

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, September 1, 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  
Diane Ebert  
Barry Klein

Also Present:

Nick Casalanguida, Growth Management Division  
Raymond V. Bellows, Planning Manager, Zoning  
Jeff Klatzkow, County Attorney's Office  
Tom Eastman, School Board Representative

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the September 1st meeting of the Collier County Planning Commission. If you'll all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Now, let's see. The back window is open, so Paul Midney must be here. Here he is. Since Paul is now here, let's do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Caron?

COMMISSIONER CARON: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: And Mr. Klein?

COMMISSIONER KLEIN: Here.

CHAIRMAN STRAIN: Okay. Thank you.

Addenda to the agenda? We are continuing Hacienda Lakes till when, November?

COMMISSIONER CARON: Yes.

CHAIRMAN STRAIN: Are there any changes or addendum to the agenda for real? I know what we'd like to do.

Ray, do you have anything?

MR. BELLOWS: No changes from us.

CHAIRMAN STRAIN: We do -- I wanted to point out that our next meeting is September 15th. Does anybody know if they're not going to be here?

COMMISSIONER EBERT: I won't be here.

CHAIRMAN STRAIN: Ms. Ebert won't be here. Anybody else?

(No response.)

CHAIRMAN STRAIN: We still have a quorum. And a reminder, the 29th of --

COMMISSIONER MIDNEY: I won't be here.

CHAIRMAN STRAIN: Paul won't be here. Okay. We'll -- let's see, one, two, three, four. Yeah. We'll still have a quorum.

The last two days in September, I believe it is, a Thursday and Friday, the last two -- the last Thursday and Friday we do have special meetings for review of the AUIR. I'm not sure it needs to go two days. With the economic climate that we have, we -- I don't expect to see much on the AUIR, so we should have it just one day, I hope.

And then, Ray, did we have meetings scheduled in October? Because I thought you had indicated to me at one point there weren't any.

MR. BELLOWS: At the present time, I've just put together a look-ahead for -- through December, and right now we don't have any items scheduled for October, but there might be some in the next few weeks. And I'll -- next week I'll send out another revised one, and we'll know better if we'll have meetings in October or not.

CHAIRMAN STRAIN: Okay. Thank you.

Planning Commission absences. We just discussed that.

Approval of minutes. We have an August 4, 2011, set of minutes that was sent to us electronically. Anybody have any comments, changes to those?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Ms. Homiak. Is there a second?

COMMISSIONER AHERN: Second.

CHAIRMAN STRAIN: By Ms. Ahern.

All those in favor, signify saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

We've got some electronic -- oh, there it is. Okay.

BCC report. Ray, any recaps? Of course, no, they haven't met. That takes care of that.

MR. BELLOWS: Yeah.

MR. CASALANGUIDA: It's a test.

CHAIRMAN STRAIN: It took him a minute though. I asked you.

MR. CASALANGUIDA: I would have come up with something.

Chairman's report. Nothing really. I -- this project, being Hacienda Lakes, I woke up at 3:30, and you know what?

COMMISSIONER EBERT: Did you have questions?

CHAIRMAN STRAIN: Yeah. I had so much -- this thing got me thinking, because we've had so many versions, so I laid awake from that point forward, got up and read. So we do have some questions for today. I didn't want Richard to go away with nothing to be requested.

\*\*\*We'll move into our regular agenda. The first item up is the consent-agenda item. It's CP-2006-11. It's the Growth Management Plan amendment for Hacienda Lakes. It was the one item of the three that wasn't continued last time we had met.

Is there any comments, corrections needed for that consent item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a motion to approve by anybody?

COMMISSIONER SCHIFFER: I'll make a motion we move to accept this as being consistent with the hearing.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER AHERN: I'll second.

CHAIRMAN STRAIN: Second by Ms. Ahern.

Discussion?

(No response.)

CHAIRMAN STRAIN: All 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 EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0.

\*\*\*The next consent item is CU-PL2011-579. It's Garden Street recycling center, transfer station, whatever. I think it's both, metal collection and transfer station.

Anybody have any comments or corrections needed based on the consent?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion?

COMMISSIONER SCHIFFER: I move that we accept this as being consistent with the hearing.

COMMISSIONER AHERN: And I'll second.

CHAIRMAN STRAIN: Okay. The two on the end did the same thing again.

With that, all 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 EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0. Thank you.

\*\*\*And now we'll get into the fun part of today's meeting. I'll read them both because we'll discuss them in conjunction, but we'll vote separately at the end of the discussion.

The first one is PUDZ-2006-AR-10146. That's the Hacienda Lakes MPUD. The second one is DRI-2006-AR-10147. Again, the Hacienda Lakes DRI.

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

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

CHAIRMAN STRAIN: Thank you.

Disclosures on the part of the Planning Commission? Oh, I had one of those marathon meetings with Richard and Mr. Torres again. I think Bob and I have talked. Probably all the same disclosures from last time. But we did try to meet at length one evening this week to try to work through a wide variety of the issues that I had in order to expedite today's meeting.

I also met with staff. We had a long meeting on the same project. So we will hit all those issues today.

And, Richard, I don't know if you wanted to make a presentation, because we basically heard a presentation last time, but I thought before you do, I wanted to be most productive during the process of this meeting. We will certainly hear public speakers after we get done discussing everything, but I thought because of the language that was developed by the County Attorney's Office, in conjunction with your office, and certainly with staff, that between the three mikes, we could all -- everybody could get to a mike during this question-and-answer period, and we can get all the rebuttal and all the discourse going back and forth at one time instead of separating it out like we normally do.

Do you have any problem with that process?

MR. YOVANOVICH: I just wanted to briefly say, the way this worked since your last meeting -- and I'm glad it worked this way because we only had one person doing the edits, and it was the County Attorney's Office. So Heidi prepared a version that I believe is the 8/23 version that we're going to be working from today. We provided our comments to that version to Heidi, and we -- and Heidi and I and staff have discussed those changes, so there's very few changes to the version you have in front of us, and none of them are in disagreement between staff and us.

So hopefully there's not going to be a lot of rebuttal back and forth. I know you-all may have some questions, but at least the version you have before you today, together with the revisions Heidi's going to present to you as we go through it, have been -- have been reviewed and agreed to between the petitioner and staff.

There's maybe one example related to utilities later on that Heidi has not heard back from utilities yet. We'll explain why we want that changed. But with that exception, I think we're in agreement on what's going to be

presented by Heidi today, so hopefully that will reduce the rebuttal from us between us and staff and we'll, of course, address any questions the Planning Commission may have from the 8/23 language that you have.

CHAIRMAN STRAIN: Well, getting up early this morning, it did give me an opportunity to slowly read your document, your 50 pages again, and so --

MR. YOVANOVICH: Our 50 pages.

CHAIRMAN STRAIN: Not mine; yours.

MR. YOVANOVICH: Mine and Heidi's.

CHAIRMAN STRAIN: Okay. Yours and Heidi's.

MR. YOVANOVICH: Mine and Heidi's.

MS. ASHTON: Some --

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON: If I may, some of the questions you have may be answered as we go through the draft. The version that I've given Ray to put on the visualizer has yellow highlighting that shows where I changed it, because we had some difficulties with so many different copies in doing a red-line version that would capture everything.

So we're going to work off -- if it's acceptable to the board, work off the clean version that you received in your agenda package, and we'll go over -- you can see on the visualizer what was changed, and then we'll discuss any changes to that document.

I'd suggest we go that way, and then if you would like it, then you could open it up to general questions.

CHAIRMAN STRAIN: We're going to take it actually one or two pages at a time. The date on this, by the way, is 8/23/11; that's the version we will be reading off of for today's meeting.

And, Kay, if you don't mind using that mike over there so you can kind of stand ready, then we can probably expedite the method in which we ask all these questions.

MS. ASHTON: Okay. And there's one change before we even get to here because --

CHAIRMAN STRAIN: I've got some too. So go ahead.

MS. ASHTON: -- the ordinance that's in your package talks about partial repeal of the Swamp Buggy PUD, and the applicant had changed it or requested a full repeal. On an earlier draft I put "partial repeal" because it wasn't clear to me that that's what was occurring, that they wanted to repeal the older one, and since then they pulled in provisions from the Swamp Buggy PUD and requested the full repeal.

CHAIRMAN STRAIN: Okay. The -- I received a revision 8/8/11 with the packet that Ray's got on the screen right now as a cover.

MS. ASHTON: Right.

CHAIRMAN STRAIN: And in that one it said, "It is hereby repealed."

MS. ASHTON: The caption portion has the "partial repeal" language still in it, so I wanted to correct that for the record.

CHAIRMAN STRAIN: Okay. Thank you.

And, Richard, before we start, I'd like to ask staff just a couple general questions so the Planning Commission understands the -- I guess the magnitude of the project that we're discussing.

So, Kay, I'd like to make sure we understand how much square footage of a commercial nature, commercial retail or whatever, is being allowed on that project, just so we know the numbers. And from my notes I can see we have 327,000 square feet of retail; 70,000 square feet of general office and medical, 50,000 of which can be put on an adjoining parcel, which is R/MU, but the cap is still at 70-. We have a 92,000 cap for a hotel, but the hotel can be on Tract C or the BP tract. And we have 140,000 square feet for the BP, but if a hotel is not used on the commercial tract or the BP tract, the BP square footage goes up to 200,000.

Now, if you use the base numbers, you're looking at a maximum of 629,000 square feet. Are we on the same page?

MS. DESELEM: Those numbers sound, pardon me, like what I recall to be correct, and Heidi also has done some calculations. I want to verify that it matches what she has as well.

CHAIRMAN STRAIN: Okay. Heidi?

MS. ASHTON: The total commercial, including the BP and the hotel, is 627,500 is what I came up with.

MS. DESELEM: Yeah. And I think you said 629-?

CHAIRMAN STRAIN: Yeah. Now I had 327- for the retail, 70- -- this is important. I want to make sure

we're starting out on the same footage. It's 327- for the retail, 70- for the general office and medical combined, 92- for the hotel, and 140- for the BP.

MS. ASHTON: I have three twenty-seven five; is that correct, Rich?

MR. YOVANOVICH: Three twenty-seven five.

MS. DESELEM: Yeah, that's what I had, too.

CHAIRMAN STRAIN: Five hundred?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: So we're at 129,500.

Okay. Diane?

COMMISSIONER EBERT: Well, I believe Heidi had 90,000 at --

MS. ASHTON: Actually, I gave you the wrong number. It is 92- when I went and looked at the minutes.

COMMISSIONER EBERT: Oh, okay, okay.

MS. ASHTON: I can put my notes on the visualizer if that would help.

CHAIRMAN STRAIN: Please do. I want to get --

COMMISSIONER EBERT: So you've got 629-.

CHAIRMAN STRAIN: Well, we don't know yet. We've got 629,500 now. Now we've just got to see where it goes from there, but it's important.

MS. DESELEM: The 500 as well. That's what -- I'm looking at the DRI development order document, comparing it with that, and that's what it shows as well.

CHAIRMAN STRAIN: One hundred forty, ninety-two, seventy, and three hundred twenty-seven five. Anybody got a calculator? Because I've got that at 629,500.

MR. YOVANOVICH: That's what we have it as as well.

MS. ASHTON: Okay. Well, then my math is off.

CHAIRMAN STRAIN: Okay. So we're all in agreement six hundred --

MS. ASHTON: Which would be consistent with my PUD documents.

CHAIRMAN STRAIN: If you were to swap and go back and forth and whatever, the maximum square footage that is nonresidential, excluding the school use, will be 629,500.

MS. DESELEM: Yes, sir.

CHAIRMAN STRAIN: Is that kind of where we're at?

Okay. Go ahead.

COMMISSIONER CARON: Well, that's excluding both the school and any senior housing.

CHAIRMAN STRAIN: Well, the senior housing -- we're going to get into that in a minute. If senior housing goes into commercial, it comes off the commercial square footage. If it goes in through the conversion to residential, that's what we're going to get into next, that conversion.

So the commercial still stays the same, but if you use some of it up on senior housing, so be it.

MR. YOVANOVICH: Right.

COMMISSIONER CARON: And just, you know --

CHAIRMAN STRAIN: I haven't finished with -- what I wanted to go is density next. The density is 1,232 multifamily, and then if you take the conversion -- we'll do the maximum. If you take the conversions for the RV and the conversions for the senior housing, you would end up with 309 single-family, 290 RV, and 450 senior housing. Is that where we're at?

COMMISSIONER CARON: Could you run over the numbers one more time?

CHAIRMAN STRAIN: Okay. Twelve thirty-two for multifamily.

COMMISSIONER CARON: Multi, yeah.

CHAIRMAN STRAIN: Okay. Now, there's a conversion for RV and there's a conversion for senior housing. What I'm trying to determine, what is the maximum density? So let's use those conversions, because that increases the density. So if you take those conversions out of the single-family, that leaves you 309 single-family, and the conversion then adds 290 RV and 450 senior housing.

MS. DESELEM: That correlates with my numbers as well.

CHAIRMAN STRAIN: Richard?

MR. YOVANOVICH: Okay. I don't know how you got to your 1,232 number, because we start with --

MR. BELLOWS: It's in the PUD.

CHAIRMAN STRAIN: Well, if I've got a typo, I want to know.

MR. YOVANOVICH: We start with 1,760 residential.

CHAIRMAN STRAIN: Twelve thirty-two. It's on Page --

MR. YOVANOVICH: Hold on a second. We start with 1,760.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Of those 1,760, a maximum of those 1,760, of -- 1,232 could be multi-family.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: The difference is, you add whatever that number -- difference is, is what -- 528 will be single-family.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Okay. Then you can convert either multifamily or single-family to RV or senior housing. So I don't know -- so then you take -- so -- so we can go a maximum of 450 single of senior housing.

CHAIRMAN STRAIN: It's a one-to-one -- the conversion is the same.

MR. YOVANOVICH: It's four-to-one.

CHAIRMAN STRAIN: But it's a conversion; whether it's single-family or multifamily, it's the same.

MR. YOVANOVICH: Four-to-one, right. So I'd rather not talk about multifamily numbers and single-family numbers and concrete numbers, but density.

CHAIRMAN STRAIN: Okay. Well, then --

MR. YOVANOVICH: So let's -- I'm just trying to work through the math, if you'll be patient.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Four hundred fifty divided by four is what, 112 units, so you would reduce the 1,760 by 112, and then on the RV's you would do -- add that. Somebody's got to do the math. I'm just trying to make sure we agree to the same math numbers.

MS. ASHTON: It's 106 that I get.

MR. YOVANOVICH: We have to give up 106 more dwelling units to get to the 290. So 106 and 112. I'm just trying to make sure we got the same number.

CHAIRMAN STRAIN: We're at 310 rounded up instead of down, but -- okay. So you're about 310 single-family then.

MR. YOVANOVICH: No. Three hundred ten off the seventeen sixty.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So that's 1,450, right? Plus 290, plus 450. That would be what the max would be.

CHAIRMAN STRAIN: I want the number.

MR. YOVANOVICH: Is that right?

CHAIRMAN STRAIN: I want to get to it. I want staff to agree to it.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: I want the county attorney to agree to it. I want everybody to understand what it is. So let's go there again. What are we talking for total multifamily -- no, total density? Seventeen sixty for single-family after you take the deducts. You're looking at --

MR. YOVANOVICH: But we could take the deducts from the multifamily side.

CHAIRMAN STRAIN: I know. I'm just saying that. So let's take the residential -- after we take the deducts, the total residential, you're at 1,542; is that right?

MR. GARCIA: Fifteen forty-one point three.

CHAIRMAN STRAIN: Okay, 1,541. And to that you're going to add 290 --

MR. YOVANOVICH: RVs.

CHAIRMAN STRAIN: -- and four fifty --

MR. YOVANOVICH: Four fifty senior.

MS. ASHTON: Yeah. So you could do 1,541 single-family if you can meet the trips, or you can do up to twelve --

MR. YOVANOVICH: Thirty multifamily.

MS. ASHTON: -- thirty-two multifamily of those fifteen --

CHAIRMAN STRAIN: Number comes out to the same total I got, 2,281.

MR. GARCIA: Twenty-two eighty-one.

CHAIRMAN STRAIN: Are we all on the same thing?

MS. DESELEM: I think we got there.

CHAIRMAN STRAIN: Okay. Well, that's just an exercise to show you how difficult this document is to review.

MS. DESELEM: Trust me, I know.

CHAIRMAN STRAIN: Nick?

MR. CASALANGUIDA: If you're going to have those numbers, why wouldn't they be in the document?

CHAIRMAN STRAIN: Well, okay. We're going in a lot of directions here, and that's one of them I wanted to go in, but I also wanted to understand and I wanted to get it on record how they're perceiving the conversion. It looks like it's optional whether it's single-family or multifamily.

Does that make any difference to your -- I shouldn't say "your" department, the transportation department.

MR. CASALANGUIDA: It does in trips. It's a different trip generation.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: But the difference is, we've got a cap on the project trips overall, so we can't exceed that cap.

CHAIRMAN STRAIN: You're not using the mike.

MR. CASALANGUIDA: It's capped on trips, so there's a different generation between single-family and multifamily. So we -- as long as those project trips are submitted and stay the same, I don't have a problem.

CHAIRMAN STRAIN: Right. Okay. When -- so out of 2,281 units, multifamily and higher-density projects have less trips than single-family?

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: So they'll probably -- I don't know what the market's going to dictate to them, but how does the trips generated by motor homes and -- although senior housing is a much lower trip rate.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: Is the trip rate for motor homes higher or lower? It's got to be higher -- I mean lower, right?

MR. CASALANGUIDA: No, it's lower, I believe.

CHAIRMAN STRAIN: Lower, okay.

Kay, how's staff going to track this?

MS. DESELEM: Carefully.

CHAIRMAN STRAIN: Carefully.

MS. DESELEM: No, what -- I'm being facetious. The applicant will be required to provide a running total each and every time they submit for any county approvals, whether it be plat or SDP. We will be tracking it through that as well as through the PUD and DRI monitoring process.

CHAIRMAN STRAIN: And as far as the reference to the totals in this document, is there a scenario that would be better to have language added to the document referencing these maximums that all this tallies up to? Would that help or hinder staff, or is there a way to get that?

MS. DESELEM: I'm sorry. Would you --

CHAIRMAN STRAIN: We just established two maximum parameters for this project, that until we did this at this public meeting, I don't think anybody -- I don't think as many of us may have realized it. But we're talking about 2,281 for the total density and 629,500 for the total nonresidential square footage.

I just -- it's that -- those numbers do not appear anywhere in this document, and I'm just wondering, is it -- would it -- is there a way that they should appear? Is it something that would be helpful?

MS. ASHTON: I don't think so. I think it will create more confusion, frankly.

CHAIRMAN STRAIN: Okay. Well, now that we understand the magnitude of the project, we can continue talking about it.

MR. CASALANGUIDA: It's just -- not to disagree with the county attorney. If you combine that with the total trips in one statement, in no case shall this document exceed six hundred and twenty-nine five thousand (sic) and twenty-two hundred eighty-one, and the equivalent trips that were approved, then we know we have two thresholds



that we're looking at every time we review a submittal.

MR. YOVANOVICH: It's in there. In the land-use conversion -- Exhibit B talks about every one of the things you just talked about.

CHAIRMAN STRAIN: No. Does it provide the totals though, Richard?

MR. YOVANOVICH: It does -- no, it provides the individuals. It doesn't provide the total, but it does say that the whole project cannot generate more than -- the project, including commercial and residential, cannot exceed 3,328 p.m. peak hour trips. And that document -- it's in the document -- I don't know -- I mean --

CHAIRMAN STRAIN: No. I knew the trip cap was in there because --

MR. YOVANOVICH: Right. And then the individual caps are all in that document as well, you're right. We didn't add them up to come up to the 620, whatever was the number, and the --

CHAIRMAN STRAIN: But why don't -- why don't we put it in the same paragraph that trip number's in? That would help track everything. Because this has been a very confusing document. I don't even know if the agencies that reviewed it realize the capacities that we're talking about.

MS. ASHTON: The only thing that might be of assistance that I don't think would -- because I think the agreement -- or the PUD's about as tight as I could make it as far as removing ambiguity. But we could do an exhibit that has examples of development scenarios where, you know, you could do -- if they did the 290 RVs and they did the 450 housing, you know, senior housing in the residential, we could do different examples of how it could be developed. But once you start putting text into the PUD, it will create confusion.

CHAIRMAN STRAIN: Okay. Well, I would like to see something added to this document that at least explains as an example the maximum totals this project could get to with the provision that the cap on traffic impacts will not be exceeded regardless of the combination of square footage and density. Is that that hard to get to? I'm just -- is it -- would it be helpful? If it's not going to be helpful, I don't want to see it happen. I'm thinking it would be helpful for staff to track it in the future.

Ray?

MR. BELLOWS: In my opinion, that would be very helpful for staff in the future, especially if current staff isn't around to explain.

MR. YOVANOVICH: Can I suggest a location for that, if you don't mind?

CHAIRMAN STRAIN: Okay. Go ahead.

MR. YOVANOVICH: If you would go to -- I believe it's Page 17. I'm sorry. It's Page 18 on the August 23rd version. I would add a sentence at the end of the residential density that totals the number you just said, and then under the commercial at the end of that first paragraph, I would add the same number. We probably need to convert that 135 hotel rooms to the 92,000 square feet, or we could put it at the end of the next paragraph, either way, to come up with what your number is for the 600- and change for commercial -- potential nonresidential, put it there, and then we'd be fine.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON: Well, the problem is once you insert it, I don't think that I'm going to be prepared by the end of the meeting to have a legally sufficient document.

COMMISSIONER EBERT: They can do that.

CHAIRMAN STRAIN: Well, I'm not worried about that. I want it done right.

MS. ASHTON: Okay. I mean, because --

CHAIRMAN STRAIN: The most important thing is that we get this as clear as possible so that when it goes to the Board of County Commissioners with a recommendation, it's one that they can understand without having to spend two or three or four days trying to figure this project out. And I'm looking at this as a clarification not only for their benefit but also the benefit of the public and the members of the staff that have to review this in case the current staff disappears, all go on vacation or retire early, who knows.

But regardless, I think it's an important issue to know. And if it doesn't need to be here, I'm not forcing it. I'm just suggesting it. It sounds like Ray had indicated it would be helpful. Heidi, I think it just needs to be added.

MS. ASHTON: Okay.

CHAIRMAN STRAIN: If you and Richard can work out a way to add it, that's great, but it ought to get done.

Ms. Caron?

COMMISSIONER CARON: Yeah. Under the paragraph that talks about the peak-hour trips, I think that that's a little confusing, too, because it -- it's under a heading -- well, it looks like it's under a heading that talks about commercial intensity, and that's not it. It's the total project intensity. You have to read the whole paragraph to get down here.

But then the last line says that the hotel doesn't count against square footage, so does that mean it doesn't count against trips as well?

MR. CASALANGUIDA: No, trips are there.

MR. YOVANOVICH: No. We analyzed it in the trips. I'm just --

COMMISSIONER CARON: People don't look at the trip analysis when they're doing this, so --

MR. YOVANOVICH: And I know that goes back to --

COMMISSIONER CARON: So I just want to make it clear again that my only goal is to make it clear. And I'm not sure, I think it probably can be handled by a heading that says -- you know, where it says residential density, residential density and commercial intensity, then there should be another heading here.

MR. YOVANOVICH: I think you can move that sentence down, maybe put in bold "maximum trip generation."

COMMISSIONER CARON: Yeah, that's all.

MR. YOVANOVICH: And then we can move that sentence down there. That should be a pretty easy change to make.

COMMISSIONER CARON: Yeah. It just needs to look like it encompasses all of the above.

CHAIRMAN STRAIN: Okay. Well, let's move forward, make sure we've got all the general issues out of the way. And we can start -- and since these are double-sided pages, why don't we run it two pages at a time. Heidi, did you -- you look like you wanted to say something.

MS. ASHTON: You know, and if you're on the exhibit, I'll just explain briefly what the change was that I made to the documents.

CHAIRMAN STRAIN: Okay. We're going to start -- we're going to do Pages 1 and 2 to start with, so if you have -- why don't we start with your information on Pages 1 and 2, and then we can come back to the panel and see if there's any comments from us.

MS. ASHTON: Can you pull it away so they can see the whole page, or do you just want to see the language that I changed?

MR. BELLOWS: Up to you.

CHAIRMAN STRAIN: I think the language that you changed is all that --

MS. ASHTON: Okay. All right. The main change that was made right here with this yellow language is we eliminated the multifamily to single-family conversion and we called the residential units just residential units. So we eliminated a conversion, and the maximum units for multifamily took the 1,056, which was their anticipated number of multifamily, and then added the limitation of the 25-percent conversion, which came from a later exhibit, and that's when the total comes to 1,232 when you add those together.

So based on what they were proposing, the maximum multifamily of those residential units would be 1,232, and we made residential units sort of universal instead of classifying them as single-family or multifamily.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: And then I added a sentence that the county and developer would each maintain a master list of converted uses.

CHAIRMAN STRAIN: Okay. Do you have anything on Page 2? Let's let her finish, and then we'll jump into us, ourselves.

MS. ASHTON: Do you have a question on that page, Ms. Ebert?

COMMISSIONER EBERT: Yeah, but you finish.

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON: So you want to go to the second page?

CHAIRMAN STRAIN: Well, we're going to take two pages at a time, because that's how -- when we open them up, they're front and back.

MS. ASHTON: Okay. Then let's go to the second page.

CHAIRMAN STRAIN: And then we'll ask you all our questions at one time.

MS. ASHTON: Okay. So at the top part under senior housing we -- at the last meeting the definition was changed to "senior housing." And in talking with Ms. Deselem, we needed to have a definition of senior housing. So instead of saying "including but not limited to," we've put "limited to" so that we knew what we were talking about.

And I also changed the words to "derived from." I thought that was a little more clear. And land-use conversion factors, that was just using the correct -- the definition of what it was called on the later page.

And then I put in "the entire PUD" so that it didn't read that they could have 450 in this one as well as in the commercial.

CHAIRMAN STRAIN: Good.

MS. ASHTON: Then the Planning Commission had raised issues with the definition of "community facilities," so I changed it to "recreational facilities" to serve the PUD.

And we added the one-acre limitation for the state -- for the size of a lot they can have a horse, or two. So you can have two horses. You're not limited to one horse. But if you want one horse, then you can do that.

And then you can see here we separated out the RV tract to its own tract, is what you --

CHAIRMAN STRAIN: Okay. I'm sure there's going to be questions. Ms. Ebert, you wanted to start?

COMMISSIONER EBERT: I have a question, and it's starting out with acreages. I happened to pull the old PUD for the swamp buggy. It was 129 acres. In the development order it shows 61 acres, and on Page 1 of 50 it shows 47 acres. Why such a big discrepancy?

MR. YOVANOVICH: Well -- and I -- let me -- I'm going to put the -- I'm going to put a master plan up on the visualizer.

CHAIRMAN STRAIN: And wasn't the Junior Deputy part of the swamp buggy?

MR. YOVANOVICH: Yes. A couple of things. The Junior Deputies site was part of the Swamp Buggy PUD and so was lands north of Lords Way, which are now designated on our property either as BP or residential.

So you're right, the number was larger, but we own portions of the Swamp Buggy PUD, and we're developing those portions of the Swamp Buggy PUD as either business park or residential, so that's why the numbers are lower, because we're no longer having the Swamp Buggy PUD on the full acreage.

COMMISSIONER EBERT: Okay. That's all the questions on that, but also --

MR. YOVANOVICH: To address the last change that Heidi had put up there --

CHAIRMAN STRAIN: Well, let us ask our questions first --

MR. YOVANOVICH: Oh, I'm sorry.

CHAIRMAN STRAIN: -- unless, Ms. Ebert, did you have a question about anything else?

COMMISSIONER EBERT: No. When we get to that portion, I will ask.

CHAIRMAN STRAIN: Okay. We're on Pages 1 and 2. Does anybody have any -- go ahead, Ms. Homiak.

COMMISSIONER HOMIAK: While you're there talking about the acreage, in this Exhibit A at the top of the project land-use tracts, the acreage, the total, if you total those numbers up, is wrong, because it -- and it's mentioned in the master plan that there's 2 -- 2.51 acres of right-of-way in the commercial, and you've added that -- it's added twice here in this. There's a notation in the master plan that pulls it out.

CHAIRMAN STRAIN: What --

COMMISSIONER HOMIAK: But this is just the wrong -- it's off -- it's just the wrong total. I don't know if there should be some notation there to reflect what it is in the master plan.

MR. YOVANOVICH: I didn't -- to be honest with you, I didn't do the math.

COMMISSIONER HOMIAK: Commercial Tract C, you have it as 3,667.

MR. YOVANOVICH: Sixty-seven.

COMMISSIONER HOMIAK: And 2.51 acres of that is right-of-way, and then that's also in the -- included in the 72.01. So you've added it twice -- this just totals -- this totals up to two --

MR. YOVANOVICH: It's two acres more.

COMMISSIONER HOMIAK: -- 264.65, this total right here that you're looking at.

MR. YOVANOVICH: Okay.

COMMISSIONER HOMIAK: It's not what you have here is the total.

MR. YOVANOVICH: Okay.

COMMISSIONER HOMIAK: I mean, there just should be some notation. It's in the master plan. If we look on the master plan, it's right there.

MR. YOVANOVICH: Okay. We'll look at that, but I'll -- and we'll --

COMMISSIONER HOMIAK: It's just not correct.

MR. YOVANOVICH: We'll have an explanation as to why it is. Well, we'll look at that issue.

CHAIRMAN STRAIN: When?

MR. YOVANOVICH: Now. Dwight's going to do the math.

CHAIRMAN STRAIN: Okay. Because you've got a legal description attached to this document, and if the acreage is wrong --

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: -- it's going to change a few things, so we need to understand that.

MR. YOVANOVICH: But let us do the math calculation, and then I'll explain which or both is the right number.

CHAIRMAN STRAIN: Any question -- Mr. Schiffer?

COMMISSIONER SCHIFFER: Heidi, is a townhouse with three units or more multifamily?

MS. ASHTON: Yeah. The definition in the LDC is three or more units.

COMMISSIONER SCHIFFER: All right, thanks.

CHAIRMAN STRAIN: Melissa?

COMMISSIONER AHERN: Heidi, we discussed that they would have the ability to convert 65 percent of hotels to BP. Is that -- is that referenced in here, or are we leaving that out?

MS. ASHTON: No. I don't recall that direction, so that is not in there.

MR. YOVANOVICH: Yeah, it is. It's later. It's later in the document.

COMMISSIONER AHERN: Okay.

MR. YOVANOVICH: The -- yes, we do address the conversion.

COMMISSIONER AHERN: Okay.

CHAIRMAN STRAIN: Okay. Anybody else? When you come up with a total for your acreage, you need to do it off your legal descriptions that are on Pages 30, 31, 32, and 33. You've got 57 -- 58.5 acres -- do 2,320.6 less 58.5 acres. You may find it doesn't add up there either. Hopefully as you look at that we'll get to a result.

In your density discussion after your land-use tracts are laid out, the caretakers' units that appear on multiple tracts, last meeting I understood they are to be included as part of the density. Is that still correct?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. I may have missed it. As we go through, if -- wherever that is, point it out to me, if you don't mind. I'll try to catch it again. I made a note in each one of the references to caretaker that it needs to make sure we count them as density.

And, Heidi, your language under Tract R where you add "a developer and the county shall each maintain a master list of converted uses for this PUD," wouldn't the county just be accepting and verifying the list provided by the applicant? It wouldn't be our responsibility to maintain their projects' density. It would be them to confirm to us what it is and us to review it to make sure it's that way.

MS. ASHTON: The intent was that the county would maintain their own list, but that's really a staff question as to whether or not they're willing to do that.

CHAIRMAN STRAIN: Well, it just takes staff time to keep track of it, and I'm just wondering if that's what they intended to do, or there is a -- as we go into this document, one of the language changes I was going to suggest, that with every SDP and plat that's submitted they submit an updated density table. They had indicated they were going to, but they didn't -- I didn't -- the language isn't tied tight enough to SDP and plats. But if that happens, what else would staff have to do to maintain it? Why would staff need to be maintaining a list separate from what they're providing?

MR. BELLOWS: Well, through PUD monitoring, we want to make sure when the building permits come in that we don't exceed the approved totals. But if they are submitting those running totals with the -- each SDP or plat that comes in, that's one thing. But we have to make sure that what they've submitted is correct if we have to keep a master total.

CHAIRMAN STRAIN: Well, I understand you're going to keep it. I just want to make sure the responsibility for it lies with the developer, not with staff.

MR. BELLOWS: I think it has to be a combination though.

MS. DESELEM: Staff would not necessarily be generating the report. We'd be verifying the information on the report.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. The Tract RV issue -- and I don't know if, Richard, this is where you were going to go. Can we see the master plan that we're -- there wasn't a master plan in this revision that we've got?

MR. YOVANOVICH: And since speaking -- I'm sorry. Since speaking with Heidi, the way we're going to handle it on the master plan -- and you don't have this. We did this because this is the document that takes the longest to make the changes with the hope of staying on the consent agenda -- the area where it says R or RV, we had talked about at the last meeting, we can either do a residential project on that area, which starts right here where this dotted line is, or we can do an RV park.

So the way we handled it in the document it's R or RV on the master plan. If we do the RV, we follow the guidelines in the PUD applicable to Tract RV. If we do residential, we follow the guidelines in the PUD Exhibit A labeled Tract R.

MS. ASHTON: And the only change on here would be when you go to the block -- if I'm interrupting, please

--

CHAIRMAN STRAIN: No, go right ahead. We've got to get this accomplished.

MS. ASHTON: It says R or RV, and then residential or RV, that just needs to say RV and take out the residential over there in the block. You understand what I'm saying? Do you want me to go write on it over there so you see what I'm talking about?

CHAIRMAN STRAIN: Why don't you lower the screen. We can't -- oh, there it is on the bottom. Okay.

MS. ASHTON: So you've got R or RV in the depicted, and then over to the right where you've get your table, it says R or RV. That part just needs to say RV.

CHAIRMAN STRAIN: Because you already have R up above as residential.

MS. ASHTON: Yeah, because you already have R up above.

CHAIRMAN STRAIN: There's no need to repeat it.

MS. ASHTON: Yeah.

CHAIRMAN STRAIN: Yeah, I see what you're saying. I wish we could have gotten that map to review today, because there's a lot of fine print on there.

MS. ASHTON: So instead of R or RV, it will just read RV dash RV development area.

CHAIRMAN STRAIN: What has staff reviewed in regards to a master plan? What version have you forwarded to us to -- that we should be reviewing against today?

MS. DESELEM: The last version that we actually reviewed is dated 6/11. We subsequently received one that's dated 8/11, but we have not reviewed that one. And the one that Rich is showing you now is in addition to that.

CHAIRMAN STRAIN: 6/11 was the one that we got at the last meeting --

MS. DESELEM: That's correct.

CHAIRMAN STRAIN: -- that we discussed this project at, the one that had the errors in the references to leasable versus gross square footage.

MS. DESELEM: Right. That's the last one that we had. That's why Heidi was speaking -- that's why there was nothing included in your packet, because we didn't have an updated version. This was the only one we had.

CHAIRMAN STRAIN: You didn't submit an updated version to staff?

MR. YOVANOVICH: Yes, we did.

MS. DESELEM: Not until after our stuff went out, as far as I recall.

CHAIRMAN STRAIN: So that means you didn't send it prior to last Thursday?

MS. DESELEM: If I'm incorrect, I apologize.

MR. YOVANOVICH: Yes, we did.

CHAIRMAN STRAIN: He says he did. The reason I'm concerned is because I didn't have a master plan in my packet. So I ended up reviewing the one that we had the last time.

MR. YOVANOVICH: The changes -- and I appreciate that. And the changes that we made to the master plan were to incorporate the conversion formulas that we were provided in the 8/23 draft of the document and to take out the improper references to leasable language. Those are the only changes we made, and they were to reflect the documents that we received and we're working from today.

MS. ASHTON: Well, actually, there was one additional change which was to put R/RV.

MR. YOYANOVICH: Which is -- right, and then we -- because that's why one of the confusing comments that I had to Heidi was, we thought the direction was to address that section as R/RV, and now we're doing R or RV, which is fine.

CHAIRMAN STRAIN: Well, Richard -- okay. We've now talked about three different master plans; the one we started with; an interim one that apparently Heidi saw, and I know I've seen it; and the one that's in front of us on the screen.

Heidi, from a records perspective and approval perspective, if this thing flies today, what master plan is it that we're discussing, officially, for the record, that was provided with the proper notice to both staff and the public?

MS. ASHTON: Well, I mean, he's proposing the one that's on the screen.

CHAIRMAN STRAIN: I'm not asking what he's -- I know what he wants. I want to know what legally is sufficient.

MR. YOYANOVICH: Today's is sufficient. We make changes all the time to documents.

CHAIRMAN STRAIN: I know that, but we get them ahead. We get the document ahead, we converse with you at the meeting, and we make the changes at the meeting in a public hearing. We didn't get this one, all of us didn't at least, ahead.

I just don't -- I want to make sure we're on legally sufficient ground for whatever document we approve. Can you tell me what master plan it is that we should be using today?

MS. ASHTON: Well, my recommendation would be that you would use the one that you have in your package, which is the one that you got on 8/4.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: And then with their -- but the language on the text would have to be, you know, revised to reflect the updated conversions.

CHAIRMAN STRAIN: Right. And so depending on how we resolve things today, a new master plan can be developed, but you'll make the corrections to it; is that --

MS. ASHTON: But Mr. Yovanovich wanted that clarified that you could do -- he didn't feel that it was clear. But he wanted it clear that you could do either R or RV, and that was his direction.

CHAIRMAN STRAIN: Yeah. I don't have a problem with that. I think that works fine. I'm not arguing the point. I'm trying to make sure we have the right document. It does you no good --

MR. YOYANOVICH: I understand.

CHAIRMAN STRAIN: -- and it does this board no good if we don't have the right document that we're discussing at public hearings.

MR. YOYANOVICH: I understand, I understand. And hopefully we can take it -- when we get to Exhibit C, if we could take a few minutes to look at what we changed. I don't think it will take very long -- from what you've previously reviewed, to -- we'll blow it up large enough so everybody can see the reference, and we can take a few moments to go through it, and hopefully it will be okay, because the only changes to that master plan were to reflect the conversion formula, correct the language regarding gross area, and to put R or RV on there. So hopefully we can take a few moments to go through that, and we can all agree that this is okay.

CHAIRMAN STRAIN: Now, I'm not disagreeing with what you're proposing is the process. I just want to be as clear as possible on how we're going to get there.

By the way, this is going to be a lengthy discussion this morning. If members of the public are here to discuss this project and you run out of time, raise your hand, we'll try to accommodate you before we get to the end of our discussion so that we can fit you in. It's important we get any public input there is on this project today.

So with that in mind, let's keep moving forward. The Tract RV reference that you changed, Heidi, I think if we -- and I had a comment on it, that the tract does not exist on the master plan, because it was R/RV in the last one that we had.

MS. ASHTON: Well, on the one that went to you in -- at the 8/4 CCPC, I can put it on the visualizer, if you would like.

CHAIRMAN STRAIN: Well, the one that I think Richard sent out to us by email had R/RV, and that brought a discrepancy because you had Tract RV, not R/RV. That goes away with the new idea that we've now got.

MR. YOYANOVICH: Yes.

CHAIRMAN STRAIN: And so if the Tract RV is not used, it falls to the residential?

MS. ASHTON: Correct.

CHAIRMAN STRAIN: Okay. Does anybody else have any questions on Pages 1 and 2? Melissa?

COMMISSIONER AHERN: Under private stables on single-family lots, we'd discussed going to 30,000 square feet in lot area, and it looks like it reverted back.

MS. ASHTON: Well, the lot area's the one acre, which is 43,560, but you can have one horse per 21,780. So the lot area's one acre. So this means they could have two horses if they wanted to.

COMMISSIONER AHERN: Okay.

MR. YOVANOVICH: And in response to Ms. Homiak's comment, she's correct, the thirty-six six -- 36.67 should be reduced by the 2.51, and that will make the numbers jive --

COMMISSIONER HOMIAK: Okay. Thank you.

MR. YOVANOVICH: -- all the way around.

CHAIRMAN STRAIN: Okay. In your legal description on Exhibit D, I guess we can -- is that where you pulled the numbers from?

MR. YOVANOVICH: We compared the legal description acreage to the acreage in the Exhibit A and the acreage to the master plan, and with the reduction of those 2.51 acres from the Exhibit A numbers, they all will -- they will all jive.

CHAIRMAN STRAIN: Okay. So if you start out on the Exhibit D with 2,320.6 acres, your less-than-accept, your first one is 10.9. I believe that is 2,309.7. And your second less-than-accept is 47.6.

MR. YOVANOVICH: I know you did the math. They're just checking your math.

CHAIRMAN STRAIN: That comes out to 2,263.1; is that right or wrong?

COMMISSIONER EBERT: Wrong.

MR. YOVANOVICH: What did you have?

David says 2262 -- hold on.

CHAIRMAN STRAIN: 2320.6 minus 10.9. Does that come to 2309.7?

MR. NADEAU: Yes.

CHAIRMAN STRAIN: Okay. 2,307.7 minus -- okay, then it's 47.6. That comes to 23 -- 43 point -- no.

MR. YOVANOVICH: What's the number? Dwight, you're using a calculator.

CHAIRMAN STRAIN: 2,262.1, okay we're there.

MR. YOVANOVICH: Four one-hundredths.

CHAIRMAN STRAIN: Okay. And your removal of the 2.51, you're going to take it out of the commercial side, right?

MR. YOVANOVICH: We're going to take it out of -- Exhibit A on the commercial, that number will be reduced by 2.51. So that right number is thirty-four point --

MR. GARCIA: One six.

MR. YOVANOVICH: -- one six. Thirty-four point one six.

CHAIRMAN STRAIN: Okay. Pages -- let's -- some of these are going to go faster.

Pages 3 and 4, Heidi?

MS. ASHTON: The principal uses and accessory uses were added, but that mirrors the language that was under the residential since we separated out the tract. Then under the R/MU, the language was reworded to do the universal 1,760 units, and the 1,232 in the entire PUD shall be multifamily.

It allows for a conversion for housing or RV units where permitted. You had asked that up to 50,000 -- in the prior version it said 70,000 square feet can be medical office, so we switched it to 50- per your direction.

And then there's a subtraction of any of the medical-related office land uses that's in Tract C, and it also allows for a reduction of retail, because one of the uses is a retail use as you get -- later on.

Under A4, this -- which are multifamily dwelling units, that can be stricken, because it says -- defines multifamily as defined in the LDC above, so I struck out that language. Same comment as to the senior housing, limiting it so that we know what units we're talking about.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Just -- I'm not sure -- the line that says the residential units may be converted to senior housing units or RV units, I don't think they can be converted to RV units on this tract, correct?

MR. YOVANOVICH: Yes, they can. Oh, no, you're right. You're right, you're right, you're right, yes.

MS. ASHTON: That's why I put "where permitted," because it's only allowed in the RV tract.

COMMISSIONER CARON: Okay. But why wouldn't we just take it out of there altogether?

MS. ASHTON: Yes, we can take it out. That's a good point, actually.

COMMISSIONER CARON: Right?

MR. YOVANOVICH: We're taking -- in the up-above paragraph, we're -- it should read, "residential units may be converted to senior housing units."

COMMISSIONER CARON: Where permitted in accordance with --

MR. YOVANOVICH: And I guess you can get rid of --

MS. ASHTON: RV.

THE COURT REPORTER: Excuse me. One at a time. Sorry.

MR. YOVANOVICH: I think it should read -- I don't think you need -- I don't even think you need the "where permitted," because it's allowed. I think it would just say "residential units may be converted to senior housing units in accordance with the land-use conversion factors in Exhibit B."

MS. ASHTON: Correct.

So, Ray, Line 3, strike out "or RV units."

MR. BELLOWS: "Or RV units"?

MS. ASHTON: Yeah.

CHAIRMAN STRAIN: Okay. Heidi, you want to go to the -- continue?

MS. ASHTON: Okay. So then on Page 4, No. 7 is a retail use. So if that's developed in this tract, then the square footage will be reduced from Tract C. Then under B3 same change that we had under the residential, and then under the BP tract 140 square feet of business park and a hotel of 135 rooms. The minutes of your last meeting, Mr. Yovanovich capped the square footage at 92,000 square feet.

And then if a hotel is not developed in Tract C -- because a hotel is an either/or as this document is written. Then if -- there's different options for the hotel. You could have the hotel in either BP or C. If it's not in BP or C, then you can convert the hotel to 60,000 square feet of BP uses, and that's what's clarified here, I believe.

There is some language on the bottom part, if you move it up a little bit, Ray. This tract shall be permitted to be developed for either a business park or a school. The language that was there was "educational facility," and you might want to go back to the educational-facility language instead of the "school," because it seems throughout the document we're kind of differentiating between educational facility being, as I'm understanding it, a college or a private school, could be a public college, whereas, the school -- I think the use of the term "school," we were thinking, or at least I was thinking, more of a district -- school district public school.

So if you want to switch back to "educational facility" instead of "school" in this location, I think that would read with the intent of what they were seeking.

CHAIRMAN STRAIN: Donna?

MS. ASHTON: But it's up to you.

COMMISSIONER CARON: Yeah. I was just going to -- I was going to ask the petitioner what they meant, because it's confusing in places further on. I thought that, as Ms. Ashton did, that it was meant for a college or not for Mr. East- -- one of Mr. Eastman's school.

MR. YOVANOVICH: It's not, it's not. It's not meant for Mr. Eastman. You cannot have this property. But if we -- we could do two things on that property. We can do the business park, or we can do a school. And we want the same types of schools that can go on Mr. Eastman's tract, and that would be all the way up.

If we wanted to do, you know, kindergarten, first grade, all the way up through the university-type uses, we would put it on that business tract. That's why we objected to the use of word "private," because there could be a public facility that wants to go there on that site.

Later on we'll talk about some clarifications to a later portion of the document to make it very clear that our development-standards table are applicable to the business-park tract wherein it talks about schools. Those standards do not apply to Mr. Eastman's tract. So we'll clarify that later. But right now we can do any of the school uses allowed in the S tract on that property.

MS. ASHTON: So I would change it to educational facilities so it would read either a business park or educational facility or facilities. I don't know how much you could fit. But if the tract is developed as an educational



facility, only those uses permitted in 11 below will be allowed, and that takes you to the S tract. That's what that site is.

MR. YOVANOVICH: Okay.

MS. ASHTON: And that works.

CHAIRMAN STRAIN: Okay. Melissa?

COMMISSIONER AHERN: Richard, is that -- is this the 65 percent conversion? Is this where you were --

MR. YOVANOVICH: Well, no. Yes, yes. The previous paragraph was, yes, where we converted the hotel to 60,000 square feet, yes.

COMMISSIONER AHERN: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on Pages 3 and 4?

(No response.)

CHAIRMAN STRAIN: My turn. Let's go back to No. 5, Roman Numeral IV. The way that appears to be written, you can put up to 50,000 square feet of medical-related uses on the R/MU tract, but if you put any medical offices on the C tract, the 50,000's reduced by the quantity of square footage that you use on medical in the C tract; is that right?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Okay. So C will have an impact on RR -- R/MU based on how much square footage of medical you put on C?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Same thing with retail.

CHAIRMAN STRAIN: And, Heidi, on No. 4, where you took out "which are multifamily dwelling units" because of the reference to the LDC, I guess from Kay I need to make sure -- when we talked about this single-family attached dwelling being classified as multifamily, I thought the reason -- because it's a fee-simple sale. I thought the reason it's classified as a multifamily is because of the building code.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: The LDC also classifies it as multifamily, as single-family attached, fee simple?

MS. DESELEM: I believe it -- the way the LDC -- it goes by how many units are in the building. If it's three or more, it's multifamily. And it doesn't really get into how it's sold as to whether it's fee simple or whatever.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: Okay. What's a single-family attached, two dwellings together, fee simple; is that single-family?

MS. DESELEM: That would be like a two-family home, single-family attached.

MS. ASHTON: Single-family.

CHAIRMAN STRAIN: Pardon me?

MS. DESELEM: It's single-family.

MS. ASHTON: Single-family.

MS. DESELEM: If we can --

CHAIRMAN STRAIN: So a two-family and duplex dwelling is single-family?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: So duplexes -- all duplexes are single-family?

MS. DESELEM: Yes, pursuant to the Land Development Code.

CHAIRMAN STRAIN: Even if -- and they're all -- assuming they're fee simple?

MR. YOVANOVICH: It doesn't get into whether the ownership is done. It can be rental, it can be fee simple. It can be whatever.

CHAIRMAN STRAIN: Okay. Number 7 on the following page where it talks about drugstores and it reduces the retail square footage of Tract C, if the drugstore is medically related how does it -- does it impact the 50,000 square feet, or is that strictly office?

MS. DESELEM: I'm sorry?

CHAIRMAN STRAIN: On Tract R/MU --

MS. DESELEM: Yeah.

CHAIRMAN STRAIN: -- they're allowed 50,000 square feet of medical-related facilities. Are those office, or would drugstores be considered part of that 50,000 as well?

MR. YOVANOVICH: No. It comes out of the three twenty-seven five.

MS. DESELEM: Yes. It's retail. It comes out of the 327.5.

CHAIRMAN STRAIN: Even though it's medically related, it could go on R/MU, it does come out of the retail?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: So that means they're going to put a drugstore on R/MU. Can they have the drugstore plus 50,000 square feet?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: You know, this sidebar you guys are having, if you don't mind -- really, if you want to have a sidebar, then stop a conversation up here, let me know, and you guys can talk, but we need this paid attention to. This is a very complicated project. I don't want to make a mistake on it. So with that in mind --

MS. ASHTON: Okay.

MS. DESELEM: Okay. In response to your question, they could still have the 50,000 medical related, because that's a retail use. It's not considered medical office or medical use.

CHAIRMAN STRAIN: Okay. So R/MU -- and I'm -- the reason I'm pointing this out is because I thought there was some concern over a certain circumference around the hospital that had to be -- to medically related facilities, and if it's -- 50,000 is the cap, it's not really a cap on that R/MU. It's a cap as long as it's just office, but they could still have other medically related facilities that aren't office?

MR. YOVANOVICH: It's a distance requirement.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: It's not a -- it's not a square-footage requirement. So that's where -- that's how we arrived at the -- where the tract is located.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Okay. And then we talk about what can go on there up to 50,000 square feet of office, and we could have medically related retail as well in addition to the 50,000 square feet of medical office.

CHAIRMAN STRAIN: But it comes out of the cap of the 327-?

MR. YOVANOVICH: Yes, it does. Yes, sir.

CHAIRMAN STRAIN: Okay. On your Tract BP down below, here you've changed -- well, nobody changed it. The first sentence seems to say something different than I found it to be elsewhere on the project. Up to 140,000 square feet of gross floor area business park land uses and a hotel of up to 135, yet other references to the hotel say "wholly."

MR. YOVANOVICH: We can either put -- we can do one hotel up to 135 rooms and up to 92,000 square feet anywhere project. I can't do a 50-room hotel here at 40,000 square feet and then take the remainder and that square footage and put it in the commercial.

CHAIRMAN STRAIN: If you put --

MR. YOVANOVICH: I can do 100 -- I can do something smaller than 135, but I can't do --

CHAIRMAN STRAIN: If you put in a 70-room hotel --

MR. YOVANOVICH: I'm done.

CHAIRMAN STRAIN: -- at 50,000 square feet, you lose the balance of the square footage?

MR. YOVANOVICH: I'm done, yes.

CHAIRMAN STRAIN: Okay. So it's -- if you do any kind of hotel at all, you've put it in --

MR. YOVANOVICH: I don't get to convert it to business park. Is that what we're --

CHAIRMAN STRAIN: That's what I wanted to know.

MR. YOVANOVICH: I have nothing left over.

CHAIRMAN STRAIN: Okay. Can the business park tract be used for, a portion of it, a school and business park, or is it either/or?

MR. YOVANOVICH: It's an either/or.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: That's right.

CHAIRMAN STRAIN: Okay. Pages 5 and 6.

Heidi?

Ray, would you move us to --

MS. ASHTON: On 5 the only changes were under -- some of the uses were switched based on the CCPC direction, and that dealt with No. 16, which is the industrial and commercial machinery and equipment. I had on here that it was 3514 and 3599. I'm not sure if I have that on the right section, but there also was a change in the -- some of the uses for No. 17, the industrial and organic chemicals. My note says it was 2812 to 2819.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: So those were CCPC-directed changes.

CHAIRMAN STRAIN: I understand. Page 6?

MS. DESELEM: While we're on Page 5.

CHAIRMAN STRAIN: Yes, ma'am.

MS. DESELEM: I just wonder, since we've added a change for educational facility, if we should not, perhaps, add that as a use on the list of uses. We have educational services, but we don't have educational facility.

MR. YOVANOVICH: First of all --

MS. ASHTON: Actually, that was the sidebar that Mr. Yovanovich and I were having. If we can go back to that page, which is Page No. 4, Ms. Deselem raised an issue with using the term "educational facilities," because we do have an LDC definition for that determination, and that would require approval of the school board, so we're recommending that you go back to the language that is in your version referring to it as a school.

Now, if you have the language "a school," that means it could be a school district school or a private educational facility or a public, and I think -- I don't have an objection to those options.

CHAIRMAN STRAIN: Okay. So we'll just leave it as a school.

MS. ASHTON: Yeah. So that will stay as a school.

CHAIRMAN STRAIN: Thank you.

MS. DESELEM: And, again, that use is not listed.

MR. YOVANOVICH: It can't be because these use -- schools are not allowed in the business-park district. So we came up with the list. This list is supposed to be the list, the uses that are allowed only in the business park. If we go and do a school, our only allowed uses are those in Section 11. So there's no need to add school in here --

MS. ASHTON: Correct.

CHAIRMAN STRAIN: I just hope your --

MS. DESELEM: It's confusing.

CHAIRMAN STRAIN: -- your future Kay, or whoever happens to be in that position to review this down the road, realizes that, but --

COMMISSIONER EBERT: Mark?

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: I have a question. Is a public school, the criteria, what is the difference in criteria?

MS. ASHTON: Do you want me to answer?

COMMISSIONER EBERT: Yes, please.

MR. YOVANOVICH: Mr. Eastman can.

MS. ASHTON: The public schools have their own development standards, and it's governed by Florida Statutes and also an interlocal that we will probably be having. We had an expired interlocal that sets forth the school board review process, okay. A private school does not have that option. So that's the main difference.

And also when we get to your -- another development-standards table you'll be seeing that again as we go forward with the document.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on Pages 5 and 6? Melissa?

COMMISSIONER AHERN: Under No. 16, I had noted 3571 through 3579. Were you intending to have all of those or just 71 and 79?

MR. YOVANOVICH: The version I have in front of me says 3571 through 3579.

COMMISSIONER AHERN: Okay. Mine doesn't.

MR. YOVANOVICH: It doesn't?

MS. ASHTON: Which number are you on?

COMMISSIONER AHERN: Number 16. This one shows 35- --

MS. ASHTON: Three five one (sic) through 3579. Yeah, this version does not say "through."

CHAIRMAN STRAIN: We did --

MR. YOVANOVICH: It's supposed to be through.

CHAIRMAN STRAIN: -- talk about a problem with some of the heavy uses. What was the -- what are the numbers in between? What do they represent? I don't have my book.

MR. YOVANOVICH: Hold on. Let me go back to my handwritten notes from the meeting.

COMMISSIONER AHERN: I'm showing we dropped 3511 through 3599 and changed it to 3524, 3546, and then 3571 through 3579.

MR. YOVANOVICH: What I have in my notes was 3524, 3546, and 3571 through 3579.

COMMISSIONER AHERN: That's what I have.

MS. ASHTON: Yeah, and my notes had the comma --

MR. YOVANOVICH: It was a dash.

MS. ASHTON: -- from the CCPC. So I can -- we can change that to the dash if that's what you'd like.

CHAIRMAN STRAIN: Well --

MR. YOVANOVICH: We had gone through -- because it previously said 3511 through 3599.

MS. ASHTON: Correct.

MR. YOVANOVICH: And this was the list that we came up with at the meeting.

MS. ASHTON: Okay. Then we'll make that correction.

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: Okay, okay. Anybody else on 5 and 6? If not we'll go to 6 and 7 (sic).

And, I guess, back to you, Heidi.

MS. ASHTON: Okay. At the CCPC meeting you took out "paper and allied products," Groups 2621 through 2679, and plastic materials and synthetics, 2821 and 2834.

CHAIRMAN STRAIN: Ray, could you put Pages 7 or 8 up there, since you're going to keep up with it?

MS. ASHTON: Under transportation equipment, on No. 28, you took out SIC Code 3731. That was CCPC direction. Under post sale, trade nondurable goods, it formerly said 5111-5159, and that was switched to 5153. Then it said "limited principal uses." That was changed to "limited secondary uses."

Then under 7361 we added "no labor pools." The reason it's not showing up here on changes are those are the changes that both parties agreed to.

Then under hotels, I added the cross-reference so the hotels, the up to 135 rooms capped at 92 (sic) square feet of gross floor area if it's not developed in Tract C.

And the hotel square footage does not reduce. That's language that was added at the CCPC meeting. And then it goes on to the next page, if you want to go there.

CHAIRMAN STRAIN: Okay. Yeah, let's go -- finish the next page, and then we'll get questions.

MS. ASHTON: And then I added if the hotel conversion is applied to the BP tract, then a hotel is not permitted, just to make cross-references so -- for ease of implementation.

And then under Item C it was changed to "principal and limited uses" instead of "primary and secondary."

And then the commercial uses were tightened up so that you'd have the 327- and up to 70,000 gross floor area of professional and medical office, reduced by medical-related retail square footage approved in the BP. So you have one retail in the BP; it would offset this number, as well as any of the medical and office, 50,000 square feet of medical in the R/MU.

So, you know, you've got a couple uses that could be in several different tracts, and this attempts to clarify so that there's not a duplication.

Then you've got the ability to take up to 25 percent of the three twenty-seven, five and convert it to office.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: And that's what that says. And then I added the hotel if it wasn't developed in the BP or if the conversion isn't used. So the language was reworked there. So I just highlighted the whole thing. And there's a typo. It should be BP instead of PB.

CHAIRMAN STRAIN: Okay. Let's do Page 8 with your changes, if there are any, and then we can ask

questions about 7 and 8, to the extent there are any. Anything on Page 8?

MS. ASHTON: Is that for me, that question, Page 8?

CHAIRMAN STRAIN: Well, yeah. We're taking two pages at a time. The pages we should be on are 7 and 8.

MS. ASHTON: Oh, okay. So on 8, the agricultural use was taken out in the former draft. And you had requested some limiting language, which is in there only -- under No. 8, only billiard parlors, bingo parlors, marshal arts, and yoga instruction, bicycle and golf rentals is added since your last draft.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: And then -- let's see. Auto -- it's on this page. Auto and home-supply stores.

CHAIRMAN STRAIN: Number 10.

MS. ASHTON: Number 10, it was Group 5331, and that was changed per CCPC direction to 5211 through 5261 and 5531. And then under automobile parking, which is No. 12, that was added, the word including a "garage/automobile parking." That language, I believe, was there.

And then added -- "no towing yards" was added. And then under automobile repair, Number 13, the SIC codes were changed, 7513 to 7533 and 7536 to 7549 per CCPC direction. It was just 7513 to 7549.

And that's all that I'm showing.

CHAIRMAN STRAIN: Anybody have any questions on Pages 7 and 8?

COMMISSIONER CARON: This is one of your caretaker ones, isn't it?

CHAIRMAN STRAIN: Well, there's a caretaker listed here, but as long as that -- I'm going to -- hopefully they're going to point out where -- when we get to it that they're noted as included in density. I thought I saw it in the previous version. I just didn't remember seeing it in this.

COMMISSIONER EBERT: There is one in Tract C.

CHAIRMAN STRAIN: Okay. Pages 9 and 10. Oh, Melissa.

COMMISSIONER AHERN: Heidi, on No. 13, I'm showing 7536 comma 7549. Is it --

MR. YOVANOVICH: Dash.

MS. ASHTON: I have a dash.

MR. YOVANOVICH: It's a dash.

MS. ASHTON: My notes were dash.

COMMISSIONER AHERN: Okay.

MS. ASHTON: I don't know if anyone else -- did you have a dash or a comma?

MS. DESELEM: My notes indicate a dash as well.

CHAIRMAN STRAIN: Anything else for anyone?

(No response.)

CHAIRMAN STRAIN: Nine and ten?

Heidi, I think what we ought to do is, to expedite this a little bit, the changes that are in disagreement with anybody, why don't we focus on those instead of the --

MS. ASHTON: Okay.

CHAIRMAN STRAIN: I think we're pretty -- I mean, obviously a lot of us have read these, so if we have any issues we'll just bring them up. Any general text changes or any things like that that are different than just SIC numbers --

MS. ASHTON: Okay.

CHAIRMAN STRAIN: -- just assume that was caught. There was enough people looking at it.

MS. ASHTON: Okay, wonderful.

CHAIRMAN STRAIN: So is there anything on 9 and 10? I do have a question. You have some industrial uses here. And based on my -- and I believe this is a mixed-use activity center. And if it is, I can't see where industrial uses are allowed, according to the GMP. So I kind of need -- I pulled a section of the GMP that talks about this. It says, full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a maximum density," and then "community facilities and other land uses as generally allowed in the urban designation."

So I thought, well, maybe you can read into that that industrial is allowed. That worked until you read further in that same document, and then you get into another section of the document that does; under interchange activity center, it specifically says industrial uses are allowed there.

So I would assume then that it didn't mean them to be used in a regular mixed-use activity center but they only can be used in interchange activity centers. And if that's the case, your Nos. 31 and 32 on those two pages are industrial, and No. 69 on the next page over are in an industrial section of the code. Unless I'm -- unless I read the MUNI code wrong.

MR. YOVANOVICH: Those are -- I believe they're also allowed in the C5. And we're allowed any of the commercial -- we didn't -- we don't believe we went beyond anything beyond C5.

CHAIRMAN STRAIN: Okay. And I did pull up C4 -- C3, 4, 5 and "I."

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And I did that this morning at 4:30, so it may have been something I've missed. But we're going to take a break here in ten minutes, and maybe staff can check on Nos. 31, 32, and 69. They are -- I found them in industrial, but I would certainly love to have someone second check that for me. If they are in industrial, I think we have a problem with the way the GMP's written for mixed-use activity centers; if they aren't, then that's fine. So we'll check that during the break, which will happen in about ten minutes.

Heidi, do we have anything on Pages 11 and 12?

MS. ASHTON: On 11 and 12, the only changes that the kiosks were moved to an accessory use. Ms. Deselem asked that that be moved. It's more of a kiosk -- I mean, it's more of an accessory use than a primary use.

CHAIRMAN STRAIN: Okay. Anybody?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Ms. Ebert?

COMMISSIONER EBERT: On Tract A, the permitted uses, I'm having a problem with the part that talks about what you can do there, being this is down to, what, 47 acres now. You -- I have a problem with a stadium training with a -- professional baseball. This does not -- this tract also -- no traffic is counted in this PUD, in the regular PUD. But I have a problem if no traffic is involved and something like this goes in there, because there's definitely going to be a lot of traffic.

MR. YOVANOVICH: These are uses that are already permitted on the property. We've simply incorporated that PUD into this PUD. It's owned by someone other than us, and they are participating in the PUD, and we're just simply bringing -- carrying forward what's already in the Swamp Buggy PUD into this PUD. Since we're basically surrounding it, it makes no sense to have them be an island in the middle of the project. So those uses are being carried forward.

They agreed to the revision that prohibited outdoor shooting ranges, but they've not agreed to any other revisions to their existing PUD document.

COMMISSIONER EBERT: Well -- Mr. Casalanguida?

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER EBERT: In one of these documents, they talk about that none of the traffic from Tract A will be included, and I have a problem with that to the fact that if you put in a stadium in there -- and the other thing, they said they can have -- you're limited -- you shall not be limited to the number of occurrences. They can do other things other than the swamp buggy, which is six times a year.

If you can do -- you can have a county fair, you can have circuses, carnivals, and I understand that it was in the original. But if you go to a stadium, you are going to have a lot of traffic, and they don't want to count that in this.

I mean, they want to repeal it. They want to keep that in the PUD, but they don't want to account for the traffic.

MR. YOVANOVICH: No. What it said --

CHAIRMAN STRAIN: Well, I think she was directing the question to Nick.

So, Nick, why don't you try answering it, if you can.

MR. CASALANGUIDA: Sure. The trip cap does not include stadium-type uses. Those are typical special events. They'd be handled if they came in for a stadium application through the site development process. It's an approved use. We'd put the restrictions on there as part of that, I would think.

But it's not specifically called out in terms of a traffic impact, you're correct. They're carrying that use into the PUD document or the DRI. They're not accounting for it in the trip cap.

So, you know, if you're asking me if the trip cap applies to it, it would not. And how we would handle it, we'd review it. If they came in for a stadium, we'd probably do a special review on it and try and put some mitigating

factors to it. But it was not considered in terms of traffic.

MR. YOVANOVICH: They're still subject to concurrency and everything else. It's just not counted against our project. They're not getting out of any of the review and regulations applicable to us. It's just not within our 3318, I think it is. That's all.

MR. CASALANGUIDA: That's correct.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Nick, that is an approved principal use in the swamp buggy facility.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: When it obtained its right to be an approved principal use, did you guys consider its traffic impacts for stadium and professional ballfields at the time?

MR. CASALANGUIDA: I can't answer as far as, you know, when was it approved, if I looked at it, but --

COMMISSIONER EBERT: Eighty-four.

MR. CASALANGUIDA: Then I can't answer that question from 20 years ago.

CHAIRMAN STRAIN: If it was previously approved as a principal use in that location, then that means they were -- met concurrency. So how would you regulate concerns with their concurrency issues when they came in for an SDP?

MR. CASALANGUIDA: They met consistency, and there's two different reviews that are done. One is -- at the zoning is consistency, and concurrency is actually the development order. So they're still under the concurrency rules if they came in today and said, we'd like to put up a stadium. It's going to generate X amount of trips. We'd look at concurrency and site-related impacts as well, too.

CHAIRMAN STRAIN: Okay. So they'd have a right to use principal use, but they'd have to mitigate the impacts on the traffic?

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay. We're on Pages 11 and 12. Heidi, did you have anything else on those pages? If not -- or anybody else?

MS. ASHTON: I don't think so.

CHAIRMAN STRAIN: Okay. Let's go to 13 and 14.

MR. BELLOWS: You had that on 12.

MS. ASHTON: I didn't have anything. I didn't have any changes on 13 and 14.

CHAIRMAN STRAIN: Okay. Anybody else? If not, 15 and 16.

Heidi, did you have --

MS. ASHTON: I didn't have changes on those two changes.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: I have just a couple. Under 11, Tract S, schools, permitted use, B. You list various things as accessory. Most schools have recreational or sports uses as accessory. Were you not intending to allow that in this location in the school site? I mean, it's a pretty substantial area that those uses take up as accessory. So I think if it's an allowable accessory use, we ought to at least add it to the list.

MR. YOVANOVICH: Okay. So we added No. 5 for recreational facilities?

CHAIRMAN STRAIN: Yep.

MR. YOVANOVICH: I don't know if the definition in the LDC under educational facilities already addresses that or not. Tom would know.

CHAIRMAN STRAIN: Well, that kind of brings up another question. This is listed as Tract S, schools, permitted uses. Do we mean private schools or Collier County schools?

MR. YOVANOVICH: This is the Collier County public school site.

CHAIRMAN STRAIN: Okay. Why don't -- can we designate it as Tract S, Collier County school site, or something of that nature? Because that's the only thing it can be used for, right?

MS. ASHTON: Well --

MR. YOVANOVICH: This S tract --

MS. ASHTON: -- for the S tract, yes, but don't forget the BP tract cross-references the section, so that would apply to public schools, private schools. But the private schools can only go on the BP tract. The S tract is

exclusively for the school district.

CHAIRMAN STRAIN: I understand that. That's why I'm trying to make sure the S tract stays exclusively for Collier County School District.

MS. ASHTON: Correct.

CHAIRMAN STRAIN: So it doesn't say that. And if schools in the other BP mean an array of schools, someone might look at this and assume it means an array of schools because we're not saying it doesn't. We're not saying it's specific to Collier County. I was -- wanted to make sure it didn't get --

MS. ASHTON: Yeah, I understand.

CHAIRMAN STRAIN: Tom? See, here's -- the school has purchased other sites where they intended to put Collier County public schools on, then they found out they didn't really want to put a school there or it wasn't the right location or they had found a better location; it becomes surplus and you sell it off.

If it sells off and it doesn't go to Collier County schools, I would suggest that, for this one, this tract would then have to come in for a PUD amendment to see what use would go there rather than leave it open to any schools, so that's where I'm going is future protection.

MR. EASTMAN: I think that the way that it's written is acceptable to the school district. It also is consistent with the earlier language when we were talking about the conversion of the BP park to a school, which then would cross-reference this section. So I think that it's okay.

In getting back to the recreational facilities, those are actual part and parcel of a school. Schools include phys ed. classes, which are taken outside. So, in essence, I mean, it's -- a way to think about it is the classroom would be outside on a ballfield or something. It's part and parcel of the educational facility.

CHAIRMAN STRAIN: Okay.

MR. EASTMAN: It does help to have the additional language that you suggest, Mr. Chairman, for recreational facilities. I think it adds clarity.

Leaving it as written, I think, is acceptable to both the developer, the school district, and the County Attorney's Office.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: It's always read "schools, public or private," I believe, hasn't it?

CHAIRMAN STRAIN: Well, that's my next question. If Tract S could only be used for Collier County schools, then why are we saying "schools, public or private"?

COMMISSIONER EBERT: Yeah.

MR. EASTMAN: It relates to the cross-reference earlier for the conversion.

CHAIRMAN STRAIN: But I'm more concerned about this tract and in case you guys don't build a school there and you sell it off as surplus. Now, with that language in here, are we accepting then that this tract can be also a private school? Because if that's the issue --

MR. EASTMAN: You would be.

MS. ASHTON: Yeah.

MR. EASTMAN: You would be, yes.

CHAIRMAN STRAIN: Okay. That's --

MR. EASTMAN: That would be -- it would then be subject to the development standards which are set forth in Table 3.

CHAIRMAN STRAIN: Okay. Tract S can be a public or a private school, and we should look at it that way as far as uses go.

MS. ASHTON: Uh-huh.

MR. EASTMAN: According to the way that it's written, yes.

CHAIRMAN STRAIN: Then I think it's more important to have an accessory listed as recreational facilities as well, because not all private schools may do that as a principal use as you've described your public school doing it.

MR. EASTMAN: Correct.

CHAIRMAN STRAIN: Okay.

MR. EASTMAN: I believe your suggestion's a good idea.

CHAIRMAN STRAIN: Okay. Staff's position on Deviations 4, 7, and 8? I can't recall from the prior documentation, Kay; were you guys in agreement with those three? The only reason I'm bringing those up now is



they're in order of what they appear in this document, 4, 7 and 8.

MS. DESELEM: Give me a second to get a -- be right back.

CHAIRMAN STRAIN: Well, take your time. We'll take a break, and when we come back from break, we can answer that question and the industrial-use question as well.

We'll come back at 10:45 and move into that.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Everyone, if you'll please take your seats, we can resume the meeting.

I have a couple of announcements. First one is we have another project scheduled for this afternoon, and I know that some of the people involved in that project are watching intently trying to figure out what we're going to do.

MR. YOVANOVICH: Whose is this?

CHAIRMAN STRAIN: It is Pine Ridge Center West PUD. For those people wanting to know when it's going to happen, we're going to hear that one right now. Just kidding. I know. I wanted to see --

I don't see Wayne Arnold.

MR. YOVANOVICH: He's like, great, my opposition's not here.

CHAIRMAN STRAIN: Yeah, but I know Wayne's waiting patiently for that to happen. And for the benefit of those that really are trying to see if the Pine Ridge Center West PUD will be heard this morning, I can assure you it will not. So even if we were to finish this one miraculously in the next 15 minutes, we would have lunch and then come back and do the Pine Ridge West PUD sometime this afternoon.

So anybody waiting for that one, kind of hang out till this afternoon. We'll be good to go at that time.

The other thing is, for those people, members of the public that want to have any comment on this project -- and the ranks are thinning rapidly -- we will accommodate any comments you may want to have prior to lunch. So if you don't want to spend the whole day listening to this tedious operation, you can get at least your points made before lunchtime.

And with that in mind, let's move back to where we were. And, Kay, I think we left off with a question -- actually two questions that needed to be resolved by staff.

Kay's moving to the podium.

COMMISSIONER KLEIN: Get you some roller skates.

MS. DESELEM: Okay, I'm back.

CHAIRMAN STRAIN: Okay. How about the Deviations 4, 7, and 8?

MS. DESELEM: Okay. Staff is recommending approval of Deviation 4 with the stipulations provided in the staff report last revised 7/13, and those stipulations are that the boundary marker signs shall be limited such that the sign copy is limited to the overall project name and its logo and further limited to placement only on roadways that function as arterial or collector roadways.

CHAIRMAN STRAIN: Okay. Before we go to the next one, Richard, did you have any objection to that?

MR. YOVANOVICH: Yeah. You got to help me here. What page are we on?

CHAIRMAN STRAIN: We're on Page 15, but I can't tell you what version that you're looking at. We're looking at the version 8/23/11.

MR. YOVANOVICH: I'm told it's fine.

COMMISSIONER EBERT: I don't have that.

CHAIRMAN STRAIN: It would be No. 12, signs, Page 15, Item A.

MR. YOVANOVICH: We're fine.

CHAIRMAN STRAIN: Okay. So if you are fine with staff's stipulations, I don't -- Kay, does the language in the PUD reflect your stipulation?

MS. DESELEM: No, it doesn't.

CHAIRMAN STRAIN: I didn't think so. So we need the PUD updated to their stipulations.

MR. YOVANOVICH: Okay.

MS. DESELEM: Deviation 1 was withdrawn, so --

CHAIRMAN STRAIN: Well, I'm only concerned with 4, 7, and 8 right now.

MS. DESELEM: Four you got -- and 7 and 8 we recommended approval of as proposed.

CHAIRMAN STRAIN: Okay. So it's only Deviation 4 that we need to take care of in the PUD.

MS. DESELEM: Yes.

CHAIRMAN STRAIN: Okay. Now, what about the industrial uses in the mixed-use activity center?

MS. DESELEM: The staff and the applicant checked online for the LDC, and have found that all those uses are commercial uses. They are allowed in some fashion in either C4 or C5 as well as industrial. Some were listed both places.

CHAIRMAN STRAIN: You know the book that you guys printed out with all the zoning references in it? I have a copy of it. I looked at that this morning, and I specifically went to these uses. For example, construction specialty trade contractors; that is verbatim out of the industrial category. If you go to C4 -- I think it's C5, actually, there's a few specialty trades listed individually but not the range that's listed in No. 32, as an example.

MS. DESELEM: What --

CHAIRMAN STRAIN: I'll redo it at lunchtime. I mean, I looked at that -- I went through that three times because I knew I was going to bring it up today, and unless the documents you gave me are wrong, I can't understand why we are not in unison on this, but --

MS. DESELEM: I think I can help kind of clarify the mystery. The way it is here in No. 32, they're listed as construction special trade contractors. But if you go back to the LDC and you look at those specific groups and the names of the uses that are allowed there, that's what's listed in C5. It's not listed as just construction special trades.

CHAIRMAN STRAIN: But the range of SIC codes, that's what I'm concerned about. For example, there is a -- in C5, you can be an electrical specialty contractor, but that isn't 1711 through 1793 and 1796 and 1799. That's one specific number of the full range there.

They've got a full range here, and that was -- the only time I saw that was under industrial uses, but I'll try to -- well, I haven't got my book with me. I'll figure out what to do over lunch, and if I --

MS. DESELEM: I was going to say, we looked online. Staff and the applicant jointly looked online. Ray's notes on my sheet show that it's all in C5, all those uses, 1711 through 1793 and 1796 and 1799 are allowable in C5.

CHAIRMAN STRAIN: And printing -- the printing, publishing, and allied industries are as well?

MR. NADEAU: Yes.

MS. DESELEM: Yes. And, again, they were listed seemingly under some of the names within those groups, not just under printing, publishing, and allied industries.

CHAIRMAN STRAIN: Okay. Well, what would be the difference then if we listed it in C5 with a series of individual names but we listed it in industrial with the full range? What difference did it make then? Why do we do it like that?

MS. DESELEM: I can't answer that. I don't know how it was designed.

CHAIRMAN STRAIN: Well, the document that you guys gave me was -- remember when we had that table that everybody complained about?

MS. DESELEM: Yes.

CHAIRMAN STRAIN: And you guys said, you know, this is too difficult. Let's convert it to a text formatted zoning district where everything is listed. And even -- it's redundant. Instead of C3 being everything in C2 plus the following, you went ahead and listed everything all over again.

Well, I have that document, and that's what I pulled this from this morning. And I'll find it. But that was -- that document was done specifically to be very -- to clarify things that the tables didn't do.

What are you looking at online? Are you looking at tables or are you looking at --

MR. NADEAU: Uses.

MS. DESELEM: They are looking at the MUNI code website --

CHAIRMAN STRAIN: Well, I know, but is it broken down by zoning district, or is it the table again?

MS. DESELEM: Oh, and it's not the table, no. It's broken down by zoning district. But for example, instead of looking at printing and publishing, you have to look under one of the uses in there, which it begins as newspaper. So when you -- so you have to kind of go back to the SIC code manual, find the uses that are listed here within those groups, and then go back and specifically look for those uses.

CHAIRMAN STRAIN: So if I go to 2711 and I see a news group there or newspaper, whatever, newspaper printing, that's going to cover everything in 2711? Because this category says everything in Group 2711 and 2721.

MS. DESELEM: My understanding is they looked and they were there.

CHAIRMAN STRAIN: Okay. Well, I'll try to figure out why I didn't find it the way you have. Okay.

COMMISSIONER AHERN: Mark?

CHAIRMAN STRAIN: Let's move on to Page 17 and 18. Melissa?

COMMISSIONER AHERN: My document on Page 15 under signs, it's referenced in Deviation 4. And on Exhibit E, Deviation 4 is relief from fence and wall heights. It seems like Deviation 3 is referencing boundary markers.

CHAIRMAN STRAIN: What page is your -- are you referring to where the deviations are listed? Exhibit E is Page 34.

COMMISSIONER AHERN: Page 34.

CHAIRMAN STRAIN: Right. You're right. Deviation 4 is listed. Well, that's -- good catch.

MS. DESELEM: If I can back up a minute. Dwight just pointed out that they have made the changes for the sign. The stipulations are on Pages 19 under sign development standards. Under the boundary markers, it's the first bulleted item.

CHAIRMAN STRAIN: Okay.

COMMISSIONER AHERN: That also referenced Deviation 4.

CHAIRMAN STRAIN: Yeah, still -- and then how do we correct Melissa's issue?

MS. DESELEM: I'm sorry. Would you repeat what --

CHAIRMAN STRAIN: Turn to Page 34 and look at Deviation 4.

MS. DESELEM: Okay. They changed the number of the signs?

COMMISSIONER AHERN: It should be Deviation 3.

MS. DESELEM: This is -- what happened is when they removed Deviation 1, they renumbered them, so now all references are incorrect.

MR. YOVANOVICH: We just need to cross-reference and make sure we got it right.

COMMISSIONER AHERN: Just need to -- yeah, just change it to 3.

MS. DESELEM: Because we used to have nine deviations. Now we have eight. Yeah, that's just -- we can fix that.

CHAIRMAN STRAIN: Okay. Good catch, Melissa.

Let's move to Page 17 and 18.

Heidi, do you have any changes on 17 and 18?

MR. YOVANOVICH: I think I might.

CHAIRMAN STRAIN: Heidi, did you have any changes on 17 and 18?

MS. ASHTON: Pages 17 and 18?

CHAIRMAN STRAIN: Right.

MS. ASHTON: There were some changes, but we've already discussed them.

CHAIRMAN STRAIN: Your mike isn't working for you.

MS. ASHTON: I'm sorry. The changes we've already discussed on previous pages, except there is a typo that's indicated on there, Page 1232 (sic) -- not page, but 1,232 units.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: On Page 17.

CHAIRMAN STRAIN: That was 17. You mean 18, right?

MS. ASHTON: And then on 18 there's also a typo for 1,232. The applicant -- it's not reflected on this page, but the applicant requested a change to the residential density section so that it will read exactly the same way as the DR (sic) is read, and that's acceptable to staff as well as me. And I can read that in or, Rich, you can read it in if you've got it in front of you.

CHAIRMAN STRAIN: We can read it.

MR. YOVANOVICH: You can read it?

CHAIRMAN STRAIN: Yes. Blow it up a little bit.

MS. ASHTON: I can read it in if you'd like.

CHAIRMAN STRAIN: Do you want to -- is it necessary to read it in?

MR. YOVANOVICH: It's verbatim -- it's verbatim what you've already seen in the development order, so we just thought we'd use the same language. We thought it was a little clearer --

MS. ASHTON: Why don't I read it in.

CHAIRMAN STRAIN: Okay.

MS. ASHTON: It will say one residential unit equates to 2.73 recreational vehicle units/spaces, paren, not to exceed 290 RV units in the entire PUD, or four senior housing units not to exceed 450 senior housing units in the entire PUD, and up to 1,232 of the total 1,760 residential units may be multifamily as defined in the Land Development Code.

MR. YOVANOVICH: And we would recommend add the sentence here, the total residential density set forth in this paragraph shall not exceed, what -- 2,281.

CHAIRMAN STRAIN: I think that would be a good idea.

MS. ASHTON: I'd rather not start inserting things into the text.

CHAIRMAN STRAIN: Well, we're going to insert it somewhere else then?

MS. ASHTON: Well --

CHAIRMAN STRAIN: I mean, didn't we already talk about that?

MS. ASHTON: Well, if we're going to do it on consent -- because I can't --

CHAIRMAN STRAIN: Well, we are going to -- I mean, right now -- okay. Consent -- the whole idea of waiving consent was talked about, and I very specifically told Mr. Yovanovich personally I couldn't commit to that, and I don't know about the rest of this board, because it is the board decision.

So at the end of the day today, whether we go on consent is irrelevant in the process to make the process right. So I'd rather we not consider, oh, well, this might stop it from going to consent or this might make us go to consent. Let's just get the corrections on the record. We'll tally it up at the end of the day and see how severe it is and whether or not we feel comfortable or not. That's the best way to approach it.

So I'd rather see the best language going in in regards to the consent issue than avoiding it because we don't want to -- we want to avoid consent. Okay.

MS. ASHTON: I'd rather use the examples and show by example what it can go to, because you already have in there residential units of 1,760, and now you're going to put two thousand and something else. I personally think it creates confusion.

CHAIRMAN STRAIN: Okay. How did you propose adding the example to the document? Where? In what manner?

MS. ASHTON: Well, I thought it should be on a separate exhibit, "see exhibit," but you proposed that it be on these two pages, and I would say --

CHAIRMAN STRAIN: No.

MS. ASHTON: -- examples of development could include, and show 290 RV units, 450 senior housing if it comes out of residential, and then 1,541 residential units is an example, and then other versions. I would actually do, this is how it could be developed.

CHAIRMAN STRAIN: Okay. A little correction. I don't think we suggested it be done a certain way. Richard did. I didn't hear an objection at the time, so it seemed like an okay way to go. If there's a better way to go, that's the way we want to go.

Richard?

MR. YOVANOVICH: My thought is this: How about if we added a sentence that says, if the maximum conversions are utilized --

CHAIRMAN STRAIN: You're a little hard to hear, so if you --

MR. YOVANOVICH: How about we add at the end of that sentence that says, if the maximum conversions are utilized, the total residential density set forth in this paragraph shall not exceed whatever that number was that I can't remember, twenty-one something -- 2,281. Because you could have a gazillion permutations.

But we do know that the worst-case scenario, if we maximum all the conversions, it can't go beyond 2,281. And then a similar type thing in the next paragraph when we talk about nonresidential uses. Under the maximum development of nonresidential uses, that number shall not exceed six --

MR. GARCIA: Six twenty-nine five.

MR. YOVANOVICH: Six twenty-nine five. And then as Commissioner Caron recommended, take out the maximum trips, create a separate paragraph that says, in no event shall the development within this project exceed those number of trips. And I think -- I don't think it's that hard to do. I don't think you need the caps in there anyway, but some people do believe you do need it. So I think those two simple sentences would address that issue.

And I would hate to -- if things keep going -- because we haven't really made very many changes so far -- there may be more later. But if we're tracking like it is now, those two simple sentences could address that concern.

CHAIRMAN STRAIN: Well, I think the clarity that we're asking for is needed, and I think later today you might find out some reasons why it's so vital to have that clarity. In the meantime, I want to make sure the clarity is provided in the most efficient and legally sufficient manner. And I'm going to ask the county attorney what they -- what she sees is the best way to do that, and that's the way we're going to go.

Heidi?

MS. ASHTON: I still think -- I still think -- excuse me, tongue tied -- that the best way to do it is through an example. If you want to put the maximum-density language that Rich wants, then it would have to say, when you add up the RV units, residential -- single-family residential, the multifamily residential, and the senior housing units -- it would have to identify that all those things are added up to come up with the maximum density, and then that would be acceptable, although I don't know that that would provide the clarity you're seeking.

CHAIRMAN STRAIN: How would that exhibit then be referenced if we didn't add text to the document?

MS. ASHTON: You would just use samples. If the 290 RVs built and this -- and actually show how the calculation is; that's how I would set it up.

CHAIRMAN STRAIN: But you'd have to reference that the exhibit exists elsewhere in the text.

MS. ASHTON: Yeah. You would know right -- you would say, you know, please see -- or, you know, see Exhibit, whatever number we're up to, I or J, for examples for development, and it wouldn't -- a limit then would have to be listed so it's, you know --

CHAIRMAN STRAIN: Tom had his hand up first, then Donna, then Melissa, because I'd like to get the -- everybody needs to weigh in that wants to on this one.

Tom?

MR. EASTMAN: Mine is on a separate issue, but it is on Page 17. So I think you should resolve this issue and the comments there, and then --

CHAIRMAN STRAIN: Then come back to you?

MR. EASTMAN: Yes, please. Thank you.

CHAIRMAN STRAIN: All right. Donna, Melissa. I know, Nick, you wanted to contribute first or --

MR. CASALANGUIDA: I'm not sure we don't want to make this as simple as possible. There's a sentence that starts on Page 18. "In no event shall the project exceed 3,320 p.m. trips (sic), or through the conversions exceed 629,000 square feet commercial, or two hundred and -- thousand, two hundred and eighty-one (sic) residence units.

I don't know where this is becoming so hard. It's just -- to me that's a simple sentence. I understand it, and I think staff could understand it. You have two thresholds.

CHAIRMAN STRAIN: Well, we're going to get all the input. Okay. Donna, and then Melissa.

COMMISSIONER CARON: Well, I would agree with keeping it simple, Nick, but because these conversions are pretty complicated, you may need a little more than that one sentence in order for somebody in the future to understand.

I thought the goal was to make sure that under a headline that says "maximum density and intensity" someone could read that section and figure out what the maximums actually could be.

I don't have a problem with the language that Mr. Yovanovich wants to add after those sentences. I'm not so sure there shouldn't, right under this paragraph somewhere, be -- I mean, could be some sort of chart that would guide you as to how those calculations get made.

MR. YOVANOVICH: Well, we had that. We had a chart, and that confused everybody.

COMMISSIONER CARON: And I thought --

MR. YOVANOVICH: So we took the chart out. And I really do think you can say, by way of example, if you have 290 RV units, 450 senior housing units, you can only have X number of residential units, for a total of 2,281.

CHAIRMAN STRAIN: Melissa?

COMMISSIONER AHERN: I was going to make the same comment that Nick did to simplify it, because it seems like it's starting to get a little convoluted.

CHAIRMAN STRAIN: Well, I think the hundred pages in front of us are a little convoluted, to be honest with you. But anybody else want to comment on this issue?

COMMISSIONER EBERT: Commissioner Strain, will that change the 0.78 dwelling, the density, if you do the 2,281?

CHAIRMAN STRAIN: Well, I think the density is the conversion issue, but I'm not sure.

Nick, how would staff look at that, or Kay or Ray or -- I mean, Nick looks at a lot of things with a --

COMMISSIONER EBERT: Different eye.

CHAIRMAN STRAIN: -- tainted glass of transportation, so --

COMMISSIONER EBERT: A different eye.

CHAIRMAN STRAIN: If we're looking at density, does that change the -- that's a good point.

MR. CASALANGUIDA: Well, it's residential. They're all considered residential units per -- you know, when you get into RVs and assisted living, so I guess your density calculations would change.

COMMISSIONER CARON: It does change it. It goes from .78 to .99, I think it is. And, yeah, again, if you want to add a line that says that. I mean, I think it's always better to be right and to be specific, you know, so that somebody can't then say, wait a minute. You can only have .78 of density.

MR. YOVANOVICH: I understand.

COMMISSIONER CARON: I don't care that it says somewhere else.

MR. YOVANOVICH: I can only speak from experience. When we've done other projects that are residential and senior housing, we have never changed the PUD to say, if you convert some of your residential units to senior housing, your density went from 3 units per acre to 3.4 units per acre. We've never done that. I don't mind doing it. I'm just saying we've never done it.

Where you run into the problem is when you're in the urban area, you're capped at four units per acre. If you convert, you're going to be more than four units per acre, and now are you inconsistent with the Comprehensive Plan? We've never had that issue before.

CHAIRMAN STRAIN: Ray?

MR. BELLOWS: Yeah. For the record, Ray Bellows. The county has always applied a conversion factor, so to speak, for assisted living, congregate living facilities. And the typical conversion factor is, for every acre of residential uses you convert it to an ALF facility, you subtract that conversion factor, and it's typically three something to four units per acre -- three-to-one.

So that way you're not affecting the project density, because you're subtracting that number of dwelling units from the maximum permitted residential units in that project.

So if five acres are subtracted for an ALF, you take that density, subtract that number from the maximum number of dwelling units allowed, that way you're not affecting density.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON: As the document's currently written, it's clear. I understood exactly what was proposed to be developed. As you start to add more and more language, it's going to lack clarity. I know you're trying to achieve clarity, but I think you'll have the reverse effect.

If you want to show sample calculations of how this is implemented, I don't have a problem with that, but once you start adding more language and making it even more complicated, when you're starting with a very complicated document, I would caution you.

CHAIRMAN STRAIN: Okay. We need a consensus from this board because we've got to either do it or not do it.

Melissa, which way you want to go?

COMMISSIONER AHERN: As -- leave it as is.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Leave it as is. Stay with traffic.

COMMISSIONER MIDNEY: As is.

CHAIRMAN STRAIN: Okay. Donna?

COMMISSIONER CARON: I think there needs to be some sort of clarification. I'm not so sure we shouldn't wait until the end to -- for everybody to actually think and -- think about language, too, because --

CHAIRMAN STRAIN: Well, we can always bring it up at the end again, but I just -- and I don't know if it needs further discussion right now, so I'm trying to get past this so we can go on to something else. Would you want to leave it like it is or see it clarified?

COMMISSIONER CARON: No. I'd rather have some sort of clarification.

CHAIRMAN STRAIN: As would I.

Diane?

COMMISSIONER EBERT: Clarification.

CHAIRMAN STRAIN: Karen, I'm sorry. I went right by you.

COMMISSIONER HOMIAK: You were so excited. It's okay.

CHAIRMAN STRAIN: Okay. Barry?

COMMISSIONER KLEIN: I can leave it as is.

CHAIRMAN STRAIN: Well, right now it stays as is based on the majority. We'll see if there's any changes during the motion, whatever occurs later today.

Let's move on.

MS. ASHTON: May I make a proposal?

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON: I mean, you're welcome to use -- you know, correct my calculations and using those as a sample. And I can put it on the visualizer if you want to see what it looks like.

CHAIRMAN STRAIN: Well, let's hold on that discussion until later in today. I don't want to keep kicking this one around. We'll move forward, and as the day wears on, we might have a different attitude or different opinion later on.

Tom?

MR. EASTMAN: Ray, could you please put up the change page for Page 17.

My request is an additional revision on this Page 17, and it begins with the paragraph that begins with, Table 3 below sets forth the development standards for the business park land uses and the school land uses within the MPUD.

I think we need the clarification that we've discussed previously that this does not apply to the Collier County Public Schools. If we could have that expressly stated in that sentence, I think it would help in the clarification.

MS. ASHTON: It is addressed later on when we get to later pages, but --

CHAIRMAN STRAIN: But I think one more -- just continually clarifying it wherever it occurs can be --

MR. EASTMAN: I would certainly appreciate it. It's Page 17.

CHAIRMAN STRAIN: So what you're -- can tell us, specifically where it says "school land uses," you're referencing --

MR. EASTMAN: We -- okay. Heidi's agreed that at the end of the sentence where we say "within the MPUD," we can say, "however, these development standards shall not apply to Collier County Public Schools."

CHAIRMAN STRAIN: Okay. Richard, do you have any objection?

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: That's a weak "no."

MR. YOVANOVICH: I'm a weak man right now.

CHAIRMAN STRAIN: You know what, you created this monster.

MR. YOVANOVICH: I'm not -- I wasn't quite finished with our changes on the land-use conversion factor, when you're ready.

CHAIRMAN STRAIN: Okay. Well, Tom got his point in. What's your further discussion? I'm not finished with it either. We haven't gone to our questions, but what's your question?

MR. YOVANOVICH: Under the senior-housing intensity.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: It says, the intensity of any senior housing unit shall have a maximum floor area of .6. I think we really meant to say "senior housing project."

MS. ASHTON: Yeah. Actually, it does show the handwritten changes on the visualizer.

MR. YOVANOVICH: And this is agreed to -- this has been agreed to with staff. I just -- you don't have it, so I just wanted to go through it.

CHAIRMAN STRAIN: Okay. Well, the upper change involving the school, the word "private education facility," that's one we're going to be making, too?

MR. YOVANOVICH: Yes. The "private" comes out for school.

MS. ASHTON: And then the other change on here that you mentioned earlier would be to add -- at the very bottom before operational characteristics, it will be bolded and say, "total project intensity," semicolon, and the sentence that's actually in the first full paragraph that's on the visualizer will be moved: In no event shall the project exceed 3,328 p.m. peak hour trips. So there'll be a new paragraph that says "total project intensity," bolded, colon, and then the sentence will be moved to the end.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on 17 and 18?

(No response.)

CHAIRMAN STRAIN: In the two paragraphs above senior housing intensity it talks about conversions, and I think that the second sentence, the developer shall also be allowed to wholly convert the hotel development opportunity of 134 rooms not to exceed 92,000, to 60,000 square feet of business park -- and that, again, means that you can't build a smaller than 92- -- 135-room hotel and get any conversion to business park.

MR. YOYANOVICH: Correct.

MS. ASHTON: I didn't catch what you said, Mark. Could you repeat that. I couldn't find where you were.

CHAIRMAN STRAIN: Yeah. He -- two paragraphs above the senior housing intensity.

MS. ASHTON: Oh, above it, okay.

CHAIRMAN STRAIN: See the second sentence; it starts with the word, "the developer."

MS. ASHTON: Yeah.

CHAIRMAN STRAIN: It's talking about wholly convert. I just wanted to make sure that, based on the prior discussion, the entire hotel or even a piece of it gets built, they don't get any conversion at all for BP, so --

Pages 19 and 20, anybody?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And we'll -- I think -- I want to talk about the alley design, but let's talk about that when we get to the pictures of it. But, Rich, what we do -- in commercial you're allowed mixed use. What kind of development standards would a mixed-use project have?

MR. YOYANOVICH: I think we went back to what we discussed was the minimum setback was 25 feet, right? I don't -- and then we would be subject to the architectural standards in the code instead of changing anything to allow us to get closer to the road.

COMMISSIONER SCHIFFER: Okay. And where would that setback be for a mixed-use project? Because remember you have commercial on the lower floor. It does state that the mixed use --

MR. YOYANOVICH: It would still -- you'd still start at the same 25 feet from the road -- from the right-of-way.

COMMISSIONER SCHIFFER: Okay. The front-yard setback for multifamily -- which is probably what would be considered up there --

MR. YOYANOVICH: Are we in the table now?

COMMISSIONER SCHIFFER: We're in the table, yes.

MR. YOYANOVICH: Okay. Do you mind, before we get to the table, if -- there are two small changes in the recreational vehicle that we need to put on there.

CHAIRMAN STRAIN: That's up to Brad.

COMMISSIONER SCHIFFER: Oh, that's fine.

MR. YOYANOVICH: If you -- then on that one, under recreational vehicle park criteria, the fifth bullet point down, the density, we had had -- it had said -- it previously said up to 24.2 acres. And I believe it was to be not less than 24.2 acres.

MS. ASHTON: Or 28.

MR. YOYANOVICH: Or twenty -- whatever. The site is actually 30 acres on the master plan, and that 24.2 comes from dividing 290 by 12. And it was supposed to be a -- it was really supposed to be a minimum. So it either can be a minimum or it can come out, but -- because the master plan is actually larger.

And believe it or not, on the site development standards, yeah, we had noted we needed to change that deviation to No. 3.

And now I'm ready for you, Mr. Schiffer. I'm sorry.

COMMISSIONER SCHIFFER: Okay. And like I said, I do want to talk about alley design, but we'll wait



till we get to those pictures.

Mixed use. How do we -- what kind of development standards do we have? I mean, the last ten years planning has spent an awful lot of time on the virtues and how to do great mixed-use projects. It somehow skipped this document.

I mean, looking at this chart, I assume it will be a multifamily dwelling. Are you saying that if you stick residential on top of commercial, the residential will follow the -- okay.

MR. YOVANOVICH: Well, I -- what we have is -- we would believe that the Table 2 would apply.

COMMISSIONER SCHIFFER: Okay. Let's look at that.

MR. YOVANOVICH: And the minimum yards from a tract or a PUD boundary is 25 feet.

COMMISSIONER SCHIFFER: Is the tract the same as a lot?

MR. YOVANOVICH: Yes, we believe so.

COMMISSIONER SCHIFFER: Okay. So if you subdivide based on the standards here, you're saying that all projects will be 25 feet from that lot setback because you have no real front setback.

MR. YOVANOVICH: Okay.

COMMISSIONER SCHIFFER: If tract equals lot --

MR. YOVANOVICH: I think what we probably should add is -- all of them are a minimum of 25 feet, right? All setbacks.

MR. NADEAU: Minimum yards, all yards.

MR. YOVANOVICH: I think what we need to clarify is that all minimum yards, regardless of front side, correct?

MR. NADEAU: Yes.

MR. YOVANOVICH: And front, back, side shall be 25 feet, minimum.

COMMISSIONER SCHIFFER: Okay.

MR. YOVANOVICH: Because I don't see a reference to the road either, you're right, so --

COMMISSIONER SCHIFFER: And we can wait till we get there, but if lot equals tract -- I'm not sure lot equals tract, in my mind yet, but if you want to put that in there, that's good. So what you're saying though is that any mixed-use project is going to go by the commercial standards --

MR. YOVANOVICH: Yes.

COMMISSIONER SCHIFFER: -- outside residential and multifamily standards?

MR. YOVANOVICH: Yes.

MS. ASHTON: And we can add on the top of that page commercial including mixed-use buildings if that -- I think that would provide some clarity.

CHAIRMAN STRAIN: On top of what page?

COMMISSIONER SCHIFFER: Table 2.

MS. ASHTON: Page 26 of 30.

CHAIRMAN STRAIN: I just want to make sure you're right. I mean, you're -- I understand what you're saying.

COMMISSIONER EBERT: Page 26?

MS. ASHTON: So in the caption where it says Table 2, it would read "commercial including mixed-use buildings," and I'll address that again when we get to that page.

COMMISSIONER SCHIFFER: Yeah. When we get there, but I do want to talk about lot and tract and make sure that's the case, because there is no setbacks in commercial other than these references.

Okay. I'm done, thanks.

CHAIRMAN STRAIN: Okay. We're still on Page 19 and 20. Anybody else? Ms. Caron?

COMMISSIONER CARON: Yeah. On Page 19 under the sign development standards, that last bullet, just tell me what that's getting us. What is that doing? Any land uses permitted within the boundaries of the MPUD shall be considered on site for the purposes of providing for signage within the commercial tract. So does that --

MR. YOVANOVICH: That would allow swamp buggy to have a sign on the commercial tract.

COMMISSIONER CARON: And your residential to have a sign on the commercial tract?

MR. YOVANOVICH: Correct. Any property owner, essentially, within the PUD would be authorized to have a sign on the commercial tract.

COMMISSIONER CARON: We're going to have a lot of sign proliferation here.

MR. YOVANOVICH: I'm sure we're not going to clutter it up. But, I mean, we would have the ability to do that.

COMMISSIONER CARON: Okay.

CHAIRMAN STRAIN: Anybody else, Pages 19, 20? Go ahead.

COMMISSIONER CARON: Yeah. I have questions on 20. The minimum distance from the MPUD boundary for accessory structures, since their height can be the same as a principal structure, why isn't it 15 feet or half the building height? We talked about this last time, and we were supposed to have half the building height in both places.

MR. YOVANOVICH: Okay. I'm going to go real quickly and look at my note.

COMMISSIONER CARON: If they can be the same height as --

MR. YOVANOVICH: So 15 feet or half the height of the building --

COMMISSIONER CARON: Right.

MR. YOVANOVICH: -- zoned height of the building?

COMMISSIONER CARON: Yeah. I mean, if you're going to have them be the same then --

MR. YOVANOVICH: Okay.

COMMISSIONER CARON: And somewhere there is supposed to be a note -- and tell me if I'm just missing it -- that says that no buildings west of the FPL can be essentially multifamily. They can't be 85 feet.

MR. YOVANOVICH: It's Note 6.

COMMISSIONER CARON: And that would --

MR. YOVANOVICH: Go to the next page.

COMMISSIONER CARON: -- go for your commercial tract as well.

MR. YOVANOVICH: Yeah. If you go to the next --

COMMISSIONER CARON: I mean, if -- anything west of the --

MR. YOVANOVICH: No. I think we were specific on that residential tract that was up by Lords -- I believe north of Lords Way. It was just that residential tract, and we did that in Note No. 6 on the following page -- page right after your -- the table.

COMMISSIONER CARON: Yep.

MR. YOVANOVICH: That's how we handled --

COMMISSIONER CARON: That's for Tract C.

MR. YOVANOVICH: No. That note applies to the previous table, Table 1 --

COMMISSIONER CARON: Everything, okay. Perfect.

MR. YOVANOVICH: -- which is the residential table.

COMMISSIONER CARON: Good.

CHAIRMAN STRAIN: Heidi?

MS. ASHTON: There is another highlighted version in there. I have not talked to Rich on this, but we spoke to Mike Sawyer --

CHAIRMAN STRAIN: We're not on Page 21 yet. We're still on Page 19 and 20.

MS. ASHTON: Oh, I'm sorry, okay. Since you put it up, I thought we were there. Sorry.

CHAIRMAN STRAIN: Okay. Anybody else on Pages (sic) 19? Melissa?

COMMISSIONER AHERN: I have a note that we were going to change BH, building height, to zoned building height.

CHAIRMAN STRAIN: Which one? I couldn't hear you, Melissa.

COMMISSIONER AHERN: The BH, building height, we were going to change that to zoned building height.

CHAIRMAN STRAIN: Oh, we're going to add the word "zoned." Building height, zoned building height. Yeah, put the word "zoned" in front of there so we know we're not talking about actual.

MS. ASHTON: So you want it to read "BH," colon, "building height," and then parentheses, "zoned"? Okay, thank you.

MR. YOVANOVICH: Yes. That was -- that was what we had talked about.

MR. BELLOWS: What section was that on?

CHAIRMAN STRAIN: Page 20. It's a footnote, or the -- not a footnote. It's a -- yeah, reference on the bottom of the table.

MR. YOVANOVICH: Yeah, because in the table --

CHAIRMAN STRAIN: Next page, Ray. Oh, on the back of the page you just had. Down at the bottom where the -- below your -- right where your knuckle is for your thumb. Oh, you just moved your knuckle for your thumb. Now you're really stuck.

MR. YOVANOVICH: He's writing. He's writing that with an arrow.

CHAIRMAN STRAIN: Okay. I didn't know you saw it. Okay. Don't move your knuckle.

Okay. Anybody else on 19 and 20?

(No response.)

CHAIRMAN STRAIN: I've got a couple. On your recreational vehicle park criteria, first bullet point, any RV park may be located in one location on Tract R. Well, don't we actually have a tract -- well, we relabeled the tract for the RV so that it's now defined as RV, so it can't be in one location on Tract R. It's its own tract, right?

MS. ASHTON: Well, the reason I put "in one location" is so that you wouldn't have the R district with isolated --

CHAIRMAN STRAIN: But why don't we drop the words "on Tract R," because the RV is not on Tract R if it's its own tract. It's RV tract.

MS. ASHTON: It's not on Tract R, you're correct. "On Tract R" comes out.

CHAIRMAN STRAIN: Okay. In the next one under site development or plat approval, after the word "PUD" in that first bullet, could we say with each SDP and/or plat application?

MR. YOVANOVICH: Yes. I'm sorry, yes.

CHAIRMAN STRAIN: Yes. While we're at a -- let's finish up Page 21, the footnotes, and then we'll go into public comment, and then we'll see how much time we have over before we leave -- break for lunch.

MS. ASHTON: With each SDP or plat application, where did you want that inserted? I didn't catch that.

CHAIRMAN STRAIN: The very -- after the word -- after the acronym PUD, under site development or plat approval --

MS. ASHTON: Okay.

CHAIRMAN STRAIN: -- the very end of the sentence.

MS. ASHTON: Okay, thank you.

CHAIRMAN STRAIN: Okay. Page 21.

MS. ASHTON: When we met with Mike Sawyer, he said that he didn't know what "firewall protrusions" meant, so we're seeking clarification of what that is or if you can answer what that is.

COMMISSIONER SCHIFFER: Well, I know.

MR. YOVANOVICH: And we talked about it. There are -- in order to divide a larger building up, I guess, into smaller buildings, you can -- one option is to have a firewall divide units, and that firewall could protrude forward into the setback to divide that building up, and that would allow that firewall to protrude into the setback so we can divide the building up into smaller buildings, although it looks like one big building.

Is that a fairly generic laymen's --

COMMISSIONER SCHIFFER: No. Yeah, if you have a firewall, you have to protect the fire from going around one side to the other. The easiest way is to have a fin coming out of the building. It doesn't have to actually be three feet, but that's -- we don't need to argue that.

MR. YOVANOVICH: So that's what that is.

COMMISSIONER SCHIFFER: There is such a thing as -- I mean, that makes sense to me as an architect.

MS. ASHTON: Okay.

CHAIRMAN STRAIN: Why don't we leave it though as the code provides, and the code says --

COMMISSIONER SCHIFFER: You could say code maximum, the maximum code-required firewall. I think it would probably be 18 inches, but --

COMMISSIONER EBERT: That's a difference.

MR. YOVANOVICH: I don't know what it is, Mr. Strain, and would it -- I don't think anybody had any stomachache with a firewall protruding 3 feet into the setback.

CHAIRMAN STRAIN: Well, I mean, if you've got a 6-foot setback and you take up 3 feet, you're reducing

your setback substantially.

MR. YOVANOVICH: But it's only for a very narrow area.

CHAIRMAN STRAIN: How do you get from the front to the back if you can't -- if you've got to get through an area that's narrowed down to 3 feet?

COMMISSIONER SCHIFFER: It would probably occur on a -- in the front or rear setback. I'm not -- the side setback, I'm not sure how that would happen. But the -- it would be the wall dividing two units. Like a townhouse, for example, has firewalls between them. Since they're saying it's for firewalls, it's not like they're going to stick anything else in and get away with it, hopefully. So, I mean, if they're running air conditioning in it, that's not what it's saying.

We can, in the code now, have certain protrusions anyway into the setbacks for -- you know, for columns, pilaster, stuff like that.

CHAIRMAN STRAIN: Yeah. It says, sills and architectural design treatment shall not project over 12 inches into the required yard. They're asking for three times that amount.

I'm just trying to understand what that means. And as hard as this document has been to understand, I'm sure that some designs are going to be equally hard to understand if they try to take this into some interpretation we're not anticipating.

So, Brad, what do you think this limits them to?

COMMISSIONER SCHIFFER: Well, there is some 5-yard setbacks. If you put a 3-foot wall -- the code minimum, I think, now would be 18 inches, from my experience. But, you know, I mean, code is minimum. Maybe somebody wants a safer place and they want a 2-foot one, or -- I mean, I would have no problem if you worded it that it's -- you know, the maximum required by the governing building codes would be fine with me.

MR. YOVANOVICH: What if we just made it real clear it only applied to the front and the rear, because the front, I believe, is 20 feet or whatever the number is.

CHAIRMAN STRAIN: That would be helpful.

COMMISSIONER SCHIFFER: The rear could be five in some of these.

MR. YOVANOVICH: For a multifamily?

COMMISSIONER SCHIFFER: Multifamily is the one.

MR. YOVANOVICH: Yeah. I think we're talking about the principal structure, aren't we, Mr. Schiffer? We wouldn't be talking about accessory structures.

COMMISSIONER SCHIFFER: No. But if you look -- the multifamily could be five feet if it's not on a paseo. So that could -- you could theoretically, back to back, have 10 feet, 6 feet of which is firewall. Anyhow.

I think allowing the firewall to go into the setback is okay with me. Good idea maybe.

CHAIRMAN STRAIN: But, I mean, if we allow a firewall to go into the setback, why don't we just allow the whole building to go into the setback? I mean, I don't understand. The firewall -- it's just -- it's part of the building. If they're going to do that with their buildings, why are not (sic) we asking for 3-foot or 5-foot setbacks, different setbacks? I don't --

COMMISSIONER SCHIFFER: It's part of a building that has to go beyond the building just to make it safe.

CHAIRMAN STRAIN: Not if the building's designed differently.

COMMISSIONER SCHIFFER: Or if -- or if it's designed, the firewall can, you know, be parallel with the walls. The problem there is some of these designs are really bad. You would -- I mean, to come in 4 feet on each side, you could do a ray of construction and not have that fin. They barely have room for windows as it is, so --

MR. YOVANOVICH: I mean, we could -- you already allow roofs 3 feet in. I mean, under that same logic, why don't you let the whole building come in if you're going to allow a roof 3-foot in? I mean, these are not taking up the whole building. They're -- I don't know how wide they are, but when you drive by them, they don't look very wide.

COMMISSIONER SCHIFFER: No.

MR. YOVANOVICH: And you see them in a lot of them coming up through the roof, is the ones that I've seen, and they're not very thick. So they're not -- they're not in a total -- it's very different than bringing the whole building up to the distance.

COMMISSIONER SCHIFFER: Right. It's just a fin kind of piece coming out of the building.

MR. CASALANGUIDA: Commissioner, this is not our first time at the rodeo. I mean, this -- we're adding

new language about a firewall. And is this going to be standard language going forward now for every multifamily?

CHAIRMAN STRAIN: Only if there's a -- only if the attorney representing it does any more projects in Collier County.

MR. YOVANOVICH: Well, everybody's making it harder and harder to get clients to want to come here, so

CHAIRMAN STRAIN: Well, I'm not -- I'm trying to understand why this is necessary. If you've got a box in which you've agreed to build within, why don't you start at the edge of that box and work inward instead of starting -- filling the box and working outward? I don't understand the necessity to do it this way.

MR. YOVANOVICH: It's no different than a roof overhang or anything else that can come in that's already allowed under the code. A roof can come 3 feet. Why can't the fin come in 3 feet? We're just trying to make it clear.

COMMISSIONER EBERT: Yes, sir.

MR. BELLOWS: Mark?

CHAIRMAN STRAIN: Yes, sir.

MR. BELLOWS: Section 4.02.01 of the LDC provides for extensions and exclusions from design standards, and one of -- there are many -- like 12 or 13 of them, and they allow for chimneys and roofs to encroach into side yards. It also says window or wall-mounted air conditioning units, chimney, fireplaces, windows, or pilasters, which are kind of similar to what Rich is talking about in regards to a firewall protruding, and the LDC allows for it to project 2 feet into a required yard.

CHAIRMAN STRAIN: Yeah. I have it. I read it, and that's what brought my question up, Ray, is, why are we adding more to it? What's wrong with what we've got? We've got plenty here. There's --

MR. BELLOWS: Unless they want more than the 2 feet.

CHAIRMAN STRAIN: As you just said, there are 13 allowable protrusions, and now we're going to invent No. 14. I'm -- anyway. We're just making our code more difficult to understand.

MR. BELLOWS: No, I agree. We don't -- we wouldn't allow it if it's already addressed in the LDC. But if they want more than what -- the 2 feet as allowed, if they want 3 feet --

MR. YOVANOVICH: I'm not sure that -- again, I'm not an architect and I'm not a contractor, but I'm not sure that anything you just listed was a firewall. If it was a firewall, then obviously we don't need it to go more than 2 feet. Can we live with 2 feet?

COMMISSIONER SCHIFFER: Well, your architect could call it a pilaster. A pilaster's like -- see how this column comes out of the wall; that's a pilaster if that was on the face of your building.

So if your architect was smart, he could say it's a pilaster. You've got 2 feet. I think you need a -- you know, a foot and a half, so --

MR. YOVANOVICH: How about we limit it to the 2 feet?

COMMISSIONER SCHIFFER: I think --

MR. YOVANOVICH: And does anybody object to being honest and leaving the firewall language in, or we'll just take it out and we'll call it a pilaster?

CHAIRMAN STRAIN: I would rather you try to stick with the language we already have, and you dealt with staff on how you want to interpret it down the road. We've done that, it works, and I don't know why we have to reinvent the wheel. This whole document is 100 pages of reinvention. And, yeah, things change, but there's a lot of changes here all at one time.

I'm not sure why we need to get into the code changes, Richard, so that's my thought on it. I'll make a note of it, and as we go into summarizing this thing at the end, we'll see where it goes.

Anything else on Page 21 by anybody? Ms. Caron?

COMMISSIONER CARON: Yeah. I just had a question, because I'm not understanding the purpose of No. 4. I mean, again, what does that -- what does that get us? I mean, I see the illustration. I see where you're measuring from, but if this note wasn't here, what would that setback have to be?

MR. YOVANOVICH: The answer to your question is, if you -- I don't want to say this word, so -- what it allows you to have -- you measure your setback from the shortest height of the building. If you didn't have that language and your building was 30 feet, you would measure from that 30 feet versus the lower height.

CHAIRMAN STRAIN: It's that wedding-cake-design thing that came up years ago.

MR. YOVANOVICH: Correct.

COMMISSIONER CARON: Yeah. So we happy to have that coming back, gang?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: But, honestly, I don't think this is the first time this has come through on a project of this size.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: So it's the difference in the high-rise versus the shallower projects, so I --

COMMISSIONER CARON: But they've got 85 feet, so it's not exactly a short building.

MR. YOVANOVICH: It says two or three story.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: That's what that note applies to; two- or three-story buildings can be wedding caked. Taller than that, it doesn't allow for it.

CHAIRMAN STRAIN: Anybody else on Page 21? Just one other question. Number 3, the -- your entrance feature, you know, 50 feet is kind of high.

MR. YOVANOVICH: I know we talked about this. Did we agree to 30?

CHAIRMAN STRAIN: Thirty-five feet.

MR. YOVANOVICH: Thirty-five feet.

COMMISSIONER EBERT: Number 3 --

CHAIRMAN STRAIN: Number 3.

COMMISSIONER EBERT: -- mark it down to 35.

CHAIRMAN STRAIN: Yeah.

Okay. With that, let's break and -- for the pages we're on and ask for any -- if anybody in the public is here that wishes to comment before we come back from lunch, now's the best time to do that; otherwise, you'll end up staying here a little longer if you still want to talk.

Nicole, I see you coming up.

Dwight, I think you're with the applicant.

MR. NADEAU: Yes.

COMMISSIONER CARON: But he'd like to leave.

CHAIRMAN STRAIN: But you'd like to leave after lunch.

COMMISSIONER CARON: He'd like to leave.

MS. JOHNSON: Good morning. For the record, Nicole Johnson, here on behalf of the Conservancy. I appreciate you taking my public comment a bit out of order.

The Conservancy took a look at this project and the Comp Plan amendments that went along with it strictly from an environmental perspective, so you've had lots of good discussion on non-environmental issues and still working things out, but we took a look at it from the environment side, and certainly this project has come a long way from where it started many years ago.

The Conservancy and other groups met with the applicant, and we do want to acknowledge that some of our suggestions were taken to heart. They did minimize the impacts to the rural fringe sending lands. They really did listen to our concerns, and I think that when an applicant does that, it really needs to be acknowledged on the record, so I want to get that out there.

But I do want to point out a couple of things, because I don't know how much discussion you've had on the environmental issues as part of your review.

But this project is going to impact, directly, 460 acres of wetlands, and the entire project site is within primary panther habitat, but it is consistent with Collier County's Growth Management Plan and the Land Development Codes. And I bring this up in order to, as we move forward -- not to apply to this project, but as we move forward, there are some deficiencies within our GMP and LDC that we really need to circle back and take a look at.

If the rural-fringe program and the density-blending provisions allows for 460 acres of direct wetland impact, that's a problem, and that's something that needs to be resolved in the future.

We simply can't defer all of these panther-habitat issues to the Fish and Wildlife Service and the Fish and Wildlife Commission in the future. So I want to bring that up because with what the legislature has done with changing the growth management law, eviscerating Department of Community Affairs, more responsibility is going to be on the local government for you to take more of a responsibility role.

You have more authority, and with that comes more responsibility for making sure that our listed species and our wetlands are protected. You can't simply defer that in the future. And with budget cuts, these other agencies, if they still have authority left, aren't going to have the time and funding to take a look at that.

So I bring that up as a compliment to the applicant, bring up our concerns not to make David cringe, but just -- this is a really good example of some things that we need to look at strategically, as the county moves forward, perhaps in some EAR-based amendments.

And I would -- just my two cents on the debate of adding specificity to this DRI. The more specificity that you can add, the better. I am responsible for circling back on the Conservancy settlement agreements, Daytona settlement, and the Marco Shores PUD that comes along with that, and Lely Barefoot Beach, and I'm sure that at the time, 20, 30 years ago, they thought they were being specific enough, but 20 and 30 years later we don't know what the heck they meant. It leaves a lot open to interpretation. So don't do that for the next generation to have to wade through.

So I really, want to applaud all of you for taking the time to go through this line by line. Certainly with the new growth management laws, the Planning Commission is going to have to do that more and more. So hopefully you -- you knew that when you signed up for this. So thank you.

CHAIRMAN STRAIN: Thank you. Well, they doubled our pay after the Growth Management Act passed, so we're in really good shape now. We don't mind spending the time here. Thank you.

And, Donna?

COMMISSIONER CARON: Yeah. Nicole, I wanted to ask you, in their tracts here for the preserve area, there are uses that can happen in that preserve. Are you okay -- there is no limitation. They can have horse trails, and I don't know how much preserve you're going to lose to horse trails, if any, but there's no -- there's nothing to define that. Same with nature trails and boardwalks and kiosks and --

MS. JOHNSON: I believe that a majority of the preserves will at some point be turned over to Picayune Strand, so that will become state land managed consistent with the Picayune Strand project, so we see that as being consistent.

As far as the uses in the preserve that are going to be retained as part of the project, you know, we've taken a look and -- getting people out into nature we see as something positive, so we don't have any problems with the preserve uses.

COMMISSIONER CARON: Good. Thanks.

CHAIRMAN STRAIN: Okay. Thank you, Nicole.

Any other members of the public that would like to speak now? Or forever -- at least hold your peace till this afternoon then. We'll have another opportunity after we get into this this afternoon.

Let's move forward until a little closer to lunch. We'll take a break around -- I don't know. What do you guys want to do? Do you want to head down early to get a seat at the table, or you want to --

COMMISSIONER EBERT: Uh-huh.

COMMISSIONER SCHIFFER: That's always good.

CHAIRMAN STRAIN: Okay. Well, then let's take a break now and come back at 12:45. We'll resume at 12:45 this afternoon. Thank you.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay, everybody. It's 12:45. We'll resume the meeting. We had so much fun this morning, we want to just continue it this afternoon.

And with that, I think we left off -- and where's our favorite county attorney?

COMMISSIONER EBERT: Yeah. None of the attorneys --

MR. YOVANOVICH: I used to be one.

CHAIRMAN STRAIN: Yeah. I know they're still fixing the things that happened -- that went wrong when you were here.

MR. YOVANOVICH: Statute of limitations is gone.

CHAIRMAN STRAIN: In fact, when you were the county attorney, you came in, and I was introduced to you by Ramiro Manalich, and you were the green guy at the time, just brand-new newbie fresh from somewhere.

MR. YOVANOVICH: Yep.

CHAIRMAN STRAIN: That was many, many years ago. My goodness. That's --

MR. YOVANOVICH: We both had brown hair.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: I was 40 or 50 pounds lighter.

CHAIRMAN STRAIN: I had red hair. Wow. That goes back a long way.

MR. YOVANOVICH: Yeah, 1990.

CHAIRMAN STRAIN: But, you know, think of the county attorneys. Burt Saunders used to be one, Tony Pires, Don Pickworth. Who -- I mean --

MR. YOVANOVICH: Bruce Anderson.

CHAIRMAN STRAIN: Yeah, all you guys. Holy cow.

MR. YOVANOVICH: Varnadoe was always smart enough to never have done that.

CHAIRMAN STRAIN: Yeah. Well, lacking Heidi, it makes it a little awkward.

COMMISSIONER CARON: I think we need to wait. Anybody -- nobody, huh? Can't help me with where she might be.

MR. YOVANOVICH: Well, we know the extension.

CHAIRMAN STRAIN: Yeah. I think what we'll do is just have to take a timeout until she gets here, because it's her input that we're dealing with, so I'd rather not have to do it twice. So we will stop the meeting at 12:46 and reconvene when Heidi gets back.

You can shut the mike off.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. We can go back on record. Our favorite attorney is here. I don't mean you, Rich.

MR. YOVANOVICH: I feel like Rodney Dangerfield.

CHAIRMAN STRAIN: Welcome back, Heidi. We left off on Page 22, and that's where we will pick up for the afternoon.

And I guess the simplest way to get past these pages -- there are one, two, three, four pages of diagrams, 22 through 25. Does anybody have any questions on those diagrams?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Yeah. And it's actually the diagrams that have been taken out, Rich, and it's for the alley design.

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: Now, since they've been taken out, I really don't need to discuss the diagram. But the problem with them is, you could actually still build what the diagram represented, because you still have it in the development standard.

MR. YOVANOVICH: And that -- you're right. That column should have come out at the time we deleted that exhibit, that figure. And there's actually another figure that it was intended to go with, not with the one you didn't like. But there's another alley design on Page -- it's Figure -- is it 6?

COMMISSIONER SCHIFFER: What page? I'm in the strikethrough version, which makes this a little bit difficult.

MR. YOVANOVICH: Well, you see, I didn't bring that because I didn't think you-all were using it.

COMMISSIONER SCHIFFER: But I have the other one next to it. I can translate.

CHAIRMAN STRAIN: Page 24, I think he's talking about, of the --

MR. YOVANOVICH: We would need to delete the figure on Page 24, correct?

MR. GARCIA: Figure 6.

MR. YOVANOVICH: Figure 6, which is actually on Page --

COMMISSIONER CARON: Twenty-four.

MR. YOVANOVICH: -- twenty-four. Oh, yeah. The figures are below. I got it. That's where I'm off.

COMMISSIONER SCHIFFER: Yeah. I think -- but isn't 24 just doing -- showing us a townhouse development? I'm worried about this alley design.

MR. YOVANOVICH: Well -- and the alley needs to go away. But I'm told if I make the alley go away, I also make Figure 6 irrelevant. I guess Figure 5 would be your typical townhome.



COMMISSIONER SCHIFFER: So let me look at -- okay. So even both versions of the strikethrough and non-strikethrough carry the alley design column, so that gets removed.

MR. YOVANOVICH: That needs to go away. That column needs to go away.

CHAIRMAN STRAIN: So Table 1 --

MR. YOVANOVICH: Table 1, the column labeled "Townhouse alley design," we took the figure out, but we also need to take out the column.

COMMISSIONER SCHIFFER: Okay. And believe me, the design gods are going "Hallelujah" for that one.

MS. ASHTON: And then Figure 6 comes out as well?

MR. YOVANOVICH: And Figure 6 comes out as well.

CHAIRMAN STRAIN: Anything else, Brad?

COMMISSIONER SCHIFFER: No. Believe me, that was -- you saved some people some horrible living conditions with this move.

CHAIRMAN STRAIN: I love the way you define things.

Heidi, did you have anything you wanted to talk about in the designs?

MS. ASHTON: No.

CHAIRMAN STRAIN: No changes, okay.

Anybody else have any questions or concerns about the designs? I have one on each remaining page, and that's the same one. You see where the preserve is kind of clouded in?

COMMISSIONER EBERT: What page?

CHAIRMAN STRAIN: Well, take any one. Page 22. They all have preserve clouded in. Then it shows where your setbacks are. You have a preserve setback at 25 feet for the structure, and then accessory setback at 10 feet from preserve. But if you look at where the preserve clouding goes, it goes past the property line, and that corner is closer than 10 feet to where the 5-foot minimum rear-yard accessory setback is on the middle lot.

And while I know we have language that says it's got to be -- accessories are 10 foot from preserve, I'd hate to see someone try to trump that by saying, see, our clouded-in diagram said we could have that that way. And I can see designs coming out with lot lines just a little bit into a preserve to try to preserve that additional 5 feet of setback.

So I'd like -- I'd like them cleaned up so that the preserve cloud actually goes 5 feet to the left of the lot line, so that when you actually get to the 5-foot setback that you're allowed for accessory, you've got a full 10-foot setback.

Now -- so, anyway.

COMMISSIONER SCHIFFER: That's good.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Now, they're really not to scale on that, so I will clearly move the cloud to where it's to the -- in these diagrams to the left of the lot line.

CHAIRMAN STRAIN: Okay. I just don't want --

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: -- it argued in the future --

MR. YOVANOVICH: I understand. That was not our -- that was not an intent to do that.

CHAIRMAN STRAIN: Okay. Well, let's move on then. We'll take Page 26 first, because it's on kind of like a standalone. So Table 2, Page 26, does anybody have any questions?

And, Heidi, did you have any changes first?

MS. ASHTON: There were two changes on the document that you saw before, and then there's an additional change that we discussed earlier. Under Table 2, commercial, on the top where it's all caps, the insertion would be, "including mixed-use buildings," and that's in response to Mr. Schiffer's comment. And then there's an additional asterisk that you didn't see last time, four asterisks, and it says, principal and accessory structures shall not protrude or encroach into any required landscape buffer, and that's when we consulted with the SDP reviewer and we received that feedback.

CHAIRMAN STRAIN: Okay. Brad, and then Donna.

COMMISSIONER SCHIFFER: First of all, with the four asterisks, should we not show them somewhere? And I think the caretakers' of the thing would be the best place.

MS. ASHTON: We put it under minimum yards measured from MPUD boundary.

COMMISSIONER SCHIFFER: Where? I'm not seeing it yet.

MS. ASHTON: On the visualizer it's one, two, three -- the fourth block.

COMMISSIONER SCHIFFER: Okay. So it's been added --

MS. ASHTON: Yes.

COMMISSIONER SCHIFFER: -- since our packets, okay.

And then this brings up the question, my interpretation of tract would be the MPUDZ, obviously the big boundary on the outside of the whole thing. Tract would be that portion of it that's set aside for residential, for commercial.

So there really is no lot dimension. Now, you were saying tract equals lots. That would be nice. But in other words, my concern here is that we are going to be able to subdivide, and there is no setback requirements for lots, thus the only thing controlling the position of buildings and stuff on a lot is keep it out of the buffer.

CHAIRMAN STRAIN: Well, on the previous Table 1, they referred to lot.

COMMISSIONER SCHIFFER: Correct.

CHAIRMAN STRAIN: And I'm not sure why we just wouldn't want to be consistent in this document and keep referring to lot, unless there's a fine line that divides a tract from a lot, so --

COMMISSIONER SCHIFFER: Right. And then you notice there is no front, side, rear setbacks. There's dimensions from perimeter tracts or --

MR. YOVANOVICH: I think to clarify that, you're right, we should change the word "tract" to "lot," and then you would have -- if you had an outparcel, you'd have your set -- you would have your lot boundaries in a commercial plat.

COMMISSIONER SCHIFFER: And then we would -- what you're going to then say to us is that every setback on the lot is going to be 25 feet, and I'm not so sure you want to say that.

MR. YOVANOVICH: That's why I'm looking over here. Code is 25 feet? Okay.

COMMISSIONER SCHIFFER: Okay. So side, front, rear is 25 feet.

MR. YOVANOVICH: For every lot setback.

COMMISSIONER SCHIFFER: And granted, you know, the whole tract, as I see it, could be one lot that you could --

MR. YOVANOVICH: It could, it could --

COMMISSIONER SCHIFFER: -- put a huge building.

MR. YOVANOVICH: -- but if we subdivide it. If we subdivide it, you're right, we would need to have a 25-foot setback from the subdivided lot that we create.

COMMISSIONER SCHIFFER: Then it brings in the question, what does the three asterisk front-yard setback really mean then? Because in other words, if you ran a road through what you -- the tract which you now call a lot, which I'm not quite sure you want to do that still -- is there any setback requirements from that road? Because there's no such thing as front, side, and rear in the way we're setting this up.

And here is where I wish we had some urban, up-to-date, "look how clever we can do things now" wording, you know. But right now you just -- it's this big, huge chunk of something we're going to just stay 25 feet off the edges, and anarchy from there on.

CHAIRMAN STRAIN: I think they're consulting.

MR. YOVANOVICH: Okay. So, Dwight, technically it should say from the adjacent right-of-way line or easement line, correct?

MR. NADEAU: That's accurate.

MR. YOVANOVICH: So it would be 25 feet, Mr. Schiffer, from where the road is, and if the road is on our parcel, it would be 25 feet from that road.

COMMISSIONER SCHIFFER: Okay. So if you -- see, I still think tract is -- remember how you broke down the project into residential and RV and stuff? I think those were tracts.

MR. YOVANOVICH: I agree.

COMMISSIONER SCHIFFER: And within tracts, a subset of tracts is lots.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHIFFER: Okay. But you're going to say "tract" as "lot," which we should think about.

So if you run a road through this now lot, this big lot, this huge lot, we run a road through it, we're going to

stay 25 feet away from that road.

MR. YOYANOVICH: Yes.

COMMISSIONER SCHIFFER: If it's got a right-of-way, from the right-of-way; if it doesn't, from the edge of the curb or --

MR. YOYANOVICH: Right.

COMMISSIONER SCHIFFER: Okay. So our only setbacks in this whole area for commercial is away from roads or perimeter of this killer lot?

MR. YOYANOVICH: Or individual lots as well. If you were -- you're right, if you had a big -- if you had just one big --

COMMISSIONER SCHIFFER: Lot.

MR. YOYANOVICH: -- commercial project that was set up and you did it through a Site Development Plan where you're going to have individual lots. In that scenario you would have basically a 25-foot setback around the perimeter or any road that is within it.

COMMISSIONER SCHIFFER: Okay. So -- and then, obviously, there would be a buffer requirement around that perimeter also.

MR. YOYANOVICH: Right, right.

COMMISSIONER SCHIFFER: But that's less than 25 feet.

MR. YOYANOVICH: Right, right, right.

COMMISSIONER SCHIFFER: So -- okay. I mean --

MR. YOYANOVICH: Like a shopping center.

COMMISSIONER SCHIFFER: -- it leaves a lot of freedom. I mean, it could end up with something really good looking, or it could end up with something like we just killed in the residential section.

Okay. Again, for the -- my feelings for the board is that, you know, I do think lots are subsets of tracts, and we should have setback requirements on lots so that they could --

MR. YOYANOVICH: Right.

COMMISSIONER SCHIFFER: -- build it normally, but let's see what this gives us.

MR. YOYANOVICH: Well, we did make that change. We --

CHAIRMAN STRAIN: Yeah, it's going to apply.

MR. YOYANOVICH: -- went from tract to lot.

COMMISSIONER SCHIFFER: Right. But what I'm saying is that I think --

MR. YOYANOVICH: It could be a really big lot.

COMMISSIONER SCHIFFER: -- the tract -- the fact that we went tract to lot, I don't think is an odd idea, because what it ends up with is no subdivision -- if they don't subdivide --

MR. YOYANOVICH: Right.

COMMISSIONER SCHIFFER: -- then it just ends up with the only setbacks in this whole section of the project is keep away from the roads.

CHAIRMAN STRAIN: Well, plus you're --

MR. YOYANOVICH: That's pretty much how I believe every shopping center out there is developed.

COMMISSIONER SCHIFFER: Well, there's --

MR. YOYANOVICH: I think it is. I mean, I'm just --

COMMISSIONER MIDNEY: One at a time.

MS. ASHTON: Well, the change that was just -- if I may. Can I --

COMMISSIONER SCHIFFER: Go ahead.

MS. ASHTON: Written on the visualizer is not correct, because it says "measured from the lot or right-of-way easement," because when you measure from the right-of-way easement, you measure from the back of curb or --

CHAIRMAN STRAIN: No.

MS. ASHTON: -- pavement. Well, that's what the asterisk says right here.

COMMISSIONER SCHIFFER: Right.

MR. YOYANOVICH: Right. It's --

MS. ASHTON: Number 3, Asterisk 3, that's what it says.

MR. YOVANOVICH: Right. What we're saying -- and that's the clarification -- is that if within your lot you have a right -- you have a private road that's by easement, not by plat --

COMMISSIONER SCHIFFER: Right.

MR. YOVANOVICH: -- it's a private easement, I think what Mr. Schiffer was saying, are you 25 feet from there? And the answer is yes, or could you be right up against that road because the road happens to be 25 feet wide; that's what I understood the question to be.

COMMISSIONER SCHIFFER: Well --

MR. YOVANOVICH: And the answer is, no, we've got to be 25 feet from the road.

COMMISSIONER SCHIFFER: Or the curb --

MS. ASHTON: Pavement.

COMMISSIONER SCHIFFER: -- or edge of pavement, right.

MR. YOVANOVICH: Edge of pavement. And if it's platted, it's from the right-of-way line.

COMMISSIONER SCHIFFER: So if you made like a little alley, then you'd be 25 feet away from that?

MR. YOVANOVICH: Right, right.

COMMISSIONER SCHIFFER: So the road is going to dominate the massing of the buildings on this site, not setbacks, not other things? That 25-foot setback is the only requirement within the tract lot.

MR. YOVANOVICH: Correct.

COMMISSIONER SCHIFFER: Okay.

MR. YOVANOVICH: And then the other --

COMMISSIONER SCHIFFER: It's unique. I mean, it could end up with something -- the freedom could give us something really nice, or the freedom could give us something really bad.

CHAIRMAN STRAIN: Donna, did you have something?

COMMISSIONER SCHIFFER: I'm done.

MS. ASHTON: I think you have to delete "or right-of-way easement" that you just wrote in, so it would just be from the lot. And then you have to look at the three asterisks to determine --

MR. YOVANOVICH: Right.

MS. ASHTON: Yeah. So whoever wrote that on there, I would cross it off.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: Yeah, a couple of things.

So what this is saying is that you're going to have a 75-foot building on this front C parcel, and it only has to be 25 feet back from any part of that --

MR. YOVANOVICH: No.

COMMISSIONER CARON: -- boundary.

MR. YOVANOVICH: No. The --

COMMISSIONER CARON: Sure. That's what you just said.

MR. YOVANOVICH: Is that right?

COMMISSIONER SCHIFFER: That would be right.

MR. GARCIA: You would have to say 25 feet --

CHAIRMAN STRAIN: David, you've got to use the speaker, sorry. If you're going to contribute, we've got to get you on record.

MR. GARCIA: You're correct in the way that you're saying it. The way it's written, yes, you could have the maximum building height at 25 feet.

MR. YOVANOVICH: Right.

MR. GARCIA: So if we want to address that, we just have to make a change.

COMMISSIONER CARON: Yes. We have to make a change to again say, "or half the building height" to be consistent with everything else.

MR. GARCIA: Yes.

COMMISSIONER CARON: In addition, because we've added in here "including mixed use," meaning that you could put housing on top of this --

MR. YOVANOVICH: Right.

COMMISSIONER CARON: -- we need to put the footnote that's on the other one that says no residential

buildings higher than 50 feet can be west of that FP&L line, because if you use it as a mixed-use building, we don't want it to be higher than 50 feet in that front tract anywhere. I mean, that was the whole goal.

MR. YOVANOVICH: Well, I think there was a difference. I don't think -- I don't know practically what the difference would be between -- a 75-foot-tall commercial building is okay on that piece of property but a mixed-use building 75 feet tall wouldn't be okay. I think the concern more was on the northern portion of the property closer to Lely was what that -- where that concern came about, and that's why we limited it to 50 feet on that residential piece.

COMMISSIONER CARON: You don't want a -- homes -- because those are somebody's home, if you include it -- again, just 25 feet away from 951.

MR. YOVANOVICH: Well, it can't be. Don't forget, I've got my canal, too. There's a -- how wide is that canal? It's a hundred-foot canal before I even get to 951, so I'm going to be a minimum, you know, of 125 with a structure to 951. So, I mean, it's -- without that -- without that knowledge, I can see how you would conclude that I could be right on top of 951.

CHAIRMAN STRAIN: Any more?

COMMISSIONER CARON: Yeah. Just one minor thing, and that's that No. 3 down here in the notes. There is actually no No. 3, so that just can come out.

CHAIRMAN STRAIN: Three, little i.

COMMISSIONER CARON: But we did change to 25 or half the building height, yeah.

MS. ASHTON: Is that for --

CHAIRMAN STRAIN: You need the mike. Heidi, you need your mike.

MS. ASHTON: The 25 feet, is that for the minimum yards from the MPUD boundaries and the preserve setback as well?

MR. YOVANOVICH: No.

MS. ASHTON: Or just the one? I'm just trying to follow what you're saying.

MR. YOVANOVICH: The setback from a lot line or MPUD boundary would be 25 feet or half the building height.

CHAIRMAN STRAIN: Minimum 25 feet or half.

MR. YOVANOVICH: Minimum of 25 feet or half the zoned building height.

MS. ASHTON: Okay. So it's just that first one.

MR. YOVANOVICH: Whichever is greater, right.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: And this is to Ray or maybe Heidi. But, Ray, when they consider structures, how do you determine the structure? In other words, in the building code, there's -- we can determine structure --

MR. BELLOWS: The LDC defines a structure.

COMMISSIONER SCHIFFER: And so it would be what, a break in a building, or what would it -- it defines a structure as anything greater than 30 inches above --

MR. BELLOWS: Well, there's two measurements. There's a measurement for any structure 36 inches above grade that has to meet setbacks, and then there's the building code definition of a structure.

COMMISSIONER CARON: Okay. And in other words, what I'm getting at is, like, in the building code, if you have a structural type that has unlimited area, while we have this huge lot, we can have one structure on it even though there's breaks in it and stuff like that. Is that how you would also interpret it?

MR. BELLOWS: I think that's possible, yes.

COMMISSIONER SCHIFFER: Okay.

MR. BELLOWS: Unless you regulate the bulk of the size of the building other than what the LDC provides for.

COMMISSIONER SCHIFFER: So there's a big leap of faith to the designer of this project. Hire a good one.

CHAIRMAN STRAIN: Well, we usually -- we have at various times in the past put massing elements into some of these PUDs. Why aren't we considering that for this one?

MR. BELLOWS: Well, there are some in the LDC in regards to the architectural provisions about breaks in buildings and recesses.

CHAIRMAN STRAIN: But there's nothing that says a building can't be a football field long. It just --

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: -- says, if it is, you've got to have certain breaks as you go along.

MR. BELLOWS: And we did put, in several PUDs, as you may recall, limiting either the big box to a certain square footage so you would not get a --

MR. YOVANOVICH: Whoa, whoa, whoa. Hey, come on. We're in an activity center. This is where commercial's supposed to be. We can't -- we can't start talking about big boxes and all that stuff. We've got architectural standards. I've done several activity-center PUDs, and this is the first time we've talked about how long the building can be. We've always relied on the architectural standards to address -- the bigger the building, there's standards to address that.

The most recent one was out in Golden Gate Estates, and that made sense, but this is an activity center, and I don't remember where we've gone to -- where we've gone to limit -- where we've gone to limiting -- you can't have a big box in an activity center.

CHAIRMAN STRAIN: Well, first of all, your first statement, we can't be talking about it, we can. It's why we're here.

MR. YOVANOVICH: I didn't say we can't.

CHAIRMAN STRAIN: Yeah, you did. You said, we can't talk about it. Yes, you did.

Can you read the minutes back? Never mind.

The reason I remember you said it, because it perked my attention. Normally I'm not trying to pay attention. So we can talk about it. That's what this board is for. And if we have an issue with massing, as we have had in many PUDs, we can insert language or suggested language with a recommendation to have a massing element added. We have done it in other PUDs.

As far as specifically activity centers -- and I know we got into a lot of discussion about buildings -- sizing in the Target in East Naples. And we allowed a Target to go in, but if it wasn't a Target, or -- it wasn't a big box like Target. We didn't use the brand name, but that's the best reference I can think of -- there had to be some other kind of treatment or other kind of actions in regards to the buildings there. You had come in with a series of different pictures and --

MR. YOVANOVICH: We actually did that with -- I don't think we dealt with size, but we talked about -- we talk about -- we talked about breaking it up.

CHAIRMAN STRAIN: All right. Well, that particular lot wasn't as deep as this one either, if I remember correctly, so -- I mean, we have done this before. It's not -- it's nothing that we shouldn't do.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: So if there is an idea -- and, Brad, I guess we'd all probably be wanting to hear from you.

COMMISSIONER SCHIFFER: One thing. Could you put up the master plan showing all the tract lots that are commercial.

MR. YOVANOVICH: I'm going to -- I'm afraid to put one up, because I don't know which one you have, so

--

COMMISSIONER SCHIFFER: I don't have any in this package.

CHAIRMAN STRAIN: Ray, you can use the one -- I've got one.

MR. YOVANOVICH: I can put this one up that we'll hopefully be discussing soon, because we're getting close to --

CHAIRMAN STRAIN: Well, actually, mine will show it better.

COMMISSIONER SCHIFFER: Okay. Along -- in other words, there's two concerns I have. One is 951 and the other one is within the project. Within the project, if you mess it up, you messed up your project. 951, we all look at. What is commercial on 951 in this thing? The upper piece? Okay. That one piece there?

CHAIRMAN STRAIN: Oh, he's got one, Diane. He found one.

MR. YOVANOVICH: That one. And, remember, we've got a hundred-foot canal before we even get to that property line and the further setback. So that's the activity center that's -- we can build our commercial on.

COMMISSIONER SCHIFFER: And if anybody quickly knows, you're limited in how much you could build. What percentage of that site is the maximum floor area you can have? I know we don't use floor-area ratio --

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: -- but if there was one, what would it be?

MR. MULHERE: For the record, Bob Mulhere.

Mr. Schiffer, there is no maximum defined. It's driven by parking -- the type of commercial uses, parking, setbacks, water management, and open space. But on average, generally for retail uses, you usually get about 10,000 square foot per acre. For office, it's higher; more like 15,000. And those are just -- and that doesn't include multi-story, and those are just rule of thumb.

There is no -- there is no maximum. It's up to the designer. And, of course, it's a factor of the mixture of uses because of the parking driving much of the consumption of land.

CHAIRMAN STRAIN: So what it boils down to, if they wanted to offer a maximum FAR that they would adhere to on that piece of property to give it some level of confidence that we're not going to have one building 25 feet inside that -- on every end with God only knows what else you would figure out how to do it -- under slab -- between water management and --

MR. MULHERE: We're limited to 327,000 square feet maximum. I mean, you know --

COMMISSIONER SCHIFFER: Okay.

MR. MULHERE: -- I think we want to provide for creative design. That's what we're talking about, but now we're really talking about restricting creative design.

COMMISSIONER SCHIFFER: I don't want to talk about that. But I also don't want a, you know --

MR. MULHERE: I thought you mentioned it, I'm sorry.

COMMISSIONER SCHIFFER: -- six-, seven-story solid block of concrete --

MR. MULHERE: I understand. That wouldn't be permitted --

COMMISSIONER SCHIFFER: -- 30, 40 acres, you know, other than -- you know, sitting out there in the middle either.

MR. MULHERE: Well, I mean, I'm sure we're open for a suggestion, but that really wouldn't be permitted by the architectural standards. There are massing standards.

COMMISSIONER SCHIFFER: Or the traffic count.

MR. MULHERE: There are facade standards. I mean, we have probably the most restrictive commercial architectural standards in the state. I mean, they may not be perfect, but they do address many of the issues that you're raising.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Anybody else have any concern over the massing issue? I think his point about 327- is probably a good point, because that site is over a million and a half -- about a million-and-a-half square feet based on my quick calculations. So if they're using 327-, they're not fully covered in that site.

Now -- of course, now we get back into the height issue. And, Richard, you got maximum zoned height 75 feet, yet our standard zoning districts, C1, C2, and C5, are all 35 feet.

MR. YOVANOVICH: And C4.

CHAIRMAN STRAIN: C3 is -- I'm getting to it. C3 -- C3 is 50 feet. Terri will just tell you not to talk over people.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And C4 is 75 feet, but the majority of your uses are not C4, and the uses that are -- I would be surprised if you want to put bowling alleys up 75 feet in the air.

I would think -- and the way C4 seems to be written, it references floor-area ratio for hotels and destination resorts, of which I know you're very familiar with. Maybe we can consider 50 feet as a standard height with the exception of senior housing, hotels, or destination resorts would go higher. What kind of buildings were you thinking putting up to 75 feet?

MR. YOVANOVICH: I think with -- the main thing we were thinking was the hotel.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So when you're thinking -- that's fine. And, again, we went -- you know, the C4 zoning district doesn't get that fine. It talks about 75 feet, and that's where we were, and we're well over 100 feet from the right-of-way. We didn't think 75 feet was unreasonable. But with the limitations you're talking about, that's fine.

CHAIRMAN STRAIN: Okay. So it would be 50-foot zoned height with 75 feet for hotels, senior housing, or destination resorts. That's hotels.

MR. YOVANOVICH: I know, but I don't know that I -- well, I guess if I put my miniature golf course out there I might become a destination resort.

CHAIRMAN STRAIN: Well, you used that before, so I just wanted to give you the opportunity to use it in the right place this time.

MR. YOVANOVICH: It doesn't fit here either.

CHAIRMAN STRAIN: Oh, does that mean you're acknowledging it didn't fit in the other place the first time? Oh, Richard.

COMMISSIONER SCHIFFER: Well, Mark, let me --

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: What about residential, too, because of the things that are -- one of the beautiful, natural things in Collier County is the lightning shows out in the Everglades. People living up that high would be able to enjoy that.

CHAIRMAN STRAIN: But you're talking for a mixed-use project.

COMMISSIONER SCHIFFER: Yes.

CHAIRMAN STRAIN: Yeah. I don't have a problem with that. That's residential.

COMMISSIONER SCHIFFER: Okay. So it's -- they can go higher.

CHAIRMAN STRAIN: Okay. Now, Richard, did you hear what -- so it would be 75 feet for hotels, senior housing, destination resorts, or mixed-use facilities.

MR. YOVANOVICH: That's fine with us.

CHAIRMAN STRAIN: Okay. Then the -- corresponding to the 50 feet would be 60 feet for actual, and corresponding to 75 would be 85 as you have it.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. Okay. Are we ready to move on to Pages 27 and 28?

Heidi, do you want to start off with anything you've got?

MS. ASHTON: Ray, could you put Page 27 on the visualizer.

COMMISSIONER KLEIN: Microphone.

MS. ASHTON: You can see the proposed change to clarify that it excludes the Collier County School District from the Table 3, and since the school board district is excluded, the two references to SBR are also proposed to be removed.

And your prior draft had "minimum gross leasable area," and changed it to just "minimum gross floor area" to be consistent with the rest of the PUD and the DRI.

And then we had an insertion of some language that we received from the SDP reviewer on Page 28 when we get there, and those were the only changes.

CHAIRMAN STRAIN: Okay. On this table, anybody have any issues? Tom?

MR. EASTMAN: Can you just slide it down so we can see the balance of the page. Could we also delete the reference to SBR that's at the bottom of the page?

MS. ASHTON: Yes.

CHAIRMAN STRAIN: While you're at it, the reference to SBR under accessory needs to be dropped, too.

MR. YOVANOVICH: And also principal.

CHAIRMAN STRAIN: Well, principal's already noted, but accessory --

MS. ASHTON: Oh, yeah. Yes.

MR. YOVANOVICH: Oh, I'm sorry. It wasn't on --

CHAIRMAN STRAIN: Is that it, Tom?

MR. EASTMAN: Yep, thank you. Thank you, Chairman.

CHAIRMAN STRAIN: Donna?

COMMISSIONER CARON: Yeah. There's a note here about portable classrooms. If we're building this project on these tracts, you're not going to be using portables? I mean, I'm not --

MR. YOVANOVICH: Is that okay?

COMMISSIONER CARON: I mean, I don't see a business park with portables in it.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: So you're going to drop --



COMMISSIONER CARON: I mean, I understand the portables for the school board, but --

MR. YOVANOVICH: Yeah, that was.

CHAIRMAN STRAIN: So we'll drop the double asterisk.

MR. YOVANOVICH: Yes. And then the triple will become a double, and we'll have to fix the --

CHAIRMAN STRAIN: Okay. Page 28 now, Heidi?

MS. ASHTON: Ray, could you put that page on the visualizer, please.

The yellow is the added language, "each installed according to industry standards."

CHAIRMAN STRAIN: Anybody have any questions on Page 28? I do.

Nick, I guess, way up on the top. Uh-oh. Sorry to wake you.

MR. CASALANGUIDA: No, I'm awake.

CHAIRMAN STRAIN: Second line down, "Developer with roadway facilities as generally depicted by LDC." Wouldn't we just say as depicted by LDC, or why would it -- I mean, who's going to determine what is generally depicted?

MR. CASALANGUIDA: I think you're going to go with referencing the LDC.

CHAIRMAN STRAIN: Okay. And then after B4 it says, a commercial and industrial -- slash, industrial typical roadway section. I haven't looked at those sections for a long time. Do we have one now classified that way?

MR. CASALANGUIDA: I believe we do.

CHAIRMAN STRAIN: Okay. So we can just drop the word "generally" then and go straight from there.

Okay. Pages 29 and 30. Wow -- let's take 29 -- well, it's nothing. It's all legal description. Unless anybody spent the time and retraced the survey, let's go to Page 34.

MR. YOVANOVICH: You're skipping over the master plan?

CHAIRMAN STRAIN: There is no master plan. We don't have one.

COMMISSIONER EBERT: There is no master plan.

CHAIRMAN STRAIN: That's been one of the problems. Now that you bring it up, we can talk about it. We don't have a master plan, Rich.

MR. YOVANOVICH: Well, let me show you what changed from the master plan you don't have, which was, I guess, the last one. Let me show you what we changed since the last one you saw in August.

As I mentioned earlier in the day, we added the "R or RV" to address the tract that was created as part of the edits through the county attorney's review process.

We also changed this section over here, which was the provisions related to -- although I can't see it anymore. Can you blow that up just a little bit more -- the conversion factors to make them consistent with what we discussed today. Previously we had the older conversion factors in there, and I believe we also addressed the gross-area issue that was previously raised.

I believe Heidi and Kay have had an opportunity to look at this. Don't give me -- either you did or you didn't. I was told you were going to -- you would get a chance to look at it and that there's no issues from staff. I'm just asking. And then I know this is your first look at it, and we were going to take our time going through it.

CHAIRMAN STRAIN: When are you going to give us copies of it so we could read it? I hate to ask that. I know it's just a measly little master plan, but, Richard, we do like to read --

MR. YOVANOVICH: I didn't know that you were not provided a copy during the break. I apologize for that. I thought you were provided one, and apparently we didn't.

CHAIRMAN STRAIN: Anybody else get a copy?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: No, we haven't got a copy, Rich.

MR. YOVANOVICH: Well, I apologize for that. I thought you had, and I guess we need to give it to them now.

CHAIRMAN STRAIN: Okay. Well, we're going to have another break soon -- well, actually in about 45 minutes, so we will review it during that break.

MS. ASHTON: And I just have the same comment as I did earlier on the prior master plan that was up there, that instead of -- under the legend -- you can't see it on what's up here now -- it should read, "RV equals RV" developed area and not "R or RV" under the legend.

CHAIRMAN STRAIN: Okay. Now that we're on this master plan -- go ahead.

MS. ASHTON: And there's one other. Well, they're depicting a cross-out, but where it says RV dash "residential or" would be crossed out, so it's just "RV," dash, "RV development area." So over in the --

CHAIRMAN STRAIN: Wait a minute.

MR. YOVANOVICH: I really would like to leave the "or" there.

CHAIRMAN STRAIN: I'm really mixed up on what you're talk -- where -- the picture we have in front of us, is that the section you're talking about now?

MS. ASHTON: Yes. I'll put mine up so you can see what I'm talking about.

CHAIRMAN STRAIN: Thank you.

MS. ASHTON: This is a different version, which is the one we were provided.

CHAIRMAN STRAIN: Heidi, you're going to need to use the mike. I'm sorry.

MS. ASHTON: This is a different version, but this is what we were provided. And you can see right here it should read "R or RV," okay. And then over here that should be RV, which is RV development area. And then you've got R over here, which is residential tract. So "R" means residential tract, or "RV" means RV development area. So I think that accommodates what you're trying to do.

CHAIRMAN STRAIN: I would have to agree with you. It gets a lot closer. And that will be something we can double-check over the break and be done with it after the break, I hope.

Thank you, Heidi.

MS. DESELEM: I just noticed -- for the record, Kay Deselem.

When I looked at it quickly -- we've made some changes today to the conversions, and this document is not consistent with what we've changed today.

CHAIRMAN STRAIN: Can you give us an example?

MS. DESELEM: I don't have a copy, or I can't see that part of it. But like we talked about the educational facilities and we talked about schools.

Dwight gave me a copy when we took the lunch break, but I didn't have a chance to get with Heidi during the lunch break to discuss it.

CHAIRMAN STRAIN: Okay. Well, after our next break, we'll come back and discuss this one more time.

MS. DESELEM: What -- oh, there he is. Okay. And the other thing that -- Steve Lenberger noticed that the Letter B was missing from --

COMMISSIONER EBERT: Well, we can't see that.

CHAIRMAN STRAIN: Well, just a minute.

MS. DESELEM: -- their preserve area, and it's just a typo that we can correct. And I had asked Dwight to make sure that he changes the date at the bottom to 9/1, because we already have one that's identified -- or to 9/11, because we already have one that we've accepted --

MR. YOVANOVICH: Nine eleven.

MS. DESELEM: Yes. Or -- hey, you guys went by month and year, so you have to change it to 9/11.

CHAIRMAN STRAIN: You know something, you are very lucky Mr. Murray's not here. He'd be the first one to tell you an eight-and-a-half by eleven to read this fine print is pushing the envelope.

COMMISSIONER EBERT: It is.

CHAIRMAN STRAIN: I don't even know if -- we'll see what we can do during break. Is that -- there is no larger --

COMMISSIONER CARON: Can they magnify it on the monitor?

CHAIRMAN STRAIN: During break you can just leave it on the monitor, and we'll have to review it.

MR. YOVANOVICH: Why don't we -- why don't we try to blow up just the words, because I don't think -- I think we're all comfortable, I hope, with at least the graphic depiction of everything. I think you're more interested in being able to read the text. So let's at least try to get you a text that's blown up.

CHAIRMAN STRAIN: Before break.

MR. YOVANOVICH: Before break, yeah.

CHAIRMAN STRAIN: Anybody else got any questions right now? We're going to come back to the master plan after the break.

Rich, you are aware of -- and I don't see him here. He was here earlier -- Joe Bonness with his issue regarding his property?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And you provided an alternative easement. Has he gotten back to you on that? He was here this morning, and I thought if he wasn't going to stay this afternoon, he'd ask to speak, but he didn't, so --

MR. GARCIA: I think the reason why he stepped away is him and I had the opportunity to speak. He took a look at the replacement easement, and he is fine with that, but there is one change. We had proposed to vacate the easement past the FP&L -- east of the FP&L easement, and he has an objection to that. So we just agreed that we wouldn't -- that we would take that out of our vacation -- easement-vacation application.

CHAIRMAN STRAIN: Okay. Can you -- I have a graphic of what you guys proposed to give him, or can someone put that on the overhead so you can explain to us what has occurred.

MR. YOVANOVICH: Okay. This is the easement that would go away, and it would be replaced by an easement around our perimeter getting him basically to his properties back here. It will get him into his property, and he would have access along -- is that Lords Way? What is that?

MR. GARCIA: There's no road there.

MR. YOVANOVICH: Okay. There's no road there, I'm sorry. And we had previously talked about taking -- vacating that portion of that easement that was on our property beyond the FP&L easement, and Joe objected to that. So we will remove that portion of -- we will remove vacating that easement from our easement-vacation application. So, yes, we've addressed his concerns.

CHAIRMAN STRAIN: Okay. I need to probably put what I've got in front of me on there, because even though he doesn't have a concern, he may have missed something.

A straight-line easement means you don't have any radiuses to worry about and you just move right on to the -- straight on eastward. When you break up into two 90s, to make those sharp corners still stay on your property may pose a problem for anybody with a vehicle trying to get back there and actually use that, and all I was wanting to make sure is that the radiuses there were adequate enough, and that's why I was going to ask Nick to take a look at it. And I was mostly concerned about that northeast corner, so --

MR. YOVANOVICH: We'll take care of that. We'll do that.

CHAIRMAN STRAIN: Okay. And the second thing, there was a -- this seems to indicate there's a bridge over the canal. If there is at that location, is there a bridge in the location you're proposing? And if not -- or even if there is, why wouldn't the easement extend across the canal like it does in the south? The existing one looks like it goes further to -- well, it does go further to the west than the north one you're proposing. Do you know why?

MR. GARCIA: I don't know why. There is no bridge on either location at this point in time. I mean, the easement that is existing is depicted that way because the document that created it took it from that section line.

CHAIRMAN STRAIN: Well -- but whoever owns that piece of canal, if they don't want to give Mr. Bonness an easement across that canal, he's up the creek without a paddle. If he's got one to the south, that may mean he needs one. So wouldn't he need one to the north?

Nick, are you familiar with this at all?

MR. CASALANGUIDA: I am, sir. Some of the canals in Collier County are owned by the county, some of them are easements granted to the Water Management District. I don't know. I'd have to go back and pull the title to find out and verify what's the case with this.

CHAIRMAN STRAIN: Well, I'll make it as a note of something that's got to be addressed then. I see you guys are conferring about something over there.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. I just -- the two things that need to be cleaned up are indicated on that. And I don't need a copy of it, so you guys can have it if you -- if you want to use it so -- or Ray wants to keep it.

Okay. We left off on the master plan. We're going to come back and revisit it after break. And right now -- we don't need to get into the legal description, although maybe I'll wake up in the morning and read that.

Let's go to Page 34.

COMMISSIONER HOMIAK: Put you to sleep.

CHAIRMAN STRAIN: Yeah.

Heidi, do you have changes on Page 34?

MS. ASHTON: No, I don't.

CHAIRMAN STRAIN: Okay. Now, there is going to be a change in -- the references in the prior parts of

the document --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- we'll change the deviation references that are on this page. We'll change it to the deviations as labeled on this page, right?

MR. YOVANOVICH: I believe the 4 will become a 3.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on the deviation page?

Kay, from the staff's perspective, are there any of these deviations that have not incorporated your -- staff's concerns?

MS. DESELEM: No, sir. We should be good to go on all of those.

CHAIRMAN STRAIN: Okay. And for Deviation No. 4, as it reads in this deviation list -- and I guess I want to ask this of Nick. This would allow them to put 20-foot walls up along both sides of the new Benfield Road corridor, I would think.

And is that something that is acceptable to our -- the way we do roads? Well -- and it says, where associated with existing or future public roadway. So I guess Rattlesnake Hammock and Lords Way, if it goes public, all of those could have 20-foot walls on each side of them.

MR. CASALANGUIDA: It's a 120-foot-wide, potentially, four-lane road if they're going to maintain that wall. And it's not in your urban area. The property to the east is residential. They'd be canyonizing their project. I'm not sure we have heartburn if it's meant to attenuate noise, as long as they're taking responsibility to maintain the wall.

CHAIRMAN STRAIN: Well, I mean, it's on their property. They'd have to.

MR. CASALANGUIDA: Yeah.

CHAIRMAN STRAIN: But I just want to make sure from -- we had the wall issue come up in another issue a long time ago, and I didn't know if it was acceptable or not. So I'm not concerned about it.

COMMISSIONER EBERT: We could use the --

MR. CASALANGUIDA: What's that?

COMMISSIONER EBERT: Twenty feet?

MR. CASALANGUIDA: If the intent of these walls is to protect from noise in the future, it's almost to our benefit, as the public. I mean, you know, again, this is east of the urban -- right on the urban boundary line. It's not a downtown arterial road. If this does get four lanes of traffic and they want to put up a 20-foot wall to attenuate noise, I don't think -- you know, you may drive down and feel like a canyon, but it will be -- it will be quiet for the neighborhood. We haven't had problems with it. I know on Davis Boulevard you're looking at a 20-foot wall as well.

CHAIRMAN STRAIN: Deviation No. 5 requires the 6-foot wall. That has to be around business parks to be relieved from in regards to their business park with the exception of the residential areas; is that right, Richard?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Your business park is surrounded on three sides by residential and lakes. Does that mean you don't intend to wall the lakes? And the reason that's important is because then the residential on the other side of the lake's got a direct view into the business park.

MR. GARCIA: It does not mean that. I mean, we -- our petition is only not to put it along Lords Way. So the three sides that border residential would still have the wall, the required wall.

CHAIRMAN STRAIN: Couldn't we simply it so we don't get into that discrepancy in the future and simply say that you don't want to put the -- you want to put the deviation to relieve the wall from the frontage along Lords Way.

MR. GREENWOOD: Fine with us.

CHAIRMAN STRAIN: I think it would work a little easier rather than fight over what -- okay. Okay. Pages 35 and 36. Heidi, do you have anything?

MS. ASHTON: No.

CHAIRMAN STRAIN: Anybody else have any questions on 35 and 36?

(No response.)

CHAIRMAN STRAIN: Okay. I do. Legal A, access to Parcel A. Now, I know Parcel A that you're referring to here is the swamp buggy tract, I believe; is that -- I shouldn't say. I believe Parcel A is the swamp buggy tract; is that correct?

Okay. What is Parcel A then, since you're shaking your head no? Oh, this is the one that leads on the

outlying parcels? Where's Parcel A? You see your new map you just passed out? The swamp buggy grounds is listed as A.

MR. YOVANOVICH: That's Tract A, not to be confused, which apparently we did confuse you, with Parcel A.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Where's Parcel A?

MR. YOVANOVICH: You've got a little end holding that checkered --

CHAIRMAN STRAIN: Much better. We've got a full-sized drawing. Excellent. Thank you.

Okay. So the two parcels you're referring to here are the landlocked parcels that are out in the preserve.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And the A that's on the swamp buggy grounds doesn't mean it's a Parcel A. That means it's a Tract A.

MR. YOVANOVICH: It's Tract A.

COMMISSIONER SCHIFFER: Lot A.

MR. YOVANOVICH: Not to be confused with Parcel A and a potential Lot A.

CHAIRMAN STRAIN: Under C -- now that we know the area we're talking about -- it says, no existing public access right-of-way easements shall be vacated to preclude off-site, private, and public lands without providing replacement access easements. I would simply like that sentence to refer to it as an "as equal," meaning whatever easement they have, if it's for access and/or utilities and for whatever else, you give them an equal replacement for an easement.

So I'm only suggesting that we add the language, something to the effect it's an equal easement in stature as far as what it can do.

I see your scrunched-up look, Richard. Is that because you disagree with me?

MR. YOVANOVICH: No. I guess I should have put my glasses down. I was trying to read. So where (sic) do you want to put there, a replacement --

CHAIRMAN STRAIN: The replacement easement will be equivalent to the easement that was removed.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And now we get into Page 36, which brings in a whole new issue that needs to be discussed, because it's the first place that this occurs.

Ray, could you put up the reference to Emergency Medical Services. The piece that I'm concerned about, it says, the valuation of one-acre site dedication that has been determined to be -- and it's zero zero per acre. I appreciate you wanting to contribute this for no dollar value, but I have a feeling you'll change that as the future goes on. And I want to make sure that we establish a value or we establish a methodology that's consistent with our Code of Laws in regards to appraisals for donated right-of-ways.

And, Heidi, I brought this up at the last meeting, and I know you've looked at it. Chapter 74.205. I certainly would like to know from your office -- and I'd rather make it real clear for the record what the language is I'm talking about. I actually happened to bring it. Wasn't doing anything else at four o'clock this morning.

It says, the credit for a dedication of land shall not exceed the fair-market value of the land dedication as based upon a written appraisal by a qualified and professional appraiser acceptable to the county based upon comparable sales of similar property between unrelated parties and a bargaining transaction as of the date of the contribution, the date of the commencement of the construction, the date of the land dedication, or for dedications the day before the date of the issuance of the development order, approval, parenthetical, zoning amendment, site-plan approval, PUD approval, or other development order, end parenthetical, wherein the contribution, construction, or land dedication was proffered or required, whichever occurs first.

Now, my understanding of what that would mean is the county would be kind of silly not negotiating a price on the land before they rezoned it, because typically rezoning is an entitlement and increases the value of land. And you really want to buy it before that happens.

So based on that -- this is just one example, under emergency medical services, where we're talking about donated land within this project. There are several of them in the various road dedications that will amount to a significant amount of acreage.

And we have a new Growth Management Plan that -- I think it was House Bill 7207 -- that changes the way

we have to deal with impact fees that are in excess of value received -- value provided. I mean, if we have -- I think if we collect more in mitigation or dedication than we're entitled to, that may leave some liability on the county.

And I don't want that to happen, so I want to understand how we're going to evaluate this land pursuant to that section of the code -- or the Code of Laws that I read, Heidi.

MS. ASHTON: Well, based on our last meeting, my understanding was that we would have a value today and that the staff and the applicant would get together and agree on a value of the property prior to the PUD zoning change, if that's --

CHAIRMAN STRAIN: Well, and Harry Henderson was -- I heard he might be, because he is a qualified appraiser who did look at this, but at the same time I understand, based on emails going back and forth between the applicant and the county, that Mr. Henderson's valuation wasn't going to work because he didn't include off-site mitigation for panther habitat, which I'm not sure is part of a value of a piece of property in itself. That's a whole 'nother separate issue.

But I'd like to get -- I'd like to get an understanding on this because it is important, and it's highly -- it's a high monetary issue.

So, Nick, do you want to jump in first and --

MR. CASALANGUIDA: There's one we can quantify, which is the value before, 30,000 an acre, which staff and the applicant says is reasonable. It's the taxable value. Harry says it's defensible depending upon developable land.

The issue that goes on -- and that satisfies, I think, the part of the statute that you're talking about.

The second part is when you receive the property later, you're going to have the benefit of the mitigation that goes with that. And since they haven't gone through the process, I can't -- I can't value that. That's something that can be calculated when they're done and turn it over.

So to solve that, I would recommend that this number reads 30,000 per acre, and with the -- and then the additional value that county benefits from through the mitigation process.

CHAIRMAN STRAIN: I would like to consider -- first of all, if we get to that point where we're putting a value in here that it's not 30,000, it's not to exceed 30,000, because this -- the document says, the credit for dedication of land shall not exceed the fair-market value of land dedication upon a written appraisal. We don't have a written appraisal.

MR. YOVANOVICH: The property appraiser appraised the property. The bill just went out -- the TRIM notice went out at 30,000 an acre.

CHAIRMAN STRAIN: Well -- okay.

MR. YOVANOVICH: Okay. So I would think that that's pretty darn good as far as meeting the requirements of an appraisal.

MS. ASHTON: Yeah. I'd rather establish an actual value, if the parties can agree on it, rather than having an up-to that we might be fighting about later.

MR. YOVANOVICH: Well --

CHAIRMAN STRAIN: Okay. This value is based upon the properties as it is zoned today.

MR. YOVANOVICH: Today.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: Okay. So we wouldn't have to worry about the entitlements received after this process goes through, the one you're applying for now.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And then the way you'd handle the mitigation, that would be a separate add-on as it occurred at whatever arrangements that you have down the road.

MR. CASALANGUIDA: And I think we'd have to come up with a sentence that says, any additional value the county would receive from the mitigation equally throughout the project. In other words, what are your mitigations for the whole project, and then that would be calculated for the county acreage as well, too.

CHAIRMAN STRAIN: I'm talking about the panther mitigation credits.

MR. CASALANGUIDA: It's more than just panther.

MS. ASHTON: Well, that's a separate provision. I guess I'm not clear on what you're talking about, the mitigation.

MR. YOVANOVICH: We're being required to not only give you right-of-way, but we're also being required to give you right-of-way that has been mitigated for for the impacts you're going to do, you, the county.

So what we're saying is, the right-of-way's worth 30,000 an acre, and then we're going to have to spend X more so you can develop that. We want to be reimbursed for that X.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Okay. So that's where -- what we have said.

CHAIRMAN STRAIN: And, Heidi, from a legal --

MS. ASHTON: Okay. So you've changed the deal, I think.

MR. YOVANOVICH: No.

MS. ASHTON: Because under 1X it talks about paying for the mitigation. Is that what you're talking about? Because, you know, I review appraisals, and we don't do a separate valuation for mitigation, so I'm not real clear how you're going to quantify --

MR. YOVANOVICH: Because you don't usually -- you usually just take the land and go mitigate yourself. In this case --

MS. ASHTON: Correct.

MR. YOVANOVICH: -- you're taking land and making me -- after you take it, you're making me mitigate it for you.

MS. ASHTON: But the mitigation is something separate from an impact-fee credit for the donation of land, okay, that -- we can address that when we get to that section.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: That's what I'm getting at.

MR. YOVANOVICH: Where is that?

CHAIRMAN STRAIN: Yeah. I want to stay strictly to the law that we currently have on the books to make sure we adhere to it, and I don't know if the mitigation is part of that, because it's not part of the land. It's something that helps other sections of land, and they can accrue various impact-fee credits for it, but it doesn't necessarily add to the value of the land that we're discussing. Okay.

MS. ASHTON: Yes.

CHAIRMAN STRAIN: So --

MR. YOVANOVICH: These are two different -- remember, this is the Emergency Medical Services' site.

CHAIRMAN STRAIN: I know. We're going to get into the same discussion on the roads.

MR. YOVANOVICH: I know. But what we're doing is, I believe we're mitigating for both.

MS. ASHTON: Okay. If you think you should be entitled to some sort of impact-fee credit for the mitigation --

MR. YOVANOVICH: Yes.

MS. ASHTON: -- then that's something you-all need to work out.

MR. YOVANOVICH: Well -- and we did. We said we would get 30,000 an acre plus our costs to mitigate for your -- you, the county's ability to develop that property.

CHAIRMAN STRAIN: Show us that language.

MR. YOVANOVICH: We haven't. We just talked -- that's what -- originally we had proposed a number, and Nick said, Rich, I'm not ready to agree on the mitigation number, so let's come up with language that says, Rich, I'm okay on the 30,000 raw-land price, but I'm not ready to tell you I'll give you another 30,000 per acre for mitigation costs.

So what we're saying is, let's do 30,000 an acre raw-land costs plus our cost to mitigate that land for your use, and we'll arrive at that later. We'll provide him bills, we'll show him what we spent to mitigate other lands, and it will be -- he'll be able to verify it. I don't have that today.

CHAIRMAN STRAIN: Nick?

MR. CASALANGUIDA: He's right. It'd be crazy for me to say I'm agreeing to 61,000 an acre.

CHAIRMAN STRAIN: I'm not suggesting you do that, so --

MR. CASALANGUIDA: It's 30,000 acres is the value, and that solves the valuation issue.

CHAIRMAN STRAIN: And it's based on a record appraisal already in place. So -- okay, we can get there. I see how we get there. So we take the county assessor's valuation as of today.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And we use that as the market value of the property for the insertion into this document on a per-acre basis. And then how are we going to handle the miti- -- the panther credits and all the other things?

MR. YOVANOVICH: Well, we need to add another sentence that says we will also be entitled to EMS impact-fee credits for the value of the mitigation we provide so you can develop that EMS site, and then when we get to road right-of-way, we'll say, plus the cost -- we'll get road impact-fee credits for the cost of the mitigation we provide so the county can build its roads.

MS. ASHTON: Well, that's kind of a separate deal, because we need to have an assignment of the mitigation so we know what mitigation they've done that's assigned to this tract so that we can use it when we go to --

MR. YOVANOVICH: We can -- that will all be dealt with in the paperwork. We're going through and -- we're permitting it right now. We're impacting -- we're permitting your impacts as part of our process right now.

MS. ASHTON: If you want to include that in the PUD, then I can work with Nick and we can come up with some language that we'll insert and propose.

CHAIRMAN STRAIN: Well, I think it's critical it's included in the PUD. I think we have two elements. We've established a value for the land that's based on the law, and you're going to establish a credit arrangement for impact fees to the extent that you have to mitigate certain lands, whether they be EMS or roadway as required by the county so they can use the land.

MS. ASHTON: Yeah. It's a cost of construction as opposed to the fee value of the land.

CHAIRMAN STRAIN: But I think that's a good way to approach it.

MS. ASHTON: Right?

CHAIRMAN STRAIN: I'm there. But we have to go through -- in each one of the paragraphs it referred to a blank space for value, we've got to insert the same language repetitively so every section takes that into consideration. If everybody's satisfied with that, I think that works out well.

So we're legally sufficient, the applicant accepts it, county staff understands it. My goodness, it's the best of all worlds coming together.

COMMISSIONER SCHIFFER: Mark, let me --

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: -- harsh this buzz a little bit here. But isn't the land worth so much more once utilities are in and everything else? What's -- the fair-market value, I know, is the lowest right now, and I know that's a great deal for the county. But is that the fairest deal for the property owner, because --

MR. YOVANOVICH: There's not a whole lot about this that's fair.

MR. CASALANGUIDA: Let's not have that discussion in 2019, okay. I'm not going there.

CHAIRMAN STRAIN: I was going to say we either stick to the law or we don't.

MR. CASALANGUIDA: Yeah.

CHAIRMAN STRAIN: And I'd just as soon we stick to it, so -- anybody else have any questions through Page 36?

MR. YOVANOVICH: I didn't mean this particular provision.

CHAIRMAN STRAIN: Thirty-seven and thirty-eight.

Oh, hey, Dan. Dan Trescott, for the record.

MR. TRESMOTT: Yeah. Dan Trescott, Southwest Regional Planning Council, planning manager, DRI coordinator.

Good for you on dealing with that last issue. That's great. The thing I have to add is we need to also notify the State Department of Historical Resources on the archaeological resource paragraph there where it talks about, you know, disturbance of the sites will have to receive approval from the county. I think we need to put the State Department of Historical Resources in there, too, and the same within the DRI development order, because I don't think the county has -- the county does not have an archeologist, right?

MR. YOVANOVICH: You're looking at the wrong guy.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. So we need to --

MR. TRESMOTT: Just insert "and State Division of Historical Resources." They're the ones that keep track



of all the sites around the state, and I think Kay said there was something in an ordinance dealing with that, but I think it's good to make it clear here that they should be notified, too.

CHAIRMAN STRAIN: Excellent. Thank you.

MR. TRECOTT: Thank you.

CHAIRMAN STRAIN: You're going to stick around for a while, right?

MR. TRECOTT: Yes.

CHAIRMAN STRAIN: Good.

Okay. Let's move on to 37 and 38. Actually, Heidi, I don't know how much you have on all these road-connection pieces, but we have them up through Page 46. Why don't we look at them all.

There's a common element regarding the value of the land which we just resolved, I believe, on each one of them. And if I'm wrong on that, let me know. But other than that, what else did we have on those road segments that were going to be installed? Did you have anything, Heidi?

MS. ASHTON: Do you want to go just two by two pages?

CHAIRMAN STRAIN: Sure, that's fine. Whatever's easiest for you.

MS. ASHTON: I don't have anything on 37 or 38.

CHAIRMAN STRAIN: Okay. Thirty-nine and forty?

MR. YOVANOVICH: Hold on. Hold on, please. Hold on, please.

CHAIRMAN STRAIN: Well, if -- the Planning Commission members have anything on those two pages?

Okay.

MR. YOVANOVICH: No. Thank you.

CHAIRMAN STRAIN: Thirty-nine and forty?

MS. ASHTON: Oh, 39 and 40. You can see the change that was on Page 39. It just changed from DRI to PUD, since we're dealing with a PUD, and then on Page 40, I did add some language, and that was -- it's related to some language that we're going to come upon later, and I was just trying to clarify which are site-related driven impacts, and that deals with the impact-fee credit. So that's what that sentence is. And then we have to insert the 30,000 here.

CHAIRMAN STRAIN: Okay. Anybody from Planning Commission or, Richard, up to Page 40?

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: Okay. Forty-one, forty-two?

MR. YOVANOVICH: On 41, Roman Numeral V, where you --

MR. BELLOWS: Forty-five?

MR. YOVANOVICH: No, 41, Roman Numeral V. You'll see there's a reference to 140,000 square feet for the business park. That needs to change to the entirety of the business park, because remember we also have the ability to put either a hotel there if we don't build one in the commercial area, and if we don't build a hotel anywhere, we have the ability to do another 60,000 square feet of business park, so we really have the ability to develop the entire business park. And I don't think Nick --

MR. CASALANGUIDA: No, that's fine.

MR. YOVANOVICH: -- has any problems with that.

CHAIRMAN STRAIN: But then you really want to cross out the words "140,000 square feet of" and just leave it "business park and residential Pod D."

MR. YOVANOVICH: Well, what we wrote was the entity of the business park. If you want to put business park, either way.

CHAIRMAN STRAIN: Why don't you just leave it simple, business park and resi- -- then whatever you evolve the business park to is what you end up putting there.

MR. YOVANOVICH: Okay. We'll just leave it the "business park and residential park, Pod D."

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: So Lords Way is going to be undivided two-lane road?

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER CARON: Why, leading up to a business park, would we not want it to be a divided, treed parkway like we have at Creekside, for example?

MR. CASALANGUIDA: Creekside, the back of it is a two-lane road.

COMMISSIONER CARON: And it's divided and it's treed.

MR. CASALANGUIDA: Partially. And I'm going --

COMMISSIONER CARON: Most all of it, and so is the entrance portion. By the newspaper is divided and treed and pretty much down as you snake around.

MR. CASALANGUIDA: It's a combination of residential and industrial, and your worst impact would be divided. It's not a county requirement for it to be divided, you know.

COMMISSIONER CARON: Well -- but this is a PUD. We can require anything.

MR. CASALANGUIDA: It would require more right-of-way.

MR. YOVANOVICH: And the right-of-way is actually 60 feet, which is on the next page. That's what exists in easements. So that 90-foot really needs to be reduced to 60 feet, on Page 42. And that's the way -- that's the way we presented it the last go-round. Those are lands that are existing road easements.

CHAIRMAN STRAIN: Who are -- are there other property owners that are not owned in principal by your applicant?

MR. YOVANOVICH: You have -- I guess it's the Baptist church now, right, that's on the north side of the road, and they have an obligation to give some right-of-way, but it's not -- so we're at 60 feet is the right-of-way we have.

CHAIRMAN STRAIN: Nick, in the future -- and that's a bigger church, and they have a -- they might be able to move forward monetarily quicker than the last fellow that was in there. If they were to build a substantial-size church -- because that's a big piece of property -- and they were to have facilities being used seven days a week, like a lot of them do now, how do you see that functioning on that road system at 60 feet with a business park at the other end and whatever else happens out there?

MR. CASALANGUIDA: It's not the road you'd worry about; it's the intersection you'd worry about. And that's one of those site-related impacts. They'd have to look at it at SDP and development. It's not the two-lane road -- carries up to 12,000 cars a day, 800 p.m. peak hours. It's your intersection. It's the gate valve that you're concerned about.

So when they came to develop, these folks, we'd look at the intersection. And if it meant additional turn lanes, they'd have to put that in. That's the constricting point.

CHAIRMAN STRAIN: Okay. Anybody else got any questions through Page 42? Forty-three, forty-four? Oh, go ahead.

COMMISSIONER CARON: Yeah, just one more on Page 42. The last line, if the segment of Lords Way is not deemed necessary by the time you've developed 66 percent, then we're going to -- we're going to allow this commitment to expire. Why would we allow it to expire?

MR. CASALANGUIDA: At some point --

COMMISSIONER CARON: I mean, at some point this is going to be 100 percent built out, and why shouldn't we get the commitment?

MR. CASALANGUIDA: We're paying for that -- in the exhibit you have -- I don't know if you have a color exhibit or not.

COMMISSIONER CARON: Yeah, I do.

MR. CASALANGUIDA: Okay. Where the red thick line ends to the east, if -- from that point farther east to Benfield Road, that's 100 percent of the county's responsibility to pick that segment of the road up. If there's no need for that connection and that cost when they get to that point and we can't afford it, it's not in my CIE to do it, how do I hold that in perpetuity against the developer?

So he asked for some surety, and I think 60 percent -- 66 percent of his development time frame gives us enough time to get to that point five, ten years from now.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CARON: Yeah.

CHAIRMAN STRAIN: Okay. Page 43 and 44?

MR. YOVANOVICH: Hold on.

CHAIRMAN STRAIN: We have the same acre references on them, so we'll keep those consistent.

MR. YOVANOVICH: Okay. On Page 43, I don't know -- I don't think -- Heidi, you had some, so I'll let you go first.

The road right-of-way width should be 120 instead of 150, I think she's showing.

MS. ASHTON: Correct.

MR. YOVANOVICH: Okay. And --

MS. ASHTON: And then I'm just establishing what are the site-related improvements --

MR. YOVANOVICH: Right.

MS. ASHTON: -- because those are essentially donations.

MR. YOVANOVICH: Right. And to clarify, when you're about -- the line that starts "the road easement necessary for this section of Benfield Road" -- you with me? It's about halfway down that paragraph.

CHAIRMAN STRAIN: I'm still looking for it.

MR. YOVANOVICH: Here. I'll show you what I'm going to add. And I talked to Nick about this.

What we get reimbursed for is a portion. We get our 50-percent reimbursement for the value of the land, but we get a 100-percent reimbursement for increasing the type of road from a local road to an arterial road. So we just wanted to make it clear that that 50 percent didn't also apply to the upgrade of the road, that we get a 100-percent reimbursement for the delta between the road we would have normally built versus what the county's asking us to build.

CHAIRMAN STRAIN: Is that the deal, Nick?

MR. CASALANGUIDA: Yes, sir. If the road costs \$100, and \$90 of that road is in the base, the increase to the county arterial would be \$10, so they would get the full value of that.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And I think on the -- Mr. Chairman, what road -- which pages are we up through right now?

CHAIRMAN STRAIN: We're through 44.

MR. YOVANOVICH: Forty-four. So bear with me. There's another reference on Page Roman Numeral VII. Is that which -- that's Page -- that's probably -- it's on the next page, I'm sorry. I think it goes to 48. There's a reference to 150 feet in width. It should be 120 feet in width on that one as well.

CHAIRMAN STRAIN: Anything else from anybody up through Page 44? Forty-five and forty-six?

MR. YOVANOVICH: Roman Numeral VIII, there's another reference to 150 feet in width, and it should be 120 feet in width. Oh, that's why. I was looking at the wrong version, sorry.

I think that's it through Roman Numeral X.

CHAIRMAN STRAIN: Page -- yeah. Forty-six, anything else? If not, 47? Anybody have anything on Page 47?

COMMISSIONER EBERT: Yes, Commissioner Strain. On 11 where it said the certificate of occupancy, it says -- for 75,000 in some areas it says 50,000, and I cannot tell you which page, but -- because we've had so many, but I remember reading 50,000.

CHAIRMAN STRAIN: The 50,000 was if it's medical, and the 20- -- the 70- is medical and general together; is that --

MR. YOVANOVICH: No. I think in version 6/28 we got -- originally we had -- we were only doing one CAT station, and that was in the -- that was in the commercial area, and we were required to do one at 50,000 square feet, but we were asked to do a second one in the business park. So we were given 75,000 square feet in the commercial square and 70,000 square feet in the business park, because we were being required to do a second CAT station, so we had made those changes at the last meeting.

MS. ASHTON: Those are the numbers that was at the last meeting.

CHAIRMAN STRAIN: Yeah, I remember now.

Anybody else?

MR. YOVANOVICH: Yes. We have something on the utility. Provision B -- are we on -- am I on the right page?

CHAIRMAN STRAIN: We're still on Page 47.

MR. YOVANOVICH: I'm sorry. I'm working from my strikethrough version.

CHAIRMAN STRAIN: Well, on Page 47 the Roman Numeral X, which starts on 46 and ends halfway down the page on 47, and then it goes -- then it goes to Roman Numeral XI. Roman Numeral X is verbatim from the DRI, but what -- Roman Numeral X stops short of including Item G in the DRI, which involves the DRI traffic impacts to

I-75 and SR951 in regards to ramps and things like that and how the developer will handle those.

Well, I realize that's a DRI issue. To omit it from the PUD might not make it as easily found to consider in the future. I'm not sure the DRI is written accurately -- because I had some issues with that based on my discussions with John Podczerwinsky. But regardless, if we're going to have you guys have to adhere to some kind of service requirements in regards to the -- I-75, we ought to include it in the DRI.

Nick?

MR. YOVANOVICH: In the PUD.

CHAIRMAN STRAIN: PUD, I'm sorry. It's in the --

MR. CASALANGUIDA: Yeah. I think it should be identical. If it's in the DRI, why not in the PUD. I don't think it's a problem with that.

CHAIRMAN STRAIN: Okay. But one thing that John pointed out, and I think -- I'm very glad he did -- in the DRI, after the FDOT gets done telling you guys what you will have to do if you reach an unacceptable level of service -- by the way, which doesn't say who determines that, but I imagine the DOT would love to determine that -- then you've got to fix it, and all the costs for you to fix it are -- if it's -- a proportionate-share payment is identified as needed, the owner shall receive road-impact credits for 100 percent of this contribution.

And as John pointed out to me, you're going to go fix a state road that we can't use impact fees for -- we don't use impact fees for, but you get a credit back against our impact-fee system for repairing a state road. Is that --

MR. CASALANGUIDA: Unfortunately, that's not necessarily true. We've spent money on state roads before. It's in our impact-fee calculations. Again, we're a donor county and a donor state, so a lot of the state roads, Collier County puts their impact-fee dollars on those projects as well.

CHAIRMAN STRAIN: But it's only done at the time that the state agrees to give us some funding that we match or do something like that, right?

MR. CASALANGUIDA: Not all the time.

CHAIRMAN STRAIN: So we pay impact-fee credits for state roads, and we get nothing from the state for doing that?

MR. CASALANGUIDA: We do -- in some cases we do. It's on a case-by-case basis. For instance, Davis Boulevard, we have a reimbursement plan from the state. But portions of our projects that are under state roads, we do some of that included in our impact fees. And it's related -- it's in that impact-fee calculation as well, too.

CHAIRMAN STRAIN: No. You have an interstate toll adjustment that you use to take off the calculation in the impact-fee study, and it's .94, I think it is.

MR. CASALANGUIDA: For the --

CHAIRMAN STRAIN: So you multiply times your road costs and your calculation by that point because the rest of that percentage is for state roads. So if you take that off, how are you getting impact fees from the state roads -- to address the state road system?

MR. CASALANGUIDA: You said the keyword, "interstate." Now, I-75, in the ramps and the approach, that's where you get into that, you know, little gray area, is the approach to I-75 under Collier CR951, SR951. That's not an interstate. So that's where they start to draw the line. Even though it's within the LA line, the improvements we're doing right now at 951 we're doing with both county and state road funding.

CHAIRMAN STRAIN: So we have to use our impact-fee credits to get access to pay for the access improvements to an interstate system that is not getting -- that is the interstate system itself, by its calculation in our impact-fee study, reduces the value of impact fees we charge because we supposedly don't contribute to those roads.

MR. CASALANGUIDA: They consider that the main-line widening. When you talk about interstate credits -- I'm not staying it's fair. We don't like it, but --

CHAIRMAN STRAIN: Politics.

MR. CASALANGUIDA: -- that's the reality of it.

CHAIRMAN STRAIN: Okay. But then why wouldn't we want to tie their credit to the matching-funds scenario that we'd have to put up on the state side? So when the state comes to us to do something, instead of us having to put up impact fees, we can show them that they have to credit us for impact fees that we used to address their state system.

MR. CASALANGUIDA: The state would credit us; is that what you're asking?

CHAIRMAN STRAIN: Right. Instead of giving -- instead of making us credit our overall impact-fee

system, why don't we specifically get the state to acknowledge a credit for our share of any impact-fee frontage we'd have to put up for those portion of those fees used for improvement to the interstate system, our access to the interstate system?

MR. CASALANGUIDA: I'm not going to get a nod from DOT on that. I'm not going to get a commitment from them.

CHAIRMAN STRAIN: Well, that sure is a lopsided agreement.

MR. CASALANGUIDA: Commissioner, I can tell you, our review, when we go through the MPO process, our funding we get from the state is pretty lopsided, too, so -- they're passing everything onto the locals.

CHAIRMAN STRAIN: Okay. But at least we're in agreement that this language should go in the PUD?

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: I'm not sure that's a good thing now. Maybe we just ought to forget it.

COMMISSIONER CARON: Let's transfer the bad language into the PUD.

CHAIRMAN STRAIN: Yeah. Of course, I know the applicant's not going to forget, so -- okay.

The next item up after that is the CAT, or actually the --

MR. YOVANOVICH: Public utilities.

CHAIRMAN STRAIN: Yeah. No, it's the Master Mobility Plan that -- I don't know where we're calling it that, because the county's Master Mobility Plan isn't complete yet.

MR. YOVANOVICH: Well, it's our --

CHAIRMAN STRAIN: It's your Master Mobility Plan.

MR. YOVANOVICH: -- our Master Mobility Plan.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Commissioner Strain?

CHAIRMAN STRAIN: Yes.

COMMISSIONER EBERT: I have a question on that page.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Mr. Podczerwinsky, this has to do with the pedestrian facilities, the bike paths as long as you're doing this under the master mobility. Will there be -- did you have time to look? Will there be bike paths, not sidewalk, but like bike paths?

MR. PODCZERWINSKY: As I browsed through the document, I did not see a specific provision for bike paths on private roads.

Do you guys have any response to that, bike lanes on private streets?

It would be required on any public streets that are being dedicated to us per their design requirements. But for private streets, I did not find any.

COMMISSIONER EBERT: So, in other words, the bike people will have to drive on the sidewalks?

MR. PODCZERWINSKY: Well, they do have other pedestrian facilities throughout the site, but I don't know if there's a specific provision that would allow them to stay off of the sidewalks within the -- within their site planning. In any case, it's going to have to refer back to the LDC and the requirement of the LDC for cross-sections.

COMMISSIONER EBERT: But right outside here -- you have on Collier Boulevard, 951, you have a multi-use path. I can tell you the one on Immokalee Road is used very frequently.

MR. PODCZERWINSKY: Yes.

COMMISSIONER EBERT: But if they have to go from side -- there is nothing on the inside. I mean, with a project this big -- and you want to have the people stay within this project, because you have a hospital nearby, you have the commercial center -- you have to provide something for the people getting there on their bike other than the sidewalk.

MR. CASALANGUIDA: Let me help out.

Commissioners, maybe I could help a little bit on this. You have a master plan -- they call it their mobility plan -- in front of you. You've got a line that's black and red with white little checkers in it. That's partially Benfield Road and Rattlesnake Hammock Road intersection. Those roads, when designed, will either have a bike lane or a multi-use path, but we don't make that decision until we get into that design phase. So those -- they will have one of those two on there, because they would be called arterials in Collier County.

Once you get to a collector road or a local road, we don't put bike lanes on those. Usually developers don't

either, and it's not in our code right now. So other than those two segments you see, it would be up to the developer as a local road internal to their development to include pedestrian facilities, but they don't put bike facilities. And it is also based on volume.

If a local road -- does that answer your question?

COMMISSIONER EBERT: Well, yeah. In a way it does. I was just at the Quarry. On their spine roads they have real bike paths, and what a difference it makes. If you want to do this in a -- under the master mobility, something is going to have to -- you're going to have to give them some leeway.

CHAIRMAN STRAIN: I think there's some language in the DRI that addresses the need for bicycles. And Dan may be going to mention that, so --

MR. TRESMOTT: Yeah. Under the DRI development order, Page 5, Paragraph A, provisions of a combination of bicycle, pedestrian systems, to be placed along public arterial and collector roads within a DRI which connect with public and private bicycle pedestrian systems in the DRI, and then they talk about racks and bicycle storage facilities in recreational, commercial, and multifamily residential areas.

CHAIRMAN STRAIN: Page 17 has another breakdown of certain bicycle needs as well.

MR. TRESMOTT: It's an energy-conservation measure.

CHAIRMAN STRAIN: Transportation.

MR. TRESMOTT: Yes.

CHAIRMAN STRAIN: So back to Diane's concern. How are you addressing the requirements for the bicycle pathways within your project?

MR. GARCIA: The way the documents read, we were planning on meeting the code, which is what Nick said. All of the arterial and collector roads will have their own bike lanes. Inside the development what is a private road within the development wouldn't be required to have them. It would be on our choice. We would still be required to have the required sidewalks that can be used by pedestrians and bicycle riders, but we wouldn't be obligated to have them in the actual roads, as you do on the arterials and collectors.

CHAIRMAN STRAIN: What do you -- Nick, when the words are added to our DRI that says the neighborhood shall be developed with a multimodal street system that can accommodate pedestrians and bicyclists thereby promoting alternative modes of transportation and reducing greenhouse gas emissions, do we have a definition or cross-section for what our multimodal street system is supposed to be?

MR. CASALANGUIDA: We have a cross-section for arterials and collectors, not for this. And I'll give you an example. Pelican Bay. If they were to come in with a design where they had a spine road that was wider to accommodate more traffic, we would look for that cross-section to have a bike lane in it. If they have multiple connections with local roads where, you know, the development may -- 50 or 100 homes, then that kind of volume on that road wouldn't warrant typically a bike lane to be put on there.

So it depends on what they come in for their design -- is what we would look at when they come in for their project.

CHAIRMAN STRAIN: Well, if we just requested the neighborhoods have typical roads, why would we say it will have a multimodal street system? What does that mean?

MR. CASALANGUIDA: It means sidewalks as well, too. Here's your challenge. If you've got a road that's 500 feet long and it has 200 homes on it, that's a pretty low-volume road. The main 22-foot paved road would accommodate a biker that is treated like an automobile. It almost -- for me to say to them, put in a bike lane for such a low-volume road is overkill. If they put a Pelican Bay Boulevard through the project, which in one of their master plans they tie in some of these pods and if they put in a boulevard or main road that connects the two, when they came in, we'd recommend that they would connect those with a bike lane.

CHAIRMAN STRAIN: Okay. And I'm not asking them -- I'm not trying to say they have to put in bike lanes. All I'm trying to understand is, what was meant when we say in Collier County you're going to have a multimodal street system? Because we're saying that in a document.

And if you're telling me it's strictly a street and a sidewalk, well, I'm just wondering why we didn't say, it will be a street with sidewalks.

MR. CASALANGUIDA: In some cases, bike lanes. It really depends -- and that's the challenge. It really depends on what they came in for a design.

CHAIRMAN STRAIN: This says in the neighborhoods though. And you just told me you wouldn't require

separate bike lanes in neighborhoods. So then if you wouldn't require it in neighborhoods and it only was meant for collectors and arterials, then why would we say in neighborhoods you're going to have a multimodal street system? Why wouldn't we just say, all roads will be -- will have sidewalks? And, then, are we getting to the same thing?

MR. CASALANGUIDA: Because if they build a neighborhood major road that -- like a spine road for their development, the spine road we'd say, that's -- now, as everybody starts to come into that spine road, put the bike lane on there, or go to an --

CHAIRMAN STRAIN: The spine will be a collector road though?

MR. CASALANGUIDA: It would be -- it's still private, so it would be a local collector road.

CHAIRMAN STRAIN: Well, it says public, arterial, and collector roads within a DRI which will connect public and private bicycle pedestrian systems within the DRI, so --

COMMISSIONER EBERT: Conflicting.

CHAIRMAN STRAIN: -- right now the way that's written, you're saying any public roadway system would have to have the public lanes, but any private systems, this multimodal reference is sidewalks to whatever degree that --

MR. CASALANGUIDA: Or an 8- to 10-foot multiuse path. If they did a spine road, I'd say, why don't you consider that instead of your sidewalks on both sides or --

CHAIRMAN STRAIN: What happens to Lords Way with a 60-foot right-of-way?

MR. CASALANGUIDA: You'd get a 6-foot sidewalk and probably a bike lane on Lords Way.

CHAIRMAN STRAIN: But that's going to be classified -- okay. It will have a bike lane?

MR. CASALANGUIDA: It's a public collector road.

CHAIRMAN STRAIN: Right.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: So you're saying Lords Way's going to have --

MR. CASALANGUIDA: Potentially a bike lane.

CHAIRMAN STRAIN: Potentially?

MR. CASALANGUIDA: Well, remember, I can go with a 12-foot multiuse path instead. City Gate DRI came forward with a design right now. They said, we're an industrial boulevard that will be Wilson/Benfield one day. Do we really want bike lanes next to dump trucks and heavy travel vehicles? We said no. So instead of bike lanes, they put in a 12-foot multiuse path off --

COMMISSIONER EBERT: Perfect.

MR. CASALANGUIDA: Okay?

CHAIRMAN STRAIN: Okay. We've still got to get into the DRI, so we'll probably hit some more on that when we get into that. I'd like to wrap up the PUD real quick so we can take a break, and then while we're on our break, we'll decide how long we want to go this afternoon and whether or not we'll even get to the Pine Ridge West or Pine Ridge View West, whatever that is called.

Pages 49 and 50? Does anybody have anything on Pages 49 and 50? Heidi?

MS. ASHTON: I just want to make a comment on 47 and the section that deals with the EMS donation. I'll work with Rich, and we'll come back with language which is going to quantify the cost of the mitigation as a cost of construction.

CHAIRMAN STRAIN: Right.

MS. ASHTON: And so we'll have language. I would suggest in No. 8 on Page 47, that we'll insert some language in the amount. I just wanted to reserve --

CHAIRMAN STRAIN: You mean Page 45 -- well, what -- I'm on Page 47. There's no No. 8 there.

MS. ASHTON: Yeah. We would add an 8 that would quantify --

CHAIRMAN STRAIN: Well, you've only -- you've got 11 and 12, so where are you to add 8?

MR. CASALANGUIDA: You mean 13.

MS. ASHTON: I'm sorry, 13.

MR. CASALANGUIDA: Thirteen.

CHAIRMAN STRAIN: Okay. Phew.

MS. ASHTON: Glasses don't always work so well.

CHAIRMAN STRAIN: It's one of those senior moments. I've been having those, too.

MR. YOVANOVICH: I don't think that's really what you want to do, because that's the transportation section.

MS. ASHTON: Yeah, but we'll quantify --

MR. YOVANOVICH: So you want --

MS. ASHTON: Transportation, and then separately for EMS.

MR. YOVANOVICH: Right. And you'll deal with it in the EMS section, which was earlier. Then in transportation we'll have the same issue.

MS. ASHTON: Correct.

MR. YOVANOVICH: Right, okay.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Gotcha. We had a comment on Page 49 --

CHAIRMAN STRAIN: We're now on 49.

MR. YOVANOVICH: -- I think you were up to, under public utilities.

MS. ASHTON: Yeah. This is the one that I haven't gotten blessed by the public utilities department, but I believe there's similar language in the DRI, and you would add -- do you want it as an "E," Rich?

MR. YOVANOVICH: We strike it, and we replaced it with what's actually in the DRI.

MS. ASHTON: Oh, okay.

MR. YOVANOVICH: Correct?

CHAIRMAN STRAIN: That's probably a better move that way, whatever they tell you to connect to you'll just connect to.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Yeah, that's a better move.

MR. NADEAU: Right.

MR. YOVANOVICH: So that, I believe, takes -- does that get us to the end? He says hopefully.

CHAIRMAN STRAIN: That gets us to the end of the PUD with the exception of the review of the master plan when we come back from break, and then we'll go into the DRI. And when we come back from break, we'll discuss how far along we're going to go today and how much time we will need for the next case, because we may not have enough time to get through it today. So we'll have to talk about that. We may -- anyway, let's come back at 2:30.

(A brief recess was had, and Commissioner Midney has left the boardroom for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the break.

A couple things while we were on the break. Karah Lewis, thank you for your excellent cooking. Your mother taught you well. At least she says she taught you everything you know, so --

As far as this afternoon after this hearing goes, I would want to talk with the rest of the Planning Commission to see what you feel. We have to go through the DRI yet, the master plan, and then we have to go through -- I -- so far I've written down 42 stipulations, and I'm sure that the applicant will want to make sure they're aware of all 42.

We then have to have our discussion and deliberations before any vote. That usually takes some time. Sometimes it's quick; sometimes it isn't.

With that in mind, though, we also break a little before five, because that's when the TV cameras get turned off. So -- we have another project after this that has turned out to have a more controversial stand than may have been originally thought, and it may take time to hear all the arguments on that particular project.

I asked the applicant of that project, if requested by this panel, would they consider a continuation, and they said they would. So I need to know what this board wants to do. Because I can see us working through one for a while yet, and I'd hate to start on the second one and not be able to finish it by break -- by the time we break off and have to continue it to another day anyway when we could start afresh on the next meeting of the month.

COMMISSIONER CARON: Motion to continue.

CHAIRMAN STRAIN: Is that --

COMMISSIONER KLEIN: I'll second.

CHAIRMAN STRAIN: Motion -- and that's at the request of the Planning Commission. Is there any 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 EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

I wish to thank those of you that have sat through all this today to at least find out that you're continued to the 15th then, so sorry for the inconvenience.

And with that, let's move into the master plan on Hacienda Lakes.

COMMISSIONER EBERT: Mark?

CHAIRMAN STRAIN: Yes.

COMMISSIONER EBERT: Commissioner Strain, before we --

CHAIRMAN STRAIN: You can call me Mark. I like that better.

COMMISSIONER EBERT: Before we close out the PUD, I have a question. When they are going to repeal the PUD for the swamp buggy, which was 129 acres -- and they're rolling it into this -- are they not also opening up that PUD?

CHAIRMAN STRAIN: Yeah. That's the way we've always approached them in the past.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Is there -- Heidi, can you hear her?

MS. ASHTON: I was just looking at the other one.

CHAIRMAN STRAIN: Could you hear her question?

MS. ASHTON: No, I didn't.

CHAIRMAN STRAIN: Okay. We're repealing the Swamp Buggy PUD and re -- resurrecting it within this PUD/DRI. Prior to this it wasn't a DRI. It was a PUD. Now it's going to be a DRI and a PUD because it's part of this PUD. Does that open it up for discussion to whenever we want to go with it, or are we limited in some --

MS. ASHTON: I'm not really sure what your question is.

CHAIRMAN STRAIN: Well, I've tried to simplify the question from what -- I was interpreting Diane's comments. But go ahead, Diane, you might want to ask it directly of Heidi again and see what she's got to say.

COMMISSIONER EBERT: Heidi, I guess I am having a problem with No. 8. I would like it taken out, removed from this completely.

CHAIRMAN STRAIN: But I think you need to ask your original question.

MS. ASHTON: I think what you're getting at is that you've got the swamp buggy grounds, and it's showing 47 acres --

CHAIRMAN STRAIN: No.

MS. ASHTON: -- 23 of which is swamp buggy.

CHAIRMAN STRAIN: No. What she's trying to say is -- and your predecessor had answered this for us multiple times. If we amend a PUD and we don't repeal the prior version, then we are limited somewhat in the things we can discuss about altering the PUD, but if we repeal a prior PUD to put a new one in place, in the placement of the new one, in the past we've been able to -- it's opened up to any discussion we want, whether it be development standards, uses, or whatever.

I think you're trying -- Diane's trying to first establish, have we opened up the swamp buggy PUD, and then if we have, she has a concern about one of the items there. I think that's what it boils down to.

MS. ASHTON: I believe that they've opened up the PUD. Now, I think that Mr. Yovanovich earlier indicated that he has, perhaps, limited authority as to the swamp buggy parcel, which I believe is 23 acres. There's a total of 47.

So we do have another 20 acres if he doesn't feel he's got the authority with the swamp buggy to address that

acreage. I do believe the owner is here today on the remaining part of the attraction parcel. Are you following me?

CHAIRMAN STRAIN: Yes.

MS. ASHTON: Okay.

CHAIRMAN STRAIN: The swamp buggy at forty -- the swamp buggy grounds is owned by two different people. Half of it, practically, is owned by somebody that's here today.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: The other half is owned by an entity that Richard doesn't have -- Richard has limited authority to speak for.

So, now, with that all said, did you want to ask a question now about that issue, or how did you want to approach it?

COMMISSIONER EBERT: Yes, because I -- I'm just real uncomfortable, and I think it will solve a lot of problems. Are you willing to give up the stadium training and practice facilities for the professional baseball?

MR. YOVANOVICH: No, we are not.

COMMISSIONER EBERT: Then that's a substantial -- okay. Because we have other problems -- we have three different places in here where it shows different acreage. When we go to the DRI, they show different acreage than what the county is showing.

And like Mark said, this is confusing enough, and --

CHAIRMAN STRAIN: Well, let's talk about the stadium issue. I know you brought it up before, and it needs to be vetted and understood. You're coming in for a DRI in which you're now -- so the Swamp Buggy PUD is elevated to a DRI status by the mere fact it's now a new PUD with you guys.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Certain elements of the old swamp buggy grounds are exempted from the calculations that you're using; for example, traffic. You don't -- you're -- the traffic they generate isn't part of a cap that you guys have to deal with.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: It's part of the overall PUD, but not part of the cap.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Some of the uses in the swamp buggy PUD, if it was looked at as a DRI, would have been subjected to different scrutiny than if it's looked at as a PUD. I think that may be where Diane's concerns are, and I -- and Dan Trescott's here.

So maybe, Dan, could you elaborate to us the issue of the swamp buggy grounds.

MR. TRESMOTT: The swamp buggy grounds is considered an attraction under the DRI thresholds. And if they are allowed to convert it to a stadium, it's either going to be a notice-of-change requirement, depending upon how big it is, or it's going to be an automatic substantial deviation. And this is the first time, really, I've heard about a possibility of a stadium. I don't know. I may have heard of that before. But, you know, we've reviewed those as single DRIs in themselves in Lee County and in other counties where they have these spring-training facilities.

And I know at some point maybe the county wants one, you know. It is an economic generator and --

CHAIRMAN STRAIN: Well, since you will be the -- a level of reviewer of this project, I'm assuming after the Board of County Commissioners renders a decision on it, assuming it's positive, it goes to you guys to be looked at as they -- as the regional significance regarding the DRI process. So how would you look at the inclusion of a stadium or professional ballfield use that currently is shown in the PUD that we have in front of us today that is now a PUD/DRI?

MR. TRESMOTT: I think kind of like we looked at the RVs except R -- you know, I think we concluded that the RVs were not originally in the application, and they've come in sort of in the final hour, but we've tried to address the impacts of it.

I would say we'd be best to -- I mean, I guess we could put language in the development order or the PUD somewhere that addresses that stadium -- possibility of a stadium being in there and it being required to go through an NOPC or a substantial deviation application, either that or just take it out altogether. And if it comes in -- if it wants to change from swamp buggy to that at some point, then they come in and we re-review it. Does that make sense?

CHAIRMAN STRAIN: Yeah.

COMMISSIONER CARON: Why wouldn't you do that?

CHAIRMAN STRAIN: Well, I mean, it makes sense, but I'm now concerned about the authority to make that decision by the people that are here today.

MR. TRECOTT: Well, yeah.

CHAIRMAN STRAIN: Richard's quietly sitting down because he doesn't want to answer that question.

MR. TRECOTT: I think he's conferring.

CHAIRMAN STRAIN: Okay. Well -- and it's good input, thank you, too.

MR. TRECOTT: You're welcome.

CHAIRMAN STRAIN: It was important.

COMMISSIONER EBERT: You ask about the residential also. Did we ever get into the caretakers residence?

CHAIRMAN STRAIN: Yes, that -- yeah, that's confirmed as being part of the density.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Richard?

MR. YOVANOVICH: Can I ask a question? To the -- and I'm asking you, because you're the person. Today I have a Swamp Buggy PUD that has an allowed use for a stadium.

MR. TRECOTT: You mean the old one or the --

MR. YOVANOVICH: The old one, the old one.

MR. TRECOTT: Okay.

MR. YOVANOVICH: And if I were to come in today to the county and say, I want to build a stadium, do I go through a DRI review?

MR. TRECOTT: If it's over 10,000 seats, yes.

MR. YOVANOVICH: Even though it's an existing PUD that was adopted in 1984?

MR. TRECOTT: Yes, the tracts -- yes.

MR. YOVANOVICH: So why don't we agree that to the extent I would have to go through a DRI review today to implement the Swamp Buggy PUD, I will agree to do it in the future. I don't think anybody's trying to hurt --

MR. TRECOTT: I think, yeah.

MR. YOVANOVICH: I don't think anybody's trying to hurt swamp buggy.

COMMISSIONER EBERT: No, absolutely not.

MR. YOVANOVICH: And -- so let's have -- if they would have to do it today, they'll do it tomorrow. If they don't have to do it today, they don't have to do it tomorrow.

MR. TRECOTT: If it's in the DRI, then it's a little different.

MR. YOVANOVICH: I understand.

MR. TRECOTT: If it's below 10,000, I'm not sure. It might have to -- you might be able to do a simultaneous increase and decrease thing and add that use. I'd have to look at the law a little better on that. But I know your question, yes, they'd have to do a DRI over 10,000.

MR. YOVANOVICH: Okay. So then we'll deal with that. You know, if we have to do it today, we'll do it tomorrow. How's that -- does that make sense?

MR. TRECOTT: That's fine.

CHAIRMAN STRAIN: If that works for the Regional Planning Council, I think it works for us.

MR. TRECOTT: That's what I asked for. Thank you.

MR. YOVANOVICH: Just want to make sure.

CHAIRMAN STRAIN: So to the extent that you would broach or breach a DRI threshold under the current swamp buggy PUD --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- if you do so under the new swamp buggy incorporation of this PUD, you still have to do the threshold exercise to make it -- to get approval, which is your -- either an NOPC or a substantial deviation.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Okay. Well, I think if we get that language in there -- I would suggest that we probably add it under the swamp buggy section on Page 13, something to that effect, and I'm sure Heidi will love to work that out with you, and then we'll be off on that issue.

That's very helpful. Thank you, Dan.

Now we have to go into the development order, and we -- I'd like to take that one a little faster since it's more generic.

MR. YOVANOVICH: No. Mr. Strain, you've got -- can we do the PUD master plan real quick?

CHAIRMAN STRAIN: Oh, yeah. I'm sorry.

MR. YOVANOVICH: Heidi had a few edits that are on the visualizer.

CHAIRMAN STRAIN: And Kay's going to have to be asked if she can handle it from a staff's perspective, so let's go.

MR. YOVANOVICH: I hope as, again, we're changing the -- what we have as the R/RV to the R or RV, making the change to where it is just RV in this portion -- apparently we left a B off up here, changing the word "educational facility" here to "school," and then there's a total project intensity -- is that where we're going to put the three thousand -- whatever the number of trips are? Is that what you meant by that note, Heidi?

MS. ASHTON: Yeah, you'll just repeat that sentence.

MR. YOVANOVICH: Okay. Just want to make sure.

MS. ASHTON: It will be repetitive, but we'll just repeat it. In no event shall the project exceed --

MR. YOVANOVICH: Exceed 3,328 --

MS. ASHTON: -- that number, trips.

MR. YOVANOVICH: I think --

MS. ASHTON: And there's one other addition that Tom Eastman has, which is to put, after schools, "excluding Collier County School District schools." Where we're adding the word "school" instead of "educational facility," it will say school, paren, excluding Collier County School District Schools.

MR. YOVANOVICH: Okay. But that -- again, that's the business-park tract. That sentence only applies to the business-park tract.

MS. ASHTON: Well, he's --

MR. YOVANOVICH: I'm just asking, Tom. Do we need to muddy it by bringing in Collier County Public Schools since you're not going on that tract?

MR. EASTMAN: For clarity I would appreciate it. I don't know that it's that much mud, Rich. I hope it's not too much mud. It just makes it real clear. I would hate to see someone point to that and say, you know, that's the standard. There's a reference -- and it just makes it more clear.

MR. YOVANOVICH: Okay. Because I'll tell you what I would argue. I would argue that a cap doesn't apply to me if I'm Collier County.

MS. ASHTON: Well, he just wants the clarity. You've got it on the other two areas where we reference it.

MR. YOVANOVICH: Right.

MS. ASHTON: And then there's one sentence that's on this master plan that is not on your density residential intensity, so we'll add this one on the other page, and that reads "caretakers' residences shall be deducted from the 1,760-unit allocation." It's here, and we'll put it also on the other one so that they read the same.

MR. YOVANOVICH: Okay.

MR. EASTMAN: And my request for the changes is exactly what you would argue, Rich, that this cap doesn't apply to Collier County schools.

MR. YOVANOVICH: But I would argue that I can go above 140,000 square feet on the business-park tract if I'm a Collier County public school.

MS. ASHTON: And that's correct.

MR. YOVANOVICH: But that's what I was afraid --

MR. EASTMAN: That's what I believe this change allows for.

MR. YOVANOVICH: Okay. All right, so -- all right, never mind.

MR. EASTMAN: Do you disagree?

MR. YOVANOVICH: But you're not -- you're not -- Collier County Public Schools is not getting the business-park tract.

MR. EASTMAN: I understand that.

CHAIRMAN STRAIN: But he'd like it.

MR. YOVANOVICH: But he'd like to buy it.

CHAIRMAN STRAIN: I'm just kidding.

MR. YOVANOVICH: Got it. I'm good. We'll get together.

MR. EASTMAN: But what if it were to become a eventuality potentially?

MR. YOVANOVICH: Okay, okay.

MR. EASTMAN: I mean, it's not that much mud.

MR. YOVANOVICH: I'm good, I'm good, I'm good, I'm good.

CHAIRMAN STRAIN: Brad?

MR. YOVANOVICH: I'm good.

COMMISSIONER SCHIFFER: Ray, does -- is -- usable open space, is the preserve considered that?

MR. BELLOWS: Yes, it is.

COMMISSIONER SCHIFFER: Okay.

MR. BELLOWS: It's usable.

CHAIRMAN STRAIN: Could you slide your thing up to the legend. I just want to make sure there was a change in a word there. Yep, okay. I'm fine.

Anybody else have any issues with the master plan?

COMMISSIONER EBERT: I have --

CHAIRMAN STRAIN: Kay, I'd like you to acknowledge that you've reviewed it and like it.

MS. DESELEM: I love it.

CHAIRMAN STRAIN: You think it's great.

MS. DESELEM: Yeah. The only thing I would say was, if throughout today any recommendations come forward that -- as far as the density and intensity and any of these other things that are in the PUD document, that this would have to be revised to mirror that.

CHAIRMAN STRAIN: Yes. I think that's --

MS. DESELEM: And other than that, I think it's lovely.

COMMISSIONER EBERT: Commissioner Strain?

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Commissioner Strain --

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: -- one question for Heidi.

Heidi, could you please clarify what you said about the caretakers' residence.

MS. ASHTON: Uh-huh. I'll refer you to the page once I find it. Okay. On Page 17 of the PUD.

COMMISSIONER EBERT: Yes.

MS. ASHTON: The third line down under residential density, after the words "no more than 1,232 multifamily units may be constructed in the entire PUD" --

COMMISSIONER EBERT: Okay.

MS. ASHTON: -- then the sentence would be added, "caretakers' residences shall be deducted from the 1,716 unit allocation in the entire PUD."

COMMISSIONER EBERT: Will be deducted from there.

MS. ASHTON: Correct.

CHAIRMAN STRAIN: It means they'll be counted as density.

MS. ASHTON: Correct.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And it's also in Exhibit B. That's where -- she was reading from Exhibit B, right.

CHAIRMAN STRAIN: Ms. Caron?

COMMISSIONER CARON: I'd like to go back to the usable open-space issue that Mr. Schiffer just brought up.  
Ray?

MR. BELLOWS: Oh, I'm sorry.

COMMISSIONER CARON: I'd like to go back to the usable open-space issue --

MR. BELLOWS: Yes.

COMMISSIONER CARON: -- issue that Mr. Schiffer brought up. So you're telling me that all of these preserves count as usable open space?

MR. BELLOWS: That's my understanding. The Land Development Code defines usable --

COMMISSIONER CARON: What's our -- what's the commitment for open space on a project like this? It's a percentage figure.

MR. BELLOWS: Yes.

COMMISSIONER CARON: So what is --

MR. BELLOWS: It's 60 percent for residential and 30 percent for commercial mixed-use.

COMMISSIONER SCHIFFER: But on the site plan it says 60 percent within the total boundaries of the MPUD. And that's why I asked the question, because if the preserve is not usable, that's going to be difficult. If it's usable, it's extremely easy.

MR. YOVANOVICH: It's impossible.

MR. BELLOWS: Yeah, preserve is usable.

COMMISSIONER EBERT: None of it's wetland?

CHAIRMAN STRAIN: Well, it still doesn't mean it's not usable.

MR. BELLOWS: I don't think that matters in regard to usable base calculation.

CHAIRMAN STRAIN: During the dry season you could do things. I mean, there's opportunities, so -- Anybody else have any question on the master plan?

(No response.)

CHAIRMAN STRAIN: Okay. Let's move on to the development order. We can take this one in bigger chunks. We've -- the PUD had more detail than the DO. So why don't we work about five pages at a time. And we have all these pleasant "whereas" clauses in the first five pages till the first page of findings of fact. Does anybody have any questions? What about those pages?

Now, Heidi and Richard and Ray or Kay, I have made notes as we've gone along, and I did not make notes on some of the smaller items. I just made notes on the -- you know, because you -- there's a lot of little grammatical things I saw you guys taking notes on those.

I've got -- without the master plan I've got 44 corrections, stipulations, whatever you want to call it. A lot of those would be carried over to the DO. So someone's going to be coordinating that anything in the PUD that gets changed that is mirrored in the DO, the DO gets changed as well?

MS. ASHTON: Sure.

CHAIRMAN STRAIN: Okay. I just want to make sure, because I'll try not to be redundant in all those issues in the questions that I have remaining.

Pages 1 through 5, does anybody have any issues? Heidi, do you have anything?

MS. ASHTON: No. There were some changes, but they were what was directed at the last meeting.

CHAIRMAN STRAIN: Okay. Pages 6 through 10. The -- anybody have any questions, 6 through 10? The strikethrough version that we had did not have all the backup with it.

We referenced a Commercial Tract C. Do you guys have a separate tract map? Because you have a master plan, but it doesn't -- okay. So the master plan is your tract. So Tract C in your master plan means more than just commercial. It's also your tract designation, because you also -- in your reference to your road access, you reference pods. You got -- so I'm trying to make sure we understand the differences between the different designations.

MR. YOVANOVICH: You're right. There is a distinction when you get to the traffic. We've identified within our project area pods that relate to the traffic improvement.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: They're not the same as the tract designations on Map H.

CHAIRMAN STRAIN: Okay. Can we say the tract designations are the legend designations on the master plan for the DO?

MR. YOVANOVICH: Map H. Map H is the master plan --

CHAIRMAN STRAIN: Okay. Well --

MR. YOVANOVICH: -- which is the DRI --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: -- equivalent.

CHAIRMAN STRAIN: You need to help me. What -- can you put Map H up on here.

MR. YOVANOVICH: It's right here.

CHAIRMAN STRAIN: Okay. Right side up. Okay. That pretty much mirrors --

MR. YOVANOVICH: It does.

CHAIRMAN STRAIN: That's what I was trying to get to.

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: Except -- there's always an "except" with this project. See your R/RV?

MR. YOVANOVICH: Yeah, because we made that change based -- based upon previous discussions. So it will become an R or RV.

CHAIRMAN STRAIN: Heidi, did you have any -- because they reference the -- it says, optional RV park, R/RV. You'd have to change that reference in the legend, too, right?

MR. YOVANOVICH: We'll have to make similar changes to several of these maps to deal with the R or RV, as well as the legends.

MS. ASHTON: Yeah. The way that they've labeled it, I think, is confusing.

MR. YOVANOVICH: We're okay.

MS. ASHTON: R or RV.

MR. YOVANOVICH: I think we understood it. We'll match it.

CHAIRMAN STRAIN: Okay. By the way, looking at this map, I wanted to make -- okay. You're going to re -- you're going to research and review that Bonness easement and get us --

MR. YOVANOVICH: We told you we would take care of it. We'll make sure that the replacement easement has the necessary turn radius for him to get in and out of the corner.

CHAIRMAN STRAIN: And access to 951?

MR. YOVANOVICH: Yeah. We'll have to deal with that, yep.

CHAIRMAN STRAIN: Okay. We are on Pages 5 through 10. Does anybody have any other -- any questions?

MR. TRESKOTT: Yes.

CHAIRMAN STRAIN: Dan. Yeah, feel free, Dan, to jump in, because this is more of your review than anybody else's, so --

MR. TRESKOTT: Right. Thank you.

Yeah, I just wanted to add under C, Page 9, dealing with the archaeological sites, that they need to -- it would notify the county and the Department of Historical -- state Department of Historical Resources. It's similar to the PUD language --

CHAIRMAN STRAIN: Okay.

MR. TRESKOTT: -- because I think that -- you know, they're the ones that keep track of all the sites. And there might even be a permit process. I'm not sure. But, you know, you don't want to do something without their knowing about it. They're the qualified archeologists, the state, you know.

CHAIRMAN STRAIN: No. That makes sense, thank you.

MR. TRESKOTT: Okay.

CHAIRMAN STRAIN: Heidi, did you have anything in those pages?

MS. ASHTON: No.

CHAIRMAN STRAIN: Okay. Pages 10 through 15?

COMMISSIONER EBERT: Wait a minute. Ten through fifteen.

CHAIRMAN STRAIN: Anybody have anything?

MS. ASHTON: I have some changes under U. Are you working off of the strikethrough version?

MR. YOVANOVICH: No, we're working --

CHAIRMAN STRAIN: I have no idea on this one.

MR. YOVANOVICH: No. We're working off yours. We're working off of yours, the 8/23 version.

CHAIRMAN STRAIN: Mine says "county attorney draft" up on top, so --

COMMISSIONER EBERT: Well, they all say that.

MS. ASHTON: Well, one of them --

CHAIRMAN STRAIN: Well, no. Mine's not double-sided; yours is. So I'm not sure that they're all -- I

mean, yeah, they all say that, but I'm not sure I got the same county attorney draft version you got.

MS. ASHTON: One of them wasn't mine, but --

MR. YOVANOVICH: If you look down at the bottom, if it says 8/23, that's Heidi's. If it's got --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: If it's got a strikethrough with changes to it, that's mine.

CHAIRMAN STRAIN: How about if I got both?

MR. YOVANOVICH: Good. Because we had very few changes on this. The only thing we really dealt with was with the right-of-way.

CHAIRMAN STRAIN: Mine is the strikethrough and underlined, and it says 8/23/11 on it, so --

MR. YOVANOVICH: But this is an older one. But that's an older one.

MS. ASHTON: No. This is the one that was generated.

CHAIRMAN STRAIN: We're waiting on Heidi to resolve her issue with you, so --

MR. YOVANOVICH: What you -- obviously, the version you have that's 8/23 had changes based upon our meetings the last time.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: I created a strikethrough and underlined version to show everything that was changed. If you need me to go page by page to show you how we arrived at the 8/23 version, I can, or you -- we can go like you're doing where you're saying, "Does anybody have any issues?"

CHAIRMAN STRAIN: I'm more concerned with Heidi's issues.

MR. YOVANOVICH: Okay.

MS. ASHTON: These aren't my issues.

MR. YOVANOVICH: They're not her issues, so --

MS. ASHTON: I don't have a problem with the language. That's just --

CHAIRMAN STRAIN: Okay, then. From -- Heidi, from your perspective --

MS. ASHTON: That wasn't my change.

CHAIRMAN STRAIN: -- when we vote on the DO today, what version and what are we voting on?

MR. YOVANOVICH: You're voting on Heidi's version as amended today.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Heidi's version is the base.

CHAIRMAN STRAIN: Ray, on the lower left-hand side, can you lift that up a little bit so I can see what version you have there. Okay. That's the same one I'm using.

MS. ASHTON: Yeah. Actually, the one that the applicant distributed as the strikethrough and underline that -- it came from them, but it says "county attorney draft." It's not my draft, but it is correct as to what the changes were.

CHAIRMAN STRAIN: Okay. Okay. We're through Page 15. Pages 16 through 20, any questions or concerns? Anybody?

(No response.)

CHAIRMAN STRAIN: Then we start on Page 21, work through 25.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: The language that we work out for the mitigation and the right-of-way costs where it needs to be inserted in this document, the same language gets inserted.

MR. YOVANOVICH: Okay. I was going to point that out. There are some blanks in the next-coming pages.

COMMISSIONER EBERT: What page are we on?

CHAIRMAN STRAIN: We're up through Page 25.

COMMISSIONER EBERT: I have something on 17.

CHAIRMAN STRAIN: It doesn't matter. What's on 17 that you --

COMMISSIONER EBERT: That is our pedestrian and bicycle movement. Can we do it according to the recent Collier County -- the code that's in effect at the time this is built?

MR. CASALANGUIDA: Yes.

COMMISSIONER EBERT: Okay.



CHAIRMAN STRAIN: Yeah, that's what they'll be.

COMMISSIONER EBERT: Because that might be a multiuse path instead?

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: Page 26 through 30, anybody have any questions?

MR. YOVANOVICH: Hold on -- 25, I'm sorry.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And I know we -- I'm just pointing out where this is consistent with changes we previously did. We'll have to make that -- the reference to the business-park change here as well as the width of the right-of-way. It goes to 60 feet from 90 feet, and fill in the blanks. And that --

CHAIRMAN STRAIN: Oh, this is not good.

COMMISSIONER HOMIAK: I have the other one.

COMMISSIONER EBERT: Yeah.

COMMISSIONER HOMIAK: Which one do you have?

CHAIRMAN STRAIN: Ray, would you put Page 25 up for the one you're using? Because that's not what I'm looking at both sides of me have got. Yeah, okay. That's what I've got. No, here. That's the page that he's talking about.

COMMISSIONER EBERT: Yeah, and we don't have that.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: You have a clean version that should -- this is what I have from the county attorney's -- what I received. That's what my Page 25 looks like. Is that your Page 25?

MS. ASHTON: Yeah.

CHAIRMAN STRAIN: Not mine. That's --

COMMISSIONER HOMIAK: That's from the county.

MR. YOVANOVICH: This is what -- this is the --

CHAIRMAN STRAIN: That's the same as what I'm reviewing. It's just different format.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And on that we're -- on all the transportation sections, we're going to have to make the same changes we made to the PUD. I can point those out, or we can just acknowledge that we're going to have to do that in the transportation section to make them consistent.

CHAIRMAN STRAIN: Well, the transportation section goes through Page -- up to Page 33. Then Page 33 actually starts -- continues Roman Numeral IX and goes to F.

Does anybody have any questions up through Page 33? How about through Page 35? Yeah, that's the changes that --

MR. YOVANOVICH: That's the previous changes we made.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Those were consistent with what you had already asked.

CHAIRMAN STRAIN: Okay. So everything in the DRI's being changed to what we've already discussed here today.

MR. YOVANOVICH: Right, in the PUD. I don't think they're -- I'm not aware of any changes in the DRI that differ from what we already discussed in the PUD, unless you have other issues.

CHAIRMAN STRAIN: No.

MR. TRECOTT: I had a question.

CHAIRMAN STRAIN: Go ahead.

MR. TRECOTT: What I still don't seem to be clear on is the equestrian use, which we didn't look at before, about how those -- how the connection of those horse trails from this DRI to the -- to either their on-site preserve lands that are going to become Picayune Strand or to the Strand. I just don't know how -- there's existing trails --

CHAIRMAN STRAIN: Richard and Heidi, the gentleman's trying to address you with a question you may want to listen to.

MR. YOVANOVICH: I'm sorry, Dan.

MR. TRECOTT: Yes. I just am not clear about the equestrian issue dealing with the trails that connect

from this DRI to the existing trails in the Picayune Strand or even, you know, whatever might occur in your own preserve that's -- preserve areas that are going to go to the Picayune Strand. I'm just not clear. Bob Mulhere and I had a discussion about it, and I was wondering if I could get clarification on that.

MR. MULHERE: It's our intent not to construct any trails in the preserves ourselves that we're going to ultimately dedicate to or convey to the forest.

They already allow equestrian activities and would encourage that, so we coordinate with them to provide access from our project if we do go forward with an equestrian theme to access the forest. So it will be through coordination with them.

MR. TRESKOTT: Do we have language in here that's good enough to --

MR. MULHERE: I think we could add a sentence that says access from the project through the park for equestrian purposes shall be coordinated with the ultimate owner of the preserved lands.

MR. TRESKOTT: I think -- would that probably be best in the vegetation and wildlife section --

MR. MULHERE: Yes.

MR. TRESKOTT: -- probably? Okay. That'd be great. Thank you.

MR. MULHERE: I just want to make sure.

CHAIRMAN STRAIN: Thank you, Dan.

MR. MULHERE: Did you get that, Dwight?

CHAIRMAN STRAIN: Bob?

MR. TRESKOTT: I want just to make -- you know, got to get it in there. I think it's a permissible thing.

MR. MULHERE: Yeah, it's --

CHAIRMAN STRAIN: Well, with Bob's -- with Dan's presence here today and his familiarity now with this project, before this comes back and it will be consent -- I mean, there's no other way of doing it -- would you make sure that he has signed off on the changes that you're suggesting to make?

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Okay.

MR. TRESKOTT: Yeah. I want to -- after all this is done, we'd like to get a clean copy, and we'll review it completely with the assessment report we did and give you any additional comments. Hopefully there'll be nothing and --

CHAIRMAN STRAIN: Well, we'll give you -- believe me, there'll be ten different versions coming to you. You'll get to read --

MR. TRESKOTT: I've never seen so many before, actually.

CHAIRMAN STRAIN: Neither have we.

Pages 40 through 41, anybody have any questions or issues?

(No response.)

CHAIRMAN STRAIN: Page 44 we go into the school site, and I'm sure -- Tom, how are we going to talk about the school site in the DO?

MR. EASTMAN: Yes. I have requested a change on Page 42, it's Sub A, and I think it's added in there, we have developable acres.

MS. ASHTON: Yeah. I put it on the visualizer.

MR. EASTMAN: It's on the visualizer, and that looks good and is appreciated.

And then with respect to G, we've reinserted "attempt to," because our understanding is that county transportation may have needs to make that a four-lane road. And if they do, then so be it. We wouldn't stand in the way of the mobility of the county, nor do we have any authority to do so.

CHAIRMAN STRAIN: Okay. Tom, when you refer to developable acres, what do you mean?

MR. EASTMAN: I mean acres that are fully mitigated and are able to be developed without restriction or without need for additional mitigation.

CHAIRMAN STRAIN: Is the school's definition of development, though, vertical construction or hard impervious surfaces, or does it include water-management areas and stuff like that?

MR. EASTMAN: It would include water-management areas. It would include anything where you're impacting the natural environment as it currently sits. So if we have to do pretreatment ponds, that would fall within the scope of developable, where we expect to do that. And then -- this is our most preferred way to ever acquire a site.

And we have a lot of improvements that are -- that are in place that the school district wouldn't have to do standing alone. So this is -- it's a really good way for us to work with the developer.

CHAIRMAN STRAIN: Okay. I just wanted to make sure that things like water management and everything were intended to be included in that 19, because it's about 12 or 15 percent of your site, depending on how efficient the design is. So --

MR. MULHERE: Pretreatment.

MR. EASTMAN: Exactly, yes, pretreatment.

CHAIRMAN STRAIN: Okay. What about Pages 45 to 50.

MR. TRESKOTT: Yes, I have a --

CHAIRMAN STRAIN: Okay.

MR. TRESKOTT: On this land-use conversion stuff on Page 48, in Paragraph B we need some language in there that requires the applicant to notify the DCA, the Regional Planning Council, and the local government when a land-use conversion is going to take place. So I -- I think I came up with something to the effect that when this land-use conversion is used, notification shall be made to these -- the Department of Community Affairs, the Southwest Florida Regional Planning Council, and Collier County.

I think that this has to be in there, because it may be an appealable issue with DCA if it's not.

CHAIRMAN STRAIN: Okay.

MR. TRESKOTT: I guess that would be like at the end of -- maybe that's Paragraph 4 or something.

CHAIRMAN STRAIN: I'm still trying to find the page, because my page numbers --

MR. TRESKOTT: Forty-eight.

MS. ASHTON: Forty-eight.

CHAIRMAN STRAIN: Well, I know, but my 48 isn't, apparently, the 48 that you've got, so I don't even know where it is, and I'm trying to find it because I'd sure like to -- can you put it on the screen, Ray?

COMMISSIONER CARON: It's under general considerations.

MR. TRESKOTT: You see, we need to make sure it's written notification. I think that's acceptable, isn't it?

MR. MULHERE: Yes.

MR. TRESKOTT: And, of course, it would be identified in the monitoring anyway, so I won't go into requiring that language. I think usually it's in there, but I just assume that monitoring will be addressed there.

MR. YOVANOVICH: That's Page 48. I hope that's consistent with what everybody else has.

So you just -- we want to add a sentence that we'll notify you and DCA whenever we convert.

MR. TRESKOTT: And the county.

MR. YOVANOVICH: They're going to know because I'm going to go in with a permit, so --

MR. TRESKOTT: Okay.

CHAIRMAN STRAIN: So if you decide to do the senior housing, you'd notify the state. If you decide to do the RV, you notify the state.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And if you convert the retail to office on a one-to-one, you notify the state.

MR. YOVANOVICH: Correct. And we convert a hotel to --

CHAIRMAN STRAIN: Yeah, to BP or whatever else, right, okay.

COMMISSIONER EBERT: And No. 2, you will -- it's just -- put that down to 1,232.

MR. YOVANOVICH: Yes, we made that correction.

CHAIRMAN STRAIN: Okay. Let's take the balance of the document, because I don't know what page you-all end at, so let's just say from here to the end. Any other questions with the development order? It doesn't sound like there are any.

Okay. We've got 44 --

MR. EASTMAN: Heidi has --

CHAIRMAN STRAIN: Go ahead. Heidi?

MS. ASHTON: I just wanted to ask a question. Can I propose that in lieu of coming up with examples that I'll prepare something, how to calculate the density in each section, like a how-to instructions for staff and also a conversion table that can be used, and propose that for your consideration to use it as an attachment if you like it, and I'll certainly work with staff and with Rich to make sure that it's correct.

CHAIRMAN STRAIN: I would love to see some clarification like that for all future people that have to deal with this document.

MS. ASHTON: Okay. So I'll do it that way --

CHAIRMAN STRAIN: Is that okay with the rest of you?

MS. ASHTON: -- so it's how to calculate it, and instructions.

CHAIRMAN STRAIN: Okay. Dan?

MR. TRESKOTT: Yeah. There was one more thing, or maybe two. I was just -- I've seen the emergency management mitigation provisions. It's excellent. It's probably some of the best I've ever seen. And -- but I did want to get clarif- -- I wanted to get a note -- you know, some kind of sign-off from the emergency management office about these RVs, because I don't think that when they looked at the mitigation for it they knew there was going to be RVs.

And I believe Dwight had might -- maybe tried to call them or something yesterday, so is there any word on that?

MR. YOVANOVICH: No. But in other projects where I've done RVs, I think everybody's pretty much recognized that if the hurricane's coming, they're cranking it up and they're leaving. So that's really not been an issue. And plus, they're probably not going to be down here that time of the year anyway, since these people typically are traveling around and they're going to be in -- probably north or cooler during the hurricane season than down here during the summer. Generally. Not all, but generally that's been, you know, the consensus, is that --

MR. TRESKOTT: October's the peak for us here, so that's --

MR. YOVANOVICH: I understand. But, again, they -- and, Mr. Strain, I'm assuming you would probably pick up and go if you were visiting someplace in your RV and you got a, "Hey, a hurricane's coming."

CHAIRMAN STRAIN: If I -- if one comes through here, I'm out of here, I'll tell you that.

MR. YOVANOVICH: Right. So I mean, I don't think it -- so I think that's probably -- that's the response that's been in other petitions. But, no, we have not heard directly back yet.

CHAIRMAN STRAIN: Well, between now and consent, we could get them -- we could get them to take a look at it and just acknowledge the issue.

MR. TRESKOTT: Yeah. I'm -- there's one other thing, and I -- usually these conversion tables -- I sent them -- I sent Dwight a -- Nadeau a white paper on the conversion process that the Babcock Ranch went through in Charlotte County, and it is a -- kind of a complicated document. But they do look at other things. These conversion matrixes look at other things other than transportation. They look at water and sewer.

And so, we kind of talked briefly about, you know, what's the most restrictive, and I think it's going to be the trips, but I wanted to kind of hear from an engineer -- your engineer or something on that and -- I mean, it's usually -- usually there's water and sewer capacity, and it is being provided by the county. But, you know, it's -- when you go through these reviews, they always say they have capacity, but then, you know, they don't -- they've overcommitted themselves really, and they don't know when they're going to have to provide it.

So -- and I don't -- it's not a regional issue because it's being provided by the county and not another jurisdiction, but -- go ahead.

CHAIRMAN STRAIN: Go ahead.

MR. ROBAU: For the record, Emilio Robau. I'm the professional engineer who's helped on this.

And generally the uses that we have here, the most intensive use is the single-family that has a big mass of water supply and wastewater removal needs. We have good capacity in the system. We also have a lot of checkpoints, you know, when we go through final designs and concurrency, and it's -- although I understand your concern, I'm really not concerned that we're not going to have any water supply or wastewater removal capacity, you know. And we've already got our letters.

And most of these uses, as they convert, you know, like commercial is less intensive than a residential use --

MR. TRESKOTT: Well, that's what I wanted to get on the record was that the conversions that you're planning on doing are actually going to generate less water and sewer requirements than what the DRI was reviewed for, the -- you know, the maximum uses it was reviewed for.

It seems as if most of the stuff that's being converted is going to be less impacts. I think -- is that -- I think that's included here, that --

MR. ROBAU: Yeah, it is. I mean, the thing I'd look at as a business park, but the massing of the business

park does not overcome, you know, all the rest of the water supply that we have out here, and the majority of the conversions are going to be a less intensive generator and a less intensive --

MR. TRESKOTT: So industrial -- I know the business park is -- you know, it sounds like office, but it's actually industrial.

MR. ROBAU: There are a few uses in there that --

MR. TRESKOTT: So industrial generates less water and wastewater?

MR. ROBAU: Well, the industrial that we have around here generally does. I mean, I actually did a study years ago on the Collier Park of Commerce, and I did another one on the J&P (sic) Industrial Park, and I actually took the meter usages, because I was trying to figure out, you know, what's the generation rates for those things and -- you know, both from the consumptive side and generating side. And the industrial uses that we have in Collier County and the industrial uses that are contemplated here, the answer was like .1, you know, gallon per day per square foot. It was relatively low.

And I think the reason is that most of the industrial that we have here is not, you know, canneries and -- you know, we have very few of those things that are very high-intensive water users and water generators.

So -- and that's consistent with the type of uses that they're proposing in the business park. The business park, you know, I look at it, it's not really an industrial. It's more like a C5 would be some of the most intensive uses, so -- and then the rest of the conversions, you know, they go from a residential, you know -- I'm just not that concerned about it, Dan, but I understand your comment.

MR. TRESKOTT: Well, I just wanted to go on the record that transportation -- the trips are going to be the most restrictive thing that we're going to look at and that the conversions that are all taking place are going to generate less water than was determined in the original application.

MR. ROBAU: And I can say -- I can say that's generally true of the entire development. There will be some very specific cases where that might not be true, but the amount of those areas are going to be so small that they're not going to upset the apple cart.

MR. TRESKOTT: Okay.

MR. ROBAU: Yes.

COMMISSIONER CARON: So that would hold true for things like -- because we are talking about the business park, that is where --

MR. ROBAU: That's the place that I'd have to look a little tighter, exactly.

COMMISSIONER CARON: It's going to be -- yeah, I think so. So it would be less for the hotel or a school?

MR. ROBAU: A school is definitely less, yes.

COMMISSIONER CARON: That school, as long as there's no living involved with that, right?

MR. ROBAU: Correct, but then dormitories are generating just like multifamily.

COMMISSIONER CARON: Yeah, okay.

MR. ROBAU: Or residence halls, I'm sorry, are generating very similar to multifamily uses.

So, you know -- like, you know, the exchange of uses here is a pretty complex matrix, and I could go back and generate a spreadsheet. My general opinion is that I don't think we've underestimated the consumptive water uses and the sewage generation rates.

And there may be hot spots, and they're probably located in the business park. But, again, the amount of use in there is not that significantly high.

So if I saw canneries or, you know, something like that, I'd be really concerned, and I just don't see a lot of that use. Yeah, I'm sorry.

CHAIRMAN STRAIN: Dan?

MR. ROBAU: Is that okay?

MR. TRESKOTT: Yeah, that's good.

MR. CASALANGUIDA: Dan, we met with just -- and Planning Commission, we met with public utilities yesterday and discussed Hacienda and how they're reviewing projects like this since Phil Gramatges left, and they've said they've assigned a dedicated professional engineer to look at these things, and he has looked at Hacienda and didn't have any discomfort with what was in the area.

MR. TRESKOTT: Okay. I guess the only final thing I had here was just to make sure that we get some kind of -- we were going to deal with the substantial deviation NOPC thing for the stadium in here. Is that going to be in

the conversion language or --

MR. YOVANOVICH: Well, I think we should put whatever language we're putting into the PUD to address if there are changes to the attraction site that today would require some type of review, it will be required in the future.

CHAIRMAN STRAIN: Thank you, Dan.

MR. TRESKOTT: All right. Thank you.

CHAIRMAN STRAIN: Pleasure seeing you here today for one of these. Thank you.

MR. TRESKOTT: It's been very educational. You-all are really thorough. I'm glad to see it.

CHAIRMAN STRAIN: Maybe it will save you some time at your level when it gets up to you.

MR. TRESKOTT: I think it will.

CHAIRMAN STRAIN: We try to do that with the board, too, so -- now, before we go into all the various stipulations on both documents, I want to make sure there's no members of the public who wish to speak. Anybody -- I mean, I don't see any members of the public, I don't think, but I've always got to ask that question.

Okay. Richard, since you participated as we went along today, as a courtesy, do you want any rebuttal?

Sorry. I do it to everybody. I want to make sure you -- I don't want you ever to say, oh, he didn't let me do rebuttal. I got gipped out of my process, so --

MR. YOVANOVICH: No, I don't need a rebuttal, but I would love to be able to participate in responding to maybe some of the discussion that could occur --

CHAIRMAN STRAIN: Well, and --

MR. YOVANOVICH: -- because I can't anticipate what may go beyond what we've already talked about.

CHAIRMAN STRAIN: To be honest with you, I want staff and Heidi -- Heidi to, and you, to all of us participate together in going forward with the stipulations. I've made a list of three pages. I can read them off, guys, and we can proceed that way to make sure it's -- we've got everything, and then what it doesn't have is the grammatical stuff and the small stuff that Heidi's -- some of the stuff that Heidi already caught.

So I tried to catch the newer issues. I'll just kind of read them off one by one, and if anybody finds something that needs clarification or disagreement on, let me know.

My first note right off the get-go was clarify the maximum trip generation. And I think there was some needed language to clarify that, but I'm not sure now, after going through this whole thing, if we hadn't already -- okay.

MR. YOVANOVICH: I thought we had a number in there that was three -- whatever it is, 3318, I think.

COMMISSIONER CARON: Yeah. And I think --

MR. YOVANOVICH: Three three --

COMMISSIONER CARON: -- where it was going to go and how it was going to --

MR. YOVANOVICH: Right.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: You're going to remove 2.51 acres from the commercial line item on Exhibit A to balance out the acreage that Ms. Homiak found.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: You're going to remove the reference to RV units in Roman Numeral IV, the Tract R/MU.

You're going to correct Use No. 16 in the business park.

MR. YOVANOVICH: To a dash.

CHAIRMAN STRAIN: Yes, that's the dash.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Add recreation to the No. 11B, which I believe was the schools, as an accessory.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: You're going to cross-reference all the deviation references, cross-check all the references to deviations.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: You're going to modify the reference on Page 17 to schools on Table 3.

I'll wait for you to acknowledge, Richard, before I go each time; that way we're on the same page.

MR. YOVANOVICH: Okay. Let me do this. Hold on. I'm going to go in the clean version now. What

page are you on in the clean version?

CHAIRMAN STRAIN: Oh, I --

COMMISSIONER CARON: He's not doing it that way.

CHAIRMAN STRAIN: I'm on Heidi's version --

MR. YOVANOVICH: When you say --

CHAIRMAN STRAIN: The reason -- the version we reviewed this morning for six hours --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- modify reference on Page 17 to the schools on Table 3.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Modify the senior housing language and schools referenced on Page 18.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: You're going to move the intensity paragraph on Page 18 -- I think that was from the top down to the end of the section -- and highlight it as Ms. Caron had pointed out.

MS. ASHTON: It will be a duplication.

MR. YOVANOVICH: That's where we're going to --

MS. ASHTON: Yeah. There'll be a duplication. The sentence will be read twice.

CHAIRMAN STRAIN: Okay. However you guys want to work it out. That was just an issue I made a note of.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Recreational vehicles, the bullet reference to the acres on Page 19, that was going to be "not less than 20 acres" instead of "not greater than 24."

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Add the words "mixed-use buildings" to Page 26.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Add "half the building height" to Table 1 accessory. I think Ms. Caron pointed that out.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: On that same page, the building height is supposed to read "equal to zoned building height."

MR. YOVANOVICH: Yep.

CHAIRMAN STRAIN: On Page 19, drop the words "on Tract R."

MR. YOVANOVICH: I'm not finding that, but I remember that.

CHAIRMAN STRAIN: You remember it?

COMMISSIONER CARON: Did you -- well, you've gone beyond the table.

CHAIRMAN STRAIN: Go ahead. What did you want to --

COMMISSIONER CARON: Well, you took out the townhouse alley design, right?

CHAIRMAN STRAIN: I did, but see, we had to go back to that --

COMMISSIONER CARON: I know.

CHAIRMAN STRAIN: -- so it's further down on my list.

COMMISSIONER CARON: Okay.

MR. YOVANOVICH: That's -- I was -- that's why I didn't say anything either. I figured it's there. We're just going to go backward.

COMMISSIONER CARON: Yeah. I wasn't sure, because --

CHAIRMAN STRAIN: Well, let's just make sure we get it now. Well, I have it, No. 21, but anyway.

COMMISSIONER CARON: And minimum distance from the boundary for accessories is -- we added half the building height.

CHAIRMAN STRAIN: That's what we're -- just got --

MR. YOVANOVICH: He just said that.

CHAIRMAN STRAIN: -- finished, yeah.

COMMISSIONER CARON: Okay.

MR. YOVANOVICH: Or whichever's greater.

CHAIRMAN STRAIN: Right. Drop the words "on Tract R" on Page 19, you got that? Under the site-development section, at the end of the paragraph, we're going to add, "with each SDP and/or plat application."

MR. YOVANOVICH: Right.

COMMISSIONER CARON: That's 19 on yours, Richard.

MR. YOVANOVICH: That No. 19 or Page 19?

COMMISSIONER CARON: Page 19.

CHAIRMAN STRAIN: Okay. And the -- we're going to remove the reference to the firewall protrusion, Note 2, Page 21.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: We're going to -- Footnote No. 3 on Page 21 is to be 35 feet.

MR. YOVANOVICH: Yes. Entrance is 35 feet.

CHAIRMAN STRAIN: Right. Delete Figure 6 on Page 26. Delete alley design on Table 1.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Modify the preserve clouds on the diagrams.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Change "tract" to "lot" on Page 26, Table 2.

MR. YOVANOVICH: Hold on. Yes.

CHAIRMAN STRAIN: Add "or half the building height" to minimum yards in Table 2.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: In that same table you're going to go at -- the height will be 50 feet, but with 75-foot allowed for hotels, destination resort, senior housing, or mixed-use, and that's in Table 2.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And then the corresponding 10-foot add "or actual," as it is in the other height, for each one.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Table 3, exclude Collier County schools, drop the SBR references.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Table 3, drop the double asterisk.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Page 28, drop the word "generally" in reference to the LDC.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: You're going to review -- rewrite, I'm sorry. You're going to rewrite the Bonness easement and have it as part of the package, that easement that we talked about, extending it to 951 and straightened out that 90-degree angle.

MR. YOVANOVICH: I didn't realize you were doing it as part of the package. I thought we were going to work with him to make sure --

CHAIRMAN STRAIN: Well, let's put it this way. Either he -- someone acknowledges that it's acceptable, and I don't mean you. I mean him. So if you can get him to give you something before the meeting, or he can come to the meeting and say, yeah, I like this. It's fine with me, that's fine. But I want to make sure the issue's addressed, is all we're talking about.

MR. YOVANOVICH: Yeah. I'd just as soon not have to amend the PUD if we have to tweak the curve a little later.

CHAIRMAN STRAIN: Then I asked you to just work it out with him, so --

MR. YOVANOVICH: Yeah, right. We will.

CHAIRMAN STRAIN: -- we have -- we're in unison at the next meeting.

MR. YOVANOVICH: Right. We will. We'll get something.

CHAIRMAN STRAIN: Change Deviation No. 5 to the wall that it's referring -- that you're just not going to have a wall along Lords Way. It's optional. You don't have to have a wall along Lords Way, which means you'll have a wall along the rest of the adjoining properties.

MR. YOVANOVICH: Right.



CHAIRMAN STRAIN: Then you're going to have -- the easement on Page 35 -- oh, you're going to do an equivalent easement --

MR. YOVANOVICH: Yeah, equivalent language --

CHAIRMAN STRAIN: -- with a replacement, so you're going to add that language to Page 35.

And then for all the areas where we're talking about donated right-of-way, we're going to accept the county appraiser's value, market value of 30,000 an acre as the not to exceed.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Then you're going to add a sentence concerning the panther mitigation credits that you're going to be getting in conjunction with --

MR. YOVANOVICH: All mitigation.

CHAIRMAN STRAIN: -- Heidi and Nick.

MR. YOVANOVICH: All mitigation.

CHAIRMAN STRAIN: Right. It's going to go to all the -- yes, all the mitigation, all the issues like that, that's correct. Both for EMS and for roads.

MR. YOVANOVICH: Right, right.

CHAIRMAN STRAIN: You're going to add the reference to the State Division of Historical Resources to No. 4.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: You're going to remove the language "prior to business park" on Page 41.

MR. YOVANOVICH: Hold on. Yes.

CHAIRMAN STRAIN: Page -- okay. Page 42 you're going to -- the 90-foot right-of-way's going to go to 60 foot.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And Page 43 and 44, 120-foot right-of-way -- the 150-foot right-of-way's going to go to 120.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: And you're going to add the 100-percent credit for the upgrade of the road system, the clarification that you had asked for.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Number 8, you're going to, again, change the right-of-way to 120 in lieu of 150.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: And then you're going to -- number -- the next one you're going to add the FDOT DRI language to the PUD.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: You're to add 13 at the end of -- 13, you're going to -- I can't read my own writing on this one. Add 13 to N something on Page 47. Remember Heidi had said -- added some language -- add a Roman Numeral 13 at the end on Page 37. What was that about?

MS. ASHTON: You already mentioned it. That's the mitigation language that will be modified as an impact-fee credit under cost of construction.

CHAIRMAN STRAIN: Okay. I abbreviated transportation, and I couldn't read it.

You're going to modify the utility section that you had proposed the language. It was acceptable, so that's going to be modified.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: We're going to add language to the effect that, should the DRI threshold been (sic) triggered by any changes to the Swamp Buggy PUD under its condition as a PUD prior would still apply under its condition within this PUD.

You're going to add the caretakers as a density consideration on Page 17 of the PUD, and in the master plan you're going to make a series of changes involving the RV uses.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: The educational facilities are going to revert to schools, and you're going to add some total intensity or density comments to the bottom of that right-hand side of the document.

And that gets us through the biggest -- the bigger issues of the PUD.

MR. YOVANOVICH: And they're also -- some of those may also need to be addressed in the DO.

CHAIRMAN STRAIN: To those that are already discussed in the DO, they're mirrored in the DO.

Now, as far as the DO, I've got eight more items on the DO.

Ms. Caron?

COMMISSIONER CARON: Just before you go on, did you get the review if required by the Regional Planning Council on Page 13?

CHAIRMAN STRAIN: Yes. That's the part about the DRI threshold.

COMMISSIONER CARON: Okay. Got it.

COMMISSIONER SCHIFFER: Mark, question.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: Did you get -- remember where we -- he has the word -- God, I forgot the word already. But we added the word "lot"?

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: Okay.

COMMISSIONER SCHIFFER: Okay. Anybody else?

COMMISSIONER CARON: And on Page 15 under the schools, did you get the rec facilities? I didn't hear you say that one.

CHAIRMAN STRAIN: I did.

MR. YOVANOVICH: Yes, we did.

COMMISSIONER CARON: I'm just trying to double-check.

CHAIRMAN STRAIN: No, that's fine.

COMMISSIONER CARON: On things I didn't --

CHAIRMAN STRAIN: Terri's the one that gets all this right. I just have to kind of scribble it on the sheets here.

MR. YOVANOVICH: Can I have a copy of the scribble?

CHAIRMAN STRAIN: No.

Anybody else? Melissa?

MR. YOVANOVICH: I'll pay for it.

COMMISSIONER AHERN: Mark, the -- on Page 5, No. 16, make the change from SIC Code 3571 comma to 3571 dash.

COMMISSIONER SCHIFFER: Got that.

COMMISSIONER CARON: We did get that one.

COMMISSIONER AHERN: You got that one, okay.

CHAIRMAN STRAIN: Anybody else before we go into the DO?

Okay. I had eight items in the DO. First one you're going to change the tract map regarding the RV, right?

MR. YOVANOVICH: Oh, yeah, yeah.

CHAIRMAN STRAIN: Okay. Well --

MR. YOVANOVICH: I'm sorry. I just saw that as consistent with what -- the previous discussion, so yes, yes.

CHAIRMAN STRAIN: Well, there's no tract map in the PUD. There's a master plan. That's why I separately highlighted it.

C, on Page 9, notify, again, the State Department of Historic Resources.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Add coordination language for the equestrian use in the preserves. Add the language "developable acres" to the school section, and then that same section, under G, add the words "attempt to" in regards to the -- whatever that was.

Notify the RPC and the DCA concerning any land-use conversions. Get a sign-off on the RV use from the emergency management, and address the stadium issues in the DO the same as you do in the PUD.

Okay. So that's 44, plus the master plan, plus 8. We're up to 52, plus the master plan stipulations. I don't think consent's going to be waived, but I will defer to my other Planning Commission members just in case.

Okay. We just can't do it. There's way too much here.

Now, what we can do is to get a motion to recommend approval, and if you all agree to the stipulations, we ought to take the PUD or DO first and then the PUD, and we need to make a motion that way.

Heidi, is there anything you wanted to add before we get that -- into that? You look like you had a question.

MS. ASHTON: Well, I'm going to be drafting a how-to --

CHAIRMAN STRAIN: Could you pull the mike -- you've got your mike pulled away from you.

MS. ASHTON: I'm going to draft a how-to calculation and also a converted-use form. So, you know, can you amend -- when you do your consent approval, can you make a decision -- can you reserve that to make a decision on whether you want to add that as an exhibit or not? And I'll work with -- and I'll provide a copy to Rich and also staff for their comments on whether they --

CHAIRMAN STRAIN: Okay, yes. I think what we'll do is we can mention that as a separate stipulation, that as part of the PUD and DO we will accept a -- we will review a how-to calculation and a converted-use form to be added as an exhibit for both at the time of consent, and we won't need a separate consent for that item. It will just be part of the consent process.

MS. ASHTON: And then the other question I have is, I got a copy of revised Exhibit H maps. I don't know what map changes were made, but --

MR. YOVANOVICH: Well, we're going to have to go back, because what we did is we changed them to show the R/RV. We'll have to change all those to go to R or RV --

MS. ASHTON: Okay.

MR. YOVANOVICH: -- in those areas.

MS. ASHTON: So they're going to go back to the original version that you saw at the last hearing except for the R or RV --

MR. YOVANOVICH: Right.

MS. ASHTON: -- and the clarification?

MR. YOVANOVICH: And if there's anything else that we have to change on maps, if -- and I don't think there is -- but if there is, to be consistent with the stipulations, we'll make those changes as well.

CHAIRMAN STRAIN: Okay. So we've got a series of stipulations for the PUD and a series for the DO. They've been read for the record. Heidi added one more that will be added to the stipulations, but that particular one will be approved or not approved or modified at the consent. And at the consent, that will be the last time we'll have to hear it, so that won't delay anything any further.

So with that in mind, is there -- well, I think we need to start with the development order. Is there a recommendation -- Tom?

MR. EASTMAN: So we'll be seeing a clean copy of this again?

CHAIRMAN STRAIN: Well, actually, I think we ought to see a strikethrough version.

MR. EASTMAN: Oh, okay.

CHAIRMAN STRAIN: Unless you want to read all these paragraphs over, and that will just entail more questions. So I would suggest strongly you give us a strikethrough version, I mean only, and then we can go from -- is that okay with everybody?

COMMISSIONER SCHIFFER: Yes.

CHAIRMAN STRAIN: It will certainly shorten our review.

MS. ASHTON: Yeah. I will have both versions, but I will give the strikethrough version for the CCPC package.

CHAIRMAN STRAIN: Okay.

MR. EASTMAN: Just something to verify the laundry list of changes.

CHAIRMAN STRAIN: Yes, and we will go through it.

COMMISSIONER SCHIFFER: Do you need a motion?

CHAIRMAN STRAIN: Mr. Schiffer, yes, sir.

COMMISSIONER SCHIFFER: I move we forward DRI-2006-AR-10147 Hacienda Lakes DRI with the stipulations today with the recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER AHERN: I'll second.

CHAIRMAN STRAIN: Miss -- Melissa seconded.

Is there discussion?

(No response.)

CHAIRMAN STRAIN: Okay. Now, the stipulations that you're referring to are those that were read for both the PUD and the DO as they would apply to the DO.

COMMISSIONER SCHIFFER: Of course.

CHAIRMAN STRAIN: Okay. Just want to make sure we're perfectly clear.

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

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Is there a motion for the PUD?

COMMISSIONER SCHIFFER: Do it again.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: I move we forward PUDZ-2006-AR-10147 Hacienda Lakes MPUD with today's stipulations as a recommendation of approval.

COMMISSIONER AHERN: I'll second.

CHAIRMAN STRAIN: Melissa seconded.

Discussion by anybody?

(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 EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Heidi?

MS. ASHTON: Oh, no.

CHAIRMAN STRAIN: When you stand like this, that always -- or sitting like that, I'm thinking, she's got something to say, I better ask her.

MS. ASHTON: Well, I'm just wondering if it's going to go on BCC consent; that's all.

MR. YOVANOVICH: No.

MS. ASHTON: Do we have an objection in the record? Kay?

CHAIRMAN STRAIN: Well, I mean, I think the BCC would be grateful if it did, but if they think they can do more for this, let them do it. And if I think one of them has a concern, they'll certainly pull it. They've not been shy.

MS. ASHTON: Yeah. So we'll -- I don't know if we have an objection in the record, and that will determine whether or not it goes on consent or not; the board can pull it.

CHAIRMAN STRAIN: I haven't seen one, unless Mr. Bonness shows up. That would be the only objection

I can see at this point. Nobody else have voiced any, so --

MR. YOVANOVICH: Knock on wood.

CHAIRMAN STRAIN: Well, I can tell you, it's been a lengthy, difficult battle, but if you want copies of these notes, you're more than welcome to make a copy, but give me the original before you leave.

MR. YOVANOVICH: Yeah, that's fine. I just would like to make sure we don't miss anything.

CHAIRMAN STRAIN: Yeah. Just -- someone go next door and make a copy. Just bring it back to me.

Okay. The next item up was Pine Ridge Center West PUD, PUDA-PL2011-703. That was continued earlier at the request of the Planning Commission. The applicant agreed. And that will happen the first one up on the 15th of September.

We have no old business, but we have some new business. It's a friendly reminder of the CCPC special meeting for the AUIR/CIE on Thursday, September 29th. And if needed, it will be continued to Friday, September 30th. And the EAR amendment workshop will be on Friday, October 14th. If needed again, it will be continued to October 18th.

I can suggest to all of you that on the -- we should be able to wrap up the AUIR on the 29th. Is this a joint session with the Productivity Committee again or not?

MR. CASALANGUIDA: I don't believe it is.

CHAIRMAN STRAIN: I didn't remember that coming up this time around.

MR. CASALANGUIDA: No, sir. I will check, but I don't believe it is.

CHAIRMAN STRAIN: I think they do a thorough job on their own. They don't need to be bogged down by us, and probably vice versa.

MR. CASALANGUIDA: They've spent their time on the budget this year, not the AUIR or CIE.

CHAIRMAN STRAIN: Okay. Diane, did you have something?

COMMISSIONER EBERT: Yes. We've had this version for a long time because it was supposed to be heard July 21st. I have done a lot of looking into it, because I love activity centers. I thought everything was great. I didn't think we were going to have a problem, but I hope nothing like this ever comes in front of us again as discombobulated as this whole thing was.

We even had stuff sent to us again on Tuesday. This is not fair for the planners. It is not fair. I would have preferred continuing it, handing you back both of these and saying, when you get your act together and get it all in one form, we will rehear it. I was very disappointed in the way this was.

CHAIRMAN STRAIN: Well, I think we -- to some point, we all may share your concerns that it certainly has been a longer process than I think should have occurred. We went on for, what, almost seven hours today, and we did that the last time, too, so that's a lot of time into a public meeting process for a lot of people to endure.

So I do thank everybody for their patience in getting through this and for the applicant for working with us to correct it. I do wish it hadn't needed so much, but we got there. So one way or another we're off and running. So thank you all.

And I don't know of anything else on today's agenda. So is there a motion to adjourn, Melissa?

COMMISSIONER AHERN: So moved.

CHAIRMAN STRAIN: Okay. Everybody in favor, signify by saying aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER CARON: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: We're out of here.

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September 1, 2011

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:43 p.m.

COLLIER COUNTY PLANNING COMMISSION

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

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 10-6-11, as presented  or as corrected \_\_\_\_\_.

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