

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, July 21, 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
Paul Midney
Donna Reed Caron
Karen Homiak
Bob Murray
Diane Ebert
ABSENT: Barry Klein

ALSO PRESENT:

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

CHAIRMAN STRAIN: Okay. Good morning, everyone. Welcome to the Thursday, July 21st meeting of the Collier County Planning Commission.

If everyone will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Okay. Mr. Eastman is absent.

Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Mr. -- oh, Ms. Caron? Sorry.

COMMISSIONER CARON: I'm 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 is absent today.

CHAIRMAN STRAIN: Okay, thank you.

Addenda to the agenda. We had some changes after the original agenda was printed. There were two rather large projects for discussion purposes on the agenda. We split them up. One of them is now going to be in the first meeting in August, and that one is the Hacienda Lakes Development. It's a DRI, a PUD, and a GMPA change.

So if anybody is here for anything to do with Hacienda Lakes Development -- that's the one on Rattlesnake Hammock and 951 -- we will not be hearing that one today. It will -- it's been continued to August 4th at the first -- it will be first up at the August 4th Planning Commission meeting.

With that is there any other changes by staff or Planning Commission members needed for the agenda?

MR. BELLOWS: I have no other changes.

CHAIRMAN STRAIN: Okay. Planning Commission absences. Does anyone know if they're not going to make it to the August 4th meeting?

(No response.)

CHAIRMAN STRAIN: Okay. We'll certainly have a quorum then.

Approval of the minutes. I don't believe we had any? Did you -- I don't remember.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: There's none on the agenda. Okay.

Any BCC report recaps, Ray?

MR. BELLOWS: The BCC did not meet since the last Planning Commission meeting, so there's no recap.

CHAIRMAN STRAIN: Okay. Chairman's report. I really -- for the sake of moving fast, we'll just go right into the hearings today, and we'll skip that.

***Consent agenda items. We have one issue on the consent agenda, and it's the Ronto Livingston DRI. It's DOA-PL2011-0354. Does anybody have any corrections or changes needed to that document?

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Did you have something, Brad?

COMMISSIONER SCHIFFER: No, I don't.

CHAIRMAN STRAIN: Okay. Is there a motion to recommend approval with consent?

COMMISSIONER SCHIFFER: I'll make it. I move that we approve this as being what we did at the hearing.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I second.
COMMISSIONER AHERN: I'll second.
CHAIRMAN STRAIN: Ms. Ahern seconded.
Discussion?

(No response.)

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

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

***Okay. The first item up is a two-pronged issue. We have a GMP map change for the Golden Gate Area Master Plan, CP-2008-1. It's the Golden Gate Estates shopping center, and it's also a PUD review for PUDZ-PL-2009-1017. Again, for the Estates shopping center. These two will be heard in conjunction at the same time, but they'll be voted on separately.

Now, I know most of you are probably here for this particular one. The Planning Commission is a little more informal. We focus strictly on zoning matters, so we have more time than the massive agenda that the Board of Commissioners has to deal with.

Because of that, we have a little more latitude in speakers. So if you haven't signed up, that's okay. I'll be asking everybody if -- generally if you want to speak, and you can come up to the podium and speak after you're recognized.

For those of you who are going to speak, and for the sake of time, if you could try to be as focused and concise on the issues and not get into redundancies, that would be helpful.

We're not going to cut you off after three minutes. So I'm only going to ask that you be considerate of the time and that everybody is here trying to get somewhere else eventually.

So with that, I'll start out with, all those wishing to speak on behalf of this petition -- and this is for the Golden Gate Area Estates Master Plan and the Estates shopping center PUD. All those wishing to speak 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: Okay. Disclosures? And I can tell you that we've been flooded with emails. Every email that was addressed to me I sent to Ray for distribution to all the Planning Commission members.

MR. BELLOWS: Yes, and we have forwarded them.

CHAIRMAN STRAIN: And so for all of you to disclose those, I've just kind of let everybody know you've gotten them. And I think we've all gotten emails as a mass attempt as well.

But other than that, maybe we'll start with Melissa. Any disclosures?

COMMISSIONER AHERN: I met with Mr. Yovanovich and Mr. Arnold.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: While I don't do ex parte, Mark Teaters did catch me on the phone, and we discussed everything that he has discussed in the letters he sent me.

CHAIRMAN STRAIN: Okay. Paul?

COMMISSIONER MIDNEY: Emails.

CHAIRMAN STRAIN: Okay. Ms. Caron?

COMMISSIONER CARON: Yes. I met with the petitioner's agents, Mr. Yovanovich and Mr. Arnold, and I spoke on the phone with Pat Humphries.

CHAIRMAN STRAIN: Okay. And I have certainly spoke to Mark Teaters, Pat Humphries. I have been in

the community for 31 years. And over the -- this whole process started quite a few years ago. I have talked to so many community members I cannot tell you here today all their names and all the discussions, but I will try to put everything on record that we can think of today.

I also met with the applicant, Bob Crown; I met with Richard Yovanovich; and I met with Wayne Arnold, in conjunction with several community members, had a meeting Monday. I, again, met with the applicant a couple days ago after I'd finished reading everything, and all of the things that we discussed will be discussed today.

So with that, I'll move to the next. Karen?

COMMISSIONER HOMIAK: I met with Mr. Yovanovich, emails.

CHAIRMAN STRAIN: Bob?

COMMISSIONER MURRAY: I met with -- no, I actually had a telephone call with Pat Humphries and saw the emails.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I have met with staff, I've had telephone calls, and I have lots of emails.

CHAIRMAN STRAIN: Okay. With that, Richard, it's your presentation.

MR. YOvanovich: Thank you.

Good morning. For the record, my name's Rich Yovanovich, and I represent the petitioner in both petitions before you today.

I will do my best to present them simultaneously, because this Growth Management Plan, as you've seen, is very detailed. So where we've added some detail through the PUD, I'll point that out. But if you have any questions on how I present this, please stop me.

With me today is Wayne Arnold. He's the professional planner on this project. Ted Triesch, he's the transportation consultant on this. Marco Espinar, he's the --

CHAIRMAN STRAIN: Ray, could you turn his speaker up just a little bit. I'm having -- he's a little softer than usual, or he's just more soft spoken at his age than usual.

MR. YOvanovich: Yes. Thank you. Do I need to start over?

CHAIRMAN STRAIN: No, that's fine. I just wanted to make sure it was clear.

MR. YOvanovich: Ted Triesch, the transportation consultant; and Marco Espinar, environmental consultant; and Dave Schmitt is here, professional engineer, who can answer any questions regarding site planning that you may have.

Today we're here for the Planning Commission's adoption hearing for the Estates shopping center subdistrict, which is an amendment to the Growth Management Plan, and the Estates stopping center CPUD, which is the rezoning action to implement the proposed change to the Growth Management Plan.

In summary, the Estates shopping center comprehensive plan and PUD propose a grocery-anchored shopping center with a maximum of 190,000 square feet on approximately 40 acres located in the northwest quadrant of Wilson Boulevard and Golden Gate Boulevard.

On the visualizer is an aerial identifying the property. As you can see, the more eastern parcel's about a 10-acre tract, it's bisected by First Avenue, and as you move to the west, that's an approximately 30-acre tract.

The grocery store must be a minimum of 27,000 square feet in size, and it must be the first occupant of the center to receive a certificate of occupancy. If we do not get a grocery store, we do not have a project.

We submitted the simultaneous PUD petition because the residents wanted to know exactly what they were getting through this Comprehensive Plan amendment process.

A lot of the details are in the Growth Management Plan, but some of the details are not, and you usually find those in the zoning document. So the community would know exactly what they were going to get as a result of this, we submitted the PUD document as well.

As many of you know, this project has been around for many years. I think it's safe to say there's been a tremendous amount of publicity about this project, and the public has known about this project for many, many years.

For those of you new to this project who weren't on the Planning Commission -- and there are a few -- and not everybody was here for the transmittal hearing -- I'll briefly go through the history of this project and how we got here today, and then we'll get into the meat of the PUD.

This project was originally part of the 2006 Growth Management Plan cycle. Wayne Arnold and I were not part of the original team proposing that project. Wayne and I took over the project shortly before that project was

scheduled to go to the Planning Commission for the transmittal hearing. We took over about the time the required neighborhood information meeting was to occur.

I think it's fair to say at the first neighborhood information meeting the community was unsure about the project, scared about the project, because there weren't a whole lot of details at that time regarding the project.

We took ourself out of the 2006 cycle and resubmitted the petition for the 2008 cycle.

We got additional input before we resubmitted the petition and included additional information in that petition that wasn't in the 2006 cycle petition.

Over the years we've had over 20 meetings with our neighbors and the community ranging from larger-scale public meetings to smaller group meetings. So we ran the gamut so that we could get the input from everybody who was willing to give us their input on this particular project.

These meetings occurred both before and after the transmittal hearing of the CCPC and the transmittal hearing before the Board of County Commissioners and subsequent to the continuation of the transmittal hearing by the Board of County Commissioners, which I'll address in a second.

We worked very closely with our neighbors and with the community as a whole to come up with appropriate setbacks, buffers, and development standards to assure that the center fits in and is compatible with the community.

Many objectors became supporters of the project; many objectors are still objectors of the project.

When we went to the Planning Commission, we tied 4-4, and then we went to the Board of County Commissioners for a transmittal hearing on January 19, 2010.

There were a lot of people in the chambers and a lot of supporters in the chambers. We presented, I believe, you, the Planning Commission, as well as the Board of County Commissioners over 1,800 letters of support. There was a survey that we did to -- we sent -- we had it mailed out independently and collected and tabulated independently to over 5,500 people. In that survey the results were 83 percent of the people favored the center.

The Collier Citizen did articles and conducted their own informal survey; 65 percent of the people responding supported the survey.

There were a few people at the hearing, well-known people who have been involved for many years in Golden Gate Estates, who got up and said, this isn't really what the community wants. The survey was not reflective of what the community wanted, the letters are not reflective of what the community wants, and that the Citizens' informal poll was not reflective of what the community wants.

There was not a motion to approve that was seconded. I then got up and asked to give the community a voice. Let's put it on the upcoming general election, and let's find out what does the community want. If you don't -- if you don't believe the informal information, let's put it to a vote.

The commission unanimous agreed to put it on the ballot. The county attorney drafted the ballot question. Staff determined the precincts that needed to be polled, because we were not going to poll all of Collier County. We were going to poll the precincts within Golden Gate Estates that were impacted by this center.

And essentially it was the precincts east of 951 and north of I-75. It didn't make any sense to survey those parts of the Estates west of Collier Boulevard.

You have the actual language in your backup materials. The citizens -- the ballot question was very detailed and clear about the size, the location, and what would happen in the center.

We did several mail-outs to all of the registered voters in Golden Gate Estates. It's a widespread area. It's difficult to get information out, so we went through the expense of doing direct mailers to all of the registered voters in Golden Gate Estates.

Now, that's a double-edged sword, because as you inform people about your project, you inform both your supporters and your opposition about your project. So we informed everybody who was voting on it about the size and what would happen.

We presented the benefits of the project to the voters. The voters -- we placed ads in the newspaper. One of our last pieces that went to all of the registered voters was the location of this item on the ballot. We told them we were at the end. Make sure you hang in there long enough on the ballot to register your vote on whether you want or don't want this center.

So we let everybody know, including those who didn't like us, "Don't give up. We're on there. Go to the end," to maximize the potential for community input. We had a website. We had a Facebook page. We spent a lot of money to get the word out.

What we also went to a lot, yard sales, to get further community input. And we heard a lot of things from the community. And you've heard them as well. They're tired of driving into the urban area to get their stuff. They want the same retail services that you can get in the urban area. They specifically said they wanted a shopping center in this location because it is in the center of Golden Gate Estates. We heard that they believe that the center will improve their values. As Realtors have told us all along, when you have these services out there, it increases property values.

We heard they wanted jobs. It will create construction jobs and will create employment jobs.

They were also glad that my client was not only willing to spend a lot of money to buy the property, he was willing to spend a lot of money to construct the center. To construct the center is going to take about \$13-and-a-half million, and it will employ about 150 construction workers.

We also heard, "Why is it taking so long? We really want this center, and we want this center now." Prior to the election, the Naples Daily News ran another article regarding the property. They talked about our project as well as another project that was approved on the periphery of Golden Gate Estates. They even ran an informal poll on "which one do you want." Do you want the one on the outskirts? Do you want one in the center? Do you want both? Do you want neither?

Well, the results of that informal poll were 76 percent wanted our center. They wanted both and/or our center. And that number was 76 percent.

Ironically, despite the poll results, the Naples Daily News editorial board wrote an editorial telling the voters to vote no. So we had the power of the press against us telling the voters to vote no on the ballot question.

If you'll recall, about this time -- and I hesitate to say that name out loud -- Jackson Labs was going through this -- was going through the process, and there was a substantial portion of the community that says, "Let the voters decide," and there was a big issue with "Let the voters give their input."

Well, we did let the voters decide, and we did get their input. And on election day, the voters spoke. The voter turnout was high. It was a governor's election. It was on the general election. And lo and behold 76 percent of the voters said they want this center. We won every precinct by a large percentage.

Now, there was a Naples Daily News article today. I don't know if everybody read it, but I want to address some of the things that were raised in that article. And I'm putting on the visualizer -- and Ray will help me, because I've got it oriented incorrectly -- the precincts that voted on this particular project. I think that's either yellow or gold. That's Precinct 552. The center is basically in the heart of that precinct. The results from Precinct 552 were 72.4 percent of the people in this precinct voted for this Comp. Plan amendment.

CHAIRMAN STRAIN: With those not as familiar with this kind of a map, would you just, with your pen or something, point to the location of this project.

MR. YOVANOVICH: I will. I'm sorry. From an orientation standpoint, this is Golden Gate Boulevard going right through the middle of 552, and this is Wilson Boulevard going right through approximately the middle, and this project is right kind of here. It's a small box, but it's right there.

CHAIRMAN STRAIN: Thank you.

MR. YOVANOVICH: Okay. So there was a comment in the paper about many of the people who didn't -- many of the people who voted for this center didn't live near the center. I guess that's technically correct because the majority of the voters didn't live in Precinct 552, but I wanted to clarify that that information, that 72.4 percent of the people who did live in that precinct did vote for the project.

Precinct 590, which is north of the project, 76 percent of the voters voted for it, and Precinct 551, which is to the south, 75 percent of the voters voted for it. I believe 554 and 591, as you get a little further away, each of those were in the 80 percent range voting for the center. We did the worst in 555, and I think that one was 68 percent in favor. So you could see that those in close proximity were consistent with the overall average vote.

We -- this has been a very difficult project. It's probably divided the community a little bit. Those who moved out there and said they didn't move out here for this particular project still don't want this project. And we respect that position, we understand that position, and we have done what we can to make this the best possible project for the community.

But there are election results, and all the previous informal attempts to get public opinion are clear that the community as a whole does want this center to move forward. I believe -- and I could be wrong -- that had a vote like this occurred with the same results back in 2001 when the restudy was being done, the re- -- that today's Growth

Management Plan may look very different than what it does today, because you would have had the public input and maybe -- and I would assume that the committee would have taken that input and identified a project in this area on the master plan.

So we believe at this point the focus should be on making this the best possible shopping center for Golden Gate Estates. That has been our perspective throughout this process, to make this the best possible project throughout the -- for Golden Gate Estates.

We started with -- this is the conceptual master plan that is in your Growth Management Plan. We identified as part of the GMP the development areas. We identified as part of the GMP the buffer areas and the setbacks. A lot of this information is in the GMP. Throughout the process, we met with residents. And if you were involved early on, you will see how different this master plan is over time. The buffer areas got bigger, the details of the enhanced buffers got more detailed, and all of that detail is in your PUD document, but it's also in the Growth Management Plan.

We came up with a very comprehensive list of permitted uses as well as prohibited uses. The community wanted that certainty in the Growth Management Plan because they wanted it to be very difficult for us to change any of those permitted uses.

And if you've watched this process and you've seen others, it is a long, expensive, and difficult process to amend the Growth Management Plan. That's why this master plan and that's why those permitted uses are in the Growth Management Plan itself.

We made that commitment to the community, and we would like to see those details stay in the Growth Management Plan. I know staff feels otherwise, but we believe the community wants it and we support -- we support that.

The project -- excuse me. The project will be constructed in two phases. The first phase will not exceed 100,000 square feet and will include the grocery store as the first CO.

The PUD petition, as your staff report indicates, is consistent with the Growth Management Plan if it's adopted. The PUD master plan I'm going to put up so you can see that it is consistent with the development areas -- with the development areas that are in the master plan. So we have consistently applied the development within the Comprehensive Plan management plan.

We have enhanced buffers along both First and Third Streets. Those are -- they are detailed, and they are in your plan. They are in part of the PUD. So the enhanced buffer -- there's no guess. We don't have the word "enhanced." We have the word "enhanced" and the exhibit that shows you what enhanced means.

We have a 50-foot buffer along Golden Gate Boulevard. It is an enhanced buffer. I will tell you that shopping center developers don't like the amount and thickness of our buffer, but we are unique because, you know, we're not relying on drive-by traffic. We know people -- it's not an impulse buy. People will not know where we are, and people will come and use the shops, so we don't need the level of visibility you would find in an urban-area shopping center.

We've limited the buildings to a single story. They have to be either Olde Florida, Bermuda style, or Key West. Again, that was from input from the community.

The PUD addresses specific hours for the businesses to operate. The hours of operation and delivery hours are consistent with the Brooks Village CPUD, which is also within Golden Gate Estates. If you'll recall, that's at the corner of Pine Ridge Road and Collier Boulevard, and the neighbors to the rear are Estates residents. So we figured those are standards that have been used for other projects in the Estates, and to our knowledge, it has not been a problem.

So the hours of operation for the grocery store and restaurants is 6 a.m. to 11 p.m. There was a comment this morning in the paper about a 24-hour McDonald's. That is not going on this site. The McDonald's will have to meet the restaurant hours of 11 p.m.

Retail is limited to 6 a.m. to 9 p.m. The gas and convenience, which is located on this property -- that's the only place it can go -- can be a 24-hour operation.

The PUD and Growth Management Plan both prohibit bars. The GMP and the PUD both prohibit outdoor TV's and outdoor amplified music for the restaurants. We are doing our best to not be or create a situation that we're all familiar with.

The lighting for this is consistent with the Estates standards, so it's not going to be your typical urban lighted

shopping center.

We believe that both the GMP and the PUD rezone documents have been designed to meet the needs of the residents of Golden Gate Estates as a whole while at the same time being sensitive to our neighbors.

We've located the access, the main entrance to the center, to this location on Golden Gate Boulevard. It is between Third and First. If we had located it further west to the intersection of Third, that would have put the main entrance basically to the center on that residential street, and the residents asked us not to do that.

So we've moved the entrance to Golden Gate Boulevard to this location where there will be a full median opening, and hopefully some day there will be enough warrants to justify a traffic signal.

I want to point something else out, because this has come up many times in the public meetings. This is First. When the county improves the intersection at Golden Gate and Wilson, the county plans with or without this project call for this access to change to a right-in, right-out access. This project is not changing the access that the people on First have.

In fact, I think we're providing them with an opportunity as they're heading east to get home without having to go through the Wilson Boulevard/Golden Gate Boulevard intersection further east to make a U-turn to come home. When they're coming home, they could simply take our entrance in, cut through, get to First, and go home. So we think we're actually addressing an access issue for them in the long run through the shopping center.

We've designed the access off of Third so trucks can't use it. You could see as I use this -- see this little curve here -- the trucks can't maneuver their way around there, so the trucks will have to come in off the main boulevard or Wilson Boulevard to access the site. So they won't be using Third as the access.

That is an overall highlight of both the Growth Management Plan and the PUD and showing you the master plan as we propose it.

The -- I'll point one other thing out. This would be the grocery store on this plan. We have some outparcels. The plan had to change as I was going through the process of the election, and I pointed this out. We had hoped to orient the shopping center so it would face -- so it would be oriented in a -- kind of a reverse J with the shopping center having some inline stores in front of it and the shopping center sign basically being above those inline stores, and that the entrance of the shopping center would be over here.

We told people that was -- we were going to try to get the shopping -- the grocery store to go along with that, but it may have to flip to where the grocery store has a -- where the grocery store actually fronts the road, and we've done that. So that's the change that occurred on this master plan.

We always had the ability to reconfigure buildings on this center. We tried to identify kind of a worst-case scenario on that parcel. This building could get broken into two, but those are some of the things that, as we go through the site-planning process, we'll address.

These areas on the master plan are preserves and lakes. Our setbacks are very extensive in the development table where I think we're 300 feet off of Third, and we end up over the 125 feet, I believe it is, from here to this property line for the shopping center.

A couple of other things. I'll go back to the aerial. I know it's difficult to see. But from an ownership perspective, I'll let you know who's around us.

The immediate single-family home here is owned by the applicant. We kept that -- we kept that parcel out of the mix, if you will, so it would serve as an additional buffer to the single-family home that's right here.

So you'll have the buffer that we showed you on the master plan plus another single-family home here buffering this property owner, which we don't own.

The immediate parcel here is owned by Comcast, and I believe they have a small substation or some facility on that site. So you have our buffer plus Comcast before you get to a single-family home that we don't own.

And on this one we worked with our neighbor, and that neighbor has actually submitted a letter of support for the project.

So we have -- we have designed our site plan with consideration of the community globally and our adjacent and nearby neighbors as well.

With that, I think that details the project and what we're proposing. We're available to answer any questions you have regarding either the Growth Management Plan or the PUD petition.

CHAIRMAN STRAIN: Okay. And I think it might be appropriate to let the public know the process.

We will ask questions of the applicant after his presentation, which we'll start in a minute. We then ask

county staff to make a presentation. We will then ask county staff questions relative to their presentation.

After that we generally go to public speakers who are registered with the cards first, and Ray has -- Ray over here has a stack of them. After the registered public speakers speak, we then ask any of those -- I will, at least, ask any of those who wish to speak who haven't registered, you're more than welcome to speak.

When that's all said and done, or even during the responses to some of you who speak, we may be asking questions of the applicant as we go forward. We will be taking notes.

When it's all said and done, the applicant will have time to address our issues that may have been raised during -- through your conversations and time to provide any rebuttal that he may want to provide as a courtesy to the closing points.

Then this board will close the public hearing, and we will deliberate for a while and then have our vote. So that's how the process will allow here today. I'm not sure when we'll get done, but we were going to make sure everybody has adequate time to speak.

Yes?

MR. YOVANOVICH: Mr. Strain, I did forget. And you reminded me when you were talking about the process.

For those who don't know, the Growth Management Plan process occurs in two stages. You have the transmittal and the adoption. In between the document is sent to the Department of Community Affairs, state Department of Community Affairs, who then sends it out to the Regional Planning Council and the Water Management District.

Through that process the Regional Planning Council rereviewed it, because somehow they got it the first time. But they rereviewed it, and they supported the Comp. Plan amendment. The Water Management District didn't have any issues regarding the petition and, ultimately, the state Department of Community Affairs didn't have any objections or recommendations, which is typically how they will advise the local government if there is an issue. They don't endorse projects. They just raise objections and recommendations. So we completed that process before it came back here, and I just wanted to add that into the record briefly.

CHAIRMAN STRAIN: Okay. Thank you.

And we'll start with questions of the applicant. Anybody? Ms. Caron?

COMMISSIONER CARON: Mr. Yovanovich, I think it would be good to go over, for the public's benefit, your buffering around this project --

MR. YOVANOVICH: Sure.

COMMISSIONER CARON: -- and what exactly that means for people traveling down Golden Gate Boulevard or down Wilson or First and Third.

MR. YOVANOVICH: I'll put the cross-sections, if you will. I'll have Wayne take you through the cross-sections of the buffers.

MR. ARNOLD: Good morning. For the record, I'm Wayne Arnold with Grady Minor.

And maybe it's appropriate to start with the Third Street buffer, if we will. I'll kind of work west to east, if that's okay with you.

Through the process and meeting with many of the community members and talking to nearby residents -- and one of the public processes that occurred was to find out what people wanted things to feel like, and that kind of evolved into creating these enhanced buffers. It wasn't going to be like other shopping centers.

So we worked very closely with the neighbors on Third Street to come up with this buffer scenario that includes a berm, a small wall, a lot of vegetation. And what you don't see as part of that is what Rich alluded to that's on our master plan is a 300-foot setback on Third Street for any commercial building that would be built in the PUD.

CHAIRMAN STRAIN: Wayne, it's a little hard to hear you. I'm not sure if it's -- you guys seem to be a team of soft-spoken people today for some reason.

MR. ARNOLD: Okay. I'll try to speak up.

CHAIRMAN STRAIN: Thank you.

MR. ARNOLD: And we've also included some photographs in there. It's a little dark in that exhibit, but just to give some examples of what this would feel like trying to plant it with some clusters and try to make it seem natural. But that is a -- I think that says 30-foot-wide buffer.

If I go on over to First --

COMMISSIONER CARON: Mr. Arnold, would you essentially say that from Third you're not going to be able to see into the -- your project, you're not going to be able to see buildings?

MS. ARNOLD: Correct. I've got another exhibit, too. That's another exhibit that shows you a snippet of the master plan to the lower-right portion of the page, and it also shows you kind of a site line from nearby home. But I think it's been designed so that there is no view of the shopping center from the homes on Third Street.

And, in fact, part of the reason that we have an enhanced buffer that wraps around the northern property line, even adjacent to the parcel that our client owns, is that so that as you're traveling down Third Street, you still don't have that capture of a commercial view across the corner of the lake. So that enhanced buffer has been wrapped around our northern property line in part.

On First Street we have another buffer example here that shows how we can essentially create a hedge and the tree vegetation that's going to eliminate your view as you drive down that road. It's going to look much more like a boulevard-type planting plan on both sides of the road since we control both sides of First. So we have a hedge with trees, and you can see we have -- meander the hedge and the thing to give it a nice, softer feel.

So hopefully -- we tried our best to address the buffering concerns on both our residential neighbors that will use First and Third. And as Rich said, Third Street access point will be designed to be very much a localized access point and not one for general circulation for the shopping center or delivery traffic.

I need to grab my buffer for Golden Gate Boulevard.

COMMISSIONER CARON: But from First you will be able to see both buildings and cars and parking lots and whatnot; is that correct?

MS. ARNOLD: I'm not going to tell you that you cannot see into the shopping center with that, but -- we did not create a large berm or anything to prohibit it, but we tried to do our best to maintain a hedge height that -- you can see the automobile depicted there. Your eye height hopefully will still be seeing hedge largely. But obviously if you look up, I think you are -- safe to say you may see a commercial building.

COMMISSIONER CARON: Okay.

MR. ARNOLD: I'm going to go ahead and talk about Wilson Boulevard. It's very much -- it's very much like the First Street buffer. This, again, is an example of simply trying to put in a large and well-maintained hedge along that road corridor and a 25-foot-wide buffer so that -- you can get an idea that we're going to stagger vegetation to fill up this buffer.

One of the concerns that people had is, you know, you may have a 25-foot-wide buffer, but how do we know we're not just getting one little narrow row of trees and a hedge? We're trying to indicate to you that we can fill up the width of this buffer with a meandering hedge and trees that are spaced accordingly.

And probably one of the biggest issues -- and Rich pointed out that if you're a shopping center developer, you don't like this. But this is the Golden Gate Boulevard landscape exhibit that's in your packet. And we spent a lot of time convincing a lot of people that we didn't have to have the same visibility in Golden Gate Estates at this location that you do elsewhere in Collier County.

So we had committed fairly early on in this process to have a minimum 50-foot-wide enhanced buffer along the boulevard. And in part what we've done is we have a portion of that that will actually be maintained as a preserve on our western portion of the site. So we have what will be a preserve that will then become an enhanced 50-foot-wide buffer along our entire Golden Gate Boulevard frontage.

I think that's probably pretty unprecedented for any other project. You know, Rich and I had spoken with a lot of people, and said Hilton Head Island, South Carolina, is a good example of how you can do these landscape buffers where you can get a sense of really nice retained native vegetation or, in this case, replanted native vegetation that can give you a softer feel, a big setback from the road so that people don't feel like they're in a typical urban project.

So we spent a lot of time working on these and convincing a lot of people that these can work and that this isn't going to be a detriment to attracting a quality grocery store and other tenants to this center because we'll have signage per code and that should be plenty. Everybody who's going to use this center should be living in the Estates or visiting somebody who does live in the Estates, and they'll know this center is there. So that's kind of the run-through of our buffers.

We do have the preserve along our entire northern buffer. It's a 75-foot-wide minimum. There are revegetation standards. I know that it was -- question raised in the process and staff had made a site visit and said that

parts of that northern buffer do contain some Brazilian pepper. What happens when those get removed as part of your commencement of construction?

And at that point we have in your document a -- we're going to -- we have no deviations from the Land Development Code. So your LDC Section 3.05 something has revegetation standards for recreated preserves. So we will have to meet that. I believe it talks about an 80-percent opacity standard. We have to fill up the width. We have to plant at all three strata.

I have an exhibit that we did that demonstrates that we're filling up 75 feet in width where we would have to remove potentially 100 percent of the vegetation. I don't think that there are too many areas where 100 percent of the vegetation is removed. But I'm not going to kid you, there are portions of the preserve adjacent to Comcast that do have Brazilian pepper in them, so there will be a significant amount of the vegetation that comes out.

One of the things in discussing with staff that we agreed to do -- and it's in your PUD document -- is that we would, in addition to recreating the preserve, that -- adjacent to the preserve tract adjacent to our commercial tract, we would plant and maintain a hedge that -- 6 feet 5 be maintained.

And I know that that was a question of, should there be a wall, should there be a hedge, and I think at that point in time we agreed that the softer feel would be to have an additional hedge adjacent to the preserve rather than a wall since we had the separation between us and our neighbors because of Comcast and the preserve.

So that's kind of a run-through on our perimeter buffers and vegetation plan. If there's something I missed, Ms. Caron, I'd be happy to try to address it more specifically.

COMMISSIONER CARON: No. Thank you. I just wanted the public to understand.

CHAIRMAN STRAIN: Mr. Schiffer, I think you had your hand up.

COMMISSIONER SCHIFFER: Yeah, a question. And this was -- Rich might be able to answer it.

In that center precinct, what percent of the people that are voters or, if you could, the population voted that day; do you know or --

MR. YOVANOVICH: I could tell you how many people voted total. There were a total of 1,014 votes cast from that precinct, of which 735 voted yes and -- which is 72.4 percent, and 265 voted no, which is 26.1 percent.

COMMISSIONER SCHIFFER: Okay, all right. Thank you.

CHAIRMAN STRAIN: Anybody else? Mr. Murray?

COMMISSIONER MURRAY: Yeah. Relative to the landscaping and signage, can you describe where your signage is going to be and what -- dropped back or prominent or -- let the folks in the audience understand what that represents.

MR. ARNOLD: I will try, Mr. Murray. Again, for the record, Wayne Arnold.

We envision that we will meet the sign code that's in the Land Development Code today. We've asked for no deviations from that. I believe that will give us some sort of directory signage at our main entrance. We probably will qualify for lesser signage at our other lesser entrances off of First.

COMMISSIONER MURRAY: What style of signage do you intend to utilize? A big garish-looking thing or monument sign or -- you know, try to describe what it is that you intend.

MR. ARNOLD: I think I have an exhibit that we showed many months ago to some of our neighbors that kind of gives you a feel for it, but I don't think we envision that the signage will be anything that looks out of character.

We've committed that we have to have an architectural style for the shopping center and buildings itself. So I think we envision that we're going to have complementary signage to that. We already have maximum heights that are less than you might find in the urban area. I think our signage, too, will be reflective of that.

COMMISSIONER MURRAY: All right. Two things I'm interested in is the setback from the road for the signs. And I think you're allowed up to eight items on a sign in such a facility. Is that what you intend?

MR. ARNOLD: I think we probably would intend to display as many of the potential tenants as we can on the sign itself.

COMMISSIONER MURRAY: And how far back from the road?

MR. ARNOLD: I think that's -- the county minimum, I believe -- I've got my LDC here, and I can look --

COMMISSIONER MURRAY: Twenty-five.

MR. ARNOLD: -- but I believe it may allow it to be within 10 feet in certain scenarios, but there are also certain site triangles that you have to maintain.

COMMISSIONER MURRAY: Yeah, that's what I'm wondering. And so the over -- the height, I don't recollect exactly what the number is relative to the height. But you're going to -- if you are going to put those up-to-eight advertisements, as it were, that should bring you up to a height of maybe, what, 18 feet, 16 feet?

MR. ARNOLD: I'll take a look at the code and see what directory signs can be in terms of height. I don't think they're that tall. I want to say they're in the -- they're no more than 25 feet, and they may be 20 feet. But if I could have a moment to check on that, I'd be happy to do that.

COMMISSIONER MURRAY: Well, I think it's good for the neighbors to understand what the implications of that are --

MR. ARNOLD: Okay.

COMMISSIONER MURRAY: -- because when you consider all of the landscaping and how lush that will look, obviously a complementary form of signage is something that would adorn it rather than break its presence.

MR. ARNOLD: There aren't too many examples where you have these kinds of buffering, but two examples that Rich and I pointed to throughout this process, the Poinciana building is where Barron Collier has its offices at Golden Gate and Airport Road. You have a lot of pines; you have a lot of palmetto. They have signage that's for an office, but they also have a marquee sign.

And then the WilsonMiller building as you go further on Airport Road is another example where they do have a nice, tall monument sign, but it seems to fit in very fine in that situation.

COMMISSIONER MURRAY: So that's what you intend?

MR. ARNOLD: I think we have talked about that as being something that there are two examples we can point to in town where you have this wide buffer with native vegetation and there can be complementary things that happen around it.

COMMISSIONER MURRAY: Well, I want -- I'm sure that you're trying to -- if you want to win on this, you'd try to make sure that the neighborhood is happy with every aspect of it.

MR. YOVANOVICH: Well, we are -- I can assure you we -- my client intends for this, as you can see through the design standards, to be a first-class shopping center, and he's not going to cheap out on the sign. The sign is going to be, likewise, appropriate for the type of center, and we can commit to that.

CHAIRMAN STRAIN: Any other questions of the applicant? Okay. Ms. Homiak?

COMMISSIONER HOMIAK: In the Comp. Plan and in the PUD on number -- in your allowable or -- allowable uses in the Comp. Plan, under business services, 7359, equipment rental and leasing, it doesn't specify that this could be just for office use or the rental and leasing of. There's a few things in here that I don't believe fit with this center if they were to be stored here, and they are rental and leasing of airplanes, coin-operated machines, vending machines, industrial trucks, oilfield equipment, oil-well drilling equipment, and portable toilets.

MR. YOVANOVICH: I don't think we have any problem excluding those.

COMMISSIONER HOMIAK: So if you could remove those or --

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: For the record, would you read the ones -- those again so that we get a stipulation at the end of this meeting so that everything is inclusive.

Seventy-three -- what number were you referring to?

COMMISSIONER HOMIAK: I'm sorry. Seventy-three fifty-nine, and that's the equipment rental and leasing not elsewhere classified.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: And it's the airplane -- airplanes, coin-operated machines, vending machines, industrial truck, oilfield equipment, oil-well drilling equipment, and portable toilets.

MR. YOVANOVICH: Oh, toilets portable, got it. I was looking under "P," and I didn't see it. I see it now, toilets portable, got it.

CHAIRMAN STRAIN: Anything else. Ms. Homiak?

COMMISSIONER HOMIAK: And on No. 7, childcare services. It's just -- maybe you should remove that one because -- I'm sorry -- because -- because you have it again in No. 28. So it's just that it's listed twice.

MR. YOVANOVICH: Okay. We'll, how about I just, so I don't have to change my numbering, delete it out of 28, if you don't mind.

COMMISSIONER HOMIAK: Yeah, that's it.

CHAIRMAN STRAIN: Oh, that's it? Okay.

Anybody else have any questions of the applicant? I do.

COMMISSIONER EBERT: I got a few.

CHAIRMAN STRAIN: Okay. Well, let me start with mine.

Some of the things you said in your presentation got me thinking about a couple of issues. Your hours. E's has a store, a convenience gas-station store across the street. Do you know what hours they operate under?

MR. YOVANOVICH: I don't know the hours. I don't know if there are any limitations on their hours so that they can expand them or not.

CHAIRMAN STRAIN: I just didn't know if their --

MR. YOVANOVICH: I don't know.

CHAIRMAN STRAIN: Does anybody in the room know if they're 24 hours or not?

MR. YOVANOVICH: No, they're not.

CHAIRMAN STRAIN: You'll all have to use the speaker.

MR. YOVANOVICH: I got it. He said 6 a.m. to 12 p.m., right?

CHAIRMAN STRAIN: All right. Well, we'll verify it when the public speakers come up, but I need to -- that's information, if someone does know it when you come up to speak, I think it would be important to know. That's the convenience store?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Your convenience store you're trying to say is -- you want it 24 hours?

MR. YOVANOVICH: That we have the ability -- doesn't mean we have to go to it, but we would like the ability to go to 24 hours.

CHAIRMAN STRAIN: I know. But I would rather consider what is already accepted in the neighborhood in regards to hours if we even are going there, and that would be a starting point. So I would certainly want to check that out.

You talked about restrictions on outdoor noise. I've lived in the Estates 31 years. When I moved there, it was a dirt road and I didn't have cable and I didn't have a mailbox on my street, and I thought that was the best thing, and I wish it was like that today, but times have changed. I now am surrounded by three major roads, a church, and a bunch of other noise, and the only silence is Christmas morning when the traffic isn't on the roads.

But what I don't like to hear is what I hear from the church when they get out there with their loudspeakers on certain mornings and broadcast their sermons and their music.

So when you say you're not going to have outdoor music and outdoor televisions for restaurants, are you also suggesting you're not going to have outdoor music in the shopping center period, not just for restaurants, but at all? I'm talking about your gas pumps, your -- whatever else you possibly would have. Are you abandoning outdoor music, amplified outdoor music?

MR. YOVANOVICH: I, frankly, hadn't -- I knew -- I had thought about it on the gas pumps, and we were committed to -- we don't need the Muzak, or whatever they call it, at the gas pumps.

I hadn't thought about at the main shopping center, because the shopping center I go to doesn't have it, so I never even thought of it. So I don't believe that that will be an issue that we would want to lose support over. So I think we could commit to no amplified music.

CHAIRMAN STRAIN: Okay. As far as outdoor amplification of sound, there are some requirements to have speakers at gas pumps for emergencies. I know that banks have speakers, and pharmacies have those little speakers. There is a provision in here for fast food, and the amplified music coming out of the speakers when you pull up is not pleasant to hear in the Estates. It will be carried a long distance.

I don't believe that the regulation of those facilities is strict enough by what is written in here. Hours of operation; it was brought up at one of the other meetings that we had with some of citizens that that is a concern. And I read in an email that you offered to try to regulate it, but the offer was not one that was nonarbitrary; basically it was up to you. If you thought it was too loud, you'd run out there from your legal office and tell them to turn it down. I don't think that's going to happen.

So what is a more definitive standard that could be applied from your perspective in regards to amplified music and those drive-up tellers for the fast food?

MR. YOVANOVICH: For the fast food, we would propose -- so I don't have to drive out there at nine

o'clock at night -- to prohibit amplification devices serving drive-through facilities. We would -- we would -- had a provision in there, and it says, "amplification devices serving drive-through facilities may only be operated between the hours of six in the morning and nine at night."

So the drive-through will have to shut off its amplification. So you'll pull up to the first window, place your order, and then go to the second window, or if they do it all at one window, you'll place your order orally without any amplification.

CHAIRMAN STRAIN: Okay. Well, I'm sure that -- and the reason I'm asking all this of you now is so that when the public has an opportunity to speak, issues and concerns about any of these specifics are known to them as well.

So the intersection and the improvements of the road system. Well, actually it's going to be a question for staff so -- and, Nick, you're handling the road stuff today; is that right?

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay. I'll wait and hold off on that one until we get to that, till staff report.

You had said something, or Wayne had said it, I can't remember which of you, but the site plan you showed for the PUD is what you'd consider the worst-case scenario?

MR. YOVANOVICH: It is as far as the larger building on the east, correct -- eastern parcel along north/south -- yeah, north/south running building, and the -- and the outparcel configuration. The exact size of the buildings on the outparcels could vary, but as far as what we thought number-wise, yes.

CHAIRMAN STRAIN: Okay. What about intensity? Do you think that's the worst-case scenario from an intensity perspective?

MR. YOVANOVICH: From number of users or --

CHAIRMAN STRAIN: Just general intensity to the neighborhood. There's a certain latitude that staff has versus what you have.

MR. YOVANOVICH: Yeah. I mean -- right. We would think that, you know, the grocery store in the middle, you know, that may get a little smaller or a little bigger depending on -- so there would be some changes to the uses on the wings.

The outparcels, you know, may go up. The building may be a little bit bigger, but the location is there. So I don't know if I'm -- but the square footage may change all within the 190,000-square-foot cap.

Does that answer your question, Commissioner Strain?

CHAIRMAN STRAIN: Well, not exactly. Let's take Tract C. You've got three buildings shown on there. One looks like it may be a drive-through bank or a pharmacy, probably a bank. The little one in the middle, I'm not sure what you'd do with that, but the long one is probably a retail center.

Would you be able, by this plan, to take those buildings, consolidate them into one 30,000-square-foot retail establishment? Is that what you think you could do? Is that the latitude you feel this plan provides you?

MR. YOVANOVICH: I don't think we ever considered one 30,000-square-foot building on that site, or whatever the number would be. We did think that may be the long building might become two buildings, and it might twist in orientation. But we never -- we didn't envision that we would have one whatever -- however many square foot building we could fit based on the development standards.

CHAIRMAN STRAIN: Okay. And the reason I'm bringing this up, there was a discussion in one of the meetings in which there was an issue over the number of large tenants you have.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And I think you have committed that you'd have a grocery store between 27- -- and what's the cap on the grocery store?

MR. YOVANOVICH: Well, we had -- that question came up, and the proposal we made that was not accepted -- but the proposal that we made was the grocery store can be between 27,000 and 60,000 square feet, okay. We can have one other user that could get to 30,000 square feet. We could have -- and these are individual users, not buildings, but individual users. Another individual user that could get to 20,000 square feet, and all other users had to be less than 15,000 square feet.

Because there was a question -- Rich, you know, you say nothing will be greater than 30,000 square feet. Thirty thousand square feet goes into 191 six times. Are you going to do six 30,000-square-foot buildings? So to make it clear that we didn't plan on six 30,000-square-foot buildings, we made that proposal.

CHAIRMAN STRAIN: The current grocery store that's shown there, do you remember the square footage that you've plugged into this site plan?

MR. YOVANOVICH: It's about 45,000 square feet; forty-five to forty-eight thousand square feet.

CHAIRMAN STRAIN: Okay. Well, then my question is, that's a -- let's use that as a square. You might be able to do another square about two-thirds the size of that one.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Is that the size of the strip building, for example, you have along Wilson Boulevard? And the reason I'm asking is, it looks like, the way you were -- just told us your language or your intentions are, by square footages, that the building configurations could change. And I realize there is flexibility. I'm just trying to understand how much flexibility. And that's what my question stems from, especially when you say you could have another tenant up to 30,000 square feet. Where on this plan would that building go?

MR. YOVANOVICH: That -- just for a matter of size. That --

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: -- building you're talking about is a little over 33,000 square feet in size.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: So, theoretically, one tenant could take up 30,000 square feet of that one building, and the remaining, I think, three-or-so-thousand square feet would go to another tenant or -- so -- but from giving you a size perspective, I think that building is close to the 30,000 square feet.

CHAIRMAN STRAIN: And I think from -- just by visual, it looks like it might be. I just wanted to understand where you were trying to fit these other larger buildings that you want to limit yourself to, or you want to -- you're willing to limit yourself to.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Wayne, you had said that you have an exhibit showing the north buffer. The north buffer behind the grocery store is the one in particular, because that is the narrowest buffer. Could you put that on the overhead so we could see what it will look like. This is the one that will have to be revegetated because that's a preserve.

MR. ARNOLD: Before you is an exhibit that shows a portion of our master plan. This is the buffer area where we had committed to planting a hedge in addition to the preserve so that there was additional opacity.

What we've prepared on this exhibit, it's language taken right out of your Land Development Code that identifies what the revegetation standards are. We then tried to mimic what the words say in both a plan view and an elevation view for that buffer, and that's just a typical cross-section that you would see. Your code requires a variety of planting sizes in terms of tree sizes as well as shrub heights and ground covers.

CHAIRMAN STRAIN: Okay. On the very south side of that buffer is where you're proposing a hedge alongside the driveway; is that correct?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: When I met with you and we talked about concerns over noise, the driveway along that grocery store has a bay with a wall on it. The truck would theoretically pull up going eastward and back into that bay with the wall. The wall that's alongside the bay would be some benefit to keeping the noise within the bay area.

But we have had other projects come -- and I keep thinking -- I think there was a car dealership up near Donna's home where this issue came up -- where they were up against a preserve, and they'd asked for a deviation to put a wall in, best I can recall. And I'm not sure I'm 100 percent accurate in that, but I think that was the one.

And I ask you about the wall, and you guys are willing to do it, but you said it would require a deviation and you didn't want to go into any of the deviation process.

I asked staff yesterday about that, and they said that if we wanted to stipulate that here, that would be the same as a deviation, and that would be acceptable.

So I'm asking you, do you have any objection to putting a 6-foot sound wall the length of that notch where it would go from First Street over where the shaded area is and then down to the corner, down right to there, along that northern property line so that that happens to be the place you're closest to any neighbors that does not have a substantial buffer? That sound wall, a 6-foot-high sound wall, would be more protective for noise coming from the deliveries in that grocery store than what you've -- than a 6-foot hedge, because you're still going to have the native plantings behind it.

And I also found out from staff that if you wanted to put a wall there, the LDC says you can't trench to put it in, which is totally absurd to me. So I would suggest that we stipulate that you would put a wall in, if you need to trench to put the foundation for the wall, so be it, because you're going to replant the whole thing anyway, so it doesn't really matter if you trench to put a foundation in.

Do you have any objections to that, or would -- what's your thoughts on it?

MR. YOVANOVICH: I was -- when we originally talked, I was thinking that the wall was basically going to end where that cross-section is, and I was, you know, prepared to commit to that today. I don't -- and can you give me just a few minutes during a break about extending it further? Because I, frankly, hadn't had that conversation, and I want to check on that.

CHAIRMAN STRAIN: I just -- that notched area is the only area. That's the thinnest area you have, and I'm concerned about it in regards to the relationship of the rest of your project.

MR. YOVANOVICH: Yeah. Again, what we were thinking when we had the discussion with the neighbors was along -- from First all the way across the back of the -- what's depicted here as the grocery store where it's thinnest, and we were clearly prepared to do that. It's when it angles, Mr. Strain, that I hadn't -- we hadn't thought that through, and I need to check on that.

CHAIRMAN STRAIN: Well, I wanted to throw that out, and we'll also see what the public thinks about it. And when they all get done and input, and if it -- maybe that's an issue that helps or not, I don't know. It's just -- sound is --

MR. YOVANOVICH: Right. I need to make a quick call.

CHAIRMAN STRAIN: -- something I can tell you I'm sensitive to in the Estates.

MR. YOVANOVICH: And we are too.

CHAIRMAN STRAIN: I have a series of questions from the document. I'll try to get past the staff questions as we --

COMMISSIONER CARON: Mr. Strain, while you're looking up your next question --

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER CARON: -- I'd like to ask a question about that long building there, that 33,000-square-foot building --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CARON: -- that's shown on the plan. It was my understanding -- and obviously I'm wrong because you did not correct Mr. Strain. But I thought that that was the office tract.

MR. YOVANOVICH: No. We don't have an office tract. That property is what is in -- currently within a neighborhood center, so that kind of corner -- five acres of that corner contemplated commercial use kind of from the get-go. Not all of it, but about, roughly, half of it. So -- but no, there's not an office building depicted here specifically.

CHAIRMAN STRAIN: Is that it?

COMMISSIONER CARON: Yeah. I have a problem with that long strip of building. That's a -- you know, that's an urban city-block length of building, and I can tell you right now that unless we put in some pretty specific standards for that building, if it is configured the way it's showing on this master plan, then I'm going to have an issue with it, because I had to deal with that issue at the corner of Wiggins Pass and 41.

There are two of these city-block-long structures that turned out to be a major problem for the community after the fact, and I don't want that to happen here. I certainly wouldn't want to see that happen here in the Estates. That would be absurd. This is an -- it becomes an outparcel, and we need to put some specific criteria in here as to how that building gets handled, because as we found out at Wiggins and 41, our architectural standards do not take care of buildings like this.

CHAIRMAN STRAIN: Well, I -- just for Ms. Caron's sake -- and I did do a take-off on that building. It's 80 feet wide by 420 feet long, which comes up to 33,600 feet. So maybe we ought to be -- and I'm sure Brad has, from an architectural viewpoint, a position on it. Brad?

COMMISSIONER SCHIFFER: Well, you know, and before Donna laughs, I'll give you the -- the architectural standards would require that facade to be broken, stepped back, and a lot of stuff to it.

COMMISSIONER CARON: And I will laugh.

COMMISSIONER SCHIFFER: And you'll laugh because somehow you have to read the architectural

standards to find that.

So there would be some breaking up of the building based on that. I mean, I do share with you. One of the disappointments --

COMMISSIONER CARON: And how do we guarantee that somebody from staff is actually going to look at the code and know that they're going to have to do that? Because that has not happened in other places. So I just think we need to be cautious for the people of the Estates, so --

CHAIRMAN STRAIN: Well, I think when we get staff up here, we ought to ask them about the architectural standards that would be imposed on a building that length. So whoever from staff's going to comment on it, by the time we get to you, you might make sure you've had a chance to look at it, and we'll get some input on that.

Back to my questions on the PUD. Let's start with Exhibit A under your permitted uses. Under amusement and recreation, you've got one called 7993, coin-operated amusement devices. That is a, potentially, noise-generated use. Do you have a problem dropping that from your list of uses?

MR. YOVANOVICH: No, I don't. I can't find my pen, but no, sir.

COMMISSIONER EBERT: What number was it, Mark?

CHAIRMAN STRAIN: 7993. On 7999, that wording is a little misleading. I think what you mean there, amusement and recreational -- "recreation services to include only," and then you go on from there. Is that what you're trying to say there?

MR. YOVANOVICH: Yeah. And I had changed that word after we talked to "allowing" only.

CHAIRMAN STRAIN: Okay. Well, that's fine.

MR. YOVANOVICH: Does that make it clearer?

CHAIRMAN STRAIN: Under No. 3, automotive dealers and gasoline service stations. You have a stand-alone 5541 as a gasoline service station with convenience, yet on the other page under -- two pages over, you have 5499 under food stores, miscellaneous food stores including convenience stores with fuel pumps and car wash.

Now, I'm assuming you don't really need 5541 because of the other reference. I don't know of any stations built, so I would assume 5541 can come out.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: And, likewise, I think 7542 would come out because it already says it in the same example I just gave you.

MR. YOVANOVICH: Yes, sir.

COMMISSIONER CARON: What was that number again?

CHAIRMAN STRAIN: 7542. And the reason this is important is it eliminates the possibility of some stand-alones as a primary instead of an accessory, and I think that's where the problems would lie.

Number 7534, tire retreading and repair shops. I mean, I've been by plenty of those tire-repair shops, and they have -- between their air compressors and their air guns and the hammering and everything else that goes on, that is not something that should be in that location. Do you have any problem taking that out?

MR. YOVANOVICH: No, sir.

CHAIRMAN STRAIN: And the next one would be 7539, automotive repair shops not elsewhere classified. Do you have any problem taking that out? We're getting in the same situation with the tires.

MR. YOVANOVICH: No. That's consistent with the previous one coming out.

CHAIRMAN STRAIN: On Page 2, No. 10. This is a big issue. And I told you when I met with you I would -- asked you guys to find a way to address it. Currently there's a problem in the Estates that is absolutely inconsistent with the intentions of the Golden Gate Master Plan Committee when we met in 2000 in regards to bars.

There's a place called the Spot Restaurant that has played the same game that Stevie Tomatoes is playing in Pebblebrooke with the percentage of food so they don't classify themselves as a bar because they serve just under the percentage.

Well, we never thought that the Estates would be a good place to have bars. They would turn into something that would be more disruptive to the neighborhood than positive. And I think that may be happening already.

In order to avoid that with No. 10, where you say Group 5812, including only liquor service accessory as an accessory, therein lies the problem. The accessory in the eyes of interpretation is 49 percent. Well, that doesn't help us as much. We're learning that now. And so what have you come up with; anything?

MR. YOVANOVICH: Well, one of the concerns I believe is -- and I've not been out there, so I don't know. But I think in other instances, and maybe in this one, they have the ability to open the windows to essentially bring the indoors outdoors, windows or a wall or something. I've seen that -- you can see that at the Noodles Cafe, or whatever they call it now, on Pine Ridge Road.

We would add a prohibition to any windows or walls being allowed to be opened to the outside. I think that would hopefully address some of the concerns.

We have no interest in a restaurant becoming a bar. Wayne and I looked at, you know, maybe square footage of the area that can be considered the bar. And, you know, I started thinking, okay, Silverspoon in Waterside Shops. What part of that would you consider the bar? They have a bar area inside where you can get your drinks, but kind of in that same general vicinity are some booths. Now, do those booths count as the bar area, or is it just the square footage of, you know, where you have the flat surface and the bar stools?

So we were looking at how we would -- how would we maybe regulate it through a percentage of the square footage. And we're amenable to that. We just want to make sure that we -- because I think that might be an appropriate way to do it other than regulating the sales.

CHAIRMAN STRAIN: Some of the restaurants that I've been involved in permitting -- and you have to allocate your seating. They allocate seating for parking spaces in one way and then for table seating, and then bar seating is allocated in a different way. And maybe there's a solution there by just regulating the number of bar seats, since that is the standard that's looked at. I mean, they are separately counted.

MR. YOVANOVICH: Okay. And is that -- that's in the code already, so we're not inventing something new?

CHAIRMAN STRAIN: It was at the time -- many years ago there was a restaurant that I had participated in some permitting on, and they had a bar. And for every barstool, they had a certain dictation as to how many barstools they could have for the parking spaces, and the seating for the tables was different. I don't know if it was a Health Department code or an LDC code at the time.

And, Ray, between now and before this is over today, if you could have someone checking that, or if staff's here with their computer and could take a look at MUNI code.

MS. ASHTON: Mr. Chair?

CHAIRMAN STRAIN: Maybe we could see if there's a rating there.

MS. ASHTON: Mr. Williams has some comments on some measures that have been taken.

CHAIRMAN STRAIN: Okay.

MR. WILLIAMS: Commissioner Strain, you're as familiar with this as I am. We spent time on this together in the last one.

CHAIRMAN STRAIN: Pull the mike a little closer.

MR. WILLIAMS: I'm sorry for not speaking louder.

We've dealt with this together before. Stevie Tomatoes is familiar to us all, and there were many things that were brought up during the course of that matter that might assist. One that we looked at that was never addressed that the residents were seeking in the Pebblebrooke area was hours of operation, almost by very definition, cuts down a bar use, is something that's not open till one, two o'clock in the morning. The residents were really seeking a nine or ten p.m. when a traditional restaurant closes.

For -- any particular establishment that would seek to call itself a restaurant will close when restaurants close. It's tough to get a table at most restaurants at eleven o'clock at night. If you're going to be a restaurant, that's one effective way of doing it.

You've already addressed the 49 versus 51 percent alcohol versus food sales. As Rich mentioned previously, keeping it indoors will help and does help the neighbors. Stevie Tomatoes became an issue when they had the amplified sound and the outdoor seating. Just outdoor seating by its own right, the neighbors mentioned they could hear the dinner glasses, the conversation; everything carried through that preserve well over 150 feet without a problem.

There's things we can look at in addition without preventing the entire use that's being sought here. But hours certainly were something the neighbors were looking for in Stevie Tomatoes.

MR. YOVANOVICH: We have those.

CHAIRMAN STRAIN: What is your hours regulated for all restaurants, included --

MR. YOVANOVICH: All restaurants have got to close at 11.

CHAIRMAN STRAIN: Okay. That's a -- that's better than two.

MR. WILLIAMS: That's better than two.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: Yeah, Mark. I mean, you could do this also by limiting what license is allowed to be in the establishment. There's a liquor SRX license which a restaurant can have. They have to be serving meals when they serve the alcohol. It does have the 51 percent built into it. The state does monitor that.

In other words, if you do not allow them to have a 4COP, then they cannot be serving liquor without serving hot meals at the same time. I mean, it's not like you can sit there with a bag of potato chips with an SRX license.

MR. WILLIAMS: I apologize. We addressed it previously. A plate of wings, and your SRX is -- well, a plate of wings at 1:30 in the morning, and you're right past that restriction.

COMMISSIONER SCHIFFER: And they've gone -- and the calculation's coming up 51/49? I don't think so.

CHAIRMAN STRAIN: Well, the way the code's written, those calculations are provided by the vendor or the shop owner, and there's no way to challenge and audit it, so you're kind of at the mercy of what they want to tell you, so --

COMMISSIONER SCHIFFER: Okay. But, I mean, that's certainly a step in the legal direction that states what you intend. I mean, if they rename their wings, you know, martinis and call them Buffalo wings, I don't know.

MR. YOVANOVICH: Again, we're at 11; we're not the late-night offender, so I don't want to get labeled that way, because we're -- everything close -- the restaurants close at 11. And that doesn't mean you get a table at 11, that means adis.

CHAIRMAN STRAIN: Or you're going to come out there and make sure?

MR. YOVANOVICH: Or I'm coming out there, you know. But, you know --

CHAIRMAN STRAIN: Well, I wanted to get the issue on the table --

MR. YOVANOVICH: I agree.

CHAIRMAN STRAIN: -- because I know there are people here today who are experiencing some problems in neighborhoods with the same issue, and so let's just -- we'll get their input, and by the time the meeting gets to a closing, we'll figure out what to do with it.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: But it's on the table. You guys need to think about it, staff does, and before today's over, I want to make sure we have a -- depending on how this goes, regardless, there needs to be a regulation on that that works.

Page 27, Item 28, veterinarian services for animal specialties. Normally we see this with no outside kenneling. Do you have any problem adding that?

MR. YOVANOVICH: No, no problem.

CHAIRMAN STRAIN: On Page 7 -- actually Page 6, prohibited uses. Six, under educational services, I understand the parts about schools, and they tend to be noisy sometimes, especially traffic-wise. Why are you eliminating libraries? I mean, that's a pretty quiet use, and I don't know what you would have a library removed for. I mean, I'm not sure you're planning to put one in there, but are you going to put a bookstore in?

MR. YOVANOVICH: I don't know that a bookstore is a library, but --

CHAIRMAN STRAIN: Well, I think a bookstore like Barnes and Noble or any of the popular ones, they're going to generate more activity than a library is.

MR. YOVANOVICH: Mr. Strain, this was -- I'll be honest with you, this was added on early in -- this was in early on as a prohibited use and, you know, at that -- I don't remember where it started, to be honest with you. But we really didn't think that with the library not too far away that we were going to end up with one on this property anyway and we, frankly, didn't think the county had any extra change in its coffers to come buy in. So it was one of those things -- it was just one of those things that went in, and it was a -- kind of a no harm, no foul.

CHAIRMAN STRAIN: Well, I was trying to understand --

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: -- reasoning in reading this.

MR. YOVANOVICH: And I can't tell you the reason.

CHAIRMAN STRAIN: And that was kind of an odd thing to have as a prohibited use, because I don't

remember doing that on the Master Planning Committee.

MR. YOVANOVICH: I can't tell you that there's any reasoning. It's been there for as long as I remember, and where it started I don't remember.

CHAIRMAN STRAIN: Okay. Under operational standards on Page 7, as far as operational standards for drive-throughs, a fast-food drive-through. If we work out something today for stipulation, you would probably be adding that to this Roman numeral?

MR. YOVANOVICH: Yeah. I would put -- well, I'd put it as an Item 4. And as I read it -- hopefully it was okay -- is "amplification devices serving drive-through facilities" -- that would be all drive-through facilities -- "may only be operated between 6 a.m. to 9 p.m."

COMMISSIONER MURRAY: I have a question, if I may.

CHAIRMAN STRAIN: Sure. Go ahead, Mr. Murray.

COMMISSIONER MURRAY: I don't claim any expertise on this certainly, but I am aware from observation that places like Burger King and McDonald's, for security purposes, often close their doors at nine o'clock but retain an outside service, a pick-up service.

And if -- you basically will be closing their facility at nine o'clock if you utilize that time. And the key, I think, is the question of amplification -- I'm not aware. There may be some that do play music, but the ones that I've visited, generally just a microphone to get enough amplification to hear the person's transactions and you go to the next place.

Are you doing yourself a disservice, do you think, by making it nine o'clock?

MR. YOVANOVICH: Well, probably, from a business standpoint, yeah, I think we're doing a disservice, but from a community standpoint we can live with it. It is quiet out there at night. There's no question about it. And I have no reason to believe that people, when they're telling me that they can hear things, are not being honest.

So we believe -- and we've looked at this and said, you know what, we can still have the drive-through. You just pull up to the first window, you place your order, and then you go -- and, again, the ones that I've been through -- and, frankly, many times they don't use the amplification. They sometimes will have a person out there taking your order, or other times you just pull up to the first window and say, I'll have whatever I'll have. I don't want to give anybody any free advertising. But you'll pull up to the first window, they'll take your order, they'll take your money, you'll drive to the second window, and I'll get my Diet Coke and salad and then move on.

COMMISSIONER MURRAY: I understand what you're saying to me, but the transactions that I'm aware of, I think that you'll find that they do say "thank you" and "may I have your order, please," and that is, in fact, amplification. And under the technical aspects of that prohibition of amplification, they would have to station somebody outside, even in the rain.

MR. YOVANOVICH: Or -- that's after nine o'clock at night and -- or, otherwise, you would pull up to the first window, and that person is inside and in cover, and you'd place your order, and you would, you know, move on, or they may just have one. I mean, I don't have a fast food example, but I do --

COMMISSIONER MURRAY: I do. That's why --

MR. YOVANOVICH: I know. And you know what? It may result in we don't get any fast food. You know, it may mean that whoever would want to come there as a fast-food person will say we can't live with those requirements or restrictions.

COMMISSIONER MURRAY: Well, I know there was a lady who testified she desperately wanted a McDonald's.

MR. YOVANOVICH: I know, I know, I know, and she's not going to be happy. But, I mean, again, we're committed to addressing all of the, you know, reasonable concerns that are raised by the neighbors, and we think we can address it this way.

COMMISSIONER MURRAY: My only concern in this is that we tend to -- you don't want a code enforcement person stopping you from operating because there's no amplification, and amplification is through a microphone and a small speaker, and that constitutes amplification. And they're very low generally. I haven't been witness to any high volume of that type.

And I am familiar with at least one or two where there's a board that has the information on it as to what to order, and there is a transmitter there, so to speak. There's a speaker and a microphone. No harm, no foul for me --

MR. YOVANOVICH: Right.

COMMISSIONER MURRAY: -- but I just wanted to make that question really qualified. You're satisfied, I'm happy.

MR. YOVANOVICH: We are satisfied with that commitment.

CHAIRMAN STRAIN: Okay. Let's go on to Page 8, Exhibit B. Footnote 2, since there is no second floor, I don't think you need to refer to the first floor. And if you take that out, you don't need the footnote. Do you guys have a need to have that in there? Just for clarity.

MR. YOVANOVICH: We'll take it out and renumber the footnotes and the references on the table to those footnotes.

CHAIRMAN STRAIN: On Exhibit E I have some issues with the staff language in No. 2. And -- well, quite a few issues with the traffic stuff, but I think I'll wait, Nick; since you're going to handle that, we'll do it in the staff report.

Ms. Caron?

COMMISSIONER CARON: Before you leave Exhibit B --

MR. YOVANOVICH: Yeah.

COMMISSIONER CARON: -- Footnote 4 says accessory uses, and one of the accessory uses they're calling out are dumpsters --

MR. YOVANOVICH: Right.

COMMISSIONER CARON: -- that don't have to meet setbacks.

MR. YOVANOVICH: They don't have to meet the principal structure setbacks.

COMMISSIONER CARON: I think you really don't want that. I mean --

MR. YOVANOVICH: Since -- let me -- we have an exhibit, because that came up the other evening as to, you know, where do we think these dumpsters are going to be, and I will put, if I may -- and staff has not seen this, okay, just so you know. But this is what we've put together. I shared it with the residents.

You may need to blow that up a little bit, Ray, if you don't mind.

But as far as where you see the word -- the Letter D, that's where we believe the dumpsters would go, okay. So when you see that, they are, in fact, further away than the minimum requirements from the northern boundary by the grocery store, and I think that was the one that raised the most concern was because of the -- Waste Management or whoever serves out there coming to pick it up and --

CHAIRMAN STRAIN: When you think about that block wall going down to that --

MR. YOVANOVICH: I heard you, and I saw right there.

CHAIRMAN STRAIN: Yeah. Well, you just kind of shot a hole in your argument but -- to stop it earlier, but I think it would have to go further down.

COMMISSIONER SCHIFFER: Mark, I have a question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Rich, why did you choose the prime corner as a location for the dumpster? We've seen this before.

COMMISSIONER CARON: Yes, we have.

COMMISSIONER SCHIFFER: And as an architect, why would I never consider a dumpster on that corner?

MR. YOVANOVICH: On the Wilson intersection?

COMMISSIONER SCHIFFER: Unless you're going to bury it in some sort of mounding and landscape.

MR. YOVANOVICH: Well, that's where -- you know, there -- maybe we don't show that one and we put it -- I mean, we were trying to show where we thought they would all go. That's actually a pretty thick buffer at that point, because that's where the -- I think the 30 and the 50 meet, so we thought we could, you know, hide it very well. But, you know, we can deal with that one later.

COMMISSIONER SCHIFFER: And, obviously, our code puts it in a block wall, gates it and does everything with it, but it just seems like an odd location to have an object sitting there other than something with design.

Thank you.

CHAIRMAN STRAIN: You're showing us this plan not as an attachment to the PUD, but just as something you're thinking this might be where you'd put dumpsters?

MR. YOVANOVICH: We don't have a problem with, you know, adding that this becomes part of the plan

as long as, obviously, we have to go through the SDP process and make sure we locate it. But from a general-location standard, that's where they would be, and we can attach it as part of the master plan.

CHAIRMAN STRAIN: Well, my issue would be a little bit more flexible, that you would have in no case a location closer than these are to the respective setbacks -- respective property lines that they fall under right now.

MR. YOVANOVICH: Okay. That's fine.

CHAIRMAN STRAIN: I mean, you won't have that D in the grocery store moved further to the north. It will be somewhere along that line.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: The one over on Wilson that Brad brought up, I mean, that's as close as you can get anyway, if you figure out a way to put it there. But all I'm concerned about is their proximity to external property lines.

And if this is the limitation, that would solve the question that Ms. Caron brought up in regards to the fact that you're asking for basically a minimum or of any accessory standards, so -- okay.

We take a break every hour and a half for our court reporter, Terri, who tries to keep her fingers moving as fast as all of us talk. So what we should do is take a break right now and come back at 10:45 and resume our discussions with the applicant. So 14 minutes, we'll resume.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everyone. If you'll please have your seats, we'll resume the meeting.

And since Richard isn't here, it would be a great time to vote on this and be done with it. But I guess we will have to wait for the applicant's representatives to get back.

Hey, Paul, did you see the applicants out in the hallway? Could you see if they're willing to come back and then resume the meeting? I don't want to inconvenience them at all. Oh, I'm glad to see they're back, okay.

Gentlemen, we start on time.

So -- Page 12 of the PUD. They're under bus shelters. The only thing I would suggest you add under B1 is a few words at the end of the sentence that says, if constructed by the developer. That makes sure that if you want to construct it, you can do so within the time frame allowed and you're not relying upon the county to construct something, because I'm not sure how those things happen in the county.

MR. YOVANOVICH: That's fine. And I had proposed at the beginning of the sentence, "If the shelters are to be constructed by the developer, installation shall occur." Either way.

CHAIRMAN STRAIN: Okay. Well, just make a note that that language will need to be looked at depending on where this goes.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Item C1B, the very last paragraph. I think I spoke to county staff about it. I think we're in agreement there's a -- the wording is not good, even though it happens to be the wording that is in our GMP. It says, "If the project is reviewed by Collier County, the county engineer shall provide evidence that no removal of native vegetation is necessary to facilitate the necessary storage of water in the water management area."

And I know by your buffer examples you're going to be putting some water and water management areas in -- or you intend to. I don't think it's the county engineer's position to have to supply that evidence, but I think the county engineer shall receive and review that evidence that you provide. And I'm sure that Kay, we -- or, Nick, I think there was a suggestion of some language change. So when you guys speak, I'd like you to address that one in case we forget it by then.

On Page 13, No. 3, this one's going to change with the idea of the block wall going in in lieu of that hedge. So if that ends up being a viable substitution for the hedge, I think No. 3's going to have to change.

There is a couple other points. The second sentence, in No. 3, it says, "Where little or no vegetation exists"; the word "little" is a little ambiguous. I would suggest "where it does not meet the Land Development Code, or no vegetation, native vegetation exists," that way we don't have ambiguity in the meaning of this document.

The third sentence, it says, "Plant materials must be native species similar to those presently existing within the preserve area." I would suggest we substitute from the word "similar to those presently existing" with the words "compatible with existing" material or plantings within the preserve area. Similar is another kind of ambiguous word.

Number 4 refers to Tract A. Can you put that master plan back up again? Tract A is the big tract, okay. The hedge shall be -- there's going to be a hedge in a certain area of that. The hedge shall be installed concurrent with the

commencement of site work. I think you really want that hedge installed and complete -- started with the clearing of that area, because you're going to have to go in and remove exotics and things. The commencement of site work, you're not going to have any water in which to sustain any kind of vegetation on that site, so I don't think that's going to be a good idea. So there should be another time frame along the process that allows a hedge to have some ability to survive with being irrigated.

MR. YOVANOVICH: I think that area that we're building the hedge is now going to become the wall.

CHAIRMAN STRAIN: That's in the -- that's this one or the one --

MR. YOVANOVICH: No. This one deals with the hedge. So we will need to, obviously, change that reference to "wall."

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Better describe how far the wall goes. And the timing, I think, would be consistent with, as you're saying, the clearing of the exotics. But the references to "hedge" become "wall."

CHAIRMAN STRAIN: Okay. So we're going to -- that's -- I thought 3, but 4 is the one that has the wall substitution, okay. Okay.

That -- let me check and make sure I don't have any GMP questions. By the way, the changes in the PUD --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- that have corresponding numbers and references for SIC codes in the GMP need to change in the corresponding manner. I'm sure staff's going to be aware of that.

One thing I'm going to -- a couple things I may have missed. Number 9, construction specialty trade contractors, that's one of those C4 uses but it is because trade contractors generally have storage yards for material and equipment. And you've stipulated this is for office use only. No on-site equipment, and I would suggest adding the words "no on-site equipment or material storage."

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: Okay. Go ahead. Ms. Caron?

COMMISSIONER CARON: May I just ask, just above that where the category is communications, what do those two categories actually allow you to put in there? I mean, it's obviously not a --

COMMISSIONER EBERT: What number?

COMMISSIONER CARON: -- radio station with a tower. I mean, I don't know what it allows.

CHAIRMAN STRAIN: It would be No. 8, Diane.

COMMISSIONER EBERT: Thank you.

COMMISSIONER CARON: And you'll see --

MR. YOVANOVICH: 4812, I'll just read it --

COMMISSIONER CARON: Yeah.

MR. YOVANOVICH: -- is, "Establishments primarily engaged in providing two-way radio/telephonic communications service such as cellular telephone services. This industry also includes establishments primarily engaged in preparing telephone paging and beeper services and those engaged in leasing telephone lines or other methods of telephone transmission such as optical fiber lines and microwave or satellite facilities," and it says "and and reselling the use of such methods to others."

"Establishments primarily engaged in furnishing telephone answering services are classified in services industry 7389," and then they give, as examples, beeper, communication services, cellular telephone services, paging services, and it says, colon, radio telephonic, and radio telephone communications.

COMMISSIONER CARON: So basically it's for your local Verizon store; is that --

MR. YOVANOVICH: Correct. I think that's right.

COMMISSIONER CARON: Okay.

CHAIRMAN STRAIN: Okay. And that brings me to the end of my questions at this time of the applicant. I'll certainly have more as the public speaks. And if there's no other questions from the Planning Commission of the applicant at this time, we can move on to county staff. Ms. Caron?

COMMISSIONER CARON: Just one, which is probably really for staff, but just quickly. In Exhibit E you tie transportation commitment to a certain project number. Do those project numbers ever change? I mean --

MR. CASALANGUIDA: They typically don't. They usually get an alphabet after them, you know, 004A. But I think you could say "or the equivalent." Because we have talked about, in the current AUIR, modifying that

project to just the intersection. So you raised a good point.

COMMISSIONER CARON: Okay. I just didn't know whether that was a good thing to --

MR. CASALANGUIDA: You raise a good point, because we discussed that this morning.

COMMISSIONER CARON: -- actually tie it to a specific number or not.

CHAIRMAN STRAIN: It was -- when we get to the staff report, I had told Nick yesterday, those are some issues that we need to kind of tighten up. I hadn't seen it referred to that way before and -- so you're right. Good point.

Okay. Just a minute till we get it resolved here.

Okay. County staff? Looks like, Michele, you're going to start out with the comprehensive planning issues, and then Kay's going to go into the zoning issues, I would bet, right?

MS. MOSCA: Yes, that's correct. Good morning, Mr. Chairman, Commissioners. For the record, my name is Michele Mosca with the comprehensive planning staff. And as the chairman mentioned, I'll discuss the Growth Management Plan amendment and Kay will follow with the PUD rezone.

Mr. Yovanovich already has gone through all of the necessary project background, so what I'd like to do is discuss how staff arrived at the recommendations that are found on Pages 2 and 3 of the adoption staff report.

These recommendations are based on the review of the applicant's commercial needs analysis and the population results generated by the Interactive Growth Model for the Estates area two miles east of Collier Boulevard. It also includes the evaluation of the State of Florida's criteria for review in Comprehensive Plan amendments. This includes a 1.25 market factor or supply-to-demand ratio for the comprehensive plans planning horizon, which in this case for our county's plan is year 2020. And then, finally, it includes the suitability of the property for change and community desire.

The map that's placed -- that was just placed on the visualizer is the applicant's defined market area. Review of the -- review of this applicant's commercial needs analysis indicates that that 1.25 factor, as I mentioned, is exceeded within the applicant's defined market area without the inclusion of the proposed project.

What I'd like to show you next -- I don't want to overload you with numbers, but what I'd like to provide you is just a general idea of what that market-factor ratio would be, and, again, that's simply your supply to demand.

Now, if you look in the numbers all in red, those are the numbers that you're really looking at. On the first table you'll see in year 2020. In 2030, that 1.25 factor is exceeded. And then as you include the Randall Boulevard subdistrict approval in the second table, if you look at those numbers again in red, you'll see that it's exceeded again, 1.95 in 2020 and 1.50 by 2030.

And then, finally, if you were to include the neighborhood center at Everglades and Golden Gate Boulevard as well as the total buildout for Randall Boulevard, by 2020 that market-ratio factor would be at 2.51, in 2030, 1.93.

Again, we also reviewed -- we also reviewed the area using the Collier Interactive Growth Model. And I need to remind everybody that this is not a market study. This is a population-driven model that identifies the population within a given area.

Review of the population figures for this area -- and, again, this is the Estates area two miles east of Collier Boulevard -- it indicates that a neighborhood shopping center could be supported by the projected population in 2020, but there is not sufficient population or demand to support a community-sized shopping center which is generally proposed by that amendment.

Commissioners, it's also important to note that when the market-ratio factor of 1.25 is exceeded, as in the case with this particular petition, other factors such as community desire, job creation, et cetera, can be considered in the overall evaluation of the project. This particular project will likely provide a reduction in vehicle miles traveled for the residents, will create jobs, and the project does have community support.

Staff's primary concerns with the project include the proposed project size of 190,000 square feet on approximately 41 acres, the project intensity, and the potential impact on the character of the community and the vision of the community as reflected in the existing Golden Gate Area Master Plan.

I just wanted to point out, in relation to the 41 acres, which is located in the northwest quadrant, the other quadrants are highlighted in red. Hopefully you can see those. And what I wanted to touch on is just the -- right now what the acreages are for those quadrants as well as the commercial uses and the commercial square feet that's presently there.

So in the northeast quadrant there's approximately 8.5 acres, currently with approximately 2.6 acres

developed with an 8,113-square-foot convenience commercial use.

In the southeast quadrant it's approximately 7.15 acres. Five of the acres are for commercial development and approximately 2.15 is for buffering.

It's developed with approximately a 41,800-square-foot shopping center, and there's approximately 12,572 square feet remaining in the planned unit development for possible outparcel development.

And, finally, in the southwest quadrant, there's approximately 11.78 acres currently developed with a 16,550-square-foot Walgreens, and the balance of the quadrant is approved for up to 60,000 square feet of office- and medical-related uses.

Again, I want to emphasize that staff is not opposed to this project. We're concerned about the intensity and the square feet that's being proposed.

Secondly, we would like to mention that staff does not support the degree of specificity provided in the subdistrict text, specifically the listing of proposed land uses and the unprecedented proposed inclusion of the conceptual plan within the Golden Gate Area Master Plan; however, should the Planning Commission choose to recommend approval of this petition as submitted with the size and intensity, staff would recommend, again, that the conceptual plan and correlating subdistrict text not be adopted into the Growth Management Plan.

COMMISSIONER MURRAY: Question.

CHAIRMAN STRAIN: Mr. Murray.

COMMISSIONER MURRAY: Out of curiosity, on the earlier document that you showed where statistical information -- sorry about that -- statistical information, you show 14,000 and something square feet of vacant property. How do you come to a projection in, say, 2020 for 14,000 square feet of vacant property?

MS. MOSCA: This information came directly from the applicant, and that 14,701, I believe that was calculated somewhere around 6,000 square feet for the existing neighborhood-center acreages.

COMMISSIONER MURRAY: So it's based on approved but not yet built?

MS. MOSCA: Correct.

COMMISSIONER MURRAY: Okay, thank you.

CHAIRMAN STRAIN: Anybody else? Brad?

COMMISSIONER SCHIFFER: Michele, you're recommending reducing the size of the project. What would you like to reduce it to?

MS. MOSCA: Well, since all of the needs analysis and so forth indicate that the population could support a neighborhood-size center, typically a neighborhood-size center is upwards at the, you know, extreme end, a hundred thousand. But I have seen neighborhood centers that are more than that.

COMMISSIONER SCHIFFER: Okay. So you mean for the whole -- as you show, this whole area within red should be about a hundred thousand square feet?

MS. MOSCA: Well, I'm also concerned about the acreage. This particular site is 41 -- roughly 41 acres, and the reason I provided the aerial is to show it in context with the other neighborhood-center uses. So that also would either have to come down, the acreage, or buffering or enhanced buffering, preserve areas and so forth, to protect that community characteristic.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

Michele, the southwest corner, what did you say the total acreage of that corner was?

MS. MOSCA: You said the southwest?

CHAIRMAN STRAIN: Yes.

MS. MOSCA: Approximately 11.78.

CHAIRMAN STRAIN: And does it include the existing store that's there, the pharmacy?

MS. MOSCA: The Walgreens, yes.

CHAIRMAN STRAIN: Yeah. So it's almost 12 acres, and it's got some kind of commercial zoning on all of the 12 acres?

MS. MOSCA: I know that the Walgreens is zoned and the adjacent property to the west is zoned C3.

CHAIRMAN STRAIN: Right.

MS. MOSCA: I'm not sure if the remaining balance is zoned or not.

CHAIRMAN STRAIN: Okay.

MS. MOSCA: And that's for the office uses.

CHAIRMAN STRAIN: Okay. So -- but they could have basically 12 acres of rezoned property there?

MS. MOSCA: Yes.

CHAIRMAN STRAIN: What's the general FAR for commercial; do you know? Oh, Kay's coming to your rescue.

MS. MOSCA: Thanks, Kay.

CHAIRMAN STRAIN: Well, no, she's not coming to your rescue. What's the --

MS. MOSCA: I thought she was.

CHAIRMAN STRAIN: Kay, do you know what the FAR that we'd -- rule of thumb for commercial?

MS. DESELEM: Excuse me. For the record, Kay Deselem. No, not off the top of my head. What I provided was the zoning --

CHAIRMAN STRAIN: Zoning.

MS. DESELEM: -- map so that you could see what it's zoned, because the question came up as to what was zoned for commercial use.

CHAIRMAN STRAIN: Right. Okay. Ray?

MR. BELLOWS: The standard zoning districts, the C1 through C5, don't have floor-area ratios for all those uses. Those are only limited to ALF and some --

CHAIRMAN STRAIN: I know. What I was asking, though, from a planning perspective, if you were to Google right now FAR commercial, you're going to get a bunch of hits. The hits will give you .25 to .30 for an FAR.

MR. BELLOWS: Do you want me to look it up?

CHAIRMAN STRAIN: No, you don't need to. I already did, but I was hoping you guys would verify what I saw on the Internet. If you take an FAR of .30, multiply it times 12 acres, do you know what kind of square footage by that standard you could put on a 12-acre site?

MS. MOSCA: I know you know the answer to it.

CHAIRMAN STRAIN: Well, I -- yes, and it's home. I was -- I wrote it down on this piece of scratch paper, and I forgot to bring it with me.

COMMISSIONER EBERT: We could do that at lunch break.

CHAIRMAN STRAIN: So 43,560 times 12 times .30, if anybody's got a calculator. I don't.

MR. CASALANGUIDA: Fifteen times 12, 60 --

CHAIRMAN STRAIN: Hundred and fifty-six, okay. I just was trying to regulate -- correlate what a standard FAR on a piece the size in the southwest corner could get from a square-footage perspective, and that's where I was trying to understand why your limitation -- and I'm not saying you're wrong or right. I'm just trying to find the support for your reference to the hundred thousand.

If we have a site that could take a larger FAR from a standard basis and it could fit, could we prohibit them then from going larger?

And David is coming to your rescue, too. You've got a lot of people looking to help you today.

MR. WEEKS: For the record, I'm David Weeks of the comprehensive planning section.

Commissioners, I was just going to comment that the FAR that you referenced, Mr. Chairman, I believe would be more -- more for an urban setting than the context in Golden Gate Estates, because the master plan requires for the commercial development there, as well as this specific project proposes, a much greater buffer area than we typically would see in the urban setting. The corresponding of the FAR would be expected to be lower than the figures that you mentioned.

CHAIRMAN STRAIN: Okay. Well, that's what I was trying to get out of Michele.

MS. MOSCA: Sometimes I need some help.

CHAIRMAN STRAIN: We got there, one way or another. Okay.

That's the only questions I had from Michele.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Michele, thank you.

MS. MOSCA: Thank you.

CHAIRMAN STRAIN: I guess, Kay, you're up next, huh?

MS. DESELEM: Good morning. For the record, my name is Kay Deselem. I'm a principal planner in the zoning section.

And you have the staff report, which is dated last revised 6/23, and I'll make one quick correction to that. There is a blank space where it says the County Attorney's Office completed their review on Page 15, and the date that should be in there is 6/24.

So I won't belabor the issue. You've had a good idea of what the project is. I will go over the staff report to tell you that the surrounding land use and zoning is shown on Page 2. The growth management GMP consistency begins on Page 3, and it contains references to both the FLUE and the transportation element as well as the Conservation and Coastal Management Element.

And a conclusion -- and I've tried to make it clear throughout the staff report, but it's referenced on the first page of the analysis of the GMP on Page 3 that it says, "Consistency with this goal's contingent upon BCC approval of the companion GMP amendment, Petition CP-2008-1, to establish the Estates shopping center."

So I wanted to make it clear that this staff report is written assuming that that were to be adopted, because we have to review it consistent with the Growth Management Plan. If for some reason that Growth Management Plan isn't adopted as proposed, that would change the findings and the recommendations in the staff report. But our recommendation is contingent upon that being adopted as proposed.

The additional review and analysis goes on on Page 6 starting with environmental review, Wellfield Risk Management Overlay Zone, and the transportation review, and on Page 7 it goes into the zoning review that talks about the various uses proposed and the buffering, the amplified music issues, the development standards.

And beginning on Page 9 you have the findings of fact to support staff's recommendation. Those are divided into both PUD findings and rezone findings with the rezone findings starting on Page 10.

And on the next-to-the-last page, then you do have our recommendation that this be forwarded with a recommendation of approval, again, contingent upon the GMP amendment being adopted.

As we discussed things prior to mine, several issues came up. You had a question about a sign -- I'm sorry -- yeah, the signs, the height. And Ray Bellows looked that up, and the one sign that was a pole sign was 15 feet, if I'm not mistaken, and the project ID sign, a maximum height of 20 feet.

We also have Carolina Valera here who can discuss more specific issues that you have about architectural standards, and Steve Lenberger is here to address issues regarding the -- not the buffers -- the preserve areas, and he does want to speak about the wall that's proposed along the north property line of Tract A.

And I just wanted to -- you wanted clarification of the PUD language on Page 13, and you asked me to provide that, so I will. I'm sorry, it's Page 12, the bottom of Page 12, C. It's written kind of backwards, and it should say, if the project is reviewed by Collier County, the developer shall provide evidence that no removal -- in other words, they have -- the developer has to provide it to the county engineer, not the other way around. So we just need to get that clarified.

CHAIRMAN STRAIN: Well, that's good for the county engineer. At least he hasn't got to be putting up evidence that --

MS. DESELEM: Yeah, I'm sure he was sweating bullets.

CHAIRMAN STRAIN: -- in defense of the developer, so I think that's a better move.

MS. DESELEM: Yeah. I think he was sweating bullets back there worried about that.

Some of the things that I noticed as we were listening to the applicant's testimony was the one buffer exhibit that they provided showing what's proposed in the northern part of that preserve. I do not have that, and I think it needs to be included in the PUD document.

And I wasn't exactly certain where exactly you wanted the wall, so when we get to the point of your recommendation, if you could be specific, and I'll catch it that time, to see exactly how far you want that wall to extend, if that's included in any recommendation.

And I heard the applicant saying something about the site has been configured such that delivery trucks will not be using Third, but I don't actually see that within the PUD document as a limitation or a prohibition, so I would suggest that we need to tighten that up and put that in the PUD document.

CHAIRMAN STRAIN: You think you can put in a document that a truck that pays taxes for the public-road system can't use the public road?

MS. DESELEM: Well, we can at least have the applicant post it that they can't use that entrance into this site.

CHAIRMAN STRAIN: Okay. I just want to make sure we word it so that the applicant's posting his property.

MS. DESELEM: Right.

CHAIRMAN STRAIN: We're not telling people they can't --

MS. DESELEM: I mean, yeah, you can't keep them from going on the road itself. They just can't use that to get entrance or exit this site.

And I wasn't real sure if we ever came up with the idea that we were going to have no outdoor seating anywhere on this site. And so -- I thought that was discussed, but I wasn't sure what I heard, so --

CHAIRMAN STRAIN: I think the outdoor seating isn't as much of an issue as it is the outdoor amplified music and sound.

MS. DESELEM: Yeah.

CHAIRMAN STRAIN: That was what we seemed to focus on in our discussions.

MS. DESELEM: Yeah, because I heard both, I didn't know what was actually decided.

And then the dumpster exhibit that was provided. I think it's a good idea that we include that in the PUD as an exhibit as well.

CHAIRMAN STRAIN: As long as we note that as -- if it's used as an exhibit, those are -- the intent is to conceptually limit the locations to the setbacks as the dumpsters are located on this map, meaning they can't go any closer to the north boundary or any closer to the west boundary, et cetera.

MS. DESELEM: I think we could add a No. 5 in the operational standards to expressly say what the exhibit's supposed to show and how it limits the site.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: And if you have no questions of me, I will ask that Steve Lenberger be allowed to speak with you.

CHAIRMAN STRAIN: Yes. And I -- yeah, Carolina, we wanted to ask her --

MS. DESELEM: Yes.

CHAIRMAN STRAIN: -- about the architectural. So I think both members of the staff ought to speak, and then we can get our questions from all of you at once. So whoever -- ladies first, I guess?

MS. VALERA: As you wish.

CHAIRMAN STRAIN: I think you heard the questions about architectural, so if you could address that long building what standards would apply, that would be helpful.

MS. VALERA: Sure. Carolina Valera, principal planner with the Comprehensive Planning Department. I also do review for compliance with the architectural standards of the Land Development Code as of last year.

If I understand the question correctly, the building that is to the far west -- the far east of the project, that long one, is about, what, 30,000 square feet, little over?

CHAIRMAN STRAIN: Thirty-three thousand six hundred. It's 80 feet wide by 420 feet long.

MS. VALERA: Okay.

CHAIRMAN STRAIN: Approximately, within a small percentage based on scale.

MS. VALERA: All right. Well, let me start by saying that the code does require that the massing -- that the building does break in a sense. So the code does not allow very long buildings without a projection or a recess of a minimum depth, and that depth and width depends on the square footage of the building.

Also the code requires every building that faces a road, a public road, to have certain design treatments on it, and that includes windows, a percentage of what we call in the code glazing. And the minimum you can have facing a road such as -- is that, what, Golden Gate and Wilson, I'm -- okay -- Wilson and the other one will have at least 20 percent of windows. Also those facades need to have other treatments on it, and those are required by the code.

As I understand, this PUD is not requesting deviations from the Land Development Code. So they will have to meet whatever minimum code, you know, the Land Development Code will require them to meet at the time they come to approval of the Site Development Plan.

CHAIRMAN STRAIN: Do you review those codes in conjunction with any modifications as a result of the -- specificity in the Golden Gate Area Master Plan? Because we have some architectural standards that were -- that were part of our master plan process.

MS. VALERA: Yes. If the Growth Management Plan -- or if there's an overlay, yes, I do. And we do have

either codes that are lesser or are in addition to what the rest of the county has to meet.

For example, Activity Center No. 9, there's a requirement there for -- that the buildings have a certain style. So as you see the Walmart on 951, it does look a little different from your typical Walmart because they have to have cracker or, you know, Florida-style design to it.

So, yes, it depends on the location of the county and if it's an overlay or if it's something else in the GMP or whatever other document, yes, we do review for all those rules and regulations.

CHAIRMAN STRAIN: Ms. Caron had used an example of a building that went up in an area near her on Wiggins Pass and 41. Could that happen here?

MS. VALERA: No, and it shouldn't have happened there.

CHAIRMAN STRAIN: Okay. That's what I needed to know. Anybody else have any questions of Carolina and the architecture?

COMMISSIONER SCHIFFER: Carolina, do you know what the setback is? They've been presenting that building as 60,000 square feet. Mark brings it out about 40-. Do you know what the required offset would be for that?

MS. VALERA: Sixty thousand?

COMMISSIONER SCHIFFER: Well -- or go to 40-.

CHAIRMAN STRAIN: Well, no. The one on Wilson and the boulevard they've never brought forth as 60,000. The one that is going to be the grocery store could go up to 60,000.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: We're talking about that long rectangle on the very corner.

COMMISSIONER SCHIFFER: And what do you think that is, the square footage?

MS. VALERA: The depth for a 40,000-square-foot building is a minimum of 10 feet depth, either a projection or a recess and a width of 20 percent of the length of that facade.

COMMISSIONER SCHIFFER: Okay. And isn't there a 60/40 percent that no facade can have --

MS. VALERA: That's in addition.

COMMISSIONER SCHIFFER: -- a ratio out of that? So that will break it up a little bit.

COMMISSIONER CARON: You're using 40,000-square-foot figure, and we know that this is less than that. So what's the next lower number, and what is it really going to be?

MS. VALERA: For buildings between 20,000 and 3,900 -- 39,000, it's 8 feet.

COMMISSIONER CARON: Eight feet.

MS. VALERA: Yes.

COMMISSIONER CARON: Okay. So it's not 10 feet; it's 8 feet.

MS. VALERA: Yeah. And it is up to 39,999. So if it's, you know, that figure or less, it will be 8 feet, not 10, the minimum.

COMMISSIONER CARON: You need to be specific here because --

MS. VALERA: It could be, yes. If that's the figure, yeah, that's what staff will go by, whatever, you know, the square -- the specific square footage, and we'll match it to what the code requires.

COMMISSIONER SCHIFFER: Okay. And, Carolina, what's minimum building where we start doing offsets; what's the size of that?

MS. VALERA: Five thousand.

CHAIRMAN STRAIN: Okay. Any other questions of Carolina?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you.

MS. VALERA: You're very welcome.

CHAIRMAN STRAIN: Steve? The next time you go skiing, make sure there's snow on the ground, huh?

MR. LENBERGER: Yeah, I wish.

For the record, Stephen Lenberger, Land Development Services Department, stormwater and environmental planning section.

I just wanted to speak briefly on the buffer at the north edge of the property, north of the grocery store, and the wall you mentioned.

Just so you know, the trenching, there's supposed to be no trenching adjacent to the preserve unless there's a

fire break immediately adjacent to it. It's to prevent dieoff of trees, particularly pine trees. They're very sensitive to disturbance.

So if you trench a wall in, you very well could have pine dieoff -- slash pine dieoff two, three, four years later, so that's why that is in there.

I spoke to the applicant's environmental consultant, and they wouldn't have any objection to not trenching. They were just using the posts and putting in the wall. So there doesn't seem to be an issue there.

I did want to mention a little bit about the revegetation requirements. Some of the proposed preserve obviously is residents, existing residents now which will be removed and replanted with vegetation. And the applicant stated that the requirement is that the preserve be 80 percent opaque, and that's not correct. Just -- it's 80 percent vegetative coverage.

And if you look at the planting requirements for creative preserves, it has very specific spacing requirements for trees: Small trees, large trees, shrubs, and ground covers. But there is a provision further in the code -- and maybe they didn't see it -- but it talks about slash-pine-dominated environments. And to deal with fire suppression, you're allowed to reduce the amount of mid story, your shrub layer. So you very well could have an open pine canopy with a ground cover, which is mainly herbaceous with very little shrubbery.

So I just want everyone to know that it's not 80 percent opaque. It's 80 percent vegetative coverage and whatever that strata would be applicable to whatever habitat. In this case you would have reduced mid stories. So I just want everybody to understand that.

CHAIRMAN STRAIN: But they said 80 percent opaque, right?

MR. LENBERGER: Well, they may have got that impression. Maybe they read it wrong, but it's 80 percent vegetative coverage.

CHAIRMAN STRAIN: Well, if they read it that way and they're prepared to provide that, which is what their statement seems to allude to, then I don't see that as -- I think that's something we can certainly make sure it's done that way, right?

MR. LENBERGER: Well, you could do that, but then you deal with the problem down the road. And as far as staff and how do we deal with preserve management? You know, generally you want to prevent a catastrophic wildfire, and that is a problem out in the Estates is fire suppression plans. People talk about them. And if you don't keep the mid story down and you don't increase fuel loads in that mid story, then you very well, when you do get a fire, whether it be by a cigarette or whatever the case may be, that fire has a lot of fuel, goes right up in the canopy, and literally can burn the whole forest down.

So as part of a Preserve Management Plan, staff would need to know, what are you looking at? You're looking at just the buffer. We're looking at also a fire suppression. So, you know, we need -- we need you to be aware of that, that as far as a Preserve Management Plan, which includes fire suppression, is to decrease that mid story level so we don't have a catastrophic event.

CHAIRMAN STRAIN: Well, I think, honestly, the biggest concern here is more as a buffer than -- I mean -- than your preservation. I mean, preservation's a great thing if it can be a buffer, but if it can't be a buffer and it has to be a preserve with nothing that's burnable in it or limited burnable items, that kind of takes away the protection of the neighborhood that we've started relying on in the way this -- course of this discussion went today. So I guess we'll be looking to the applicant to tell us how they're going to handle this.

At the same time, too, your comment that they said they're just going to -- they're going to use posts and a fence. I think the discussion was a sound wall. Now, if they're thinking cedarcrete as a sound wall, I would suggest that may not be as a -- that may not be the right solution. Block walls sand filled are generally far more sound suppressant than a thin cedarcrete wall would be. And I've put both in, and I can tell you they're comparable in price, and actually a cedarcrete wall is generally more expensive or equal to a block wall with stucco.

So maybe they would want to -- maybe they would consider what they're doing a little more carefully when we bring them back up here.

Thank you.

Anybody else have any questions of Steve?

MR. LENBERGER: Thank you.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: Hello again. For the record, Kay Deselem.

I forgot to mention that I did get another letter that was sent by Mark this morning. We did not have a chance to distribute that to everyone, but it is from -- hang on -- Laurie Burns, and I have a copy of that printed so that I can make it available to anyone who wants to read it.

We did get a couple of letters that the writer or the author had asked that they be read into the record; however, I've provided copies to everyone, so that should suffice, because that gives it the same weight as everybody else's letters. But that's all I had. I just did want to mention that.

And in case I forgot, Jack McKenna is also here, the county engineer, to address any questions you might have about the wellfield.

CHAIRMAN STRAIN: Yeah. And I think during the public discussion I imagine there will be a lot of issues coming up, and Jack, we'll see how fast he is on his feet since he's fairly new to being a county engineer here. That will be kind of fun.

MS. DESELEM: Okay. That's all I have unless you have other questions.

COMMISSIONER EBERT: Do you always give them that hard of a time?

CHAIRMAN STRAIN: Jack, yeah.

MS. DESELEM: That's all I have unless you have other questions for me.

CHAIRMAN STRAIN: Okay. Are there any questions of staff at this time?

MS. DESELEM: The one thing I forgot was Nick.

CHAIRMAN STRAIN: Oh, I haven't.

MS. DESELEM: How can I forget Nick?

CHAIRMAN STRAIN: I haven't. My notes have got Nick's name all over them, so --

MS. DESELEM: Because Nick wants to address the transportation aspect.

CHAIRMAN STRAIN: Well, I think -- and let me frame the issue. There was a paragraph added under the transportation categories that was rather sketchy and iffy in nature, and basically it provided that the main entrance to this shopping center would be both bidirectional. You can make a left in, left out, right in, right out, and there would be a future traffic light.

Part of that came about as concerns from the people living on First and Third Streets with increased traffic they might have and/or the loss of their left-turn abilities. If you live along Golden Gate Boulevard, when it's widened or streamlined in the future, I will be losing my ability to make a left -- and I'm not done fighting that issue -- but I think a lot of us will.

And the applicant has offered to put an entrance into their facility with a turn light so that people wanting to go left could go through the facility to do it. And I thought that was probably a positive thing in some regards, because it does allow a left without having to make a bunch of U-turns.

Well, the language in the PUD was very iffy. In fact, it started out with the word "if," and the county could just arbitrarily remove the medians. And so I asked Nick to take a look at the language to be more definitive, and he has proposed what's on the screen ahead of us.

And, Nick, I'll let you finish up anything I missed.

MR. CASALANGUIDA: Appreciate that, Mr. Chairman.

Just for those of you who can't read that -- it's small on the screen -- I'll read it out loud. "The county will allow construction of a full median opening at the project entrance between First and Third after approval of a right-of-way permit," which is typical. "The design and construction shall be the responsibility of the developer. Should the project entrance access point meet signal warrants and if approved by the county, the developer will be responsible for all design and construction installation costs of the traffic signal.

"The county reserves the right to modify the median opening should safety or documented capacity conflicts develop. Signalization, if warranted, must also be timed with the existing signal at Golden Gate Boulevard and Wilson Boulevard, with the Wilson Boulevard and Golden Gate Boulevard signal prioritized for green time."

CHAIRMAN STRAIN: Okay. Thank you. I think that addresses the issues I had and most of that paragraph. Does anybody else have any issues with that paragraph?

Nick, and while we're on it, why don't we talk about this project number.

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: 60040. Normally you guys reference an improvement versus a project number. I don't know how easy it is to change project numbers or to change what lies underneath them in regards to the work

being completed. So is this the more accurate way to go?

MR. CASALANGUIDA: I would recommend and share your concerns. I think we take the project number out. The key critical driving factor for this project is the intersection improvement. So I think to say when the intersection is widened in the approach to the intersection, referencing that rather than a specific project number would be more appropriate.

CHAIRMAN STRAIN: Okay. When you say the intersection is widened, do you mean if one right-hand-turn lane is added to some direction, that becomes widened? What do we mean by the word "widened"?

MR. CASALANGUIDA: We mean by its four-by-four configuration in all directions. Golden Gate Boulevard has been designed not to go to six-by-six but four-by-four with full turn lanes, dual lefts in all directions as well.

CHAIRMAN STRAIN: If this is a stipulation to modify that language, could you have something by consent?

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay. Okay. Anybody have any other questions of Nick or Steve or Carolina or Kay?

Go ahead, Ms. Caron.

COMMISSIONER CARON: I just have a question. Based on the commitments that have been made all around, how actually conceptual is the access to -- on the master plan?

MR. CASALANGUIDA: I think it's pretty clear. I think we're comfortable that we talk about -- you know, I'll go around from the northeast side and to the south and then southeast. At the northeast access point, you're looking at a right-in, right-out at the farther northeast corner of the project. That will allow access to ingress and egress and approach the intersection and make turns in all directions.

As you round the corner and head west, you'd be looking at a right-in, right-out only at the first point. As you head farther west in between First and Third, you're looking at an open median right there, and that's the Commitment 2 that we just discussed.

As you continue west, that intersection would be potentially modified to a directional left-in or closed, but we've talked about that would have to wait until we saw what kind of traffic and if the signal was warranted at that location where the signal would provide access for both First and Third to make a left-out if they would chose to do so or go westbound then make a U-turn.

But that's the access as depicted, and we're pretty comfortable with it at this point in time.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. With that we'll go to public speakers, but first Kay reminded me of something. She had been requested to read some letters into the record, and we don't typically read the emails and letters we receive from the public because they're distributed.

I did receive an email from a Planning Commission member who is not here today. He asked that I read it into the record. I asked the county attorney, and we have customarily done that for Planning Commission members.

So regardless of what the rest of us have as positions on this, I will read to you what Mr. -- Commissioner Klein had sent to me, and it was at his request.

It says, "Mark, may I ask you to read the following at the CCPC meeting Thursday during the commissioners' comments. Thank you.

"I am convinced that the intersection of Golden Gate Boulevard and Wilson Boulevard is the best site in the Estates area for a grocery-store-anchored shopping center. There is presently only one other proposed shopping center in the area about four miles away.

"The presence of a relatively new Walgreen across the street from the Golden Gate Boulevard/Wilson Boulevard proposed shopping center speaks volumes, because Walgreen, with whom I have done many deals, is known for their sophisticated market research and site selection. They pioneered the concept of taking strategic corners the way gas stations did in the last century.

"Population estimates for 2010 shows 40,717 people in a six-mile radius. That is estimated to be 45,816 by 2015.

"Publix and other supermarkets do not have any present facility nearby, so they will likely not have to worry

about cannibalization by their own stores or, for the time being, other competition in their business.

"Feedback I received from the area residents was 4-1 in favor of the development. Many people in the Estates area will benefit from the ancillary stores and convenient services within close distance.

"Take a look at those who speak against this development. My experience is that most will be in line for the shop opening-day specials.

"Barry."

Barry Klein is one of our commissioners. So I have this for Kay or for the record, anybody that needs it.

Okay. With that, Ray, we'll start with the members of the public who have registered, and then we'll go to those who have not.

Ray, if you'll -- and if -- the speakers can come up and use either podium. And Ray will read off two names. If the second speaker will just be ready to come up to the podium so we can move forward fast, that will be helpful.

Ray, go right ahead.

COMMISSIONER EBERT: How many do you have, Ray?

MR. BELLOWS: About 33.

CHAIRMAN STRAIN: And by the way, if you have not been sworn in, please so note before you speak, because we need all of you to be sworn in, and we assume that was done -- is anybody here who's planning to speak not been sworn in in the beginning of the meeting?

Okay. Well, why don't we just clear that up right now. Those members of the public wishing to speak who have not been sworn in, please rise to -- and have the court reporter -- for swearing in. And, sir, I understand your condition, sir.

MR. MARR: John Marr.

CHAIRMAN STRAIN: No, she'll just -- she'll ask you to just stay standing.

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

CHAIRMAN STRAIN: Thank you.

Okay, Ray.

MR. BELLOWS: The first speaker is Patti Truman. She filled out a speaker slip but had to leave, and she wanted it read in the record that she is in support of the Comp. Plan change and the rezoning for the shopping center.

CHAIRMAN STRAIN: Okay, thank you.

MR. BELLOWS: The next speaker is Bryan Watson to be followed by Fred Rump.

CHAIRMAN STRAIN: Okay. Mr. Watson, if you'll come up to one of the speakers.

MR. BELLOWS: Or Matson, excuse me.

CHAIRMAN STRAIN: Matson.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: Watson and Matson is a little different. No wonder why you didn't get up.

MR. MATSON: Good morning. My name is Bryan Matson. Maybe it's my penmanship, not the best. Anyways, I've lived here in Collier County for -- since 1980. I have a home out in the Estates close to the shopping center.

And just for the record, I just wanted to say that I am opposed to the size of the shopping center. The other three landowners had to go by the Golden Gate Master Plan and follow those rules, and I think that this project should follow those same rules.

We're talking about a huge, huge comparable in size to Coastland Mall for our Golden Gate Estates. What we have out in the Estates is just -- you can't buy it anywhere else anymore, and we need to -- we need to keep that. We need to keep the rural atmosphere that we have because once it's gone, it's gone.

I was here when Coastland Mall was developed, and all their buffers that they were -- proposed are gone. They proposed beautiful buffers because we have a high school across the street. They're all gone; they're replaced by parking garages.

So I just feel that this project is way too large for what we have out there. And we have a beautiful area out there, and I'd like to keep it that way.

I'm not opposed to a grocery store. There's a grocery store kitty corner from this one that's fighting for business. We have a convenience store; we have a gas station. Everybody seems to get along. We have -- now we have a drugstore, and they all followed the rules. They didn't ask for anything special. They just wanted to fit in with

our neighborhood, and that's what I hope will happen here.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, Ray?

MR. BELLOWS: Fred Rump to be followed by Eugene Pawelak.

MR. RUMP: My name is Fred Rump. I lived on Fifth Street, a block away from the project, and I speak in support of the petition.

Mr. Chairman, back in 1971 the mayor of our town in New Jersey where I lived asked me to be on the planning board, and I hesitated with that. But he said, you're a computer person and you look to the future, and we'd like your opinion on the board.

I still hesitated because I was -- I just started a company, and I was very busy. And he said -- he kind of kept talking at me basically saying that it isn't much, it's just more of this hum-drum work and occasionally there's a variance coming up, and that's the only time you really have work to do.

Variance, as he says, that they go basically against our ordinances, but our ordinances were written a long time ago, and we need to look at them in the view of the future, and that's why I'd like your opinion on the board.

Well, I relented and I served on the board as either chairman or a member for 28 years until I took out domicile in Naples.

And if there's one thing I remember from my discussions with the mayor is that he told me when variances come up, and you may have a friend or neighbor who has a particular interest in something, is against something, you have to always look at the greater good. You cannot look at your own opinions or those of your friends. You have to look at what is best for the whole community.

And I think in this situation we had such a case, what is best for the community. And the community has spoken loudly and clearly, and they've spoken for the plan that we together developed with this developer.

He's right about all those meetings, and we did have talks with him, and we like what he has done. We like the size because -- it is Golden Gate Estates. It is different from anyplace in the city. We have the space and we want the buffers and we want all that space because it minimizes the entire project and yet we need a project, a shopping center, that is large enough to serve as a place where people will want to go.

You can see across the street where there's a small shopping center. It doesn't have the draw. There's just not enough there. We need something big. And I think he has proposed the proper development.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, please.

MR. BELLOWS: Eugene Pawelak to be followed by Leonard Montgomery.

MR. PAWELAK: Good afternoon. My name is Gene Pawelak. I live at 231 Third Street Northwest. I'm about 500 feet behind the proposed shopping center, and I am dead set against anything going up there.

I don't think most people realize how big this is going to be. This is going to be bigger than Coastland Mall in area. It's going to be a tremendous place.

And I live in the Estates. I moved there 11 years ago, and I love it. I love the way it is right now. Nobody moved out there for the shops or grocery stores or whatever you want to call it.

Now, we're about to make a big mistake here if we vote the shopping center in. Once you vote the shopping center in, all of Golden Gate Boulevard from 951 to DeSoto will become one long strip mall. You will not be able to stop it, because if you do, you will be sued for discrimination by everybody and his brother, and this county will go bankrupt if you do this.

I don't know what else to say except this is absolutely, totally wrong. We have a master plan, and we shouldn't violate that master plan. Five acres are allocated, and I have no problem in using the five acres any way that they want to.

Again, please don't do this. It's simply wrong. You've already approved two shopping centers on Randall and Immokalee, which is on a periphery of Golden Gate Estates, the way the master plan wants it. There should be nothing in the center of Golden Gate Estates.

I don't know what else to say except I will be completely dissatisfied and I'll probably wind up moving if that shopping center goes up. Now, I wanted to retire there and stay there my -- the rest of my life, and now it looks like

that might be jeopardized.

So please, again, thank you and do whatever you can to minimize the size of the shopping center. Thank you.

CHAIRMAN STRAIN: Thank you.

MR. BELLOWS: Leonard Montgomery to be followed by Judy Montgomery.

MR. MONTGOMERY: Thank you. I apologize for your loss, because I know you're real close to it. I live on Third Street also, Southwest, 570. I don't hear any traffic. I don't see any lights. I hear no accidents. I was forced out -- oh, you know Wiggins Pass Road; I lived off Wiggins Pass Road when we were starting to build there. There was nothing past Wiggins Pass Road all the way up to Estero. Now there's nothing up to Estero. It's all up there now.

Progress can't stop. You know, I was forced out of Wiggins Pass Road. I was in Golf Harbor. I came down here on retirement. I paid \$200,000 for my home back then. Turned around, I had to sell it to get out from below because I just couldn't afford your taxes anymore and the insurance. It came up from fifteen hundred dollars a month to twenty-seven. I had no place else to go except downtown Naples or the Estates.

I chose the Estates. I know it was a long way out, but there weren't many homes at the time because at that time the homes are going for \$400,000. Mine is not worth two. All right.

I have to stay where I'm at now; I can't move because I'll be upside-down. I could do like the rest of the people do, walk away from the houses, walk away from the streets, walk away from what's there. There's five or six homes on the street right now that are in foreclosure because the people can't afford them anymore because they're not working. If you turn around and put that along with the inconvenience of going 20 miles to go to the store and come back -- it's six miles to the grocery store, six miles back, that's 12. But every time you go, you turn around you have to get something, I'll see you in an hour and a half.

I understand what you went through on Wiggins Pass Road, because I was there at the time, and there was nothing past Wiggins Pass Road. And there was -- the car store wasn't there yet, the shopping center across the street wasn't there yet. Kay's was there, and when I was down here in 1980, the only thing on Bonita Beach Road was McDonald's. It's been there for 30 years. Nothing else was there at the time. There was a grocery store on the corner of Bonita Beach and 41, an outdoor market.

I remember when Bonita Beach was only two lanes. I remember when Bonita -- Old 41 is the only way we could get back to our house back there. I lived on Delwood for a year before I lost my divorce and I lost the house. Lucky I did because it's still there.

But it's just the idea that I don't see why we shouldn't have a shopping center out there. Convenience. Seventy-five percent of the people want it. I feel sorry for the people who are going to be hurt by it, but guaranteed, somebody's going to get hurt somewhere in this world every time you make a move.

And I believe with my whole that it will improve the community. It's going to grow. Your board committee turns around and says, there's going to be this many people here, this many people here, this many people here, this many people here. It's not going to stand still.

Mr. Strain, I think you remember when Pine Ridge Road was the end of Naples.

CHAIRMAN STRAIN: Yeah, stopped at the YMCA, yes, I do.

MR. MONTGOMERY: Yeah. I mean, that was it, and now look where it's at. There are people here, there's shopping, there's more progress going on, there's more money coming in. I can't stop progress. I hope somebody else can't. I am all for the shopping center.

Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker.

MR. BELLOWS: Judy Montgomery to be followed by Carmen Pereira.

MS. MONTGOMERY: It is said that the only thing that doesn't change is change, and I think that's very, very true. I see what's happening here with the discussions in Golden Gate Estates as a very, very microcosm of what happened in our own country. We had a number of people who came to the Atlantic Coast, and they settled down and more people came. And some people felt crowded and they moved. And they kept moving until they got to the Pacific Ocean.

I see our moving out in Golden Gate Estates, many people moved out to have it quiet, to be away from things. But the demographics have changed, the finances have changed, the economy has changed, and many of us are moving out into the Estates and have moved out there years -- number of years ago because the corridor around 41

and downtown Naples became very pricey.

Out there we have a microcosm of the melting pot of America, and we do get along. I have been told that my life will be changed by this shopping center. I agree; my life will be improved. But what I have been told is that my life won't be the same. My property will not be the same. Things will not be the same.

This week alone I have watched a doe and her fawn in our backyard. I watched the baby armadillos playing tag around the mower shed, I watched the possums waddle across the garage door. I almost ran into our snake that we protect in our yard, and I found a poisonous snake in my ponds. This is not going to change because three-fourths of a mile away there's going to be a shopping center. It will change the immediate area, but I do not believe it will change the face of the entire Golden Gate Estates.

Thank you.

CHAIRMAN STRAIN: Next speaker, please.

MR. BELLOWS: Carmen Pereira to be followed by James Ashness.

MS. PEREIRA: Good morning. My name is Carmen Periera. I live at 3231 24th Avenue Northeast, 34120. I'm here to support the shopping center at the Estates. We really need it, and I think it's going to be a very positive impact, not just for me, for everybody in the area.

We have 24 miles round way (sic) to do our shopping at Publix. And I think it's going to generate jobs. I think it's going to be very convenient for mothers, work mothers, for kids, for all the needs we have.

Thank you. I hope you can vote yes for this shopping center. Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker, please.

MR. BELLOWS: I believe James Ashness had to leave, so we'll go to the next one. John Stamo -- Stamano.

CHAIRMAN STRAIN: John Stamo? How do you spell it?

MR. BELLOWS: S-T-A-M-A-N-O.

CHAIRMAN STRAIN: Must have left.

MR. BELLOWS: John Graves?

MR. GRAVES: I thought that I was not on there. My name is John Graves. I live at 190 Wilson Boulevard, several hundred feet from this project.

I have to say, this has been an interesting process, and I've yet to be before this board as a Planning Commission. And I guess the comments I have to make are that when we have a project like this, I as a citizen trust my county officials to look out for my interests and the interests of my neighborhoods, but when 76 percent, three out of four of us vote in a straw poll in November that we want this, I don't get the feeling that the sentiment from this board is in support of this program.

I understand you're looking out for all the little nit-picky things that we as citizens don't see, but I really question where your head's at on this project. When I hear Mark Strain say that he longs for dirt roads; I don't. I live in Naples, and I'm so glad there are no dirt roads where I live. That may be in your past, but you better get over it, because I'm going to tell you right now, things have changed here.

Gas prices are way higher than your master plan's inception. It's outdated. People have hardship. They're suffering, and you are sitting here nit-picking things that I don't think have any bearing on what this developer, who seems to me to have bent over backwards to do what we need in this community, have a quality development here, I feel like you're not enabling what three-quarters of the citizens out here want. You're tripping it up.

I don't know why you don't adopt this and fast track it and help these people. It's wrong-headed of you to treat this in an adversarial manner that I believe it seems like is going on here.

And I know there's dissent here, but they are in the minority. It seems they're getting a lot more consideration than those who are positive about this development.

I could say a lot more, but I think that's the gist of what I would have to say to any of you involved in the decision-making process for our sake, that you're doing us wrong if you're not helping this project become a success and a quality development in our neighborhood.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

COMMISSIONER MURRAY: I'd like to say something. One second. Sir?

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: Sir, please. Mr. Strain is not going to answer you, but I'm going to answer

you.

MR. GRAVES: Okay.

COMMISSIONER MURRAY: This board is charged with the responsibility to relate to the law and to the rules, the ordinances, and all of the factors that make up land planning.

And Mr. Strain goes to great lengths to find all the details that could be problems in the future, and he opens them up for discussion with the intent of protecting the citizens. And he and I don't always agree on things, but I respect the fact that he does an excellent job of trying to protect.

You cannot read the minds of any of us up here. And we will evaluate and make a determination. But I think it's wrong for you to conclude that he or any of us are in some way encumbering this process. We are performing the appropriate public activity.

We are all volunteers. We are not staff of the county. Keep that in your mind. So we represent the public. I just wanted you to know that, sir.

MR. GRAVES: I do know that. But I got to tell you, sitting out here, it doesn't always look that way. You guys don't come across that way. And I would not say that just to be mean spirited. There's probably a lot more I could say.

But I'm telling you as a citizen, sitting here it seems like every time this comes before your panel or the commissioners, we all got to get out here in force, do or die. It's not always convenient. People have jobs they've got to work. They've got responsibilities. You guys are charged with the responsibility of representing us, the voters, who three-quarters of us want this project, and we expect you to nit-pick it for our benefit to get a good project, and that's what I was talking about. I'm not talking about --

COMMISSIONER MURRAY: And that's fine. That's fine, sir, and I won't argue with you, but I will say this final comment. The last time we heard this we didn't know what the community had, and then when there was a poll taken, in the straw poll at the -- through the Supervisor of Elections, that was learned, and that certainly impacts the matter.

You're very -- in a state of mind of urgency. We're in a state of mind of protection, and that's what we're going to do. Thank you.

MR. GRAVES: Thank you.

(Applause.)

CHAIRMAN STRAIN: That's enough. And I would certainly respond to this gentleman but, you know what, this forum isn't to hear my response to him. This forum is to get to the bottom to what could be the best outcome for Golden Gate Estates, and that is no matter how we vote. So we're going to continue on.

Next speaker, please.

MR. BELLOWS: Ernesto Velasquez to be followed by Gloria Cooley.

MR. VELASQUEZ: Good morning. My name is Ernesto Velasquez. I live in 14th Avenue Northeast, District 5, Precinct 591. And I believe that these -- and I'm a former member of the Hispanic Advisory Board to Collier County, this Hispanic Advisory Board.

I'm in favor of the project, and I believe that this is not -- in no way is going to harm our way of living in the Estates as a rural area.

On the contrary, we -- struggling the way that we are right now, the economy -- the way that the economy is right now will help many of us, especially -- I mean, nevertheless, the people that live next to Wilson Boulevard in Golden Gate, we should -- they're over there in the Estates, but this is also -- affect all of us that are way up there on Everglades and DeSoto coming down to a shopping center coming out to Publix.

Now we have the pharmacy over there, but still we need -- we need a bank, we need something more that we can shop. We need something close to us so we don't have to come all the way down to 951 or even to Coastland to have our daily needs for our families.

The essence of a rural will continue on Golden Gate Estates the way that has been designed. I mean, just because we're going to have one corner that is already three-quarters commercial, we're going to have the other corner into a great development for all of us, doesn't mean that we're going to change our status.

I will -- I will ask respectfully to consider this. This is for the good of the people, for the good of us. And like somebody said, we voted 75 percent in -- we vote in favor of this back in November, and the citizens spoke.

So thank you very much.

CHAIRMAN STRAIN: Thank you. Ray, before you call another speaker, we've always had a lunch at 12 to 1. And I think by the quantity of speakers, we couldn't get through them before we would want to break for lunch even if we wanted to. So if that's the consensus of this panel, I think we can take one more speaker, and then we'll take lunch. Does that work?

Okay. So, Ray, do you want to call the last speaker before lunch.

MR. BELLOWS: Gloria Cooley?

CHAIRMAN STRAIN: Before you call another one, is there anybody here -- well, I'm afraid to ask this because then you all might raise your hands. Is there anybody here in particular that needs to be heard before lunch?

Sir, why don't we listen to you since you're -- and come on up and speak and -- or we'll bring a mike to you. Can you bring a mike to that gentleman. Do we have a portable?

MR. McCORMICK: Can I stay here?

CHAIRMAN STRAIN: Yeah. No, you can stay there. We're going to bring a mike to you.

MR. McCORMICK: Thank you.

Mr. Chairman and Commissioners, my name is Allen McCormick. I am a retiree from the University of Wisconsin in Oshkosh.

My wife and I moved to 111 18th Street Northeast almost seven years ago, and there was a reason why we moved there, because of its environment, the quietness, the animals, just everything, but at the same time I know that change has to come. It can't stay this way all the time, the way we saw it, but we still enjoy it. We love where we live.

I am in favor of the center, the shopping center. My wife is in favor of it, and I think that it would enhance the community, as I said before when I had sent emails to you-all, that I feel that it will add something to the community.

I agree with the last speaker that having a shopping center there won't change a thing. It only changes because we make it change. Where we live, we continue to do the same things.

We will enjoy the quietness; however, when I hear the discussion that you are having, I love it when I hear about how you're trying to protect those people who live around the area. We don't live around there. We are 2.2 miles from the corner of Wilson Boulevard and Golden Gate community -- Golden Gate Boulevard, but we do travel round trip 16 miles to get groceries. And it would be in our favor if that could be cut in half. That we will enjoy.

But I think about the people beyond where we live. They have to come a greater distance. And, again, I would appreciate if you would consider having the proposal of the shopping center at Wilson Boulevard and Golden Gate Boulevard.

I appreciate the time that you allowed me, and thank you very much for your time.

CHAIRMAN STRAIN: Okay. Thank you, sir.

And with that, it's twelve o'clock. We'll take a one-hour break and come back after lunch at one o'clock. We'll resume with public speakers at that time.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from our lunch break to the Planning Commission meeting, and I hope the applicants -- yes, Richard made it in; so did Wayne. Hope the rest of the public is out there. So we'll resume where we laid out -- ran off last time; that was with our public speakers.

And, Ray, if you'll announce the next two, and the first one up, either mike.

MR. BELLOWS: The next two are Cindy Scott and Jessica Anshaw. They left a note that -- to say that they had to leave, but they are in support of the project.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: We also have two other speakers, Mark Gerstel and Scott Charleston. They're -- both are in favor, and Mr. Charleston indicated that because he lives in the Everglades (sic), this will cut down on his travel time if this is approved.

CHAIRMAN STRAIN: I'm assuming Everglades Boulevard.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: Yes. Thanks for the clarification.

COMMISSIONER EBERT: What did you say, Mark?

CHAIRMAN STRAIN: Well, he said they live in the Everglades. That -- I just wanted to make sure it was Everglades Boulevard he was referring to.

MR. BELLOWS: And the other gentleman, basically indicating the shopping center to be built is beautifully landscaped and that he feels this project is going to be the same way.

CHAIRMAN STRAIN: In favor or against?

MR. BELLOWS: Favor.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: The next speaker, Linda Harris, to be followed by Bill Scott.

CHAIRMAN STRAIN: Okay. Ms. Harris, if you could come up.

MS. HARRIS: Hello. My first question is --

CHAIRMAN STRAIN: Can you state your name for the record.

MS. HARRIS: My name is Linda Harris.

CHAIRMAN STRAIN: Thank you.

MS. HARRIS: I live at 161 First Street Northwest, and I'd sure like to know who the First and Third Group is, because this project is right in my bedroom window. No one contacted me. I'm not part of this infamous First and Third Group, which who I have no idea is (sic), no one contacted me. I have never been on anything. But I am not represented. I am representing myself.

I've been to all the meetings, and I've heard about where the hole in the doughnut -- well, do you know that the doughnut is crumbling? Because I live in -- where I live I pass the house that collects all the foreclosures for all the furniture that comes out of there, and let me tell you, it's a pretty busy dumpster.

I am concerned about water runoff to my property, because if it wasn't for Time -- not Time Warner -- Comcast being there, I'm sure they would have built right up to my backyard, which means if a grocery store goes there, at three o'clock in the morning they start deliveries. I will not sleep because I'll hear the ding ding ding ding and all that kind of -- and I am not -- I am concerned about crime, because it's not really in a well lit area on a corner like Pine Ridge or Randall.

I also know for a fact, I've looked around, and Publix -- if you look around in the Naples area, Publix are really being built around gated communities, and the only gated community, which is not my area, is off of Randall.

And I do understand the people that live out on Everglades Boulevard need it. When I first moved to my area, I was kind of limited to where I could buy because of the amount of money of my house, and that's as far as I could go. I wanted to be closer because of fire hydrants, because of water.

Now, this is what I'm concerned about, fires, fire hydrants. The first time I was approached by Mr. -- I can't pronounce your last name --

MR. YOVANOVICH: Just say Rich.

MS. HARRIS: -- and Mr. Bishop was after the infamous First and Third Group put all their proposals together. Nothing that I knew of. And I felt like it was being thrown in my face.

They came with bakery, they came with gifts, and then when I asked them, well, what about a wall? Well, we could. We don't know. I mean, it was all just lip service.

I am very concerned about the property value of my home, which is already down because of the economy, and I really don't think anyone's going to want to live where I live because of what's there. I come from Chicago. I don't want a Chicago, I don't want a New York, I don't want a Miami in my backyard. I want to be able to -- be able to be comfortable. It should be a no-win situation for -- I mean, it should be a win-win situation for everyone.

I am really the only one that is impacted, except the First and Third Group. But if you look at the perimeters who I think the First and Third Group is, they all have these big buffers. Well, nobody's going to give me a buffer, because they need that land. And I really feel that Comcast saved me from it being in my backyard.

I also am concerned -- first we're having a convenience store, then we're having a car wash. Well, I'm very careful about how I use my water in a drought kind of area. Why would I want a car wash there? I am concerned about my wealth.

Here's another thing I'm concerned about. This is like a dog-and-pony show. For the last meeting -- and I don't remember when this was -- this was left in my mailbox. For free bus service to the courthouse, seating is limited. Please call for reserve seating. Free gifts. How tacky can that be for promoting this? Free gifts included. Boarding time. And you want to know where they were picking them up? At Everglades Boulevard.

I really think that Randall is a better area because it's going to have the fire station, it's going to have police, it's going to have your gated community, and it's going to have a better sewage and water.

I mean, I'm not for this, and I will fight this. I -- we already have seen problems with the area across on Wilson in the little strip mall with people not abiding by the rules and the repercussions when somebody complains about it, and I'm sure I'll have repercussions, but I'm not going to stop fighting because it is going to really impact me financially, and nobody should be the loser here, not even me. Because I don't think it's about need. I think it's about greed.

And how can someone turn around and purchase all this land, and it isn't (sic) even been turned over to be commercial yet. So to me, money talks and the little person gets walked on, and that's all I have to say.

COMMISSIONER MURRAY: I have a question.

CHAIRMAN STRAIN: Thank you.

Bob?

COMMISSIONER MURRAY: Ma'am, if you could possibly do it -- I know that it's difficult -- but maybe you could point to where you are located, where your home is located.

MS. HARRIS: I mean, I haven't seen this one.

COMMISSIONER MURRAY: Well, First Street is --

CHAIRMAN STRAIN: Well, I think where she lives is the -- if you go to the grocery store in the center, she lives two lots up from where that notch is on the top, because that's where the Comcast is. Right there.

MS. HARRIS: Right there.

COMMISSIONER MURRAY: You live right there?

MS. HARRIS: Right there.

COMMISSIONER MURRAY: Okay, thank you.

CHAIRMAN STRAIN: You'll have to use the mike, please, ma'am.

MS. HARRIS: Okay, I'm sorry. And if Comcast wasn't there, I felt that they -- well, Comcast wouldn't sell. So if Comcast didn't (sic) sell, I would really have been in a whole world of hurt.

COMMISSIONER MURRAY: Thank you.

MS. HARRIS: Okay?

CHAIRMAN STRAIN: Thank you.

Next speaker, Ray?

MR. BELLOWS: Gloria Cooley followed by Bill Scott.

CHAIRMAN STRAIN: Ms. Cooling (sic), if you're here. If not, Mr. Scott?

(No response.)

MR. BELLOWS: Norman Hinspeter?

CHAIRMAN STRAIN: Hinspeter?

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: Guess he's not here either.

MR. BELLOWS: Jose Terrerro?

CHAIRMAN STRAIN: No luck there.

MR. BELLOWS: Herb Small?

CHAIRMAN STRAIN: Nope.

MR. BELLOWS: Ellen Small?

CHAIRMAN STRAIN: Nope.

MR. BELLOWS: Jane or Norm Tucker? Edith Perez?

COMMISSIONER EBERT: What'd you do to all these people, Ray?

MR. BELLOWS: It was a good lunch. Sandra Graves?

MR. YOVANOVICH: You lost a lot when you went past lunch.

MR. BELLOWS: Jennifer Warkey? Scott Charleston? I think that's the one we read in earlier. Eleanor -- Elaine Ritchie? John Prete, P-R-E-T-E?

CHAIRMAN STRAIN: Wow.

MR. BELLOWS: Eddy Griffin? Dawn Anderson? That's it.

CHAIRMAN STRAIN: Wow. That's a lot of people who didn't make it through lunch or come back. I

guess -- maybe it's where they ate.

Let's just open it up then. Anybody in the audience wishing to speak? Mark?

MR. TEATERS: You sure you want that? I should have given it to you earlier. Too busy yakking.

Okay. For the record, my name is -- good morning -- good afternoon, Commissioners and Chair, for the record, my name is Mark Teaters. I'm the past president of the Golden Gate Estates Area Civic Association, the founder and charter member of the homeowners association for Golden Gate Estates. I've served on the East of 951 Horizon Study Committee, and I'm the new incoming chairman horizon study -- oversight committee, which -- and were the keepers of the CIGM.

I also live at Wilson Boulevard South. I'm a thousand feet from the proposal, and I live in the intersection, so I am impacted by this.

Now, this map that I put up here, this is public record. This has been up before. I gave this to all the Board of County Commissioners members. What this map shows, it shows Golden Gate Estates and the -- all of the ones that look like purple, the little purple, those are all Publixes, the ones that are green are Walmarts, the ones that are orange are Sweetbays, and you look, there's a Publix out here at Ave Maria as well.

Every route -- every road and every route leading in and out of Golden Gate Estates has multiple shopping. Now, I feel -- I feel bad for folks that do not work and can't leave their home, but most people that work that live in Golden Gate Estates, they go out of the Estates to work, and they are going to drive past something like this. Now, that's just for your information.

Somebody made a comment to me that I thought was kind of interesting late last night. The comment was, we are retrofitting an intersection to make a 40-acre shopping center fit. Yeah, it is. That man right over there said it to me last night, Nick Casalanguida. Okay.

I'm not against the project; however, I am against the size, the scope, and the approach taken to get here. It's become politicized, and it's really divided our rural residential community.

Someone told me again that this has momentum and we should do our best to control it. Miami had momentum too. Now they're fighting over the last few farms. People from Dade County are moving here. Okay.

As a community leader, my responsibility is to ensure balance between the needs of the community, protecting those who would be impacted by changes like this, and protecting the rural character of Golden Gate Estates. And, again, I'm not against this thing. It's just the size and the scope.

Golden Gate Estates is a rural residential community. Despite the suggestion of a change in demographics, we have a fully vetted master plan, which is overdue for an update. This proposal is not consistent with the Golden Gate Area Master Plan.

The CIGM executive summary presented to the Board of County Commissioners on September 29, 2008, and subsequently adopted by the Board of County Commissioners states that Golden Gate Estates is a unique low-density residential development. One strategy, for example, is to locate the sites for facilities on the periphery in which the service area is sufficient to penetrate Golden Gate Estates so the coverage provides the necessary level of services.

That's -- and I have the executive summary here that says that for Board of County Commissioners. You may have seen that already yourself.

Also, the master plan presentation made by Mark Strain to the Board of County Commissioners on June 11, 2003, states that the master plan committee supported higher intensity commercial uses on the outskirts of Golden Gate Estates. You-all have that, I think, too.

Also, in a letter to the Board of County Commissioners from Jake Sullivan, president of Waterways homeowners association, supports the master plan and development on the periphery as well.

Okay. The board of directors of the homeowners association of Golden Gate Estates as well as the membership by vote supports the Golden Gate Area Master Plan. That hasn't changed. There was one -- I think there was one person that -- on the board that didn't vote. Didn't vote no, but didn't vote at all.

Naples Daily News editorial staff recommended against the center. The reason why they did -- and I'll read you a little bit of it. It says, "It makes little sense then that the ultra local issue of a 40-acre shopping center for Golden Gate Estates at Golden Gate and Wilson Boulevards should be up for voter review now, whether the ballot is advisory or binding.

"At the same time, Estates voters are reminded that another shopping anchored by a supermarket is scheduled

only four miles away at Randall Boulevard and Immokalee Road.

"Is the Wilson Boulevard project much larger than the Comp. Plan would routinely allow really worth setting such a precedent?"

"Public input was the foundation of the Golden Gate Master Plan that the project developer seeks to set aside today. We suggest that effort has to be respected and even used again if changes are desired.

"Less is more" is a way of life for many people who choose to live in the Estates.

"We recommend a no vote on November 2nd."

Okay. Now, that was the editorial board who heard comments, half an hour of comments from myself and one of the planning -- the master plan members, and also Mr. Yovanovich. They made their decision based on that information.

Okay. This is a big deal. This is a big deal. This is a game changer for Golden Gate Estates. This is one of those things that is or can possibly change the rural character of our community. And we don't -- one of the reasons that I took my time off work here and I wanted to be here today is it's so important that we do this right.

Several of the people that I've heard here today, while I understand their need and I understand their wish, they're looking for immediate gratification. They want something. They want it today. They're mad. I'm mad as hell. I can't take it anymore. Okay. But you know what, our job, all of us, including the people from the Estates, we've got to be concerned about the future and we have to plan properly. We have to do this right. You're only going to get one chance.

You have Big Cypress coming. We have other developments that have already been approved. We've got square footage that's already been approved. We need to be careful how we do this, and this is just too big.

Let me think what else. There was a mention of Brooks Village. You have to remember when they take the information from Brooks Village, Brooks Village is in the urban area. It's past the urban demarcation line in Eastern Collier County. That is in an urban area. Historically in Golden Gate Estates, our times -- although I think E's store is open a little bit later, but historically our times, I think, in the new shopping center are ten o'clock weeknights, eleven o'clock weekends, which is very good for a shopping center that's very close to the neighbors.

Let's see. There was a comment about the DCA. One thing we all have to remember is there were folks from this community that drove all the way to Tallahassee to meet with DCA. There were probably half a dozen people who had conference calls with them, myself included, for over an hour. None of those comments made it through because of the new governor's new -- the governor's new thing if it doesn't have a major implication, if it's not going to get to the criteria, they're not going -- they didn't even return any of that information, and there was a lot of real, real good stuff in there. They asked us -- they asked me questions for 15 minutes.

Let me see. Okay. The First and Third Group we have to talk about briefly. I know the petitioner says he doesn't want to go back, but we've got to talk about that. There were two people who hired a -- originally there were 50 people to start. It ended up -- and there are people in this room that were part of that committee that weren't consulted, didn't have an opportunity to make a decision on this and now are going to be impacted by this.

There were two gentlemen, David -- Tim Wowen (phonetic) and David Howenstine, that met with the traffic engineer and met with these folks here, and they made all the decisions for all those people. We recommended that they wait until all the information came in, but the comments that they were making was, we're not going to beat this. We're being told we can't win, so we're going to make the best deal we can.

And you know what, to their credit -- and I will tell the petitioner this -- it's a wonderful project; it really is. The thing is -- and they've done a real, real good job of listening to the people, and they've done a real, real good job of fixing the issues. Okay.

Too big, but all of the people that live behind there that are going to have to drive a different way or drive through a shopping center or be inconvenienced or have safety issues because of fire engines not being able to get in and out of their street, whatever, they didn't have a voice. They were basically sold out. It was a sham, okay, straight out. I have emails, okay.

The outreach by the petitioner, did a wonderful job, spent almost \$200,000 sending emails out, when the people that didn't have the money spent 490-some dollars to put up a sign and a couple of signs in people's yards. There were literally hundreds of signs all over Golden Gate Estates. And fortunately for them, they got exactly what they wanted.

Okay. The vote -- on January 19th, the motion to transmit this petition did not -- they were right, it didn't

receive a second, and it effectively died.

Mr. Yovanovich suggested the voters should decide. He said that earlier. There are several things wrong with this. According -- in the zoning document, it says in here that the petitioner hasn't received any special treatment.

Well, honestly, here's the deal. The suggestion -- the suggestion that we use the voters, instead of receding the master plan, circumvented the standard processing in Golden Gate Estates and, thus, afforded Mr. Yovanovich special treatment in an unprecedented action. It's never been done before.

In this unusual situation, no comments were allowed by the public, and I believe the ballot question didn't inform that another petition had been approved at Randall and Immokalee. Property owners whose domicile elsewhere were disenfranchised, couldn't vote. People who live on the same street as the proposed center, by the way.

The precincts went all the way to Lake Trafford in Immokalee. If you look at that precinct map that they didn't show you the top of -- may not be all that many houses, but it's huge. That big precinct goes all the way to Immokalee.

It was determined by staff and passed on the consent agenda -- and those folks didn't -- they didn't determine the precincts. Almost 200,000 was spent on the advertising; \$490 against. No wonder.

Jobs, construction. They're saying 150 construction jobs. That seems low. It's going to -- it would generate a lot of work in the county. I can understand that. New jobs. Two hundred sixty-nine is what they had on the website.

Businesses work off of a census. You have underperforming grocery stores right now on 951 and other areas. They're already moving people from other stores to get there. This store opens, there's not going to be a net increase in jobs in this county. Plus you have to remember something. The county is looking at jobs right now that are going to pay better than -- better than minimum wage. Working in retail is not better than -- is not better than minimum wage by much, even though they have to drive a little bit or they live down the street. It's not going to be what the county's looking for for new jobs. So, yeah, there may be a little bit of a net increase, but we're not talking about 269, sorry.

Okay. We talked about transportation. Nick talked about transportation and the signalization. Also there was something else in here that -- that I wanted to tell you about, and that is the roads. We're going to talk about transportation real quick, and I'm going to get to it. I know you want me to get to it.

All right. Let's see here. The section of road, Golden Gate Boulevard between County Road 951 and Wilson Boulevard, is operating currently at a D, okay. The section of road between Wilson Boulevard and Everglades Boulevard is an F currently.

It says in this document that the roadway is currently in the county's five-year CIE. Now, that's going to be something important for you, because that two-lane road that leaves Golden Gate Boulevard -- that leaves Wilson Boulevard and goes all the way out to Golden Gate is a mess.

I talked to -- Nick and I spent about an hour talking last night, and we know the numbers. This is it. In the cost feasible -- the 2035 draft, which I got off the website, says right here it's currently scheduled for -- it's currently scheduled for right-of-way purchase; '21 -- 2021 to 2025 for right-of-way purchase.

This -- I got it. Have you got a newer one than this?

MR. CASALANGUIDA: No. It's --

MR. TEATERS: Okay, hold on. It also says that -- 2021 to 2035, \$119.1 million. Now, in our conversation last night, you said you might be able to start buying some right-of-way in 2016.

MR. CASALANGUIDA: No. We've started buying right-of-way already. It's already been in front of the board.

MR. TEATERS: Terrific.

MR. CASALANGUIDA: Okay.

MR. TEATERS: Good. But -- but this thing was pushed back behind Everglades Boulevard, from what I understood. It's not going to happen tomorrow. We don't have the money. So we're going to deal with this road situation out there for quite some time. Yes, they're going to improve the intersection, but, you know, we've got a lot of other issues out there.

The information from the Collier Interactive Growth Model for the trade areas is a problem as well. In looking at this and trying to figure this out, you've got the original map that they showed for their trade area. It goes like this. Is that it? Okay. Looks like that. Okay.

Now, that's supposed to be -- according to Michele and according to the documents, it's supposed to be three miles -- three miles or ten minutes, okay.

Well, a question was raised to me the other day, somebody drives this all the time, and if you look at the Wilson and Golden Gate, which has got the dot in the middle of it, in the middle right there, it's a dark area right at Wilson and Golden Gate Boulevard. If you drive ten minutes at 45 miles an hour, which I did yesterday with no traffic, you get only far -- as far south on Everglades Boulevard as 26th, and you only get as far south of Golden Gate Boulevard on DeSoto as 10th.

Why would we -- now I understand that Collier Inter- -- they requested this information to be used, all right? So what you've got is -- there it is.

Now, you also have the overlap area that's in here. And I don't know if you can see that on the map. The top area up here is the Randall Boulevard Center trade area. This bottom area down in here is the Wilson trade center area, trade area. The market overlap in 2020 is going to be 14,984. Each one of these centers say, according to the information they provided, that they need 25,000 people.

Well, by -- at buildout, in 20- -- I believe 2090, 2085, 2090, they're looking at 80,000 people in Golden Gate Estates. Right now we have about 30,000, maybe. I think that's what the census says. All right.

It's going to be difficult. And I understand it's business, but it's difficult for me to understand how you've got a 400,000-square-foot shopping center up here, which is on the periphery, you're going to put one in the middle, they're going to overlap, and we're going to have a difficult time with both of them being successful. We already have empty places all over. We've got people that are working really hard, but it's a reality.

So -- that's all I have to say. All I can tell you is, I'm not against it; it's just too big. And I have gone to the petitioner. I've spoken with him numerous times. I've offered him opportunities to talk with me about looking at smaller -- making the center smaller, looking at other centers in Collier County that are at -- like size that I'm suggestion (sic), and he says, can't do it, don't have it. Have 40 acres, don't have 15.

So they have been un- -- pretty much unwilling. It's true. They've been unwilling to really get serious. And I asked him the other day if he had studied it, and they just went right on beyond the conversation. So all I'm asking is, I want them to study it. It's just too big.

I thank you.

COMMISSIONER MURRAY: I have a question.

CHAIRMAN STRAIN: Thank you. Mr. Murray?

MR. TEATERS: Yes.

COMMISSIONER MURRAY: Very interesting, Mark. Early on you showed -- you referenced 2003. I think that had to do with the master plan study.

MR. TEATERS: Yes.

COMMISSIONER MURRAY: And I came to learn that the master plan restudy, which was proposed, has been put aside by the Board of County Commissioners, is that correct, to your knowledge?

MR. TEATERS: Yes. Yes, it has.

COMMISSIONER MURRAY: And I'm trying to square what it is that you're saying. It's kind of interesting. You like it, it's a good thing, but it's too big. So I'm -- I'm going to put you in the column that you don't like it, because that's what you're really saying.

MR. TEATERS: Okay. Well, let's talk about the master plan restudy.

COMMISSIONER MURRAY: Let me ask my question.

MR. TEATERS: That's fine. I'm sorry.

COMMISSIONER MURRAY: And we will, if you like, briefly.

MR. TEATERS: Great.

COMMISSIONER MURRAY: But I'm trying to understand, what is it that you would have liked? It's not 225 anymore; it's 190. Would you go for 170, one -- what is it that you want? Because I remember early on, I thought, that you were interested in a neighborhood center and you thought that was a good idea. And so I'm -- I'm going to ask you directly, is that your preference, a neighborhood center?

MR. TEATERS: Yeah, a smaller -- I'm looking for consistency with what's already there.

COMMISSIONER MURRAY: To the master plan?

MR. TEATERS: Yes.

COMMISSIONER MURRAY: And so that brings up that question again, if the BOCC is disinclined to have a restudy, we can't -- we can't come to any better conclusion that might result from that restudy. So I'm trying to understand. You're giving them accolades for all of the things that they've got except you don't like it.

MR. TEATERS: It's just too big.

COMMISSIONER MURRAY: So I don't know. You're free for the moment, I think, until the chairman cuts you off about telling me about the master plan.

MR. TEATERS: All right. The Golden Gate Master Plan, we -- all of us in the community -- many of us got together and decided it was time, and I know that comprehensive planning said, it's time. We need to restudy. Am I right, Mr. Weeks? Okay.

MR. WEEKS: (Nods head.)

MR. TEATERS: So what happened was, we all got together. One of the county commissioners walked up to someone who does not live in Golden Gate Estates and asked them to be on the master planning committee, okay. That's a concern, obviously. That leads us to believe that something is going to go on that's not going to be right, so we all changed our mind.

At that point in time we said, hey, wait a minute. This is a political cycle. We've got people that are up for election right now. Let's wait.

We also asked the Board of County Commissioners -- I wrote them a letter. Commissioner Hiller read it at the meeting. And what the letter said was -- what the letter said was, leave the master plan alone, don't change it, live by it, use it, and let's restudy it at a later time. They agreed to do that. They voted five to nothing to leave the master plan alone. Yes, it is true. They voted five to nothing to not restudy it and to leave it alone according -- now, the other person that spoke was Tim Nance. Tim Nance actually was there. I actually sent a letter in. Okay.

You know, it's interesting because that document really is -- it's like our Bible out in Golden Gate Estates. And you know what, I understand that people want services. But you know what, it's our job to plan this and to do it right.

COMMISSIONER MURRAY: Oh, I agree with you that that's what the intent is here; that's what we're trying to do.

MR. TEATERS: Sure, sure.

COMMISSIONER MURRAY: But when you hear that you have 76 percent response in the affirmative that they want it, you know, time has changed and I'm looking at it from this perspective -- and this is not argumentative -- but I'm looking at it from -- the people say they want it, the master plan is not going to be restudied, we don't know when that would be the case, and I will tell you that the last time this came before us I voted no --

MR. TEATERS: Right.

COMMISSIONER MURRAY: -- because I thought we would get a restudy, and that's what I thought was a good idea.

MR. TEATERS: And I think we may after 2012.

COMMISSIONER MURRAY: Well, I don't know what we may or we may not, but today I have to deal with the reality of this issue --

MR. TEATERS: Right.

COMMISSIONER MURRAY: -- and so forth. But I appreciate your discourse with me.

COMMISSIONER EBERT: I have one question.

MR. TEATERS: Yeah, absolutely.

COMMISSIONER EBERT: Do you have convenience stores that are open 24 hours now?

MR. TEATERS: No, we do not. I've been involved in most -- and I've stood in front of many of you many times on the PUDs and the things that we did in Golden Gate Estates where we worked very closely with the developers.

This one has been kind of different. They chose to work with some other people and use information from outside the Estates to make their decisions on what they wanted to do before we were very close. Like Walgreens, we actually met out here in the hallway and hammered it out with them. You were the one that gave me the break to make the deal with Walgreens out in the hallway.

COMMISSIONER MURRAY: I was?

MR. TEATERS: Yes, sir.

COMMISSIONER MURRAY: Oh, I had no idea I did that.

MR. TEATERS: Congratulations. But -- no, we don't, and the drive-through is an issue as well. We made a special exception for Walgreens to have a drive-through because it's a low-impact drive-through. I don't think there was ever any intention in Golden Gate Estates to allow fast foods where you're going to have kids at nine or ten o'clock at night with boom-boom stereos waiting in line waiting for their Big Mac. And oh, by the way, I'm not supposed to say that.

That's a problem. And I don't have a problem trying to find a way to work that out, okay. But it's an issue that has to be discussed, and the people that live by it are concerned.

COMMISSIONER EBERT: I noticed in the PUD -- the only thing I noticed was a bank drive-through. I did -- that I noticed was there.

MR. TEATERS: A bank is fine. That's low impact, too. My God, you're not going to hear -- you're probably not going to hear anything. You know, the little speaker is this big, and your window is right up against it, and you've got a cover normally over a bank.

COMMISSIONER EBERT: Okay. Thank you.

MR. TEATERS: I'm sorry. Did I answer your question?

COMMISSIONER EBERT: Yes, you did. Thank you.

MR. TEATERS: I'm sorry. No, we don't have 24 hours. Anybody else?

CHAIRMAN STRAIN: Nope, appreciate it. Thank you.

MR. TEATERS: Thank you very much.

CHAIRMAN STRAIN: Oh, I'm sorry. Paul had a question.

MR. TEATERS: Oh, Paul.

CHAIRMAN STRAIN: I didn't know if it was about him or just in general, sorry.

COMMISSIONER MIDNEY: No, that's fine.

Are you objecting to the acreage of the 40 acres or the square footage or both? What would you like to see?

MR. TEATERS: Both. What I'd like to see -- what I asked them to do -- and you know what? I don't really know if it's possible. I just haven't seen it studied. What I asked them to do is to look at the five acres that are commercial on the corner. They could have another -- they own the property. They own another five acres next to it and they own five acres behind it, which would give them -- well, I'm not -- like 12 acres, almost 13 acres or something like that that you own on that corner that would be in that area, all right.

And what I'd want them to do is build something small -- look, I understand they own the property. I think the problem is, it's not the neighbors' responsibility to take the brunt because they bought all this property, you know. They should be consistent and do -- you know what? They can build a supermarket on a smaller piece of land. They may not be able to make as much money. But I'm concerned about the community. I'm not concerned about how much money they make. We've got a new supermarket that's doing well right across the street now. It's an IGA, by the way.

So, yeah. I'm concerned. No, I'd like to see it smaller. But you know what? I tell you what I would do. I would agree with -- I would agree with Michele, okay, for the hundred-thousand-square-foot size if they cut the size of the property down.

And there's an awful lot here. There's an awful lot to chew on. The problem is, you've got roads that cut through these places. You've got roads that cut right through the middle of the property.

COMMISSIONER MIDNEY: So with all the buffering and everything that they're looking at, you think it would still change the community character?

MR. TEATERS: You know, it's awful big. It's awful big. And I -- think I don't agree with Nick. We also don't agree on everything. But I don't agree. I think it's going to draw people to Golden Gate Estates, to the center. It's right in the very middle. It's actually the geographic center of Collier County, by the way.

When they put Wilson Boulevard all the way through to U.S. 41, 30 years from now or whenever, people are going to be coming in from down there, too. So, you know, they're going to be coming to that intersection.

You also have to remember, we also have a neighborhood center at Everglades and Golden Gate Boulevard, some of which is already approved. The question that I have is, is if we approve all of this, how are some of these people going to get approval on some of the smaller projects that they're going to have if they come forward in the next couple years if all the square footage and all the usage is all gone, we've given it to a big one?

CHAIRMAN STRAIN: Mark, you're getting off on tangents past the question he asked --

MR. TEATERS: I'm sorry.

CHAIRMAN STRAIN: -- because your presentation is over with. Right now just stick to responding to the questions.

MR. TEATERS: Thank you, sir.

CHAIRMAN STRAIN: Did you have any other questions, Paul? Does anybody --

MR. TEATERS: Did I answer it?

COMMISSIONER AHERN: I have a question for Nick.

CHAIRMAN STRAIN: Oh, for Nick, okay.

Thanks, Mark.

COMMISSIONER AHERN: Can you clarify the traffic impacts?

MR. TEATERS: Very good. Thank you.

MR. CASALANGUIDA: Sure. First a couple corrections from what Mr. Teaters had said. Right now we are purchasing right-of-way on Golden Gate Boulevard. We have a design that's about 60 percent completed, and we've stopped it at that, anticipating going into design build when we have financing.

Similar to what Hillsborough County's done and Polk County's done, we don't expect large three-mile, five-mile, seven-mile projects anymore. The funding's not there. We'll probably take these in smaller sections.

We're working right now to prepare the annual update inventory report and the CIE. This intersection is probably going to be in the new fifth year as a project. So where the limits of that project go to the east, I don't know yet. It will be based on what we think our revenues will talk about.

In terms of traffic, we've looked at -- there'll be an increase in traffic in terms of that -- in that intersection, and that's why we've said only hundred thousand square feet until the intersection's improved. But a lot of that traffic that you're going to get is that pass-by traffic going back and forth to these homes.

The market area Mark talked about, when you went out that, I think you said, so many miles, so many minutes, if there's no other competing interests out there, but your market area in trips for transportation, matching them to -- employment to residential, there's nothing else in the southeast quadrant of the Estates. So this would be the only center that would serve them.

So from a transportation perspective, I mean, we've supported this project from the beginning, and we've understood that -- the traffic impacts.

The comment about retrofitting, we did the same thing at Brooks Village. When you take an -- existing platted estates lots, which were over there as well, too, with an intersection, the spacing is not ideal, you make it the best you can. And I think we've come with a good plan.

So I think the traffic impacts up to a hundred thousand square feet are covered. Beyond that, the intersection should be improved.

COMMISSIONER AHERN: Thank you.

MR. CASALANGUIDA: You're welcome.

CHAIRMAN STRAIN: Did you really talk to Mark for an hour last night?

MR. CASALANGUIDA: Forty-five minutes or so, yeah.

CHAIRMAN STRAIN: Okay. Well, you're going to have to handle that in the future. I call you, I can't get two minutes. So that's pretty good, Mark.

MR. TEATERS: He called me, too.

CHAIRMAN STRAIN: Yeah. Well --

MR. CASALANGUIDA: He left an email, and we didn't get a chance to respond to him, so I gave him the courtesy of a phone call.

CHAIRMAN STRAIN: Well, I guess so.

MR. TEATERS: Thank you.

MR. CASALANGUIDA: You're welcome.

COMMISSIONER EBERT: Is anybody else going to speak?

CHAIRMAN STRAIN: I'm going to ask that next.

Ray, is there any -- is there anybody else that would like to speak? Come on up to the podium, identify yourself, and you're more than welcome to speak.

MS. BURNS: Good afternoon, Commissioners and Chairman. My name is Laurie Burns.

CHAIRMAN STRAIN: Were you sworn in earlier, Laurie?

MS. BURNS: Yes, I was sworn in.

COMMISSIONER EBERT: Could you bring the mike up a little bit, please.

MS. BURNS: Sure. Is that okay?

COMMISSIONER MURRAY: Hopefully.

MS. BURNS: My name's Laurie Burns, and I live at 210 Third Street Northwest. I'm about 500 feet behind the package plant. I moved here or bought a house -- I'm actually in transition. I own a home also on the East Coast, and I'm looking to get over here for the tranquility, and so we're here on the weekends until we can retire in this house. I thought I was getting a simple lifestyle. Unbeknownst to me, simple's got a little more complicated than I expected.

I, too, have found -- this is my first any kind of thing with government and with planning and whatnot. And, I mean, what I can see is there's a system, and it's a master plan, and there's proper planning that allows for public input from all, and then there's hired staff, and then there's you, the appointed commissioners for planning, and then there's the elected officials to uphold the system.

And it seems to me that what I'm kind of getting, this is -- provides for a proactive framework to direct and guide growth based on the vision for the community, based on the input and needs of the community that foster integrity and credibility, resulting in belief and trust in the system.

COMMISSIONER EBERT: You're going too fast.

MS. BURNS: I'm sorry. And I understand that part of that process is the Comprehensive Plan amendment changes and I understand the rights of the petitioners to be there, and the burden of proof is on them to prove that this is the good project.

I really want to believe in -- I really want to believe in a system. I want to believe in people, and I want to believe in a system. And what bothers me just a little bit is that there's right now in writing as -- the commercial was -- is beyond on the periphery, and there's a five-acre neighborhood center there.

And the system may fail to protect me. And what bothers me is that all this stuff is going to get written into this Comprehensive Plan amendment change, and you want me to believe that's going to protect me. If what's in writing right now isn't protecting me, you want me to believe -- and I'm just -- I'm just struggling just a little bit with that.

And then we've introduced some unprecedented elements into the project as well. We've introduced -- first of all, the nature of the shopping center is unprecedented, obviously, and it's got a package plant; that's kind of unprecedented around residential areas that I'm aware of, and then we have the unprecedented elements of the straw ballot.

With regards to the straw ballot, Mr. Schiffer, you had asked earlier about the percentage of the population in 552, the district. I happened to actually go online after the election, and I actually looked at how many people voted, the percents of all -- of each district, and 552, 50 percent of the people in that -- in that precinct voted.

The reason I also went out is I was curious to see how the same precincts voted on Amendment IV, because I thought it was kind of ironic that the same people that want to change a Comprehensive Plan amendment with a straw ballot are the exact same people that voted against Amendment IV, which was going to have a general election in order to approve a Comprehensive Plan amendment change. So that was part of the reason I went out and happened to get those numbers.

The straw ballot, I understand, is new, and there's no standards and guidelines for processing and handling the results. And when you introduce, in my mind, unprecedented kinds of elements to it, it really opens it up for interpretation.

There's no guideline, there's no policy, and you just kind of make it up as you go. And believe me, I don't want the voters to be ignored. That is not -- that's contrary to what other things have been said before. I don't want the voters ignored. People clearly want shopping out there. I'm just concerned with the location.

I'm almost scared to say that I'm afraid it's too big, for what Mark just went through, but I, too, believe it's big for the location.

What bothered me about the straw ballot in addition to it is that being as I own a home in the other -- East Coast, this is my secondary residence. I didn't have the right to vote. I didn't have the right to vote on something

that's going to be 500 feet from my house, neither did anybody else that owns rental property out there and doesn't live in the Estates, nor anybody that owns a vacant lot, and 25 percent of the lots on First and Third Street are vacant. So they didn't -- if they intended to move over here into a tranquil, rural lifestyle, they didn't have a chance to be heard either, and that just bothers me a little bit.

Also, I was concerned with the precincts that were included versus the custom trade area. Looking at it, it looked like the one area precinct -- I think it was 590 -- that was up in this corner, looked awful big. And it just bothered me that people were going to get to vote on something they more than likely weren't going to use.

The question on the ballot wasn't whether you wanted to change the vision of the master plan. It was simply, do you want this grocery store or this size at this corner.

And there was a lot of questions. It's not what it actually asked. It's what it didn't ask. And without a restudy or without asking and probing the public, would another location have been better? That's wasn't their offer. Could it have been smaller? That wasn't offered.

Do you realize this is going to set a new tone and direction for Golden Gate Estates? That wasn't asked. And from what I'm understanding, the initial intent of the master plan, there was an influx of nonresidential and commercial, and it was to protect the integrity of the Estates, was the master plan, so that somebody wouldn't buy a piece of property and end up with a nonresidential use being developed near them, right behind them, next to them. And I don't know. Has that changed? I mean, I don't -- you know, I just don't know.

I'm concerned with, like I say, the unprecedented nature of the shopping center. And with all due respect, I will say the same thing. I respect Mr. Yovanovich, and I respect Mr. Arnold. They have done what they can do to put that and to try to minimize the impact.

My concern is, it's unprecedented in a rural area. And what exactly will the extent of the impact be? I understand there's no guarantees. I understand that. But it's duff (sic) for me to wonder what the extent of impact is going to be on my life with regards to noise. I want tranquility out there.

I don't know what to expect with a package plant 500 feet from my water well system. How is that going to affect my well system? How is that going to affect the aquifer? How is that going to affect those kinds of things?

I'm respectful -- again, this looks really nice on paper. They've done a good job. It looks conceptually nice. I'm concerned with the -- from a zoning perspective, now that I've kind of headed in that direction -- I've changed what I was going to say multiple times. I am concerned with the noise, and I would just like to clarify one more time what -- the drive-through. What I'm understanding is the drive-through hours will be cut at nine p.m.; is that correct?

CHAIRMAN STRAIN: That's what they offered at this point, yeah.

MS. BURNS: So during the day if I'm sitting on my back patio or it's Saturday night, I'm sitting out there, I could potentially hear an amplified system? I just want to understand that.

And second of all, I know the restaurant closing at 11 -- and I know there were issues with the bar, and we were going to keep the windows closed and all that, and there was a question of outdoor seating. Now, if there's a bar in the restaurant and they're going to serve liquor in the outdoor seating area, there's a potential for rowdiness, there's a potential for it to get loud, there's a potential for that. So that's a concern to me.

My other concern with regards to buffers is they look really nice, but, like, when are they going to actually look like that, and what period of time will they actually mature?

One last thing before I've put you-all to sleep after your lunch, I would like to bring up, I -- having felt like I needed to -- being afraid that the master plan may not protect me and understanding the First and Third Group was out there and coming late into the game, I talked with one of the representatives of the First and Third Group when I first started back in 2009 -- I didn't -- I really truly believed it was a huge representation of the neighbors. That's what was presented to me. I knew no differently. And so, okay, you know, I'm going to continue to go on, and I appreciate what they were doing, given -- that's my -- that was the understanding, they were representing the neighbors, and then later I found out that that wasn't quite the case.

I then decided with a group of people to do a survey of the neighbors. I wanted to represent the entire First and Third Group Northwest. I thought, okay -- I mean, if these people aren't actually being represented -- we went door to door. There was about four or five of us, and we did it over the course of a couple weekends.

I had actually started the petition that I submitted to the Board of County Commissioners back in November when -- right prior to the election I sent out a very neutral letter trying to get the feel of the neighbors, trying to find out what they felt about it, trying to find out who the First and Third Group was, and telling people to vote, because

regardless of what your stance was, this was affecting you and you needed to vote, whether you were for it, against it, neutral, whatnot.

So we went door to door, and I wanted to continue that effort to find out -- I got some calls, mostly from people that opposed it. I didn't get a whole lot from anybody that was for it. And I went -- we went door to door and -- on First and Third, and we presented a petition that said -- well, actually we went door to door, and the first question was how do you feel about it? We're just going door to door, and I -- knowing that I was going to present the full results -- I wasn't going just to get signatures.

So the results of the survey were on First and Third Street Northwest, there were 129 pieces of property, 24 percent of those are vacant lots, and of the 68 pertinent homes, we were able to speak with 87 percent of them. Those we couldn't speak to, we went back three times and then we just finally decided to give up.

The results of those were that 56 percent were opposed, 22 percent were for, and included in that four were two homes we did not go to that I know were First and Third Group representatives, and I put them in the "for" category. Now, more than likely they're more in neutral category because they're -- you know, because they're not opposing it, but I put them in the "for" category.

And then 22 percent, believe it or not, were neutral, undecided, or split. The split households must be very interesting to live in. But there were people that didn't really want to take a stance because they wanted shopping out there, but they didn't want it that big. So they were in this dilemma of, what do we do. So there was a number of those.

We did not really try to convince any of those people because that's their decision. We listened and found out -- like I said, some of them want a Publix. They don't want the public parking lot and the shopping with it, but they want the Publix.

We also went and started to do Third and First Street Southwest because I thought, okay, we don't want to leave them out. We'll do as much of the first half as we can do. That was a little more equal. We contacted 33 houses, and we ended up with -- sorry. Should have been a little more organized -- 49 percent opposed, 45 percent for, and 6 percent undecided.

We made it about halfway down the block. There were a couple homes, one home in particular, the Montgomerys, we didn't go to speak to them, but they got included in my survey.

We -- of the people that we did find that were opposed, we did do a petition, and the petition just stated, "We the undersigned, as surrounding residents, oppose the proposed Estates shopping center at the northwest quadrant of the intersection of Wilson Boulevard and Golden Gate Boulevard for the following reasons: It is inconsistent with and compromises the integrity, intent, and the vision of the Golden Gate Area Master Plan; it bypasses the proper process on public input from all residents; the potential long-term repercussions and precedents it could set will compromise the character of our rural community; and it will compromise our quality of life and rural lifestyle."

Of this -- the signatures I received -- I received 87 signatures, 49 representing 49 homes. Of that, 29 signatures and 16 homes were from north -- First and Third Southwest, and 58 signatures and 33 homes were represented from First and Third Street Northwest.

So I have submitted the petition. It should be on public record for -- back in the Board of County Commissioners.

I just wanted you to know that there are surrounding neighbors out there that are in opposition to this.

I thank you for your time. I respect this is a complicated decision, and I know that it's difficult to try to balance between the master plan and law and the desires of the community.

So I thank you for your time, and I appreciate it.

CHAIRMAN STRAIN: Thank you. Is there anybody else, member of the public, like to speak? Yes, sir. Please come up to the podium, state your name, and go ahead.

MR. MARR: For the record, my name is John Marr. I live at 281 South Street Northeast. I am within a thousand feet of the proposed project. And I feel that for all of you recluses that came out there because you wanted to get away from the world, maybe Point Barrel, Alaska, would be a good starting spot.

I think that everybody is in agreement that they want something out there. They just don't want it in their backyard. They want it in somebody else's backyard. Well, I'm in favor of the plan. I live within a thousand feet of the proposed project, and I can hear E's, and I go there now and then to buy things, but I have never found anything I really wanted there.

So I'm looking for something that will work for me. I -- my wife and I both approve of the plan, and I hope that you will feel the same way, because I think it's time that we got something out there that -- almost four bucks a gallon, you don't have to drive \$3.25 of your gas away just to get something that E's doesn't carry.

Thank you for your time.

CHAIRMAN STRAIN: Thank you, sir.

Anybody else wish to speak? Yes, sir. Come on up.

MR. TERRERO: Good afternoon. My name's Jose Terrero. I live off DeSoto Boulevard.

CHAIRMAN STRAIN: Could you spell your last name for the court reporter.

MR. TERRERO: T-E-R-R-E-R-O.

CHAIRMAN STRAIN: Thank you.

MR. TERRERO: I live off DeSoto Boulevard. I've spoken with many people that live out in my area, and we are definitely in favor of having the shopping center put out there.

Like the gentleman just said, four dollars a gallon, it's getting ridiculous just to go buy some meats. We've got out Armando's off of Randall. They don't have anything for us. Their produce isn't the best. We'd just like to have something close if we want to go out, maybe have a bar, you know, close to us instead of having to come all the way into town, you know, just to have something to eat. I'm not a drinker, but a place, somewhere where we could come and grab something to eat, you know, sit down, enjoy something, bring our kids. We need something close.

Everybody wants something out there. I heard about 76 percent of the voters are in favor of the property being built. The people that don't want it, like the gentleman said, you know, we want it, but not in our backyard. Most of the people that I've spoken with do want it, and I am in favor of it.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else wish to speak? Yes, ma'am.

MS. ANTS: Good afternoon. My name is Martha Ants (phonetic). I live out in the Estates also. My concern about this is ruining the rural nature of the Estates area. It does go against the master plan, as you've heard already and as you are well aware.

I don't have a problem with a shopping center coming out there, but I don't think the proposed site is where it should be. I think outlying areas are much better. I moved to the Estates because I wanted that rural feel. I wanted the wildlife in my yard, that kind of thing.

If -- I'm sorry. Like some of the other ones said, if you destroy the rural nature by letting something come in, you can't take it back. You can't undo what you propose. If you let development come in in that area, to me you're asking for more people, more businesses to want to come in and build in that area also. It's just going to open the door to other developments and exemptions that are going to be made or want to be made.

I'm concerned about the noise, the light, the traffic that's going to be generated out there. Sound carries for a long distance out in the Estates area. And I just think -- someone said what's best for the neighborhood is a shopping center. Maybe what's best for the neighborhood is to leave it rural like a lot of people built out there for and to have your shopping centers on your outlying areas. That's all.

CHAIRMAN STRAIN: Thank you.

Anybody else wish to speak? Okay.

(No response.)

CHAIRMAN STRAIN: Okay. Well, Richard, I think that the best thing to do right now is see if you want to have any rebuttal to the comments, and I'm sure the Planning Commission's going to have some more questions, and we'll go from there.

MR. YOVANOVICH: I do want to address a few comments, starting with the comparison of us to Coastland Mall. Coastland Mall is 80-something acres, and it's a million square feet. That is not what we're requesting on this property, obviously.

Some of the comments from Mr. Teaters, I think, need to be corrected on the record. First of all, he made -- he pointed out the Orangetree letter that said they wanted the Randall center and they didn't want this center. Well, let's --

CHAIRMAN STRAIN: Mark, not from the audience, please.

MR. YOVANOVICH: He referred to a letter that said Orangetree wanted the Randall center and didn't want this. It was a letter written by the president of the association. If it's the letter I've seen in the past, that's what that

letter says.

But the precinct that encompasses Orangetree -- I lost my reading glasses. Here they are -- do you have my precinct map? I believe it's 590 is the Orangetree precinct or -- it's either 590 or 591. I'm not 100 percent sure which one, so I'll read you the results from both of them.

590 was 76 percent in favor and 591 was 80 percent in favor. So the people who are going to be by the Randall center supported ours. That didn't mean -- so they obviously didn't see us as a threat to their losing the Randall center.

And if you'll recall the data that Mr. Sullivan provided as part of his Comprehensive Plan amendment -- and the data and analysis that he provided showed that there was enough demand left after his center was built, the Orangetree -- the center that's already approved at about 200,000 square feet. Between those -- when those two are already built and we come along, there's still enough demand to satisfy both projects.

Now, they're going to be phased in over time. Not everybody's building all of their square footage today. And, in fact, I don't know -- I don't know if you received -- frankly, I don't know what you received as far as -- I'm assuming you received all the information that was previously provided regarding market studies and the like as part of your -- I don't even know if you got the executive summary that went to the Board of County Commissioners.

But, anyway, this is in our -- we prepared this report -- this summary based upon the same methodology that was utilized for the Randall center, okay. And when you look at that methodology, you will see that at the end of the day when everybody's center is in there and our center is included, in the year 2015 you're short about 300,000 square feet. It gets much better around 2'20, but you're still short. And as you go further out, there's an unmet demand.

Now, we have a philosophical disagreement with comprehensive planning. They want to use the ULI urban characteristics for defining what we are. They want to call us a neighborhood center. Now, don't get confused, because you've got the -- you've got these neighborhood centers that's on the master plan that are not neighborhood centers for purposes of calculating supply, because they can't support a grocery store.

And we've always said, there isn't a site within Golden Gate Estates -- none of those neighborhood centers will support a grocery-anchored shopping center, and I don't think there's any dispute about that.

Okay. We provide -- we believe what we do in the middle of this thing is we provide a hybrid, and I think staff agrees, kind of a hybrid. We're a hybrid between what they want to call the community center and what you'd call a neighborhood center. We're -- we provide both functions.

And what they say is, the minute we go above a hundred thousand square feet, everything we're doing goes away from providing supply under the neighborhood demand, and we get thrown into the community center demand, and there's too many in this community.

Now, I think they're trying to apply very standard definitions to an area that you can't really apply those standard definitions. It's just a philosophical issue that we have, but -- so that's why we think that you can't necessarily go with just the black-and-white definition of neighborhood center.

So we went to the voters, and everybody says they don't want to ignore what the voters said "but," but I don't want this. The voters knew what they were voting on.

In fact, Mark Teaters proudly talked about how the editorial board disagreed with my arguments and even said, we don't agree with Mr. Yovanovich. You should do a restudy. Well, you know what? The voters didn't agree with the Naples Daily News. The voters said, we don't need a restudy; we want to do it now. So that's where we are.

Now, I would have some sympathy to the restudy argument if I didn't just hear the testimony that says we don't want to do the restudy because we don't -- we're not sure we're going to get the results we want, so we're going to wait. We're going to wait until 2012, and maybe we can come up with a different result of the restudy committee.

Well, the community doesn't want to wait for the restudy. We need to -- we need to move this forward. I appreciate that Mark and Laurie have said we have worked hard with our neighbors to come up with a good project, and we have worked hard with our neighbors to come up with a good project.

This project will, in fact, serve people who are already driving by on the roads, okay. So we're recapturing quite a bit of traffic that's already on the road. And if you looked at our study you'll even -- you had to know that, because you'll see we reduce the traffic impact -- when our center comes on, we reduce the traffic impact on Collier Boulevard. So we are providing a benefit by putting this center out there from a transportation standpoint, and we have a phasing schedule to address traffic impacts.

So I think those are some of the comments that Mr. Teaters had brought up, not all of them, but I just wanted

to hit a couple of them.

The compatibility issue. Your zoning staff looked at the compatibility issue. They assumed the worst-case scenario, the GMP is approved at 190,000 square feet, and they determined based upon the PUD master plan, it is compatible with the neighborhood around it. So we have a compatibility determination from your planning staff.

Can we put the master plan back up just so -- we, too, are concerned about noise. That has been the concern that has always been raised, and we are doing our best to address those noise concerns. Closing off the speaker on the fast food will hopefully address that issue. Constructing the wall, as Mr. Strain had requested, will hopefully address that issue. So from a noise perspective, we've taken every one of those concerns seriously, and we've addressed those.

I feel a little bad for Tim Whalen and Dave, who were always the guys at the various public meetings who were meeting with us, raising objections, were held out by everybody as the leadership of the First and Third Group. We dealt with those guys in good faith. They dealt with us in good faith. We reached an agreement.

Now, there are people out there who say, you know what, they didn't represent us. Fine. I'll take that at face view. But what they negotiated and what resulted from this is a really nice-looking project. So they have done a good job. It is a good project. The community wants this project, as you've heard by what the voters say, and you can't take away the voters' vote. I mean, if you didn't want their opinion, you shouldn't have asked them. This is what -- our whole -- our whole concept of governance is to allow the people to give their elected officials direction on what they want. That direction has been given.

Yes, it was unprecedented. Everything's -- somebody -- the first person to do anything sets a precedence. Yes, it was unprecedented. We went to the voters on this issue. This is very different than Amendment IV. Amendment IV would allow the entire county to vote on this particular amendment. That's why people voted against it. They didn't want the urban area to tell the rural area what they wanted. We limited those who could vote. And this was discussed at the meeting when I said, let's go to the voters, and they said, come back with precincts that are on the east side of 951 so we know those who are impacted will have a say-so in the outcome of the election.

We're not changing -- as one of the speakers said, we're not changing the size of the minimum lots out there. We're not changing anything for anybody who lives out there, other than we're bringing them a shopping center to provide them the conveniences that they've asked for.

I think that addresses the general scope of the comments that came from the -- those who were opposing the project.

We are open to discussing in greater detail -- oh, one other thing. Sorry. I almost forgot this. I've been in contact with Mark Teaters about this project for the better part of four years. I have always asked, "What do you want?" That's the way I -- tell me what you want, and I'll try to shoot for it. What he told me I could have was the five acres that's out there today and another five acres for a conditional use.

Now, as you all know, conditional use is not retail. The conditional use is a church, you know, one of the -- I'm trying to think -- these fraternal lodges. Those are what the conditional uses are.

I told him right out of hand that was a nonstarter. We can't build a grocery store and a church and make this project financially feasible. We are building a water treatment plant and a sewer treatment plant that we'll go through an extensive engineering review to support the grocery store and to support the other uses that the community has wanted.

I didn't study the church and grocery store issue because I didn't have to. I knew the answer. I didn't have to lay it out. So that's what was -- that was what was told to me most recently earlier this week.

There's never been a discussion about what square footage would you be satisfied with. It was, those were the uses I could have.

So with that, I close -- I'm done with my rebuttal, if you will. We think it's a good project. The voters think it's a good project. We're requesting that the Planning Commission recommend to the Board of County Commissioners that they adopt the Comp. Plan amendment and approve the PUD rezone.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: I have two questions, Rich.

With regard to the package plant, it's my understanding -- and you'll have to correct me if I'm wrong, or somebody will -- that a package plant is intended to preserve the groundwater quality and that -- the sewer systems, and it keeps everything away from. So you're not going to poison the territory with that; is that correct?

MR. YOVANOVICH: That's correct. And I've got the engineer who will design it here if you need to know

the details --

COMMISSIONER MURRAY: That was my understanding, and I --

MR. YOYANOVICH: -- of how -- the conclusion is correct.

COMMISSIONER MURRAY: I really asked that question to help the lady who testified to understand more clearly that it's not going to do anything bad.

But I do have another concern that was brought to -- Steve Lenberger. I hope I pronounced your name correctly -- did -- they raised a question I thought was very significant and serious about the mid story question about the potential for fire. And you've had an opportunity to think that out now, I nope.

And I'm trying to -- I recognize that you have a very nice buffer. Especially if you add mid story, it should make it very challenging for anybody to see through let alone hear. But if you eliminate that mid story, what are the implications then?

MR. YOYANOVICH: I'm going to give you the conclusion of what was told to me, and then you can get better detail from either my environmental consultant or Steve --

COMMISSIONER MURRAY: Right.

MR. YOYANOVICH: -- is that there is a way to properly design the plant materials that we will be using to address the concerns that were raised regarding potential for fires. There will be -- there's ways to do that to where those issues are addressed and taken care of.

I could ask -- if you want the specifics of how that's done, I could bring them up. And, Steve, I believe you agree that we can design this appropriately to -- he's nodding his head that, yes, we can design this appropriately to address the concerns that were raised by having this buffer meet the preserve requirements.

Plus, we're doing a wall now, so we're 100 percent opaque on that issue, and the opacity issue actually came up from the enforcement guys, and that's why we reported that had to achieve a 100 -- an 80 percent opacity from the plant --

COMMISSIONER MURRAY: Okay. The opacity is solved, and that's very good. And I didn't realize from what Steve had said that it is possible to address that issue --

MR. YOYANOVICH: It is.

COMMISSIONER MURRAY: -- effectively, and you're saying that it is, and Steve is nodding that it is. And that's --

MR. YOYANOVICH: Well, Wayne could give you just a little bit of the details so that -- to put everybody at ease.

COMMISSIONER MURRAY: Well, Steve was walking his way up, I thought, you know -- trying to get his -- exercise his leg here.

MR. LENBERGER: For the record, Stephen Lenberger, Land Development Services Department. And I was talking to the applicant earlier, and we were talking about the idea of planting mid story along the periphery or along the outer portion of the preserve and leaving the inner portion more open. That would be better for fire suppression. So we could work around it by keeping mid story on the perimeter.

COMMISSIONER MURRAY: And the outer portion is that which is adjacent to or abutting the person's properties other than the commercial property; is that correct?

MR. LENBERGER: Well, it could be either/or.

COMMISSIONER MURRAY: Okay. But you have a wall. They're going to put a wall.

MR. LENBERGER: They're looking --

COMMISSIONER MURRAY: You wouldn't put mid story there, would you? Is that where you would put it?

MR. LENBERGER: You could put it on either side. You can put it on the inside of the wall or, you know, facing outward towards the neighborhoods, or you can put it on the other side.

COMMISSIONER MURRAY: Well, I'm happy that -- okay. You know your business. That's more important than my question. You know your business. We can protect the community against fire, one of the most dangerous things we have. I was left with the impression earlier that that was going to create a problem. And thank you; that's good. Thank you very much.

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: Okay. Are there any other questions of the applicant?

Go ahead, Ms. Ebert.

COMMISSIONER EBERT: Oh, I do. I wasn't here back in 2008, 2009, but I happened to get all this material, and a couple things I went through was, when he started buying this -- Mr. Crown bought this. Has he done other projects in Collier County?

MR. YOVANOVICH: No.

COMMISSIONER EBERT: So he's never built in Collier County before?

MR. YOVANOVICH: He has not built in Collier County.

COMMISSIONER EBERT: So he doesn't know any of our rules and regulations?

MR. YOVANOVICH: He -- let me tell you -- yes, he does. He knows your rules and regulations, and he knew that he was taking the risk when he bought this property that he was going to need to get a Comprehensive Plan amendment. He knew that. He had spoken to residents out there, and those residents had told him, we need a shopping center out here. We need a grocery-anchored shopping center. So he took the risk and bought up that property because -- I will tell you why you don't have to worry about this becoming -- happening on every corner. We assembled 16 parcels, I believe it was. Getting 16 property owners to give you a time period to go out and get your Comp. Plan amendment done and your rezone petition done before they have any risk on dollars would mean you're tying their property up probably two to three years. You're not going to get that deal.

So he had to take the risk to buy it up front. And by the way, when he bought it -- if you see when he bought, he bought it at the top.

COMMISSIONER EBERT: I know. I see he bought it when it was going just like this.

MR. YOVANOVICH: He bought it on the top, so he --

COMMISSIONER EBERT: He overpaid.

MR. YOVANOVICH: You know, that's fine. That's part of the risk you take. But he had to, in order to assemble property -- because there were that many parcels. And that's similar to what's out there in Golden Gate Estates. He had to have the financial wherewithal to do that, and he did. And to continue on this process, the amendment process, having to go to the electorate, he had -- he has the financial wherewithal to do this and build this center to meet the standards he's approving.

But, yes, he did know that it would take a Comp. Plan amendment to do this project.

COMMISSIONER EBERT: Well, okay. But I guess in looking at this, had he just bought the first two properties and maybe added that 2.8 -- if he would have just bought from First Street over to Wilson, he'd of had about 12 acres.

MR. YOVANOVICH: Right.

COMMISSIONER EBERT: Do the people realize that Pebblebrooke where Publix is there -- and it's one of -- their biggest one. In fact, they have 60,000 square feet in there -- that that is only 9.3 acres. That whole -- that whole first section of Pebblebrooke where Publix is, and your pizza place, your hair place, everything else, that is excluding the drive-through and Walgreens. But that's 9.3 acres.

So for me, 40 acres, I'm going, why does everybody else have to follow the rules and he doesn't? Everybody else on the corners -- and even if you go down to Everglades, they're all about the same. This is kind of what the county planned.

So I'm going why doesn't -- why doesn't he even comprehend what's going on out there? If he wants to do this, fine, but he happened to buy at the wrong time and he's not following the rules to begin with.

MR. YOVANOVICH: Let me answer why it's different out in Golden Gate Estates. The project you're talking about has central water and sewer. We don't have central water and sewer. They don't have the buffer requirements that we have out in Golden Gate Estates. So that same nine-acre parcel you're referring to doesn't have to have the buffers that we have, doesn't have to provide a water and sewer treatment plant to serve the grocery store. So all of that takes land. Okay.

The brown area that's the development area -- because this doesn't show brown, but -- yeah. The brown area that we're actually developing is about 15 acres. Keep in mind that my -- of my 41 acres, I think five or six of them -- I'll get you the exact number -- is the existing First Street and Third Street right-of-ways and Golden Gate Boulevard. I've lost several of my acres in that 41 to roads that already exist. So I'm really not 41 acres. But that's what I own. I have to report what I own. And that's part of it, but I lose some of that to road right-of-way.

And then I have my totally -- it's not an apples-to-apples comparison when you're talking about developing

out in Golden Gate Estates because you do not have central water and sewer facilities. So that's why you need the additional land to build the square footage. We're roughly -- we're roughly less -- we're less than half the per-square-foot development than you would find in the urban area. In the urban area -- you've seen a bunch of them now. We come in at 10,000 an acre, okay. We don't always achieve it, but we come in at 10,000 an acre.

I can't do the math in my head right now, but we're under -- we're under 5,000 an acre on this entire property. So we're half the intensity of what you would find in the urban area because of the buffers and the water and sewer treatment plant.

COMMISSIONER EBERT: Okay. That was -- that was one of the questions. The other one is you said you went to the public and -- with the vote, and 76 percent of the people want it. You were the one that stood in front of this chambers, I believe, and asked them to put this on the ballot. So it was you that asked for what. And what I'm thinking is -- is that correct?

MR. YOVANOVICH: Yeah, but I don't --

COMMISSIONER EBERT: Now just wait. Just wait. Is that correct? Am I correct?

MR. YOVANOVICH: Did I ask to go to the voters? Yes.

COMMISSIONER EBERT: Okay. You were the one. The straw poll can be skewed in the way that you ask the question. And I'm looking at the area of the precincts that you did. It probably would have been better -- you're smiling, so you think I'm --

MR. YOVANOVICH: I am. I'm ready, go ahead.

COMMISSIONER EBERT: You -- it would have probably been better had you asked them, will you use this shopping center also. People that got that -- up in 951 and even 555 and 590, a lot of them are not going to. They are not going to go backwards to use this shopping center.

The one that you did do, the one study you did do, which was the mail survey -- and that was your defined market area -- with a response rate of 28 percent. Well, a response rate of 28 percent is 1,540 votes. Of that you said 83 percent wanted the shopping center. Well, 83 percent is 1,278 people. That is a lot -- you can make those numbers do so many things; 83 percent sounds great. But when you really put it down to 1,278 people, that makes a big difference.

MR. YOVANOVICH: Let me -- may I? First of all, you're right. I asked to go to the voters. They didn't have to say yes. They did say yes.

The Board of County Commissioners -- the County Attorney's Office drafted the ballot question. The staff decided which precincts. They were brought back to the Board of County Commissioners for approval of the ballot language as well as the precincts.

So the Board of County Commissioners approved what went out on the ballot and approved who got to vote.

Now, we could pick whichever one of these precincts you want to eliminate; we still got over 70 percent of the vote in every one of those precincts. The one that's right in the middle, right where the project is located, 72.4 percent. So either way, if you want to say the wrong people voted on this, take any precinct out you want, take them all out and limit me to just the precinct where the project is located, 72.4 percent.

So the precincts were decided upon based upon staff input and the Board of County Commissioners' approval. Pick whichever one, and I think we're still at the same place; 72 percent or more voted for this center.

COMMISSIONER EBERT: Okay, that's fine.

The outdoor seating, are you going to have outdoor seating?

MR. YOVANOVICH: I think that if we -- our restaurants will probably want to have outdoor seating. If we need to talk about an appropriate time period to no longer provide outdoor seating, that is certainly something we're willing to discuss regarding addressing noise, but I -- it's -- you know, in the wintertime down here, why would you not want to have outdoor seating along with your restaurant, and the community's never said to us "Don't do it."

COMMISSIONER EBERT: That's the question I have, because all of Pebblebrooke is, like, 18 acres. And, of course, you know that's where Stevies is; everybody remembers that. But when you're going even double that size, even if you take 20 acres, you're doing 40. Could -- you can have a huge center even with all your buffers and everything. I just don't feel you need the 40 acres. If you ask everyone in this audience, do they want a grocery store, you bet they do. What they don't want is 40 acres. That, I think, is the biggest problem of this whole development.

And I look -- the convenience store, you want that 24 hours? You want that open 24 hours?

MR. YOVANOVICH: I want the ability to do just what the other convenience store is, to be able -- I'm not

saying we're going to go to 24 hours. I'm telling you, just treat me like you treat the other convenience store out there, and they can go to 24 hours. They don't, but they can. And we -- I don't know if we will or we won't, but we're just saying those are what the rules provide.

COMMISSIONER EBERT: Would that be with the gas station you plan on putting in?

MR. YOVANOVICH: We would -- I would -- an option -- listen, these are -- we don't know -- I don't have a convenience store with gas operator on the dotted line. It's an option that we can have on the property, and we've identified the location where that option can occur. But I can't tell you that it's going to get built, and I can't tell you -- I told you the worst-case scenario, it would be a 24-hour operation.

COMMISSIONER EBERT: Okay. The other thing is, if this developer is being so friendly with the neighbors, somebody said you have an Eaves (sic) across the street that is a convenience store and gas station. So he's not helping his neighbors out there if you're going to be putting this in. You're kind of shoving the other gas station and convenience store out if you're going to put this in this shopping center.

MR. YOVANOVICH: We have met with E's, okay, and we have an agreement with E's, okay. We've addressed their concerns. Now, we're still talking to them because, you know, the market's changed. But we have addressed those concerns, just like we addressed Mr. Corter's (phonetic) concerns. He's on the south side of the road. He came through years ago and did -- he wanted to do medical office, medical work. We don't have any of those uses in there because we did work with our neighbors.

COMMISSIONER EBERT: They have it over at the Walgreens side; is that correct?

MR. YOVANOVICH: They have -- they're on the -- they're to the -- I think the west of Walgreens, and yes, they have a PUD that allows medical uses, and we coordinated our uses with Mr. Corter to make sure we weren't hurting him.

COMMISSIONER EBERT: Okay. I think the thing that bothered me a lot was the size. It really bothered me, because what this developer has done has taken this quaint little neighborhood and made an activity center a commercial activity center.

Everything else in there is C1 through C3. He wants to go to C5. This is heavy industrial zoning in there. And I can see it in the activity centers. I support it because Collier County does not want to end up like Fort Lauderdale where you have strip malls that has become blight over there now.

MR. YOVANOVICH: Let me address that comment. The C5 use that I have is the contractor's office. The contractor's office without materials and without -- without storage and without materials, having a -- if the homebuilder wants to have a little office in that shopping center, you've got to be a C5 parcel of property. We're just simply looking for the homebuilder to be able to have an office in the shopping center. That's the C5 use we're talking about. We're not talking about anything beyond that.

COMMISSIONER EBERT: Why can you not stick to just the C1 through C3 to be compatible with the other people?

MR. YOVANOVICH: I think we have been compatible with them. The uses that we're asking that are not within -- as a matter of fact, we've eliminated some C1 through C3 uses that people didn't want, okay. But what I'm saying is, the uses that we asked that were beyond C3 are consistent with your standard shopping centers.

And I haven't heard anybody tell me which ones should come out. I mean, we went through a few today. And I'll be honest with you, I don't remember if they're C3 or C4, but we took uses out.

We went through and are always willing to say, tell me a use that you think is an inappropriate use from the listed categories, and we'll deal with it, like we have all along.

COMMISSIONER EBERT: Okay. There was -- I think you pretty much answered all the questions that I did have on this in reading through it at this point.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Take a vote.

CHAIRMAN STRAIN: Okay. We're going to be taking a break for the court reporter for 15 minutes. While we're on the break, I was wondering if either between Kay and Wayne, since both of you are planners, you could try to find answers to two questions. What is the number -- what's the square footage that's built -- or that's built or allowed to be built at the Pebblebrooke site. I'm just curious. Now that we know -- it's a little bit -- it's been brought up so much, I'm just wondering how jammed up it is.

And also the -- if you were to take a 12-acre site as we have across the street from this on the south side and

max out its capacity for square footage, what would you get to? Those two questions, I think, would help my understanding of some of what you're doing.

MR. YOVANOVICH: I could answer the Pebblebrooke one for you.

CHAIRMAN STRAIN: Which is it?

MR. YOVANOVICH: Okay. Pebblebrooke is -- the entire project is 21.8 acres, and it was approved for 231,000 square feet, which is over the 10,000 -- no, just -- yeah, over the 10,000 figure.

CHAIRMAN STRAIN: So you had 21 acres at 231,000 square feet?

MR. YOVANOVICH: Two hundred thirty-one.

CHAIRMAN STRAIN: Almost a quarter of a million square feet in 21 acres.

MR. YOVANOVICH: Twenty-one acres. And we're --

CHAIRMAN STRAIN: Okay. Well, that is --

COMMISSIONER EBERT: Some of that is two story.

CHAIRMAN STRAIN: It doesn't matter. It's -- that kind of square footage in half the size. That's kind of what I was trying to understand, and I didn't even -- I didn't know until she brought it up what the -- as a comparison, so -- and if you could take a look then, if you had 12 acres and you wanted to max out the square footage based on what would be allowed in the Estates -- well, let's assume the whole 12 acres could go shopping center, as I think had been suggested by others, what could you build out in that 12 acres if you were to cram it in as tight as possible? And if you can come up with that, fine. If you can't, then it's just an idea.

Okay. Let's take a break. We'll come back at 2:45 and resume.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. It's 2:45. If you'll resume your seats, we'll move on with the meeting.

We left off with Ms. Ebert asking some questions.

Diane, did you finish all your questions?

COMMISSIONER EBERT: Yeah. Just -- until we close, yes.

CHAIRMAN STRAIN: Okay. Anybody else? Brad?

COMMISSIONER SCHIFFER: Yeah, I do.

Rich, on the voting.

MR. YOVANOVICH: Yes.

COMMISSIONER SCHIFFER: There was one comment made that only 50 percent of the registered voters voted so if that was true, that would mean that only 36 percent of the registered voters. Vacant lots don't register and all that. So could that be true that in that central district really only 36 percent of the people have expressed a favorable opinion?

MR. YOVANOVICH: I don't think that's a fair analysis. I mean, you're talking about -- you're talking about an election that everybody had the opportunity to vote. To assume that those who didn't vote somehow should disenfranchise those that did vote -- a 50-percent turnout in the election season is a very good turnout and, therefore, you know, believe that that accurately reflects what the people want.

COMMISSIONER SCHIFFER: And you've always said that, you know, the percentage of the voters.

MR. YOVANOVICH: Of the voters.

COMMISSIONER SCHIFFER: You never misinterpret it. But it doesn't really mean that percentage of the people live in that area because they didn't vote. I mean, the fact that somebody doesn't vote doesn't mean yes or no. It just means you can't count on what they really think.

MR. YOVANOVICH: Right. But we know -- the people -- usually people who take the time to vote are the ones who are more involved in their community and care more. You know, if you care enough about what's going on, you're going to go out and vote.

Those who cared enough to have their voice heard went out and voted, and 76 percent of those said we want this center.

And, Mr. Schiffer, I got criticized -- you know, a 28-percent return rate on a survey is outstanding, okay. It was mailed out independently. I didn't control who it went to. We had the area, but an independent mailing agency made sure it went out.

It was returned, and a CPA firm tabulated the results. I never touched any of it. I get criticized because that -- we used that method of going to everybody who was a property owner at that point.

So we go to everybody who's a property owner at that point, we do a survey, we get an excellent return. Any, any, any marketing firm would say that's going to be right dead on on giving you a read. I get no credit for that. We have a survey in the paper. The survey numbers come back 65 percent the first time, 76 percent the second time when they advertise both projects. We get no credit for that. At some point the numbers consistently say we want this center.

COMMISSIONER SCHIFFER: Okay. Next question, and maybe Wayne can answer it, is that in Exhibit C you show certain buildings. Does that area of those buildings reflect the 190,000 square feet?

MR. ARNOLD: I'll try to answer that. And the direct answer is, no, not necessarily. We're asking for the maximum of 190,000 square feet. We've made assumptions on that plan for outparcels. I can depict one of those as 3,000 square feet. Maybe it gets built, it turns out to be a 7,000-square-foot bank instead of a fast food that I made an assumption for. So, no, it didn't necessarily -- if you take and squared every building outline that I have on there, it would probably not equal 190,000 square feet.

COMMISSIONER SCHIFFER: Do you know what it would equal? I mean, just because the reference is how dense is the buildable area on this site. Since it's all one story, it will hold true.

MR. ARNOLD: Well, the density of the buildable area is, if you do a floor-area-ratio calculation, for instance, on that plan based on 190,000 square feet, we come up to an FAR that's around .11, okay?

COMMISSIONER SCHIFFER: Well, right. Of course, because you have huge preserves with lakes and stuff, and you're in the roadways. I understand that.

MR. ARNOLD: But that's all part of -- that's all part of the project acreage. It's all part of the way the site ends up laying out. So, I mean, it's a low-density project by almost any standard.

COMMISSIONER SCHIFFER: But for reference, when we're looking at this, what -- do you know what square footage I'm looking at? I mean, is it a hundred thousand square feet?

MR. ARNOLD: No.

COMMISSIONER SCHIFFER: Is it 150,000? It's not 190- you said.

MR. ARNOLD: No. It's not 190-, but I couldn't tell you exactly how many square feet is on that plan right now.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Anybody else have any questions or comments at this point? Ms. Caron?

COMMISSIONER CARON: Yeah. I just want to go over a few sort of standing things, and one is to go back to the preserve issue and making sure that once we clear out the exotics, what is there will actually give the people or potential people that live behind this project some opacity.

And there was conversation about being able to add something in and doing it on the perimeter and all of that. But I just think that we need to be more specific about that so that -- because it's -- I think it's critical to everybody that that is an opaque barrier with or without the wall, and we'll get to the wall here in a minute. But -- and you realize, too, that that affects you on Golden Gate Parkway as well. I mean, that's not internal to the site. That's external to the site. So if you have to clear exotics out of that portion of the preserve, that could get pretty thin there when the rest of it, you're claiming this 50-foot fabulous buffer where essentially nobody's going to be able to see through it except for this great big huge chunk of preserve that, once we clean it out, is --

CHAIRMAN STRAIN: Well, I think what it boils down to is you talked about 80 percent opacity for the preserves. Are you willing to stand by that?

MR. YOVANOVICH: I'm sorry. Let me -- let me -- can I come back to that one? I've got my head on the Golden Gate Boulevard one.

Commissioner -- Commissioner Caron, we believe that the areas that are identified as preserve will essentially be the same type of buffer that we've agreed to in the enhanced preserve along Golden Gate Boulevard.

COMMISSIONER CARON: Okay.

MR. YOVANOVICH: So we'll meet that standard on Golden Gate Boulevard.

COMMISSIONER CARON: One way or the other?

MR. YOVANOVICH: The weakest -- the weakest area, I guess, on the preserve issue is the area we have identified. That's where the bulk of the Brazilian pepper is.

We had believed we were going to have to meet an 80-percent opacity requirement, so we'll have to put the mid -- I think we're putting mid story there now on the perimeter to meet that. I mean, that's what we were told was

going to be the enforcement standard. So if we had planned on doing it, we'll just have to continue to do it.

COMMISSIONER CARON: No. I just needed to have that clarified, because there'd been lots of back and forth --

MR. YOYANOVICH: I understand.

COMMISSIONER CARON: -- and what -- and, you know, how do we get there. The preserve area is split over there with that access entrance by your lakes. It's split by a road. Is that road a raised road? I mean, obviously you have to have a bridge to go over your lakes.

MR. YOYANOVICH: We will bridge it, bridge it, somehow. I mean, we'll -- culverts, whatever, to make it, you know, work.

COMMISSIONER CARON: Okay. So it's not just going to be a concrete road through the preserve?

MR. YOYANOVICH: No. Well, I think that's the lakes that has the bridge, right?

COMMISSIONER CARON: Right.

MR. YOYANOVICH: Yeah. I'm sorry.

CHAIRMAN STRAIN: Yeah. The preserve's just regular old --

COMMISSIONER CARON: Cut it in half.

MR. YOYANOVICH: Well, there are going to be -- there's going to be a road that goes through there. I mean, it's going to go -- it will be two separate -- it will be bisected, yes.

COMMISSIONER CARON: All right. So it won't be raised and it will just cut through and cut off the preserve.

MR. YOYANOVICH: Right, right. I thought you were talking -- I thought you were talking about the lakes.

COMMISSIONER CARON: Okay. The -- my favorite building over here on the opposite side of the plan, the 450-foot long --

MR. YOYANOVICH: Four twenty.

CHAIRMAN STRAIN: Four twenty.

COMMISSIONER CARON: -- block.

MR. YOYANOVICH: Mark said it was 420.

COMMISSIONER CARON: Excuse me, 420.

CHAIRMAN STRAIN: That's what it scales out to.

COMMISSIONER CARON: Let's talk about breaking that building up here now so that it's not one long concrete building. It was, on your original plan, a nice little U-shaped building with another smaller building to the north.

MR. YOYANOVICH: It was actually a reverse C, I think. It was a C, wasn't it? It was the wrong way. I think it was -- but I think it was a C, right? Yeah.

COMMISSIONER CARON: Yes.

MR. YOYANOVICH: Or an upside-down -- yeah, or sideways U.

COMMISSIONER CARON: Whatever.

MR. YOYANOVICH: Whatever it was. All right.

COMMISSIONER CARON: So that it was not just one long concrete wall against --

MR. YOYANOVICH: What I don't -- what I'd like to know is, how, in your mind -- and I know you're just one vote -- but what is the length of the building that would be accept -- the maximum length of a building, keeping in mind I think we still have to meet architectural standard.

I'd rather -- I'd rather deal with building length than necessarily committing to dividing that in half today, because I really just don't know. Does that make any sense?

COMMISSIONER CARON: Well, if it were up to me, I'd cut it in thirds, and so let's do the math. Four twenty divided by three, for the sake of argument, you know. It's just --

MR. YOYANOVICH: What do we accomplish by breaking it into three buildings?

COMMISSIONER CARON: It's not a mass of building against Wilson Boulevard. It's not a massive structure, a massive urban structure against Wilson Boulevard. You know, when I think of what I would sort of envision, you know, the little Florida buildings that are to the south of Greentree Plaza, they're a bunch of little office retail, whatever is in there.

MR. YOYANOVICH: Yeah, I know what you're talking about.

COMMISSIONER CARON: And that sort of has what I would envision has the feel of what potentially should be out here as opposed to a 420-foot-long concrete structure, whether it has 8-foot setbacks every few feet or not. It is what it is. It's going to be a massive wall of building, and we've seen it happen before, and everybody admits now that that was wrong, but, you know, mistakes happen and stuff happens, and so let's try to correct things up front.

MR. YOVANOVICH: Okay. Your original thought was to divide it in two. So why don't we start from that point, and that breaks it into two buildings in that location versus one.

COMMISSIONER SCHIFFER: Can I say something?

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: You know, and, Donna, one problem -- and what you're saying is that that's strip center.

COMMISSIONER CARON: Yeah, and we're trying to avoid --

COMMISSIONER SCHIFFER: And here we are out in the middle of a rural area, and we're doing -- first of all, the strip center, which evolved into the shopping center, and we're missing all of the steps that we had for design-wise since then.

So the point is, that is definitely a strip center along that street. And, you know, we tried to get rid of strip centers a long time ago.

MR. YOVANOVICH: Does dividing it in two address that issue?

COMMISSIONER SCHIFFER: Well, yeah. I mean, the problem I have, Rich, is that I don't know -- you know, I'm looking at these buildings and I don't know if I'm looking at half of the mass that could be there or, you know -- there's only a couple -- Wayne, is there a way you go back -- call back to the studio and they could just add up the P lines that represent these profiles and --

CHAIRMAN STRAIN: You don't know his studio.

COMMISSIONER SCHIFFER: I mean -- because here's -- and it's going to be more important in the PUD than in the GMP, but here's the issue, is we don't really know what we're looking at. These drawings don't tell us what the building area are on them. And we know that some of these exhibits are allowed to be vague, but --

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: -- but if we're making a judgment based on a reference of the drawing, you know, we could make a mistake.

CHAIRMAN STRAIN: Well, the building over on the left, south of the utility area --

COMMISSIONER SCHIFFER: Yes.

CHAIRMAN STRAIN: -- another rectangle. It's 80 feet by 230 feet. So if that one is acceptable, maybe there's a place to start looking. But the other thing you have to keep in mind is they are attempting to amass a certain size if they should need it for any one tenant besides the grocery store.

So if we have a requirement to break up the buildings, then is the massing going to go away for any large tenant other than a grocery store? That may be another outcome. So -- and I'm just trying to put that on the table so when we're thinking about breaking things up we keep that in mind.

COMMISSIONER CARON: Well, if you're looking at other large tenants and they are saying that they are not looking at anything that anybody would consider a big-box-type operation, a Walmart or a Sam's or a Home Depot or Lowe's or anything like that, then let's look around and think about things that we've approved in the past.

One -- what I consider to be a very large building that comes to mind is the Office Depot that you did right in front of Naples Park. That's 15,000 square feet of building. I can't imagine there's going to be a whole lot of call out here for anything much larger than that. I mean --

COMMISSIONER SCHIFFER: A building supply could be pretty big.

COMMISSIONER CARON: I mean, even if, you know, I don't know, Ace Hardware were to, you know, go out there, I mean, I can't imagine. I mean, somebody please tell me if they know the average size of Sunshine Ace Hardware, but 20,000 square feet?

MR. YOVANOVICH: They're about 30,000 square feet, according to Mr. Arnold.

CHAIRMAN STRAIN: But I think if what we're saying is we want to reduce the maximum size of any tenant outside of the grocery store, then we should be looking at a square footage and then the length of the building to match that instead of cutting up just the one long building that's shown not knowing what we're going to end up

with versus what may be the need.

So does anybody -- I mean, Richard, you had expressed earlier in the day three standards. You were looking at 30,000 square feet for any other use -- one.

MR. YOVANOVICH: One of those. One 20,000.

CHAIRMAN STRAIN: One at 20- and one at 15-.

MR. YOVANOVICH: No, the rest at 15- or less.

CHAIRMAN STRAIN: Oh, so it would be just -- one at 30,000, and then the rest at 15- or less. The 15- or less, I can see how you're going to fit that on here easily by that building south of the utility area. That's 18,400. The building that Donna's talking about, if you were to cut that in half, you'd be around 15 -- little bit more than 15,000.

So I think cutting that in half gets you the 15,000 or less, but then how do they put in this 30,000 need that they believe they have in the area, not that I'm saying it's right, but that's what they're asking for.

Is it something that should be struck or suggested, or how do you see it?

COMMISSIONER SCHIFFER: And let me just say that back and make sure. They're allowed one more building at 30-, one building at 20-, and then 15- caps for the rest of them?

CHAIRMAN STRAIN: No. He said one building -- one more building at 30- -- this is above and beyond the grocery store, and everything else would be equal to or less than 15-. Is that --

MR. YOVANOVICH: No, no. Users. Let's talk about users. We're not talking about buildings. But it translates to building, okay, because the grocery store, 27,000 to 60,000 square feet. That assures everybody we're not coming in with Walmart masqueraded, okay.

Another user could go to 30,000 square feet. So you're going to need one building that gets to 30,000 square feet to accommodate that use. That's the only one we've shown that gets to that size.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Another user can go to 20,000 square feet, and then all the rest of the users have to be 15,000 square feet or less.

COMMISSIONER AHERN: That's what I have.

MR. YOVANOVICH: So, you know, perhaps you do the maximum building, you don't allow -- and I'm trying -- can we do no building other than the building that houses the grocery store will exceed 30,000 square feet? Does that work? If we say no building other than the building that the grocery store isn't located in, because you have -- with the inline stores next to it, which is -- which is typical -- cannot exceed 30,000 square feet. So that gets you a size issue. It doesn't tell you -- it doesn't address your concern about it being long, but at least it assures you I'm not going to put a huge, massive building there.

COMMISSIONER SCHIFFER: Well, but one thing you said is true, the building area and tenant area are two different creatures, two different things.

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: And you're restricting tenant area, not building area. So essentially it all could be combined in the one building, as horrible as that would be for everybody, including your client.

MR. YOVANOVICH: That was not -- my intent was to say, the tenant -- if it's a tenant --

COMMISSIONER SCHIFFER: Right.

MR. YOVANOVICH: The tenant of 30,000 square feet has to be in a building of 30,000 square feet. It can't be in a building of 45,000 square feet.

COMMISSIONER SCHIFFER: So what you want to say is --

MR. YOVANOVICH: Does that make sense?

COMMISSIONER SCHIFFER: -- is other than the building with the grocery store, no other building can exceed 30,000 square feet?

MR. YOVANOVICH: Correct.

COMMISSIONER SCHIFFER: Building?

MR. YOVANOVICH: The building.

COMMISSIONER SCHIFFER: All right. That's something that works.

COMMISSIONER CARON: Well, you're still going to get -- you're still going to get a retail strip mall on Wilson Boulevard.

MR. YOVANOVICH: And it could be office space. I mean, that makes some sense, but I don't know. I

wish I knew.

COMMISSIONER CARON: Well, I asked that question earlier, and you said --

MR. YOVANOVICH: And I said I don't know. I said it could be. I'm not saying it will be, you know.

COMMISSIONER CARON: We can't count on that?

MR. YOVANOVICH: No, you're right. Keep in mind --

CHAIRMAN STRAIN: If you've got a suggestion, make it. I'm sorry.

MR. YOVANOVICH: We have our architectural standards, and this -- this is at the intersection of Wilson and Golden Gate Boulevard, and our neighbor to the east is commercial, our neighbor to the south is commercial.

So I hope from a compatibility and look standard -- and that's, frankly, the piece that's currently in the neighborhood center, right? So I'm hoping by building size we can address your concern about massing, together with the architectural standards, and hopefully staff -- we won't have the slip-up again where someone didn't read it.

COMMISSIONER SCHIFFER: One thing. Wayne was not going to be able to -- because I would have really loved to have know what you're showing us here to see -- because what if you're showing 50 percent of what could be built, then --

MR. YOVANOVICH: It's not. Mr. Schiffer, it's in the -- it's -- the whole thing is in the 150,000 square feet right now.

COMMISSIONER SCHIFFER: Okay. You think. So there's --

MR. YOVANOVICH: But we have room to get back up. But, you know, when we shifted the building to -- for the grocery store, we lost some square footage. Now, we didn't go to the exercise of figuring out how much of what we lost can we get back, but we're not going to get -- we're not going to get to the 190- because of the shift of the building, where the grocery store is.

CHAIRMAN STRAIN: Where's Nick?

COMMISSIONER EBERT: He's right -- talking behind him.

CHAIRMAN STRAIN: Nick, if he has 190- as his gross square footage, what do you have to plan for on the road system? What do you have to keep reserved under the checkbook concurrency?

MR. CASALANGUIDA: At the zoning stage, he's not -- he's not vested. I mean, we looked at the zoning when we did the TIS at zoning Comp. Plan --

CHAIRMAN STRAIN: No, but in your planning, when you plan roads, what do you do in --

MR. CASALANGUIDA: We punch in the whole 190,000 square feet in terms of modeling.

CHAIRMAN STRAIN: As long as he has 190- in there, you have to account for it on the road system?

MR. CASALANGUIDA: Well, I account for it in the long-range plan, but when checkbook concurrency comes in at Site Development Plan, that they vest the trips. What you're saying here is he can build a hundred thousand square feet in his first initial tranche, and then the remaining would come in after the roads had more capacity.

CHAIRMAN STRAIN: Right. But you have to -- when you start planning roads for the future, you have to plan to what you know to be the future allowed capacity.

MR. CASALANGUIDA: Right. But that won't affect the concurrency system. This is the long-range model.

CHAIRMAN STRAIN: No, I know that. I'm just thinking of future planning on roads. I'm looking at what happened in Pelican Bay with the ghost density and that shopping center.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: You had to keep on your books that excess capacity even though it was obvious they were built out --

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: -- because they wouldn't release it.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: Are we running into the same thing here?

MR. CASALANGUIDA: If you put in 190-, when I do my long-range modeling, I will put in 190-.

MR. YOVANOVICH: That's at the zoning stage, not at the Comp. Plan stage.

MR. CASALANGUIDA: At any stage. Once you're zoned at the Comp. Planning for up to 190-, I will consider that land use up to 190- in my long-range plan, not my five-year plan.

CHAIRMAN STRAIN: But as far as the checkbook concurrency, that only kicks in at the zoning stage.

MR. CASALANGUIDA: It only kicks in at the site development stage.

COMMISSIONER SCHIFFER: Quick question. Has an SDP been submitted for this?

MR. YOVANOVICH: Not yet. I mean, we've done the PUD, which has been expensive, to provide assurances, but going to the next level of engineering documents without an approval is a little bit more than we wanted to spend.

COMMISSIONER SCHIFFER: The way we're clustering this, I thought you might answer the building-permits issue.

MR. YOVANOVICH: We have done -- as you can see, we have done a lot -- a lot of detailed planning because we knew we had to for the residents out here to have some assurances as to what they were getting as a result of the GMP and the zoning.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER CARON: Well, we have to discuss the wall issue.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CARON: Just -- did you finally talk to your client about extending it down to the angle there?

MR. YOVANOVICH: Yeah. And I didn't say it very clearly, but let me make sure I'm on the same page with Mr. Strain.

CHAIRMAN STRAIN: That's not going to happen, Rich.

MR. YOVANOVICH: Can I get in the same book? I think what you were saying is you wanted it to go like this.

CHAIRMAN STRAIN: Up to the driveway. Well, you can take it across the edge of the preserve instead of taking it down there where you'd --

MR. YOVANOVICH: Well, I was just following the -- so you're saying like this?

CHAIRMAN STRAIN: That's what I was thinking. You don't have to go across the driveway. I think up to the driveway; otherwise, you're putting a gate in for the last ten feet.

MR. YOVANOVICH: Right. I think if I square it off, I think that addresses your thought.

CHAIRMAN STRAIN: That gets us to the full length of the wall against that buffer, against that preserve.

MR. YOVANOVICH: That's fine, that's fine.

COMMISSIONER CARON: And everybody on this board is happy with six feet of wall?

CHAIRMAN STRAIN: Well, the six feet --

COMMISSIONER CARON: High enough for the sound.

CHAIRMAN STRAIN: It will be measured above the adjacent road.

MR. YOVANOVICH: Yeah, it would be from grade, right.

CHAIRMAN STRAIN: Well, no, from the adjacent road. The grade in the preserve's going to be lower than the grade in the road.

MR. CASALANGUIDA: Adjacent road.

MR. YOVANOVICH: Okay, adjacent road? Six feet from -- let's put it in there, six feet from adjacent road.

CHAIRMAN STRAIN: Anything else from anybody? Mr. Murray?

COMMISSIONER MURRAY: Listening and recognizing what Michele Mosca had said earlier on, I'm now realizing some of the contention associated with the building. I would like to make a plea that we do not include the master plan into the GMP amendment.

MR. YOVANOVICH: Well, this is the -- let me show you. There's a different plan. It's more general. It's not that specific.

COMMISSIONER MURRAY: I would -- okay.

MR. YOVANOVICH: This is -- that's the GMP master plan that just shows development area.

COMMISSIONER MURRAY: Oh, I don't have a problem with that.

MR. YOVANOVICH: That one, yeah. It was --

COMMISSIONER MURRAY: Okay, thank you.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Anybody else?

Rich, one question that was brought up I hadn't got a resolution from you on is the outdoor seating. What was your intention of the use of the outdoor seating for the restaurants? Is it to serve alcohol or to serve food?

MR. YOVANOVICH: Food.

CHAIRMAN STRAIN: Food and alcohol?

MR. YOVANOVICH: It will be full-service food.

CHAIRMAN STRAIN: Okay. But does that mean if someone wanted to go out there and just sit and drink they could -- is that what you're -- because that's one of the problems with the restaurant that exists in the nearby neighborhood. It's -- the tables outside would be for food service and accessory to alcoholic beverages.

MR. YOVANOVICH: Right. It wouldn't be for alcoholic service -- alcohol service and then order some wings to skirt the rules.

COMMISSIONER CARON: And all of that ends at 11?

MR. YOVANOVICH: Yeah. All the restaurant uses end at 11.

CHAIRMAN STRAIN: Okay. Anybody else? If not, before we go into discussion for the panel, it probably would be beneficial to walk through the various issues we've discussed. And I like being knit-picky, so I'm going to be. If we have any -- if you have any objections to what I'm reading --

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: -- tell us now, because if a motion is made, depending on the type of motion, if any of these stipulations are incorporated into it, that would be important to know where you stand on them. So --

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: Could we at this time now separate the GMP amendment from the PUD; in other words, just study what we feel about the GMP? Stirring it together, I had a little bit of a problem with that. I mean, we're essentially using hypotheticals and stuff. So I would rather us at this point make it a "Y" in the road.

CHAIRMAN STRAIN: Okay. Well, go ahead.

COMMISSIONER SCHIFFER: No, you're going to go through the stipulations. I'd rather --

CHAIRMAN STRAIN: Oh, my -- the stipula- -- I don't have any stipulations that -- I mean, the GMP is written with some of the same language that's in the PUD. So if we're changing the PUD, we would have to change the GMP. If the PUD is just an extension of language that's in the GMP, then the PUD would be the only document changed. I mean, if you see anything different, just say so.

COMMISSIONER SCHIFFER: No. Well, I would rather do it in the GMP then so we can -- you know, when we vote on the PUD, we know what we've got in the GMP. They can't be the same. Are we going to actually --

CHAIRMAN STRAIN: No, and I didn't break these down for the separate documents. What I was going to do was go through the 20 items and then make sure that staff applies the ones that should be applied to the GMP for those that are already written in the GMP, and then the ones that are expanded upon in the PUD, that's where they would correct those.

COMMISSIONER SCHIFFER: So if as we discuss we discuss where they would go, that would work.

CHAIRMAN STRAIN: Right. If we -- say we take a -- we drop some uses like the applicant has said they're willing to, you'd drop the uses out of that GMP and the PUD. But on the other hand, if we get into the maximum or minimum square footages or hours of operation that is only in the PUD or might only be in the PUD, you wouldn't necessarily then add or change that in the GMP. You'd only go back to the GMP for those issues that would be the -- identical in the PUD.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: That's how I was going to approach it.

COMMISSIONER SCHIFFER: Okay, good.

CHAIRMAN STRAIN: Michele?

COMMISSIONER EBERT: Are you -- so you're going to take one vote instead of two?

CHAIRMAN STRAIN: No. It's going to take two votes. I'm just --

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: I'm -- all I was trying to do is try to understand if the applicant is in agreement with some of the notes that I made based on the discussion that occurred here today. And then I was going to leave it to staff to sort it out as far as how often they apply to the GMP, and they would only apply to the extent that they are

already in there.

Michele?

MS. MOSCA: Yes. Mr. Chairman, if we have all of those SIC codes within the PUD as well as the conceptual plan, is it, in fact, necessary to also include those in the Golden Gate Area Master Plan? We could simply state C1 through C3 and any of the C4 and C5 uses that are in there, list those prohibited uses and retain the prohibited uses.

CHAIRMAN STRAIN: Okay. But the only difference is, some of the uses we're taking out. So if you say all through -- C1 through C3, then I guess in the GMP that means they could potentially have those, but those were struck when they came in for their zoning application at the PUD level.

COMMISSIONER MURRAY: That makes sense.

CHAIRMAN STRAIN: But the problem I have there is someone could come back in to the zoning level because we're already in the GMP and say now they want them.

MR. YOVANOVICH: That's exactly the concern. If I went general with everything that's allowed in C1 through C3 plus those things that are outside of it, I would have the ability to come in and ask for uses that are not in the PUD by just simply amending the zoning instead of having to amend the Comp. Plan.

And the community out there was very clear. They wanted to make it as hard as possible on me to change the uses, and that's why we got that -- we got that specific in the Comp. Plan language. That's the only reason we did that.

CHAIRMAN STRAIN: Michele?

MS. MOSCA: Yes, Mr. Chairman. We probably, then, should look at Item 33 in the subdistrict text, because that includes any other principal use which is comparable in nature with the foregoing list. So, really, in essence what you're doing is allowing additional uses by interpretation.

COMMISSIONER EBERT: So take that out?

CHAIRMAN STRAIN: So that's simple. Richard made it clear they're not trying to do anything that isn't already there. So Item 33 would -- do you have a problem leaving it in?

MR. YOVANOVICH: The only thing is, you know, for instance, I don't think anything dealing with the Internet finds its way anywhere in the SIC code.

Now, if you have -- so there may be a store out there that's similar to what we have, and we go through the BZA process. It's not -- it's not an administrative process. Remember we changed that. That's the only thing I could think of is there's a use out there that, you know, for whatever reason the SIC code book doesn't list it. And we go through the process to say, hey, this is just like X. Do we really need to do a Comp. Plan amendment to do that? That's the only concern I have by taking it out.

CHAIRMAN STRAIN: Michele, how do you look at something that's comparable? I mean, would his example be one, or could we get to an extreme that -- do you know of any that we've had a problem like that?

MS. MOSCA: Well, then, I think we would be covered with all the C1s through C3 uses then, because the neighborhood centers allows the C1 -- through neighborhood nodes allow the C3 uses anyway and has a list of prohibited uses. The only difference we'd be doing here is adding the C4 and C5 uses that they had proposed.

CHAIRMAN STRAIN: Do you have those isolated out so you know what they are?

MS. MOSCA: Yes, I do.

CHAIRMAN STRAIN: Okay. So we could actually stipulate in the Comp. Plan C1 through C3 to be consistent with the neighborhood uses, put in that the C4 or C5 uses to the limited manner they are allowed with more specificity, and then when we get into the PUD, we expand on a C1 and C3 to what we've talked about today.

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: Okay. And in the future, to expand the PUD to add anything in the C1 and C3 that got omitted today, they'd have to come back in through the public process?

MS. MOSCA: No, they wouldn't because it's -- the extent of the C1 through C3.

CHAIRMAN STRAIN: No. They have to come back in through the public process for a PUD amendment.

MS. MOSCA: Oh, I'm sorry.

MR. YOVANOVICH: Yeah. What I'm hearing you say -- and make sure -- and I don't -- I'll do whatever you think is best, but --

CHAIRMAN STRAIN: Go back five years.

MR. YOVANOVICH: You know --

CHAIRMAN STRAIN: You left yourself open for that.

MR. YOVANOVICH: That's fine, that's fine.

The -- I want to make sure that the PUD is still going to have the laundry list. I mean, we're not talking about going with a general C1 through C3 plus.

CHAIRMAN STRAIN: No, no, no, we're not.

MR. YOVANOVICH: Okay. Yeah, I understand.

CHAIRMAN STRAIN: The PUD becomes the document that expands the allocations in the GMP. The GMP is the broader document.

MR. YOVANOVICH: It's the one that allocates.

CHAIRMAN STRAIN: That's correct.

MR. YOVANOVICH: The PUD allocates amongst the C1 through C3 plus.

CHAIRMAN STRAIN: And some of those uses dropped out. That's standard. We do that all the time. But if someone wants to add them back in, because the GMP does allow it --

MR. YOVANOVICH: I would have to go through a PUD and then --

CHAIRMAN STRAIN: -- you'd have to come back through a PUD amendment.

Okay. Michele, was that the only point you had to make about that?

MS. MOSCA: Yes. And then the conceptual plan.

MR. CASALANGUIDA: Which is that one.

MS. MOSCA: Yes. The conceptual plan is already contained within -- is it within the PUD? I'm sorry.

MR. YOVANOVICH: See, that's where I think you've got to draw the line for the community, because you have no master plan, right, in the Comp. Plan. You just simply have a zoning document that I can come in and I can change the preserves and green area, and they were really adamant --

CHAIRMAN STRAIN: Well, wait a minute. What is Michele trying to say? I'm sorry.

MR. YOVANOVICH: She's trying to say get rid of the master plan in the -- out of the Comp. Plan. Get rid of it out of the Comp. Plan. Take it out.

CHAIRMAN STRAIN: Michele, what plan are you suggesting we take out of the Comp. Plan?

MS. MOSCA: The conceptual -- you know, we're not adamantly opposed to including it within the Golden Gate Area Master Plan.

The initial concern was the statement by the applicant in the subdistrict text that it was in compliance with the CCME policy. And at that point when we reviewed the Growth Management Plan amendment, we didn't have all of that information. We do now as a result of the PUD review.

If -- you know, if it's the Planning Commission's decision to keep it within the Comprehensive Plan, it's not what we typically do, it's unprecedented, but we're not adamantly opposed to it.

CHAIRMAN STRAIN: Okay. And the plan that you're suggesting, that if it were to be taken out, is the one that's on the screen right now?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: Okay. Honestly, that's probably a better thing to leave in. It gives much broader protection for Golden Gate Estates, so I would like to see it left in.

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: And you just said you didn't have a problem with that.

MS. MOSCA: Okay.

CHAIRMAN STRAIN: If no one else has an objection, I think it ought to stay.

COMMISSIONER CARON: I think, frankly, it was a commitment made by the petitioner. And I'm not so sure that the list of uses wasn't a commitment made.

MR. YOVANOVICH: It absolutely was a commitment. And I'm telling you -- that's why I'm telling you we committed to having all that detail in there.

COMMISSIONER CARON: To be in the GMPs, because, fine, if something cropped up, they would have to go through a PUD amendment. But I think that the people in the Estates were saying, well, we'd like to that -- you to go even a step further and really make sure that those changes are good, and you'll have to go through a whole GMP amendment as well if you want to make those changes.

CHAIRMAN STRAIN: Is that the commitment you made?

MR. YOVANOVICH: And I made that commitment that we would put it in. Now, I mean, they understood that if the governing body decided not to do that, it is what it is, but, no, we -- and that's why I'm pretty adamant about I think we should leave it in. It's not -- I know it's not typical, but it is becoming more and more typical whenever we do a Comp. Plan amendment near residents. They're -- I'm not using the word "hybrid" because I'll get kicked. But they are a little bit more substantial in the Comp. Plan now.

CHAIRMAN STRAIN: Okay. Now, even though the Comp. Plan currently allows in Golden Gate Estates all the uses in C1 and C3 and the only thing you're adding are some additional uses out of C4 and C5, so --

MR. YOVANOVICH: The difference is, in this one, the scale. They were saying, and if you're going to have something this big, we want to know what's going to be there and we want it to be very difficult for you to change it, meaning going through a two-step process.

CHAIRMAN STRAIN: Michele, did you want to tell us how bad that is again or not?

MS. MOSCA: Well, no. My understanding is that the PUD would provide those protections.

CHAIRMAN STRAIN: Well, I think --

MS. MOSCA: I mean, if that went before the board again, then it would be the responsibility of the board to identify that those uses weren't appropriate during the Comprehensive Plan change. I mean, I'm not going to argue the point. We've been told time and time again that we're not to put that level of specificity in the plan. You don't see that typically in other communities. I mean, if that is the Planning Commission's wish, if that's the community's wish, of course we'll go ahead and include those within the master plan.

CHAIRMAN STRAIN: What was on transmittal?

MR. YOVANOVICH: Detail.

MS. MOSCA: Yes.

CHAIRMAN STRAIN: Then the detail stays in. That's simple. Okay. Everybody okay with that?

COMMISSIONER SCHIFFER: Well, because, Mark, couldn't they -- the GMP is approved. They could withdraw the PUD, and they would have the better uses. Isn't that right? I mean, if we did not put them in.

MR. YOVANOVICH: And that was one of my arguments was what happens if for some reason the PUD gets yanked --

COMMISSIONER SCHIFFER: You yank the PUD down the road.

MR. YOVANOVICH: It gets delayed for whatever reason.

CHAIRMAN STRAIN: They'd have to come back in and reinstitute the PUD, though, and make the same argument all over again.

MR. YOVANOVICH: Right. Look --

COMMISSIONER SCHIFFER: Memories are short, and the neighborhood has to go through it again.

CHAIRMAN STRAIN: But, regardless, if it's in the transmittal, I mean, it's already been acknowledged and accepted by all the parties who looked at it, including the BCC, so why break that mold now. Obviously, you -- it happened the first time, Michele. It needs to stay the same for the second then.

MS. MOSCA: For the record, I wasn't happy the first time, too, but -- but I understand the position.

CHAIRMAN STRAIN: Michele, I haven't been happy with this since he started it.

MR. YOVANOVICH: I didn't start it. I finished it.

CHAIRMAN STRAIN: But you know what, we've got to deal with it, so we need to move on.

Let me go through the list, Richard. Tell me which ones you have an issue with so we can argue about them.

MR. YOVANOVICH: Fire away. I have to share the mike.

CHAIRMAN STRAIN: First one is 7359. Karen Homiak brought this up. Basically it has to do with equipment rental. You're not going to rent airplanes, coin-operated machinery, industrial trucks, oilfield-related stuff, and portable toilets. I think you may have better notes than that, but that was one of the issues that Karen brought up earlier in the game, 7359. So you would have those exclusions in both documents.

MR. YOVANOVICH: Correct, and I was going --

CHAIRMAN STRAIN: Okay. And Karen also pointed out that No. 7 was -- childcare services was redundant with another number, and you were going to clean that up.

MR. YOVANOVICH: Yeah. We were going to delete it from the later number so I don't have to change my numbering.

CHAIRMAN STRAIN: Okay. We have a restriction on no outdoor music. Now, previously some of the

language in the staff write-up said the restaurants were going to have outdoor music. We've redefined that as there's going to be no outdoor music, period. So that's a broader application.

MR. YOYANOVICH: Right.

CHAIRMAN STRAIN: The fast-food amplification speakers will be limited from 6 a.m. to 9 p.m. and shut down after that.

Grocery would be limited between 27,000 to 60,000 square feet. There would be -- another tenant could be up to 30,000 square feet, one more up to 20,000, then all the rest would be equal to or less than 15,000.

MR. YOYANOVICH: Correct.

CHAIRMAN STRAIN: The 6-foot sound wall would run along the north property line, as we discussed, and it would be -- its height would be measured from the adjacent service.

Ray?

MR. BELLOWS: Can we get clarification of the material of that wall?

CHAIRMAN STRAIN: Sound wall.

MR. BELLOWS: Sound wall. Concrete?

CHAIRMAN STRAIN: Well, I'll tell you what, the cheapest sound wall is block cells filled with sand, but I mean --

MR. BELLOWS: Okay. So it's no particular type. Whatever meets --

CHAIRMAN STRAIN: Well, no. I think they've just got to put a sound wall in. I-75 has great sound walls in panelized form so you could use the post system instead of the trenching, but that will be done and as a deviation to the Land Development Code.

You're going to drop the following uses: 7993.

MR. YOYANOVICH: Hold on, hold on.

CHAIRMAN STRAIN: And these are all for sound-related issues: 7993, 5541, 7542, 7534, 7539, and on your No. 28, you're going to add no outside kenneling, and under your No. 9, you're to add no material storage in addition to the equipment.

MR. YOYANOVICH: Yeah. No on-site equipment or material storage.

CHAIRMAN STRAIN: Right. Okay. The next one is, there's to be no windows or walls openable to the outside for the restaurants to a point where they're not inconsistent with the code. I mean, you may have to have some emergency egress or something like that, so --

MR. YOYANOVICH: I thought that was understood.

CHAIRMAN STRAIN: Next one will be you're going to remove the footnote on Exhibit B, No. 2, and renumber. Next item, the dumpster locations on the map will be included in the PUD with the idea that those represent the closest they'll be to any of the external property lines.

Item B.1 will be added to the last sentence, "if constructed by the developer." This is in relationship to the shelter for the school bus.

Item C.1C, the developer shall provide evidence -- this is the one where the county attorney was going to provide evidence to impacts on preserve. You're going to actually do that, and the county attorney will review it.

Number 13, you're going to add a north buffer exhibit to the PUD that will show that it's an 80-percent opacity.

Next one is you're going to post "no truck traffic" at the appropriate entryways.

MR. YOYANOVICH: I know you mentioned the wall, but where you put it is in 4 below what we just talked about. I'd just note that. So we'll be revising that.

CHAIRMAN STRAIN: Yeah. Okay. Going to post "no truck traffic" signs on appropriate entryways, or however you determine the signage.

Next one is the alternate traffic language provided by Nick for A3 and the recommendations to change the reference to the road program for No. A4.

You're going to find out what the operating hours -- current operating hours for E's convenience store, and you're going to match that for your convenience gas station center. So whatever E's is operating by, that's what you're going to use.

MR. YOYANOVICH: Can I ask a question?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: If they extend their hours, do I get to extend my hours?

CHAIRMAN STRAIN: I'd like to know -- does anybody know if they have any -- what their hours are then -- if they can even extend them?

MR. YOVANOVICH: My understanding is they can go to 24 hours. They've chosen not to, but they can.

CHAIRMAN STRAIN: Huh.

MR. YOVANOVICH: So that -- I mean, I -- you know, I --

CHAIRMAN STRAIN: Well, right now -- I mean, I don't particularly like the idea of 24 hours. I think the noise is not going to be right. You're supposed to be shut down on everything except for convenience and gas for the rest of the time. To have the convenience and gas open 24 hours I just think's going to be rather noisy, and that's the issue in the Estates. I'm glad G's (sic) isn't doing it. I didn't know they had the option to stay open 24 hours. Are you sure of that?

MR. YOVANOVICH: I asked them.

CHAIRMAN STRAIN: You asked them, okay. Does staff have any --

MR. YOVANOVICH: I told them we'll do whatever they're doing. I mean, fair is fair. You know, we weren't --

MR. BELLOWS: It's straight zoning. I would think they could be open that long. I don't know of any other restriction that would apply.

CHAIRMAN STRAIN: Okay. Well, I think that at least -- yes.

MS. MOSCA: I'm sorry, Mr. Chairman. I will check the Golden Gate Area Master Plan. I don't think that there's a restriction, though, so if you just give me --

CHAIRMAN STRAIN: Okay. They'll match the hours of E's store then at this point. How's that?

MR. YOVANOVICH: And then we have to come for a PUD amendment later to extend the hours?

CHAIRMAN STRAIN: Yes.

COMMISSIONER MURRAY: Let me hear that again, please.

CHAIRMAN STRAIN: They're going to match the hours at E's store.

MR. YOVANOVICH: Why don't we do this. Can we just say 5 a.m. to midnight so I don't have to worry about figuring out what it is. Is 5 a.m. to midnight okay?

CHAIRMAN STRAIN: Well, it's better than 24 hours.

MR. YOVANOVICH: Well, I'm just asking. You know --

COMMISSIONER HOMIAK: The man that was here said 6 to 12.

MR. YOVANOVICH: It's in there, and we --

CHAIRMAN STRAIN: That's what they are now, yeah.

MR. YOVANOVICH: I think that's what they are, but I can't --

COMMISSIONER EBERT: He said 6 to 12 is what the gentleman said.

CHAIRMAN STRAIN: Well, I mean --

COMMISSIONER MURRAY: It seems --

CHAIRMAN STRAIN: Five to midnight is -- why don't we -- why don't we go with five to midnight; that works if you're willing to do that. Mr. Murray, do you have any problem with that?

COMMISSIONER MURRAY: I have no problem with any part of that. My problem would be the inequity. If E's is allowed, without a PUD to change his hours and you have to come in for a PUD to change your hours, I think that's inequitable. And I'm fine with 5 to 12, and we probably will be all moldering by the time it's changed to another time. So 5 to 12 is fine. Thank you.

COMMISSIONER SCHIFFER: Question, Mark.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: The gas station's allowed to stay open all night, or is that what you're going to limit to midnight?

CHAIRMAN STRAIN: Five to 12 would be the whole thing.

MS. ASHTON: Is that gas and convenience stores --

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON: -- or all stores?

COMMISSIONER SCHIFFER: Both uses.

CHAIRMAN STRAIN: Gas and convenience stores. Well, there's not going to be any gas stores. They're all going to be convenience stores with gas. The gas item one came out. It was 799- --

COMMISSIONER MURRAY: Only one, right?

CHAIRMAN STRAIN: -- whatever that number was, that --

MR. YOVANOVICH: Yeah. The gas station came out.

CHAIRMAN STRAIN: Right. So it would be the convenience gas pumps that would stop from -- at midnight and no sooner than five.

COMMISSIONER CARON: And it's limited to Tract B, right? That's the location?

MR. YOVANOVICH: Yes. The location's still the same.

CHAIRMAN STRAIN: We got into the discussion of the easternmost building as far as the length goes. Did we ever resolve that or change it, or is it still -- how is it left?

MR. YOVANOVICH: I had proposed going to a maximum building size to accommodate the one user that can get to that size.

CHAIRMAN STRAIN: And that was, other than a grocery, no other building greater than 30,000 square feet?

MR. YOVANOVICH: Correct. Because that -- and, again, I know part of it is an enforcement issue that created -- that brought this to everybody's attention.

CHAIRMAN STRAIN: Okay. I don't -- does that work?

COMMISSIONER SCHIFFER: Where's that going to show up then; on Exhibit B, we're going to make changes? Remember you had the different maximum uses. Where do they show up?

MR. YOVANOVICH: Oh, the different maximum uses. We had had -- it's actually in a footnote that we'll have to rewrite.

COMMISSIONER SCHIFFER: Okay.

MR. YOVANOVICH: It's Footnote 3 on Page 8 of 18.

COMMISSIONER SCHIFFER: Exhibit B, right.

MR. YOVANOVICH: Of Exhibit B. So we'll have to rewrite that footnote to be consistent with what we just said.

COMMISSIONER SCHIFFER: And in there you'll note that there's a maximum building size of 30,000 --

MR. YOVANOVICH: Yeah.

COMMISSIONER SCHIFFER: -- other than the grocery?

MR. YOVANOVICH: Correct.

COMMISSIONER MURRAY: And, Mark, this information is relative to the PUD only?

CHAIRMAN STRAIN: No. It's to where it applies in both.

COMMISSIONER MURRAY: Okay.

CHAIRMAN STRAIN: Exterior tables for food service will be limited to actual food service with alcoholic beverage as accessory.

Dropping the Item 33 in the GMP, Michele brought that up. Do you have any problem with that?

MR. YOVANOVICH: Only because if we would have gone to C1 through C3, every one of the zoning categories, the last thing in there is anything else that you can -- that is similar, as long as the BZA approves it. So I don't know why we would take it out in that situation. I still have to go through a public-hearing process, and people would have to say, Rich, that really is comparable to what's on your list.

CHAIRMAN STRAIN: Would that mean that, Michele, because of the SIC codes being in the GMP, that if they came in with a use that was a different SIC code, they could not use it then?

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: Okay. Well, that would cover it then.

MR. YOVANOVICH: I'm sorry. What just happened?

CHAIRMAN STRAIN: No comparable use -- only comparable uses. That means you couldn't pick a use that's a different SIC code. You'd have to stick with something within the range of your SIC code that's already in your GMP.

MR. YOVANOVICH: But my question is, there may be a use that we don't know about in two years where there is no SIC code.

CHAIRMAN STRAIN: Well, then they'll assign it somewhere, and hopefully it will be assigned to one you've got; otherwise you may have a problem.

MR. YOYANOVICH: But the book is the book. They don't change the book. The book has its laundry list of things, okay. So I would have to argue that -- pick an SIC code. It doesn't matter. They'll say -- through the public-hearing process I have to say, listen, the SIC code lists the following five things. This is the sixth thing. It's just like the following five things, but they never change this book. Do you agree it's just like these other things? Yes, you can have it through a public-hearing process.

Wayne, correct, there's nothing -- I don't think there's anything in this book that talks about the Internet. There's not a mention of the Internet at all in the SIC code book.

CHAIRMAN STRAIN: Well -- but, you know, NAICS has a conversion to almost every SIC code, and I would think that's one way to get there.

MR. YOYANOVICH: But we don't -- but that's not what we -- we don't use that.

CHAIRMAN STRAIN: Okay. But maybe a simple -- we don't use it, but the property appraiser does. That's how he defines all his use systems is by NAICS instead of SIC.

So why don't we consider NAICS as the authority if there's a use that's not in the SIC, because that document contains everything. North American Institute of Commercial something or other. I forgot what the acronym stands for.

MR. BELLOWS: For the record, Ray Bellows. We do that in order to determine if it is going to be deemed comparable or compatible use that we would take to the board. So we would say NAICS lists it as this. The conversion table says it falls under this SIC code, and then we say to the board, do you agree this is a comparable and compatible use.

CHAIRMAN STRAIN: That code -- that is updated regularly, and that's --

MR. BELLOWS: Right.

CHAIRMAN STRAIN: -- used in all North America. So if that allows the conversion to SIC to be within one of the number ranges you currently have, then I think that would give you all the cover you need for a comparable use.

MR. YOYANOVICH: And I'm fine with that. But I'm just telling you, it's not currently written that way where it just says, if you're not in the SIC, you're out, and we use that book to show that you are comparable to one of the SIC codes. So I'm just simply saying, let's do what we're already doing.

CHAIRMAN STRAIN: Yeah. Let's just list it -- let's just state it this way so we know what to turn to in case he needs a comparable.

MR. YOYANOVICH: Because the county at one time considered going over to that.

COMMISSIONER MURRAY: As a matter of fact, I thought I remembered at one point we did use some codes from there.

CHAIRMAN STRAIN: Well, we tried to, and we got shot down by a former director who was here so -- and that didn't work.

Okay. And then the last thing is, we're going to leave in the master plan the development area plan that's shown right here on the screen.

MR. YOYANOVICH: For the -- yes.

CHAIRMAN STRAIN: Okay. And those are the notes that I have. I've gone through those with you. Do you have any objections you haven't already mentioned? Are we fine with these notes?

MR. YOYANOVICH: I don't think I had any. We were fine with the stipulations.

CHAIRMAN STRAIN: Does anybody have any suggestions, additions or whatever? Mr. Murray -- or Mr. Schiffer?

COMMISSIONER SCHIFFER: Since in the restaurant we want to kind of keep the liquor with the food, do we want to not allow a 4COP liquor license? I mean, I know you can point out abuse at Stevie Tomatoes, but that abuse should not be happening. I mean, you have a different experience with ABT (sic) than I do. But that means that you're not selling liquor -- you don't have a bar.

MR. YOYANOVICH: Let me --

CHAIRMAN STRAIN: I'm not sure. I'm not familiar with that.

MR. YOYANOVICH: Here's -- I know just enough about liquor licenses to be dangerous, okay, because

there are -- you're correct, there are different liquor licenses. You can do beer and wine at certain levels, and then you can throw liquor into the mix if you get to a certain number of tables, seats.

COMMISSIONER SCHIFFER: Correct, 150.

MR. YOVANOVICH: If there are a certain number of seats.

COMMISSIONER SCHIFFER: It's 150.

MR. YOVANOVICH: So if you have a restaurant that's a hundred seats, they can't serve liquor because -- without spending the money to go get the 4COP, I think it is.

COMMISSIONER SCHIFFER: Correct.

MR. YOVANOVICH: Now, that's a very expensive thing to do, so they don't do it lightly. So I don't know that you want to say to a restaurant, because you don't have enough seats you can't serve liquor when you can serve -- I've never understood why you can serve beer and wine but you can't serve something else.

COMMISSIONER SCHIFFER: The problem -- the problem the community's having --

MR. YOVANOVICH: I understand.

COMMISSIONER SCHIFFER: -- is that they are serving liquor without serving food.

MR. YOVANOVICH: I know.

COMMISSIONER SCHIFFER: And there's no better way to stop it than with the state liquor licenses.

CHAIRMAN STRAIN: Go ahead. Heidi may have some --

COMMISSIONER SCHIFFER: But they do have to have 150 seats.

MS. ASHTON: Yeah. I'm more comfortable limiting their alcohol usage through the hours and, you know, closing your windows or not allowing alcohol on the patio, I mean, after a certain hour, you know, those type of ways rather than starting to say, you can't apply for an alcohol permit. I just think we're going in the wrong direction there.

COMMISSIONER MURRAY: Yeah, I agree.

COMMISSIONER SCHIFFER: Then people -- they could be selling packaged goods and selling -- staying open without serving food. If you want to get rid of that, that's the only way you can; that's all. If you don't want to get rid of it, then don't put words in there saying that it's accessory to the restaurant and stuff.

MS. DESELEM: If I may, once you-all finish. Kay Deselem, for the record. If you just say "with food," that means they could order one order of wings amongst six guys or girls and be there all night.

CHAIRMAN STRAIN: I know, but, Kay, the county's been through this. I was in the trial with the County Attorney's Office, and I can tell you there's no good way to define it when we've got a code as ambiguous as we have on this with regard to this issue. So if you've got a suggestion that defines it, tell us. But I know what you're throwing is exactly what we've been facing.

MS. DESELEM: I'm just saying that I don't know that just saying "with food," if that will accomplish what it seems you want to do. I don't know.

MS. ASHTON: I think that most people are done eating at ten o'clock. So if they're out there on the patio after ten, they're probably out there drinking. And I don't know how much of a market is out there, you know, unless they're a bar, for drinking after ten.

MR. YOVANOVICH: As a matter of fact, I was on the same page as Heidi. Don't mean to insult her, but --

MS. ASHTON: We don't usually think alike, but sometimes.

MR. YOVANOVICH: I know. What if we close the outdoor dining at ten, then we don't need to worry about what's at their plate with them or not at their plate with them.

CHAIRMAN STRAIN: Okay. Well, that's better.

COMMISSIONER SCHIFFER: Well, I mean, they're not outside drinking, but they're inside drinking, which is, I guess, okay. I mean, only reason I bring it up is --

MR. YOVANOVICH: Until 11. I mean, it's not -- I don't know how late Stevie Tomatoes stays open.

CHAIRMAN STRAIN: They're open late.

MR. YOVANOVICH: I mean, we're not -- we have different hours of operation than Stevie Tomatoes.

COMMISSIONER SCHIFFER: Okay. I mean, so what does "including liquor service accessory to the restaurant use" mean? That's what we have.

CHAIRMAN STRAIN: That's what the code allows now.

COMMISSIONER SCHIFFER: And the intention of that is to --

CHAIRMAN STRAIN: Is to allow you to have a dinner; if you like to drink, to have a bottle of beer, a glass

of wine, or whatever beverage they serve with dinner.

COMMISSIONER SCHIFFER: Does that allow for me to sit there at 10:30 just drinking without ordering food?

MR. YOVANOVICH: No. You've got to go inside, you've got to go inside.

COMMISSIONER SCHIFFER: Well, inside -- I mean, this is a restaurant. This isn't talking about inside or outside.

MR. YOVANOVICH: I don't think -- you know, I don't think an establishment that is open to 11 o'clock at night is going to morph into Stevie Tomatoes, I really don't. I think that we've taken care of that through hours of operation, taken away the outdoor dining at a certain period of time. I don't think it's going to become -- you know, if you're going to go -- if you're going to want to do something like that, you're going to want to stay later, till two, one, whatever, but not -- I don't think you're going to go to a restaurant to do that.

COMMISSIONER SCHIFFER: Okay. I mean, the reason I bring it up is that the neighborhood, through Mark -- I mean, he's not here to -- but he had mentioned that there was an establishment that they're just sitting there drinking. They've shut the lights off, and they're essentially running a bar with -- and the county's guidelines can't stop them. I think the county actually gave them approval.

MR. YOVANOVICH: I don't know if they're doing outdoor or indoor at that time.

CHAIRMAN STRAIN: Well, they've been doing outdoor, but code enforcement is now putting a stop to that from what I understand, but they haven't been doing it -- the best I can tell, from that I've heard, is not being done consistent with our codes, so --

MR. YOVANOVICH: You know, the quality of the construction that we're going to have to have with the setbacks, the quality of tenant, I think, is going to be of the type that it will regulate it as well. This is not going to be an inexpensive center to construct.

COMMISSIONER SCHIFFER: And I'm fine. The only reason it triggered my -- I mean, the alcohol I have no problem with -- is that it looks like you're trying to limit it to food service, and you have no strength on that.

COMMISSIONER MURRAY: Well, it's a restaurant.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: But if the outdoor dining stops at ten and the indoor has to stop at 11, they have to close down any restaurant at 11.

MR. YOVANOVICH: Right.

COMMISSIONER CARON: Then you're not going to have the same issues as Stevie Tomatoes, right?

COMMISSIONER SCHIFFER: They all have to drive to Stevie Tomatoes at that point.

COMMISSIONER CARON: They'll have to drive to Stevie Tomatoes, yes.

MR. CASALANGUIDA: We'll stagger them.

CHAIRMAN STRAIN: Okay. Well, those are the notes that I made. Does anything else need to be mentioned? Do the rest of you have any other -- anything else I missed?

(No response.)

CHAIRMAN STRAIN: With that then, Richard, I don't -- I think you're done with rebuttal, so we will close public hearing.

And we need -- entertain a motion, and the motions have to be done in two levels, one for the GMP and one for the PUD, and the staff will appropriately modify each document to the changes that we talked about for consent so we don't have to get into discrepancies on that.

But I'd like to ask the motion maker if the motion maker makes a motion for approval, if they would consider making it subject to the conditions that we've just talked about. If you're not going to make it for approval, that's fine, too, but then we don't have the conditions. So either way.

COMMISSIONER MURRAY: I would make the motion to approve.

CHAIRMAN STRAIN: Mr. Murray made a motion for approval. Under what conditions, Mr. Murray?

MR. BELLOWS: Is this for the GMP?

CHAIRMAN STRAIN: For the GMP. We're starting with the GMP.

COMMISSIONER MURRAY: Yes, I hope so; otherwise, I'd be a little bit behind. Yeah, with the stipulation as you read and have been agreed to. And I can't -- I broke my glasses before. I only have one eye to work with, so I think we're talking about 2008 -- where is it? I can't see it properly.

CHAIRMAN STRAIN: CP-2008-1.

COMMISSIONER MURRAY: Yeah, that one. Unfortunately with one eye, it doesn't work.

COMMISSIONER EBERT: Mark, before we take a vote, I'd like to --

CHAIRMAN STRAIN: Oh, no. We're not there yet. Mr. Murray made a motion to recommend approve with the stipulations as read.

COMMISSIONER MURRAY: Correct.

COMMISSIONER AHERN: I'll second.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER AHERN: I'll second it.

CHAIRMAN STRAIN: Second by Ms. Homiak. I heard her first.

Okay. Now for discussion. Go ahead, Ms. Ebert.

COMMISSIONER EBERT: Well, I cannot support this commercial development because it's incompatible with the adjoining neighborhood. And Collier County spends thousands of dollars every -- I shouldn't say every year. They spend thousands of dollars creating a master plan, and then they start spot zoning it.

And we made a decision to have a Comprehensive Plan, and I say we stick to it. The Comprehensive Plan is a guiding document that designates which parcels of land should be used for what purposes.

CHAIRMAN STRAIN: Anybody else have any comments before the vote?

COMMISSIONER SCHIFFER: Well --

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER CARON: My comment, is this the appropriate time to discuss size? I mean, I'm certainly not against the uses. I think the vote does show that the people in that vicinity would rather go towards the center than go towards the perimeters. I mean, I get that.

CHAIRMAN STRAIN: That's the most -- well, I mean, now we're in for discussion, so certainly discuss any issue. And I had one more I wanted to bring up about gross square footage, because it's obvious they're not using it all. And at some point I need the applicant to talk about that, but go ahead.

COMMISSIONER SCHIFFER: Right. But the point is that nothing in the voting said they wanted to go to 190,000 square feet on 40 acres. So I do think -- the intention's obvious, but I do think the project is too big and would have difficulty supporting it at that size. The -- what they need to achieve out there in that small district they can achieve with less square footage.

But, I mean, this thing is going to become essentially the town center. Call it what you want. It's going to be the central little business area of the Estates. And, obviously, the vote, I think, does say that they want something that's their own. It's not on the perimeter. And maybe this good argument for transportation to put people on Collier Boulevard's not a good idea.

But I do think it doesn't have to be that big to be the town center. So I don't know how to adjust it to make it smaller, but it is too big in my mind.

CHAIRMAN STRAIN: Well, we --

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Melissa, did you want to chime in on that issue before we talk to Richard?

COMMISSIONER AHERN: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER AHERN: I just want to say, in terms of the Comprehensive Plan, I think there's a process in place for us to amend that for a reason. And things do change and, obviously, the sentiment for the people that live out there has changed, and I think that they've spoken and said that they need services closer to them.

I believe it did state the square footage in the voting; did it not, Rich?

MR. YOVANOVICH: It did in the GMP, and I -- I don't know when I should chime in on this discussion.

CHAIRMAN STRAIN: Go ahead. Let's hear what you want to respond to.

MR. YOVANOVICH: Mr. Schiffer, my thought is this: We did go through a process where the voters said 190,000 square feet is the max we can ask for basically on the Comp. Plan. So if you leave the Comp. Plan as-is and then we deal with a reduction of the square foot at the PUD stage, as things evolve, if we need site plan changes as to where we can find some more square footage, we would have to go through at least the zoning process to get to

increase it above what's at the PUD.

The community's already said 190- in their mind as a maximum to be asked for is okay. So if you leave it in the GMP and take -- reduce it in the PUD, I think that you are honoring the vote and you're allowing the developer to provide the services consistent with the conceptual plan we've put in front of you.

COMMISSIONER SCHIFFER: Well, when you said the community voted on the 190-, was that part of the vote? I mean --

MR. YOvanovich: Yes, sir.

COMMISSIONER SCHIFFER: Okay. So in the actual ballot, it stated --

MR. YOvanovich: Yes.

COMMISSIONER SCHIFFER: -- 190-. Well, I could buy it there better then. Maybe that's a good idea, is that's a potential on the ground.

MR. YOvanovich: Right.

COMMISSIONER SCHIFFER: And then we can fight the other issues someplace else.

CHAIRMAN STRAIN: Okay. So what we would be doing at the GMP level, which is the first vote, is not touching the square footage, but you're going to provide us with an alternative square footage --

MR. YOvanovich: When we're talking about the PUD.

CHAIRMAN STRAIN: -- for the PUD vote. Well, I'll hold off on my question on that until the PUD vote comes up.

MR. YOvanovich: Does that make sense? I mean --

CHAIRMAN STRAIN: Yeah, it makes sense, only because if you're not a good neighbor --

MR. YOvanovich: I won't get any more.

CHAIRMAN STRAIN: -- I can't see you getting more square footage unless the politics lets you, and that's where -- the only snag in everything nowadays is the politics, so -- Mr. Midney?

COMMISSIONER MIDNEY: Yeah. I feel uncomfortable -- we're offered an uncomfortable choice because it's 40 acres and 190,000 square feet or, you know, nothing in between. And I'm uncomfortable with the so-called vote or survey or whatever, because it was framed in a certain way, and it was done with a mass mailing, and -- kind of like a marketing advertising campaign on one side, and I don't think that the people who voted had a clear choice with the pros and cons. It's like, well, would you like to have shopping closer to where you live? Well, yeah, of course. You know, a lot of people are going to say that, but I don't think that they really, in that sort of a setting, really had the opportunity to really weigh the pros and the cons of it.

So I really feel uncomfortable with the choice. I'm not sure what I'm going to vote.

CHAIRMAN STRAIN: Anybody else? Mr. Murray.

COMMISSIONER SCHIFFER: We've got you thinking.

COMMISSIONER MURRAY: The registered voters, those who were eligible to vote, those people who live there were given an opportunity, and others who live there were given an opportunity to learn about what was going to be built, and similarly to when an election occurs to elect a president or any number of other officials, it's either yes or no, and you have an opportunity that you should exercise to learn all you can about those things.

Whether it's a marketing plan on the part of the developer, which would perfectly be reasonable; they want something, they want to do something. But I don't think that we can consider it our true marketing plan when the County Commission designated how the language should be -- approved it, at the very least, and it was sent out through the Supervisor of Elections in an official election.

It's very simple. It could very easily have said, no, we don't want it, but they said they wanted it. I had voted no initially because I thought they were going to have a restudy. Not going to have a restudy. The people have spoken. We talk about this all the time about how important that is. And I feel that's why I made the motion to accept it.

CHAIRMAN STRAIN: Anybody else? Ms. Caron?

COMMISSIONER CARON: Yeah. I was also one of the initial no votes on this project; however, the people have voted. I think there has been a lot of talk throughout this past year or so between Jackson Labs where everybody insisted they had to have a vote and whatever came out of that was going to be it. This goes to a vote and they got the vote that they got, like it or not. I'm not particularly happy with it. But that's what the people who live out there voted for.

You're getting a lot closer to me if we adjust the amount of square footage in the PUD. I mean, I know what was in that ballot, and they did in point -- in fact, say 190-, but I'm telling you when they go in there and they start plowing down, there's going to be a whole lot of OMG with major explanation points. And I mean, I know. I live on a corner where they cleared 40 acres. I know what it's like, you know. And the project that I live near is larger than this because we don't have the same kind of setbacks and preserve issues, but it's still -- when you finally see what you're -- you've signed off on, I think there're going to be a lot of people that would like to take it back. But you've cast your vote, and I think it's important that we let that vote stand.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. I wanted to at least let you know where I'm coming from.

In 2000 I was chairman of the Golden Gate Area Master Plan Committee. We met for two years of meetings, and then we produced our results, and we took two years for those results to get processed into code. That's four years.

There was a referendum on this project, and like the Jackson Labs non-referendum, a referendum does carry a lot of weight. And I may not agree with it. I may have voted differently than the outcome of the referendum. I was one of the handful that didn't vote for it.

But the fact is that people want this in Golden Gate Estates, and I've got to look at the reality of whether or not it will pass. If it does pass, what is the best thing we can do, even those of us that don't want it. And the best thing that I can do from this position here is to provide as much protection as realistically possible as it goes forward, because a no vote goes forward with no protection.

Then the people that are at the next level, if they decide to vote for it, there isn't stipulations. There aren't recommendations.

So the idea of putting in all these stipulations, all almost two dozen of them, was to try to provide the best protection I could to the most immediate neighbors and try to address the sound and noise issue the best that I and this board can feel we can address it.

Under that basis, I am going to vote affirmatively for this vote, but it is only because I see the future that this thing is going to pass at the next level, and if it does, I want to make sure that it's restricted as much as possible to protect us as much as possible. So I will be voting with the majority.

With that in mind, all those in favor, signify by saying -- raising their hand and saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: All those opposed, same sign.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Okay. Motion carries 7-1.

***On to the PUD. Before we vote on the PUD, Richard, let's talk about square footage.

MR. YOVANOVICH: I think right now in order to give us ourselves enough flexibility -- because the plan you have, when we did the shift, we lost about 20,000 square feet related to that shift. So now -- and because we haven't really done a detailed plan after that. But by doing that shift, we can go to 170- and still have enough flexibility to provide the uses that we want and, in fairness to the community, when we did the shift and we lost the square footage, we ought to give back at the zoning stage.

CHAIRMAN STRAIN: Any comments? Brad.

COMMISSIONER SCHIFFER: Well, here's -- I asked you how much square footage and you don't know, and then now technically you know you lost 20,000 feet. So where are you.

MR. YOVANOVICH: Well, I know I'm at about 150- right now, Mr. Schiffer, and I'm asking for some flexibility.

COMMISSIONER SCHIFFER: This drawing shows 150-.

MR. YOVANOVICH: Ish. It's a little less, but not much. So what I'm saying is, we're just asking for a little bit of flexibility to ultimately know what we end up with for outparcels and different buildings.

COMMISSIONER SCHIFFER: And I think here's my biggest problem with the PUD is that giving -- putting this commercial use in that area is a really important thing that that be done right. The sad thing -- and the last time I supported this, you know, at the transmittal stages because -- you know, but I mentioned to you that I wasn't happy with the fact that this is just kind of a dump, old shopping center. And then you've even added a strip store down the one street.

So I really think we have to come up with something, you know, a little more innovative than this to put out there. I mean, this -- once you get past the buffer, it's a sea of parking with a grocery store at the end of it.

So somehow we've got to be able to -- there's so many different ways that people have been planning. There's got to be something better, some better product than that in the layout out there.

Right now, again, it's just a parking lot, outbuildings, and a grocery store, and a strip store now. So can't we do something better than that out there? I mean, something that does -- because this is going to be their little center, their community, their little downtown, is this project, and to have it be a shopping center is kind of sad to me.

MR. YOVANOVICH: But they wanted the shopping center. They wanted what the --

COMMISSIONER SCHIFFER: Well, I think they wanted access to the commercial uses.

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: I don't think they really focused on the fact that I want it, you know, like a -- you know, a shopping center. I think there's a lot of other opportunities.

MR. YOVANOVICH: Look, we -- by -- in working with the community to come up with extensive setbacks and extensive buffers, we were given two areas in which to fit the uses, okay. So we were limited in trying to make sure what we can fit for people and get the uses on there.

We have one -- when you look at this plan, most shopping centers in the urban area will have a much -- the biggest building on this is the grocery store with the two end lines. In most shopping centers in this community, those are -- it's much, much bigger, longer. Okay.

COMMISSIONER SCHIFFER: Right.

MR. YOVANOVICH: More contiguous. Go to the Greentree shopping center where you have the Wellness Center and the Sweetbay. That is just one contiguous building. We made sure we didn't do that here. We broke it up to where we could do that and broke it up into smaller -- smaller buildings instead of the one long contiguous building so that we could -- yes, there are some buildings. That one building on the east parcel is -- we broke it up instead of having a contiguous standard shopping center keeping in mind the level of setbacks that we've agreed to and the buffer. So, you know, we did, I think, a very nice job. You're not going to see the sea of parking.

COMMISSIONER SCHIFFER: I went with the plan that we just voted on.

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: That's good. I didn't complaint about that. But you've laid this out where if I'm going to go to more than one place in here, I have to get back in my car and drive to it. There's not even the pedestrian walkways that developments have, there's not the parking around the perim- -- you know, you've got the classic sea of parking, outbuilding, and hop in your car and drive to the next one, hop in your car and go over to the other guy.

I mean, it's -- the point is that there's a lot of planning that people have learned since the shopping center days. It's a unified design, so it's going to look like one big thing of this, and we're just not taking advantage of it at this layout, that's all.

MR. YOVANOVICH: We have had multiple, multiple shopping center developers work with us to lay this out to make -- what you want is a successful center, so you do have to -- you have to lay it out and provide the uses that will make it a successful center. And they all said to me, hey, Rich, I wish you hadn't have made those commitments on all those -- you know, those big buffers, because maybe we could have been more creative in some of the other -- the other layouts.

But we have to have these uses. We told them, break the buildings up so they're not one, big contiguous thing, one big contiguous building, and multiple -- multiple shopping center developers looked at it and said, this is -- this is -- this is the plan we need to go forward with to make sure we attract the right grocery store and the right users for this center.

You know, we used up a lot of land in areas that maybe we could have accommodated some of the things you would have liked to have seen happen.

COMMISSIONER SCHIFFER: Well, I mean, I'm really not taking the opinion that you couldn't do it in the layout, but -- and if the old shopping center guys said that this is the layout they like, they should. It's the classic shopping center design with the grocery store at the end of the sea of parking.

But there's other ways to do it. I mean -- and, again, the thing that's sad to me -- I'm not saying fatal in the decision, but sad -- is that this is going to be their downtown. This is -- you've got -- they've allowed you through this vote to actually give them something that is something that they can consider their little downtown where they don't have to pop the perimeter, and you're not giving them that. You're giving them a shopping center. You're not giving them a place where they could park the car, walk around, do the shops, have someplace to eat, maybe sit outside until ten. And this is just a shopping center.

Anyway, I'm just saying the same thing over again. But it's, obviously, my opinion, just shopping center.

COMMISSIONER EBERT: Maybe you should hire Brad.

COMMISSIONER CARON: I just -- I would have to agree. I don't think it's a very creative plan.

MR. YOVANOVICH: It's an engineering plan.

COMMISSIONER CARON: I think it's a -- you know, it's a couple of strip malls on two separate pieces of property and a bunch of outbuildings.

COMMISSIONER EBERT: To me it looks like a --

COMMISSIONER CARON: It's too bad.

CHAIRMAN STRAIN: Diane, let Donna finish here first.

COMMISSIONER CARON: I just think that's -- I'm with Mr. Schiffer on this. I think it's too bad.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: And it looks urban. There is no rural -- you're right, this walking -- if people -- people like to walk now. If you want to do something like this and make this their little thing, that's what should be done here, and you have the perfect place to do it. You have a lot of extra land.

CHAIRMAN STRAIN: Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion on this one? And I think that the addition -- the additional stipulation on top of the others would be that on this particular vote, it would be, in addition the applicant has offered to reduce the square footage to 170,000.

COMMISSIONER MURRAY: I'll make the motion.

CHAIRMAN STRAIN: Mr. Murray made a motion subject to the stipulations we read earlier and the reduction in square footage to 170-

COMMISSIONER MURRAY: To those, and it's PUDZ-PL2009-1017, Estates shopping center CPUD.

CHAIRMAN STRAIN: Is there a second to the motion?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Okay. Second made by Ms. Homiak.

Now is there discussion? Anybody?

COMMISSIONER SCHIFFER: Well, I'm going to vote against it, because I think they can go back and try again. I mean, the gift of being able to do this is something they could be a lot more responsible with than throwing a classic shopping center out there.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER SCHIFFER: Nick wanted to --

MR. CASALANGUIDA: Commissioner, I just -- I want to caution you, okay, because we've got a site plan detailed review of a PUD right now. And the reason you're at this level is because the neighborhood wanted to see some specificity. The comments you're making really need to be incorporated into the code consistently, because if you're going to start reviewing PUDs and rezones and start talking about human-scale development, which is -- we just had this issue with Hacienda Lakes -- I'm cautioning you, we're starting to get into site plan review at Planning Commission of a PUD.

I'd like to see us ask to bring -- staff to bring back recommendations so we do this consistently in centers.

COMMISSIONER CARON: Wait a minute. Nick?

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER CARON: A PUD is custom zoning to begin with, so whatever is decided gets decided. It doesn't automatically transfer to every other PUD in town.

MR. CASALANGUIDA: No. But, ma'am, the level of detail you're asking for when you're saying walkability, pathways, things like that, that's a site-plan-review specific type of criteria you're asking for, and we've never done that before, ever. So -- and I agree with you, but -- please let me finish. I agree with you that we need to include more of that; that's why in some of the rezones we're asking for more bus shelters, walkability plans.

But when you start doing it in a rezone like this, I think we need some consistent rules that we can apply across the board, because what one person proposes, someone may see a different view, and that's the direction I've given our staff is we better start coming up with some criteria that's in our codes, because this human-scale development you're asking for is the buzz right now, TOD development, and we need to incorporate it in our codes consistently.

COMMISSIONER CARON: Well, we've never done 40 acres out in the Estates either, so --

COMMISSIONER SCHIFFER: Let me say something. Nick -- and so nobody could ever vote against a PUD.

MR. CASALANGUIDA: No, sir. But you've got a site plan in front of you that shows buildings, drive aisles, parking lots, and so now you're asking for more of a walkable type PUD.

COMMISSIONER SCHIFFER: That's one of the elements that's a problem with this. What -- the PUD and the code does have a great phrase that we should probably bring out now, and it's supposed to be a way to do alternate zoning that's more creative.

So I guess if it's -- if I don't find this to be creative, that's my excuse for not moving forward? I mean, what can we do then with the review of this? After we've reviewed the GMP, there's nothing to do but sit back and watch?

MR. CASALANGUIDA: No. I think if you want to try and come up with some clear criteria, if you wanted to say that each building shall be connected by a pedestrian walkway, from buildings to parking to the streets --

COMMISSIONER SCHIFFER: That's in our architectural standard. That's in our codes already. This fails to meet that.

MR. CASALANGUIDA: So how would you like to see that in the PUD master plan? That's the complication for staff, because with what you're discussing right now, how you incorporate it into a review is very difficult, because you're looking at a conceptual master plan.

COMMISSIONER SCHIFFER: But one thing you said in there -- you said that this is in for engineering review already?

MR. CASALANGUIDA: No. No, sir.

COMMISSIONER SCHIFFER: Okay.

MR. YOVANOVICH: Mr. Schiffer, this was just -- to show you where the buildings would be. I mean, the stuff that the code requires, we're still going to have to meet. We're going to have to have the interconnectivity of the buildings. Whether this shows it right now or not, the Site Development Plan's going to require us to do that.

MR. BELLOWS: The architectural --

MR. YOVANOVICH: We're going to have to meet all those architecture -- because we haven't asked for any deviations from that. We were just kind of -- you know, shame on -- I should have just put some boxes on there. You know, we wanted -- you know, we should have just put some boxes on there.

COMMISSIONER SCHIFFER: You did just put boxes on there.

MR. YOVANOVICH: But, no. What we did is we put the parking lots in there and all that other good stuff where you're saying that doesn't show interconnectivity right now. We will still have to do that.

COMMISSIONER SCHIFFER: The metabolism -- and what this thing's going to look like, we can see from this. And I think the creat-- a PUD should be something creative. I mean, this is one person's opinion, one vote, that -- you know, to me, I'd like to see you try again, since you're not that far along. I mean, this is essentially as far as you've gone with it. Let's think about what else it could be.

CHAIRMAN STRAIN: We've -- Mr. Murray wants to comment, too. We've been at this now for seven hours.

COMMISSIONER MURRAY: Yeah, we have.

CHAIRMAN STRAIN: And I think, Brad, you're starting to reinvent the whole process all over again. I'm

not necessarily saying you're wrong, but I wish that you had started this line of questioning right at nine o'clock this morning.

COMMISSIONER SCHIFFER: Ten years ago. Oh, okay.

CHAIRMAN STRAIN: So we could have beat it up the whole day to see how we ended up. But we didn't, and I don't think it's a good time to start that now.

Mr. Murray?

COMMISSIONER MURRAY: Yeah. I just want to comment that Ave Maria was introduced to us as a walkable community, community character, smart growth principle. We think of the Immokalee Area Master Plan in the same concept.

So invested in all of the future planning by intimation and by exacting statements, we have those things inherent in it, and I agree with the chairman that we really shouldn't reinvent it, which is an agreement with yourself. But I'm thinking that we're going to get -- I remember some of the first documents that were shown, and if the -- if this development is anything like it, it should be absolutely gorgeous.

And as far as building treatments, jags and jogs and all the rest of it, that can be accomplished and will be accomplished because everything will be through the Site Development Plan. Am I wrong?

MR. CASALANGUIDA: No. The codes that require that those things are in there are --

COMMISSIONER MURRAY: Okay.

MR. CASALANGUIDA: -- requirements. Those section are there.

COMMISSIONER MURRAY: Okay. What I hear Mr. Schafer -- Mr. Schiffer saying -- sorry -- he's concerned that some of those niceties won't be in this, okay. I'm not sure that you're right. I grant you that they're not stipulated, but that's not at the level we normally would work them anyway.

COMMISSIONER SCHIFFER: Well -- and my point simply -- and I'll -- I am redundant -- is that this is the same mistake Marco Island made. Its downtown was a shopping center, and here we go again. And it's sad, because these people -- there's a lot of controversy on this. It's sad it's not something more special, end of story.

COMMISSIONER MURRAY: All right. Me too.

COMMISSIONER EBERT: Mark?

CHAIRMAN STRAIN: Okay. Ms. Ebert?

COMMISSIONER EBERT: I have to agree with Brad, because in going over things, you go to that SDP, I can tell you, a lot of things are missed on the SDP process. They are not what you thought they were going to be, and that's what I'm finding. I'm seeing a lot of mistakes in the SDP. We have people now who are looking at it a lot closer and demanding more, but I can tell you many things were overlooked. And oh, oh, we didn't see that in there. Oh, you know -- so, yeah, I have to agree with Brad on that.

MS. DESELEM: Excuse me, if I may, Mark.

CHAIRMAN STRAIN: Go ahead.

MS. DESELEM: In part of your stipulations and motions, you didn't address the deviation that they're asking for in order to put their wall within five foot of the preserve.

CHAIRMAN STRAIN: No. When we added the wall, we discussed it at that time. But you're right, we didn't specifically state it. So the -- well, let's finish our discussion --

MS. DESELEM: I just wanted to bring it up. Okay, great.

CHAIRMAN STRAIN: -- and then I'll clarify the stipulations to make sure they're inclusive of everything. Any further discussion?

(No response.)

CHAIRMAN STRAIN: Okay, stipulations. We have two of them then. One is the reduction in square footage to 170,000, and the other would be that a deviation is approved to the LDC so that the wall could be on the edge of the preserve.

COMMISSIONER MURRAY: I made that motion.

CHAIRMAN STRAIN: Okay. And you accepted the modifications to it?

COMMISSIONER MURRAY: (Nods head.)

CHAIRMAN STRAIN: Okay. And does the second accept those?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. Motion's been made and then second accepted it.

Any discussion on the vote?

(No response.)

CHAIRMAN STRAIN: I'm just going to say that my position on the first one is going to be the same on the second one, and I do accept the changes to the stipulations for the second one.

So with all that, same sign and same motion; all those in favor of the motion, signify by raising your hand and saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER MURRAY: Aye.

CHAIRMAN STRAIN: One, two, three, four, five, six in favor.

All those opposed?

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: (Raises hand.)

CHAIRMAN STRAIN: Two opposed. Motion carries 6-2.

Thank you all. We're going to take a 10-minute break to 4:20. When we come back, we'll discuss the last 30 minutes of the meeting.

(A brief recess was had, and Commissioner Midney has left for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everybody. We're back on air. If everybody will have their seats so we can resume the meeting. Thank you.

Okay. We only have ten more agenda items or so.

COMMISSIONER MURRAY: We can squeeze them in.

CHAIRMAN STRAIN: And I already notified staff that at five o'clock we are stopping. Whatever's left goes to August 4th. The first item up on August 4th will be Hacienda Lakes, and then whatever we continue from today will be the rest of that agenda, and whatever the regular meeting on August 4th was supposed to be will be at the end of those two continued items.

So August 4th will be another long day. But right now, we're going to stop at five o'clock today. And maybe in the future we will have better spreading out of our hearings.

***So with that, the next item up is CU-PL2010-166, Yahl Mulching & Recycling, Incorporated.

All those wishing to participate in 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: Doesn't look like there's any.

Richard, you're not involved in this one?

MR. YOVANOVICH: No, I'm not.

CHAIRMAN STRAIN: Okay. Okay. The applicant, you're more than welcome to make a presentation to whatever extent you feel is necessary.

MS. GREEN: Well, I will keep this very brief because I know everybody wants to go home.

For the record, my name is Gina Green. I'm the engineer representing the client, Fillmore LLC and Yahl Mulching.

This is actually a conditional use to add a use to a site that's been existing for many, many years. It recently went through a Growth Management Plan amendment and got adopted last year to add this conditional-use material to the Growth Management Plan, to add construction and demolition debris recycling.

The site has been in operation since '91. It got expanded and we had permitting completed for environmental, South Florida, county SDPs, everything for the horticultural portion. It was planned at that time that if they wanted to expand with the C&D use, that how we have it designed will be compatible with that no further Site Development Plan changes would be -- would need to be made other than adding the C&D use.

So with that, I will leave it in your hands to ask me any questions.

CHAIRMAN STRAIN: Are there questions of the applicant at this time? Mr. Murray?

COMMISSIONER MURRAY: Yeah. Unfortunately I'm reading with one eye here, and it's a challenge. The lens came out, so --

CHAIRMAN STRAIN: Where'd it go?

COMMISSIONER MURRAY: I've got it, fortunately.

CHAIRMAN STRAIN: Well, I can pop it back in for you.

COMMISSIONER MURRAY: Oh, I would love something like that; later though, okay. One second. I thought --

MS. GREEN: I have a pair of reading glasses if you'd like.

COMMISSIONER MURRAY: These are reading glasses. That makes it even more challenging.

So I noted that you wanted to close at five p.m., but then somewhere in here, too, I noted too, that the -- you have vehicles queuing up to unload by five o'clock. And I'm going to fail here, I suspect, because I cannot see.

Let me -- if you would, please, and I appreciate your indulgence. But what I think I found, and I can't find it now, is that it struck me that you have -- you're going to close at five but you still had some activity near five o'clock or at five o'clock that was going to be a problem, going to be -- it just didn't work, put it that way.

And I apologize. Oh, here it is. I finally see it without my glasses. It says here the project would generate, okay, up to 18 p.m.-peak-hour peak-direction trips. I found that incongruous. If you're closing at five, you know, what peak -- 18 p.m.-peak-hour trips. It just didn't make sense to me, unless everybody's coming with their vehicles in at five to five.

MS. GREEN: Well, are you talking about entering or exiting?

COMMISSIONER MURRAY: Well, I'm looking at County Road 951 impacts, and perhaps I should be addressing this to whomever it is that went and evaluated this. And I really apologize for my not being able to function effectively here.

But in any event, maybe you can clear it up. I wouldn't think we'd have a p.m. impact. If you're closing at five, I don't know when the p.m. starts. I'm assuming --

MS. GREEN: Usually it's four to six is what the p.m. --

COMMISSIONER MURRAY: Four to six?

MS. GREEN: Four to six, when they use that window for generating up what the p.m. --

COMMISSIONER MURRAY: Would you be kind then to tell me whether or not that has reality to it; do you have 18 vehicles that come rolling in?

MS. GREEN: Well, what it is is at the end of the day -- you know, at five o'clock, they -- what -- the hours of shutting down at five, they asked everybody to get in, get weighed, get unloaded, and be out by five so that they can shut the facility down.

COMMISSIONER MURRAY: I appreciate that.

MS. GREEN: And then, of course, you know, the people that are actually the workers there would then be leaving also. So you have both the last of -- the end-of-the-day traffic of any landscapers that are dropping their loads or, in this case, any C&D construction people that would be, once we add this use on, would be coming, dropping their load, and leaving. So, you know, you're looking at, instead of having it full four to six, you're going to have that last little bit of the end-of-the-day traffic, you know, which should be minimal.

Most people -- construction-wise they're usually done by -- they work a -- more of a seven-to-three type day, finish up their stuff and want to be home before then, because they're back up early in the morning.

COMMISSIONER MURRAY: I gotcha. And maybe the keyword that piqued my interest was "peak direction trips," and it didn't give me the direction. So I guess I would make an assumption that you're closing at five so you're going to have all these trips coming in before five.

I just wondered if that was a realistic statement, whether or not it was from a book based on some calculation or whether that was realistic.

MS. GREEN: Well, I would think it would be, you know, all -- whenever any of these kind of traffic-impact statements or anything of trips are generated, they're taken from books based upon that use and what kind of traffic it generates. Whether on any given day it meets to that theoretical number, you know, some days it may be more, some days it will be less. That's an average.

So, you know, you're looking at the end-of-the-day traffic and the workers that be either entering or leaving

this site, you know, work --

COMMISSIONER MURRAY: Well, really killing it was part of the last sentence. And, folks, I'm on Page

--

MS. GREEN: Yes. What page are you on? I'm trying to --

COMMISSIONER MURRAY: I apologize. What page is that?

COMMISSIONER EBERT: Page 8 of 13?

COMMISSIONER MURRAY: Eight of 13 of the staff report. What kills me there is that it says at the last sentence of that paragraph, "With consideration for project interaction with the landfill. The impact to Collier Boulevard would be nine p.m.-peak-hour trips." So that floored me. That really confused me. I don't understand the correlation there, now that I can almost see.

MS. GREEN: Nine trips. Not 9 p.m. It's as in nine "p.m." trips as in -- not "9 p.m." trips.

COMMISSIONER MURRAY: Okay. I misread it.

MS. GREEN: The four to six p.m. -- p.m. is the reference of the four to six.

COMMISSIONER MURRAY: See, even when glasses worked before I couldn't tell what it was. Thank you so much.

MS. GREEN: Yes. It's only nine trips that are in the p.m. part of the day, not --

COMMISSIONER MURRAY: Now I got the answer I was looking for. Thank you so much.

MS. GREEN: Okay.

CHAIRMAN STRAIN: Any other questions?

COMMISSIONER SCHIFFER: Just a quick one. On Page 11 of 13 -- and don't spend much time on this -- but Recommendation No. 2, what were they concerned with, because your -- this facility is to take dumpsters in, but yet they want you to keep one on site?

CHAIRMAN STRAIN: Oh, solid waste is different than refuse --

COMMISSIONER SCHIFFER: Than the refuse.

CHAIRMAN STRAIN: -- in C&D, yeah. Solid waste is the whole entire array of waste. I just looked that definition up yesterday for another reason.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: And it covers everything; garbage, you name it.

COMMISSIONER SCHIFFER: So even though you're in dumpster land, one of them you keep for you to -- for solid waste, okay.

MS. GREEN: Right, yes. You know, on this kind of a site, you're going to have multiple different kinds of dumpsters. And, you know, there's the horticultural part, there's your actual office and your worker-generated solid waste, and then you have your C&D solid waste. And so there'll be appropriate dumpsters for all those different types of uses. But, of course, it's a recycling facility. They only make money if they get the product on and get the product back off. They are not into storing this for any length of time at all, because storage means loss of revenue.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Is there a lengthy staff report?

MS. GUNDLACH: Good afternoon, Commissioners. Oh, for the record, I'm Nancy Gundlach, principal planner with the Department of Land Development Services.

And my report -- I'll try to talk more slowly -- is going to be quick. And staff is recommending approval, but I do have another recommendation that I'd like to share with you. I would like to delete Recommendation No. 13 about -- in the conditions of approval.

CHAIRMAN STRAIN: Page 12.

MS. GUNDLACH: And it's on Page 12. And it's in regards to the height of the hedge material. And that is already covered by our Land Development Code, so I would like to delete that out of our recommendations.

COMMISSIONER MURRAY: Okay.

CHAIRMAN STRAIN: Good. That's it?

MS. GUNDLACH: That's it.

CHAIRMAN STRAIN: Any questions of staff?

COMMISSIONER AHERN: I just have one --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER AHERN: -- quick question.

On Recommendations No. 6, what was the basis for the max number of --

MS. GUNDLACH: It's actually -- typically what we do when we have numerous conditions of approval associated -- we have three previous resolutions for this site -- we carry over many of the resolutions, the conditions of approval from the previous resolutions.

COMMISSIONER AHERN: And those seem to vary, so that's kind of why I was asking. It seemed some of them -- oh, at least one of them had a higher max.

MS. GUNDLACH: I did run these by the applicant and the agent, and they are satisfied with this quantity.

COMMISSIONER AHERN: Okay, that's fine.

MS. GUNDLACH: So if it's okay with them. Okay.

CHAIRMAN STRAIN: Okay. Anybody else? Is it walking? Sorry, I had to ask that question.

COMMISSIONER CARON: Really?

CHAIRMAN STRAIN: Is that it?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Is there any speakers?

MR. BELLOWS: No one is registered.

CHAIRMAN STRAIN: Anybody want to talk on this subject?

(No response.)

CHAIRMAN STRAIN: Good. We'll close the public. Entertain a motion.

COMMISSIONER SCHIFFER: I'll make --

COMMISSIONER AHERN: Make a motion.

CHAIRMAN STRAIN: Okay, Melissa.

COMMISSIONER AHERN: Motion to approve CU-PL2010-166 with the recommendation to remove No. 13 from the staff report.

CHAIRMAN STRAIN: And the rest of the recommendations except for that one, right?

COMMISSIONER AHERN: Yes.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: Okay. 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.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

And by the way, let the record show Mr. Midney's gone, so we're down to seven. So that's 7-0.

COMMISSIONER SCHIFFER: And question, Mark. Do we still have conditional-use forms?

CHAIRMAN STRAIN: That's a good point, Ray. Are they in here?

MR. BELLOWS: For the record, Ray Bellows. We amended our --

COMMISSIONER MURRAY: Yeah, we discontinued.

MR. BELLOWS: -- process to eliminate that, and that's part of the staff report where you guys can review the findings.

CHAIRMAN STRAIN: Okay, good. Thank you.

Okay. Thank you very much. We appreciate it.

I see people in the audience, and I'd rather move in the last half hour to things that you're here for rather than things you're not here for. So are -- you're with them. Oh, you poor person. Ma'am, you're okay?

Bruce, you're on for Davis Boulevard; is that right? Well, let's move to Davis Boulevard next.

MR. YOVANOVICH: What?

CHAIRMAN STRAIN: Oh, okay. What's he here for? He didn't say a word. He's not shy.

MR. ARNOLD: I'm standing here.

CHAIRMAN STRAIN: Okay. I thought you were standing here to help Ms. Green.

MR. ARNOLD: Well, you were moving on past the agenda. Are we taking up Item D?

CHAIRMAN STRAIN: Oh, you're here for D? Well, that's fine then. I didn't know that, Wayne. I thought you guys were hanging around to help Bruce.

MR. ARNOLD: We offered.

CHAIRMAN STRAIN: ***Okay. Next item up is CP-2010-1. It's the Vanderbilt Beach Road Neighborhood Commercial Subdistrict. It's a GMP amendment.

Richard or Wayne, go ahead.

MR. ARNOLD: I'll start.

CHAIRMAN STRAIN: Oh, let's first -- disclosures. Anybody have any disclosures on this item, other than emails?

COMMISSIONER CARON: Just -- Mr. Yovanovich came up to me during a break and asked if I had any issue.

CHAIRMAN STRAIN: Okay. And I've had a lot of emails, and they're all -- I think Richard's gotten a copy of every one I had. So with that, is there -- now 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: Okay. Now you can go ahead, Wayne. Thank you.

MR. ARNOLD: Thank you. I'm Wayne Arnold with Q. Grady Minor & Associates. With me is Rich Yovanovich and Doug Nelson from EverBank, the property owner.

This amendment is fairly straightforward. If you recall during the transmittal process, this affects only the westernmost parcel of the subdistrict. It is located at the intersection of Livingston Road and Vanderbilt Beach Road.

The Comp. Plan language that's presently in place limits us to any single user at a maximum of 20,000 square feet. The amendment that we are proposing would allow certain uses to exceed 20,000 square feet up to a maximum of 50,000 square feet.

Those uses were grocery supermarket, physical fitness facility, graphic ops store, home furniture furnishing store, or department store. And that was the substance of our changes.

We had had several meetings with the property owners nearby Village Walk and some of the other associations. I think they're comfortable with this language. You may recall that one of the things that they asked for was for us to have some form of deed restriction that would be placed in the public record that would limit these uses.

Rich has drafted that agreement. I think all parties are in favor, and that would be recorded upon final adoption of this language by the County Commission.

CHAIRMAN STRAIN: Okay. Questions of the applicant?

MR. ARNOLD: Yeah. I have exhibits and things if you need to. It's fairly straightforward. I don't think we have any opposition, and hopefully you can support it, as you did before.

CHAIRMAN STRAIN: Now, Richard, you've had a lot of back and forth with the neighborhood? Can you tell us the results of that? I've seen the --

MR. YOVANOVICH: Yeah. We have agreed on a form of the deed restrictions. I'm still waiting to get the names of the associations that want to be benefited by this. I've asked a few times. I guess at this point the three that have weighed in, I'll put them on, and anybody else I won't, since they've not responded, so that's what I've been waiting on is just which communities want to be -- be benefited by the deed restrictions.

CHAIRMAN STRAIN: Okay. And then from what I saw, you guys are all in agreement.

MR. YOVANOVICH: Yeah. There's no issue on what's prohibited. It's just who will receive the benefit of the deed restrictions.

CHAIRMAN STRAIN: Okay. Questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a staff report?

MS. MOSCA: For the record, Michele Mosca, Comprehensive Planning staff.

Staff is in support of the proposed change. There's no new public-facilities impact. So if you have any questions. I thought I would keep it short. Thank you.

CHAIRMAN STRAIN: And they still have to go through a PUD or zoning change to --

MS. MOSCA: They'll have to go through the PUD amendment process, yes.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: But if you'll recall, that's why we did the restrictions, because they weren't planning on doing any PUD amendment anytime soon.

CHAIRMAN STRAIN: Right. I just -- I know what their purpose was; I just wanted to make sure the refinement of this still has to be reviewed on a PUD level.

MS. ASHTON: Okay. I just wanted to clarify for the record. Thank you.

CHAIRMAN STRAIN: No problem.

Anybody have any questions or concerns of staff or the applicant?

Is there any public speakers, Ray?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: And I don't think anybody in the audience wants to talk about it, from what I can tell. I think we're all worn out.

COMMISSIONER CARON: Motion to approve.

CHAIRMAN STRAIN: Made by Ms. Caron. Is there a second?

COMMISSIONER SCHIFFER: Second.

COMMISSIONER MURRAY: Second.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CARON: CP --

CHAIRMAN STRAIN: Is that with -- yeah, that's for CP-2010-1.

COMMISSIONER CARON: One, yeah, thank you, with whatever was originally transmitted in the GMP language, so --

CHAIRMAN STRAIN: Okay. Now, any 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.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Thank you, guys.

Next item up is CP-SP2010-2. Oh, wait a minute. Before we go there, I'll go back to what I tried to do in a minute.

Bruce, you're here for Davis Boulevard, right?

COMMISSIONER AHERN: Yeah.

CHAIRMAN STRAIN: ***Why don't we do that one next so -- just in case we can't -- we can finish that one up today. That will be CP-SP2010-5.

MR. WEEKS: For the record, I'm David Weeks --

CHAIRMAN STRAIN: All those wishing to participate in 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? I received an email a couple times from the neighborhood wanting to make sure there were no differences in this than there was in the transmittal. I didn't notice any, so I told them I didn't believe there was but they ought to take a look at it for themselves.

With that, David, it's all yours.

MR. WEEKS: Again, for the record, David Weeks of the Comprehensive Planning staff.

Commissioners, there's been no change to this petition other than the fact that it's a single action to be taken. You might recall that at transmittal it was a choice of a modification to this subdistrict or a complete deletion of the subdistrict and redesignation of the property back to urban residential subdistrict, and that second choice, the deletion of the subdistrict and redesignation as urban residential subdistrict, is what the county commissioners approved for transmittal, as had this body recommended, and that is brought back to you for your recommendation today.

CHAIRMAN STRAIN: Any questions of staff?

COMMISSIONER CARON: I don't know. I just wanted to make sure -- Bruce, do you have a grocery store in this project? Because I think we need another one. They've got one now in Golden Gate, we have one out at Randall for your project out there, we have one at Vanderbilt. I don't think we have enough.

COMMISSIONER SCHIFFER: Let's add some affordable housing.

I can make a motion, Mark.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: I'll make a motion that we move petition --

CHAIRMAN STRAIN: Well, wait a minute. Whoa, whoa, I'm sorry. I didn't know you were already there for it. David made his. Is there any other -- any members of the public wish to speak? There's nobody left.

Okay. I'm sorry. We'll close the public hearing and entertain a motion. Brad?

COMMISSIONER SCHIFFER: I make a motion that we move CP-SP2010-5, Alternate 2, with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CARON: Second.

CHAIRMAN STRAIN: Ms. Caron seconded.

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.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

You know, we're probably going to make this whole agenda by five o'clock. If it wasn't for the Golden Gate Estates shopping center, we would have been done in 30 minutes this morning.

Okay. Thank you, David. You're going to be here for the next one?

MR. WEEKS: I am.

CHAIRMAN STRAIN: ***Okay. It's CP-SP2010-2. Anybody -- any disclosures?

(No response.)

CHAIRMAN STRAIN: If not, all those wishing to testify on behalf of this item -- well, you've already sworn yourself in. Go ahead, David.

MR. WEEKS: Commissioners, this is a batch petition. There's multiple amendments proposed to the Future

Land Use Element and Future Land Use Map and Map Series.

The only change -- the changes in the recommendation that staff is going to make to you, you might recall that at transmittal on the wellfield protection map, which is on the visualizer, this body recommended the addition of the Marco Lakes utility site, specifically the lake itself to be identified by name and the concentric circles to be identified on the map. That was done, and the Board of County Commissioners endorsed your recommendation.

And at that time staff had no objection to that addition; however, in researching this further, the staff has come to a conclusion that it just does not make sense to add the lake onto this map, and the reason is that the purpose of the map and the subsequent amendments to the Land Development Code maps that provide for the protection of wellfields, you can't get there from here.

This is a surficial water body. It's a lake. Now, there is some groundwater influence, but it's been estimated that about 80 percent of the water in this is the Marco Lakes lake, comes from surface water from the adjacent Henderson Creek that flows along the east side of this property.

There's a weir that leaks into this lake, but also the border along the eastern border adjacent to that creek is pervious, highly -- described as porous, and it's about a half-mile segment there. And so the canal water, creek water is flowing into this water body.

Well, the wellfield protection only applies to or has impact upon the aquifer that would feed into this. So the pollution-control director, Ray Smith, at EAC advised that body that we have about a 20-percent impact by applying the wellfield protection standards for this location, but about 80 percent of the protection measure would not be there because of the water from Henderson Creek.

So for that reason, staff is not recommending that the Marco Lakes lake be included on this map.

CHAIRMAN STRAIN: Any questions? David, I understand what you said, basically that's it's with a shallow aquifer that this lake is fed. It's moving laterally into the lake from the canal or other sources around it.

The idea of well protection is to create zones W1 through W4 to prohibit uses that could leak into the groundwater, which is the same water that goes laterally into this lake. So why wouldn't it be an advantage then to have that protection for this lake?

And I didn't think of this the other day, but as -- I listened to what you told me when I talked with you the other day, and I got to thinking, the whole purpose of these wellfields is to stop the uses aboveground from getting into the water to move into the water tables that we use for drinking. Well, that's exactly what the lateral transmission will cause here, and why wouldn't we want to protect that with the uses around it?

MR. WEEKS: Well, it would have limited affect, limited impact, okay. So if we're going to prohibit a water treatment plant from being located in Risk Management Zone 1, W1, if we're going to prevent a landfill from being located, those types of things, yes, that would have some impact.

But this will have no impact upon the pollution of Henderson Creek, such as if there were, let's say, a tanker truck along 951 north of this site that were to crash and its fuel spill out and flow into Henderson Creek. This would do nothing to prevent that pollutant going in --

CHAIRMAN STRAIN: Well, what's Henderson Creek got to do with the need that we're talking about?

MR. WEEKS: Because that's where -- the potential pollution of Henderson Creek, which is what, again, is feeding -- the majority of the water into this lake is being fed from Henderson Creek. These wellfield-protection zones will do nothing to prevent that surface pollution into Henderson Creek, which could flow into this water body.

CHAIRMAN STRAIN: But isn't Henderson Creek south of this water body?

MR. WEEKS: It's north. Maybe it's -- maybe it -- maybe I should refer to it as canal. I don't know if it's Henderson Creek or Canal.

CHAIRMAN STRAIN: You mean the canal along 951. That's the -- that's what you're calling the Henderson Creek.

MR. WEEKS: Yes.

CHAIRMAN STRAIN: Boy, that's a stretch.

MR. WEEKS: Apologies if I've misstated. But, yeah, that canal provides about -- my understanding is about 80 percent of the water in that lake is coming from the canal through that porous barrier between the lake itself and the canal.

CHAIRMAN STRAIN: So they've decided -- or someone has indicated that there's very little protection of that canal water from trying to restrict the surface uses through the W1 through W4 protection area?

MR. WEEKS: That's correct.

CHAIRMAN STRAIN: Wow.

MR. WEEKS: I mean, it would -- it would create protection in the sense that just within those zones certain land uses will be restricted.

CHAIRMAN STRAIN: Right.

MR. WEEKS: But it doesn't control, I guess you'd call it, non-land uses.

CHAIRMAN STRAIN: Well, that doesn't happen out in the Golden Gate -- on the Wilson Boulevard wellfields either. Anything could go along with a W1, for example, in the location of this shopping center, and have a tanker truck dump its entire contents out in the parking lot and go down in the storm drains and into -- someplace else.

So I'm not seeing how that argument makes a difference. If that argument carries for the Marco Island utility site, why wouldn't it carry for every single wellsite in Collier County? What are we protecting then if we're not protecting just the -- and every other one we're protecting just the land uses. We're not protecting -- would you rather that this be discussed when Ray could be here at the next meeting?

MR. WEEKS: If you're not going to support it, yes.

CHAIRMAN STRAIN: Well, I don't know. I'm trying to understand why you think this is significantly less important than the others based on the example you used, and whether a tanker truck overflows into a canal that feeds this lake or a tanker truck overflows into a parking lot that flows into a water-management lake in that new shopping center and goes into a wellfield up there. What's the difference? So why have any of the wellfield easements? That's -- I mean, I kind of don't see the reasoning there.

MS. ASHTON: When we contacted the City of Marco Island to discuss this with them, they said their main concern was the Henderson Creek, that that had an impact on their water, and they were less concerned about the wellfield zones. But I can't really explain to you the technical part of it. They said it provided -- you know, the wellfields would provide zones, I believe, the -- not as much value to them.

CHAIRMAN STRAIN: Okay. Then if they think that, I'm just curious then, why do we have the wellfield zones anyway? Because the same application applies throughout the county.

MR. WEEKS: Mr. Chairman, I'm not able to answer your question --

CHAIRMAN STRAIN: Okay.

MR. WEEKS: -- but I will say that this was -- very same thing was presented and discussed at the EAC on July 6th --

CHAIRMAN STRAIN: Right.

MR. WEEKS: -- and a representative from Marco Utilities was also there in attendance and spoke as well, and the EAC did unanimously recommend the position to remove the Marco Lakes.

CHAIRMAN STRAIN: That will make me comfortable, so -- I'm okay. We'll just go -- do whatever you want to do at this point.

Hi, Bill. Did you have something to throw in?

MR. LORENZ: For the record, Bill Lorenz, Land Development Services director.

The difference with this is -- and the other wellfields is that Henderson -- the canal is actually a direct connection to the lake through that -- one of those weir structures. So, unlike, let's say, the canals in Golden Gate Estates where that canal water is actually going to have to filter through the groundwater and get into the groundwater table, this lake now experiences direct surface-water input, and that's the difference.

CHAIRMAN STRAIN: But David just said that the canal feeds the lakes through porous rock surfaces, not

MR. LORENZ: In addition to --

CHAIRMAN STRAIN: So you're saying it's a direct discharge? You open the weir up and the water goes directly into it? So they're drinking that canal water?

MR. LORENZ: They have -- they have a -- they have a connection where there is a weir and that the water can go directly from the canal into the lake, and that's why when we heard that, we said, oops, time out. That kind of violates the way we were doing the modeling for wellfield-protection zones.

CHAIRMAN STRAIN: Okay. So if we were to call up the Marco City Council and tell them that they're drinking that canal water without any protection that could be offered to them because the utility department doesn't want to, do you think they're going to buy into that?

MR. LORENZ: It's not -- it's not that that happens -- and I'm kind of looking at David here -- continually. It's that that can happen periodically, and it's -- and still because it -- because that does happen periodically, the wellfield-protection zones that we're modeling, I'm not sure that -- I think that violates the assumption of the model and the work that was done to actually develop those protection zones. So that's the question that staff had once we heard that that's the way that system was being operated.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: But somewhere in here -- and because the tab -- I should have put my own tabs in here so I could find these things. The point of these protection areas is to prohibit certain land uses around these areas to keep them away from whatever it is, whether it's the lake or one of our other wells. So I don't see that -- how the water gets in there had anything to do with whether we wouldn't want to protect lands -- uses around -- surrounding it.

MR. WEEKS: Well, that's where Ray Smith, again, the pollution-control director, was testifying that, yes, it will provide some protection, but he estimated, perhaps, a 20-percent protection versus 80-percent non-protection, because the greatest risk is -- I think I'm correctly paraphrasing -- the greatest risk is not from the land uses within the wellfield risk zones; it's from potential pollution to Henderson Creek itself.

And when I mentioned earlier about the rock -- about the rock, the porous rock, I did not mean subsurface. I mean right -- the strip of land that physically is in between the canal and the Marco Lake itself. That is very porous. Water just flows right through there into the lake. And, again, that cannot be -- it will not be in any way protected through those protection zones.

Planning Commission, please understand the staff position is, absolutely we want the water supply protected. We're just not going to get there from here. This is not the mechanism that's going to accomplish that.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Shouldn't you extend the zones up the creek then? I mean, what you're saying is the impact on that creek impacts that wellsite. So you should be running that little topo up the whole creek.

MR. LORENZ: And if I may. Well, that's correct. At that particular point it's almost thinking -- you're almost into a situation where you think about up north where you have a typical damn and a reservoir and you have that total watershed with all the streams coming into it. That takes it -- that puts this into the -- more or less that category as opposed to a well where you're simply drawing the groundwater down.

And you have had -- as a result of being just simply groundwater, you have had some degree of protection as the water percolates through the surface and the ground itself.

So this is where, when we first looked at modeling this lake, you almost think about the lake as a very wide well, if you will, a large-diameter well, but you would just be truly modeling the groundwater input to it.

But once we learned that there was that ability to move water into it from a surface-water source, that started to violate our assumptions of -- our modeling assumptions where the wellfield -- risk-management zones are based upon travel times of groundwater. Now we just don't have travel times of groundwater. We have surface water and direct surface water inputted to it as well. So those lines don't mean the same thing as they do for wellfield for protection zones.

COMMISSIONER SCHIFFER: And isn't that more because it's a lake rather than a drawdown well?

MR. LORENZ: It's a -- correct. It's a lake that has -- that has a broader watershed --

COMMISSIONER SCHIFFER: Right.

MR. LORENZ: -- and it's some type of lineal watershed feature to it.

CHAIRMAN STRAIN: Is this lake considered a wellfield or a wellhead? How -- what would you call the lake then?

MR. LORENZ: No, it's not. I believe it's permitted as a surface-water source.

MR. WEEKS: That's my understanding; it's a well as well. And the definitions in Florida Statute, or actually it's Rule 9J5, which has now been repealed, but hopefully and presumably placed into Florida Statute, there's specific definitions of wellhead and wellfield, and a lake is not either of those.

CHAIRMAN STRAIN: Okay. And I understand that with the wellheads you're worried about the amount of material that could percolate down into a lower aquifer. It would go through layers of sand and material, and it would happen over a period of time.

In this location the well, being the lake, nothing percolates to it. It just flows directly to it, and we're not as

concerned about it? I mean, that's what it appears.

MR. LORENZ: I think as David said, it's not so much a matter of not being concerned about it. I think we need to have another approach --

CHAIRMAN STRAIN: Okay.

MR. LORENZ: -- towards protection, and therefore, the wellfield-protection zones just don't match up with this approach.

CHAIRMAN STRAIN: And where in this document are you describing what kind of approach you're going to take?

MR. LORENZ: That's -- I think that's to be determined, quite frankly.

CHAIRMAN STRAIN: Okay. Before we pass it?

MR. LORENZ: I don't think that there is time to be able to --

CHAIRMAN STRAIN: Okay. Ray?

MR. LORENZ: -- do that, but that's something that, I think, working with pollution control, we could be looking at some type of strategy for that.

COMMISSIONER SCHIFFER: Do we have any other lake sources?

MR. LORENZ: Not that I'm aware of.

COMMISSIONER SCHIFFER: Does it hurt anything showing this?

MR. LORENZ: Well, that's where -- that's where I come down to the violation of the model. These -- it's hard for us to say that these are truly the wellfield-protection zones, that they're the same wellfield-protection zones that we will be adopting in the Land Development Code and have the same degree of meaning to them, and that's where we're -- that's where, for me, I get hung up with.

COMMISSIONER SCHIFFER: Okay. And since it doesn't meet the title "wellhead" or "wellfield," maybe it shouldn't be on here then.

CHAIRMAN STRAIN: But we don't offer any other protection for it, and we know it's used as a water source for a large community, and we know that the water source is more easily polluted by a canal that is X number of feet -- foot long or miles long, and we offer no protection for that because it doesn't fit the definition of a wellhead. I mean, that just sounds not too sensible. And --

COMMISSIONER SCHIFFER: But what Bill was saying was he's saying that, yes, he's drawn some ISOs, but he has no idea whether they're correct because he's treated it like a well and, therefore, since this water system is not as simple as a drawdown well, he can't really back up those ISO lines.

MR. LORENZ: Correct.

CHAIRMAN STRAIN: That's fine. No, I under- -- yeah, I got that part of it. This goes in the Future Land Use Element. What about the resource -- we have a resource-protection element or national -- no, natural groundwater resource protection. Is the lake identified in that as a water source, and is it addressed there?

MR. LORENZ: That I don't know.

CHAIRMAN STRAIN: Okay. I'm just worried that this is sitting out there as a known water source for a large community, and all of our documents don't address, it seems, yet we know it's a problem, and we know the others are a concern because we address all those, even though they have probably less potential to be polluted than this one does. And I thought it would be a good idea to address. It seemed natural.

MR. LORENZ: I think -- staff agrees with that, and as -- we did that modeling exercise, because if it did not receive that direct surface-water impact, then you have -- then you are just simply treating it like a big well, a drawdown of groundwater, and then you get the cone -- the wellfield -- the cones of depression translated into those travel times.

And if that was simply the case, then that would be -- that would be valid. That was a valid approach. But once we learned, again, that you have that direct discharge from the canal into it, now we can't say that these lines on the map are what we are saying they are for simple wells.

CHAIRMAN STRAIN: And I understand your dilemma.

Ms. Caron?

COMMISSIONER CARON: Yeah, I get that, but if we take this off, I think Mr. Strain's point is, we don't want to just see this go off into the "ether" either. So should -- as the Planning Commission we could stipulate, or we could request, that the BCC give you a timeline to come up with something for that lake.

CHAIRMAN STRAIN: Well, I think that's a good point. We could --

COMMISSIONER CARON: I mean --

CHAIRMAN STRAIN: The direction would be to address the known --

COMMISSIONER CARON: Separately.

CHAIRMAN STRAIN: -- water resource of the Marco Island Utility lake site for pollution issues, and however you come up with that, through the natural groundwater protection element or through this element or whatever, that's a good solution.

COMMISSIONER CARON: Yeah. I mean, I just think we need to -- you know, some sort of timeline so that it just doesn't go into the "ether" and we all forget about it in a month and a half.

CHAIRMAN STRAIN: Mr. Murray?

COMMISSIONER MURRAY: This may be off the wall, too, but Henderson Creek, hopefully not very often, but if there's a tidal bore due to a storm, that saltwater comes flying up. How far would it have to go before it is able to be captured by those highly porous rocks and sucked into the lake?

MR. WEEKS: I believe there's a weir immediately on the north side of U.S. 41.

COMMISSIONER MURRAY: Okay. So in other words, we're protected?

MR. WEEKS: Yes.

COMMISSIONER MURRAY: And they're protected. Okay. That's what I needed to understand.

COMMISSIONER SCHIFFER: Mark, question.

CHAIRMAN STRAIN: Okay. Mr. Schiffer.

COMMISSIONER SCHIFFER: Okay. Where does this affect the private sector? If somebody's going to build a gas station and he's in one of your concentric rings, he's got some issues with you?

MR. LORENZ: In this particular -- at this particular time, we would not do that because of the concentric rings. We're not sure that they're the same -- the same rings that we were applying for other wellfields.

COMMISSIONER SCHIFFER: Then I think you should remove them so that -- can we make a motion to remove them?

CHAIRMAN STRAIN: Yeah. Make a -- well, that's what -- Ms. Caron suggested making a motion to remove them but direct staff to research the issue of how to protect that water resource.

Mr. -- David?

MR. WEEKS: Commissioners, I just wanted to -- I placed on the visualizer the EAC's recommendation, and I'd failed to mention that earlier, other than that they endorsed the recommendation to take Marco Lakes off. But they also had made a recommendation, No. 2, to add a note to the map just for the viewer of the map to understand which aquifers were being reflected.

And then they had some concerns which they've -- had relayed, which were identified as Nos. 3, 4, and 5. Numbers 3 and 4 have to do with the potential impact of -- the Oranges -- well, first, No. 3, the Orangetree wellfield, that it might negatively impact the Corkscrew Regional Ecosystem Watershed and Corkscrew Swamp. That is, the drawdown may start draining the swamp, to paraphrase.

And then No. 4, similarly, that the Golden Gate wellfield drawdown might negatively impact private wells within Golden Gate Estates.

And then No. 5 has to do with the water master plan that is prepared -- I believe an update is prepared annually by the public-utilities division and brought to the Board of County Commissioners for their approval, and that water master plan identifies water-supply sources, including future wellfields.

And the EAC's position was, that's a natural resource that's under our purview; that water master plan should be brought before us for our review and recommendation.

CHAIRMAN STRAIN: Okay. Anybody have any questions or comments?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

(No response.)

CHAIRMAN STRAIN: Well, that's good.

COMMISSIONER CARON: Yeah. No, I'll make a motion to approve the wellfield map with the deletion of the Marco Island Utilities' Marco Lakes notation, and direct --

CHAIRMAN STRAIN: Recommend, yeah.

COMMISSIONER CARON: -- recommend that staff come up with something, some way to analyze that lake so that -- you know, because if it doesn't fit on our wellhead, it's got to go somewhere else, and it needs to be analyzed, so --

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER MURRAY: Sure.

CHAIRMAN STRAIN: Mr. Murray seconded it.

Is there discussion?

MR. WEEKS: Mr. Chair?

CHAIRMAN STRAIN: Go ahead, Mr. Weeks.

MR. WEEKS: Could I ask for a clarification on the motion. Would that also include EAC's recommendation to add the notation on the map to identify which aquifers are reflected?

COMMISSIONER CARON: Yeah. I think that's a perfectly reasonable thing, yeah.

CHAIRMAN STRAIN: You're referencing No. 2, though, on this; nothing else but just No. 2.

MR. WEEKS: Correct. The motion presently reflects No. 1, and I was asking about No. 2. Thank you.

CHAIRMAN STRAIN: Okay. So that number -- the stipula- -- the motion maker accepts No. 2 to be added to the motion as a stipulation. Mr. Murray, you accepted that, too?

COMMISSIONER MURRAY: I'm fine with that, yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CARON: I don't know whether we need to address the other three concerns here of the EAC. I think they're valid concerns and, you know, the Board of County Commissioners is the one who has to make a determination on that. I don't --

CHAIRMAN STRAIN: And I certainly would not support adding those, and I don't know if -- I cannot verify they're valid because I don't know the criteria of the people on the EAC that may have the ability to review these in the context in which they're requesting them. So I'm not sure there's anything helped by moving it to a board that may not have --

COMMISSIONER CARON: Well, they're not a part of the motion, our motion.

CHAIRMAN STRAIN: Right, I know, but I don't want to go so far as to even think they're valid at this point, so -- a motion's made, and there's been a second. It's been stipulated.

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.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Okay. We've got a whole pile of old items. No, there's no old. No new.

Motion to adjourn?

COMMISSIONER MURRAY: Yes.

COMMISSIONER SCHIFFER: Yes.

COMMISSIONER CARON: Well, wait a minute. I'm not -- we're not actually done because don't we have

--

CHAIRMAN STRAIN: No, we're continuing till next meeting.

COMMISSIONER CARON: Oh, okay. Oh, sorry. It's after five.

MS. ASHTON: Why don't we just make a statement of the two petitions that are continued to the next --

CHAIRMAN STRAIN: Well, there's only --

MS. ASHTON: -- meeting date.

CHAIRMAN STRAIN: There's three petitions continued. There's a -- there's three items to do with the

Rattlesnake Hammock and 951/Hacienda Village. One is a -- CP-2006-11, the other is PUDZ-2006-AR-10146, and the other is DRI-2006-AR-10147. All of them have to do with that location and what they're doing with the Hacienda Village.

What else, Donna?

COMMISSIONER CARON: But within CPSP-2010-2 we still have the Bayshore/Gateway Triangle.

CHAIRMAN STRAIN: Oh, that's right.

COMMISSIONER CARON: We haven't done that whole --

COMMISSIONER SCHIFFER: Wait a minute.

COMMISSIONER CARON: -- thing. We were just talking about the wellfield.

COMMISSIONER SCHIFFER: Let's do it now.

CHAIRMAN STRAIN: Well, I was --

COMMISSIONER MURRAY: So we said we would finish at five.

COMMISSIONER HOMIAK: It should have been all one.

CHAIRMAN STRAIN: Well, David, do you have much to bring in for the Davis Boulevard well- -- on all the other additions? Because I don't have any issues with any of them. They're the same thing we did in transmittal.

MR. WEEKS: No. In my presentation I just glossed over those changes to the Future Land Use Element and Map.

COMMISSIONER CARON: But I just think we need to be clear for the record that we are approving all of CPSP-2010-2.

COMMISSIONER MURRAY: Motion to withdraw the motion to adjourn?

CHAIRMAN STRAIN: Yeah. Well, first of all, yeah, we're not -- we're definitely not adjourned.

Ms. Caron suggested clarification to what we voted on on CPSP-2010-2. David got up and said nothing's really changed; the only thing that changed was the wellfield. We focused and discussed only the wellfield, but I didn't think that had any other necessity to define the motion other than the approval of CPSP-2010-2 with the clarifications on the wellfield section. And I'd like the reaffirmation. Is that everybody's intention?

COMMISSIONER AHERN: Yes.

COMMISSIONER SCHIFFER: Yes, it is.

CHAIRMAN STRAIN: Okay. Anybody not have that intention?

(No response.)

CHAIRMAN STRAIN: Motion stands. We approved CPSP-2010-2 in its entirety.

COMMISSIONER CARON: Thank you.

CHAIRMAN STRAIN: Thank you for pointing it out, Ms. Caron.

Okay. Now, is there a motion to adjourn, Mr. Murray?

COMMISSIONER MURRAY: Oh, sure.

COMMISSIONER SCHIFFER: Continue. Don't we continue?

CHAIRMAN STRAIN: Second by Mr. Schiffer. We're out of here.

COMMISSIONER SCHIFFER: Okay.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:08 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on Aug 18th 2011, as presented or as corrected _____.

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