this accommodation is being made. We do know that there's some businesses that are in consideration, but I think if this is going to truly be a multi-use facility, we ought to consider our own struggling businesses right now we have in the community.

If in this multi-use piece of land on Oil Well Road we wind up with a McDonald's, a gas station, a giftshop, a convenience store and some other things, could even be a strip club, it would impact on our community as a whole. Because people would stop there and not come into Ave Maria proper where the real town center is and always has been. And the giftshop, the dress shop, the restaurants, all of these things would wither on the vine, which the community has already suffered terribly in the few years of its existence.

So I would like to encourage you to reject this proposal until we know specifics about the companies that would be invited, the businesses they will bring with them.

I agree wholeheartedly with the immoral practices of Jackson Labs, as a devout Catholic. I know that the Church stands against much of what they do. In fact, the Church has made a list of non-negotiables, and many of the projects of Jackson Labs are on that list of non-negotiables.

But whether or not it's crammed down our throat, I ask you, please, to wait until we know who is really interested in this land and for what purpose. I think today we have the cart before the horse.

I also agree that Collier County residents should not be responsible for funding this. In the entire nation no one could find a private enterprise which has produced a service or goods, turned a profit on them, brings that money in their pocket to this county and says let me start up something here for you. I will make a profit, I will generate money, I can create jobs, I can encourage business.

Among other things, this one company that's been mentioned is a not-for-profit entity. In the word not you

see the word no. Why do we want a company that does not generate a profit that they can share with the community? Why in the world would the community have to support one that already receives federal funding, already receives state funding and now will want funding from the county too?

You may not realize that residents of Ave Maria pay homeowner's management fees, an assessment from the development district, because we don't have the infrastructure maintenance that the rest of the county has. We have a wonderful water plant, but because the community has not been built out we have perhaps the highest base rate for water service anywhere, perhaps even in Florida. It starts at over \$60 a month. So we are already facing up to \$300 in absolute necessary fees and assessments and bills. Please do not saddle us with further taxes. Please, please, reject this proposal.

CHAIRMAN STRAIN: Thank you.

Next speaker, please?

MR. BELLOWS: Don Imbus, to be followed by Thomas --

MR. IMBUS: Hi. My name is Don Imbus. I-M-B-U-S. I live in Ave Maria in the Del Webb community at 5856 Constitution Street.

You know, Ave Maria does need help. And I'm personally in favor of reasonable commercial development in our community. It's going to be good for our businesses, for the merchants, it's going to be good for the property owners.

And I believe that this proposal, which is basically a simple shift of 50 acres from one end of town to the other end of the town, putting it on a six-lane road is a very makes sense move, and I would simply urge you to seriously consider permitting this map change. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Thomas DiFlorio. Thank you. To be followed by Michael Mastandrea.

MR. DiFLORIO: Good morning. Thomas DiFlorio. It's D-I-F-L-O-R-I-O. I'm a resident in Ave Maria. I own my house there.

I fully support this change of zoning. I have complete confidence in the developer. I believe this will be beneficial to the town and actually the surrounding communities. I mean, I would welcome a McDonald's right there on Oil Well Road so I don't have to drive all the way into Naples or Immokalee. But, I mean, as you know, there's really nothing there. I mean, I support the businesses in town, but I also like variety. I would like to go somewhere else. And clothing stores, whatever goes out there, I'm fully supportive. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Michael Mastandrea, to be followed by J. H. Jeroma.

MR. MASTANDREA: Good morning, Commissioners. My name is Michael Mastandrea. M-A-S-T-A-N-D-R-E-A. I'm a Collier County home owner, Del Webb, 5890 Plymouth Place.

We fully support -- my wife and I fully support this rezoning. My daughter is a third year theology student at the university.

We chose Ave Maria for many reasons. And I'd like to state that we have complete trust in the developer. We're 100 percent satisfied that the rezoning is the best interest of Collier County and Ave Maria.

I'd like to include that we do own two businesses in the town center. We do not see that as a threat to our business. Actually, we believe that that would help us. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. JEROMA: My name is John H. Jeroma. I live in Ave Maria in the Del Webb community where some people have indicated they live as well. It used to be Del Webb of Ave Maria, now it's Del Webb of Naples.

There's a why. I inquired. To sell more property. Give people the perception that it has something to do with Naples and not with Ave Maria, in spite of the fact that many people moved to Ave Maria because they were Catholic and they perceived that it may be a much nicer place than the rest of the world to raise their children.

Well, this is the third year I've been here, and Ave Maria, yes, it's true, it needs help, but it needs help from the one true God. And that's something. Because when you're Catholic, and you believe you're Catholic, you have the truth, and that's what Christ came here for. He was -- He is the truth. And we don't get the truth.

Ave Maria University first of all is not a Catholic university. They're not authorized to say that. Although if you check the website, they are now the most Catholic university in America. They're a private institution in the Catholic tradition. And they are very, very quick to promote what they perceive to be financially beneficial to their objectives.

We -- or the university just got through honoring a politician who gave a \$4 million donation who there was a letter out there in the Ave Maria website that this politician wrote, and also it's out to the public in other areas as well. I am pro life, I've always been pro life, I was misquoted in this 1994 article.

Well, this I guess is the age of Google, and it doesn't take much, like a person like myself, to just get on the same internet that everybody else gets on, go to the New York Times and find many other articles where this person is abortion, pro abortion. Yet the sign goes up. And the proposal was made to Mr. Monihan about the Jackson Labs' opportunity from this nonprofit -- be careful of the word nonprofit. I once interviewed at an institution in Memphis, Tennessee. It's a famous children's hospital. I've never seen so much waste of money as I saw over there.

Well, anyway, the seat. Take a look at this ranking of this university. 1375 board scores is a lie. And I teach there. And it's a lie. And instead of rejecting the lie, they accept it. And now they want Jackson Labs for rezoning. That's what we're here for, to rezone to make -- bring this place in. And some people are in favor of it and others aren't. And the only reason not to be in favor of it is because it displeases God. The type of business that this -- that has been conducted or been promoted by the founder is atrocious. And it's a travesty.

The term Ave Maria is very sacred. It means something to the effect that I salute you most profoundly who was born without sin.

But Ave Maria is also a prayer, and it's being prayed very badly in the Town of Ave Maria and it's being prayed very badly in Naples and it's being prayed very badly in the rest of the world.

We all have to give an account of ourselves when we die. We all go before the same God. Every word, every golf ball that was ever hit, every golf cart that was ever brought on the Ave Maria golf course after hours to -- all of that, every breath you breathe.

And I ask you folks, please, please look to God. Because it's not the profit in this world, it's not the money. There's more -- it makes a difference what we do in this life. You're sitting behind that table over there, or I'm sitting -- standing over here, the people that are sitting over there, or people walking down the street. Everything matters. And it all -- we all have to give an account. Please reject this proposal.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Judith Hushon, to be followed by Damon Dix.

MS. HUSHON: Good morning, Planning Commissioners. I'm Judith Hushon. H-U-S-H-O-N.

I chair the EAC. And as such, I did have a chance to become familiar with this project the first time it came through for us. And it probably is the only time we as the EAC would hear it, unless there was something else strange came in.

But when we approve DRI's, we sort of don't expect major changes. This is -- they're only moving a little bit, but they are sort of I think changing a mix. So that's an issue that you all -- I'm hoping you all will look at.

My big -- one of my biggest concerns in Ave Maria has been the commercial development and the amount of commercial development that has not been there.

I started my life out in Reston, Virginia, and that is a planned community that was built on nothing. And the first thing they -- the county required them to put in was a full town center. And every time they opened up a new section, they had to put in a full town center.

And each town center got to have then some different kinds of stores. They used to be things like the dress store or the florist or something like that. But there were certain critical stores. The food store, the pharmacy, those kinds of things had to be there. And this was a requirement in that county.

It led to a very successful development, because you weren't forced off-site. That -- as you know, the food store only came recently to Ave Maria. And I think that's probably one of the reasons -- the lack of requirement from this county that we have a certain critical central element, even if it has to be subsidized for a couple of years to the success of that sort of a new community, is something we ought to be looking at.

I am concerned, we're talking about moving development from one place to the other. But my reason for the concern is I want to be sure that that 2-B, that new 2-B is a mixed development and not all business/industrial. I want

to be sure that that's going to serve that Del Webb community that's off to the side. Because I want to be sure that they have stores in there, convenient stores for those people so that they're convenient. That's the whole idea of these centers.

Yes, there's a concept of working and living where you work and that sort of thing. That's all part of the concept you buy into when you buy into these kinds of communities. Reston now has more jobs than people living there, I might add, so it has succeeded in reaching that model.

I also feel that moving the entrance is a bit critical. And the reason I'm concerned about it is an environmental end. When we were asked to look at this community for the first time, one of the big things we looked at were where are the entrances, is this (sic) regard to panther habitat, where are the hot spots along the road, what is required. We need to make sure that we're not interfering with that.

Also, there's another new planned part of the community, a whole big section that's now not going to have an exit. Is that an issue? I'll leave that for you to look at. But it's the second Camp Keis Road exit that's being taken away right now, I believe; isn't that correct?

CHAIRMAN STRAIN: It's being relocated, yes.

MS. HUSHON: Being -- yeah, okay.

But with that second one up there they might be happier being able to get out on a main road sooner than having to wind around through the community. I don't know.

But these kinds of concerns we really do have to look at. And my biggest concern is that one with the maintaining the balance, or requiring that the balance be maintained in that new 2-B, the balance of commercial and business.

If you bring in business, that's fine. It may be a good place for business. But we need to be sure that commercial piece is there too, because the other is far away, and it needs to be convenient. We're looking at walk to, golf cart to, bike to convenience.

Thank you very much.

CHAIRMAN STRAIN: Thank you, Judith.

Next speaker, Ray?

MR. BELLOWS: Mr. Dix, to be followed by the last speaker, Kim Narcisco.

UNIDENTIFIED MEMBER OF THE AUDIENCE: Mr. Dix had to leave to go back to work.

CHAIRMAN STRAIN: Kim Narcisco. Is she here?

MS. NARCISCO: Hi. I'm Kim Narcisco. I live at 4435 Kentucky Way in Ave Maria.

I'm a native Floridian. I was born over in St. Pete, went to Orlando and then came back here to buy a house right before Ave Maria opened to the public when they were selling homes.

Because of the advertising that I had seen, my husband and I liked the sense of that kind of community. We like the whole way it was advertised about the town center being in the middle, focused around the oratory, that whole European kind of look, which is one thing which brought us down here. And that's, from what I understand, is where the town center is now.

We have some small business owners in that town who we all try to patronize because they are struggling out there. Because we've been there for four years and we don't even have a gas station in the middle of nowhere.

As a matter of fact, my husband had to call because an alligator was going across the school yard so we could let the children know yesterday when they left to be careful.

So I can certainly understand why the developers want industry in Ave Maria.

However, I am very much opposed to this rezoning, because I don't see any reason at this point to rezone. I haven't seen any business talk about coming with their own money and giving to the community. I only hear a business wanting to take from Collier County.

I have not been able to find employment here comparable to what I had in Orlando, and it's been a real struggle just to stay in this county because of employment and financially.

So whereas new business coming in is good, there's no one out there that has showed us anything.

Some of my friends that are business owners in the town and they propose that it would be fine to move the town center from where it is over to the front of Ave Maria, and it's probably about three miles, I worry about their businesses. Because with nothing growing in the four years I've been there, and nothing proposed for maybe 10 years, if they do throw a Great Clips in there, if they do throw a Starbuck's in there, what is going to make people

come down into the town where their businesses are? What's going to make them do that? It's not like there's going to be a big madhouse rush out there, oh, yes, let's just build right away out here. Nothing's happened in four years. There's not a gas station.

So if you say yes, rezone, and they get someone in there building the McDonald's, building the Great Clips, building the store, what's going to happen to the existing business people? They're not going to come down in there. It's a big name. Your mom and pop, instead of getting a \$25 haircut, they're going to get a \$9 haircut from Great Clips.

But it's not even going to come to fruition for 10 years, at least. At least 10 years. And we have -- if we say -- we're putting the cart before the horse, like Elizabeth said. If we do this rezoning now, you're going to open yourself up and you're not going to have any control at all over what happens to your investment. And most of us out there made an investment.

They're going to build new homes. What are our homes worth out there now? We've lost. And they're going to come in and build newer homes, they're going to be able to sell them at a market that's competitive right now, and we are just going to lose, lose, lose, as pioneers who came out there on this dream that we were sold, which now the developers out there are changing completely. How many more times are we going to be snowed?

Okay, thank you very much.

CHAIRMAN STRAIN: Thank you, ma'am.

Ray, is that the last public speaker?

MR. BELLOWS: Yes, no other speakers.

CHAIRMAN STRAIN: Did we miss anybody?

(No response.)

CHAIRMAN STRAIN: Okay. I would like to ask the Planning Commission, we normally take a break for an hour at 11:45. I'd like to see if we could just skip lunch and finish this up, but I do need to give a break to the court reporters first.

So if that's okay, why don't we take a 15-minute break and we'll just continue and work right through lunch and be done. So we'll be back here at 11:40.

(Recess.)

CHAIRMAN STRAIN: Okay, if everybody will take their seats, we can move on with our meeting.

We finished presentations by the applicant, we finished presentations by staff, we had our public speakers. Customarily we allow the applicant time for any kind of final closing statements, comments or rebuttal that they would like to make, and so I'm affording them that opportunity now.

MR. REYNOLDS: Thank you, Mr. Chairman, members of the Planning Commission. Alan Reynolds again with WilsonMiller Stantec.

And I really don't have a rebuttal. I think that -- I believe that we heard a lot of comments from the audience, some of which were pertinent to the matter before us and some of which obviously are beyond the scope of what we're considering here today.

But I do just want to perhaps reinforce what Heidi Ashton counseled at the beginning, which is that this is a unique area, the Rural Land Stewardship Area. It was set up to accomplish something that is different than has occurred typically in the coastal area of the county.

We have a special process that we go through. And the context of the review of these matters is guided by the Land Development Code and the comprehensive plan, and she provided a very specific criteria by which these kinds of applications have to be reviewed.

So I just want to reinforce that, that unlike the coastal area of Collier County we have in fact a zoning overlay that's already in place. We have a special designation process that we go through for stewardship receiving areas. And so I think it's just important to make sure that we follow the criteria, if you will, of what's before us and that the actions should be held in that context.

But if there's any other questions that the Planning Commission has they would like us to address, we'd be happy to go over those.

CHAIRMAN STRAIN: Any questions of the applicant at this point?

(No response.)

CHAIRMAN STRAIN: Alan, I've got a couple. And I'll have staff, though -- I need staff's concurrence on

your responses after you get done.

I can't, without reading those 800 pages and putting them to memory that you guys filed for your SRA, there -- or for your DO. There's been a discussion of mixed uses in this property. And this is a mixed use SRA, mixed use piece of property.

But I think the discussion was leaning towards mixed use commercial, which in Collier County is something new we started working on a few years back.

To whatever extent you have requirements for mixed use in the commercial areas in your SRA or DO, has any of that changed by the move of this 50 plus or minus acres to Oil Well Road?

MR. REYNOLDS: No, there have been no changes to any requirements in the SRA.

CHAIRMAN STRAIN: So to whatever extent you're required, you do a mixed use; no matter where it is in your commercial, this commercial falls under the same category.

MR. REYNOLDS: That's correct.

CHAIRMAN STRAIN: Okay. Jackson Labs has been a discussion. And it's known that this could be the forerunner to a location where Jackson Labs might be accommodated if that ever happens down the road.

Can Jackson Labs right now go into Ave Maria without this change in any of the other town center locations?

MR. REYNOLDS: Yes, they can. They can go into Town Center 2-A and they could go into Town Center 3 without any further changes.

CHAIRMAN STRAIN: Okay. And the last question I'll save for staff. Thank you.

MR. REYNOLDS: Thank you very much.

CHAIRMAN STRAIN: Kay, first of all, do you agree with the first two responses that Alan gave me regarding my first two questions?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: Okay. The last one I have is do you know of any criteria in the Land Development Code that allows this board to weigh in on not the use but the name or the company that occupies a space that's allowed within that use?

MS. DESELEM: If I understand your question correctly, no, we don't normally as part of zoning, either staff or the applicant, in a project this large, even know what end users are at this stage.

CHAIRMAN STRAIN: And is that typical that zoning is put in place before the end users are known?

MS. DESELEM: It's almost mandatory, because without the zoning to allow the use, you can't have the final use.

CHAIRMAN STRAIN: Okay. Those are important questions, because I know the public has focused on some of those -- some of the public have focused on those in their discussion. I wanted everybody to understand what could occur if we didn't do anything today and what our limitations are in regards to some of the issues brought up.

Okay, anybody else have any other questions?

COMMISSIONER SCHIFFER: I just --

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And it's kind of talking to you, Mark, on the thing.

You know, even though we've learned today and reinforced today that they could build on any of these sites a sole use, is moving this over there -- you know, and your question was does it change anything. No, it doesn't, except for it locates it on a different road, and a road that's going to have much more traffic because of the entrance.

So -- and we're all focused on Jackson Lab. But what if Jackson Lab doesn't happen? Is this a good location for zoning? And what would happen out there? Will it be the McDonald's that they fear? Will -- you know, moving this thing for Jackson Lab is one thought. Moving it without Jackson Lab, what would we be doing? Why -- would we be here today? And I don't think we would.

My fear is to lose the mixed use. If they start sole using these properties the vision fails, and there's nothing we can do to prevent that, according to Ray. And I think Ray's probably right. Because we never really prorated where uses should be, we just came up with a master tally.

But anyway, the point is nothing's changing except we're providing the new location that if Jackson doesn't happen, it could go another way, it could be a big shopping center. And there's nothing in the SRA that would stop it.

CHAIRMAN STRAIN: Right. And from a logical planning perspective, putting commercial near both entrances is not illogical. Most of -- a lot of our communities have that already. I was surprised, looking back at this,

that that hadn't been suggested in the first place.

So from that perspective in a zoning matter, it's something that's been done in this county numerous times, so I'm used to seeing that.

COMMISSIONER SCHIFFER: But the traffic coming down Oil Well is much different than coming down through the back, through Camp Keis.

And the concern would be, it really would hurt the down -- I mean, if that became a shopping center and people would stop there on the way home, and that could really hurt the downtown, the core, the town center, which is the thing that really should be supported the most.

So, you know, if you see past Jackson Lab, is it a good move? That's my question.

CHAIRMAN STRAIN: And my question to counter that would be is if we see past Jackson Labs, is it a move we have a reason to turn down based on the code. That's the other -- I think that's going to --

COMMISSIONER SCHIFFER: And I wonder --

CHAIRMAN STRAIN: -- eat at us for the rest of our discussion, so --

COMMISSIONER SCHIFFER: -- if Jackson Lab, we never heard of it and they came in, what would we be wondering what was going on here? And I'm not so sure I support a shopping center being built -- that would not be a good place for a mixed use downtown.

CHAIRMAN STRAIN: The last time a map change came in, I believe it was Pelican Bay PUD/DRI, if I'm not mistaken. There's been a couple. And they moved commercial from their main entrance on the north end to their main entrance on the south end to accommodate an expansion of the Waterside Shops.

That got to be a stressful issue because of the size of the commercial they were moving and the fact they had some ghost density that wanted to be -- we wanted released, and there was a whole different set of parameters for that.

But the concept of keeping the commercial at the entranceway was basically the same. And that's what they did, they just moved it where the entrance was more available for them at the time.

COMMISSIONER SCHIFFER: Yeah. I mean, I think this is different than that.

But, you know, as a business park with Jackson Lab, I kind of like it. As a shopping center, I don't like it. And there's nothing in this decision today that can prevent it going either way.

CHAIRMAN STRAIN: I agree.

Ms. Caron?

COMMISSIONER CARON: Yeah. I mean, to Brad's point, suddenly now we are creating a commercial and industrial corridor on Oil Well which was not anticipated before. And because this project is in the RLSA, suddenly sticking a 50-acre commercial property there, what does that do to the properties across the street? Are we somehow -- we could be causing the premature conversion of ag. across the way, because suddenly we've created this commercial corridor where it was not anticipated before. I don't know, I think it's something that we have to consider.

I think -- you know, I think there's been all too little consideration for exactly what this move does do, versus whether or not Jackson Labs is going to be there.

I also had a discussion with Mr. Passidomo about the whole concept of the fact that this move doesn't create the likelihood of any additional regional impacts.

Well, I've got to submit that no matter what, the sole purpose of this move is to create -- will create additional regional impacts. Otherwise there's no reason to move it; they could have all the uses up on Camp Keis and not worry about a thing.

So obviously I think that this is incrementalism at its finest. We get an SRA and then we go in for an administrative change here, and then we make a map change here, and then we make a use change there. And suddenly out a ways we don't even know what we're creating at this point.

So personally to me, I think it should have gone through a substantial deviation process. But obviously DCA is telling us it didn't have to. But I just see this as multiple regional impacts that we're not even discussing. And then suddenly we'll wake up one day and we'll be going oh, my God, what have we wrought. And how many more roads have to be six-laned in order to accommodate what we've just put forth today. So I have concerns.

CHAIRMAN STRAIN: In defense of the Planning Commission's limitations, there is a possibility that if there's other approvals on a state-wide and local basis, Jackson Labs could become a reality. This would not be sufficient for what they plan to do under that basis. They would be required then to do what you have just suggested, submit for a substantial deviation or substantial change to their development of regional impact and their SRA.

It's at that time that the regional impacts that are then known to be created by what they're doing would be impacted and studied and analyzed and provided.

The impacts that they would do right now to put a facility there, whether you want to call it a Jackson Labs or an Arthrex or whatever you'd want to put there are already accepted within the limitation of the original SRA, which is what our limitations are. And they're not going beyond those limitations.

I understand the future, but we can only accept what's been applied for today. That's the knowledge we have to deal with.

COMMISSIONER CARON: But we are creating a commercial corridor where there was none before in this SRA, in this DRI.

CHAIRMAN STRAIN: Okay. It's not --

COMMISSIONER CARON: It wasn't there before. So we are creating it. And --

COMMISSIONER SCHIFFER: Mark?

COMMISSIONER CARON: -- whether that's a problem for you, obviously not.

CHAIRMAN STRAIN: No, I'm just --

COMMISSIONER CARON: But I think you cannot deny that in this shift we are creating a commercial corridor that did not exist on the original plan. And that has got to have some ramifications. And I don't know that those ramifications have been addressed.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Yeah, another thing I'd like to talk about is we looked at this thing up until the hearing started with a different site plan. And I'm not sure why we got a new site plan. The reason I don't like the new site plan is it puts a lot more frontage on Oil Well. The other one kind of tucked the project around the lake.

So my fear of Jackson Lab not happening, this is not the best site plan for the neighborhood. So no one's ever really discussed -- can we vote on the old site plan? Do we have to pick this site? Since we looked at this thing for months with the old one and we've had -- this one popped us in the hearing.

MR. CASALANGUIDA: Commissioner, it's conceptual. The width of that plan, there's no dimensions on it. So unless you specify dimensions, whether you looked at the old one or the new one from staff's perspective wouldn't make a difference.

COMMISSIONER SCHIFFER: Now I'm really scared. Now you're saying you could run the whole thing down to the entrance of Camp Keis with the commercial.

MR. CASALANGUIDA: No, sir, not -- within reason, obviously. My point being is if -- the difference between 500 or 600 feet. You know, dimension of the lake, it's not dimension, so it's a concept plan at that location. If you wanted it dimensioned I'm sure that could be done.

COMMISSIONER SCHIFFER: Then why did they --

MS. ASHTON-CICKO: My understanding, that this was just a visual aid. I wasn't -- I haven't studied this map in comparison to the one that's in the agenda. So unless the applicant has, you know, an objection, my preference is to use the October 21st plan that is attached in your package.

CHAIRMAN STRAIN: That's up to the applicant at this point.

MR. REYNOLDS: Applicant has no objection to that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: And, I mean, this thing is pretty precise. I mean, it shows the town core. Everything else looks pretty good, Nick. I mean, there's a scale on it. I mean, if somebody did try to run it down, I'm sure you would use this to prevent them, so --

MR. CASALANGUIDA: Within reason, sir, yes.

COMMISSIONER SCHIFFER: Because there's a big difference between these two site plans. One pushes the development around behind the lake, which makes more sense for an office park. It doesn't make sense for a shopping center. This is a better shopping center site.

And again, my fear is not Jackson Lab, it's no Jackson Lab.

MR. CASALANGUIDA: Again, Commissioner, it's not specified the exact dimension. We would scale it and meet its approximate intent. If this Planning Commission said you wanted more specificity, that would be something you could request.

COMMISSIONER SCHIFFER: So we can go back to the old one.

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay, does anybody else -- Ms. Ebert?

COMMISSIONER EBERT: Yes. I have concerns with this myself. I still think it's like the Where is Waldo puzzle. There is a huge difference on impact by moving just 50 acres here.

And I mean, I go back and I look. And I understand we're only here for this small zoning, but when you look at the big picture and the people from Ave Maria can't even tell you what is envisioned, that bothers me. And so I feel uncomfortable with this, and I have to tell you, I cannot support that -- support this --

(Applause.)

CHAIRMAN STRAIN: Please. I've got to ask that you kind of refrain from the clapping at this point. We have to finish up our discussion.

Anybody else want to have any comment before we call for a motion?

COMMISSIONER SCHIFFER: Well --

CHAIRMAN STRAIN: Okay, we're going to --

COMMISSIONER SCHIFFER: Let me just, one more tiny comment.

Is there a way we could phrase the motion such that if Jackson Lab or a biomedical center is built we can go there, if it's not, then it reverts back to the old town center?

CHAIRMAN STRAIN: You can -- anybody that makes the motion can phrase it any way they want. Whether it's acceptable to the applicant or the rest of us, we'll have to weigh in on it. I mean, you can make any motion you want when we call for a motion. Anybody can.

COMMISSIONER SCHIFFER: That made -- the staff all started wiggling when I said that.

CHAIRMAN STRAIN: I don't know if you -- we're back to being name specific and I'm not sure that is within our criteria to weigh in on.

MR. CASALANGUIDA: It's always our concern here --

MS. ASHTON-CICKO: No, I don't recommend that you attach it to the end user.

CHAIRMAN STRAIN: And we tried to do that one time with a Target and we were told we couldn't use the name of the facility as a basis for our vote. So I think we've got to be careful with that, Brad. It does show a bias and we're not -- at this level, we can't be.

COMMISSIONER SCHIFFER: But again, my bias isn't Jackson Lab, my bias is a research park versus a shopping center. I'm trying to prevent that from becoming a shopping center site as best I can. Is there a way that motion could do that?

MR. CASALANGUIDA: The application before you -- again, you're going to have to talk to the applicant -- is to relocate approved uses to a different location. So that's only what's before us now. So you'd have to talk to the applicant to see if they'd want to restrict those uses.

COMMISSIONER SCHIFFER: Well, and to be honest, I don't really want to restrict them, because I like the mixed use the best.

Okay, we'll go on with that.

CHAIRMAN STRAIN: Okay, anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay, with that, Ray, we'll close the public hearing and we'll entertain a motion.

Does anybody on the Planning Commission wish to make a motion?

(No response.)

CHAIRMAN STRAIN: Okay, somebody on the Planning Commission needs to make a motion.

COMMISSIONER MURRAY: I'll make it.

COMMISSIONER HOMIAK: They're separate.

CHAIRMAN STRAIN: Mr. Murray offered. And then we're going to take each one separately, so it will be a separate motion for the DO and a separate motion for the SRA.

Mr. Murray?

COMMISSIONER MURRAY: Yeah, coming up.

With regard to DOA-PL2010-1751, the Town of Ave Maria DRI, I offer that it be approved as offered -- or as described, rather.

CHAIRMAN STRAIN: Okay, is there --

COMMISSIONER HOMIAK: Second.

COMMISSIONER MURRAY: And with staff recommendation.

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: Okay. Motion made and seconded with staff recommendation.

Now, discussion. Anybody have any discussions?

Mr. Schiffer?

COMMISSIONER SCHIFFER: Just shouldn't we have voted it the other way around? In other words, then Bob, he went to the DOA to match the amendment to the town plan, which we haven't done the amendment to the town.

CHAIRMAN STRAIN: DOA is the first one on the agenda, so I was going in order of the agenda.

Does it matter, Heidi?

COMMISSIONER MURRAY: As was I.

MS. ASHTON-CICKO: I mean, it can be done simultaneously. But, you know, I mean, I'm not -- I mean, it can't be done simultaneously because you have to have two votes, but I prefer to do the DRI first.

CHAIRMAN STRAIN: That's what we're doing.

Okay, now, is there any comments about the motion from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: I've got one. And I will be supporting the motion on purely grounds of zoning issues that I believe are under the criteria of this board.

COMMISSIONER MURRAY: Right.

CHAIRMAN STRAIN: I don't disagree with many of the things said here today, but I don't believe my hands are free in order to make a decision outside the Land Development Code and the Growth Management Plan.

COMMISSIONER MURRAY: Yes.

CHAIRMAN STRAIN: Hearing nobody else --

COMMISSIONER MURRAY: And I as the motion maker would echo that.

And while there are some impassioned pleas for change about the future that is unknown, speculated as being potential, perhaps will manifest, but the reality is that we are constrained within reason in the law to relate to what is given before us.

And the developer is free under a public hearing to seek changes that will facilitate and benefit the Town of Ave Maria, and is no purpose that I can think of that they want that they can destroy the Town of the Ave Maria.

So that's why on those bases that's the reason for my suggestion we approve it.

CHAIRMAN STRAIN: Any other discussion?

(No response.)

CHAIRMAN STRAIN: If not, all those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

COMMISSIONER EBERT: Aye.

COMMISSIONER CARON: I'm opposed.

CHAIRMAN STRAIN: Please, hands for those that oppose.

COMMISSIONER CARON: (Indicating.)

COMMISSIONER EBERT: (Indicating.)

CHAIRMAN STRAIN: Okay, motion carries 7-2, Ms. Ebert and Ms. Caron objecting.

Okay, is there a motion for the SRA?

COMMISSIONER AHERN: I'll make --

CHAIRMAN STRAIN: Melissa, would you like to try that one?

COMMISSIONER AHERN: -- a motion. Sure.

Motion to approve SRAA-PL2010-1988 as received.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER MURRAY: Second.

CHAIRMAN STRAIN: Second made by Mr. Murray.

I'm assuming that's subject to any conditions in the staff recommendations, which I'm not sure there are any, but that's usually a caveat we include.

COMMISSIONER AHERN: Yes.

CHAIRMAN STRAIN: Okay. As far as discussion, does anybody have a discussion on the motion?

COMMISSIONER SCHIFFER: Well, this is my concern for the shopping center, so I think I'm going to be voting against this one.

CHAIRMAN STRAIN: And I will be supporting it for the same reason that I stated for the development order.

Any others?

(No response.)

CHAIRMAN STRAIN: Okay, all those in favor of the motion, signify by saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Aye.

Any of those opposed, please do so by raising the hands and saying nay.

COMMISSIONER EBERT: Aye.

COMMISSIONER CARON: (Indicating.)

COMMISSIONER SCHIFFER: (Indicating.)

CHAIRMAN STRAIN: Brad, are you against?

COMMISSIONER SCHIFFER: I am against, yes.

CHAIRMAN STRAIN: Okay. Mr. Schiffer, Ms. Caron, and Ms. Ebert are against the motion.

The motion carries 6-3.

That ends the issues of Ave Maria for today.

I honestly appreciate everybody's input. We'll look forward, see where it goes next.

***Okay, we have one item of old business -- no, there's no items of old business, they've been continued.

***We have one item of new business. Barry, you had mentioned you wanted to mention something?

COMMISSIONER KLEIN: Let me find it.

COMMISSIONER CARON: He doesn't remember it.

COMMISSIONER KLEIN: Give me a second here.

COMMISSIONER MURRAY: Give the man a second.

COMMISSIONER EBERT: Well, he had it at the beginning of the meeting. Now he's lost it.

COMMISSIONER KLEIN: Okay, Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir?

COMMISSIONER KLEIN: Relative to the November 4th meeting, on Page 1, the people on the Planning Commission were appropriately identified as absent or present, except for myself, I was present. I was here before 8:30 a.m., which was -- I'll never live down my first venture here. And Commissioner Homiak also is memorialized in Page 2 by asking me if I was here, and I was here. And it's in Page 2. So I would like the --

CHAIRMAN STRAIN: Okay, so it looks like you've got to change the min -- but we already voted on the minutes of November 4th. That's like the third thing up on the agenda. So that's when we're supposed to catch it is when we ask for --

COMMISSIONER EBERT: And you told him to hold it.

COMMISSIONER KLEIN: You told me to hold off.

CHAIRMAN STRAIN: Oh, you said you had something new. That wasn't -- so I thought it was --

COMMISSIONER KLEIN: It was new to me.

CHAIRMAN STRAIN: I apologize, Barry. When you said new, I thought you were going to talk about something completely different. So -- okay, then I think you need to reflect that change in the minutes.

COMMISSIONER KLEIN: I still love Cherie'.

THE COURT REPORTER: I'm sorry.

CHAIRMAN STRAIN: Okay, with that, I think we've had an interesting enough day. I don't think there's anything else to discuss.

Is there a motion to adjourn?

COMMISSIONER AHERN: Motion --

COMMISSIONER EBERT: I make the motion we adjourn.

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

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

We are adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:55 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 1-6-11 as presented or as corrected .

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