

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, July 7, 2011

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

CHAIRMAN: Mark P. Strain  
Melissa Ahern  
Brad Schiffer  
Donna Reed Caron  
Karen Homiak  
Bob Murray  
Diane Ebert  
Barry Klein  
ABSENT: Paul Midney  
Tom Eastman

ALSO PRESENT:

Nick Casalanguida, Growth Management Division  
Raymond V. Bellows, Planning Manager, Zoning  
Heidi Ashton, County Attorney's Office

CHAIRMAN STRAIN: Okay. Here we go.

Thank you, Ray.

Good morning, everyone. Please, everybody, if you could have your seats. I'm going to ask you to sit down so we can stand back up for Pledge of Allegiance, please.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Welcome to the Thursday meeting, July 7th, of the Collier County Planning Commission.

With that, we'll ask for roll call by the secretary.

COMMISSIONER HOMIAK: Oh, Mr. Eastman is absent.

Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is absent.

Ms. Caron?

COMMISSIONER CARON: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Mr. Murray?

COMMISSIONER MURRAY: Here.

COMMISSIONER HOMIAK: Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: And Mr. Klein?

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda. Does Ray or anybody have any changes or additions or modifications? If not --

MR. BELLOWS: I have no other changes other than just a general comment at the end about the tour of the landfill site. We can have that under, like, new business or something.

COMMISSIONER MURRAY: We're going to have that this morning?

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah. Commissioner, I don't have any changes to the agenda, but I did want to bring up an issue. I was speaking with KD, who does our television, and we have a hum over here on the right-hand side.

CHAIRMAN STRAIN: Melissa, would you stop?

COMMISSIONER AHERN: Brad?

COMMISSIONER CARON: And there's nothing that she can do about it -- and I don't know how far down it affects people -- but it's -- until we get some replacement equipment, that's going to be an issue for those of us down on this end of the dais.

But, also, she wanted me to remind everybody to speak directly into their microphones. They're having some trouble in the Clerk's Office with the tapes from people not speaking clearly and directly into their mikes, so just as a reminder to everybody.

COMMISSIONER HOMIAK: That would be me.

COMMISSIONER CARON: No, that would be a lot of people. Thanks.

CHAIRMAN STRAIN: Okay. Thank you.

The Planning Commission absences. Our next meeting is the 21st of this month, and unlike today, it is a jam-packed meeting. Ray has this tendency to take everything and pile it on one day instead of spreading it out over time. So we have an extremely full day next time. Today, comparatively, will be relatively short, I would think.

So -- and it's GMP amendments and regular hearing cases, too. And it's the adoption hearing, I believe, for most of those, isn't it?

MR. CASALANGUIDA: Yeah.

CHAIRMAN STRAIN: Okay. So, anyway, anybody know if they're not going to be here on the 21st?

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Barry, okay.

Next item is approval of minute. We have two sets of approval, May 19th and June 2nd. Let's take May 19th first. Are there any changes to the May 19 minutes? If not, is there a motion to approve?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Ms. Homiak. Seconded by?

COMMISSIONER SCHIFFER: I'll second.

CHAIRMAN STRAIN: Mr. Schiffer.

All those in favor, signify by saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 8-0.

June 2, 2011. Anybody --

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Ms. Homiak again.

Ms. Caron?

COMMISSIONER CARON: I'll second that with just one change on Page 31 of 35. It's just a correction of spelling. There's a comment made by Mr. Bellows at the top of the page, and it says "Commissioner Karen" as in K-A-R-E-N, and I think you meant C-A-R-O-N.

CHAIRMAN STRAIN: And you're looking at Terri as if -- maybe it was Cherie. We don't know.

COMMISSIONER CARON: I don't know. I'm not looking at anybody.

CHAIRMAN STRAIN: I'm just teasing.

Okay. With that change, is there -- you seconded.

And those in favor, signify by saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

COMMISSIONER SCHIFFER: Well, Mark, note that I abstained. I was absent, so I wouldn't know.

CHAIRMAN STRAIN: Oh, yeah. Brad abstained because he was absent, which we're going to talk about in a minute, that unexcused absence.

BCC report and recaps?

MR. BELLOWES: Yes. On June 28th the Board of County Commissioners approved Petition SV-PL-1995. That was a sign variance for Walmart. You also approved the rezone for the Emmanuel Lutheran Church on the summary agenda.

CHAIRMAN STRAIN: Okay. Thank you, Ray.

Chairman's report. The only item I'd like to, as a housekeeping matter, as mentioned, that we do have absences periodically, and we don't formally acknowledge whether they're excused or unexcused. So as far as -- I've been in this chair now for, what, four years. It was my intention all that time that unless an absence is pointed out as being unexcused, it would be considered excused.

So anytime someone acknowledges they're not going to be here -- I don't think for the record it's good to say, well, I'm going to be out of town and my house is going to be available for anybody that wants to burglarize it. So I don't think you need to go to that extension. But if it looks like someone's not telling us and they just don't show up over a period of time and they don't come back and say they were sick, well, that may be an issue we can take into consideration at that time.

But I would just assume then that all absences are excused unless otherwise stated. So that will keep it clean as we move forward. Because there is a provision in our code that if you have a series of unexcused absences, you go into the guillotine and all those good things they do.

\*\*\*So with that in mind, let's move on to the consent agenda item, and we have one. It's Gordon River Greenway Park, RZ-PL2009-25. It's a consent item. It was rather short, to the point.

Anybody have any questions, comments?

COMMISSIONER MURRAY: Yeah, I do.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Yeah. On No. 4, 50 percent or greater of the parking stalls shall be grassed parking. I think it's too in-specific with "or greater." Having heard the testimony and recognizing that there's going to be buses parking and an awful lot of cars, which we didn't realize initially, I think that we need to have more than 50 percent. And the assumption is greater would represent that, but how much greater? So I'm not comfortable with that simple statement.

CHAIRMAN STRAIN: Ray? We voted on this last time, so we can't change the vote. And do you know if the language is different? Any -- I believe the vote was as stated here. Do you see it any different? Did you remember the tape, or did you review the tape?

MR. BELLOWS: Nancy has, and she's here.

MS. GUNDLACH: Good morning, Commissioners. For the record, Nancy Gundlach, principal planner with the Department of Land Development Services.

And I did listen to the tape, and the condition is as stated.

CHAIRMAN STRAIN: Okay. Well, this -- on consent agenda we're not in a position to be able to re-vote on something. We're simply acknowledging that the consent agenda is consistent with the vote that previously took place.

So with that in mind, we'll have to just move on to the next issue. Mr. Murray, that's a point you should have brought up at the time of the vote at our last meeting when this originally came through for review.

Mr. Schiffer?

COMMISSIONER SCHIFFER: Yeah. And this is to Ray. Ray, do you think the term "grassed parking" is good enough? I mean, essentially in the code, will that mean that it's stabilized, you know, it's on top of --

MR. BELLOWS: Yes, it's clear. That's usually the standards that we would follow.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Okay. Are there any other questions on the consent item? Ms. Caron?

COMMISSIONER CARON: I just wanted to make a comment. I think that Mr. Murray brings up a good point, and I don't think any of us caught it.

COMMISSIONER MURRAY: You're right.

COMMISSIONER CARON: Obviously staff should have been on top of that immediately saying, well, how do you expect us to enforce "greater than"?

So I don't think anybody caught it. Hopefully the commission can give us -- give you-all some guidance on that.

MR. BELLOWS: Definitely. We can work on that -- improving that language and present a more concise version to the BCC.

COMMISSIONER CARON: Thank you.

COMMISSIONER EBERT: I also have a question on it.

CHAIRMAN STRAIN: Go ahead. Ms. Ebert?

COMMISSIONER EBERT: The ST overlay. That was taken off last time. What is --

MS. GUNDLACH: Yes. The ST overlay permit is going to be processed along with the Site Development Plan.

COMMISSIONER EBERT: Okay.

MR. BELLOWS: And if -- I'd like to just clarify. That can be done as a separate process apart from the rezoning.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Anybody else have anything on the Gordon River Greenway consent?

If not, is there a motion?

COMMISSIONER AHERN: I'll make a motion.

CHAIRMAN STRAIN: Ms. Ahern, made a motion for approval.

COMMISSIONER AHERN: Yes.

CHAIRMAN STRAIN: Second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

\*\*\*Okay. Next item up -- and it's one of two that Mr. Anderson has shown up for a rare occasion to present to us today. The first one is DOA-PL2010-274. It's called the Heritage Bay DRI. It's one that was continued from a previous meeting.

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

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

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

(No response.)

CHAIRMAN STRAIN: I received an email from Bruce asking me if I had any concerns, and I emailed him back that he'd have to wait and see what happens today.

COMMISSIONER EBERT: I did speak with him before on this one, because it was going to be shown earlier, and I did speak with Mr. Anderson.

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

MR. ANDERSON: Good morning, Mr. Chairman, Commissioners. My name is Bruce Anderson from the Roetzel & Andress law firm. I have with me today Mr. Chris Hasty from Pulte. And I'm here to talk about the Heritage Bay Development of Regional Impact.

The Heritage Bay DRI was approved by Collier County July 29, 2003. The development order has never been amended. The development order became effective September 12, 2003, that is, there's a 45-day window after the development order is rendered to the Department of Community Affairs before it becomes effective. The expiration date for Heritage Bay is tied to the effective date.

Heritage Bay is a mixed-use project containing residential and commercial uses. It's located at the intersection of Immokalee Road and County Road 951. The proposed change is to add a build-out date to the

development order, and to extend the current build-out date and expiration date.

The most recent build-out date was December 30, 2014, and the expiration date, the most recent one, was September 12, 2023. The notice of proposed change will extend the build-out date and expiration date by four years, 364 days.

The DRI law states that an extension of a building date of five years or less is not a substantial deviation, which means that it does not require any rereview of the DRI itself.

Since the time that this application was filed, the state legislature approved and the governor signed a bill which, among other things, extends the build-out date and expiration dates of any DRI that gives written notice to the city or county that approved it and that notice has to be given before the end of this calendar year on behalf of the developers of Heritage Bay and the quarry. I have provided that written notice.

For housekeeping purposes, the amended development order would include this new four-year automatic extension authorized by the legislature. This new DRI law, as others have done where there were extensions authorized by the legislature due to economic conditions -- it provides that this four-year extension is not a substantial deviation and will not be considered in determining whether any subsequent extension is a substantial deviation.

The Regional Planning Council approved this change at their April meeting, and the new build-out date would be December 30, 2023, and the new expiration date would be September 10, 2032. No other changes to the development order are proposed. And, hopefully, if you see fit we would request, since this is such a relatively simple change of date, that we not have to come back on the consent agenda so that we might keep our July Board of County Commissioners' hearing date.

And with that, I'll be glad to answer any questions.

CHAIRMAN STRAIN: Any questions from the Planning Commission? Mr. Schiffer?

COMMISSIONER SCHIFFER: I just wanted to be clear. Bruce, when you prepared this, you weren't aware that the state was going to give you an additional four years; is that right?

MR. ANDERSON: That's correct.

COMMISSIONER SCHIFFER: So aren't you getting from the state what you wanted originally? And the question really becomes, aren't we, in fact, here today giving you eight years?

MR. ANDERSON: Yes.

COMMISSIONER SCHIFFER: And would that not --

MR. ANDERSON: Actually nine, almost nine.

COMMISSIONER SCHIFFER: And the substantial change wouldn't kick in with that?

MR. ANDERSON: No, sir.

COMMISSIONER SCHIFFER: Okay. So if you canceled this, you would have gotten what you were originally trying to get with this from the state?

MR. ANDERSON: We'd gotten four years instead of four years and 364 days.

COMMISSIONER SCHIFFER: Okay. All right. I just wanted to say that.

MR. ANDERSON: Sure.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah. Bruce, as you know, I just want to run through the math on this just to get it right.

MR. ANDERSON: Sure.

COMMISSIONER CARON: If what you said to me -- said originally here was that the build-out -- your original build-out date before any extensions or anything was 2014?

MR. ANDERSON: No, no. That was the most recent one with the extensions that were already authorized by the legislature. The original build-out date, which was buried in the several-hundred-page application for development approval, was actually 2007.

And in 2007 the legislature authorized an automatic three-year extension for any DRI which was under construction at that time, and Heritage Bay was well under construction in 2007.

COMMISSIONER CARON: Right. So they got -- at that time -- in 2007, they got an additional three years.

MR. ANDERSON: Yes, ma'am.

COMMISSIONER CARON: And then in 2009 they got an additional two years?

MR. ANDERSON: Yes.

COMMISSIONER CARON: Is that correct?

MR. ANDERSON: Yes.

COMMISSIONER CARON: Okay. And this is coming off of 2007 as your build-out?

MR. ANDERSON: Yes.

COMMISSIONER CARON: So we're adding five years to that?

MS. ASHTON: Bruce, I don't know if that date is correct. Did you check the ADA? Because the letter -- December 2nd letter that's in the package refers to December 2009.

MR. ANDERSON: Which letter?

MS. ASHTON: It's the December 2, 2008, to you from Kay and Sue, Susan Istenes. I'll bring it over.

MR. ANDERSON: That's correct. That's correct. That was --

MS. ASHTON: Did you find it?

MR. ANDERSON: Yes. I was -- yeah. Thank you.

COMMISSIONER CARON: Okay. If there's a difference, then let's start again here. I really want to be able to walk through this so that everyone knows for the record, and then we'll figure out a way to --

MR. ANDERSON: Okay. The original build-out date was December 2009. In 2007 a three-year automatic extension was approved by the legislature that changed the build-out date to December 2012.

COMMISSIONER CARON: Okay.

MR. ANDERSON: In 2009 --

COMMISSIONER CARON: Right.

MR. ANDERSON: -- the legislature authorized another two-year extension which would have brought the date to December 2014.

This application -- well, let's go with the new automatic extension that was just authorized. That would bring the date to December 2018, and with the request that we have before you today, that date would be December 2023.

COMMISSIONER CARON: Correct, okay. That is your build-out.

MR. ANDERSON: Yes.

COMMISSIONER CARON: Okay. Now, let's run through the same thing for your expiration.

MR. ANDERSON: Okay. The original expiration date was 15 years from the effective date of the development order. Calculating that it would have been sent to the Department of Community Affairs on the same day it was adopted, which is doubtful -- but being conservative, that would have been September 12, 2018.

COMMISSIONER CARON: Right.

MR. ANDERSON: In 2007 the legislature authorized the three-year extension, that would have brought it to September 12, 2021. In 2009 the legislature authorized a two-year extension, which brought the expiration date to 2023. In -- with the new legislation, that date would become September 12, 2027, and with the application we have before you today, the date would become September 10, 2032.

COMMISSIONER CARON: Correct. Okay, good. Thank you. It's good to walk through that, because I will tell you that what this panel was given, you could not have figured that out on your own.

And I know that for a fact, because when this originally came up the first time I called the County Attorney's Office, and even they weren't quite sure how to figure it all out. So they had to go back and do the math as well.

I think it's important to do the math, and I think it's also important that we find a way in the ordinance to kind of spell this out so that, historically, if people have to back and look, you can figure out what's been happening.

It's not simple, and -- but it should be clear. I mean, it is very simple once you know what's happening, but it needs to be clear so that people can go back and figure that out.

And I leave that to the greater minds here to figure out how to do that.

MR. ANDERSON: I did -- after each of the -- after the 2007 and the 2009 automatic extensions, I did go ahead and record a notice in the public record so that, you know, it would be official in that sense, and I don't have any objection at all to listing those specific dates.

COMMISSIONER CARON: Well, we've put it in resolution form, and maybe just in that resolution form we can walk through the steps so that everybody knows where we're ending up and why we're ending up there.

MR. ANDERSON: Perhaps in the "whereas" clauses.

COMMISSIONER CARON: Yeah.

MR. ANDERSON: Okay.

COMMISSIONER CARON: Yeah, whereas, whatever -- the "whatever" clauses, you know. I just want it to be clear, and I want it to be easy for somebody who goes to look -- if the legislature then grants another four years, you know, five years from now, it should be pretty easy to walk back and look at what happened and do the addition.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: And, Bruce, these are in your annual reports that Heritage Bay gives anyway, correct? Do you note this in the annual reports when extensions --

MR. ANDERSON: I believe they are. I don't actually prepare them, but I believe they are.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Yeah, they are.

COMMISSIONER SCHIFFER: And then the next question I have is for Nick. Nick, what do these dates really mean to the county? How -- are these -- you know, how important is this issue?

MR. CASALANGUIDA: You know, for the county we look at it for transportation concurrency and zoning and vesting, but, really, they don't mean much in the sense of -- other than we monitor the development and we notify the builder/owner, as they approach these dates, that they're meeting their deadlines, you know, so they can respond accordingly.

COMMISSIONER SCHIFFER: And, conceptually, as they move them off, doesn't that take pressure off of transportation and stuff?

MR. CASALANGUIDA: No. Actually, it's a lot more work for us to monitor that development as we, kind of, put them in our model for the Long Range Transportation Plan, but not necessarily for the county, but more for the MPO as we update these, because we expect them to be built out by a certain time. And the longer they delay, we have to recalibrate everything all the time.

COMMISSIONER SCHIFFER: Okay. But essentially we're spreading the demand further down the road, which does take some short-term pressure off.

MR. CASALANGUIDA: It does, but then we have to track that vested status for a little bit longer, and then it means we've got to be, you know, cognizant of that.

COMMISSIONER SCHIFFER: Okay. And then the other question is that if a developer ignored this situation and you went past the date, their -- all their approvals would sunset? They would just -- they would lose them all, or what would happen?

MR. CASALANGUIDA: Right. Their land entitlements don't sunset, but their approvals are -- you know, ability to go forward stop, and then we, you know, have to go through that NOPC process and the DRI.

COMMISSIONER SCHIFFER: Okay. All right. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of the applicant at this time?

Bruce, how many units do you have in that project? I can't recall.

MR. ANDERSON: I believe it's 3,250 dwelling units are authorized.

CHAIRMAN STRAIN: Okay. So you had originally thought you were going to have around four to four hundred and fifty sales a year, because you originally had a build-out of seven years. Now you're going to 20 years. Is the project going that bad?

MR. ANDERSON: And excuse me. It was 3,450 units.

CHAIRMAN STRAIN: Okay. Well, that just hurts you even more. As the -- I mean, you were going to sell all that out in your original plan in seven years. And, by the way, I'm not -- I don't have an objection to your time. I'm just now curious.

If you could sell this out in seven years, what has happened besides -- I know our economy is not good, but I also heard a Realtor state that your project's being very successful, you're selling like hotcakes up there even in this economy.

How do you need 20 years? Just -- what is your plan? How are you going to build -- what's your -- how many sales a year do you think you're going to get up there that you're not going to -- it's going to take you three times as long to build this project out?

MR. ANDERSON: We don't know how long it's going to take for an economic recovery, particularly in Southwest Florida. And DRIs are a creature of the legislature, and they have seen fit to make provisions in the statutes to maximize the time frames that these larger projects have.

CHAIRMAN STRAIN: Well -- and I honestly don't have a problem with it. In fact, I don't know why we



need the time frames anyway. You get zoning to build your project, you build it as fast as you can, you're not going to drag your feet because it's going to cost you too much money. So the whole idea of the time frame seems kind of silly right from the get-go.

But I'm just curious, because I was on this board when Heritage Bay came through originally, and it was -- things were going to happen much more quickly, and I know why they haven't. But this is quite a long extension.

And I was wondering from Nick's perspective, in his response to Brad -- you indicated that, you know, it's going to take you more time to monitor, but if he had a seven-year build-out in the beginning, you've already put all your transportation infrastructure in to meet the concurrency requirements he had told us originally that he would have hit. Is that not correct?

MR. CASALANGUIDA: It is and it isn't. With the larger DRIs, the board direction -- and I'm going back before my time -- but I recall it, working with Don Scott, was one-seventh a year until it was all put in, and then recognizing that that didn't make any sense, we went to what was more of an actual submittal, what were they actually putting in and calibrating the model to that effect.

In essence, the concurrency system, when a project comes in, we evaluate that project fully loaded into the system -- when another project comes in, but our concurrency system has it in at what they put in every year, and we kind of keep an eye on it that way.

CHAIRMAN STRAIN: Well -- so is it useful then to know how the project's going to anticipate to build out over the years as it goes forward?

MR. CASALANGUIDA: It's useful to know. We kind of keep an eye on it. And every time we do the AUIR, that's part of our trip bank. That's in that model as that proportion of that project in there.

CHAIRMAN STRAIN: Do you know if the other elements of the GPM use the same planning philosophy looking at long-range build-outs?

MR. CASALANGUIDA: I do not know. Public utilities uses the same.

CHAIRMAN STRAIN: Or sheriff or schools or anything like that?

MR. CASALANGUIDA: I don't know.

CHAIRMAN STRAIN: Okay. Thank you.

Appreciate it, Bruce.

Anybody have any other questions? Ms. Ebert?

COMMISSIONER EBERT: Yes, I do.

Bruce, I did talk to you on this when it was going to come up first, and you said that because this DRI is Lennar, Lennar took -- they are pretty much built out, but they took approximately a thousand acres and sold it to Pulte, and that's the only thing left to be built is the Pulte project?

MR. ANDERSON: No, also the commercial.

COMMISSIONER EBERT: The commercial.

MR. ANDERSON: Yes.

COMMISSIONER EBERT: So, in other words, the activity center?

MR. ANDERSON: Yes, ma'am.

COMMISSIONER EBERT: Okay. Thank you.

MR. ANDERSON: And there may be a few -- you know, some units from Lennar that are either under construction or haven't been sold yet.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Do you know how many sales they've had out of the 3,450?

MR. ANDERSON: No.

CHAIRMAN STRAIN: I'm still just curious as to the rate that this county's going to be expecting as time goes forward. It's significantly changed. Because there were a lot of high predictions years ago, and they're just not able to be met on any project in the county that I know of. And I'm kind of -- I'm trying to understand from a planning perspective how fast this county's going to need to adapt as the future goes forward, because it sure isn't the plan we used to have.

And, you know, we don't want to build too fast too far ahead. It becomes a lot of carry costs we don't need, but then at the same time we want to be prepared for whatever is going to happen.

So, Nick, as part of this, do you get a phasing plan to give you some idea as to what they think their

absorptions are going to be, or you just run it by rule of thumb?

MR. CASALANGUIDA: No. We -- in terms of this specific project or in general as projects come in?

CHAIRMAN STRAIN: Well, it's just -- both.

MR. CASALANGUIDA: For instance, the Hacienda Lakes DRI that's going to come up in front of you again.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: We think their phasing plan or build-out plan is pretty aggressive.

CHAIRMAN STRAIN: Well, I think they're going to be in the same boat this project's in, to be honest with you.

MR. CASALANGUIDA: I think so, too. It affects their calculations, and that's one of the comments we've made. The longer you build out, the more analysis you do in terms of your impacts to infrastructure because it's cumulative.

So when they propose an aggressive schedule, we'll question it, and then we'll look at that analysis. But, you know, it's hard to argue, you know, when they say historically, because they'll use a 15-year period in Collier County of what developed and how things were assimilated. And -- you know, so it does become a little bit subjective.

CHAIRMAN STRAIN: Well, from a county's liability viewpoint, if a developer tells us, like Heritage Bay, that they're going to have a need for so many units to hit the road within a time frame that they feel they can meet, like Hacienda Lakes, for example, that came before us, are you then -- by approving that are we obligating the county to meet their standards for concurrency and vesting that they have to have to get on the road system?

MR. CASALANGUIDA: To a certain extent, you are. You're committing to that, so that's one of the concerns we have.

Now, with Hacienda we did put in some safety language that said at one-third you will re-evaluate your build-out schedule, at two-thirds you will re-evaluate your build-out schedule and we'll compare your road impacts to what you actually built versus what's available on the road.

So we've kind of learned a little bit of a lesson. I think we've crafted some language, and we're happy to share it going forward. But there is some language in there that talks about a re-evaluation period a third along the way.

CHAIRMAN STRAIN: Okay. Well, knowing that Heritage Bay is changing and knowing that the only record we have is a phasing record based on a seven-year build-out, even though they got extensions, I don't think they resubmitted a new phasing record to you.

Would it be valuable then to ask them to submit something so that -- to match up with the time frame they've got now so you have something like that going forward to kind of gear where you may need to have your transportation corridors go or any other infrastructure, being the Sheriff's Office, fire, whoever else has got to keep up with the amount of housing that they're going to build at the pace they believe they're going to build it in since -- and as you said, we are somewhat in a position to have to meet their vesting needs based on our approvals that we've given them.

And from what I understand, you still have to go by the original seven-year build-out because they've not submitted another phasing to show you how their build-out's changed, or have they?

MR. CASALANGUIDA: No, they have not submitted another phasing schedule. It would be helpful, and I'm sure the applicant would be happy to do it.

CHAIRMAN STRAIN: Well, why don't we just tag that along as a stipulation to help get this planning done properly here in Collier County --

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: -- as we go forward, and that would help with every project coming forward.

MR. CASALANGUIDA: Sure. That would be helpful for us, and I don't think it would be much work for them to --

CHAIRMAN STRAIN: Bruce, do you have any objection to that?

MR. ANDERSON: No, that's fine, for informational and planning purposes.

CHAIRMAN STRAIN: Right.

MR. ANDERSON: I would -- I do want to point out, though, that Heritage Bay prepaid all of their road impact fees, all of their school impact fees, and I believe all of their park impact fees.

CHAIRMAN STRAIN: You prepaid them for the entire project?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. Then the only difference there is you wouldn't have been allocated for the full capacity on the road system, but the road system would have had to have been built to the capacity that was necessary. Say, for example, you don't need, maybe, four lanes of capacity; you may have needed only two-and-a-half, but we still had to build the four lanes.

So, again, we're getting a little -- even though you paid all your impact fees, that may still have not covered the road costs. I don't know. We still would have other costs from other projects.

MR. CASALANGUIDA: We run into that five-year window analysis versus the Long Range Transportation Plan, because we -- you know, that Policy 5.1 of your Growth Management Plan looks and says, a five-year analysis shall be done, and make sure there's adequate capacity for there. With the DRI, obviously we'll look much farther. We look -- you know, so it's a little different than regular approvals.

But we have accommodated Heritage Bay's traffic on those roads. Every one of those roads around there has been widened to its full six-lane capacity.

CHAIRMAN STRAIN: All right. And I remember their project coming through. It was well done in regards to how they up-fronted everything. That helped out a lot.

Ms. Caron?

COMMISSIONER CARON: Yeah. I was just going to say -- and, I mean, it's in here, all the road expansions and what it was to be and when it's supposed to have happened, and everything has happened. So for this particular one, I get your greater point, but for Heritage Bay I think it's already -- you know, we've already taken care of absorbing whatever they'll bring on.

CHAIRMAN STRAIN: We have from a transportation viewpoint, but you've got many elements in the AUIR that are not just transportation, and those other ones are the ones I'm concerned as to how they're going to keep pace if we don't tell them some idea of what the pace might be.

MR. CASALANGUIDA: I think public utilities is even more conservatively aggressive, I would say. I think they book all the usage in their formulas. I can't speak for them, but I know, in talking to them in the past, they -- once you come in with a development order, they try and -- you know, they build that into their capacity full, not incrementally like we do.

CHAIRMAN STRAIN: Gotcha. All right. But I think it's helpful. And as long as Bruce and the client don't mind, that would be a real good way to start setting a tone going forward so we have those additional updates.

So -- okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Bruce. We'll hear from staff right now.

MR. ANDERSON: Okay. And just, again, I would request, if possible, that we not have to come back to you on your consent agenda so that we might be able to keep the board --

CHAIRMAN STRAIN: Hopefully that stipulation will come through with the motion.

MR. ANDERSON: Thank you very much, sir.

CHAIRMAN STRAIN: Thank you, sir.

MS. DESELEM: Good morning. For the record, Kay Deselem, principal planner in zoning.

You have the staff report and the draft resolutions.

COMMISSIONER EBERT: Kay?

COMMISSIONER KLEIN: A little closer to the mike.

MS. DESELEM: I'm sorry. Okay. Now I'll start again.

Good morning. For the record, my name is Kay Deselem with zoning. You have staff report in the backup information, including the draft resolution.

Bruce has explained to you what the project is and responded to your questions. I won't belabor it by going over the staff report unless you have specific questions.

CHAIRMAN STRAIN: Anybody have any questions of the county staff?

COMMISSIONER SCHIFFER: No.

MS. DESELEM: The only thing I would ask is that you clarify what it is you want your stipulation to say and put a timing element, tie it to something that they have to do, that phasing plan or whatever it is you decide, so that we can make sure that we can enforce it and understand it.

CHAIRMAN STRAIN: Okay. Well, it's not something I think we were going to ask to be made part of the record. It was going to be a tool to help with planning.

MS. DESELEM: Oh, I see.

CHAIRMAN STRAIN: So I would have to ask Bruce to -- we'll definitely stipulate something. We can put a time frame in it, but I don't think it was necessarily going to be a part of the application. Then you get into a lot of re-submittals and approvals, and I'm not sure we need to go there. I think it was more of a planning tool to help the long-range planning understand when these units are going to be coming online for the other elements of the AUIR.

MS. DESELEM: Yeah. I checked with Heidi, because I wasn't sure -- and I don't have it in front of me, and she doesn't either. But it runs in my mind that the Florida Statutes, when they extend things, in their language they also extend all the phases an equal amount of time so that it would just, you know, be the same as what it is. You would just add those years to each phase.

CHAIRMAN STRAIN: Well -- and that would be really good for the county, because they're going from seven to 20 years. And if they want to divide the rest of their sales up over the remaining years, then that means we've only got to be prepared for two units a year, practically.

So I think -- what I think would be in their best interest is to be realistic so that we're ready for them when they're ready and they have the need. So hopefully something good will come out of a planning exercise. But I understand your point.

MS. DESELEM: Yeah. Like I said, I can't testify to fact, but that is my recollection.

CHAIRMAN STRAIN: Okay. Thank you, Kay.

Are there any public speakers, Ray?

MR. BELLOWS: There are no speakers registered.

CHAIRMAN STRAIN: Anybody for the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Bruce, before we go into a discussion, would you be able to submit a -- I don't want to call it a phasing plan, but a build-out, say, an absorption schedule of some type with your BCC -- by the time you get to your BCC date?

MR. ANDERSON: I just want to make sure that it's not binding.

CHAIRMAN STRAIN: Well, I think it will be part of the record, but I would like to -- Nick?

MR. CASALANGUIDA: Yeah. Most of them aren't -- I don't intend it to be binding either. I can't predict --

CHAIRMAN STRAIN: I don't think anything's that binding now, because if I'm not mistaken, your type of profession is very smart. They always say, estimated, estimated, estimated. And the word "estimated" to an attorney means a century. But I think from a planning tool, we'd be a lot better off knowing that you've submitted something to planning that counters what's already on record and that they could say, okay, we've got another applicant -- another tool here that gives us an opportunity to look at this in a more realistic viewpoint.

MR. CASALANGUIDA: Yeah, even with the disclaimer "subject to market conditions in any given year;" something that's an approximation is fine.

MS. ASHTON: Yeah. You could note it's nonbinding, you know, somewhere in the text of the document.

CHAIRMAN STRAIN: Would that work, Bruce?

MR. ANDERSON: Yes. Would this -- do you want it to go as part of the board pack or have it submitted with the monitoring report?

CHAIRMAN STRAIN: I think it would be smart to put it with the board package now -- only because -- the fact that we discussed it so much and it's going to be a stipulation, they may ask for it. So why don't you just -- it shouldn't be that hard to do. And if I know a company like Heritage Bay, any of the large developers, they have those already in their pocket anyway. So it would be nice to modify it so that it looks the best that you think you can live with and the county has something they can plan by, and I think that will be a help to everybody.

MR. ANDERSON: Okay. I do want to tell you, though, that my client does have some concern about putting their marketing strategy or plans as a public record.

CHAIRMAN STRAIN: Okay. You did that when you applied for the DRI, as did everybody else. I'm just wondering now why you're objecting.

MR. ANDERSON: Because of the economy, and their competition is even greater.

CHAIRMAN STRAIN: Well, if I was putting something on record and it looked good, I think my

competition would be hurt by that, and I'd have more people saying, there must be something good about that project that's selling in this kind of economy. So maybe you might be careful on how you do it so it could be a marketing tool, not a marketing, I'll say, negative. It may be a marketing positive.

But is the board date okay? I don't think it's going to be anything elaborate. It's just going to be some years with numbers with all kinds of legal disclaimers.

COMMISSIONER SCHIFFER: Mark, I have one.

CHAIRMAN STRAIN: Go ahead, Bruce -- Brad.

COMMISSIONER SCHIFFER: But if they don't really think and do something that is done through a thought process, then it's just throwing numbers out, and what good is it for you, Nick, anyway?

MR. CASALANGUIDA: No, I mean, it helps. Don't get me wrong, it helps. And, again, we understand, through the economy, it changes. But if you set a proposed phasing schedule, when we do our long-range modeling, we can at least give it to our models and say, put that in there, that's the approximate absorption rate, or also use it to compare it to other projects that come in and say, "Is this reasonable?" And so it helps, but it's not necessary.

COMMISSIONER SCHIFFER: Maybe what you should do is everybody has to put in before the 21st, before the end of the year that they want their extension, right? Can't you, when they write those letters, respond to everybody requesting the same courtesy of a revised schedule so that -- for planning -- nonbinding for planning purposes only?

MR. CASALANGUIDA: And we could, as long as it's a request and as a courtesy. I can't legally require it as part of the extension.

COMMISSIONER SCHIFFER: No, of course not.

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: Bruce is conferring. We'll wait for him to finish.

COMMISSIONER SCHIFFER: Mark, when you say get it done before the commission meeting, do you mean to have it presented at the commission meeting or just as a time frame?

CHAIRMAN STRAIN: Attached as backup into the agenda backup, only because I think now that we've raised the issue, if it does get added as a stipulation, the board may say, well, yeah, what is your phasing? And if they come up with a new one already done, a nice, neat sheet, it just makes their job a little easier, which is what I think we're here supposed to be doing anyway.

Bruce, is there anything changing?

MR. ANDERSON: Ms. Deselem shared with me, or shared with my client, the happy news that if we don't -- we need to get this to her today or we will not be heard in July.

CHAIRMAN STRAIN: So our results have to be in written format today for that to get on -- well, you got -- that's okay, you've got the rest of the afternoon. Well, I would -- and, Bruce, if that -- if the time frame is too tight for this added absorption thing, just say within 30 days of board approval.

MR. CASALANGUIDA: Mr. Chairman, I've got some leeway. If they give it to me in the next five days, I'll just -- I won't change the executive summary. I'll just change the attachment schedule as the proposed phasing schedule.

CHAIRMAN STRAIN: Oh, yeah. You can add it to Sire anyway. Yeah, okay.

MR. CASALANGUIDA: Yeah. So as long -- it will be an attachment.

CHAIRMAN STRAIN: Bruce, you've got another five days; so now you've got till 2023 plus five days.

MR. ANDERSON: Well, I never thought I would get more than I asked for.

CHAIRMAN STRAIN: Yeah. Well, this is the board to make you happy, you know.

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

Brad?

COMMISSIONER SCHIFFER: I move we forward DOA-PL2010-274, Heritage Bay DUI (sic), with a recommendation of approval with the stipulation that -- at a time to Nick's convenience, that the revised schedule be put together and that this item does not have to come before the consent agenda.

COMMISSIONER EBERT: I'll second it.

CHAIRMAN STRAIN: Okay. Motion made and seconded.

Clarification, Ms. Caron?

COMMISSIONER CARON: And that we clarify the resolution language for the dates.

COMMISSIONER SCHIFFER: Okay. Add the dates.

CHAIRMAN STRAIN: Okay. Mr. Schiffer added, the dates will be clarified in the resolution.

Ms. Ebert, do you second that as well?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. The only other comment -- and it doesn't need to be part of the stipulation -- just the discussion for the phasing of the revised schedule was an "estimated" with all your disclosures, and that's all we're seeking. So I just wanted to make sure, Bruce, we're not trying to push you into something that is going to be locked into the record, because it normally isn't anyway, so --

MR. ANDERSON: Could you also add, in addition to "estimated," "nonbinding?"

COMMISSIONER SCHIFFER: Yes.

CHAIRMAN STRAIN: "Nonbinding" made by the motion maker.

COMMISSIONER SCHIFFER: It's appropriate.

COMMISSIONER EBERT: You're really pushing it, Bruce.

CHAIRMAN STRAIN: Seconded by -- Ms. Ebert, do you have any problem with that?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Motion maker and second.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Stipulations are made.

Discussion, any further?

(No response.)

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

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

Thank you very much.

And we will now move on to our next entertainment.

COMMISSIONER SCHIFFER: I think it's important here.

Nick, is that something you can put together a little courtesy letter -- because you're going to get these letters -- and then respond with this thing that you would ask them to submit a nonbinding revision to your schedule for planning purposes only?

MR. CASALANGUIDA: We can do that.

COMMISSIONER SCHIFFER: Because I think that would maybe be fair and smart.

CHAIRMAN STRAIN: \*\*\*Okay. Next item up is a similar situation that may end up with a similar stipulation.

So, Bruce, you can address that as we go into it.

It's DOA-PL2011-0354. It's a resolution amending Development Order 2001, the Ronto Livingston DRI. This is the Tuscany Reserve up off Livingston Road.

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

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

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

(No response.)

CHAIRMAN STRAIN: Same disclosure that I had on the last one, same email, talked to -- just told Bruce we'd wait and see what comes out of today's meeting.

Okay, sir. It's all yours.

MR. ANDERSON: Good morning, Commissioners. I'm still Bruce Anderson, and I'm here on behalf of Tuscany Reserve. With me today is Erica Rogan assistant general counsel for Kitson & Partners; John Asher, who's the director of land development for the Tuscany Reserve project; and the project planner, Wayne Arnold, from the Grady Minor engineering firm.

The Ronto Livingston DRI was approved January 25, 2000, and it has never been amended. It is a residential golf course community. Development has is previously commenced. And the property is known as Tuscany Reserve PUD.

Economic conditions were such that WCI Communities relieved itself of the property, and my client purchased the property in January of this year.

Tuscany Reserve is located on Livingston Road by the Lee County line at the intersection of what will be Veterans Memorial Parkway or Boulevard.

The original build-out date was January 2007. It was automatically extended to January 25, 2010, by legislative action. And then in 2010 it received an additional two-year extension from the legislature.

When you add on the four years that was just approved by the legislature -- excuse me -- that brings us to January 24, 2016, and with the request today, the build-out date would be January 24, 2021.

CHAIRMAN STRAIN: You just made Ms. Caron happy.

COMMISSIONER CARON: Thank you. And he's going to move right along and do the same thing for the expiration date.

MR. ANDERSON: Thank you for the segue.

The original expiration date was January 25, 2015. It was extended in the first instance by the legislature to January 25, 2018. It received a two-year extension in 2010, making the date become January 25, 2020.

With the new four-year automatic extension authorized by the legislature this year, that date would become January 24, 2024. And with the request today -- and there is a typo. With the request today, the new expiration date would be January 24, 2029. There was a typographical error in the submission, and it lists it as 2026.

COMMISSIONER CARON: But you really want 2029?

MR. ANDERSON: Yes, ma'am, please.

Like the last petition you heard, the request is to extend the build-out and expiration dates by four years, 364 days.

For the record, the DRI statute provides conclusively that such an extension of five years or less is not a substantial deviation. And, again, the DRI law states that the extension of the build-out date automatically also extends the expiration date by a like time period.

The proposed text would incorporate all of the dates that I just gave you, and they would be included in the whereas findings clauses in the development order.

Among the other changes to this development order is to remove the reference to the original approved Tuscany Reserve PUD which was repealed several years ago, I believe in 2005, and it renames the DRI to Tuscany Reserve rather than the sexy title that it has today of Ronto Livingston DRI. That will make it consistent with the PUD name, and the changes also list the successor/developer.

And also the amendment proposes to change the DRI report filing requirement from "annual" to "biannual" as authorized by statute. That is just the DRI report. They would still have to file the annual PUD monitoring reports with Collier County.

The Regional Planning Council unanimously approved these requested changes at their June meeting.

And I'll be happy to answer any questions.

CHAIRMAN STRAIN: Questions on the part of the Planning Commission. Mr. Schiffer?

COMMISSIONER SCHIFFER: Bruce, one thing. All the state statutes for extension, you guys filed for a request to get those statutes extended --

MR. ANDERSON: Yes, sir.

COMMISSIONER SCHIFFER: -- right, I mean, the extensions? Okay, for the record.

Okay. The 29th date in the resolution, is that date to change both in Item 2 and 4 to the 29th?

MS. ASHTON: Yes, it would. It would change the downzone date as well.

COMMISSIONER SCHIFFER: For downzoning, also. Okay.

Thank you. I'm done.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Does -- I don't know, Mr. Anderson, but does the Regional Planning Commission (sic) care that the dates that they approved were different than what we're going to end up here? I mean, the concept is probably what they were voting on more than the date?

MR. ANDERSON: Yes, yes.

COMMISSIONER CARON: I don't like to make those assumptions. But you don't have to go back to them?

MR. ANDERSON: No, no.

COMMISSIONER CARON: Okay.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Bruce, just some clarification. This DRI is authorized up to 1,380 units, but your PUD authorizes 799, right?

MR. ANDERSON: That's correct.

CHAIRMAN STRAIN: Okay. So what that means is you have the potential latitude to increase the density but not have to modify the DRI?

MR. ANDERSON: Correct. But we would have to amend the PUD.

CHAIRMAN STRAIN: I understand. Yeah, I agree. The PUD was -- it's odd that 799 was picked at the time, because that was one below the DRI threshold. I don't know why you'd pick that and then still do a DRI. But you probably weren't the attorney at the time; otherwise, it wouldn't have happened, huh?

MR. ANDERSON: I was not the attorney.

CHAIRMAN STRAIN: Okay. Do you have any objections to providing an estimated nonbinding schedule of absorption rates?

MR. ANDERSON: No.

CHAIRMAN STRAIN: Okay. Under the same time frame that you work out with Nick?

MR. CASALANGUIDA: (Nods head.)

CHAIRMAN STRAIN: Okay. With that, is there -- no other questions of the applicant?

We'll move to staff.

Thank you, Bruce.

MR. ANDERSON: Thank you.

MS. DESELEM: Again, good morning. And like Bruce, I'm still Kay Deselem.

So you have the staff report. And if you have any questions, I'd be happy to respond to them.

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER EBERT: I have a question for Nick.

CHAIRMAN STRAIN: Go ahead, Ms. Ebert.

COMMISSIONER EBERT: Nick, east/west Livingston, is that ever going to be built?

MR. CASALANGUIDA: From the portion from Livingston to the west to Old 41, I would say at some point in time, yes. The portion to the east, I significantly doubt it. I think it was pulled off our Long Range Transportation Plan this year.

Crossing I-75 heading east, as soon as you cross I-75 there are only 50 feet before you start to get into existing homes. So off recollection, that was taken off LRTP this adoption.

COMMISSIONER EBERT: This adoption it was taken off.

MR. CASALANGUIDA: Yes.

COMMISSIONER EBERT: Because it was in the long-range plan --

MR. CASALANGUIDA: Yes.

COMMISSIONER EBERT: -- for many years, and I understand the developers over there -- just nobody watched it, and they just built right -- did not allow the original hundred feet?

MR. CASALANGUIDA: Actually the developers on the west side of I-75, these folks in the Strand made accommodations for it. At the time it was --

COMMISSIONER EBERT: Yes, they did.



MR. CASALANGUIDA: At the time it was included in the long-range plan, there was already existing projects approved, but it was our hope and intent we could squeeze it in.

Now we've looked at it feasibly and cost-wise. With the reductions in revenue forecast, it was one of those that feasibly didn't make sense or in the needs plan didn't make sense anymore.

COMMISSIONER EBERT: Okay. Thank you.

MR. CASALANGUIDA: You're welcome.

CHAIRMAN STRAIN: Any other questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

Ray, public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Anybody wish to speak on this particular item? Please come up to the podium and state your name, please, for the record.

MR. BASSIN: Go morning, Commissioners. My name is Bob Bassin. I'm a resident of the Strand. I'm speaking only for myself.

I have very little familiarity with proceedings of this nature. We have people in our development who are very familiar with legal matters, but they're not here. They're up north.

My question is is there any way that hearings of this kind can take place in the season when more people are here instead of this time of year when people that could comment intelligently are not available?

CHAIRMAN STRAIN: I don't know if the county has that much latitude to schedule all of these meetings off season (sic), but I'm sure Ray or Nick can contribute to the comment.

MR. BELLOWS: For the record, Ray Bellows. You're correct, there's nothing in the Land Development Code that would grant staff the ability to restrict public hearing dates to the season. And if something were in effect, you're right, there would be too many items to be held in the season because just about everybody would be then.

CHAIRMAN STRAIN: Our season load is -- during normal time is pretty heavy. I don't know if it varies that much from season to summer anymore. It used to, but I think the public notification process and electronic media have gotten so widespread that we still get comments from people even if it is during the summertime.

MR. BASSIN: Well, there's nobody here from the Strand really that has any legal expertise, and it is the next development to Tuscany Reserve.

So maybe you could bear in mind this situation and put the more important items with more -- potentially more impact into the winter and those of less impact into the summer.

CHAIRMAN STRAIN: Well, we'll certainly try our best, sir.

MR. BASSIN: Thanks a lot.

CHAIRMAN STRAIN: Thank you. Ms. Caron?

COMMISSIONER EBERT: I have a question for the gentleman. Does there seem to be a problem?

MR. BASSIN: Nope. I have no objection.

COMMISSIONER EBERT: There is no problem between the Strand and Tuscany Reserve?

MR. BASSIN: Not that I know of.

COMMISSIONER EBERT: Okay, okay. Thank you.

CHAIRMAN STRAIN: Nick?

MR. CASALANGUIDA: Yes. Staff's very cognizant of that, so we do work with developers when we -- if it's a new project, a highly impacted project, we try and make it a point to schedule the NIMs or the hearings, you know, not in the middle of summer.

So a project with an extension for a build-out date for an already-approved DRI, I think, you know, that we try to weigh and balance those two out.

CHAIRMAN STRAIN: I understand.

Yes, sir, you want to say finalize -- say something else?

MR. BASSIN: No, we're fine. But thanks a lot. I appreciate it.

MR. CASALANGUIDA: No problem.

CHAIRMAN STRAIN: Thank you, sir.

Any other speakers, Ray?

MR. BELLOWS: No other speakers.

CHAIRMAN STRAIN: Okay. With that, then, Bruce, I'm sure you don't have a need for rebuttal, so we'll close the public hearing and entertain a motion.

COMMISSIONER SCHIFFER: I'll do it again.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: I move we forward DOA-PL2011-0354 Rotando (sic) Livingston DRI, a/k/a Tuscany Reserve, with a recommendation of approval and note the changes of the dates in the resolution in No. 2 from January 4, 2006 to 2009, and in No. 4, from January 24, 2006 to 2009 -- I'm sorry -- 2029 in both cases.

CHAIRMAN STRAIN: Stipulation for the estimated nonbinding schedule of absorption rates?

COMMISSIONER SCHIFFER: And also that they should provide the nonbinding revised schedule.

COMMISSIONER KLEIN: Second.

CHAIRMAN STRAIN: Okay. Mr. Schiffer made the motion, seconded by Barry.

Discussion?

(No response.)

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

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

Bruce, thank you. It's good to see you again. You're a stranger often -- more often than not.

With that in mind, we'll move on to the balance of our agenda. There is no old business listed, but we do have a new business item, and that's a tour of the landfill site.

Ray, you added this.

MR. BELLOWS: Yes. I've been asked by Dan Rodriguez and Judy Puig, who are coordinating this event, to just check with everybody here today to see if -- I think we have four people who have signed up, and if anybody else would like to attend the tour, please let me know, or Judy Puig.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: Barry's one of them.

COMMISSIONER SCHIFFER: Is there a date? What was the date on that?

MR. BELLOWS: I don't believe they've scheduled a date yet.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Okay. Is there any other new business?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there any public -- no public comment.

So we'll motion to adjourn.

COMMISSIONER SCHIFFER: So moved.

COMMISSIONER AHERN: Motion.

CHAIRMAN STRAIN: So moved. Seconded by Melissa.

All in favor?

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you all.

COMMISSIONER KLEIN: Before we go, get out of here, there are some people who don't know about the landfill, like Diane.

COMMISSIONER EBERT: Yeah, I didn't get --

CHAIRMAN STRAIN: Well, there was an email sent out about a tour of the landfill. If you want to see a nice pile of trash, get together with Ray.

COMMISSIONER CARON: Dan would love to show it off.

CHAIRMAN STRAIN: And for those of you -- thank you, Ray.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:02 a.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 8-4-11, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICES, INC.,  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.