

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
October 6, 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:

Mark Strain, Chairman  
Melissa Ahern  
Philip Brougham  
Diane Ebert  
Karen Homiak  
Barry Klein  
Paul Midney (Absent)  
Brad Schiffer

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, October 6th meeting of the Collier County Planning Commission.

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

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Before the roll call, just so the secretary knows, we have a new person on board. I wish to welcome Philip Brougham. He's the guy way over there on my left, your right. Phil, welcome. We've got a busy schedule. You walked into a day that will probably be one of our longer ones. And we have a very busy month ahead of us.

COMMISSIONER BROUGHAM: I know you're doing it just for me.

CHAIRMAN STRAIN: That's right.

COMMISSIONER HOMIAK: Yes, it's initiation.

CHAIRMAN STRAIN: What a way to break in.

Okay, Secretary, do the roll call, please.

COMMISSIONER HOMIAK: Yes. 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? Absent.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: Mr. Brougham?

COMMISSIONER BROUGHAM: Here.

CHAIRMAN STRAIN: Okay, thank you.

\*\*The addenda to the agenda. We have a couple things. The mobility plan that was 10.B will be moved up to the first thing on the agenda. It's a short presentation as an update.

I understand the bulk of the plan will be coming to us next month, but I guess because we had to accommodate some people who felt there were more important things to do than attend this meeting, so -- so we had to let them move first before we go into that, though.

Also then under old -- actually new business, I'll add the first October meeting. We always elect new officers for the Planning Commission. So we'll do that at that time.

\*\*And then the next item up is Planning Commission absences. Our next meeting is October 14th. Now, that's unusual because that's a Friday. It's next Friday at 9:00. And it is the workshop. Does anybody know if they're not going to make it to that workshop?

(No response.)

CHAIRMAN STRAIN: And if we can't finish that particular day -- it's on the EAR, and we received that book a week or so ago -- it will continue on the 18th, which is a Tuesday. Anybody know -- okay for that day?

Then our regular meeting is on the 20th of October. Everybody fine with that?

Okay, so we should have quorums.

\*\*The approval of the minutes. We have three sets of minutes that were sent to us electronically. The first one is August 18th. I'll need a motion on each one, or corrections.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: By Ms. Homiak.

Is there a second?

COMMISSIONER SCHIFFER: I'll second.

CHAIRMAN STRAIN: Seconded by Mr. Schiffer. Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Mr. Brougham, you were --

COMMISSIONER BROUGHAM: Should I abstain, Mark?

CHAIRMAN STRAIN: It would be a smart thing to do. So we have one abstention and, one, two, three, four, five, six approved.

I'm assuming, Mr. Brougham, you'll probably do the same on the next two.

COMMISSIONER BROUGHAM: I will.

CHAIRMAN STRAIN: September 1st, 2011.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: By Ms. Homiak. Seconded by --

COMMISSIONER SCHIFFER: Me.

CHAIRMAN STRAIN: -- Mr. Schiffer. Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

And one abstention by Mr. Brougham. Anybody opposed?

(No response.)

CHAIRMAN STRAIN: No.

September 15th.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Same motion by Ms. Homiak --

COMMISSIONER SCHIFFER: Second.

CHAIRMAN STRAIN: -- seconded by Mr. Schiffer.

Discussion?

(No response.)

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

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

CHAIRMAN STRAIN: Aye.

Anybody voting no?

(No response.)

CHAIRMAN STRAIN: No. And one abstention, Mr. Brougham.

Thank you.

\*\*BCC report and recaps, Ray?

MR. BELLOWS: Yes, on September 27th the Board of County Commissioners heard the Ronto Livingston DRI extension. That was approved on their summary agenda.

On the regular agenda the Cope Reserve RPUD was continued to the October 11th BCC meeting.

CHAIRMAN STRAIN: Cope Reserve, that's an old -- that was a while back, wasn't it?

MR. BELLOWS: Yeah, the Planning Commission heard that a bit ago, but it was scheduled for the 27th for BCC and it was continued. I think the reason was they wanted to address the -- I think it was the parking -- not the parking, the road.

MR. CASALANGUIDA: Commissioners, we're working with the -- they asked the applicant to work with the neighbors --

CHAIRMAN STRAIN: So County Barn -- and that Falling Waters and that whole interaction there.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay, good.

\*\*Chairman's report. Just a couple of things. Mr. Brougham, since you're new, and for the others who may have forgotten, everybody needs to be recognized before we -- to the best of our ability, and talk at a moderate level of speed so the court reporter can accurately take our minutes.

And that's the other part of the report is the disappointment today is Cherie's here -- I mean, Terry's not here. Oh, I said that wrong. Cherie' and Terry are our court reporters. And Terry has got this habit -- this daughter who has a habit of making us desserts for our commission. Cherie' hasn't got into that habit yet, but I'm hoping to embarrass her into it.

With that, we'll move on.

\*\*The consent agenda. I don't believe -- yeah, we have nothing on our consent agenda, which moves us into our first item today, which is 10.B, moved to the front, which is the mobility plan. This is a presentation.

The plan itself -- this is an update of the plan. The plan itself is coming to us at a later time. And I guess staff wanted to just provide us with an update. And we've got Nick.

MR. CASALANGUIDA: Good morning, Mr. Chairman, Nick Casalanguida. And Planning Commissioners, and welcome, Mr. Brougham, I think you'll find this at least interesting the way Mark runs the meetings, and we'll go from there.

First of all, Mr. Chairman is correct, this is just an update, a presentation, foster more interaction with the public, let them know about what we're doing, up to speed, let the Planning Commissioners know and encourage people to stay involved. It's been a very active project, a lot of people have participated.

It's the Collier County Master Mobility Plan. And I'm going to introduce the project team members. It's Collier County. And the Lee consultant is Tindale-Oliver and Associates. We have Jeff Perry from WilsonMiller-Stantec. Bob Mulhere from Mulhere and Associates. And AIM Engineering doing the traffic analysis. And one more team member that's not named there is the public, because the public has really jumped into this plan. It has become their plan. Most of the comments and the direction we've taken is from public comment.

Project overview. U.S. Department of Energy grant to develop a conceptual long-range vision of what Collier County will look like, and then try and work towards reducing the need for asphalt, reduce the need for people to drive as far as they drive and how often they drive. It's a coordinated resource -- coordination for all resources to build out, it's a very high level approach.

Why are we doing this? Some people say is it because you're really concerned about just greenhouse gases? Well, that's one component of it and that's what the grant focuses on. But let's talk about some of the other areas that were focused on as well.

Your variance and needs plan versus cost feasible. And I'll touch on that a little more later.

Your cost of asset management. Congestion you deal with daily, the value of your time, environmental conservation.

Now, when you talk about a mobility plan and you say environmental conservation. Why do those two link together? Because the more you have to build, the more lands you impact, they do go hand in hand. And again, why we have the grant is pollution and greenhouse gas emissions.

Interesting, overall needs plan, this is from your 2035 LRTP. And remember, we're talking 2035, not 2080. So this is just an interim analysis. In present day costs, it's six billion dollars. If you inflated the cost of doing

business over time, it's 10 billion dollars. That's what today you model and you need to spend on infrastructure to get to 2035. So you can imagine what that number would be in 2080.

Your cost feasible plan. Basically this is what we have projected for revenues going forward out to 2035, in the year of expenditure, 1.4 billion dollars.

So when you look at a needs of six billion inflated out to 10 and costs of one billion, you see a deficit of five to almost, you know, nine billion dollars that you can't afford to build based on what you need. That ought to wake people up a little bit.

So the land use that you have today -- I want to repeat this because it's very important -- and the money that you have projected going forward, you can't meet the need.

So you have two options when you look at something like that. I treat this as a business. You're paying the growth management division staff to project out and build mobility. And you can't finance that mobility. So that's one of the key reasons this project also moves forward.

Cost of asset management. We look at three different scenarios: Good, fair and poor, and then actual and black to your right. We are below poor right now in maintaining our assets. And the bulk of that black line right now is landscaping that's maintained to the good. Because once landscaping is not maintained, it drops to poor and dead real quick. But your signal systems, your asphalt, signage, bridges, weirs, are not being maintained to the poor level right now.

Now, we're not alone. The rest of the country's in the same shape and is struggling to do asset management.

Reducing vehicles miles traveled. Right now your 2035 LRTP indicates 16 million vehicle miles traveled per day. That's not annually, that's per day, how many people -- how far people will drive in Collier County in 2035. We haven't interpolated that out or run that model out to 2080 yet. Consider that's a 10 percent reduction, 1.6 million miles reduction, if we can eliminate that portion of it. Current price of gasoline, \$3.50 a gallon; average gas mileage, 20 miles per gallon; savings of 285,000 per day. Overall \$104 million saved per year in gas purchases.

Keep going forward. Reducing VMT, less fuel, 81,000 gallons of fuel saved per day, 29 million per year.

So just to give you a feel for what we're doing, in our application we talked about a four percent reduction as probably more realistic. Ten was just used as an analysis point.

Greenhouse gas emission, pounds of carbon, 1.6 million pounds less per day and 584 million less per year.

Interesting article, in something -- in Rolling Stone about Australia. They're the largest greenhouse gas producer in the world, largest carbon footprint. Because between automobiles and coal production, and they're experiencing a tremendous effect on greenhouse gas emissions in their area. So it's a real problem but we're focusing on all ends of it.

Some of the reduction benefits. I won't go through these in detail. But the health benefits, reduction in need for foreign oil, reduce the impact of the transportation footprint, encourage people to walk, ride and take transit.

There are three key phases: Data collection; it was done over a year and a half ago. And we're in Phase II right now: Analysis, plan development and recommendations. Phase III is yet to follow.

Some of the project goals. It started out we're going to do a master plan but, you know, with comments from the public we changed that to a conceptual mobility vision plan and sub-master plans, conceptual, so things we could look at in terms of infrastructure, land use, mobility and the environment, with the ultimate goal reducing vehicle miles traveled.

Then you see a new acronym, VHT, vehicle hours traveled. While, if you want to drive and you're in congestion, you may not drive that far because you can't get there, but you could be sitting in traffic much longer. That's your time in traffic. So by providing connectivity, by planning properly you can reduce both of those, VMT and VHT. VHT is a component of that carbon gas emission, because if you're spending a lot of time in a vehicle, obviously you're producing more carbon emission.

Project goals continued. Minimize potential environmental impacts, conduct an economic evaluation, VMT and VHT reduction, and job retention and creation.

Someone said job retention and creation? The Anderson Report that was done a while back where they looked at what we spent our impact fees on in terms of infrastructure, one of the biggest reasons why people stay where they are or come to a new location is because you have mobility. You know, you're not going to foster jobs if someone comes to a community that's congested. And if you look at some of the more metropolitan -- or cities that have (sic) extremely congested, they lose employment because people say this is not a good place to run a business,

my employees can't get there, my customers can't get there.

We're talking about memorandums of understanding. And people have talked about that, what are those? One of the things we've not done a good job at as a community and as Collier County staff is work with our agency and non-agency partners, the NGOs, non-governmental organizations, Fish & Wildlife, DEP, the U.S. Army Corps. There's always conflicting interests in what -- in your long-term visions and goals. So these memorandums are to say we're going work together, we're going to meet on a regular basis, we're going to discuss our needs together and we're going to plan accordingly together.

A lot of the comments we received from the agencies have said you haven't looked out at the build-out of Collier County and looked at overall goals to reduce your impact, so that makes us a little nervous.

Project evolution through public involvement. What changed? We originally started asking to see if we could partner with some private entities. We did not. So there is no developer contribution, this is strictly county time and effort in the grant that's involved.

As of March 8th, all team meetings were open to the public. We've taped them. They're audiotaped so you can actually listen to the interaction between staff, the consultants and members of the public that have attended.

Original terminology of master plans have evolved to concept plans. People were concerned if we used the word master plan it would set things in stone. These are conceptual plans to look at things that we could do.

And conceptual build-out of highway network evolved to policy recommendations. We made pretty much an agreement with the public that have interacted and said we're not going to take roads off, we're not going to add roads, because that's really not the goal of the plan. The goal of the plan is to come up with recommendations to reduce the need and greenhouse gases.

We talked about memorandums of understanding. And we'll talk about public involvement in a little bit. And I want to read you a quote that we got last night from Nancy Payton. Those of you who know Nancy, I don't know if she's in the audience this morning. She's not, but I'll read to you what she said.

Debbie, access to the staff and team meetings, along with the ability to participate, is unprecedented.

Unprecedented is what she said. Coming from Nancy, that's a big word.

The website is top notch with materials, documents, minutes and related information easily found, viewed and retrieved. I appreciate its simplicity. Glad to offer my opinion, Nancy.

So that's a comment from Nancy.

We talked about the public meetings that we have, and we have more scheduled.

Project website. We list all the meeting events, we advertise all the meeting times, places, locations. And you can review all the documents that we're looking at at the same time as we are because we post them on the website at the same time.

This is a project website snapshot to look at. And you can submit your comments any time and review the materials that we have and download them.

I'm going to get into Phase II in a second. I wanted to talk about a couple of important dates. And I believe October 19th is the day we'll distribute the draft plan. That will be on our website, so everybody will be able to download it. We don't plan coming back to the Planning Commission until November.

Now, we do have a workshop scheduled with you. We're going to meet with the EAC, CAC and PAC, the advisory committees of the MPO. That's going to be open to the public and advertised as such. We also have another nighttime public meeting. I believe those dates are November 1st and November 9th. Debbie, correct me if I'm wrong. Okay.

So there are several more opportunities for the public after the draft plan comes out to comment again. And I believe it's become their plan based on their comments.

I have Mr. Robert Mulhere here, who I'd like to take you through the Phase II. And then he'll introduce Jeff Perry to talk about some of the technical data. Thank you.

MR. MULHERE: Thank you, Nick.

CHAIRMAN STRAIN: By the way, this was supposed to be a -- the reason we allowed it to be moved up on the schedule, it was supposed to be brief. We do have questions from both the Planning Commission and the audience. But brief. And the last time I spoke to you, it was 20 minutes. There are a lot of people here looking at some other items that are important to them.

So I'm not saying this isn't important, but I need you to keep it as brief as you intended to, because I still want

to have adequate time for this Board to ask their questions.

MR. MULHERE: Yeah, I'll be very brief. Thank you. Bob Mulhere for the record.

The Phase II project plan includes an analysis of the build-out data. We are continuing to gather input from public and stakeholders. Then we review that available data, we conduct a preliminary analysis. We are formulating potential concepts. We've test chosen some VMT reduction strategies and we're evaluating those. And from that we'll develop preliminary concept plans and then finalize the master mobility plan.

From that there have been some emerging themes. These have come really, as Nick indicated, from the public. Probably the single most often cited emerging theme has been connectivity and the need for greater connectivity. The second probably most often cited emerging theme has been that the county can't be looked at as whole, as a single component, geographic component, that there are sub-areas within the county and all those sub-areas have unique characteristics.

It's understood that we can affect mobility through land use, through infrastructure and environmental preservation. We should look at incentives to promote urban infill and redevelopment. And generally incentives were suggested as an appropriate means of furthering mobility.

We should promote walkable communities. We should emphasize the use of greenways, pedestrian/bicycle corridors and have enhanced safety and connectivity within those infrastructure elements.

And paramount, to protect the valuable natural resource and ecosystems that this county is blessed with and to encourage and incentivize, again, transit oriented development.

As I said, there were planning sub-areas emerged as a theme. We've identified six sub-areas, including environmental protected lands and also by looking at existing development patterns and the unique characteristics and needs and the development potential of those sub-areas.

And the concepts, there will be some that are countywide but there will also be some that apply to each of the sub-areas and may apply uniquely to one or several of the sub-areas.

So here are the -- that's the county, and this is the protected and sensitive lands that you see in the light green color. The first sub-area would be the urban coastal area shown by that orange dotted line there. And then there's the Immokalee urban area. Golden Gate Estates, really north Golden Gate Estates and urban, there's a little bit of urban Estates in there. Orangetree. The rural fringe receiving areas, there are four of those shown in purple. And the rural land stewardship area, which is outlined in the pink there.

From the themes that we discussed, the one of connectivity being most often cited, we're looking at that really in three components, a regional mobility, major circulation within the sub-areas and local circulation, which is really at the project level.

So if you think about it, you're talking about roads and transit and connectivity off to Hendry County, to Lee County, and then between each of the sub-areas. And then as you move down to the next level, transit and bicycle and even walking become more important, particularly at the project level.

And this exhibit shows the regional mobility concept, shows connectivity from Collier County to its neighbors.

This slide shows major circulation within the sub-areas. You can see the red arrows indicate the major roadways and the connectivity that will connect these roadways. And you can see also where it's lacking. And then local circulation at the project level.

And this just shows an example of where there is a gridded street pattern and there's a lot of connectivity, people can find multiple ways to get from one point to the other. And there's also sidewalks and so on and so forth.

At this point I'm going to introduce Jeff Perry, who's going to come up and talk about -- briefly talk about some other items. Thank you.

MR. PERRY: Thank you, Bob. Good morning, Mr. Chairman, Commissioners.

One of the challenges we faced early on in considering connectivity was really how to measure it, how to identify whether or not certain strategies that we came up with might actually make a difference.

We were fortunate enough to have access to the Metropolitan Planning Organization travel demand model, it's the model that's used in the long-range transportation plan. It goes out to the year 2035.

We took that model and loaded it with a build-out scenario, what we called the baseline condition. That would be the business as usual land use, what happens if you just simply applied the Future Land Use Map conditions to the traffic analysis zones within the model, built everything out to the year, we estimate somewhere around 2080,

based upon previous studies, and then ran the travel model.

With that travel model we can then change different things. We can change the network, we can change the land use configuration within the model and then we can compare that with the baseline condition.

And while the baseline condition is really a raw guess as to what would be like -- what our world would be like in the year 2080, what's important is the difference that you get between the base condition and the revised condition, what we're calling scenario. So it's not so much about what happens in the base condition but what you get as a result in change by doing something.

In the first example, we took an area that in the model did not have a lot of interconnected roadways. It's out in the eastern area, we picked an area that was sort of devoid in the model of any sort of interconnections. What we did was we added some local road interconnections in the model, reran the same dataset, the same land use configuration, all of the other characteristics the same. And we found that the actual vehicle miles of travel on a countywide basis went down substantially, 278,000 vehicle miles traveled per day decrease. But we noticed that there was an increase within what we call the sub-area, this little sub-area that we analyzed.

Correspondingly there was reduction in vehicles hours of travel, again both in the countywide and also in the sub-area.

And what this means to us is that there are more people choosing to travel within this close knit area where we've interconnected these zones. People are not traveling longer distances outside of this sub-area, they're actually traveling more -- or more of their travel is actually staying within the sub-area. So although we had a countywide decrease, we actually saw an increase where we wanted them, where -- this small compact area of development.

Couple of examples of connectivity, the good and the bad, if you will. And we'll start with the bad first. The Island Walk community on Vanderbilt Beach Road. We looked at our model and said the model tells us that Vanderbilt Beach Road we know today is carrying about 16,000 vehicles per day. In the year 2080 or at build-out it will be carrying almost 50,000 vehicles per day on this particular facility.

The people in Island Walk have to enter and exit basically from one point onto Vanderbilt Beach Road. There's a shopping center just down the road, the Mission Hills Shopping Center, where they could go to grocery shop and take care of personal business. They can't get there without getting out onto Vanderbilt Beach Road. There is no interconnection from Island Walk to a local street system that was identified just for this type of purpose.

Another project that you're probably familiar with, up on Pine Ridge Road, the area between Livingston Road and Whippoorwill, there is an intergraded, interconnected roadway system planned to allow these parcels -- travel from these parcels to go between the parcels, actually get all the way from Whippoorwill all the way over to Livingston Road. So this is sort of an example of how you can at the local level, at the parcel level create interconnectivity.

On the north side of Pine Ridge Road, those commercial areas there and the residential neighborhoods behind are not interconnected. You cannot get to those commercial developments immediately across the street, because of walls, without getting out onto Livingston Road and traveling on Pine Ridge Road to get into the gas station or the Perkins or whatever the restaurants happen to be there.

Couple of examples of what we would consider well-connected communities, well-interconnected communities. The Lely Resort development out on the East Trail, fronting on U.S. 41, as well as Collier Boulevard and Rattlesnake Hammock Road, all with a publicly accessible spine road system that goes throughout the community. There's schools, there's colleges, there's public facilities inside the communities, as well as commercial development adjacent to as part of the community.

The last one is the Vineyards development, the portion of the Vineyards DRI that is between Pine Ridge Road and Vanderbilt Beach Road on the east side of I-75. Again, another well-connected community, it has a spine road that goes from one end to the other. Schools, commercial, hospital, just about everything that someone would need for a substantial amount of their trip making can be found actually within that development, eliminating the need to travel along the major highway.

In closing, the sub-area planning connectivity themes I think were probably the most prominent themes that we learned from our public involvement. The idea of having incentive-based solutions that really deal with trying to maximize your land uses, integrating your land uses through good mix of developments, interconnections, elevating transit as opposed to highway to a more important role in the future. And always keeping in mind that environmental protection is very important to us and needs to be considered in all of our decision-making processes, including this.



And I think with that, Nick, did you have some closing statements or take any questions that the Commission has.

CHAIRMAN STRAIN: Okay, and by the way, members of the public will be allowed to speak on this issue as soon as we finish with the questions from the Planning Commission.

Members of the Planning Commission? Brad?

COMMISSIONER SCHIFFER: Just a question on questions. Should we get into the nitty-gritty at this time or just really stay at the --

MR. CASALANGUIDA: I'd prefer you didn't, I think it's just if you have questions.

CHAIRMAN STRAIN: Anything that's in this book is open game, as far as I'm --

MR. CASALANGUIDA: No, no, you can talk about it. But I just -- you're going to get a lot more follow-up when you get into the plan review, so --

COMMISSIONER SCHIFFER: I'll hold on --

MR. BELLOWS: -- with another hearing. Yeah.

CHAIRMAN STRAIN: Go ahead, Phil.

COMMISSIONER BROUGHAM: If you could very briefly, Nick. Concepts are fine, you know, and I couldn't argue with anything that has been presented this morning at all.

What's the relative time frame when you start to integrate the concepts with land development and transportation planning, you know, down to the level of one-year, two-year, three-year, PUD reviews and so forth. It would appear that you have to at some point implement concepts down into changes in regulations and procedures and so forth. Well, you're talking about 2080, I won't be here. But what's your perspective?

MR. CASALANGUIDA: The completion of this project for Phase II is this December/January, with the policy recommendations going to the Board of County Commissioners. From there we'll draft language, vet it again through the public over a six-month period. And then you have to go through another process of the LDC amendments or GMP amendments to follow through.

So some could be done fairly quickly. I would say six months to nine months, the ones that are simple and non-controversial. The ones that will require more thoughtful consideration with members of the public and sub-areas might take 12 months, another 18 months before they actually become a requirement.

COMMISSIONER BROUGHAM: One more, Mark, if I might?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER BROUGHAM: With the view in mind that some of these concepts will become changes in -- regulation changes in LDC code and so forth, are you giving major developers a heads up on these concepts early on?

MR. CASALANGUIDA: They're also part of the stakeholders. We had 300 stakeholders that were contacted in terms of that. And all of them -- a lot of them were major landowners as well.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Nick, let's start with the first foldout in our folder. Just as a statement, you've mentioned a list of tools that you may be looking at to incorporate under this plan. One of them is HOV -- HOT lanes. I travel the country in a motor home and I see these lanes on many states. And one thing that I just am shocked at is how little they're used, and at the, what, huge costs they were to implement, both in road width and additional asphalt or concrete.

So before we would consider them in Collier County, I hope we would make sure they're something that is a viable usage. I mean, it's nice to have a lane say it's dedicated for people using multiple passengers, but when nobody really uses it because that's not the way they go to work and the way they do things, it becomes a really expensive, useless tool.

MR. CASALANGUIDA: Great point. And I think that would not be considered on your Collier County grid, where I-75 goes through Collier County. Typical like your urban areas, Boston, New York, outside flowing into a city, you would look at I-75 maybe having an HOV or multi-person lane. But I don't see that on a local Collier County facility.

CHAIRMAN STRAIN: In that same page under the environment you listed concept, you listed tools. You listed three programs or three things under tools: The stewardship program, the TDR program incentive, and then

incentives preserving open space.

Why did you limit those programs to the tools in that category? There are other -- I mean, the GMP and the CCME within the GMP, and the Golden Gate Master Plan and the Immokalee -- all those have references to environmental issues in other parts of the GMP. Why wouldn't we list the GMP as well? Why are we giving preferential treatment to any particular segment of the community?

MR. CASALANGUIDA: We're not. Those were some of the things we've noted, but we're not restricted in any way, shape or form at this phase.

CHAIRMAN STRAIN: Okay. I just would like to see if you're going to use -- if you're going to list one, like a master plan or one area's overlay, you ought to list the others to be fair. I mean, I think that would be better.

The RLSA. As you know, that was about 2000 or so, 2004 that was put into play. Wilson Miller I believe were the chief architects of that.

Do you believe that's a competent plan, well done?

MR. CASALANGUIDA: I think it has its merits and it could be improved.

CHAIRMAN STRAIN: How about the -- well, knowing the planners that did it and knowing their alliances with other parties in that area, I doubt if there's a line on that boundary that wasn't well thought out. And the reason I'm pointing it out is on the cover plan it shows the RLSA in a more concise pattern towards the center of the county, except there's a tail going all the way down and purposely touching I-75.

I believe that tail was put there and taken down to I-75 for a specific purpose. And I'll show you why that may be something that this plan could look more closely at when we -- in a couple more pages.

And one of the pages where it starts is you have a page titled Transit Service and Roadways. And on that one you have an orange triangle, it says potential interchange at Everglades Boulevard and I-75. And in my discussions with you, you said that doesn't necessarily mean it's going to be in that location, but if we get the application for that area, it can be easily slid by an amendment to another portion along that area.

In regards to that, I'd rather we not -- just like in the AUIR, we don't start locking ourselves in to a specific location, especially when we have an overlay such as the RLSA specifically outlined to take its boundaries down to I-75, and we have a major developer with a town much bigger than Ave Maria who is proposing to line up an entrance and an exit on I-75 with this town within the RLSA which is to the east of Everglades Boulevard and would save us addressing 900 takings of private properties and 700 driveways onto a road system that isn't to the best benefit of this community or the cost-wise.

So what I would suggest, instead of pinpointing Everglades on this map, that we use an oval or a rectangle area showing that within this area there's going to be a new interchange, instead of pinpointing singularly one.

MR. CASALANGUIDA: Mr. Chairman, in fairness to your comments, I think we used the 2035 LRTP, and we did it for a reason, because we said that takes the subjectivity out of our opinions of where it could be moved, your opinions or anybody else's. And we said this plan is not going to focus on one specific capital project, nor will it -- in a positive way or a negative way. We're not going to say we've got to push this project.

I mean, we could have looked at 951, the loop road in Immokalee. We said we're not going to get into those discussions, because the bulk of the reason we're doing this plan is to lower demand, not to argue about one project or a specific location. So I'm using the 2035 LRTP as a reference point, and that's all we're using it for.

CHAIRMAN STRAIN: Well, this Board doesn't get to weigh in on the LRTP, we only get to weigh in on these plans. If in fact we can weigh in on these, I will.

And I also know staff, you have this habit of down the road saying, well, look-it, we've shown this on these plans all this time, what do you mean move it now? It's been here, we've already spent money on this, now we have to go forward.

I'm trying to avoid that scenario. Because even if whether you're in your position today or another one or not even here, some bureaucrat down the road may decide that this signifies where it was supposed to go, you all were given informed information, and by God, we spent money there and that's how it's going to go. And that's not the way it needs to go. We need to think it out better than that.

MR. CASALANGUIDA: I'm happy to notate the comments you've given as well as note on the plan that it's in application stage and subject to move. So we're happy to do that.

CHAIRMAN STRAIN: Okay. That same scenario appears on quite a few other pages with that same triangle on the same interchange.

In your master mobility plan complete street series, it's interesting, because the details you show there show a four-lane and then a two-lane road. And the comment up above, depending on adjacent land uses and traffic characteristics, a two-lane road with a median turn lane may operate more efficiently than a four-lane road without a center turn lane.

Yet we have -- and I believe the philosophy of the transportation department is to use six-lane roads.

MR. CASALANGUIDA: As its arterial roadway network, not local or collector road.

CHAIRMAN STRAIN: Okay. What I think is interesting here is that the four-foot bike lanes that are alongside some of our major roads in this county, that in my opinion are extremely dangerous, are shown only on the two-lane road. On the four-lane road we had enough sense to move those bike lanes off to the side and over into a right-of-way that's outside the curbed area of the road.

I think that's a good plan. And I just wanted to comment that if this is the design we're going forward with, that's a heck of a lot better than the one we're putting where people are traveling 50 and 60 miles an hour next to a four-lane bike lane with the people trying to ride bikes safely there. I think it's only asking for people to get hurt.

MR. CASALANGUIDA: Mr. Chairman, to that comment, I agree with you, and I think the county transportation staff, which I also work with, has looked at that, and we are starting to incorporate those greenway projects into our facility designs and eliminating some of those bike lanes, where it's feasible.

We do have a member of the community that's not represented today, and it is the bicycle/pedestrian community. And they speak very vocally about the bike lanes. So you balance those two out and we try and accommodate all the requests.

CHAIRMAN STRAIN: The people in the bike club that promotes this so heavily, they tend to be a handful of professional bikers.

MR. CASALANGUIDA: Very vocal.

CHAIRMAN STRAIN: Very vocal, right. But that's not the far vast majority of people in Collier County, nor are those lanes used by the vast majority of people in Collier County, because you put kids and families out there, they're going to get run over like flies. And it's just not fair to encourage that.

MR. CASALANGUIDA: We share your concerns, and we definitely take those into account.

CHAIRMAN STRAIN: Under your Golden Gate Estates and Orangetree section -- which by the way, Orangetree is part of the Golden Gate Area Master Plan -- you have talked about a proposed Transfer of Development Rights Program. And it's also in the Watershed Management Plan that's up for discussion, which I doubt we'll get to today, but it's on today's agenda.

One of the things in there is promote clustering of development. Where is it your intentions are of promoting clustering of development?

MR. CASALANGUIDA: Nowhere right now, sir. I think the concept is to vet that and see where it would be more feasible. It could be in a very sub-area of the Estates, saying from the ones farthest away to a more urban portion of the Estates. It could be from the Estates to the receiving areas in the rural fringe districts there. That would take a lot of vetting. We'd have to communicate with the folks and those residents.

But it's come up twice. It's come up on your watershed management plans and the ability to preserve areas. And for our mobility plan it says, look, you have two and a half acre lots and they're to the extreme east. If you could take that development right and move it farther west -- and west is yet to be determined, you know. Some people have expressed concern, are you saying all the way to the coast? No. Are we saying to the urban Estates? Maybe. Are we saying to the rural Estates? Maybe.

That has to be discussed with the people that would be affected by that. So that's something we would vet farther out.

CHAIRMAN STRAIN: Well, if you're coming to us with a plan in 19th October, that means you're going to have all that vetted out by the 19th?

MR. CASALANGUIDA: No, sir, that's a policy recommendation. So what I would bring to this Commission as well as the Board of County Commissioners and say it is a viable option for us to consider, do you agree that that may be something we want to do. And if you do, take it to the next phase. You'd set up stakeholder groups that are reflected specifically from that area and work with them.

CHAIRMAN STRAIN: Well, when you ask that question of someone living in the urban area if they'd care if the Golden Gate Estates has clustering and more density, they're probably going to say no. But you ask somebody

living in the Estates that isn't planning on selling their house and making money off increased densities but wanting to live there in the tranquility that they moved to, they may not be in the same frame of mind. So I hope you ask the right people the right question.

MR. CASALANGUIDA: We will, sir.

CHAIRMAN STRAIN: Under your concept tools, you talk about varied development review process, less stringent in the urban core and more stringent in the outer areas.

Now, it would seem just the opposite. Because the urban core is where you have all the higher intensity problems and congestion and setbacks and heights and other restrictions, more so than you have those kind of concerns out in the urban area. And I just -- I'm wondering why that concept is set that way.

MR. CASALANGUIDA: It's more geared towards redevelopment and what I would call infill. Because your requirements right now for redevelopment, whether to be brought to county standards now, prohibit a lot of this from happening.

So if you've got a site that's either infill or redevelopment and you can become a little less stringent with some of your requirements, you'll promote that infill and redevelopment, with the concept of connecting both bike path, and like we talked about with what Mr. Perry had shown you, the Pineview PUD. That's an urban project.

So if we said you could reduce the buffers a little bit, you might be able to change, but get that connection in, and that's more important. And that's what we talked about, sir.

CHAIRMAN STRAIN: Okay. Your connectivity page. You talk about connectivity, connectivity between developments.

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: Not all developments want connectivity. In fact, I'm sure we're going to be hearing from the Orangetree people today, especially in the part of Valencia over there by the golf course. Some of that interconnectivity, and especially the one to Orange Blossom Ranch, is not desired because it would encroach upon their security.

So how are you going to analyze or how are you going to suggest we increase connectivity, when it may not be in the best interest of the neighborhoods that are trying to be interconnected?

MR. CASALANGUIDA: And I would say to you, sir, and to the folks in the audience, you're retrofitting a project. That's always more of a challenge. If it was designed that way in the first place, which is our goal, then you wouldn't have that problem.

But I will tell you, connectivity does not increase crime. It actually has been shown to decrease crime. And you look at it now, and I'm addressing you but it's to member of the public as well. You're looking at 2011 today. Go out to 2080 when your major arterial roads are carrying their maximum capacity and then think about connectivity, your ability to want to be able to get to some services within your development.

And the challenge you have is folks are thinking today, this is how I feel today. But 20, 30 years from now that connectivity means the difference between getting onto a road that's carrying 50,000 cars, traveling two miles and being in traffic for an hour versus walking across the street, through a walkable path or driving your car internally to that shopping center, picking up your milk and going home without ever having to touch that major road.

CHAIRMAN STRAIN: Well, as time goes on and our population increases and our statistics for crime change -- right now we're fortunate, our Sheriff's doing a good job, he's keeping crime down, but that is going to change as we grow and grow and Miami spreads and Tampa spreads and everybody starts looking at us as an enclave that needs to grow as well.

I think a lot of people may prefer security over more traffic running through their neighborhoods and losing some of that safety, and rather spend more time on the road. So as we get into the plan, I certainly don't think we need to make the connectivity that's the biggest issue in regards to safety and security of the communities that it involves. So something I'll be looking at, at least.

MR. CASALANGUIDA: Very good.

CHAIRMAN STRAIN: You talk about employment. And I'm not sure how you rate employment, but I'll be looking for that in this new plan, because you have details that are predicated upon enough employment, and employment minimums in towns and villages. So I'm sure you're going to try to figure out some unique way that needs to be regulated. But I'd be curious to see what that is. I noticed it was in one of our pages.

Also, you spent a lot of time on the mobility plan laying out the employment to population ratio in various

parts of the county. And I thought that was a little bit strange because some of the statistics and demographics for Collier County show that we have a large body of retirees, of people who don't necessarily come here seeking employment, but they come here seeking retirement.

I'm not sure why your employment ratios then become that relevant without a similar analysis as to how many people in that area of employment you're talking about are really retirees who are not seeking employment.

MR. CASALANGUIDA: I can probably clarify that. Your employment is just a category term in terms of transportation analysis. Residential employment. You look at a town, use Ave Maria because it's the newest town in the RLSA. Employment is also services. We call it employment for the purposes of modeling, but it's services to the people that are there. Having that mix.

It's the attraction generation. A residential unit is a generator. The attractor or the recipient end is either employment -- when you talk about employment, it's going to the doctors' office, it's going to purchase your groceries, it's going to recreate. Those are employment. The closer those relationships are together, the less people drive.

So when you look at future towns or future development, the more the ratio has that component called employment, which could be recreation destinations, shopping, medical, banking, whatever the things that the people do that are close to where they are, we categorize it employment for traffic analysis, but they're destinations.

CHAIRMAN STRAIN: Okay, but at the same time I would hate to see you, as you have tried to in the past, use the need for more commercial in areas like Golden Gate Estates as a reason to disrupt the rural character of that area. And that seems to lend credence as to where this reference to population and employment ratio is trying to go.

And as you just said, if you increase commercial and you increase services in there, you increase the employment. But that's not why a lot of people may have moved there.

I'm not speaking just for the Estates, people across this county have moved in their communities for specific reasons. Mobility or not, that's not an excuse to destroy the lifestyles they've chose to move there for.

So I don't know how you've addressed all this in the final draft or these things you're coming forward with, but I wanted to give you kind of a preview of the things I'm going to be looking at. And I'm sure Debbie's very grateful that you're standing here today instead of herself.

MR. CASALANGUIDA: Let me address that real quick because it -- we'll go to some of the other questions.

We recognize through the public involvement, we've had many people attend these meetings. One of the key things that Mr. Mulhere pointed out and Mr. Perry and myself is the themes that have come from public comment. They said all of Collier County is not the same. They kept saying that over and over again.

Your comment about the Estates echoes with the same comments the public has. While if you were redrawing the Estates today you would do it differently, we recognize that the character there is special to those people. And so those concepts have to be tempered with their desires for what they want.

While we may propose things, we're going to take their comments and say, love to do it for planning purposes, but the group that resides out there and has met with us doesn't appreciate that, so we're going to take that off the table. That's the whole process that we're working for is to give them a voice in this process.

CHAIRMAN STRAIN: I understand, Nick. And based on what I've heard, the public process has been -- there's been quite a bit of public input. And that's good. But it doesn't mean that this Board's going to let up necessarily in any of the questions we're going to have.

I did notice there was -- included in our packet were the minutes from the EAC. And I had one comment there, a couple, at least. Talked about under the staff discussions the following were highlighted. And it's talking about the master mobility plan as presented by Bob Mulhere and Tim Durham. And it said, consideration should be given to incorporating existing examples of land use into the plan, i.e., Mercato, Naples Boulevard.

Now, Naples Boulevard I believe is where Costco is and --

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: -- those big boxes. I understand that. And that seems to be a pretty successful development. They've got a lot of stuff there.

Mercato is built out. But that's a mixed use development, which we wanted in this county as an incentive to do more mixed use. We use that kind of an example.

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: But how many residential units are actually sold in Mercato?

Because my under -- from what I've heard, there's not that many. So do you have -- how successful was the

mixed use concept on the first example that you all are considering or someone's considering to use?

MR. CASALANGUIDA: Commissioner, the problem that goes with that is your price points. Mixed use on 41 in residential versus mixed use in other areas, what I consider mixed use is not as much as Mercato price point wise. The concept is there.

But if you build -- you know, many people grew up, the apartments above or multi-family above commercial, mixed use, which was reasonably priced, that's very successful. People work, walk, recreate where they live.

Obviously, they put the price points where you say my commercial -- and I'll use the Mercato as an example -- has paid for a lot of my infrastructure and set me up, the residential is the cream on top, and we're doing extremely high end, that's their choice as a marketing plan. But mixed use nationwide is a good concept. It works well. Price points are --

CHAIRMAN STRAIN: For a mixed use, I'd like at some point, if you guys are going to promote this, to show what a successful mixed use is in this county.

MR. CASALANGUIDA: We will do that.

CHAIRMAN STRAIN: And then the other point is the concern on the timing required for construction of any infrastructure land uses under the standards identified in the plan. An example was cited where a developer constructed and sold all the housing units, parenthetical, 4,500, in a multi-use project without completing the commercial uses associated with the project.

Which project was that, just out of curiosity?

MR. CASALANGUIDA: Sir, you're looking at minutes. I don't -- I might not have been at that meeting.

CHAIRMAN STRAIN: Okay, Bob said it, so --

MR. MULHERE: I don't know. I'd be happy to look at it. I really don't know.

CHAIRMAN STRAIN: By the 19th, or whenever we hear it. If you're going to use an example like that, I'd sure like to know what project it was, because whatever limitations or concerns were involving the lack of commercial created, it's something this Board needs to consider when we do PUD's.

MR. CASALANGUIDA: Absolutely.

CHAIRMAN STRAIN: That's all I've got. Does anybody have any other follow-up?

(No response.)

CHAIRMAN STRAIN: If not, are there any members of the public that are registered to speak, Ray?

MR. BELLOWS: We have one registered speaker, that's Nicole Johnson.

MS. JOHNSON: Good morning. For the record, Nicole Johnson, here on behalf of The Conservancy of Southwest Florida.

And I know you won't be making any decisions today, but The Conservancy wanted to give you some of our thoughts, concerns, suggestions so that you can be thinking of those as you start to review the document when it comes out on the 19th.

Certainly we support the concept of VMT reduction concepts to reduce greenhouse gases. Who wouldn't? But we have been all along concerned along about some of the fundamental underpinnings of the process. It's so important to get that foundation right, because upon that you're going to be building new policies that will change the GMP, the LDC, the LRTP, who knows how far this could go. So just like the Watershed Management Plans, you have to have that proper foundation.

Nick is correct, there has been a lot of opportunity for the public to comment, to participate, to attend meetings, and we certainly do appreciate that. Staff and consultants have been very available for questions and explanations, but we do still have a lot of concerns about some of the underlying fundamentals, and some suggestions for perhaps adding clarifying language to the final MMP product.

One concern is that the MMP baseline for the modeling uses the 2035 needs plan. And staff has explained that they use that is because it's the only metric and measuring tool out there. And we understand the rationale behind this, but we do see it really as a fatal flaw to what we thought the process was going to be, because it assumes that all these roads will be built, when the bottom line is we can't afford to build all these roads, and some of these roads, due to environmental and other constraints, may never be permitted. So we do see that as a shortcoming.

Instead of the MMP being a progressive tool, where we sit down and we look at what roads do we need and what can we do to make changes to take some of those roads off the map, we're assuming all those roads are going to be built. So a missed opportunity but, you know, we do understand that that's how it's going to be.

We've discussed this with Nick, and he has given us some assurance that even though that needs plan is used, it's not going to be the basis for justifying any roads. And I felt pretty good about that, but we keep seeing other things popping up that bring that concern back.

And Mark, I think you mentioned a couple of those maps that were used as the storyboards at the August 25th meeting, those concept boards. And one example is the Golden Gate Estates and Orangetree. And if this process is not supposed to justify any capital improvement project, when you have under concept and tools I-75 interchange with that interchange clearly marked, we believe that that could inadvertently be used as a way to justify that specific interchange.

So we are concerned about things like this coming out in those documents. And perhaps if that sort of information were removed from concept boards in the future, changed so that it's understood it isn't meant to justify that road.

When I had shared our concerns with Nick, he was very kind to write out in an e-mail exactly what the MMP is and isn't, what it will do and what it won't do. And I won't read all of that e-mail, and I actually left the copies in the copy machine, so I will e-mail this to you this afternoon, and I'll leave this copy for the record.

But a couple of the points that I think are very relevant to share is that Nick indicated the MMP is not intended to justify the addition or deletion of any new capital project or the adopted 2035 LRTP. And discussions over the merits of existing or proposed capital projects should be handled outside the MMP through the LRTP update or permitting process. And we very much agree with that, which is why we are concerned about documents like this that could be misused.

I was also a little disturbed at some of the Commissioners' comments at the MPO meeting. I don't doubt Nick's sincerity that he is not going to use this document to justify any specific capital project, but when the Commissioners talked about the MMP, they said if it's out there of course we're going to use it as part of our decision-making process. And that's fine, as long as it isn't being misused and misrepresented.

We believe it could be misused. For example, I'll take this again, if the MMP shows an interchange and if the MMP is this wonderful VMT reducing tool, then someone could jump to the conclusion that the interchange is not only needed but it's in the best interest of the environment. So I don't doubt that Nick would not use it in that manner, but 20, 30 years from now who could use this for what purposes.

So one idea that The Conservancy has is that as part of the introduction in the MMP itself, Nick's e-mail or some variation of that be included to say this is what the MMP is, this is what it does, this is what it isn't, and what it won't do. So you can't stop someone from trying to misuse the document but you can certainly point to the introduction and say no, this isn't intended to support any particular capital improvement project.

So a suggestion that could help clarify and ease some of our concerns that we'd ask you to consider.

Another area of concern was the recent introduction of vehicle hours traveled into this equation. The Conservancy, generally speaking, sees vehicle miles traveled and reduction of that as a function of land use planning, smart growth, those sorts of things, cluster development, so that you don't have to get in your car as often.

And we see vehicle hours traveled as getting your car from point A to point B faster. And oftentimes that's a function of more roads, expanded roads, extending roads, that sort of thing.

So we want to be careful that this process isn't used to justify more roads. The idea of connectivity is very good, and in the urban area where you're bound to really retrofitting, perhaps it needs to be considered. But out in more of the rural areas, I think we need to look at smart growth, better land use planning instead of more roads and connectivity as that principal caveat.

So one suggestion there is that yes, connectivity is good, but I think the MMP needs to also acknowledge that there are other factors involved: Environmental, socioeconomic, those sorts of things, and all of that needs to be wrapped into that process.

One additional thing that I wanted to mention also is the draft of this plan comes out on October 19th. And there may be enough time for the public to review and to make comments on that before it comes back to you in November, but will there be enough time for the public, for the Planning Commission, for others to make very substantive changes or suggestions for changes to this and have those suggestions incorporated into a final draft?

We don't want a document where we're encouraged to make comments, but it's still going to the BCC in December, therefore we can't retool one portion or another, even though that could make an improvement. We want to make sure, just like the watershed management plans, if it takes a little longer but it's a better final product, that we



take that time to do that.

So, you know, consider that, if there are changes that need to be made, more input, modifications, that we make sure that we do that.

So four things to wrap up that we're asking to you think about: Adding specific language to the MMP introduction, stating clearly what the plan is and isn't.

When you review the MMP, make sure that all statements in the plan and all technical support documents support the intent of the MMP.

Third, making sure that the concept of vehicle hours traveled and connectivity really go towards those smart land use planning strategies that the DOE energy grant we believe was intended to fulfill.

And fourth, allowing sufficient time to review this plan and for staff to make substantive changes, if they are necessary.

CHAIRMAN STRAIN: Thank you, Nicole.

And as a follow-up, Nick, I had -- was going to make a suggestion that when we schedule this for the Planning Commission, we schedule it for a meeting by itself. I mean, this is a 20-minute presentation that's taken probably -- going to be taking the better part of an hour. So maybe we ought to look at a day when we can meet just to discuss this plan so we have ample time for the public to participate and this Board to get into every single detail.

Does that seem logical?

MR. CASALANGUIDA: It's logical. I think we have a date scheduled for a three or four-hour workshop with you with the public hearing as well.

I think one thing to keep in mind, based on Nicole's comments, you're not getting LDC or GMP language to review, you're getting policy recommendations.

So what we're looking for from The Conservancy, from the public and this Commission itself is to modify those based on comments that you get.

So it's not that once the plan's approved; what you're approving is the next phase. These are the things we like, take them to the next level. There's no policy language that you're approving as part of this phase. There are recommendations to go into the next phase where you start to meet and you'll hear those again in detail.

So that's the concern, is that you're going to be at a phase where you're just recommending policy language to proceed forward that you get to see again and again and again before it gets adopted.

CHAIRMAN STRAIN: The policy language is important. I think we learned that in the RLSA. Because the policy language that we thought we adopted was not interpreted in the manner that many of us thought it was to be, including yourself, as you know from the testimony we did in court.

So I want to make sure that we understand every facet of the policies as they're put forth. Now, BCC may go its own direction. But at least this Board will have an ample input as best it can and understand every single one of the policies so they're much more clear in their -- in their intended interpretation.

MR. CASALANGUIDA: Sure. And one disclosure that I think needs to be put out there. Right now the county and the NGOs, The Conservancy, the Audubon, are working really well together on this project, because the intent of this project is to reduce vehicle miles traveled, smart growth, lower that cost of infrastructure.

The county is applying for an IJR at I-75/Everglades. The Conservancy is opposing that interchange vigorously. In order to be fair from The Conservancy's perspective and the county's perspective, we said let's leave that discussion off this table. And it keeps coming up. And I'm doing my end of the bargain and I'm not pushing any particular capital project by this.

If you took our outline of what we've brought to you at the beginning of this presentation, it makes good business sense, environmental sense to lower that demand. But to continue to bring back a specific project makes no sense. That will get us in a quagmire. If we stay focused on the goals of the MMP and leave those discussions for another opportunity, another discussion, another project, I think that's appropriate. Because we keep getting pulled back in, while I'm keeping my word on that.

CHAIRMAN STRAIN: Nick, she didn't bring it up, I did. And she brought it up as a follow-up after me, and I will be bringing it up again, again and again.

So I can assure you, and I'm not a member of The Conservancy, and I believe there are other environmental groups and other people, I'm not a member of any of the groups that are involved in that, I simply don't see it as the most cost-effective approach and I want to make sure staff doesn't use this plan as an excuse not to be able to look at



other alternatives that are more effective for the taxpayers, that's all.

MR. CASALANGUIDA: Put it on the record, we're not using this plan for I-75/Everglades.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Yeah. And Nick, one thing I think she brought up and this conversation brings up too, is be very, very clear somewhere in the beginning what the scope of this thing is.

MR. CASALANGUIDA: Sure.

COMMISSIONER SCHIFFER: And short and concise and -- to really define what people can use this data for and what they can't.

MR. CASALANGUIDA: Sure.

COMMISSIONER SCHIFFER: Otherwise you'll have these conversations throughout.

MR. CASALANGUIDA: I believe it's not going to change anything, but I will do that, sir. Very good.

CHAIRMAN STRAIN: Okay, are there any members of the public who would like to speak on the mobility plan before we move on?

(No response.)

CHAIRMAN STRAIN: Okay, thank you, and appreciate it.

We have one -- well, we have two advertised public hearings. One is a continuation from the last meeting -- well, both are continuations from the last meeting, come to think of it. First one will be Orangetree and the second one will be the boat dock.

\*\*\*So let me read off the first one. 9.A, PUDZ-2003-AR-3608, the Orangetree PUD.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Thank you. Disclosures on the part of Planning Commission. I'll start with Melissa.

COMMISSIONER AHERN: I originally met with Mr. Saunders. I have not met with him for this round.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: No ex parte.

CHAIRMAN STRAIN: Myself, I met with the applicant and his representatives. I've met with the -- some of the homeowners up in Orangetree, and I've had conversations on the telephone with others. I don't remember all the names, to be honest with you.

Ms. Homiak?

COMMISSIONER HOMIAK: I spoke with Mr. Saunders twice. And the first time before the last meeting and also met -- McLean, is it?

MR. SAUNDERS: That's correct.

COMMISSIONER HOMIAK: Okay. I wrote down Matt.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with staff, regional planning, and a couple of the residents in Orangetree.

CHAIRMAN STRAIN: Barry?

COMMISSIONER KLEIN: Yes, I believe it was Monday I had a meeting with Mr. Saunders, Mr. Mulhere and Matt, I forgot your last name. Sorry.

MR. SAUNDERS: That's an easy name to forget. That's Matt McLean.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Just a brief conversation with Mr. Saunders this morning before the meeting and a brief conversation yesterday with staff.

CHAIRMAN STRAIN: Okay, this particular project involves a rather large area of the county. And in that -- within the PUD there are some different property ownerships. I know there are a lot of individuals that own homes there, but there are also some larger chunks of land owned by separate departments in Collier County.

In the discussions I've had with people, there's been a lot of concern about one in particular, or maybe two, but at least the fairgrounds has been mentioned numerous times. So I've asked the County Attorney's Office to be prepared today to address the extent to which this Board is going to be reviewing the fairgrounds' parcel in regards to the application in front of us today.

The application in front of us today is by Mr. Bolt and his representatives. It's for the development area of Orangetree. The changes that are being requested are for the most part if not all within the residential or developed part of Orangetree, or the commercial part.

And Ms. Ashton, I'd like for you to please fill us in on the extent to which we should be reviewing this today in regards to the different ownerships of property there.

MS. ASHTON-CICKO: The property that you're referencing is in the community use district, and that's not owned by the applicant, Roberto Bolt. So the sections that we're addressing today relate to the property that is owned by Mr. Bolt, and that's not one of them. He's -- I think there's also been a letter provided by the applicant that they're requesting that there not be any changes to that section, and therefore that's not an issue that we're -- we'll be reviewing and modifying today.

CHAIRMAN STRAIN: Okay. And the reason I wanted that stated up front is last time when this was continued, there were some members of the community up there who wanted to discuss the fairgrounds.

Well, you're going to have -- we're going to listen to everybody, everybody has a right to speak today and we will try to be tolerant with the time. But if you're talking about the fairgrounds, you're talking to a Board that really has nothing to weigh in on the fairgrounds or cannot at this level, because we're a zoning board. The zoning for the fairgrounds is not being addressed today.

So I'm trying to caution you ahead of time, please stay -- in your discussions, keep them relative to the property that's being modified, not go beyond that.

And with that in mind, we'll start out the presentation by the applicant. The Board will ask certain questions, the staff will make a presentation, and then after that the public will be heard.

Go ahead, Heidi.

MS. ASHTON-CICKO: We are aware that some of the members of the community have some issues with the Collier County Fairgrounds. And our recommendation is to present those issues to the Board of County Commissioners at one of their meetings at public petition. And we can -- anyone who's willing or interested to fill out one of the forms, we can assist you in getting those forms so you can get on the Board of County Commissioners' agenda.

CHAIRMAN STRAIN: Thank you.

Go ahead, Mr. Saunders.

MR. SAUNDERS: Thank you, Mr. Chairman and members. For the record, my name is Burt Saunders with the Gray Robinson Law Firm, and I'm representing the petitioner, Orangetree Associates and Roberto Bolt, the successor trustee.

On that issue of the fairgrounds let me just add one thing to the record, because I think it's clear from the guidance of the County Attorney that this Board should not consider any items dealing with the fairgrounds.

Mr. Klatzkow issued an e-mail on October 3rd. I want to read that into the record, because I think the audience needs to hear that so that they know that this Board doesn't have jurisdiction today to hear the issues of the fairgrounds.

It says: As I have previously discussed with staff, I am not signing off on the PUD changes with respect to the fairgrounds unless the lessee signs off on them. In addition, since the county owns the lands, these types of changes are much easier dealt with in a lease amendment than through the PUD process. And that was from Mr. Klatzkow.

And so for the record it would be our position that we want to be helpful in this regard, but we're not the party and not the petition under which you should be dealing with the fairgrounds issue. So I want to thank Heidi Ashton for her comments in reference to that.

Mr. Chairman and members, with me today are Robert Mulhere of Mulhere and Associates, the planner for the project. Matt McLean, with Agnoli, Barber & Brundage, the project civil engineer. Norm Trebilcock with Trebilcock Consulting Solutions for project transportation, and Jeremy Sterk with Davidson Engineering, dealing with environmental issues. Also here this morning representing the petitioner is Mr. Steve Lowitz.

And by way of just a very brief introduction, the proposed development consists of 2,138.76 acres of land that is partially developed. The initially proposed PUD amendment -- and I say initially proposed PUD amendment, because we do have some very significant changes that we're going to make based on conversations that we've had for the last several weeks. The initially proposed PUD amendment would have added 1,250 dwelling units to the

currently approved 2,100 dwelling units, for an overall density of 1.6 units per acre.

As I go through my presentation, Mr. Mulhere will place on the overhead maps, and he'll point out some of the things that I'm going to be pointing to and dealing with as I go through this.

For orientation purposes, this petition involves the lands lying along Immokalee Road between Randall Boulevard on the south and to the north of Oil Well Road. The Orange Blossom Ranch PUD forms part of the eastern boundary of our project.

The site plan shows four commercial tracts: A mixed use utility site where the utility systems are currently located, two neighborhood commercial sites and one office commercial site. And all of these four sites consist of approximately 60 acres of land. And under current zoning, we are permitted to build approximately 60,000 square feet in the two commercial -- the neighborhood commercial parcels.

The proposed amendment will add 100,000 square feet of office use and 172,000 square feet of retail space, for a total of 332,000 square feet of combined office and retail space.

I want to make one point of clarification on the proposed ordinance involving environmental commitments of the petitioner. There's been some concern about the elimination of environmental commitments. The title of the ordinance provides that the amendment deletes environmental commitments for this project, and this is a bit misleading. All environmental commitments have been completed by the petitioner or all of those environmental commitments are contained in other ordinances, and so therefore that language is not needed in this document.

Let me emphasize, no environmental commitments of the petitioner are being eliminated by this petition.

Your planning staff has determined that the proposed amendment is consistent with the Growth Management Plan. Staff concluded that the petition is compatible with existing or planned development in the area and is also compatible with existing internal development that's there currently. That's on Page 11 of your staff report.

By way of comparison, the Collier County Commission approved Ordinance 04-74 known as the Orange Blossom Ranch PUD with a residential density of 2.8 dwelling units per acre, along with 200,000 square feet of commercial space on 44 acres of land. And again, that project is the eastern boundary of our project.

It is my understanding that Andrew McElwaine with The Conservancy is objecting to the approval of this PUD amendment because of the alleged reopening of the settlement document that covers this area.

I don't know if The Conservancy itself has formally taken a position on this, but I want to talk about the issue of the opening up, or the alleged opening up, if you will, of the settlement document.

The County Commission determined as part of the Orange Blossom Ranch PUD, and I'm going to quote from that: The subject property is within the settlement area district designation as identified on the Future Land Use Map, which permits a variety of land uses, including commercial, residential, community facilities and recreation.

And more importantly, the County Commission went on in that PUD document, again quoting: No maximum densities have been established in the settlement area district.

In Ordinance 05-42, which amended the Orangetree PUD Ordinance 04-73, the County Commission again stated the following, I think it's important for the record: The project's gross density, commercial uses and other nonresidential uses are consistent with the rural settlement area designation in the Future Land Use Element and Golden Gate Area Master Plan of the Growth Management Plan. The rural settlement area district allows the uses identified in the Orangetree PUD and does not establish maximum densities or intensities.

Again, these are findings of the County Commission over the years in ordinances dealing with the settlement document.

The settlement document is not being reopened. And so I think that's important as you hear from various speakers on this issue.

In the staff report before you today, staff makes the following observation: Future zoning changes to add dwelling units or commercial acreage within the geographic boundaries of the district will not be prohibited or discouraged. And that's on Page 6 of your staff report.

Staff further concludes, and this again dealing with our petition, the density will increase overall, but the areas that will be developed with additional density should not negatively affect existing development with staff's recommendation regarding the removal of the resort lodging units within the R-3 and R-4 districts. And that's on Page 10 of your staff report.

There are a couple other commitments requested by staff, and we'll go through those, but for the record, the petitioner is agreeing to all of the conditions that have been suggested by your staff as a condition of a

recommendation for approval.

There are a couple utilities issues that I need to get on the record quickly. An issue was raised by the county utility division concerning easements that may be required by the county for continued operation of the Orangetree utility systems until the county develops its own regional systems in that area. For the record, it is intended that the easements that are granted to the county for utility purposes pursuant to this PUD are to be used only to serve the existing customers of the Orangetree utility system. Once the regional system is completed and the Orangetree customers are connected to the county's systems, all those easements that are no longer needed to serve the existing customers of the Orangetree system will be vacated by the county.

As a condition of the recommendation for approval, staff has made three recommendations for changes. And as I said, we agree to all three of those.

Staff is requesting that all resort lodging units be located only in the golf course district. Members, we met with many of the residents in the community and there was a great deal of concern about a hotel-motel operation in that area. We have agreed to totally eliminate any reference to resort lodging units. There will be no resort lodging units in this PUD. And the 100 resort lodging units that was part of the 1,250 units that we were requesting, we're taking those units off the table also.

We're also in agreement with the other two conditions. In the office commercial district we will provide a 20-foot wide setback to any residential areas. Also in the office commercial district we will provide a Type C buffer between any uses and residential uses, again, to make sure that our commercial areas are not incompatible and detrimental to the neighboring residential areas.

In all commercial areas that abut residentially zoned properties, a six-foot wall will be installed with a landscape buffer being between the wall and the residential uses.

Since September 15th, the petitioner has met with many homeowners. We participated in a public meeting at Valencia Golf and Country Club and there were well over 100 people that attended that meeting. We listened to many legitimate complaints and concerns raised by the residents. And based on those complaints and concerns, we're going to make some very significant changes which I hope will alleviate some of the concerns that you may hear this morning from some of the speakers.

I want the Planning Commission to understand that it's our goal to develop a plan that will not only be acceptable to the community but will actually enhance the community. For example, we've had conversations with Publix and we know for a fact that Publix or some other large grocer will locate in one of those neighborhood commercial parcels if this zoning is approved and if there are more rooftops in the area.

You just heard the mobility study being presented to you this morning. Part of the goal is to get traffic off the main arterials in Collier County. With that additional commercial space and again with other uses such as a CVS Pharmacy that is planned to be out there, residents in that area will no longer have to drive eight or 10 miles to get to commercial services.

The following changes will be made to the PUD document. And Mr. Mulhere will elaborate on some of those changes in his comments, and I'm sure we'll have some questions from you.

First again, total elimination of the resort lodging units. There will be no resort lodging units.

Number two, we're going to reduce the requested number of units from 1,250 to 1,050, which will result in an overall density in this project of 1.4 units per acre. And I will again remind the Planning Commissioners that the County Commission has approved in the Orange Blossom Ranch PUD densities up to 2.8 units per acre.

Number three, we're going to eliminate some of the R-4 and R-3 zoning adjacent to existing development. And in those areas adjacent to existing development, we'll have no more than two stories in those areas. And Mr. Mulhere will elaborate more fully on exactly where we're eliminating those R-4 and R-3 parcels, again, to make this development compatible with what's already out there.

In the neighborhood commercial area and in the office commercial area, we're going to limit our heights to two stories. Now, in the mixed use parcel we will still be able to go to three stories on the commercial and the residential, but that's in an area that is not impacting the current areas that are developed. This is the area between the two schools north of Oil Well Road.

There was a great deal of concern raised about increased traffic at the existing access point on Randall Boulevard. As you know, we're going to have one new access point on Oil Well Road. But in response to that, we met with transportation staff for the county and they've agreed to permit us to have an additional egress and ingress on

Randall Boulevard. And again, Mr. Mulhere will point out the details of that.

There was a great deal of concern raised about the existing homeowners associations being overwhelmed with a lot of new residents and so that the current residents would lose control of their homeowners associations. In response to that, we're going to create at least two new homeowners associations so that the new residents will not be impacting the existing homeowners associations.

There was also a great deal of concern raised about impact on existing recreational facilities. The developers agreed that the new residents will have their own new recreational facilities so that there won't be any impact on existing recreational facilities.

And for the audience, Mr. Chairman, if I might, there have been a flurry of rumors floating around the community. I'd like to talk about a couple of them just real quickly.

First, the rumor that this project will result in low-income subsidized housing. There is nothing in our documents or any relevant documents where we're asking for any subsidized or low-income housing. That's just not a correct rumor.

Second, the rumor that there will be a \$10,000 water or sewer assessment, there's nothing in our document, and again, or any relevant documents where there's any request for any increase in fees or assessments of any kind for the Orangetree system. So that again is a false rumor.

Third, there's been some concern that there may be commercial properties spread out throughout the community. I mentioned the four commercial parcels. That's the only location where there can be any commercial development.

And finally, we talked about the fairgrounds. The developer doesn't own the fairgrounds, the county does. It's subject to a lease. And so we have no interest in anything that occurs on that, we have no control over that, and again would ask that that not be considered by the Planning Commission today.

Mr. Chairman, I want to take the liberty, and I'll only take just another couple moments. We spent a lot of time meeting with homeowners, and the staff received a letter, an e-mail from Paul Unsworth that was I believe forwarded to the Commission members. Mr. Unsworth had asked that that letter be read into the record in his absence. He could not be here today. There's a couple of paragraphs in that that I want to read into the record real quickly, because I think it highlights the efforts that we have made to try to eliminate the many problems that had been presented to us.

CHAIRMAN STRAIN: Burt, out of fairness to Mr. Unsworth's letter, he asked me to read it and I told him that's not something I can do as Chair because I would have to be reading everybody's, and that doesn't work. But if you are going to read it I don't think you should read just excerpts from it, I think you should read the entire letter so that nothing is taken out of context.

Do you have any objection to that?

MR. SAUNDERS: I don't have any objection. It's fairly long. And the last half of it deals with specific items that he would like to see us do and we're going to do all those. Mr. Mulhere's going to go through those. So I thought in the interest of time -- but I'm --

CHAIRMAN STRAIN: Well, I mean, another way to do it might be to put it on the overhead and then you can read the highlighted portions or the portions you feel are relevant and everybody else can look at balance of it. But I think out of fairness to him, if you're going to -- just taking pieces of it may not be the right way to go.

MR. SAUNDERS: I understand. And I don't disagree with that --

CHAIRMAN STRAIN: And we have a -- Cherie' -- no, before I get to Cherie', Heidi?

MS. ASHTON-CICKO: I just wanted to clarify for the record one of the things that Mr. Saunders stated related to the access points. I want to be clear on the record, the access points are conceptual. Saying we're allowed one or two access points or we're getting other access points, they will all be determined at time of SDP. So the number, the location, the direction of going in or out as depicted on the master plan, those are conceptual and it's not deemed an approval of those points.

CHAIRMAN STRAIN: I made notes of what he said, and everything he said will be questioned. Everything he said will be asked by staff how they can handle it or how they not can handle it. So we will be getting to that as we get into it. Every single item will have to be digested.

MS. ASHTON-CICKO: All, right, thank you. Appreciate it.

CHAIRMAN STRAIN: And before we get into anything else, our court reporter needs a break. She's been

trying to type as fast as all of us have been talking. So it's 10:22, let's come back at 10:35 from our break and we'll resume at that point with this letter.

(A recess was taken.)

CHAIRMAN STRAIN: Okay, will everybody please take their seats.

And Burt, before you continue, I want to kind of have a discussion announcement. I know a lot of you, or some of you have wanted to -- some of the members of the public who want to speak have time limitations. Normally what we do is we try to listen to the applicant and then we have our questions, the applicant responds, and what that does, it fleshes out a lot of the issues. We get them on the table, you can see from our interaction with the applicant changes that happen along the way, many of which may mitigate some of the concerns you all have. And staff then comes into play and we have our same interaction with staff and then finally we go to the public.

And the reason it's set up that way is a lot of times if the public sees the direction that this is going and they like the changes or the changes that happen, quell their concerns to a point our public discussion is not so intense, is not so off on issues that may be resolved.

Now, on the premise that some of you have to leave, I was going to suggest a change to the proceedings today. Definitely let the applicant finish his presentation, but then open it up to public discussion and start the public process, and then this Board would then interact with questions and with staff after the public input.

Now, that would expedite you all and I'll get your discussions on the table. Or the only problem is you just won't know what changes or what proposals would already have been made based on our questioning. So it may not be as fast this way, but I think it might help most of you.

And the reason -- another reason that's going to happen is today's going to be a very long meeting. This project will typically -- Hacienda Lakes, for example, took two meetings, six hours each time. I would expect this project's going to take almost that much.

So we will -- I will doubt if we will get to a complete resolution today where we vote, but we may get to a lot of recommendations that will come back for a final review next time, if that's the outcome. So we're going to have a second bite of the apple more or less the next time we come up.

But seeing that's going to happen this way, you all may not even get heard until late this afternoon. So rather than ask you to sit here all day, as long as the petitioner has no problem with that scenario --

MR. SAUNDERS: We certainly have no objection to that.

CHAIRMAN STRAIN: Members of the Planning Commission, any problems?

(No response.)

CHAIRMAN STRAIN: Okay, then that's what we'll do. As soon as the petitioner finishes his presentation, I'll ask for all the registered speakers first. Then I'll ask for those that aren't registered.

I ask that you try to keep your discussion to five minutes, although that's not a hard, fast rule. And please don't be redundant if you can help it. Because if someone before you says something you like, just stand up and say you support that person's comments. And we get the point.

And this afternoon, probably after lunch, because I'd imagine with as many of you that want to speak, we'll be here up to lunchtime, if not later, then we'll get into our situation later. And you're more than welcome to stay all day, but I'm trying to make it convenient for many of you, because I'm assuming, as I know some of you work and have to leave early.

So with that, Burt, we'll continue with your discussion, then we'll move into public speakers.

MR. SAUNDERS: Thank you, Mr. Chairman. And for the benefit of the court reporter, I will provide her a copy of the letter so that she'll have all that.

I just wanted to read the first couple of paragraphs of that. The second portion of the letter that I'm not going to read deals with issues like screening, lighting, potential noise from the commercial areas. And we're going to agree to all of that. And Mr. Mulhere will go through that.

But this is a letter from Paul Unsworth: Mr. Strain, I am unable to attend the hearing on Thursday but would like to have this e-mail read into the record. My name is Paul Unsworth. I am a resident of Valencia Lakes and the chairman of the advisory committee to the developer controlled board for Valencia Lakes Homeowners Association.

While I cannot speak in any official capacity for the board or the members of the HOA, I have had numerous discussions with various members of our community. The general feeling within our community is that we support the commercial and residential growth in our area, as long as it is done responsibly. We have a need for

neighborhood type commercial and support it if it is done with thoughtful consideration to how it affects the community.

I have had several meetings with counsel for Orangetree Associates and am pleased with how responsive they have been with our community's concerns. I look forward to working with them more closely as their project progresses.

Most of our concerns have been addressed by the developer; however, I do want to make sure that the Planning Commission is aware as well.

So you have the letter, you also have the paragraphs dealing with again lighting and noise and things of that nature from the commercial area that we're going to address. But I think this is indicative of the efforts of the petitioner to meet with homeowners and to try to address the very legitimate concerns that have been raised by them.

With that, Mr. Chairman, we can either have Mr. Mulhere go through the changes real quickly or go to public comment, whatever is your pleasure on that.

CHAIRMAN STRAIN: Well, the changes, Bob, that you would want to go through would be in conjunction with us as we move through the document, I would assume, which means that's going to take the bulk of the day to get through that. So I think we ought to go to the public comment first.

MR. MULHERE: I think that makes sense, Mr. Chairman.

CHAIRMAN STRAIN: That's what we'll do. And I thank you gentlemen for that.

With that, we'll start out with just the registered speakers. And Ray, if you'll start calling them out. You can use either mic, and he'll call two names out so the second person is ready to come up when the first person is finished.

MR. BELLOWS: First speaker is Shirley Cothran, to be followed by Charles Palmer.

MS. COTHRAN: I'm Shirley Cothran, and I'm a resident of Waterways.

And I'm just a little surprised at hearing just now and not having the information earlier that we may have three-story buildings adjacent to our community, because our community shares a common boundary with the water utility company.

I have a lot of empathy for the people on the south side of Oil Well Road. They thought they were buying into a single-family community, and now the nature of that is changing. But that's not what I want to talk about.

What I want to talk about is the expansion of the commercial space, the whole -- the big picture on the density issue, the land trust agreement that gave Mr. Bolt control over the PUD, and some of his past actions. And I understand he's a very nice man, so I'm sorry if I'm being negative about him.

But there is a proposed shopping center on the south side of Randall that shows promise of actually being built. There's a shopping center that was started in the Orangetree PUD north of Randall at the corner of Immokalee Road. There are some roads, there are some stop signs, there's one slab with some pipes sticking up out of it, and it's been that way for more than a year, if not a couple years.

This failed shopping center is the first thing that people who are driving from Naples see when they're driving to the Big Corkscrew Sanctuary or the casino or to Ave Maria.

If this one small shopping center could not get off the ground in Orangetree, why increase the amount of commercial and retail space?

The next thing I would like to talk about is the big picture on the number of units. The Orangetree PUD started as between Immokalee Road and the Golden Gate Canal, the canal north of the fairgrounds and Randall Road. It was just under 2,800 acres. There were supposed to be 2,100 housing units. Then a few years later, or ago, they came along and created the Orange Blossom PUD with 1,600 housing units. So the number of housing units on that original 2,800 acres went from 21 to 3,700.

Now they're asking for another, well, until I came here today, I thought it was 1,250. And my numbers are based on that. They're asking for another 1,250 units, which will bring the total to just under 5,000 units. And that's a 225 percent increase.

Orange Blossom Ranch also added 200,000 square feet of commercial space. With these requested changes, we'll have 532 (sic) square feet of commercial space, which is almost 900 percent more than the original 60,000 square feet that was set up in Orangetree, on the same 2,800 acres.

The next thing I want to get into is the land trust agreement that was signed on January 27th, 1986, the same day that the Orangetree PUD came into existence. There is -- one of the trustee's duties in there is -- and I'm going to quote: If any property shall remain in trust hereunder 20 years from the date hereof, the trustee shall forthwith hold



the same at a public sale after reasonable public advertisement.

I don't recall a public sale of land in Orangetree in 2006. And I've checked with neighbors, I've checked with county staff, with my commissioner, and nobody seems to recall the sale. So I'm assuming that there was no sale. I've also checked the deeds on the big chunks of land, and they did not change hands in 2006.

If the trustee had held that public sale, who knows what would have happened. The land may have had a different owner by now. And that could have been The Conservancy, the Audubon Society, South Florida Water Management, or the county. But -- and if any of those things had happened, we wouldn't be here today.

I also want to talk about some of the other things that have happened with this trustee of this PUD. This is one example. Another is that he located the business offices of the Orangetree utility in a residential neighborhood, ignoring the terms of the PUD. That has been corrected.

Another example was that in 2007 his Orangetree utility company sued the county, trying to negate the term -- convey at no cost provisions of the PUD. And the PUD has been revised to reflect that the county won that lawsuit. But at the time it was going on it cost them a quarter of a million dollars.

There are more examples, but I want to keep within my five minutes. These examples are evidence that suggests that one of two things are going on: Either the trustee developer has not done his due diligence in reading and understanding the PUD and the land trust agreement, or he has chosen to ignore the documents. Either way, he has not complied with the current documents.

The changes he is requesting shows that he does not have a lot of -- let me take that back on some of the things they said. I don't believe he should be allowed to cram more residential and more commercial space on top of the existing residents who have been -- he has profited from them buying into those developments just to increase his profit margins. And with the decrease in land value, that probably is the only way he can keep the profit margins that he was making before. And that's all. Thank you.

CHAIRMAN STRAIN: Thank you, ma'am. Next speaker, please.

MR. BELLOWS: Charles Palmer, to be followed by Troy Bish.

MR. PALMER: Charles Palmer, 1521 Birdie Drive, in Valencia Golf and Country Club.

Thank you, Chairman Strain and members, and Orangetree representatives.

I'm speaking for my wife and myself. We single-family homeowners in Valencia Golf and Country Club -- and I want to make it perfectly clear that we all in Valencia Golf and Country Club have single-family R-2 zoned homes. We will be receiving approximately 70 percent of the additional 1,050 multi-family, more densely populated, smaller, some as small as 550 square feet are proposed in the proposal, the amendment before you. And we homeowners -- I don't see any positive benefits as a result.

Also as background, we learned on the 22nd of September from Orangetree developers that -- and just this morning that there will be more than one homeowners association. I'll use VGCC is where I live currently, that's developed with single-family homes, and I'll speak to the other one. Now, there may be two, as was brought up just a half hour ago. There may be three total HOA's within the area.

Basically I'd like some quid pro quo. And my suggestions are that the current Valencia Golf and Country Club have its own legally separated and physically separated HOA. And as was stated, we would have our own clubhouse and pool. They are the only amenities that I'm aware of.

The existing golf course is a public golf course, except that it's gated. I recommend we move the gate to Double Eagle Trail, and I'll call it west, instead of an approach road that would open up the golf course to the public without losing our security, which we do on a daily basis. When anyone goes in there, they say I'm going to the golf course and they can go anywhere within the gated community after that.

They talked about another -- they, the Orangetree developers, talked about a possibility of an additional gate to relieve some of the traffic on Randall. If Valencia Golf and Country Club had its own gate, we are surviving I think quite well with one gate. That would be fine, so long as the -- again, Valencia Golf and Country Club had its own HOA legally separated from whatever is proposed.

Also, along Double Eagle Trail on the west side, I propose that those houses that would, you know, become lots for development under this PUD not be R-3. They're R-3 now. But to keep compatibility with the rest of a separate VGCC HOA, that they would be, along with all existing lots within VGCC, R-2 single-family only. And I stress again, currently there are only single-family dwellings within VGCC currently, Valencia Golf and Country Club today.



And if we have -- if they have separate gates or gate for the other newly developed -- to be developed HOA and we have our own, I think -- I know I'll be satisfied, my wife will be satisfied, and I believe the majority, the vast majority of people within our current one-family HOA will be satisfied.

I thank you for your time.

CHAIRMAN STRAIN: Thank you. Next speaker, please.

MR. BELLOWS: Troy Bish, to be followed by Patricia Pezza.

MR. BISH: Good morning. I'm Troy Bish at 2212 Vardin Drive, Valencia Golf and Country Club.

Because my time is flexible and I'm available for all day, I'm going to defer my comments to the end and let our homeowners that are under a time restraint take the spot.

CHAIRMAN STRAIN: Great, thank you.

Next speaker, Ray?

MR. BELLOWS: I think Tony will speak for Patricia Pezza.

MR. PEZZA: Hi, my name is Tony Pezza. I'm a resident of Valencia Golf and Country Club.

I had some things I wanted to talk about, but prior to that I have to talk about what counsel had just mentioned.

I was touched by Mr. Unsworth's letter to the Board. Because the residents of this community have tried to reach Mr. Unsworth for at least three years unsuccessfully to try to talk about our security issues and the many issues involved with our homeowners association and how D. R. Horton has squandered our maintenance fees on a lot less than admirable conditions.

So I was moved by the letter that was sent, because for three years no one can seem to reach this man. So I just thought I would bring that up that it's funny how a letter just happened to pop up to the board of directors at this point in time.

In regards to what counsel just said, the County Commissioners have ignored with recent PUD changes this 1986 settlement agreement. They have completely ignored what a judge has put on paper as what is the standard that has been set. If someone incorrectly -- if someone incorrectly looks at a statement by a judge or a lawyer and misreads it five or six or seven times, that doesn't necessarily make it right.

We have a settlement agreement on the books that calls for 2,100 single-family units to be built. And we would expect this planning board to abide by that settlement agreement. Just because it was changed in the past does not make it correct.

Concerning the hotel concession, I'll tell you, when my kids were small and they would give me a Christmas wish list of 20 items and, you know, we sort of check them off on the box, I don't call that a concession. Hotel within a residential community I think was just a far-fetched plan to maybe come at a later date and say, oh, we conceded a 100 hotel room (sic) as part of trying to negotiate with the community.

And the prior lady who spoke, I'm sorry, I don't know her name, we're looking for an additional 320 (sic) square foot of commercial space. We have an eyesore on the corner of Immokalee and Randall that has paved with grass six feet high with stop signs that we can't fill. And it's kind of a small lot. We have two already approved commercial shopping centers that haven't been broken ground for.

So at this point in time I would like to know why can't we fill Orangetree, which already owns that property, why can't we fill that eyesore first before we're going to grant them additional property. That eyesore has been there. We had to call the county six or seven times to get the grass cut because the grass is six feet high on that intersection. So why are we even contemplating additional commercial square footage when you have an eyesore sitting there for at least three years on fill. Maybe I'm missing something that you guys can inform me at a later date.

As far as what I wanted to discuss, we have two major concerns in this community: The first one is security, the second one is the many incompatibilities that arise. And I'm just going to address some of the points.

Not more than the width of this room, several years ago a homeowner bought a home that's 4,000 square feet for \$700,000. Now, there's a lot of, I heard the word adjacent flung around this room. Well, maybe adjacent doesn't mean across the street. Right now Orangetree, across from this 4,000 square foot home, wants to put condominiums as small as 550 square feet. Across the street, not the width of this room.

How would you like to be a homeowner with 10,050 from Double Eagle all the way stretched around, 10,050. The possibility exists, because Mr. Saunders said at the meeting they will build what the market demands. 550 square foot homes across the street from 4,000 square foot homes. Even if that home sells at \$100 a foot, you're

looking \$55,000, if I'm correct.

So somewhere along the way that homeowner who spent \$700,000 on that home, maybe not five years, maybe seven years, maybe 10 years, he'd like to recoup some of that money. He's not going to recoup that money on \$55,000 condos built right across the street. As a homeowner he has rights too. This is not -- this is a single-family gated community, and that's what we bought into. Not for condos as small as 55 -- 550 square feet, excuse me.

The other thing I'd like to bring up with that condo assessment of 550 square feet is what's to stop investors from coming in at \$55,000, buying up lots of these? Is this going to become just another apartment complex? Because it's kind of thinking -- I mean, we're not in a retirement community. This is 95 percent working class people that get up at 6:00 in the morning and shower and go to work every day. This is not a retirement community.

These units are not going to be built so somebody from the east coast could fly in and play at this luxurious golf course on a long weekend and then fly back on a Monday morning. These units are going to be bought by investors and they're going to rent them out, and this 1,050 units are going to become apartment complexes, make no mistake about it. And someplace on your site plan, you better put a little room for Collier County to put a sheriff's department substation there, because that's what you're going to need.

He keeps on using the word it's not low-income, it's not subsidized. Well, you tell me what you're going to get in there at 1,050 units at \$55,000? I'm just trying to read into what the documents that were presented to me.

I don't see that we're going to cap out builder investment at say five percent, we're going to allow only five percent investors to purchase. I don't see anything to that. I see condos, square footage at 550 square feet in a residential development.

Let's talk about some security issues. Orangetree, through their developer, has -- I'm certain you know this is why we asked for a continuance. I'm sure you're aware that we have no -- the residents in this room have no homeowners association. We cannot reach anybody from D. R. Horton to talk about our security concerns repeatedly. I'm talking hundreds of e-mails. And now he's going to ensure us that the security is not going to be an issue here. Well, I beg to differ. And I'll use this as an example.

The community is roughly five years old and we have this antiquated gate system where clickers that are turned in, once people leave, whether it be renters, whether it be old homeowners, you could get three, four, five clickers depending on how many people in your family. Well, those clickers are still out there and they're still active. Recently there was vandalism at our clubhouse, which -- because our antiquated security system could actually see the vandals doing the damage but the system is so poor that you can't even see their -- can't even make out their faces.

We have repeatedly asked for upgraded -- at our cost, at the homeowners' cost, we asked for updated security cameras. Denied. We have asked for many other improvements to the gating system so that people that leave the community, whether it be renters coming in and out. Denied.

So now what the Orangetree developer has done is for the past six months after the vandalism was completed, they have completely locked us out of our clubhouse. None of our cards could get -- we can't get into the clubhouse. When we have our meetings, we have to wait for some of the turnover committee people to swipe their cards so we can get access to our clubhouse. That's how good security is in there.

They want to keep the clubhouse as a selling point for the salespeople to come in, to swipe their card and say look at this beautiful clubhouse. Oh, and by the way, the homeowners have no access to it.

This is what we're into. This is why there's frustration in the room, because our voice has fallen on deaf ears for such a long time. These are -- all these little tidbits, you people have to understand and decipher as homeowners without a homeowners association paying our dues that have gone -- I could use examples, I had mentioned examples of items that our homeowners association has said pay, pay, pay, which shouldn't be our responsibility. We've recently paid a \$23,000 bill that I don't even want to get into because we have no access to anybody from D. R. Horton.

Our poor gentlemen on the turnover committee, they're on an on again/off again basis whether this turnover is ever going to happen. One day it's on, one day it's off. One day it's on, one day it's off. Try to review documents and try to plan for the future as homeowners in this community, not knowing if the turnover is ever going to take place.

Last thing I'd like to mention in conclusion is that I would really like to see one of these meetings, a gentleman had brought it up, to accommodate -- we have about -- when Mr. Saunders met with us, we had about 150 homeowners there that night. Unemployment is high and people are a little skeptical about taking off from work. I'd like to see a nighttime meeting somewhere along the way before this is approved so we could have our true figure of

people in this room that will be able to come out at a 7:00 meeting and not be able to say, you know, there's a chance I'm going to lose my job because I took off to go to a planning board meeting. I think the gravity of what's happened here has to and demands a nighttime meeting so we could have our true voices in this room.

In conclusion, I believe that this PUD, if it's allowed to go through, has to be a separate PUD. It cannot be any way associated with Valencia Golf and Country Club. There definitely has to be a separate entrance, and there definitely has to be a separate gated part of our community. Thank you.

CHAIRMAN STRAIN: Thank you.

Next speaker, please, Ray?

MR. BELLOWS: Kathleen Sullivan, to be followed by Barry Sullivan.

MS. SULLIVAN: He's going to speak for me.

MR. SULLIVAN: Good morning, Mr. Chairman, Commissioners.

Unfortunately I'm going to be repeating a lot of the same information, because we all have very much the same issues. So I will try to make it brief.

For the record, my name is Barry Sullivan. My wife Kathleen and I are full-time residents of Valencia Golf and Country Club. We are opposed to amending the PUD as proposed.

My wife and I purchased our home in Valencia Golf and County Club in April of 2010. At that time of the sale we were shown a plan of the neighborhood and we were told that a number of units in Phase I and II would be some 400 homes. They mentioned additional phases but said the number of units would another 400 or so homes, for a total of just over 800 homes.

Additionally, we were told these were all single-family homes, and as of this point in time they are, as was mentioned by other speakers.

The Orangetree developer provided us with a neighborhood master plan and the selection of only single-family homes to choose from.

The proposed amendment plan is totally incompatible with the information that was provided to us at that time. There are in fact only single-family homes in Valencia Golf and Country Club. Anything other than a single-family home would be incompatible with the current neighborhood.

The Valencia Golf and Country Club neighborhood is currently limited to approximately 800 units, 2,100 total for the entire PUD. The revised proposed amendment would increase that number by 1,050. Most of those units would be crammed into Valencia Golf and Country Club. Essentially we would be more than doubling the number of residents and the number of vehicles in a relatively small space. This massive increase in density for the neighborhood would dramatically change the lifestyle that we bought into.

The original settlement agreement from 1985 limited the number of units to 2,100 for the entire PUD. This proposal would raise that by 1,050. As a third-party beneficiary of the settlement agreement and a property owner within the PUD, I do not support these changes.

Security has been mentioned by the previous speaker (sic) is a major concern at Valencia Golf and Country Club. We have had a serious problem with vandalism. The Orangetree developer has been unable to address the problem, and as a result is resorting to locking up the clubhouse and removing all access to all the residents. And has been pointed out by the previous speaker, the Orangetree developer continues to show that as a sales gimmick to prospective buyers but fails to tell them that they will not have access to this once they buy the property.

Since they have been unwilling or unable to address the problem, given only the current 400 homes, adding 1,000 more homes will only exasperate the problem. The result will be a serious degradation of the safety and welfare of the current residents and taxpayers.

We have been told by Orangetree that the additional commercial space requested is for the benefit of us, the residents. I would point out that this would be the third commercial development within a few miles. One has already been approved, the other is in the approval process, and there is no demand for a third commercial site such as -- and as such, adds no value to us as the residents of that neighborhood.

In fact, from the perspective of a resident and taxpayer, there is no redeeming value to this entire amendment. We have been told by Orangetree that the residents would not be paying for any additional costs associated with this additional development. I hope that's true, and I would like to have it clearly stated.

However, I respectfully request the Board not approve the amendment proposed. Thank you very much.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. BELLOWS: Chet Obieleski, to be followed by Michael Winder.

CHAIRMAN STRAIN: I'd like to ask if you could refrain from the clapping. Just something we don't normally do, and it might influence somebody in a direction that is more biased, and I'd rather we keep it straightforward here today.

Go ahead, sir.

MR. OBIELESKI: Good morning. Chet Obieleski, 1586 Double Eagle, Valencia Golf and Country Club.

Many of the previous speakers have itemized some of the points that I have, and I'll try to, for the sake of brevity, just go over them very quickly.

The master PUD was attached to the settlement agreement, the capped density at 2,100 units. The PUD is now largely built out, containing Orangetree, Waterways, Valencia Lakes and Valencia Golf and Country Club. The increased density is concentrated in a limited area, which is basically Valencia Golf and Country Club.

The intense use of Valencia Golf and Country Club community is incompatible with its surroundings. We are a single-family community with the lowest square footage of about 11 to 1,200 square feet, as previously mentioned up to 4,000 square feet dwellings.

Building 550 dwellings will only foster investor purchases and consequent rentals will not be compatible with the single-family community.

The representatives of Orangetree PUD response to the 550 square feet dwellings is that the market will decide how many will be built. It appears to me that this concept is opposite of the purpose of a Planning Commission. What would Collier County look like if you left it up entirely to the market to decide what went where?

In addition, there are no guarantees that Randall Boulevard will be widened to support the increased traffic with the results of this increase in density. 1,050 new units times two cars is 2,100 cars on a two-lane road. This is not compatible to the area or the master PUD.

Lastly, our community is in transition. As mentioned before, we have no homeowners HOA. It's builder run. We have no officers, we do not control our own funds, and in short, we are not legally organized to protect ourselves.

We ask you defer this issue until next year when we will have the means to do so. This action by the Board will demonstrate its sense of fair play. Thank you very much.

CHAIRMAN STRAIN: Thank you.

Next speaker, please.

MR. BELLOWS: Michael Winder, to be followed by Kathleen Raimondi.

MR. WINDER: My name is Michael Winder. I live at 1613 Birdie Drive with my wife and our son.

I appreciate the opportunity to spend a moment and share with you a few concerns; many of which that I have on my list have already been addressed, so I may briefly mention them as additions to my list. But things around security and safety, definitely high on my list.

Home values. If we have not taken big enough hits already with the economy to see much, much smaller potential homes go in, it's only going to hurt what we have already taken major losses with.

The access -- learning today that the -- one potential access point may become two, but they are indeed conceptual as opposed to approved, I've got huge concerns around that for the safety. I physically watched a pretty major accident happen on our approach boulevard. I was out working out and literally was a few feet away. We put a lot more vehicles on that road, I'm very concerned for the welfare of the people driving and potentially those of us who use that area as a pathway to go on work out walks and runs.

I recognize that the landowner, Mr. Bolt, has a right to make money on his investment. But we as homeowners also have some rights. And as landowners in a -- to a smaller scale, it is my hope that this Commission will look at our side of the thing and recognize that we bought into something for a very particular reason. My wife and I, as many others, bought in specifically because it was single-family, gated. We felt pretty secure, nice clubhouse.

We specifically did not move closer to town. We came here from a community of 12,000 people, a very small town, and we felt that the sense of community where we are was much like we left up in Indiana. Now we're seeing things that would threaten that.

I invest heavily. I have a portfolio that I am moderately proud of. But in my career as an investor I've had some things that have turned south on me. And I did not look to renegotiate that midstream, per se. And I feel like

that's what's happening here is that petitioner has come back and said we're not going to be able to make enough money and therefore we want to change midstream.

Several people who have spoken before me have talked about 550 square foot homes. And I recognize that would be a minimum allowable. But even if that were doubled, it would still be significantly less in value to what is currently there, and I believe thus it would be incompatible with existing structures.

The concept of a master homeowners association, and I'm hearing now two additional homeowners associations potentially, creates a very large concern for me. I am a member of the turnover committee for Valencia Golf and Country Club, and I have read the covenants document on several occasions. In that document it allows for the developer to have three votes per lot to each of us and a completed home having one vote. I personally find that very interesting that the builder, D.R. Horton, would have agreed to such terms. I won't speculate why they did.

But what that creates in my sense of reading those documents is a situation where a developer could come in, and having three votes per lot, having this way increased density could create a circumstance where we would lose control of our homeowners association completely with only a few lots developed -- or ready for development on Phases III and IV.

We're just about to, we think, get the responsibility to manage our own homeowners association with turnover, if it happens. And to see that potentially go out the door, I'm pretty concerned about that.

So bottom line of that is I would like to see a lot more specific language in what will be done, specific language about the homeowners associations and how that would be addressed. I would like to see more specific language. We've been told by the petitioner that it would be family friendly commercial, but that is not listed nor is there any definition of family friendly in the documentation that I have read.

I would like to see some level of language dealing with the type of architecture of what would be developed. And again, the homeowners association issues and concerns.

What we've been told to this point, what will be developed will be market driven. And we are looking again at a mass increase of density from 400 units to over 1,000. That's a huge concern. And if there could be perhaps an increase in the minimum square footages to make them more compatible to that which is existing, as I understand it in the entire subdivision, the square footages range from about 14, 1,500 square feet to well over 4,000. If some kind of minimum that is more realistic, more in conjunction with what already exists, I would be open to that language. But to see more specifics would be something I would welcome.

To their credit, I am glad the petitioner has made some changes based upon conversations they've had, I know, with members of the Planning Commission, as well as residents. And I am grateful for that. But I do think that some negotiation can continue. I would love to see it, as was mentioned before, when we have a board of directors for our HOA that are in place after turnover. And so I would also ask that we look at some way of continuing this, even a month or two, to give us an opportunity to get those people in place so that they can act as a unit on behalf of the residents. Because at this point we do have an HOA but it is builder run and they are not responsive.

Again, my family and I bought into a way of life and a community that we thought was going to be very, very similar to a great way of life that we left up in Indiana. We do enjoy the neighborhood and we don't want to see things done that we believe would be incompatible with what exists and create a circumstance that would in essence make me, and I will only speak for myself, unhappy that I chose to live there.

I don't want to see that change, I'd love to see it continue at least moderately close to where it was originally platted and planned. And if that can be done and we can negotiate to some semblance of that, I would welcome that opportunity.

CHAIRMAN STRAIN: Thank you.

Next speaker, please?

MR. BELLOWS: Kathleen Raimondi, to be followed by Howard Anderson.

MS. RAIMONDI: My name is Kathleen Raimondi. I'm at 4290 8th Street Northeast.

At the previous meeting I handed in a petition with 88 signatures of people who do not live within the Orangetree PUD but are adjacent to it on the north side.

I heard your comments this morning about not wanting to address the issue with the fairgrounds, but that you were willing to hear each speaker, and I thank you for that.

I do empathize with the people in Valencia Country Clubs, especially the part of building small square footage residences, because I do feel this is going to severely impact the environment in that area.



With that said, and not wanting to take up too much more time, I need to ask you to please hear what I have to say. At the prior meeting you said you could not address certain things about community use. What I was hoping today before this meeting was that we would see the changes in writing. And there is nothing in writing, it's verbal.

At this particular time I've been told they're taking out the tower height in the fairgrounds, they're talking out the water drilling and they're taking out the residential unit. And I hope that is true. Because these were changes that were supposed to be put into the PUD ordinance, and there is no reason for any of those in the fairgrounds, because to me it just means that would be an expansion of the fairgrounds, which would further be intolerable for the people who live adjacent to it.

With that said, I would like to try to keep my comments as relevant to the PUD as possible, which you have asked me to do. And so I will -- I would like to address it this way: Since you are a planning and development board and your guidelines are with the growth management land use, of which I have very little knowledge, none, okay, I would like to suggest that you rezone the community use section of the fairgrounds back to agriculture.

I would think that you should use -- that you should take this opportunity and use your power and authority to put this area back to a zoning that is compatible with the people that are living there versus mixed use or community use, which is very unclear, which has now turned into commercial use, with selling of beer and making money.

And nobody can answer the question, where's the money for the beer sales going? I may say things that you might find hard to hear, and I apologize, but I need to speak what I've seen, witnessed and what I live next door to. So please, if it's hard to hear it, I apologize.

Regarding only addressing the property owned by Mr. Bolt, the zoning department has told me, and I believe this, any change to the PUD is a change to the whole of the PUD. That includes the general standards and the environmental commitments.

So please keep that in mind relative to the fairgrounds. Because from what we've seen, and this is factual, the fairgrounds is riding on the coattails of the Orangetree PUD.

The community -- the gated communities, they're allowed the same things to do as the community use section, but you would never see huge Budweiser trucks pulling into their community use section and selling beer next to their homes. You wouldn't see amplifiers next to their homes. I mean, these are people that they bond together and they support each other because of their lifestyle, but the people adjacent to this PUD are treated as if we don't even exist. It's time to address the consistency and the compatibility of the rest of the homeowners, whether you're in it or outside of it.

There has to be some consistence with the Orangetree PUD. The fairgrounds has a lease, we found out, with Collier County dated November 10th, 1986. This lease is good for 50 years. Apparently when it was discovered that this lease existed, it's so primitive and so out of date that it appears as if the petition of 88 signatures is now going to backfire against us and be used against us and we're going to be passed the buck one more time.

We've been told with the disturbances in the fairgrounds, call code enforcement. Code enforcement said call sheriff. Sheriff said call code enforcement, this is a code issue. Call the sheriff. We can't do anything, they have a permit. They have a blanket permit, they have a temporary permit. Nobody knew anything. We were passed the buck from one department to the next, to the next.

And now we're being told that we're going to be passed to -- we went from zoning, now we're going to be going from County Manager to the Collier County Commissioners and the County Attorney. So we're just being pushed from one department to the next to the next. And real property. And now we have to be -- we have to handle landlord-tenant issues because the tenant is the fairgrounds, which is the Collier County Fair and Exhibition, which was meant for 4-H, which was a wholesome family event, okay. So actually we feel as if the petition's working against us.

The issues that you do not want to address are the frequency of the events, the type of events --

CHAIRMAN STRAIN: Mrs. Raimondi, I'm sorry right to interrupt you, but you seem to have missed the point --

MS. RAIMONDI: No, sir, I don't think so.

CHAIRMAN STRAIN: It's not that we do not want to address them, we legally cannot. And you can -- I mean, you can have a few more minutes to talk about something we cannot address, but I'm asking you to reconsider your position here today and address the Board that can do the handling of that lease, and that is the Board of County Commissioners.

You can do a public petition to them and discuss this lease with them. We have no authority over it. And I tried to make that clear in the beginning so that we would avoid issues that aren't relevant to the zoning issues today. So -- we just can't do it, ma'am. So I'll give you a few more minutes to wrap up, but you're going in the wrong direction, you really are.

MS. RAIMONDI: I understand. But what I'm asking you is to rezone it back to agricultural, and these are the reasons why --

CHAIRMAN STRAIN: Ma'am, there's a Florida Statute called the Burt Harris. You cannot rezone something without a landowner's permission and his application. Otherwise you threaten a Burt Harris claim in which all kinds of things can come out of that, both financially for the county and anybody else. We are not in that position. We cannot do that. That has nothing to do with this Board.

MS. RAIMONDI: And I respect your informing me of this issue that I have no knowledge of. But at least hear at least what I have to say and respect me, because I've gone through five years of this. And there's no way in three minutes that I can inform you of how you might be able to handle this without just being shut down.

Everybody shuts us down. We have a right to be heard. We're landowners too. So at least hear me out before I even finish, because I haven't even presented things that you might actually find useful for this Board.

CHAIRMAN STRAIN: Ma'am, please get to the zoning issues. You've been talking for seven minutes. You have three minutes left. Please get to the zoning issues so we can wrap it up, okay?

MS. RAIMONDI: I think what I'm trying to ask you is to consider the fact of the section of the Orangetree PUD on the north end is not functionally compatible with the homeowners. It is not. And you have the authority to change that. I don't know how. That's why you're elected to this. But I do believe you have the authority. The fairgrounds was never intended for the things that are taking place.

I would like to show you a couple of things, because I believe a picture says 1,000 words. These are pretty bad pictures, because that's the way they come out when you enlarge them. This is a picture that was taken of the fairgrounds in February, 2010. It's pretty bad. But you can get the idea of how many -- yeah, take all of them. Take all of them. Especially this one. But put them all up.

(Speaker in audience began to speak.)

CHAIRMAN STRAIN: Sir, the lady has another couple of minutes and then that wraps it up. And I've been more tolerant than I believe was necessary.

But ma'am, I've pleaded with you not to go in this direction. You've got two minutes to wrap it up and then I'm going to have to ask you to sit down.

MS. RAIMONDI: I'll sit down now if that's what you want, Mr. Strain.

CHAIRMAN STRAIN: I am looking -- we're trying to seek information on the zoning issues involving the application in front of us today. The issues you're talking about have nothing to do with the application in front of us today.

MS. RAIMONDI: This is an application, Mr. Strain. This was given to the fairgrounds, a temporary use permit by the Planning and Regulation Department of the Growth Management Division. It was filled out whether or not there would be alcohol. And it was filled in yes, scratched out and put unknown.

This paragraph reads: The fair will split costs for the beer 60/40 with the Rotary Club of Naples Bay, and after costs of insurance, et cetera, the split will be 60 percent Collier County Fair and 40 percent Rotary Club.

CHAIRMAN STRAIN: Ma'am, I'm going to ask you to please sit down. We've had a lot of -- 10 minutes of your discussion, most of it is irrelevant to the matter we're here for today, so I'm going to ask you to sit down.

MS. RAIMONDI: You should do the courtesy of showing the audience the photographs of what the Orangetree PUD north section looked like in February, 2010.

CHAIRMAN STRAIN: Ma'am, we've already allowed you more than ample time. You've made your point. Thank you.

MS. RAIMONDI: That's fine. If you choose not to hear anymore, then I hope your decision doesn't give you infamous credit for having intoxicated drivers going down the street when you're going home.

CHAIRMAN STRAIN: Ma'am, thank you for your time today.

Next speaker, Ray?

MR. BELLOWS: Howard Anderson, to be followed by Mark Minor.

MR. ANDERSON: Good afternoon. Thank you. My name is Howard Anderson. I'm a resident, 1690

Double Eagle Trail, Naples, Florida, Valencia Country Club.

I'm a person of simple words. I'm a firm believer in five simple words: Honesty, integrity, ethics, commitment and accountability.

We moved here recently from Duluth, Georgia, from a master planned community very similar to what we have right now. It was zoned in four sections. The first two sections built out fine. Unfortunately something happened between the builder and the developer and they split company. So sections three and four were built. So it's very similar to what we're seeing here where we have section one and two already existing and section three and four a new builder.

What we looked for very specifically in Duluth was a master planned community where we could sit down and look at plat maps, we could look at covenances, we could look at the houses. We saw compatibility, we saw consistency. We liked that. I happened to like that. That's why I don't live somewhere else in Florida or somewhere else in Georgia.

Within those areas we looked at similar homes. We had minimum square footage. We had minimum lot sizes. We were surrounded by people pretty much in the same income level as we were because that was our choice, our freedom, to be associated with those people, and at similar income levels.

We moved down to Naples. We're somewhat new to this so I'm learning as we go how Florida works. And you're pretty much kind of like Georgia. We looked from Sarasota, Venice, Englewood, Marco Island, and we made our home here in Naples. And we looked specifically for a master planned community. And we were offered -- we found this nice community called Valencia Golf and Country Club. It offered a 24 by seven gated, guarded facility, who much to our chagrin I guess that changed to 16 hours gated.

Again, during our process we looked for homes, single-family homes with a certain minimum size; 1,500 square feet is what I thought it was -- and I could be mistaken, but that's what I thought it was -- with a certain amount of property. Again, this is stuff that you do in due diligence, at a certain cost. Some people talked, the houses actually at one time went for \$620,000.

It had a clubhouse that was open to the members. Not locked at 7:00 at night. It had a pool. It had tennis courts. Oh, I said tennis courts, I'm sorry, do we have tennis courts?

CHAIRMAN STRAIN: Sir, you'll have to direct your questions to us. At least your comments to us.

MR. ANDERSON: Oh, sure, okay.

Have you seen any tennis courts out there that were on the master plan?

CHAIRMAN STRAIN: I certainly haven't looked. But you need to direct your comments to us, though.

Thank you.

MR. ANDERSON: We'll keep it to you guys, thank you.

Well, I'm a real big believer, besides those little simple words, in doing due diligence. What did I buy into? I went, I looked at my realtor, I said show me the master plan, what is Valencia Golf and Country Club about? With single-family homes, the prices are roughly from here to here. It has minimum square footage from here to here. All of those things were within what we were looking for.

So from there we went -- not believing the salesperson, I mean, I'm a salesperson, why should I believe me? We went to the builder. Same thing. Show us the plat map. Show us the intended use of that property. They did. They were very convenient, very good. We didn't buy a home from them, we bought something else.

We then came down to the county, took a look at the plat map. It's a master zoned community. This is approved, it's been legalized, everything is set forth. It's a very simple thing. Everything is going to be consistent and identical, everything's going to -- you know, you're going to be happy, don't worry about it. Love those words, don't worry about it.

We entered into a contract in good faith with the developer and the builders, whatever, of that master plan community.

We took them at their word and at their written word, this is how the community is going to be built.

So I apologize, I'm a little confused as to why we're here today. Quite frankly, I'm outraged. You have no idea how outraged I am.

We were shown a planned community. It implied -- it is an implied contract in my mind, at least as me, it's an implied contract. This is how this development is going to look. It's going to be single-family homes. And by the way, I stand corrected, there was a small section for R-3 or R-4, I guess you call it, for multi-family homes. But again,



certain square footage. That's my bad. I take responsibility for my actions, I am accountable.

We are now here because the developer wants to hold us accountable. Sorry, us accountable for his bad investment. He's a developer. He's a risk taker. You get profit, you get loss on a risk. We call those landowners, whatever you want to call them, it's an investor. Now you want me to pay for his mistake? No. Sorry guys, I don't think you would like it.

So he makes a bad investment. I feel like maybe I should go to the TARP fund and ask for money out of that. Okay.

Our home prices will drop, not because of a recession or a depression, which is a depression and recession. They're going to be driven down by the greedy developer.

CHAIRMAN STRAIN: I've got to ask that you got to start wrapping up, sir.

MR. ANDERSON: Fine, no problem.

I urge you, the panel, or the committee, to throw this thing out totally. Don't even bother. What are we here for?

All they're doing is wasting your time, our time and the taxpayers' time. And it puts an undue stress and strain on the residents of Valencia Country Club. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker?

MR. BELLOWS: Mark Minor, to be followed by Robert Davidson.

CHAIRMAN STRAIN: Mark Minor. I was waiting for Mark Minor to come up. You have the same name as a friend of mine who's an engineer here locally. And I think that's a good thing, but I just -- I wasn't sure who would stand up.

MR. MINOR: My name is Mark Minor. I live at 1630 Birdie Drive. Many of the things I want to say have been mentioned by previous speakers, so I'll try to keep this short.

My wife and I bought into Valencia Golf and Country Club about four years ago. We made a commitment to Collier County. We made a commitment to each other and my daughter to raise her in an environment that we sought.

Our community, because of the economic times, has already taken a large hit. I've already seen many of my neighbors have to leave because they were so underwater in their houses there was no hope of them ever recouping what their investment was.

If this goes forward, it's going to put a neighborhood that's already teetering on a downward slope onto the fast track of going down. It will make -- many of the conversations we have out on the sidewalk with our neighbors is if this goes forward I have no hope of ever receiving my investment back and we're just going to fold up our tents and move on.

My other main concern is we are not in the position to argue for ourselves. This seems to be coming up at a time when the community is in transition. We need time as a community to get an HOA together that we can speak collectively, do our due diligence and work together. At the -- and I appreciate them coming out and meeting with the community, it did answer a lot of questions.

And it was told to us a couple things that are concerning. One is this is in our best interest, with more rooftops we get more services. Well, as homeowners we knew what we were buying into. We knew the services that were in the community. I don't need a developer to help me obtain services. I knew where the closest grocery store was. I was willing to accept that. You know, I just don't buy that that is in our best interest, you know, to add more roofs to the community so we can attract services. I think they're protecting the developer.

My other concern, as I mentioned, was we need time as a community to put our board together so we can speak collectively. And I hope that you give consideration to everything that's mentioned here, and I thank you for your time.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Robert Davidson, to be followed by the last speaker, David Jeskie.

MR. DAVIDSON: Good evening -- good afternoon.

CHAIRMAN STRAIN: It's still afternoon. We'll be here in the evening, though, I can tell you.

MR. DAVIDSON: A long morning.

I'm Robert Davidson. I live at 1444 Birdie Drive.

I'm one of the newbies. I purchased my home about three months ago. And I'm totally surprised by the action that's coming down here.

A lot of what's been said, my notes were pretty much similar to everyone else.

One of the things that I -- I've lived in Naples 20 years. I was born in St. Petersburg, as was my dad. And I was raised in Florida. My dad was too. And I feel a real connection with Florida. I've not lived anywhere else for any length of time. I've served in the military. I was a medic in the Army, and fortunately the VA helped me buy this home with my mortgage.

I bought this home to retire in some day. I have a business that's been going for 15 years here in Naples. I've lived in Naples 20 years. And I drive every day to work and help people with medical issues.

Anyway, I would like to retire in a nice community, a single-family homes with a golf course that I don't have to have an investment in or pay for, which was quite an amenity when I was told about this, all the benefits of living in Valencia Golf and Country Club.

And turns out that some of those amenities are going to disappear here shortly. I didn't expect to have condos in this subdivision that I moved into. I expected them to be single-family homes. And it's turning out to be differently.

We're in Phase II, I believe, and it's not quite finished yet. There are several homes being built after mine. I was for a while the last one being built, and now there's about 10 more being built simultaneously on Birdie Drive at the end of Birdie Drive. And apparently Mr. Bolt owns some property that I look out over a lake on that would be housing there that's not going to take place now. And I'm kind of disappointed in that.

But I'm concerned about the traffic that's going to happen. Our security, as everyone mentioned before, is next to nothing. People can come into that subdivision by just saying that I'm going to play golf and they're in our community. So there is really no security there.

So now we're going to have all these condos being built in the same subdivision. And there's only one entrance in and one entrance out. And it's just going to be chaotic if we leave it that way.

I think the best suggestion, I haven't heard anybody mention it today, would be to have a separate PUD designed just for this new area that's left over. Instead of putting multi-family homes in Phase III and IV like it was initially planned for single-family homes, why don't we just take that III and IV phase and just make it a separate entity and have its own entrances and exits? That's what I think I would be satisfied with. And have the remainder of the properties in the Valencia Golf and Country Club finished single-family homes and we'd have our own entrance and security to take care of.

The other thing that's important, and I reiterate what everyone else has said, it's important that we have our own homeowners association so we can have a spokesperson that will speak to you guys for all of us and put it in a concise logical manner that would be acceptable.

That's all I have to say. I just think you should not approve it as it is and look at it from a different way.

Thank you very much.

CHAIRMAN STRAIN: Thank you.

Next speaker, please?

Cherie, you okay?

THE COURT REPORTER: Good.

CHAIRMAN STRAIN: Okay. We're going to try to wrap the speakers up and then we'll break for lunch.

MR. JESKIE: Yes, my name is David Jeskie. I live at 1713 Birdie Drive in Valencia Golf and Country Club.

I guess I'm very surprised to what extent this modification came to the -- came before the Board already. In my opinion, this is a totally separate and should be addressed as a separate PUD.

If you take a look at what is currently done, three-quarters of the master plan is completed already. Mr. Saunders so eloquently indicated that, you know, we're only 1.6 homes per acre, okay. The reality of it is, if you take -- if you exclude the three-quarters of the area that has been completed already, we're more in line of four to five units per acre. The builder obviously is just trying to cram as much as he could into a small area.

The type of people associated with smaller units are considerably less than what we bought into. Again, we bought into a single-family community.

Taking a look at some of the literature, we have units in there as large as 5,200 square feet, okay? On average

the average home in Valencia Golf and Country is approximately 3,000 square feet. What they're proposing here is just a little larger than some of our garages are, okay?

For the staff to come forward and say that these units are compatible with the existing units in Valencia Golf and Country is totally misleading and false. You cannot tell me how a 550 square foot multi-unit dwelling is comparable to a 5,200 square foot unit.

We bought into it with the exception of having a single-family community. I believe the developer previously pulled out Orange Blossom Ranch and made that a separate PUD. In our opinion, that's what also should be done here. There is really no reason to entangle it within Valencia Golf and Country. I mean, I know why they're doing it, as you do, that they're just trying to cram as much in the land that they have.

But in all fairness to everyone, it really would make sense to go forward with a separate PUD, keep our existing entrance the way it is. And if he needs to cram so many more units in the additional land he has, that's his rights. But his rights are infringing on ours. He has not filled commitments to any of the existing homeowners. As you heard from many of my existing neighbors, Mr. Bolt has not been a good neighbor. If you go back and you talk to Waterways, Valencia Lakes, he has fallen short on all his commitments in each of those communities and he's also currently falling short on a lot within our communities.

I currently -- my family currently owns two units in Valencia Golf and Country in excess of a million dollars. I'm not looking for condos, townhouses and multi-family units being put into our community. I mean, it's sheer developer greed. And I really hope that the Planning Commission takes a step back and looks at this objectively.

I know there's a lot of political things going on right now, but I really hope that the buck stops here and that you look at it realistically. There's nothing he's doing that is benefiting any of the homeowners in Valencia Golf and Country. That has been shown by his actions already. He's not here to make our lives better. He's locking up clubhouse, not fulfilling what has been promised and what we bought into.

Most of the homes that are in Valencia Golf and Country Club far exceed the average living area of most communities in Collier County. Being compatible with 550 square foot units is not compatible. Obviously staff has been told to try to make the numbers work.

I really hope that the Planning Commission could look at this is objectively and, you know, he has certain rights, we have certain rights. I really wish, though, that before you did make any decision that this would be deferred so we can obtain proper legal counsel, you know, given that the homeowners association is currently getting in assemblance.

So if possible, you know, this could be deferred anyway till after the first of the year, that would put us in a much better position to speak about it from a professional level. Because I know there's a lot going on there now that shouldn't even be proposed.

So we thank you for your time.

CHAIRMAN STRAIN: I just got a comment or two, because you had said some things that got me thinking in another direction.

But first of all, let me clarify something. When staff renders their opinion on this, it's strictly on whether or not it's consistent with code.

MR. JESKIE: Oh, strictly code?

CHAIRMAN STRAIN: Yeah, strictly code. So they can't be faulted for the way they look at it. But it's up to this Board to take in other parameters, which is why we have asked for your input and why you're speaking.

You said that to separate it out as a separate PUD. Just out of curiosity, based on the coloration on that map, which area would generally be the area that would -- you can't speak over by that map because you're not on speaker.

MR. JESKIE: Sure, but in general --

CHAIRMAN STRAIN: That didn't do any good.

MR. JESKIE: I'm going to do it anyway.

Let me just point out, the entrance of Valencia Golf and Country is right here.

CHAIRMAN STRAIN: I'm familiar with that, yes.

MR. JESKIE: Okay. The balance of this, all this area here already has been committed. You have Waterways, Valencia Lakes. That has all been built out. So any of the proposed new stuff I believe they have here in orange.

CHAIRMAN STRAIN: Right.

MR. JESKIE: Why not make a separate entrance right here, create a whole separate PUD for that there.

CHAIRMAN STRAIN: Okay. Well, that's kind of what I thought you were getting at.

So your concern is not so much having the uses that to some extent that they're suggesting in the area to the east, if it was a separate PUD, but it only is if it's part of your PUD. I'm wondering how that changes the compatibility. Because you're still -- you got the same thing, but the paperwork is different.

MR. JESKIE: Well, not really. Because again, right now, and again I'm strictly guessing, that he wants to use the same entrance to maximize the use of this land. So as soon as he puts a separate entrance in here, he's also taking away some of his proposed units. So I think it changes the whole atmosphere of what's here. And I think by taking that approach, it's also going to eliminate a lot of the concerns of the neighbors.

Because right now he's coming in and saying, okay, right now we're approved for 833 units. He's asking for a 250 percent increase of trying to mix apples with oranges here.

CHAIRMAN STRAIN: Okay. You do know there's another entrance proposed on Oil Well?

MR. JESKIE: Yeah, but again, there's currently a public golf course that is privately owned that is utilizing this entrance, as is the existing 833 units. A lot of the residents have concerns about a gated community with a public golf course on it using the same entrances.

But I really think you would eliminate a lot of the residents' concerns. Again, he has land here, he has certain rights. It shouldn't affect what's here. I can't --

CHAIRMAN STRAIN: You made your point. I understand. I'm just trying to understand where the line of demarcation more or less was being suggested.

Okay, thank you very much. I appreciate it.

Ray, any other speakers?

MR. BELLOWS: No others registered.

CHAIRMAN STRAIN: We're going to take our --

COMMISSIONER HOMIAK: There's more --

CHAIRMAN STRAIN: I know. We're going to take our lunch at around noon, so I'd like to make sure anybody that wants to speak before we take our lunch has an opportunity if they can't be here afterwards.

And two ladies in the back and Andrew, so that's three -- and four. Okay, four more speakers and --

MR. McELWAINE: I'm not going to take the full five minutes.

CHAIRMAN STRAIN: Okay. I just want to make sure, Cherie', is that good for you?

THE COURT REPORTER: That's fine. I just want to know if they've been sworn in.

CHAIRMAN STRAIN: Yeah, they're all people that -- so we have four more speakers. Then we're going to take a break for lunch.

Andrew, go ahead.

MR. McELWAINE: Thank you, Mr. Chairman. Andrew McElwaine.

I won't repeat what I said to you two weeks ago. The -- I will note that when I worked in Washington, I distinctly remember 25 years ago Senator Bob Packwood suggesting that every time a new entitlement program was created that we should celebrate it with some kind of formal ceremony. He suggested an ice cream eating contest so that we could all get our stomachs upset beforehand rather than after the new entitlement was created.

There is a new entitlement being created here. And once -- as a very wise columnist in the Collier Citizen once said: Once given cannot be taken away. The -- there is not a vested interest in this additional development, and you will create one by doing this. So from a Conservancy perspective, that is a concern to us as an organization.

Second is the PUD, the way it's been put together. We talked about Hacienda Lakes a little earlier. And I love to quote Yogi Berra: It's deja vu all over again.

What we're seeing from the Conservancy perspective are PUD's coming in before you that are not really PUD's, they're not conceptual plans for future development, they're laundry lists. And really without the kind of specificity people from the public have spoken here today, and they require you who are volunteers here and giving of your time to serve the community, well, they're putting you through a lot of extra service by bringing you these proposals that are really more wish lists than PUD's in my opinion.

And one hopes that people will get the message by the amount of time and effort that you put into this that that's just not the way to do business, and certainly it's, I think, a significant deterioration in the way we do business in this county.

Finally, someone mentioned that the -- at the public meeting the applicant said the market will decide what goes into these developments. And indeed under this PUD that's darn right. There will not be much limitation other than what the market decides.

But if we're going to go that way, your services would no longer be needed if the market's just going to decide what goes where. And indeed, Mr. Casalanguida would have a lot of new things to work on, because a whole bunch of this stuff would not need to be worked on if the just market decides. We could put an oil well in the middle of this place.

So I would say we really need to, from a Conservancy perspective, really tighten this up. And I regret that you're going to be the ones to do that rather than the applicant.

Finally, Mr. Chairman, some of the folks have mentioned concerns, and I just want to say that sounds like there's some real issues with the development standards here. And so that's something to be looked at. Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

And the two ladies in the back will go first. I'm sure the gentleman wants that too. So --

MS. JOHNSON: Hi, my name is Carolyn Johnson. I live at 1709 Birdie Drive.

And I'm not the most eloquent speaker. I don't have a law degree. I don't know much about real estate. I moved here from New York City three years ago. And I have -- I'm a single mother with four children. I moved to Valencia Golf and Country Club in the hopes of having all the things that D.R. Horton promised me.

I had the brochure that I was given when we moved here and it says that I'm supposed to have 24-hour guard at my gate. I don't have that. The guard lets anyone in.

The other day I was traveling and the guard called me while I was sitting at the airport and said well, somebody called proposing that they were you, and we let them in, and now there's like 27 kids at the pool under your name.

And I said, well, I didn't call, and I let nobody in. And then I had to call the police from the airport. I was not home. And I really don't know what the outcome was because the sheriff's department never called me. So I don't know if these children were trespassed. I don't know what happened. The guard lets anyone in. You could be Charles Manson and they will let you in.

On this list we were promised a tot lot. We were promised a tennis court. And my children are very active, and I like to keep them outside, and that's one of the reasons I moved here, so that we would have good weather and, you know, knowing that I have a lot of area around my home that my children can play that is safe.

And I did not know that Mr. Bolt owned my street. I did not know he owned my sprinklers. And D.R. Horton never disclosed any of this information to me when I bought my home.

I am so upside down in my home that I don't even know -- I can't leave and I don't know what to do. And I'm so upset with what's going on, because this is only going to impact our area further and bring more desirable -- no, not at all, it's not going to bring anything desirable to the neighborhood.

I agree with David and some of my other neighbors that maybe if they decided to take this, make it a separate entity, a lot of people would be happier with that. Because if we can't see what goes on beyond the treeline maybe it would be more compatible because it's not in our faces.

I think that we need to really make a decision here, a very informed decision for the Board, to take into consideration that people moved here for a reason. And we moved here for a better lifestyle. I didn't want to live in crime ridden New York anymore, I wanted to give my children a better life. And I don't know if this is the better life that I was looking for. But thank you for listening.

CHAIRMAN STRAIN: Thank you, ma'am.

And you fooled me. You didn't look like you'd even know Charles Manson's time frame.

MS. FEELY: I'm Barb Feely (phonetic), and my husband and I live at 2157 Garden Place.

I echo what my neighbors have said. I just have a real quick thing to say to you, and that is we moved here a year ago from Ohio because my husband has terminal cancer. And he wanted to make sure I lived in a safe neighborhood.

So please, the limited access, even though she had a difficult time with the guard, that's fixable. What's not fixable is to put 1,000 more units, so much smaller, so much lower cost, at least 2,000 more cars going in and out that you can't keep control of.



The second thing I would say is please, we need representation. This is too soon for our group, since we're sort of in flux here. Please give us time to be able to respond in kind. Thank you.

CHAIRMAN STRAIN: Thank you very much.

Next speaker and last speaker. Yes, sir.

MR. PEARL: Thanks, I'm happy to be the last speaker.

Hi. My name's Ian Andrew Pearl. I'm one of the original owners in Valencia Golf and Country Club. There was another one here -- is any of the -- there's another group of us. There's several of us that are here.

I'm not going to bore you with the issues that we've had with builders or Bolt or any of that other stuff. But what I will say to you is, one question -- how many lawyers are in the room?

CHAIRMAN STRAIN: Sir, you're going to have to address your attention to us. I'm sorry.

MR. PEARL: Can I ask how many lawyers are in the room?

CHAIRMAN STRAIN: I have no idea. That's not relevant.

MR. PEARL: Well, it is. It is germane to this.

We have a situation here which we already have precedent for. When they wanted to build Orange Blossom, what did they do? They created a new PUD. We can create a new PUD here, and that eliminates some of the issues, a great deal of the issues that the people that live in Valencia Golf and Country Club have. Because some of those were created at the very beginning when Bolt started the process. By owning the street that enters, approach is owned by Mr. Bolt. Approach is also -- the guardhouse that's there is owned by Mr. Bolt. The lakes, that's fine, he can own the lakes. The point being is that you're creating greater density in a neighborhood that doesn't need anymore density.

You know, when we were told what this neighborhood was going to be, some of us understood some of the things that were going on, the golf course was owned by somebody. But to take something that we really believe was going to be an additional 400 homes and turn it into another 1,100 or 1,200 or 1,000 using the same egress and ingress that we have coming in now, which is going to cause nothing but traffic and additional issues, and then when you come down to the corner of Randall and Immokalee. Now, I understand they're going to have a four-lane road or six-lane road there. When?

Up until that point and while they're building it with another 12 or 1,300 homes, what you're going to have there is nothing but chaos. Total chaos. I ask that everybody here on this Board please think about it. Think about what's going on here.

You know, Mr. Bolt has the right to do what he wishes with his property. I ask that he builds a PUD, a whole separate one. Because unfortunately Mr. Bolt is a Christmas tree of lawsuits already. He's not going to be disturbed by another one or two or three. Thanks for listening to me.

CHAIRMAN STRAIN: Thank you, sir.

Okay, with that we will take a break and we'll resume at 1:05. So we'll see you all then.

(A luncheon recess was taken.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from our lunch break. And we had before lunch heard from the public speakers involving the Orangetree PUD. In order to hear the public speakers, we left off with the applicant being cut short in their presentation so we could fit everybody in.

Couple of things have come up I want to mention to you. Today's agenda did not contain just Orangetree, but it's obvious that Orangetree could take and will take all of our time today that we can spare for it plus more time in two weeks or whenever we can get back to it. So we do have another item on today's agenda, and it's a boat dock item that was continued from previous week. We cannot out of fairness see that continued again.

So we will hear that boat dock item no later than 4:00. And Burt, if your team finishes up early, which I seriously doubt, we can hear the boat dock item early. But we will hear it -- wherever we are at 4:00 will be our cut-off point for your item.

So from the Planning Commission's perspective, from now until 4:00 it's going to be more like a workshop environment where we're just doing interaction back and forth to get things to some points, if possible, of a compromise, or if possible not. But at least we'll leave the applicant with instructions on how to come back next time.

Okay, Burt?

MR. SAUNDERS: Thank you, Mr. Chairman.

Just one real quick cleanup item. On Page 30 of our PUD application, or proposed PUD, there was some language under paragraph five that was inadvertently deleted. I just want to read into the record what that language is.

And then we're going to strike through it anyway. So the language is going to come out. But I just need to put it back in so we can strike it out. It was inadvertently left out.

It's the language in the second paragraph of sub-part five --

CHAIRMAN STRAIN: You said Page 30, because we're --

MR. SAUNDERS: I'm sorry, Page 48. I'm sorry. But it's the paragraph that starts off: At such time as Collier County discontinues operation of the on-site water or sewer plants, and then ends with the phrase, pursuant to paragraph six. We want to put that -- that language would go back in that was in the original PUD, and then we're striking through it because that language is coming out.

Staff understands what that all means. Doesn't affect what you're doing, because the language is coming out anyway. I can read the whole thing, if you want.

CHAIRMAN STRAIN: Let's wait till we got -- that's 48 pages ahead of where we're at. We're going to get there I believe on a page-by-page basis, so let's just deal with it when we get there.

MR. SAUNDERS: Okay, fine.

Mr. Chairman and members of the Planning Commission, we listened to the public comment, and there seemed to be a couple general themes throughout the presentations. There was concern that there would be a plethora of 550 square foot units. We're in agreement to have the minimum sized unit will be 1,000 feet. Under the current PUD document the units can be 750 square feet. So we're going to raise the minimum square footage for any unit to 1,000, which is better than what is in the document currently.

There was another area of concern, and that was the specter of having multi-family units or small units adjacent to residential communities that are already in existence. So if you look at the overhead, there's an R-4 parcel. We're going to change that to R-2. That's what it currently is today.

Just below that is an R-3 that we had proposed. We're going to change that to R-2. That again is what is currently approved in the existing PUD.

And just to the east of that is another parcel that is designated as R-4. We're going to change that to R-2 also.

So those three parcels that are adjacent to and actually do impact an existing community are going to be changed back in our proposal to R-2, so they'll be totally consistent with what's out there.

COMMISSIONER BROUGHAM: Could you run those by one more time? I was a little behind.

MR. SAUNDERS: There's three parcels. There's an R-4 parcel.

COMMISSIONER BROUGHAM: Got that one.

MR. SAUNDERS: There's an R-3 parcel just below that. And then just to the east of that is another R-4 parcel. Those three parcels will be designated as R-2, so that they will be totally consistent with what is currently out there. Because there was a lot of concern about having multi-family or small units adjacent to that. That's what's already -- that's what's there, and so we're going to change that zoning to do that.

CHAIRMAN STRAIN: Okay, now, just so this Board understands, especially for Phil and anybody else that might be new to this process, whatever discussions we have today will not be decided on today. But the applicant will come back at the next meeting or whenever they can with all the suggested revisions that they're going to make, and we will again walk through it to make sure on whether or not they're better or worse or we agree or disagree.

So we're going to have a second meeting that that's going to then take a look and organize everything that the applicant has -- I've got 11 items or more that they've already changed. But we haven't seen the impact of those on a plan or in the language. So that's all got to come back for us to re-review and hash over again.

But I wanted you to know we're going to have a second bite at the apple more or less to make sure that whatever direction they agreed to or we supplied or the public input emphasized was addressed.

MR. SAUNDERS: Mr. Chairman and members, there was another general theme and that was security, concerns of break-ins and things of that nature. What I would propose is after this meeting -- obviously we're going to be in front of the Planning Commission again for a subsequent meeting -- in between this meeting and that meeting, I would propose to meet with the representatives of the homeowners out there so we could take a look at the internal security issues and see how we can place additional gates and things to really separate the new development from the existing development and to hopefully enhance security and to alleviate the concerns that there are going to be a lot of people that are going to be flooding this area and creating security concerns.

So I don't know if the homeowners have representatives, but I would like to meet with five or six or seven of their representatives after this meeting before the next one to talk about how we can properly deal with the security

issue. And I think we can resolve that. I think we can resolve everyone's concerns with that.

Mr. Chairman, with that, I'd like to turn this over to Bob Mulhere to go through in a little bit more detail the significant changes that we're making in addition to the ones that I've already outlined to the Planning Commission. And then we'll go through, Mr. Chairman, the issues that will be raised by Planning Commission members. We can go through those I think rather quickly.

CHAIRMAN STRAIN: Okay. Kay and Ray, as they go through their recommended -- or their suggested changes, I want to make sure from a staff perspective everything that's being suggested is less intensive rather than more so that we don't have an issue with a re-review through the county departments, if it needs to go that far.

MR. MULHERE: Thank you. For the record, Bob Mulhere.

I'm going to ask Jane to pass out a list of commitments that we were prepared to make. We would have already shared these with you, but since we're going after the public speakers, some of these have already changed in light of what Burt already put on the record.

But I'll still go over each of these, and I know there's even going to be more changes as we go through your comments. So maybe if I start, some of these might answer some of your questions.

CHAIRMAN STRAIN: Do you want this Board to question you as you go along --

MR. MULHERE: That's fine.

CHAIRMAN STRAIN: -- instead of waiting till the end? Okay.

So I'll do my best to catch your signals that you want to speak. But let's just -- we'll start -- you're going to take a bullet at a time?

MR. MULHERE: Yes. So starting with the first set of bullets I've noted or headed under as a result of meeting at Valencia Golf and Country Club, that was definitely an interesting meeting.

The first bullet is we had proposed the elimination of the R-4 designation, converting it to R-2 and to R-3 in other locations except for the one location close to the clubhouse. So we've already changed that as a result of hearing public comment today. So as Burt said, we're going to take this down to R-2, we're going to take this down to R-2, and we're going to take this down to R-2. So this existing Valencia Golf and Country Club will have all R-2 zoning, and so those issues will be addressed.

The remaining R-4 that we've always been asking for, we're still asking for that. That would be in this new development area.

We had agreed to reduce the height from our requested three stories in R-3 to 35 feet zoned and 42 feet actual and limiting it to two stories. And that really -- I don't know that that applies very much anymore with this -- if that's really a concern anymore with this changing down to R-2, because we would live by the R-2 standards.

CHAIRMAN STRAIN: No, but your R-3 in the east, you're still going to have these limitations on it.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So it does apply in the sense that it limits --

MR. MULHERE: Two story. Yes, 35 feet.

We also agreed to limit the height in the neighborhood commercial and office commercial districts to 35 feet zoned and 42 actual, and limit it to no more than two stories.

CHAIRMAN STRAIN: What about the MU/U?

MR. MULHERE: That allows -- refers you back to the R-4 development standards. That is mixed use, so we do wish to retain three stories in height in that area.

CHAIRMAN STRAIN: What about the area that's adjacent to Waterways? Because that was a speaker's concern, and it was one I had raised to you as well at one point. You got that neck going up to Waterways, so there needs to be --

MR. MULHERE: We can limit it -- we'll come back with a treatment of that that limits it to two story within proximity to that area. Because otherwise it's got the elementary school and middle school and high school here. So it's a good location otherwise.

CHAIRMAN STRAIN: I understand.

MR. MULHERE: We already mentioned that we're entirely eliminating the request for resort lodging units, whether they were in a hotel or something different. They're gone.

We are agreeing to provide separate recreational facilities for the new development area. So when I use the word new development area, I'm talking about this area in here. There are lots obviously still in here that would be



new development, but that's not what I'm referring to when I say the new development area.

CHAIRMAN STRAIN: But the recreation area became a strong discussion with many people that spoke here today. What are your intentions with the current recreation areas, or where are the current recreation areas that service the existing development? So that we know where the new ones are being thought of.

MR. MULHERE: Well, we have to actually locate the new ones somewhere within the new area. We haven't done that yet. We will have to locate them somewhere within the new area.

CHAIRMAN STRAIN: And you'll do that before the next meeting?

MR. MULHERE: Yeah, we can find a location.

CHAIRMAN STRAIN: Does that mean the clubhouse and the facilities in the clubhouse are recreation areas considered for the balance of the community?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Does that mean you're going to be allowing the residents of the new section to the east in the R-3 access to that clubhouse as well?

MR. MULHERE: I need to talk to my --

CHAIRMAN STRAIN: These are answers you can come back with. But I think it's important to address these. I'm saying them on the record so that members of the public who can speak next time after they hear more can decide if this is better or worse --

MR. MULHERE: I think that we can, but I definitely want to ask that question of my client.

CHAIRMAN STRAIN: The capacity is what I'm worried about. When you're adding units, you're adding capacity. If facilities weren't built for the ultimate capacity, you've got additional problems.

MR. MULHERE: Presumably the new recreational facilities would be primarily used by people that live close to them in the new area. I just didn't know, for example, if there was -- there was a mention of tennis courts, let's say there were some tennis courts built, I didn't know if those would be shared facilities. I do need to clarify that with my client before we come back.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Mark?

CHAIRMAN STRAIN: Yes, sir?

COMMISSIONER BROUGHAM: Are you going to address the issue that was brought up earlier when you come back as to access to the existing clubhouse? I'll term that part of the existing recreational facilities. That seemed to be an issue this morning as well.

MR. MULHERE: That's something we really don't have any control over. That is either -- between the existing HOA and D.R. Horton. I mean, maybe we can find some answers, but we don't have control over --

CHAIRMAN STRAIN: The only thing I've got to caution you on, Bob, you know that in most PUD's there is a recreational component. In many PUD's we insist on recreational facilities if they're not shown. Well, if you've got them and they're not usable, that's the same as being not shown. So, I mean, that needs to be addressed. So when you come back next time it would be good to address that issue.

MR. SAUNDERS: That's exactly what I was going to say. We'll try to find out what all the facts are and try to solve that.

CHAIRMAN STRAIN: I made notes while the members of the public were speaking. And every one of those issues we'll probably be asking about and seeing how it was addressed.

MR. MULHERE: We already mentioned that we were reducing the total requested additional density by 200 units. We are agreeing to establish a separate homeowners association for the new development area. That came up at our meeting out at Valencia Golf and Country Club.

CHAIRMAN STRAIN: Will you show lines of demarcation when you come back within the plan?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay.

Go ahead, Mr. Schiffer.

COMMISSIONER SCHIFFER: Bob, now that you dropped these other R-3, R-4's into R-2, do you think it might make sense to have those segments join the existing homeowners and then amenities could be part of that?

MR. MULHERE: Yes, that's the intent. Thank you. Yes, it would.

COMMISSIONER SCHIFFER: So that won't be independent --

MR. MULHERE: No. I'm glad you asked that question. It was specifically asked of us but the intent is that these folks and these folks and these folks would all be part of the -- this -- you know, the existing Valencia Golf and Country Club HOA.

CHAIRMAN STRAIN: As R-2 units.

MR. MULHERE: Yes, right --

CHAIRMAN STRAIN: Which was originally designated and originally planned.

MR. MULHERE: Yes. And that the new homeowners association would be generally configured, you know, as that.

We'll come back with an exhibit. We'll show it to you. But generally the one I referred to as the new area.

The next set of bullets were probably also mentioned in the meeting out at Valencia Golf and Country Club, but I've classified those as coming out of a meeting that we had with Paul Unsworth. And they deal with primarily the commercial components. And I'm going to put a different exhibit up that shows that a little bit better.

So we're talking about primarily these three, the two neighborhood commercial and the office commercial locations. We've agreed to a Type C buffer with enhanced plantings and a wall where the neighborhood commercial abuts residential lots, and a 20-foot buffer and a wall where the office commercial is abutting residential lots.

There's already been some platting as was referenced in this area down here. And so those landscape buffers are already provided in accordance -- in terms of the width they're provided in accordance with the code requirements. But there can be enhanced plantings put into those.

CHAIRMAN STRAIN: But the Florida Community Bank site that the residents talked about earlier, that was a slab with the rebar standing up, I believe that was purchased by your developer?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So you can apply the new standards to that piece since it is owned by the --

MR. MULHERE: Yes. My point was they've already platted to meet these standards in terms of width, but we need to provide for additional plantings. And that's something we can do.

I have some exhibits that depict these, I just want to take a moment to make sure I get the right ones up. Neighborhood commercial. That's the northern one. That's the office.

Okay, so here is an exhibit that deals with the commercial tract that is located neighborhood commercial right here. And we'll make these exhibits part of the PUD. You can see it's a Type C buffer elevation with enhanced plantings, including these palm clusters.

And here's a different perspective that shows the wall, the trees and the hedges. And those would be on the side of the buffer facing the residential lots.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, what setback are you showing for the existing residential?

MR. MULHERE: Can you tell me what the setback is for existing residential?

He's going to find that, both for the residential and the commercial.

COMMISSIONER SCHIFFER: Well, this just shows the residential.

MR. MULHERE: That's just the buffer. Yes, you're right.

COMMISSIONER EBERT: And where is this buffer going, at the NC or at the office?

MR. MULHERE: No, that one is for NC in this location here.

COMMISSIONER EBERT: Okay.

MR. MULHERE: And I'm going to show you the office one momentarily.

We'll just move from here on up. I guess that's east, that direction, or north.

This is the buffer and the cross-section for the office. It's a 20-foot wide landscape buffer. That was suggested that that is a new commercial location and therefore it should have a larger buffer area. And so we've got enhanced plantings and a wider buffer width as well there.

And then the last one is the northernmost -- and this is the last of the landscape buffer exhibits. This is also showing an enhanced buffer plantings in a Type -- in a 15-foot wide landscape buffer. So the setback is 25 feet.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Bob, on that one you've got an edge of pavement on a right side, and then it says existing sidewalk there on the left. And in between you have how much space?

MR. MULHERE: I'm looking for the -- I see the edge of pavement right here.

CHAIRMAN STRAIN: Right. Now where's this going to go?

MR. MULHERE: This is in the neighborhood commercial right here.

CHAIRMAN STRAIN: Okay. So what you're trying to show us there is the community road. It's actually a county road, but it's a road --

MR. MULHERE: Correct.

CHAIRMAN STRAIN: -- on the east -- the east side of that property.

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. So that's already in place.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Because the slash pines, normally when they're disturbed they don't live very long. And if those are still alive that's a good sign.

MR. MULHERE: Those are there.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, could you go back to the slide before that? It would be the --

MR. MULHERE: Office?

COMMISSIONER SCHIFFER: -- office, yes.

And the intent here is you're going to put the wall on the office side of the --

MR. MULHERE: Correct.

COMMISSIONER SCHIFFER: -- buffer. But was there going to be any landscaping after that wall on the office side?

MR. MULHERE: You know, I assume that there will be. We really were more concerned in buffering with vegetation the residential neighbors. But depending on the location -- if it was just a parking lot there, there may not be a whole lot of landscaping there because the wall would butt up right against to the parking lot. If there was something else there, there probably would be. If your concern is that we landscape both sides of the wall, I'm sure that's --

COMMISSIONER SCHIFFER: Yeah, I mean, could you move the wall like five feet over towards the people, would that -- because you're going to maintain that anyway, you're going to have access to that. They're not going to be able to, you know, put a side yard fence up to that.

CHAIRMAN STRAIN: Well, I would think if there's any code application to that too in regards to the landscaping on the inside of that commercial wall, maybe when staff gets up here we can get a comment on that too. And if not, then we'll have to see what else needs to be done.

COMMISSIONER SCHIFFER: Because I think it's nice giving the neighbors the effect of the distance.

MR. MULHERE: So what you're suggesting is that we offset the wall enough that we can have at least a five-foot planting strip on the office side.

COMMISSIONER SCHIFFER: Right. Because there's aesthetics on both side of that wall.

MR. MULHERE: I would think we'd be able to accommodate that, yeah.

We'll have to revise those when we come back and show you.

I think that's it for the --

CHAIRMAN STRAIN: Are you aware of the agreement between E's store and the north commercial -- I mean an Oil Well Road expansion where they limited the buffer to --

MR. MULHERE: Yeah, I think we're actually a party to that.

CHAIRMAN STRAIN: Okay. So the buffers that you have on Oil Well Road may not be what you've culled out. When we get to them -- I didn't know if you were going to show them. It doesn't look like you have, because you addressed the buffers going to the interior of the project.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: But at some point later on we'll have to talk about the one on Oil Well Road, so --

MR. MULHERE: Right here?

CHAIRMAN STRAIN: Yeah.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: First, Ray, I have a question for you. This is not a DRI; is that correct?

MR. BELLOWS: That's correct.

COMMISSIONER EBERT: If it were a DRI, they do not mix neighborhood commercial and office for transportation purposes the same way. And I really understand that this is not a DRI, but I'll tell you what, there's a lot of strip malls here, and you're putting that office right in the middle of a residential area. It's on the edge, but that was supposed to be all residential.

When we get further along and I get into it, you not only have those three, but now you want to take that MU and U and make that also some office and stuff. And just down the street from you, and we cannot forget Orange Blossom, they have 200,000 square feet of commercial.

I'll read you some vesting things later and maybe we can get these answered.

MR. MULHERE: Okay. I would, if I could, I mean, I'd just throw a couple of comments out. One, these locations along Immokalee Road are very different from a commercial perspective than Orange Blossom Ranch which, you know, doesn't have that kind of exposure, although it does have some exposure on Oil Well Road. And the uses that are allowed in that, if you look in that PUD, it has a some C-5 uses and a lot of C-4 uses.

We're actually limiting our uses to almost entirely C-1 to C-3 with some C-4, but it's more neighborhood commercial. And we'd go over those -- we're going to go over those, you know, item by item.

Also, I would let you know that within the office commercial we do allow for up to 15,000 square feet of neighborhood center uses, just so that there could be some mixture of uses in that district as well.

In going to the MU/U, I think that's why I put the aerial on, I just want to, you know, remind the Planning Commission of the -- you know, this is separated by Oil Well Road, which is going to be four lanes and maybe six lanes at that location. There's a high school here, there's the elementary school and a middle school here.

This presently houses the utility offices. I don't know when that utility -- those utility offices will no longer be necessary, I don't think anybody does. But eventually Collier County will take over the utility and will relocate the function of that to another location, to the regional utility site. Then this becomes available for development. That's probably anywhere between 10 and more likely 20 years from now.

It does make sense as a mixed use location. It does. And that road is going to have a lot of traffic on it 20 years from now. So it's a good location sandwiched between those two schools. I just wanted to share that, since you raised the issue.

So we agreed also to limit -- we got a suggestion to look at the Estates Shopping Center PUD, which had a lot of restrictions in it, and so we did do that.

And this next bullet, the second bullet says limiting outdoor dining to 6:00 a.m. to 10:00 p.m., as within the Estates Shopping Center. And I've added this, and that is: In locating outdoor dining between Immokalee Road and the commercial buildings, which would separate it the furthest away from the residential, which to me makes sense.

We also are borrowing the same language about limiting amplification devices, servicing drive-through facilities to 6:00 a.m. to 9:00 p.m. Which is the same restriction that's in the Estates PUD.

We're agreeing to limit parking lot lighting to a maximum of 25 feet in height, utilizing low pressure sodium or similar bulbs and shielding the lights from the residential uses also. That's provided for in that Estates Shopping Center PUD.

We're agreeing to prohibit outdoor music. Again, same condition in the Estates Shopping Center.

And these last two bullets, the first one is reducing the list of uses to C-1 and C-3 and certain specific C-4 uses.

Now, I know that when we get to it the Chairman is going to go over those uses, so we'll have that opportunity. It will be much fewer than the almost several hundred uses that are in the PUD right now.

And the last one in this category here is, Mr. Unsworth in his letter said there was a concern about big box stores. And we are not requesting the SIC codes for these big box home improvement stores such as Lowe's or Home Depot. Those are not -- to my knowledge they're not in there. If we come across them we can discuss them. But I'm pretty sure they're not in the PUD.

CHAIRMAN STRAIN: Well, if you believe there's an SIC Code that's specific to a big box rather than an SIC Code that's specific to a use, you need to kind of help me understand that.

MR. MULHERE: No, you know, I think it --

CHAIRMAN STRAIN: Yeah. Because it's the use that SIC Code is attained to. I think the limitation on the

size of the use has to be what we put actually in the PUD. Because I don't think the SIC Code tells you a certain use over a certain feet changes the SIC Code.

MR. MULHERE: No, it doesn't.

CHAIRMAN STRAIN: So I think what we need to do is when we get to this section, get into the maximum size of any particular one building or one use of one building or one establishment.

MR. MULHERE: So we -- okay. And we can be thinking about that too between now and the next meeting.

A couple of other issues that I think are important. Put a different exhibit up there for this.

I'm going to --

CHAIRMAN STRAIN: Well, this doesn't even match what you've told us --

MR. MULHERE: No, I know, because we developed this before we acquiesced to a number of other different things. But I'm putting it on there for the purpose of talking about a point of ingress -- another point of ingress and egress.

We heard that comment at the meeting out at Valencia Golf and Country Club and so we met with transportation planning staff and they concurred that we could have another point of ingress and egress east of the existing point of ingress and egress, which would be generally in this location here.

I'm just going to make sure -- I'm going to look to Norm, make sure I get this right. But that would be a right-in and right-out and left-in.

MR. TREBILCOCK: Yes.

MR. MULHERE: So it would suffice to serve this new community.

We also had always proposed a new access point onto Oil Well Road, which now we're beginning to get some multiple ways in and out of the development. Obviously there will need to be a gate here and here for security purposes. And as Burt said, we'd like to meet with representatives of the Valencia Golf and Country Club so that we can address the internal security issues and try to resolve those issues as well.

COMMISSIONER BROUGHAM: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER BROUGHAM: What are your plans if this gets approved and you go into construction for a construction traffic entrance?

MR. MULHERE: That's a very good question. I believe we are talking about using access from Oil Well Road for construction. Because we won't build this -- this won't be built, you know, up front, this access to Oil Well Road. That's designed I think to occur later as part of the roadway improvements.

But we can come into the development this way for construction purposes. So that will avoid people using the main entrance or even a secondary entrance for construction purposes.

COMMISSIONER BROUGHAM: As an alternative is it viable at all to use the potential additional entrance off of Randall?

MR. MULHERE: Yep.

COMMISSIONER BROUGHAM: Because that would keep that construction traffic even further away from existing.

MR. MULHERE: Sure. Yep. And then we could -- we probably would -- that would -- we'd probably need to have some sort of an agreement that in the interim to the degree that something's developed and this becomes construction only we still get to use some other point of ingress and egress until we can complete it. But yeah, that should be easy to deal with.

CHAIRMAN STRAIN: If you're going to be looking at internal security points to isolate the eastern portion of Valencia's area --

MR. MULHERE: Yes, like right here probably --

CHAIRMAN STRAIN: Right. But I would suggest that right where you pointed, the road that you have connecting to that cul-de-sac, you move that to the east so you could have some room before you would need to get a security point.

Because right now you have to go too far out to use it there. But I think that's something you could work out in your land plan --

MR. MULHERE: Yeah, we need to look at that. And I think probably also right in here so that that becomes

--

CHAIRMAN STRAIN: And that one's easy down in the south.

MR. MULHERE: Yeah.

We had another request from the county to change the designation on certain ag, designated lands to public facility and CU. And I want to go back to a different exhibit.

CHAIRMAN STRAIN: Well, now, if we're getting into territory that's going to increase the intensity uses, you're opening up a can of worms. You don't want to go there.

MS. ASHTON-CICKO: Yeah, Bob, my understanding is that those were withdrawn.

MR. MULHERE: Okay. We're good with that.

CHAIRMAN STRAIN: I think if the county decides it wants to change anything out there, in fairness to the people in the north of the Estates they can come in and do their PUD --

MR. MULHERE: Does that also apply to the request for additional access points, which is my last point?

CHAIRMAN STRAIN: Yes.

MS. ASHTON-CICKO: Yes.

MR. MULHERE: Okay. So that -- I think that summarizes the changes that we made between our original submittal, which is the 9/7 version that you have, our meeting and after our meeting with residents, several meetings with residents, and then what we heard today. We made some additional changes based on what we heard today over a very hurried and not very enjoyable lunch. Okay.

Open for questions.

COMMISSIONER SCHIFFER: I've got.

CHAIRMAN STRAIN: Okay, Brad. Well, first of all from the -- let's just -- if there's any general questions, that's fine. Then we're going to go through page-by-page of the PUD.

Go ahead, Brad.

COMMISSIONER SCHIFFER: It's a general one.

And just to be clear, Bob, the OC, what is the current zoned use of that, R-2?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: So this is -- the other two were existing in the prior PUD?

MR. MULHERE: That's correct.

COMMISSIONER SCHIFFER: This is a brand new use for this parcel.

MR. MULHERE: That's correct.

COMMISSIONER SCHIFFER: Thank you.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: General question. Maybe you can help.

There are four different areas within Orangetree PUD, like Waterways. Is that -- that's one of them?

MR. MULHERE: Yes.

COMMISSIONER EBERT: And can you tell me the mix of homes in there?

MR. MULHERE: All of Waterways is single-family.

COMMISSIONER EBERT: Single-family.

And build-out, how far are they built out? Are they --

MR. MULHERE: They're built out. I don't know if every single lot is built but, I mean, they are -- all of the infrastructure's in and most of the lots are built out.

COMMISSIONER EBERT: So you're going to say 90 percent. Is this one that has their own homeowners, that they're going to get their own homeowners?

MR. MULHERE: No, they're a totally separate project. They're not anywhere -- they're not even related to us at this point.

UNIDENTIFIED SPEAKER: Waterways is built out.

CHAIRMAN STRAIN: Sorry, that's -- go ahead.

MR. McLEAN: For the record, Matt McLean with Agnoli, Barber and Brundage.

This is Waterways that encompasses this area, which is entirely built out. I can walk through the rest of the HOA's that exist today if you'd like. I think that's where you're leading with the question.

COMMISSIONER EBERT: Well, I am trying to get the big picture on these four squares.

MR. McLEAN: Sure. This is --

COMMISSIONER EBERT: But you have Waterways, which is all single-family and it's, I'm going to say, 90 percent built out?

MR. McLEAN: Correct, it's built out.

COMMISSIONER EBERT: Okay. Then there is Valencia Lakes. Can you tell me the mix of homes and multi-family in there?

MR. McLEAN: Valencia Lakes currently is all single-family. It effectively starts at this location, wraps around and includes this entire area.

COMMISSIONER EBERT: Okay. And then --

MR. McLEAN: There are some lots within Valencia Lakes that are currently not constructed --

COMMISSIONER EBERT: Sure.

MR. McLEAN: -- as you can see by the aerial.

COMMISSIONER EBERT: Okay. And how about Valencia Golf Course, can you tell me the mix in there?

MR. McLEAN: Valencia Golf and Country Club, as well today, the lots that have been built in there are all single-family.

COMMISSIONER EBERT: All single, okay.

MR. McLEAN: The ones that have been built today, that's correct.

COMMISSIONER EBERT: Okay. Is there another one called Orangetree?

MR. McLEAN: No, there's nothing called Orangetree, per se. There is one called Citrus Greens, which Citrus Greens effectively was -- the initial portion was constructed here. Again, those are all single-family.

COMMISSIONER EBERT: Okay, is that a separate little area in there, Citrus Greens?

MR. McLEAN: Citrus Greens is not gated. It is part of the overall Orangetree PUD, but it is a separate area within the overall.

COMMISSIONER EBERT: Okay. And can you tell me the mix in there, please.

MR. McLEAN: Those are all currently existing single-family homes.

COMMISSIONER EBERT: Okay.

MR. McLEAN: There are two areas within Citrus Greens that are immediately adjacent to it. There's a recreational facility in this location defined by the SP and there are some additional lots to be developed immediately adjacent here that butt up to the edge of Citrus Greens as well that have not been built.

COMMISSIONER EBERT: Okay. Can you tell me in the whole PUD approximately how many homes have COs, have been completed, how far built out out of the 2,100 are you?

MR. MULHERE: About 1,470.

COMMISSIONER EBERT: Okay.

Are there any that have been turned over to the homeowners associations yet? And how many homeowners associations at this point do you have?

MR. MULHERE: I don't think there's -- are there any? Waterways. There's four.

COMMISSIONER EBERT: You have four.

MR. MULHERE: And Waterways has been turned over.

COMMISSIONER EBERT: Waterways has been turned over? Okay.

The clubhouse, it was kind of interesting listening. Is the clubhouse available for everyone who lives in this PUD or is that for a certain area only?

MR. MULHERE: Yeah, I mean, the clubhouse that's being discussed is the one that's being used by Valencia Golf and Country Club. No, it's not accessible to everyone, I don't think, because the folks that live over here in this area here, you know, they're not going into -- unless they're playing golf. I guess because this is a public golf course, they could go in and play golf.

So it's intended to be for the residents of Valencia Golf and Country Club.

COMMISSIONER EBERT: Interesting.

Okay. Very good, thank you.

COMMISSIONER SCHIFFER: Mark, can I?

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Let me follow up on that a second. I'll wait till Bob --



MR. MULHERE: I'm sorry, my client was just telling me that the other areas have their own recreational amenities.

COMMISSIONER SCHIFFER: Bob, are there any low-rising garden apartments built that are part of the existing development standards? Are there any built out?

MR. MULHERE: Are you asking if any have been built to date? It's all single-family to date.

COMMISSIONER SCHIFFER: Okay. So there is no multi-family existing now.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Melissa?

COMMISSIONER AHERN: Can you show on here where the existing clubhouse is?

MR. McLEAN: Again, Matt McLean for the record.

The existing clubhouse facility for Valencia Golf and Country Club is right in this location here, which is also the location for the -- they dually share the parking area for both the public golf course and their clubhouse facility.

COMMISSIONER AHERN: So there's no homes in front of that from the main entrance.

MR. McLEAN: No, that's correct. It comes directly into the main entrance and kind of T's directly into that location.

COMMISSIONER AHERN: Was there any intent to move the gate past that to where people going to the clubhouse to play golf do not have to enter the area where the homes are located?

MR. McLEAN: The existing gate today is before that location, right in this area.

COMMISSIONER AHERN: Correct.

MR. McLEAN: So you have to go through the gate to get to the public golf course or within Valencia Golf and Country Club today.

COMMISSIONER AHERN: Right. And I'm asking, was there ever an intent to move that to where you would not have to go through the gate?

MR. McLEAN: There's been a lot of discussion about that today, but to my knowledge our client hasn't had any discussions or thought process on providing any additional gate internal to that. However, we do want to meet with those residents and talk about internal gating and that sort of security issues.

COMMISSIONER AHERN: So it could be possible.

MR. McLEAN: Absolutely, yes.

CHAIRMAN STRAIN: Okay, anybody? Phil?

COMMISSIONER BROUGHAM: Just for clarification, you said we were going through page-by-page of the PUD. Does that start with the staff report, Mark, or --

CHAIRMAN STRAIN: No, we'll jump into -- because the staff report is questions we would mostly ask of staff. But wait till they do their presentation.

But when we go through the PUD, and we will do this typically, a lot of documents, we'll open two pages at a time that open on a page and we'll go that way, so -- anybody else have any general questions at this time?

(No response.)

CHAIRMAN STRAIN: I have one.

The letter that you put on the visualizer from Unsworth suggested a -- and it was a good one because the Golden Gate Estates Shopping Center acquiesced to this requirement too, and that is the refuse containers, showing those locations and their limitations on the commercial plan. I know you don't have a commercial plan on where the buildings go, but you can tell us where you won't put refuse containers by the time you come back.

That's important, because they make a lot of noise in the mornings, and that's become an issue on almost every PUD we have.

MR. MULHERE: We'll be prepared to come back and talk about a separation or where they can't go.

CHAIRMAN STRAIN: That's great.

COMMISSIONER EBERT: One other quick question?

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER EBERT: Can you please tell me when Mr. Bolt bought this property?

MR. MULHERE: 1986? 1985? 1986.

COMMISSIONER EBERT: 1986, thank you.

CHAIRMAN STRAIN: Okay, we'll start into the PUD.

And Bob, as we go through it, if you want to tell us the changes you know about on the pages before we bring up ours, it might just save a lot of questioning, so -- but let's make sure we're on the same page of the document.

The revision document that we should be using was dated 9/7/11 on the lower left-hand corner. There should be a -- it would say Orangetree MPUD, PUDA, revised 9/7/11. So everybody should be working from that one.

The first couple of pages of that document are i, ii and iii, and then iv. And then the first full page is titled Section 1. So let's just take all the way up through page number one, which is Section 1 of the PUD and see if there are any issues there.

There have been some changes. They'll be highlighted and crossed -- and underlined and crossed through. As you can see, some of that stuff basically is to update referencing the right codes and things.

Bob, anything on those that are --

MR. MULHERE: No, nomenclature, cleaning up the language. There's a lot of that in this -- since this PUD was very old.

CHAIRMAN STRAIN: Okay, we're on -- let's move to Pages 2 and 3. Anybody have any issues on Pages 2 and 3?

COMMISSIONER EBERT: Mark, I guess I was waiting for these people to finish and then the staff report coming up, because that's where I really kind of went into this. And I have a lot to say and I don't know if doing this first and saying do you have any questions and go back and then I have all these questions.

CHAIRMAN STRAIN: Well, we've been doing the PUD's during the presentation since we -- since 10 years I've been on this Board --

COMMISSIONER EBERT: Then I will wait --

CHAIRMAN STRAIN: It's a -- it's their presentation. If we don't ask them about the PUD while they're up here we're going to have --

MR. MULHERE: I'm happy to try to answer any questions --

CHAIRMAN STRAIN: Yeah, we can --

MR. MULHERE: If I can, I'll defer to Rick --

CHAIRMAN STRAIN: We can go back and forth as much as you want, Diane. I mean, really, that's why we're here, to flush all this out, so --

COMMISSIONER BROUGHAM: Mark?

CHAIRMAN STRAIN: Yes, sir, Phil?

COMMISSIONER BROUGHAM: On Page 3, and it appears probably subsequent to that, you're going to be revising the 3,350 to reduce based upon your commitment?

MR. MULHERE: Yes, yes, yes.

Maybe could I just take two minutes to talk about the process --

CHAIRMAN STRAIN: I'd assume you'd start out if you had any issues on those pages --

MR. MULHERE: It's not an issue. It's just I wanted to talk about the process. It's changed a little bit recently, just so that everybody understands.

We will not control this document from this point forward. The document will be controlled by the County Attorney's Office. So they will make all the changes. They will make notes, we will make notes, we'll share our notes, and of course we'd come back to you ultimately and you can determine whether or not we adequately or actually or properly captured the changes.

But I just wanted you to know we won't -- but we'll get with them and make sure --

COMMISSIONER BROUGHAM: Someone will.

MR. MULHERE: Yes, yes.

CHAIRMAN STRAIN: On Page 3, the references to the R-3, R-4 and resort, all those are going to have to be changed --

MR. MULHERE: Correct.

CHAIRMAN STRAIN: -- and you're intending to do that, okay.

And of course where Phil pointed out, the quantity of units and all that will have to change.

Pages 4 and 5. Go ahead, Ms. -- Karen?

COMMISSIONER HOMIAK: On Page 5, everything is struck out. But the total acreage, there's a notation that it's based on the actual survey acreage.

And then on the next page, six, the total is two acres more. So I was just wondering where that two acres is, as I can't figure it out.

MR. MULHERE: Updated survey, more accurate.

COMMISSIONER HOMIAK: So that is the correct number now?

MR. MULHERE: Yes. That's based on a boundary survey.

COMMISSIONER EBERT: I thought it came off the golf course, that they reduced that by two acres.

MR. MULHERE: No, because that's the total acreage; that includes the golf course.

CHAIRMAN STRAIN: Anybody else on Pages 4 and 5?

(No response.)

CHAIRMAN STRAIN: Bob, on Page 4, the reference to fill material from lakes, it's in 2.1, Lake Sighting, to be utilized within the project. However, excess fill material may be utilized off-site subject to revisions of the excavation ordinance in effect at the time permits are sought.

We have the Land Development Code that regulates excavation within PUD's. The excavation ordinance comes in if we're doing standalone excavations or how to excavate once you meet the requirements of the Land Development Code. So wouldn't you really want to reference the -- it will be to the extent allowed by the Land Development Code?

Ray, do you have any problem with that?

MR. BELLOWS: It's now in the Code of Laws and Ordinances, the excavation.

CHAIRMAN STRAIN: Oh, is it?

MR. MULHERE: It still would be okay to say --

CHAIRMAN STRAIN: It'd still be the Land Development Code that regulates the quantity that a PUD can pull off-site, isn't it? Isn't it limited to 20,000 or something like that?

MR. BELLOWS: I believe that's all been moved to the Code of Laws and Ordinances. But it's still subject to those provisions.

CHAIRMAN STRAIN: Okay, well maybe we just make sure that reads right then. That under Roads, 2. -- I think it's 1.2 or -- the way it changes: Collector roads will be public roads. And it says: Developer shall determine whether local roads within development may be either public or private roads.

I think the county shares in that determination, don't they?

MR. MULHERE: I'm sorry, I had a comment made on your previous comment. If we could just real quick go back to that.

I guess that there's a lake -- the lake that either is going to be or already has been donated to the county, the county will be wanting to use the fill from that lake for the roadway improvements out in this area.

Oh, this lake right here. You're talking about the -- okay. So there's a lake that we're going to provide them for right-of-way improvements, and that fill will be used in the roadway.

I guess we could just structure it, maybe put an exclusion in there for the lake to provide stormwater management for Randall Boulevard.

CHAIRMAN STRAIN: Yeah, but I don't think the quantity -- even if they're going to use a quantity out of that lake that's any -- of significance? I mean, it doesn't look like that large of a lake.

MR. MULHERE: I'm pretty sure they'll --

CHAIRMAN STRAIN: Why don't you take a look at it, and if we need to tweak the language so that that works, that's agreeable.

Under the road section, I think the county and the developer both will make a decision whether roads within a development will be public or private in regards to whether or not they meet the criteria of the county standards.

My concern or my caution to you is if you decide you want a road to be county road, you got to be real careful how you decide you're going to do your security. Because we don't want to run into a Barefoot Beach again. If you remember, they put a guardhouse --

MR. MULHERE: On a road.

CHAIRMAN STRAIN: -- on a public road, yeah, and you can't do that. So you need to be careful what road you decide to make public and which ones you're going to put security on.

MR. MULHERE: I had the same concerns. I had that reading: Collector roads will be public roads, period. Local roads within the development will either be public or private roads, period.

CHAIRMAN STRAIN: Okay, but that loop road around the golf course, the one that you're going to put the security site, that would be classified more or less as a collector because it's a loop road collecting off all the cul-de-sacs --

MR. MULHERE: So you want to maintain that as a private --

CHAIRMAN STRAIN: Yeah, you might want to be real careful as you go further.

Pages 6 and 7, anybody have on 6 and 7?

(No response.)

CHAIRMAN STRAIN: Eight and nine?

Go ahead Phil.

COMMISSIONER BROUGHAM: On Page 6, just for clarification, that 62.1 acres, schools and parks, where is that located? I should probably know that, but I don't.

MR. MULHERE: (Indicating.)

COMMISSIONER BROUGHAM: Okay.

MR. MULHERE: There's another one. I'm looking for the other piece.

CHAIRMAN STRAIN: Just south across Oil Well Road.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: Okay, Page 8 and 9 is the ag. sections of the land.

Are they still owned by your developer?

MR. MULHERE: No.

CHAIRMAN STRAIN: Okay, so that's not up for discussion today. And the changes that you -- in there are

--

MR. MULHERE: We own part of the ag. So let me let Matt answer that question.

MR. McLEAN: Yes, our client still does own today the portion of the property that's ag. that is this T piece.

MR. MULHERE: That's the piece we were discussing before.

CHAIRMAN STRAIN: Yeah, I remember now.

Okay, anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay, Pages 10 and 11?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, you're eliminating R-1 because you're building on that land. R-2, why do you have multi-family in there?

MR. MULHERE: Can you -- where exactly are you pointing to?

COMMISSIONER SCHIFFER: It's the third line down. You've added multi-family dwelling units.

MR. MULHERE: Oh, okay, under R-2. Yeah, we've agreed today here to -- I think part of the reason was that, as you can see by the existing language, cluster homes, triplex units, right, we're allowed, cluster homes we're allowed, villas and patio homes we're allowed and town homes, we're allowed. You can see that those were allowed, right?

COMMISSIONER SCHIFFER: Right.

MR. MULHERE: Those are defined by our LDC as multi-family.

So in going through the process, it was suggested that we use the word multi-family, because it's a defined term.

Now, we're agreeing to go back to R-2 in the existing development area. And as a result it's perfectly fine with us if we just leave the language the way that it is.

COMMISSIONER SCHIFFER: Well, you know, the concern I have is in these other lots in R-2, they're going to be governed by this, so somebody could buy two lots, tear it down and put up a multi-family.

MR. MULHERE: No, I understand. So, I mean, we're okay with -- we're perfectly fine with taking that multi-family dwelling units out and leaving it as it was, which was cluster homes, zero lot line, villas, patio homes, townhouses. That's what exists in R-2. And we've agreed to go back to that language.

COMMISSIONER SCHIFFER: Okay. I'm good with that.

CHAIRMAN STRAIN: Anything else?

COMMISSIONER SCHIFFER: That's it, thank you.

CHAIRMAN STRAIN: Anybody else on Pages 10 and 11?

(No response.)

CHAIRMAN STRAIN: I've got a few. I'm going to make sure -- try to figure out which ones have not been addressed. But I think quite a few of them have.

All the changes involving the things we already talked about that occur on these two pages you're going to go ahead and correct for the next submittal, right?

MR. MULHERE: Yes.

Mr. Strain, one thing I'll put on the record is on these two pages, on 405, which is on Page 11 of 54, we will add a reference to the section of the LDC that deals with guesthouses to make it more clear.

CHAIRMAN STRAIN: And under 406.A, you're going to reference the right document there --

MR. MULHERE: Correct.

CHAIRMAN STRAIN: -- versus -- okay.

MR. MULHERE: Yeah. And of course the whole reference to resort lodging, it comes out.

CHAIRMAN STRAIN: Okay, your R-2 is basically the existing areas of Orangetree, so you don't have a need -- do you have recreation facilities -- yes, you do -- to the extent that you need them to address them in the R-2? Because you're not adding recreational facilities there, you're adding them in R-3, right?

MR. MULHERE: Correct.

CHAIRMAN STRAIN: So for -- the R-3 section that we have here has to include the language that would allow that to happen as well as any park or tot lots or anything else you may want to plan to use in there.

All units permitted in the R-2 designation. So that would really cover it.

MR. MULHERE: Yeah, it does.

CHAIRMAN STRAIN: Pages 12 and 13? It's all crossed through because you've replaced all those tables with new tables. So let's move to those, Pages 14 and 15.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And it's -- are your floor area minimums changing?

MR. MULHERE: Yes. We're going to go 1,000 across the board.

COMMISSIONER SCHIFFER: Okay, so your chart here is incorrect.

MR. MULHERE: Correct. It's incorrect, yes.

COMMISSIONER SCHIFFER: There's better numbers than this.

COMMISSIONER EBERT: I have --

CHAIRMAN STRAIN: As soon as Brad's done.

COMMISSIONER SCHIFFER: Okay, I'm good, thanks.

CHAIRMAN STRAIN: Okay, Diane?

COMMISSIONER EBERT: The R-2 tables, your maximum building height. In the original agreement it is 25 feet. What you are trying to do with this revisions is to now raise that?

MR. MULHERE: Yeah. I mean, if I could, a lot of single-family homes are built with very high ceilings and they're a lot taller than 25 or 30 feet. You know, if somebody has an objection -- I don't know that anybody's really objecting, as long as we keep it to two stories and 35 feet, it gives more design flexibility in these homes.

But, you know, if that's a concern and that needs to stay at what it's at, again we'd only be affecting those areas that we already agreed to take back to R-2.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: On both of those tables, the rear yard setback for accessories, I think you need to address that.

MR. MULHERE: Yeah, we --

CHAIRMAN STRAIN: I'll leave it up to you to come back at the next meeting with something. We'll look at that.

MR. MULHERE: We'll come back -- yep.

CHAIRMAN STRAIN: And the distance between principal structures as well.

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: When you have the ability to do guest homes, I know you won't do them in these small ones because they wouldn't fit on the property, but they become an accessory structure. And to put them close to the back lot line is not really realistic, so -- assuming that being the worst case scenario.

MR. MULHERE: I also note that we neglected to put the footnote regarding the 23-foot minimum distance under that table. We need to add that.

CHAIRMAN STRAIN: Yes. But that is -- you can't apply that in the existing facility, so that's --

MR. MULHERE: We'll say new --

CHAIRMAN STRAIN: -- so it would have to be new construction.

MR. MULHERE: New construction.

CHAIRMAN STRAIN: On the second table, the second footnote, could you explain that? Because the building distance may be reduced to 10 feet between garages. Oh, I know why. That's right. I'm trying to think way back why my notes were written the way they were.

The distance between the principal structures up on top is 11 feet.

MR. MULHERE: That needs to be changed to 12.

CHAIRMAN STRAIN: Twelve feet, that's right. And that will take care of it.

MR. MULHERE: And I think that second sentence, instead of saying building distance, should read distance between principal structures --

CHAIRMAN STRAIN: Yeah.

MR. MULHERE: Then it's clear.

CHAIRMAN STRAIN: Pages 16 and 17, anybody have any questions there?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Minimum floor area, is that still 1,000, or what are we going to do here?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Well, there is no more R-4, is there? Oh, yes, you have --

MR. MULHERE: Yes, there's one --

CHAIRMAN STRAIN: -- one lot. Okay.

Sorry, Brad. Anything else?

COMMISSIONER SCHIFFER: No, that's it, thanks.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: The same questions I had in the previous one apply to this table as well. Same 23-foot, the same footnote number two, the same rear yard setbacks.

MR. MULHERE: There was -- yes. Yes.

CHAIRMAN STRAIN: Your side yard setbacks should be half the sum of the building height, no less than 15 feet for your multi-family structures. Your front yard setback needs to be greater than half the sum of the setback of -- for your three-story, your 20 foot, that's pretty tight. I think I mentioned it to you and you were going to look at it.

MR. MULHERE: I think we proposed to you to add under multi-family whatever we have there to include one-half the sum of the building height, whichever is greater.

CHAIRMAN STRAIN: Right. Okay.

COMMISSIONER SCHIFFER: That's distance between buildings.

MR. MULHERE: That's on --

COMMISSIONER SCHIFFER: For multi.

MR. MULHERE: Yeah, it's on front yard, side yard, rear yard and distance between structures. So the setback will be greater the taller the building. Those are minimums, but you go by one-half the sum of the building.

CHAIRMAN STRAIN: Under Table 2.D, which is your recreational facilities, you were going to add a parcel boundary setback?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: And you can bring it next time, but that was one of the things I mentioned.

MR. MULHERE: Got it.

CHAIRMAN STRAIN: Buffers between these facilities and adjoining residential, if it does, your height was to go down --

MR. MULHERE: To 35 and 42, consistent with the other.

CHAIRMAN STRAIN: Right. And your distance between principal structures was to have a minimum.

MR. MULHERE: Fifteen feet or one-half the --

CHAIRMAN STRAIN: Whichever is greater.

MR. MULHERE: -- sum of the building height. You're right.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, do you think it's clear that -- or maybe Heidi should answer this -- that if they don't mention which height, that it should be zoned height? Actual height kind of snuck in.

MR. MULHERE: I think we should put zoned height.

COMMISSIONER SCHIFFER: Okay. So --

MS. ASHTON-CICKO: Yeah, I think you ought to clarify.

MR. MULHERE: Yes, I think that's a very good question.

CHAIRMAN STRAIN: Okay, Pages 18 and 19. We're going to be a while on the next few pages, so -- Pages 18 and 19 are neighborhood commercial center. And basically it starts really on Page 19. And from what I understand, you're agreeing to just say C-1 to C-3 uses, then you're going to specify which C-4 uses you feel are right for neighborhood commercial. And we'll look at those more closely. Why don't you start working up the list.

Ray?

MR. BELLOWS: That's C-1 through C-3 at the time of permitting?

MR. MULHERE: Yeah, you don't have to say that. Just, I mean, that's the way it is. C-1 through C-3, you don't put a date in there, it's whatever is allowed in C-1 through C-3.

CHAIRMAN STRAIN: We're adding asphalt plants to C-3, aren't we?

MR. MULHERE: I thought it was well -- oil well drilling.

CHAIRMAN STRAIN: I think that's about allowed anywhere in this county the way it looks.

Okay. Well, let's take a look at the uses then. If we go to C-1 to C-3 for uses -- and what SIC codes are you looking to keep?

MR. MULHERE: I have a list of them here. And if -- I'll use the same number that's on yours and tell you which ones we want to keep. Does that work?

CHAIRMAN STRAIN: That works.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Yeah, let's start there at least.

MR. MULHERE: So we already talked about number one, and we would then retain number five and number six, but specifying SIC Code 7999.

CHAIRMAN STRAIN: You know about those 99's now. If we're going to play with that --

MR. MULHERE: No, no, we'll look at it. We'll look at it and come back with specific uses.

CHAIRMAN STRAIN: Okay. Just so the audience knows, 7999 in the SIC Code is virtually unlimited. So what you have to do is you got to list the number and then list the specific parts of it that you want. So instead of having 100 uses there's whatever the limitation is.

MR. MULHERE: There's only one or two that we're going to ask for. And we'll come back with those.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: When you jump to five, does that mean you're not going to ask for two, three, four?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: So you don't want accounting, you don't want --

MR. MULHERE: They're already permitted under C-1 through C-3.

COMMISSIONER SCHIFFER: Oh, that's really confusing.



CHAIRMAN STRAIN: We'll, he's just going to tell us which ones he's asking for in addition to C-1 and C-3.

MR. MULHERE: That's correct. That was my --

CHAIRMAN STRAIN: All you got to remember is all C-1, C-3, and here are the additional ones we're looking for that are impacts above and beyond what is C-1 and C-3.

MR. MULHERE: My thought was that limits the number down and you can really look at those that we're asking for now.

COMMISSIONER SCHIFFER: I wonder if we can make this any harder.

MR. MULHERE: Well, I guess I could try to make it easier --

COMMISSIONER HOMIAK: You can put all these up like I did --

COMMISSIONER SCHIFFER: Yeah, we could print it upside down --

CHAIRMAN STRAIN: I've got to admit, Bob, this is --

MR. MULHERE: It's a shorter list of the ones we're asking for than the ones we're eliminating.

CHAIRMAN STRAIN: You did the Hacienda Lakes one too, didn't you?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: You have -- these are the two most difficult projects I have seen in the 10 years on this Board.

MR. MULHERE: Well, there's nobody else here to point a finger at, so, you know --

COMMISSIONER SCHIFFER: Let me just make sure, you're still going to have architectural services, right, that's the only one that --

MR. MULHERE: It's permitted. Generally office uses are permitted in C-1 through C-3.

COMMISSIONER SCHIFFER: I can go back to sleep.

CHAIRMAN STRAIN: Okay. So you're looking at five, you're looking at six with limitations.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: What's the next one?

MR. MULHERE: Nine.

CHAIRMAN STRAIN: That's apparel and accessory stores.

MR. MULHERE: Yes.

Twelve.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: We can jump all the way down to 25. And on 25 -- I don't know if somebody has an SIC Code, because I didn't bring one with me, but we're only asking for business services, 7381. We've got to find 7381. We don't have numbers.

CHAIRMAN STRAIN: So all the 7389 can be dropped.

MR. MULHERE: Yeah, that's -- I'm not sure there would be a real call for it but detective agencies, private investigators, lie detection service.

CHAIRMAN STRAIN: Oh, yeah.

COMMISSIONER BROUGHAM: Is security on there?

MR. MULHERE: Yeah, yeah.

We are asking for 26 but only cable and other pay television services, 4841. I have an SIC Code here too.

CHAIRMAN STRAIN: That means you're dropping the reference to communication towers?

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Good.

MR. MULHERE: The next one we're requesting is number 28, car washes. And --

CHAIRMAN STRAIN: Well, I notice that you have additional language in there that says provided that car washes abutting residential zoning district shall be subject to Section 5.05.11 of the LDC.

You know, if you do a car wash, why would you need it on a neighborhood commercial and not possibly the MU/U? Car washes are notorious for being noisy, so --

MR. MULHERE: I think you have for example the -- is it E's General Store --

CHAIRMAN STRAIN: Yes.

MR. MULHERE: -- that's existing? I don't think there's a car wash there, but if that was bought by Mobil.

CHAIRMAN STRAIN: Yeah, but then it would be an accessory --

MR. MULHERE: They're going to want to --

CHAIRMAN STRAIN: -- to the --

MR. MULHERE: And that's I think what we're after.

CHAIRMAN STRAIN: No, you've got it under principal uses.

MR. MULHERE: Well, I mean, maybe we could agree to language that says if accessory to a convenience store or service station.

CHAIRMAN STRAIN: Okay. Or just car washes listed under accessory uses, and that would -- if you have an accessory -- yeah, you have permitted and accessory uses. I would suggest that you list it there. Then it's not confusing to be under principal.

MR. MULHERE: That's fine. That makes sense.

CHAIRMAN STRAIN: By the way, members of the Planning Commission, if you have any issues on any of the uses, just kind of chime in.

Go ahead, what's the next ones?

MR. MULHERE: I'm on Page 21, all the way down to number 38, computer and computer software stores, 5734. It's really a retail use.

COMMISSIONER SCHIFFER: Can I ask a question?

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER SCHIFFER: Thirty, churches, isn't that a conditional use in those C zonings?

MR. MULHERE: No, it's a permitted use.

COMMISSIONER SCHIFFER: Okay, never mind.

MR. MULHERE: I did skip one, though, so you helped me. Number 32, coin operated laundries and dry cleaning, number 7215.

And, I'm sorry, number 36, commercial printing, 2752. My eyes must be going bad. It says excluding newspapers. That's business forms, cards, circulars, color guards, lithography, coupons. It's like a printing shop.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bob, are there any of these that are orphaned, or if you skip it it's guaranteed to be available in the C-1 or C-2?

MR. MULHERE: No. If we're skipping it it's either available there or we're not asking for it.

COMMISSIONER SCHIFFER: So you could be orphaning some?

MR. MULHERE: We are. There are some uses here that are -- we felt were inappropriate, just, you know. I'm sure that if we didn't strike through them, somebody else --

CHAIRMAN STRAIN: He had a pile of them that were inappropriate.

COMMISSIONER SCHIFFER: That's right, you could make it harder.

MR. MULHERE: Thank you. Thank you. That was my thought. Okay.

CHAIRMAN STRAIN: Now, all the uses that we're talking about though, you still are going to be adding a square foot limitation as a maximum for any particular use?

MR. MULHERE: You had suggested that we look at that. We don't have that here, and we will --

CHAIRMAN STRAIN: I just want to make sure so we haven't got to keep bringing it back up every time.

MR. MULHERE: I understand. There was a concern about a big box. So we have to look at -- there's two issues that we're concerned about: One is was making sure we have adequate square footage for a grocery, and then the second is some ancillary uses in the size of those.

CHAIRMAN STRAIN: Well, if you look at -- the toughest commercial parcel or PUD I ever saw was the one we did in Golden Gate Estates.

MR. MULHERE: I did look at that.

CHAIRMAN STRAIN: Right. And that one had an exception for a grocery store. But other than that -- okay. Because you may want to look at some of that language. I think it was in -- especially in the Estates as it is in Orangetree, it's -- the place is very quiet so sound travels real fast. So we try to be real careful about how that was handled, so --

MR. MULHERE: I agree. And I think there's -- neighborhood commercial uses is what we're focusing on, so that allows us, I think. But, you know, there is a difference being on Immokalee Road versus being on -- totally

internalized to Golden Gate Estates.

CHAIRMAN STRAIN: I understand.

MR. MULHERE: I don't think -- I'm on number 40, I think, dance studios, schools and halls indoors, 7911. Which is just the dance studios and halls.

Department stores, number 41, 5311. Number 46, we're listing eating and drinking establishments but we're striking through 5813. We're striking through the following words: And 5813, excluding bottle clubs. So we're limiting it to restaurants, which is 5812.

CHAIRMAN STRAIN: Okay. Well, then you're just going to simply say restaurants, 5812. So you're just going to take that whole paragraph and just revise it and just put restaurants, 5812, right?

MR. MULHERE: Well, I could -- I mean, I could leave that: All establishments engaged in retail sale of alcoholic beverages for on-premise consumption subject to locational requirements.

THE COURT REPORTER: Bob, could you say that again?

MR. MULHERE: Yeah. We could leave in the paragraph that says: All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption.

It's already in the code.

CHAIRMAN STRAIN: Bob, if we -- so you're telling me if you didn't put that in you wouldn't have to abide by it?

MR. MULHERE: No.

CHAIRMAN STRAIN: Well, then, take it out.

MR. MULHERE: No problem.

CHAIRMAN STRAIN: You got to do it anyway, so there's no sense in having to repeat the entire code if you start with that process.

MR. MULHERE: I'm good with that.

Number 47, educational services, 8221 and 8222.

Number 48, electrical and electronic repair shops, 7622 through 7629.

And now we go to the next page, number 52, facilities support management services, 8744.

And then 54 is food stores, group 5411 through 5499.

And 58 is general merchandise stores, 5331 through 5339.

Fifty-nine is glass stores, 5231.

Sixty-one is hardware stores, 5251.

We had two 61's, so let's call the second 61 62. And that's health services, miscellaneous, 8092 through 8099.

Number 64, home furnishings and furnishing stores, 5712 through 5719.

Number 67, household appliance stores, 5722.

And we're at a new page. Next page, number 78, medical and dental laboratories, 8071 and 8072.

Number 79, medical equipment rental and leasing, 7352.

Number 83, motion picture theatres, 7832.

Number 84, motorcycle dealers, 5571.

CHAIRMAN STRAIN: I'm not against motorcycles, I used to ride motorcycles. In fact I'm considering doing that again, but --

MR. MULHERE: It's dangerous around these here parts.

CHAIRMAN STRAIN: Yeah, you do a motorcycle dealer -- I mean, the one over on Naples Boulevard I think it's called, next to Best Buy, they do motorcycles. But out back, and everywhere else they have motorcycles and people using motorcycles. It becomes a rather noisier place than might be considered neighborhood commercial. So I'm not sure it's a good one to keep in.

MR. MULHERE: We'll strike through number 84, motorcycle dealers. Try to keep the neighborhood commercial. I think that goes a little bit beyond that.

Eighty-six is musical instrument stores, 5736.

Eighty-seven is news syndicates, 7383. It's newspaper, periodical stores.

Eighty-eight is nursing and professional care facilities, 8051 through 8059.

Eighty-nine is outdoor advertising services, 7312.

Ninety is paint stores, 5231.

Ninety-one is passenger car leasing, 7515.

And for some odd reason 92 is passenger car rental. I'm not sure there's a great deal of difference between the two. I'd imagine they operate out of the same facility. That's 7514.

Ninety-four is personal services, miscellaneous, that's 7299. And we'll take a look at that to make sure that that is appropriate.

CHAIRMAN STRAIN: Okay, Pages 24 and 25?

MR. MULHERE: Yeah, go all the way down to 106. I'm trying to speak slow.

106 is radio, television and consumer electronic stores, 5731.

108 is radio and television broadcasting stations, 4832 and 4833.

109 is real estate, 6512 and 6531 through 6552.

110 is record and pre-recorded tape stores, 5735, excluding adult oriented sales and rentals.

112 is repair services, miscellaneous. That's 7699. And that excludes a whole bunch of uses. It's pretty limiting. But we will also look at that so you know exactly what we're asking for.

114 is miscellaneous retail. It's 5921 through 5963, and 5992 through 5999. Let's just make the standing note that we're going to look at anything that's a 99 and be sure that you understand those uses when we come back.

CHAIRMAN STRAIN: You know, to move along without having Cherie' to write down all these numbers, if you just read the names. If a number is missing, we can ask for it. Because we have them all here.

MR. MULHERE: Okay, fine. That's fine.

115 is retail nurseries, lawn and garden supply stores.

116 is re upholstery and furniture repair.

119 is security service systems.

121 is social services, individual and family, except homeless shelters and soup kitchens.

125 is telephone communications.

CHAIRMAN STRAIN: 125 is excluding communication towers, though.

MR. MULHERE: It says including but I think we are fine with saying excluding.

CHAIRMAN STRAIN: Right.

MR. MULHERE: Yeah.

129 is veterinary services, excluding outside kenneling.

131 is vocational schools.

133 is watch and jewelry repair.

And 134 is that standard language that exists in all the PUD's.

CHAIRMAN STRAIN: Okay, anybody have any questions?

Go ahead, Tom.

MR. EASTMAN: Thank you, Mr. Chairman.

Bob, can you please clarify that the educational facilities listed in the SIC Code, either they include public schools or public schools are allowed in the C-1 through C-3 uses? Because the school district does own substantial property in the PUD.

MR. MULHERE: Yeah, that's a good question. I'll do that. I don't want to make a statement here if it is permitted in C-1 through C-3. But I'll check. I believe it is public schools but --

MR. EASTMAN: Could we just as a complete clarification just add public schools to the list?

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: You may want to put a public school in one of the neighborhood commercial centers?

MR. EASTMAN: I thought this was all of the uses listed in the -- oh, I'm sorry.

MR. MULHERE: It's only for NC, yeah.

CHAIRMAN STRAIN: Do you withdraw your request?

MR. EASTMAN: Yes, yes, sorry.

CHAIRMAN STRAIN: Okay. Back on -- okay, Pages 26 and 27?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And I think let's start talking about the distance from the residential. In the

old thing they had 35 feet. And you're not carrying that forward. Could you -- and I guess we have a 15-foot buffer, right?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: Built up with a wall. Twenty-five feet -- no, it's actually 15 feet. So in other words, you would I guess use that wall where you located it to be the wall of the building.

But what would be -- you know, one thing is that the area of your commercial and the area of the site you have put you at a floor area ratio, I quickly came up with like .22. So you're not really under a lot of pressure for area. So in other words you could build a one-story building, you really don't have to even go to two-story.

So can't you -- go ahead -- I was going to say, can't you pull it away from the residences?

MR. MULHERE: I think we can.

Let's talk about practically where the roads are so that they understand -- I mean, do we want to have a minimum distance from residential?

COMMISSIONER SCHIFFER: You're setting up a nice buffer, so you're doing the best you can there. But then why do you -- you know, and you're not under pressure with the amount of area with the size of the site, so why you're trying to get it so close, it isn't that necessary.

MR. MULHERE: I don't think it is either, particularly since you can put parking and other nonstructural facilities in there. I'm just --

COMMISSIONER SCHIFFER: You would certainly utilize it --

MR. MULHERE: Let me wait till they confer.

COMMISSIONER SCHIFFER: And the other thing, Bob, you know, one of the problems is you get too close, like we have some problems in our district in North Naples where the back of these shopping centers got close to residential and the door out of a bar or something, you open the door to take the trash out and the music comes with you.

Is there a way we could put some sort of a clause in here that if you do have live music inside you have a vestibule arrangement? Which is -- in the design of a bar that's just a storage room where you open one door, close it and then go out the back door. I mean, because that -- we should be very careful on anything with live music inside, to let them have the live music and not disturb the neighborhood.

Once they build it without that, it's difficult.

CHAIRMAN STRAIN: But didn't -- first of all, we eliminated drinking places, but the only restaurants you're going to be able to have are buffered by the commercial. Because it can only be between the --

MR. MULHERE: Outdoor.

CHAIRMAN STRAIN: Yeah, outdoor.

COMMISSIONER SCHIFFER: Outdoor's on the front.

CHAIRMAN STRAIN: Oh, so you could still have an enclosed facility.

COMMISSIONER SCHIFFER: I'm worried about the back door --

MR. MULHERE: He's talking about opening a door --

COMMISSIONER SCHIFFER: -- to take out the trash --

MR. MULHERE: -- to empty the trash and having a loud volume of music or something spill out.

Did you want to take a break or something?

CHAIRMAN STRAIN: No, I was just thinking, you guys are talking anyway, you can gurgitate (sic) on Brad's question. Why don't we take a 15-minute break and come back at 2:40 and resume.

But before we do, Ray, I don't see any chance of us getting to the Watershed Management Plan today.

MR. BELLOWS: We already took care of it.

CHAIRMAN STRAIN: Well, we didn't publicly.

Anybody here for the Watershed Management Plan? We're not going to hear it today. We will continue that to our next meeting or --

MR. BELLOWS: Yes, next meeting.

CHAIRMAN STRAIN: Next meeting. Okay, thank you. We'll take a break till 2:40.

(A recess was taken.)

CHAIRMAN STRAIN: Okay, everyone, welcome back from the break. We left off with Brad was working on questions on Pages 26 and 27.

Brad, we'll let you continue.

COMMISSIONER SCHIFFER: Okay. And I guess Bob, you guys are trying to figure out what would be an appropriate building setback from a residential property.

MR. MULHERE: Yes. And what I suggest is that we insert in that table a setback from residentially zoned lots of 30 feet.

COMMISSIONER SCHIFFER: And why did you come up with 30 feet? Because what does that really give you? You have a 15-foot --

MR. MULHERE: There's a 15-foot landscape buffer with a wall, or 20 --

COMMISSIONER SCHIFFER: Right. And then what are you going to have there then? The building's going to be -- it's not going to be five foot or 15 foot of no man's land.

MR. MULHERE: Well, there could be in some locations just landscaping. But in most locations, there will either be parking or an access way around --

COMMISSIONER SCHIFFER: Or an alleyway behind --

MR. MULHERE: Or water management. And that's where you could use that 15 -- that extra 15 foot, for water management.

COMMISSIONER SCHIFFER: Because again, remember, you have a low floor area ratio. I mean, you could really push it back and maybe put --

MR. MULHERE: You don't think 30 feet is sufficient with a wall and a landscaped area?

COMMISSIONER SCHIFFER: I mean, it's -- the building can be 35 feet, right?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: So -- you know.

MR. MULHERE: If 35 makes it better, I think we could accommodate that.

COMMISSIONER SCHIFFER: Well, I'm just thinking, you know, in reality how you would ever lay the thing out. I mean, you may have 64 feet of parking after that too. I mean, there's a lot of different layouts you would do. I mean, that could be your service alley. But in -- maybe that's really good up against the neighbors either.

MR. McLEAN: Again, Matt McLean for the record.

I agree with you, Brad. We could easily accommodate 30 or 35 feet in there because we're going to have the 15 feet of landscape buffer and then we're going to have either a combination of water management, dry detention or something along those lines. It could actually be part of an access alleyway though in the back and help service the rear of that property. So the building is going to be set back easily 30, 35 feet from the property line.

COMMISSIONER SCHIFFER: You really get some benefit of fire department access behind it and stuff like that. So I'm saying you really could throw a nice number and never be hurting your planning.

MR. McLEAN: With respect to the fire department access, it would have to be a minimum of 20 feet. So we could easily, with the 15-foot landscape buffer, add 20 feet if that was the access alleyway, take it to a minimum 35.

COMMISSIONER SCHIFFER: But that 20 feet has to be 10 foot off the building. The fire department doesn't want to be on top of the building. So we have 30, 15 --

MR. MULHERE: So 35 would work, 35 would work.

COMMISSIONER SCHIFFER: Do I hear 45? And here's the logic of 45. Fifteen feet, 20 feet for the fire lane, 10 feet --

MR. McLEAN: The part where that gets sticky is where we've got residential right-of-way and not actual residential lots. Are we differentiating between residential lot and residential right-of-way? Because some of these --

COMMISSIONER SCHIFFER: Lot.

MR. McLEAN: -- commercial components come up to the edge. So we're talking lots.

COMMISSIONER SCHIFFER: Lot. Pure lot.

MR. McLEAN: Pure lot.

COMMISSIONER SCHIFFER: Somebody's home could be built --

MR. McLEAN: So where we have sections with respect to, for example, the NC up on the north section where we've got -- where it does not back up to -- there aren't residential lots that back up directly to that.

COMMISSIONER SCHIFFER: And that's fine. That's fine. I think the word lot is an important part of that.

MR. McLEAN: I understand.

So yeah, if we're talking about specifically lot, we could do the 45 to be able to have the ability for the fire

access. So if we limit that to the residential lot setback, 45 feet.

MR. MULHERE: The way that I propose to word it then, we'll just change it to 45. But it would be set back from residential zoned lots 45 feet.

COMMISSIONER SCHIFFER: Correct. And just maybe say lot lines to even make it clearer for you. And that's not going to hurt you. You know, most of your designs will maybe have parking in the back and have a lot more than that.

MR. MULHERE: It's only in that one location where it -- one or two locations where it applies.

COMMISSIONER SCHIFFER: Right.

But you know I'm going to do it on the next one too.

MR. MULHERE: Okay, that's good.

CHAIRMAN STRAIN: Twenty-six and 27, anybody else? Anything else on those two pages, Brad?

MR. McLEAN: Once again, Matt McLean for the record.

One thing I do want to comment on that though, still, Brad, is we do have an existing SDP which is approved on the NC piece of property down at Randall that already has a building permit that was pulled for the bank building, which has subsequently been -- there's a building pad there that I think it would be in conflict with that 45 feet that we're talking about. I need to look at that.

CHAIRMAN STRAIN: If you can look at it by the next meeting and get back to us?

MR. McLEAN: Absolutely.

COMMISSIONER SCHIFFER: But you know by -- it can't be closer than 35 feet by the existing, according to --

MR. McLEAN: Right, but I'm just saying that it may be closer than the 45. We'll look into that and get back to you on that with that specific location.

COMMISSIONER SCHIFFER: And then I guess the only other question is the distance between principal structures, none. So if you have no distance between a principal structure, unless you're treating it like a firewall or a lot line, that's a common wall, so I guess that makes sense. Then the six feet -- or five feet, what is that? I mean, you have a 45-foot height limit, zoned height. Or you change that to 35; 35 foot, but you have five foot between the buildings.

MR. MULHERE: Two stories.

Well, there's two options there. We could increase that number of separation between principal structures or we -- the same as we have before, which is a sum of the building heights, or we can just reference the fire code requirements.

COMMISSIONER SCHIFFER: And the building code has separation requirements. I mean, there's no -- and there's nothing that says you can't be one building either.

MR. MULHERE: Right.

COMMISSIONER SCHIFFER: So, I mean, it's a game we're playing. But the point is, a five-foot cavity between the buildings, I'm not sure why.

MR. MULHERE: So how about if we say none or a minimum of 10 feet or one-half the sum of the building heights, which is what we use typically anyway, whichever is greater.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Anything else, Brad?

COMMISSIONER SCHIFFER: I think that's enough.

CHAIRMAN STRAIN: Okay, same page.

Bob, you said that there are no lots adjacent to the north NC. There is. If you blow it up, you'll see in the southeast corner. So you do have an applicable lot there. I'm assuming we're going to look at the same language for the office commercial --

MR. MULHERE: Uh-huh.

CHAIRMAN STRAIN: -- so we'll deal with that.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: The building height. When we talked I believe you were going to use 25 feet as a zoned height because the homes adjacent to it were under the old R-2 zoning which allowed 25 feet maximum and 35 feet for actual.



I notice in your handout you seemed to have changed that a bit from our discussion.

MR. MULHERE: I was under the impression we were going to ask for 35 feet not to exceed two stories. But, you know --

CHAIRMAN STRAIN: Okay. As long as the two-story -- because it says three stories here. I can't remember all of the conversation we had, but if --

MR. MULHERE: Two stories in all the commercial, except for the MU.

COMMISSIONER EBERT: Except.

MR. MULHERE: That's so far from now.

CHAIRMAN STRAIN: Okay. The footnote number two about your reduction in frontages, that north commercial actually has three frontages, because the road in the back is a public road.

So based on that, so you really want parcels with two or more frontages may reduce one front yard by 10 feet.

MR. MULHERE: I think we just strike through that.

CHAIRMAN STRAIN: I think so too. Because I'm not sure how we reword it to accommodate that third road that's in there. Okay.

The kiosks. You -- how many maximum for each area? Because you've got they may be smaller than 500, but are they unlimited in volume -- or quantity?

MR. MULHERE: Well, you know, you might have some of these kiosk type things that sit in front of a commercial retail outlet that -- I mean, I'm happy to put a limiting number in there.

CHAIRMAN STRAIN: Well, I'm not sure if it's a big issue, but think about it. I just want to make sure we don't get out of hand on that.

MR. MULHERE: I would say not to exceed five in any --

CHAIRMAN STRAIN: Per center, yeah.

Okay, on Page 26, the reference A, the maximum, isn't that language that might be better into your introductory paragraph, since it outlines the quantity of square footage that you're talking about?

MR. MULHERE: We could add a -- well, basically renumber everything so that 5.A.02 becomes maximum square footage.

CHAIRMAN STRAIN: Yes.

MR. MULHERE: And then take it out of this section here and put it up there.

CHAIRMAN STRAIN: Yeah. It just makes it simpler. Then your development standards become your table and you're done.

I had asked when we met that you consider capping the square footages that you're looking at for your -- because you have four commercial parcels. And I would -- and I'm looking at NC's and OC, any excess not used on those to MU/U.

Did you look at that at all or did you think about that?

MR. MULHERE: We did. And we kind of concluded that using the typically used rule of thumb for retail of 10,000 square feet per acre would make sense. We've already got 100,000 on the office capped. So we'll need two NC's. We could put that in here, that actual language that no more than 10,000 square feet per acre shall be permitted.

Why don't we take a look at it and maybe we come up with an actual number --

CHAIRMAN STRAIN: Yeah, come back with something. It just -- it becomes a known quantity --

MR. MULHERE: Yeah, we can come up with a number.

CHAIRMAN STRAIN: Okay. That's -- next pages will be 28 and 29. Anybody have any questions? Well, we've got to go start this process over again.

COMMISSIONER SCHIFFER: Oh, here we go.

CHAIRMAN STRAIN: No, this is office commercial, so --

MR. MULHERE: Yeah, this should be --

CHAIRMAN STRAIN: Yeah, it's different.

Okay, anybody have any questions on 28 and 29?

(No response.)

MR. MULHERE: I think there was a -- I'm not sure where it came from, but I have a note here about that we really wouldn't probably need number six, which would be automobile parking lots only. I don't know where that came from, but we're good with that.

CHAIRMAN STRAIN: I had mentioned that to you because 50 -- 7521 is something I don't think you need in a neighborhood -- in an office parcel at all. I'm not sure if there's any others that -- no, most of them are all passive. Pages 30 and 31, anybody have any questions?

COMMISSIONER SCHIFFER: I do.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: First of all, we'll put the same stuff we talked about before into here, okay?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: Which is the 45 from a residential lot.

And I guess one thing just to be clear is that we are bringing in the ability to have 15,000 square feet of the other use built on this lot, correct?

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: Anywhere.

MR. MULHERE: If you didn't use all 100,000, if you used 85,000 or 80,000, you could then build up to 15,000 square feet of neighborhood commercial uses in the office center.

And the reason for that is that if you have 80 or 70,000 square feet of office, and I suspect this is quite a bit down the road, you might want some personal services in there. You might want a restaurant in there or something like that.

COMMISSIONER SCHIFFER: No, I think it's good. And it's still a low FAR even with that in it.

MR. MULHERE: Yeah.

COMMISSIONER SCHIFFER: But the deal also is, though, the only commercial they're going to get in the mixed use is what's left over from these things. Like you say, it's way down the road, so they'll carry that balance forward, way forward.

The -- you know, the side yard thing, we're going to -- or the between buildings and everything, we're going to do that again.

MR. MULHERE: We're going to use the same language. And also just to make a note, we do have to change the height. This presently I think in here reflects 45 feet, so that's going down to 35 and two stories.

COMMISSIONER SCHIFFER: Okay, I'm good.

CHAIRMAN STRAIN: Anybody else?

Phil?

COMMISSIONER BROUGHAM: I assume on Page 31, item 603.A.4, that's either going to come out or be significantly revised with respect to the lodging units?

MR. MULHERE: That whole thing comes out, yeah.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, on Page 30 the -- something Brad just said then you just said is if you were only to use 85,000 square feet of the office you could put 15,000 of the NC district on there.

The way that reads, it looks like you could use 100,000 square feet of the office and then add 15,000 square feet. Are you talking 115 then total for that parcel?

MR. MULHERE: No, that is the intent, what you just -- I misspoke. Because really the intent was to allow for up to 15,000 square feet of gross floor area from the NC commercial. So it's still limited. It's still a cap. But if you use any of that you don't get to use it in the NC district.

MS. ASHTON-CICKO: So it's 115,000 square feet.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: That's what I'm getting at. That's different than what I think you started out saying.

MR. MULHERE: It is different.

CHAIRMAN STRAIN: Just remember, if you look at a per acre cap we got to make sure -- I don't know what size that parcel is --

MR. MULHERE: Well, office I would go higher. I would say 15,000 as a rule of thumb for office because you can go two stories. We're not likely to go two stories in retail.

CHAIRMAN STRAIN: But you could go two stories in retail.

MR. MULHERE: We could, but we're not likely to. Because of the parking demand, you know, you will get

-- the parking demand will reduce the footprint. But parking is much less for office. We'll take a look at it.

CHAIRMAN STRAIN: I'd be curious to see what you come back with.

Page 31 --

COMMISSIONER SCHIFFER: But let me just say something --

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: -- that follows up on that, while you're doing that.

But because of the uses, we could still have office on the NC sites too.

MR. MULHERE: Yes.

COMMISSIONER SCHIFFER: So in other words, you do have the ability to drop that parking ratio.

MR. MULHERE: You do, if you put a mixture of office in, yes.

COMMISSIONER SCHIFFER: And I hope you do.

MR. MULHERE: I mean, there could be a scenario where you might see retail and office on the second floor, yes.

COMMISSIONER SCHIFFER: Right, right.

CHAIRMAN STRAIN: On Page 31, 603.A, you start talking about recreation clubs, clubhouses and facilities. Those are non-residential, so they sometimes tend to be disruptive depending on where they're located.

You currently have a golf club there and you're going to come back with a proposed location for recreational clubs or a club or a recreational center for the new section. What I'm suggesting is that wherever you show those, that's kind of where they'll be, subject to where they're shown on the master plan.

I didn't know if you have any problems with that or not. I just didn't -- want to make sure they didn't just pop up everywhere as a permitted use in any portion of the golf course, because some of those portions of the golf course will be up against residential areas that may not have expected that as a use next door to them.

I don't think -- if you know where it's going, I don't see why you'd have a concern with that.

MR. MULHERE: No, I don't think we would.

CHAIRMAN STRAIN: Pages 32 and 33.

COMMISSIONER BROUGHAM: Couple.

CHAIRMAN STRAIN: Go ahead, Phil.

COMMISSIONER BROUGHAM: On Page 32, Item B.3, my assumption is the golf course exists today, therefore the maintenance shop is located where currently?

MR. McLEAN: Again, Matt McLean for the record.

The current maintenance facility for the golf course is right in this location.

COMMISSIONER BROUGHAM: I'm following the moving display.

MR. McLEAN: Sorry.

COMMISSIONER BROUGHAM: And a second. I was just curious as to where it is in relationship to the residential.

MR. McLEAN: It's across the street from existing residential houses today.

COMMISSIONER BROUGHAM: Existing?

MR. McLEAN: Correct.

COMMISSIONER BROUGHAM: And you haven't had any issues with noise and pollution and that type of thing?

MR. McLEAN: Not to my knowledge. Bear in mind though that there is still the R-3 section that we've now committed to go back down to R-2 that there's a little bit of a buffer between the existing maintenance facility and that new proposed R-2 section. There's a golf tee that's in between those two pieces that's on the same side of the road.

COMMISSIONER BROUGHAM: That's something we can take a look at at a later date.

MR. MULHERE: And also that's undeveloped. So those buyers will see the golf maintenance and know what's -- and be reflected in also in what they pay for the lots that are immediately adjacent to that.

COMMISSIONER BROUGHAM: And also, you need to revise item number six, resort lodging units. That's it.

CHAIRMAN STRAIN: Anything else on 32, 33?

(No response.)

CHAIRMAN STRAIN: The changes on 33, this is the area of the community use where the fairgrounds is.

The only changes that will be allowed are ones to designate the correct new references to the code or something like that.

MR. MULHERE: Right.

CHAIRMAN STRAIN: And that's going to be the same on Page 34. So the changes you have on 34 will not be in effect, they --

MR. MULHERE: Right.

CHAIRMAN STRAIN: -- will not be considered, they'll be cleaned up in the next submittal.

Anybody on Page 35?

(No response.)

CHAIRMAN STRAIN: And that's -- 35 is the school system so that's again not -- and 36, 37 is the PF section, which is not part of this application.

The changes on that, there's only one that was added. That needs to be taken back out again, because it's not considered.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Okay, then let's move to the mixed use utility site which starts on Page 39. Anybody have any questions on Page 39?

Brad?

COMMISSIONER SCHIFFER: And I guess it's not so much a question. But Bob, just explain what the intention here is. Because, I mean, we don't want the Orangetree utility and multi-family side-by-side, so --

MR. MULHERE: No. And that's not the intent. The mixed use residential and commercial will only occur -- is intended to occur when the county no longer -- well, when the county takes over the utility or when the utility is no longer managed from that location.

COMMISSIONER SCHIFFER: And then they pare it down or they reuse the buildings and they --

MR. MULHERE: Yeah, they'll -- there's a whole, I'm sure -- let me let Burt talk to you because there's a whole detailed settlement on it.

MR. SAUNDERS: Actually, the water and sewer billing operations and administrative operations are in an off-site location. This is just the utility facilities. When the county takes over that system and connects all the customers to the county's regional system, which we think won't be for another 10 to 20 years, those facilities will be torn down and the land will be available for a mixed use development.

But nothing can happen until the county takes over the system and then removes the existing wastewater and water facilities there.

COMMISSIONER SCHIFFER: So that is the actual treatment -- or the treatment plant is that site?

MR. SAUNDERS: That's correct.

COMMISSIONER SCHIFFER: Okay. So yeah, we really don't want anybody living there then. Okay.

CHAIRMAN STRAIN: Okay. Page 39, anybody else?

MR. MULHERE: I just did want to make one comment there. I do note that we're not properly referencing the tract. It needs to say MU/U. So we'll make that change.

CHAIRMAN STRAIN: Pages --

MR. MULHERE: Thirty-nine in the first paragraph, throughout the first paragraph. It says MU but it doesn't say MU/U.

CHAIRMAN STRAIN: Pages 40 and 41, anybody have any questions?

(No response.)

CHAIRMAN STRAIN: You are -- under your conditional uses on Page 40, you're going to have some limitations for the C.2 reference?

MR. MULHERE: I'm not sure where you're at. You're talking about number five?

CHAIRMAN STRAIN: No, actually, if you go to Page 40, it's C.2.

MR. MULHERE: Okay, C.2.

CHAIRMAN STRAIN: Permitted uses within the C-4. So you're saying under a conditional use you could apply for any of the uses within the C-4. Okay, but you'd have to come through public process to do it.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay. And development standards for the reference under 1003.A refers to

development standards for our four multi-family.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So you're going to leave R-4 in for that one piece that you have. So that's still applicable then.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: I do think on paragraph five at the top, the way it reads, we said: All uses permitted by right in the C-3 zoning district as defined in the Land Development Code. And we think it's a whole lot simpler just to say all uses permitted in the NC district of this PUD.

CHAIRMAN STRAIN: Which ends up being the same thing.

MR. MULHERE: It's about the same.

CHAIRMAN STRAIN: Yeah, it makes it clearer, though. Okay.

Pages 42 and 43, anybody have any issues?

(No response.)

CHAIRMAN STRAIN: Pages 44 and 45?

COMMISSIONER BROUGHAM: Mark, excuse me.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER BROUGHAM: May I go back to Page 42. And there was references to this in other places, I forget where.

The accommodation for a CAT shelter, can you be more specific on that?

MR. MULHERE: Yeah, is that on 42?

COMMISSIONER BROUGHAM: Well, I see reference to -- yeah, 2.B.

MR. MULHERE: Yeah.

COMMISSIONER BROUGHAM: Cooperation locating bus stops --

CHAIRMAN STRAIN: So Page 44.5 addresses more detail.

COMMISSIONER BROUGHAM: That's it.

CHAIRMAN STRAIN: That may be where you might want to --

COMMISSIONER BROUGHAM: That's fine.

MR. MULHERE: I'm glad you brought that up, though. One of the things we said we would look at was how that was treated in this Estates shopping center conditions in terms of the timing, I think, more than anything else. I'm going to look for that, bus shelters.

COMMISSIONER BROUGHAM: Well, it's just that I read in A.2.B, you know, cooperation in locating is very vague.

MR. MULHERE: Yeah, the language that's in this PUD is as follows. I'll just read it. It says -- this is the Estates shopping center: At the request of Collier County the developer shall install or make payment in lieu of construction at the discretion of the county for a Collier Area Transit, CAT, bus stop with shelter. The exact location will be determined during site development plan review for Phase II of the project.

If constructed by the county, owner shall convey to the county an easement for the bus shelter at no cost to the county.

I think we could use similar language. We'll go ahead and leave in the size, 10 by 20, because that was agreed to with staff.

CHAIRMAN STRAIN: Well, your location and some detail is on the next page, on number five. You're talking about a location near Randall Boulevard --

MR. MULHERE: That's what I'm talking about in number five. But I think the question was when did this have to occur.

COMMISSIONER BROUGHAM: The when and the cooperation point is what were the two things that I --

MR. MULHERE: And I think the cooperation is that at any time that the -- we probably need to put -- we could put a square footage. At the time that we get a CO for 50,000 square foot of commercial, that's when we build it. Or if the county wants to build it, then we just give them the easement.

CHAIRMAN STRAIN: Well, I think that John -- John, can you address this? Is this something that you've had a chance to take a look at?

MR. MULHERE: Because if I look at the Golden Gate one, it was at Phase II. So obviously you got to have some development before the shelter has one.

MR. PODCZERWINSKY: For the record, John Podczerwinsky, Transportation Planning.

Honestly, no, I have not had an opportunity to dig very deep on this yet. I haven't had a chance to check against the Collier Area Transit alternative transportation modes, their plans for this.

CHAIRMAN STRAIN: Can you do it by next meeting?

MR. PODCZERWINSKY: Yes, I can, sir.

CHAIRMAN STRAIN: Okay, that will work.

Okay, we're Page 44 and 45. Any questions, anyone?

(No response.)

CHAIRMAN STRAIN: I guess one more item. Up on top, number two, it talks about a comprehensive network of sidewalks and greenways within future areas of development. You can't do anything with what you've already built. So I want to make sure that you're not imposing something on the existing residences of Orangetree that they couldn't do.

So by future areas of development, are you referring to what, just the R-3?

MR. MULHERE: Well, yeah, we're referring to the new development area.

CHAIRMAN STRAIN: Okay. I think we just need to make sure that this isn't construed to mean anything other than that area. So maybe in the future R-3 development areas or something to that effect.

MR. MULHERE: Got you. Because now that's very limiting, we can use that term.

CHAIRMAN STRAIN: Okay. I just don't want to put something on the backs of the people living out there already, so --

Pages 46 and 47?

Brad?

COMMISSIONER SCHIFFER: Question on that thing before.

Where is the sidewalks going to be, on the public property or on private property?

MR. MULHERE: They could be on either. They could be on either. A typical cross-section will have the sidewalk within the right-of-way.

COMMISSIONER SCHIFFER: Right. So wouldn't it be nice --

MR. MULHERE: But you could have greenway -- I'm sorry. You could have a greenway that, you know, connects the golf course to the clubhouse or connects, you know, some pedestrian pathways that might be not within the right-of-way, there would probably be an easement for them, but it would be private property.

COMMISSIONER SCHIFFER: But how about like on Immokalee Road, is there a way we could have that on your property? I mean, it's going to be tough with some of the residential.

MR. MULHERE: No.

CHAIRMAN STRAIN: But, you know, when you did Hacienda Lakes this issue came up and you provided a pathways plan -- or pathways and you showed the transit for the -- why don't we do the same thing here?

MR. MULHERE: I think what Brad is talking about is a sidewalk along the public right-of-way on Immokalee Road. That's already part of their design. I wish Nick was here. That's already part of their design. We don't need to give them more right-of-way, we're already giving them right-of-way.

COMMISSIONER SCHIFFER: Well, I just thought it would be nice if you pulled it into your property again. But anyway --

CHAIRMAN STRAIN: Well, here's the concern I have with this language, and that's why I pointed it out. It says in the third sentence, this network -- and the network they're referring to is greenways and sidewalks -- will provide non-vehicular access to the commercial and community use portions from residential areas within the PUD.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: How are you going to accomplish that? I think that's what Brad's asking, is how are you going to get there?

MR. MULHERE: It's for the people within the PUD, that access.

CHAIRMAN STRAIN: Right. So how are you -- do you have access from within the PUD to the NC center, the OC -- the two NC's, the OC and a future MU/U?

MR. MULHERE: Well, do we have it right now?



CHAIRMAN STRAIN: Right. Do you have the ability to have it in the future? I think that's what the concern is. You're putting language in here. I'm not sure you can meet the language.

You want to trap yourself? Because at some point that could be asked for. We ran into the same problem in other PUD's.

MR. MULHERE: Okay. I mean, I guess that's a good point. We'd end up having to come out to Randall to make that connection.

CHAIRMAN STRAIN: And that's fine. But I think you ought to check it to make sure you can meet that commitment --

MR. MULHERE: I believe this language --

CHAIRMAN STRAIN: -- or you'd need to make the commitment realistic so the people living there aren't caught into a bind because of language in their PUD from days past.

MR. MULHERE: Yeah. I believe this language came from the staff. But, I mean, we can take a look at it and try to make it clear that it doesn't apply to existing development areas.

CHAIRMAN STRAIN: Well, you've got to be careful how that third sentence is worded. That's what I'm trying to say. And whatever staff's intentions are, I think you ought to find it out and make sure that the community can meet that intention. That's all I'm suggesting.

COMMISSIONER SCHIFFER: And Bob, kind of while you're on that same topic, you have a vehicle access into the OC site, the office site?

MR. MULHERE: Do we?

COMMISSIONER SCHIFFER: Well, you have a little arrow that gave the impression.

MR. MULHERE: I don't think it necessarily means vehicular, it could be bicycle and pedestrian.

COMMISSIONER SCHIFFER: Because I don't think it would be a good idea to have vehicular.

MR. MULHERE: No, I don't think these folks would like that very much.

COMMISSIONER SCHIFFER: That would be a short circuit.

CHAIRMAN STRAIN: Okay, Pages 46 and 47?

(No response.)

MR. SAUNDERS: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

MR. SAUNDERS: On Page 48 is where that language, the utility language that was deleted needs to be put back in and then stricken out.

CHAIRMAN STRAIN: Can you put that on the overhead just so we can see it instead of trying to read it? It might be easier, Burt.

MR. SAUNDERS: It's the language that I've kind of written through there. That has to be added back in and then we're striking it out. So it's just a technical problem the County Attorney wanted us to clarify the record.

That language just did not show up on the document. It should be placed back into the document and then stricken through so that the public knows that that language has been stricken out.

CHAIRMAN STRAIN: Understand. I agree. Thank you. I just wanted to see it.

Pages 50 and 51, anybody have any questions?

COMMISSIONER SCHIFFER: I have a question on --

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: -- the fire protection stuff.

Other than two, Bob, isn't this pretty much building code, you're going to have to do that anyway? I mean, you're not going to be able to open a building that doesn't have the required fire flow, unless you want to commit who's responsible to provide that fire flow.

MR. MULHERE: Yeah, I think -- I agree with what you're saying, but the fire district wanted that language in there. We met with them on three or four occasions and they -- the chief asked for it.

Is it redundant? Possibly. But I know they specifically asked for it. And particularly as it relates to the first item, because there are multiple ways I guess that you could achieve -- there probably is more than one way that you could achieve adequate fire flow availability. I mean, there could be wells or tanks or --

COMMISSIONER SCHIFFER: And then number three, what you're saying is you're requiring non-combustible roofing if it's a zero lot line? I mean, there is some requirement in the building how you build it to

protect it, but -- and it's not exactly always the tile.

MR. MULHERE: That came from their concern that the fire would spread from one roof to another in a connected situation.

COMMISSIONER SCHIFFER: So the actual roofing -- okay, I mean, it's your bye, go ahead, you can have it.

CHAIRMAN STRAIN: Well, but why does that make any sense when the distance between principal structures, whether it's zero lot line, single-family or duplex or detached are all the same? So why are they picking on zero, I don't get it? What difference does it make?

If the distance between principal structures is the same, who cares what the roof of one type structure is compared to the other?

MR. MULHERE: So what you're saying is you should simply say attached dwelling.

CHAIRMAN STRAIN: No, what you should is strike it. It's covered by code. Why confuse the issue by throwing stuff in here that's going to be reinterpreted by somebody else down the road in a totally different way, especially when you deal with fire departments? They -- each one has a separate interpretation.

MR. MULHERE: I'm perfectly fine to take your direction on that.

MR. BELLOWS: Yeah, I agree, really it's a building code issue, not a zoning issue.

COMMISSIONER SCHIFFER: And the building code does protect the spread of fire on zero lot line.

CHAIRMAN STRAIN: The fire departments have way too much authority anyway. When stuff comes through your department that they add, if it's code, just take it out. Why even bring it to the Board when it's not something that needs to be in? It would be like you repeating the entire building code, entire LDC in every PUD. It makes no sense.

MR. BELLOWS: Yeah, I agree, and we do endeavor to do that, and sometimes some slip through.

MR. MULHERE: I think maybe just as a sidebar observation, what needs to happen is we need to educate the districts to that effect. Because what happens is the developer gets held hostage. You gotta get the -- you can't move forward in the review process until you get the comments from the district. And if you're waiting months to make that happen and they just want a requirement, we put it in the document, you know. So I think we just need to work together to educate them that any redundancy is not going to be tolerated at this level. And we probably won't see it quite so often.

CHAIRMAN STRAIN: Or they'll fight even harder because --

COMMISSIONER SCHIFFER: Bob, here's the thing is that, you know, if it's according to code there's no problem, we have to build it to code. If we have -- there's ways to have a local amendment, but you would have that local amendment. Adding it to PUD's is not a way of getting a local amendment to the fire code.

CHAIRMAN STRAIN: Anybody else on Pages 50 and 51?

(No response.)

CHAIRMAN STRAIN: Under A, 11.A? Bob, 11.A is the one issue I found that might be in conflict with the Oil Well Road provisions because of the expansion and the taking for I think E's in particular, as well as the remainder of the NC that you have that's outside E's. Have you guys checked that?

MR. MULHERE: That language comes from that agreement. That language is --

MS. ASHTON-CICKO: No, that's not true. That's the 10-foot buffer along the Orangetree on the north side of the road. That's what it addresses.

MR. MULHERE: It's from the right-of-way taking.

CHAIRMAN STRAIN: I've got the agreement somewhere in here, because I read it and it looked to me like it was a different width, but --

MS. ASHTON-CICKO: No, this is not related to the south side, this is related to the north side of Oil Well Road. The south side is not addressed by this language.

CHAIRMAN STRAIN: Okay, so this is -- okay, good. So the south side of Oil Well Road then is determined by that agreement that already is in place? Okay.

MS. ASHTON-CICKO: And we can take out that comma. I'll take that out so that doesn't create any confusion.

CHAIRMAN STRAIN: Okay, pages -- the rest of the pages are Pages 52 and 53. Anybody have any other issues?

(No response.)

MR. MULHERE: I think Burt had something he wanted to add.

CHAIRMAN STRAIN: Okay.

MR. SAUNDERS: There's been some conversation obviously with the security. And there's an access point to the Orange Blossom Ranch PUD interconnection, and we may want to talk about whether that is appropriate in light of the security concerns that have been raised by the general public in terms of this petition.

That's something that was requested by the transportation staff. If the Board feels that we should take that out, that certainly is acceptable to us. I think that would satisfy some of the concerns in the neighborhood.

CHAIRMAN STRAIN: When you're going to meet with the neighborhood between now and the next meeting on security issues --

MR. SAUNDERS: That's correct.

CHAIRMAN STRAIN: -- if you could bring that up to them. I mean, I don't see why we need to keep having these interconnections if the neighborhood -- if they're not going to help the security in the neighborhood, so -- but I think it's something you should discuss, and if there's an issue there, we'll certainly discuss it.

John, did you have something you wanted to add?

MR. PODCZERWINSKY: Yes, sir. I just want to caution that removal of interconnections that are required by the LDC in many cases and recommended in other cases in the Growth Management Plan. It sometimes could have an effect on the traffic impact study that we do.

We do have reductions in the traffic study for internal capture, meaning when the local residential neighborhood is able to access directly to the commercial areas without using the local roadway network they go through those interconnections. So by removing those or closing those off, it does affect the impact on the local roadway.

CHAIRMAN STRAIN: How did the county decide to close off the back entrance to this very facility we're sitting to from the neighborhood behind us and then meet the needs and the criteria you just stated? Because what the public is required to do should be no different than what the county is required to do.

MR. PODCZERWINSKY: I don't agree, sir. That was done outside of the zoning process as a response to neighborhood complaints.

CHAIRMAN STRAIN: Well, the zoning process, I was here for all that. And there is no -- there was no determination through the DRI process that I know of that allowed that to be eliminated. So when the county wants to start cleaning its own house, then they can start talking about people cleaning their houses.

MR. PODCZERWINSKY: Understood, sir.

CHAIRMAN STRAIN: Thank you.

That takes us through the PUD language. And I know, Ms. Ebert, you're waiting for us to get to the staff report. I want to make sure we're done so far with the comments of the developer. There certainly is opportunity for more, but I know we have to go on to the staff report, and then we can get into the issues that you've been patiently waiting for.

So with that, does anybody have any other issues of the developer at this time?

COMMISSIONER SCHIFFER: I have one.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: And maybe the County Attorney can answer the best.

The reference to the settlement agreement, some people have provided testimony that we don't have the ability to add more units due to that settlement agreement.

CHAIRMAN STRAIN: Heidi, I've pulled all the excerpts from the settlement agreement that apply to that question. Would you want me to attempt it first --

MS. ASHTON-CICKO: Or you want to give me a half hour to read it? No.

You're not limited to the density that's set forth in the settlement agreement.

COMMISSIONER SCHIFFER: So everything we discussed here is available --

MS. ASHTON-CICKO: I mean, you certainly have to look at the criteria in our Land Development Code about amending PUD's, but we're not contractually restricting your ability to exercise the county's zoning powers.

COMMISSIONER SCHIFFER: Okay, thank you.

CHAIRMAN STRAIN: Since we are coming back, and if the folks that feel the settlement agreement is a

substantial impact on this, and negatively or doesn't allow us to do this, I certainly will put on the table what I found so that you have time to think about it. And if you want to still bring it up when we come back, you're more than welcome to.

But the settlement agreement includes a series of exhibits as part of the agreement. One of those is the existing PUD. The existing PUD certainly allows it to be amended. It says so right in the document.

If you go into it a little bit further -- and then if you go into our -- they have another exhibit that talks about vested area two. And vested area two becomes part of the at that time the GMP. It's called PUD by settlement zoning granted by the county.

Vested area two was further moved into our GMP as we see it today in the FLUE under rural settlement area district. And there it says for that -- and it lists the sections of the development, of Orangetree. And it says: Refer to the Golden Gate Area Master Plan for allowable uses and standards.

Then you go to the Golden Gate Area Master Plan -- it takes four documents to figure this out. It has a section called Agricultural Rural Designation, and it starts out with the rural settlement area district, which is the Orangetree district. It goes through, references the settlement agreement, and then it has this sentence in it that seems to be the sentence that allows what we're doing here today, at least what I thought it did.

It says -- this is in the GMP: Future zoning changes to add dwelling units or commercial acreage within the geographic boundaries of this district will not be prohibited or discouraged by reason of the above referenced vested status.

So even though the settlement agreement and the binding letters of interpretation did provide vesting, it didn't limit them to come back in like any other piece of property in the Collier County to ask for more density. And by that reason I don't think we're limited to the settlement agreement.

Now that doesn't mean we're not limited in what they can ask for and what we can approve, but the settlement agreement I don't think ties their hands as others may have indicated.

If the County Attorney disagrees, just speak out, otherwise we'll move forward.

MS. ASHTON-CICKO: You stated it well.

CHAIRMAN STRAIN: Thank you. I just hate to see the confusion that all these documents bring into play. Unfortunately it's way too much.

We've been through the PUD. Burt, if you have nothing else for your presentation, we will then go to staff and then I'll have -- then we'll actually probably stop until next week when we get the revised documents.

MR. SAUNDERS: Thank you, Mr. Chairman and members. And we'll wait to hear from the staff.

CHAIRMAN STRAIN: Okay, thank you.

Kay, I'd say good morning, but I know it's afternoon.

MS. DESELEM: Yeah, I was thinking the same thing. Good afternoon --

CHAIRMAN STRAIN: You get all the hard PUD's, I've noticed.

MS. DESELEM: Yeah, yeah -- oh well.

For the record, my name is Kay Deselem and I'm a Principal Planner in zoning.

You do have the staff report that has been submitted to you. It's last revised 9/7/11. And obviously many things have changed from what we originally reviewed based on the applicant's presentation today and things that have been agreed upon between the applicant and the neighborhood.

We -- I won't go into great detail. Lord knows you've had enough detail for this morning. I would just suffice to say that staff is recommending that the petition be found consistent with the Growth Management Plan. We've provided an analysis of the Growth Management Plan issues, both future land use and the other elements such as the traffic, transportation and environmental issues. We have provided findings of fact in support of our recommendation, both from a PUD standpoint and a rezone standpoint.

We did recommend several stipulations. The applicant has acquiesced to acceptance of those. And staff is continuing to recommend that it be found consistent, and continuing to recommend approval with the changes that were proposed today.

Other than that, I'm happy to answer any questions you might have.

CHAIRMAN STRAIN: Thank you, Kay. And I have one general -- two general questions before Ms. Ebert gets into hers.

The first one is, does anything that you heard from the applicant today as far as the changes go reflect a more

intense instance where you would have to re-review it from a higher intensity?

MS. DESELEM: No, I believe everything is a lower intensity.

CHAIRMAN STRAIN: Okay. And the other thing is, I know that we've had a lot of members of the public express concerns over their HOA, whether they have it, whether they don't, whether they like it, whether they don't, whether the people are responsive or not. I don't believe the Planning Commission from a zoning perspective can do anything with HOA's. Do you have a -- have we ever done anything with HOA's that you know of?

MS. DESELEM: It might be a question better directed to the County Attorney's Office. But from my experience of 20 some years of planning, no, an HOA is a civil issue between the parties that have agreed to it, and the county is usually not a party to that, therefore you are not and neither is staff.

CHAIRMAN STRAIN: Heidi, are you in agreement with that?

MS. ASHTON-CICKO: Yeah, our preference would be not to include anything related to the creations of HOA's in the PUD documents.

CHAIRMAN STRAIN: Okay. And the reason I wanted to make that point is for the members of the public who are concerned over their HOA situation there. That happens in a lot of communities and it's really a matter between you, the developer and the real estate people there. It's not a zoning matter, and so it's kind of outside again the review of this particular board.

And with that, Ms. Ebert, did you want to go into your series of questions that you had of staff? Because earlier you indicated you had questions from the staff report.

COMMISSIONER EBERT: Yes, I did.

First of all, what I tried to do with this, this was supposed to be heard when I wasn't here last time. But what I tried to do was go in and look at the history of this. And the history goes way back to '67 and 1970 with the original person.

I crossed out in reading the settlement what areas they originally owned, which were quite a few more areas than what is shown here. They had seven different tracts. And then a Mr. Golan was the trustee and he had contracted with the GAC Liquidating Trust to take over -- there was a lawsuit. But if the county agreed to a settlement and he could do this, he would take it over and do low density out there. He did not want to be a DRI, apparently.

And so there was an agreement with the county, and it was done a PUD by settlement on August 27th, 1985. And I just asked today when Mr. Bolt bought the property, and that was in '86. So he's really been in there from the beginning.

And to show the area, can we put up the last -- one of the last maps that kind of shows the area where you could also see Orange Blossom in there?

And see, I read the vesting also and I interpreted differently than Mark did. They got a binding letter from the state and yet they did not want to be a DRI. And the binding letter had said to them that this would be -- and this was the April 8th of 1986, that the developer had vested rights to develop the original North Golden Gate subdivision, and that changes to the vested DRI development plan approved by Collier County, subsequently known as the Orangetree PUD, would result in substantially less development than the North Golden Gate vested development plan and would result in a reduction of regional impacts.

And it also says: As those changes described in your application for this letter have been approved by local government and incorporated into a new development order, which is the Orangetree PUD, they constitute the vested plan of development for the North Golden Gate and must be followed by you, the developer.

In the original letter it was stated that the maximum amount of units were to be 2,100 units, and that was in the 2,800 -- approximately 2,800 thousand (sic) square feet of property, the four squares.

They did change, and there was to be -- two-story was the maximum and 25 feet height was also the maximum. And it's -- they also had 22 acres of neighborhood commercial, not to exceed that.

They also changed from urban to agriculture rural. And then in '89 with the adoption of the Growth Management Plan is when they did that.

And then in 1991, it's 91-43, they amended changes from 2,798 acres down to 2,752, which was 45 acres, don't know where it went, and to delete one residential classification, which I believe they did.

There's been a lot of back and forth on acreage for schools, agriculture; it just seems to be changing all the time.

Then there was another 11 acres added for parks.

In going through all this -- then we have a huge problem with utilities out there, which has been a big problem for everyone.

Also in that change of 2001 it says in here on your report that it is unknown for certain but appears that the DCA was not consulted about some of these changes. However, there are no increases to a DRI threshold. But this is not a DRI, because they didn't want to be. But it still is limited.

In reading the vested areas and everything, I think this portion is -- which you put in there was very good. It says: Subsequently two private sector initiated amendments to this district were approved, 2001 and 2003. The purpose of the first amendment was to clarify allowed uses. And second was to clarify the ability to increase the use intensity beyond that which is vested, 2,100 acre units and 22 acres of neighborhood commercial.

In 2004 two amendments to the Orangetree PUD were approved. The first was to add the schools and the school facilities, and allowed use on lands designated agriculture on the PUD master plan. And the second was to remove approximately 616 acres from the Orangetree PUD as a companion to a rezone of those 616 acres to the Orange Blossom Ranch PUD.

In looking this over, the way I feel, that the county has followed through on every agreement that was made in the settle (sic) agreement and more so. Because what they wrote in the April 8th letter was on 2,800 acres. And they added 1,600 more homes to the Orange Blossom Ranch. That land should never have been separated. That was Mr. Bolt's choice, he made that choice. Those people added the 1,600 very conveniently in 2004 after those two amendments were made. And now you're ending up with 3,700 homes already in here, which was supposed to be 2,100.

They also added 44 acres of commercial at 200,000 square feet. Which is more industrial. In the vested area of area one, because they knew it was going to be so far out, they needed essential services. And they also said as far as convenience commercial would be the following criteria met: The size of the parcels is no smaller than 2.25 acres and no larger than five acres. It does not promote strip commercialization.

And number five, the service area is generally considered as a surrounding area within a radius of two miles of the site, and no closer than four miles to the nearest commercially zoned site within the vested area.

The site is adequately buffered from surrounding residents.

And you're right, the number -- vested area two, which is also in this, it talks about the sections, 13, 14, 23 and 24, which is the Golden Gate subdivision, and that was between '67 and '70 with the settlement, and the property was vested, they got that letter.

By designating this area in the Comprehensive Plan as vested area two, the plan recognizes the property as an area of defined potential population growth located in a section of the county which is currently far removed from supportive services and facilities. It lies outside of the urban area and its expansion in terms of additional lands or dwelling units should and should be discouraged. Its existence will have no precedential value effect so far as justifying similar uses on surrounding or adjacent property.

The vested area two land use designation is limited to the area described above and shall not be available as a land use designation for any other property in the county.

The permitted uses are agricultural uses and related facilities. The residential uses, not to exceed two living levels in height and a maximum number of 2,100 dwelling units, neighborhood commercial uses and hotel/motel and transient lodging facilities, not to exceed 22 acres in size.

In going over and looking at this, here's what I kind of come up with. Orangetree is already okayed for 2,100 units. They wanted to add another 1,250. Today it was 1,050.

Orange Blossom Ranch has 1,600 units. You put those two together, which were in the original letter for the settlement, and you have 4,750 units within that area.

You have 60,000 square feet of neighborhood commercial, and I think our new regulations are 100, around that. And they fell far below that, 60,000 was fine on 22 acres. But Orange Blossom Ranch put in 44 acres with 200,000 square feet. So already in the vested area you have 66 acres.

Now you want to add 172,000 more in neighborhood commercial, bringing it to a total with the 60 of 232 square total feet (sic). You also want to add 11.3 acres and put 100,000 square feet into office, making it 33.3 acres, which is way against the settlement record, making a total of 332,000 square feet just for Orangetree as it is. And with the other 200,000, that gives you 532,000 square feet of office and commercial, and 4,750 dwelling units.

I am wondering how the utilities will take care of this. The roads have pretty much been put around there. But then you look at the area right around there, because they're talking about radiuses. You have the Miromar, which I believe is just kitty-corner from this, that's 20,000 square feet, tiny. But you have Randall Boulevard, which was approved for 425,000. That is a total of 977,000 square feet of office and commercial area. And then you can go within four miles and I believe the Golden Gate Center that was just approved for 150, you have over a million square feet.

This is excess. I mean, to me this is -- this is way above normal. I feel the county has paid their obligation, did what they were told to do. Mr. Bolt, to me, has the problem. Because if you write the state and tell them that you reduced that area and that really you already have 3,700 on there, I'm sure you would get a different answer now.

I even looked at another area similar to this, which was Heritage Bay, and they have 2,600, approximately, acres. Their total dwelling units is only 3,400. They have 73 acres of commercial, when this one has 77 within the Orangetree area. And their gross density is 1.3 per acre. And they only have 200,000 square feet of commercial.

To me this is excess way above and beyond. I feel that -- and it's all single-family in there now. I can see where the residents are very unhappy, because if you're in a single-family and all of a sudden you want to be putting in multi-family, I can see where people are very upset as to that.

I feel that the 1,600 dwelling units that Mr. Bolt gave Mr. Ryan or whatever his name is, the time to build, that more than satisfied the county's obligation, and everything should just be put to sleep at this point. Thank you.

CHAIRMAN STRAIN: I think that was a statement, not a question. So I know you were probably wondering what do I say.

MS. DESELEM: I was waiting for the question, but I never heard it.

CHAIRMAN STRAIN: I think the way Diane phrased it, it was more of a statement for the record than it was a question to you.

Is that right, Diane?

COMMISSIONER EBERT: Well, it was. But there are questions because there's conflicting things in here. They want to increase agricul -- none of the maps show the -- all the acreages change in here constantly. They said they want to add -- increase acreage by 67 acres, and it shows that the agriculture is only 67 acres in one of these maps. And I'm going, they keep moving the agriculture and the SP around. They just kind of keep changing things within that whole area. And that's --

MS. DESELEM: If I may attempt to address some of your concerns? I know it seems convoluted, because we have the agreement from way back when that seems to say this is it and you can't do any more. But yet we can because of the amendments that were passed for the rural settlement area, as Mark said, that clearly stated that we can increase it. There are no limitations. That 2,100 units and 22 acres of commercial is not the top end. They are allowed to come in and ask for more.

And I know that Ray Bellows worked on the Orange Blossom Ranch PUD and he went through the process with DCA and got a letter, a binding letter of interpretation from DCA saying that that one wasn't a DRI. I think he knows some detail of it but it would have to be taken off the top of his head but he may be able to respond in part.

And the applicant in this petition also went to DCA. And I believe in your packet you'll find a letter from DCA saying that it is not a DRI, that it satisfies all the state requirements, it's not in conflict with any state law. That brings it down to the local level.

It is consistent with the Growth Management Plan because of the changes that have been done to that settlement area where it allows them to seek increases. Then it becomes a matter of compatibility and whether it can meet concurrency later on.

The road issues have been evaluated as far as transportation. Utility issues have been and will continue to be evaluated. In any case, building permits will not be issued if any particular use can't have adequate facilities available to it. It just won't happen. That's how it's controlled later on.

That's why at the zoning process it's kind of hard to know all those things, especially when you have a project that's in excess of 2,000 acres. You know what's there now, but it's hard to guess what might occur elsewhere in the area in addition to or in spite of or instead of this.

So that's why we have a double check system where concurrency will kick in later and that ensures that adequate facilities will be available to serve the proposed uses.

And other than that, like I said, we continue to recommend that it be found consistent.



And I'm not a proponent for the applicant. It's his petition to convince you that it's wise and wonderful the way he's proposing it. And he may wish to respond to you as well, since a lot of it he might wish to respond to.

But that's all I can offer. If you have additional questions, I'd be happy to try to address them.

COMMISSIONER EBERT: No, I'm just looking at what it says in the vested areas and stuff, and they just seem to be going against what was in there.

MS. DESELEM: But we can because the settlement agreement was amended to allow that to be changed. And like Commissioner Stone (sic) stated earlier in that PUD that was adopted by settlement, I don't remember -- Stone, did I say Stone?

CHAIRMAN STRAIN: Wait a minute. You got somebody new on this board.

MS. DESELEM: It's that empty chair.

CHAIRMAN STRAIN: Kay, we've been working together all these years and you don't even know my name.

MS. DESELEM: That Commissioner Strain, corrected, had noted, that that amendment itself that was adopted by the settlement agreement allows for amendments to it. I don't remember the specific citation, but it is there within that PUD document that's part of that settlement agreement. So I think to us it's clear that they are allowed to make changes.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: In view of all that --

MS. DESELEM: His name is Strain, it really is.

COMMISSIONER BROUGHAM: Mr. Strain.

Kay, I understand what you -- I think I understand what you said, and I understood what Diane spoke about, because I had some of the same issues as I read through here. You know, it starts out as 21 all encompassing Orange Blossom Ranch and they split off and now we have 21 and we're going more and more and there's no limitation, there's no restriction against more.

What is the physical limit? I mean, is this the last -- since we can't discourage or prohibit, are we limited by the acres?

I mean, if you look forward into the future and there is no restriction against adding more and more dwelling units, is there ever any restriction outside of the acreage, per se?

I should probably know that answer too, but I don't.

MS. DESELEM: No, you can view it in several different ways. At some point they're going to propose a density, if they continue to ask for increased density, that may be determined to no longer be compatible, to be excessive and not in concert with what is approved in the area.

And again, like I said, concurrency will control a lot of it. If there's no traffic capacity, if there's no facility capacity, they can't go forward regardless of what they're approved for, as far as number of units or commercial square footage. It will be limited by other constraints.

COMMISSIONER BROUGHAM: So I guess theoretically down the road if this were to be approved and the single families were built and all the acres consumed, at a point in the future someone could say that didn't work too well so we're going to buy up all those single-family homes, we're going to come back through the process, we're going to clear them out and ask to build apartment complexes.

MS. DESELEM: Redevelopment is always the potential.

COMMISSIONER BROUGHAM: Okay, good. Just wondering where the limitation is. Doesn't seem to be any but --

CHAIRMAN STRAIN: The limitation is basically our Land Development Code and the creativity that's allowed by zoning and to a point where it becomes unrealistic for the compatibility requirements of the code. Meaning you can't have six-story buildings next to single-family homes, things like that. So that will -- and that is set up so the future can vary according to the needs.

And if someone comes in and buys up a whole village and bulldozes down the houses and decide they want to try to put something else there, they have a right to ask for it. But they don't necessarily need to get it if compatibility is not worked out.

MS. DESELEM: Most requests for amendments to PUD documents would require public hearings whereby it's just like this process, it's done through public hearings where it's advertised and people get the opportunity to

evaluate it and voice their opinions.

COMMISSIONER BROUGHAM: I'm good.

CHAIRMAN STRAIN: Anybody? Brad?

COMMISSIONER SCHIFFER: I have a question, it's actually for Rob, Bob Mulhere or maybe Burt.

CHAIRMAN STRAIN: Thank you, Kay, I think that's probably all we got.

COMMISSIONER SCHIFFER: Since you've gone through and you like clipped a bunch of the higher density residential lots, are you going to still be asking for the same amount of units?

MR. SAUNDERS: At this point, yes. We've dropped it down to 1,050. We think we can build that many even with the R-4 and R-3 being reduced to R-2 in the existing areas, even with the new access road.

We'll take a look at whether that's physically possible, but at this point, yes, we're requesting the 1,050 units.

COMMISSIONER SCHIFFER: So I think what that will mean is that the new R-3 area is going to have a lot more multi-family.

MR. SAUNDERS: No, the R-3 area will be R-2. That will permit some multi-family, but we're going to be limited in the number of units you can build there, just by virtue of the fact that it's R-2.

COMMISSIONER SCHIFFER: No, I meant the -- see up on the chart? You're keeping the easterly R-3, I believe. I didn't think you dropped that.

MR. SAUNDERS: That is correct.

MR. McLEAN: Again, Matt McLean for the record.

We have done some general preliminary designs on unit counts and such on that and we feel confident that we can -- you know, we're comfortable with the 1,050, even with the reductions that we've done today on laying lots out through the balance of the R-2 and R-3 sections at the core.

COMMISSIONER SCHIFFER: And the minimum 1,000 square foot unit?

MR. McLEAN: Correct, yes.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Anybody else?

Kay?

MS. DESELEM: Excuse me, if I may. For the record, Kay Deselem.

John Podczewinsky has some things that he needs to mention as well. So if you would allow him to speak.

CHAIRMAN STRAIN: Certainly. John?

MR. PODCZERWINSKY: Yes, sir. Just very briefly on the record, this is in response to one of the comments that I had received from my administrator before he had to leave our meeting today.

There is an absorption schedule for the development that's listed in the traffic study that talks about build-out percentages of the PUD as it evolves over time. My administrator had asked that I require that to be a stipulation in the PUD.

At this point the applicant and myself and other staff members will be working on that before it returns. I just wanted to make sure that we have it on the record that we are working on it together.

CHAIRMAN STRAIN: And that's a very good point, because the last two projects that came through, last three, including Tuscany and Heritage Bay, were requested to provide absorption schedules for future planning. They were estimates. They were not something that are going to bind your hands or requirements, they were just estimates. And they were done -- they were required for future planning purposes.

And I think that's a good move. And as long as the applicant has no problem with that, I would like to see that happen. If they do have a problem, we still would like to see it happen.

MR. MULHERE: Well, I do want to put on the record, if I could -- Bob Mulhere -- that we're happy to take a look at it.

My concern is exactly what you just said, we have an absorption schedule that is our best estimate. It's not -- doesn't push it to a shorter time period. But if the market is very strong in one five-year period and you can build twice as many units as you would typically be able to build because the market's there and you don't have concurrency issues, is there any reason we'd want somebody to have to wait another five years to build those just because --

CHAIRMAN STRAIN: That's not the purpose, Bob.

MR. MULHERE: Well, I'm hearing --

CHAIRMAN STRAIN: Bruce Anderson represented the other two projects where this issue came up. And

he phrased it in a manner that provided it. So you might want to get with Bruce and just -- and it's just -- it's a future planning tool that Nick had opined on it would be very useful for his department to have.

MR. MULHERE: I'm probably misunderstanding. We'll get it figured out.

CHAIRMAN STRAIN: And John, there's one other thing. One of the issues that Orangetree has had for a while from some of the residents there is that the children going to the north to get to the school have a difficult time in where they cross or how they cross Oil Well Road.

When you come back in a couple weeks when an applicant comes back, would you have the information as far as how crosswalks and lights and everything else is handled for that issue?

MR. PODCZERWINSKY: Yes, sir.

And I'll tell you now, it will be handled specifically as SDP, per the Land Development Code. But if there's a special provision that you'd like to see added now or to discuss with the applicant at this time, now would be a good time for us to --

CHAIRMAN STRAIN: I just want to make sure that if we need to address it, it's addressed. Because that is a concern. I knew that when the light goes in or an interchange goes in or intersection goes in, that something will be done. I'd just like to know what our standards are to make sure it is done.

MR. PODCZERWINSKY: Yes, sir, I'll take a look at it.

CHAIRMAN STRAIN: Thank you.

Anybody else have any questions of anybody at this point before we continue this one until -- well, Burt, do you have anything you wanted to say in closing?

MR. SAUNDERS: Mr. Chairman, I just want to thank you. And in reference to your last comment, I've already spoken to Mr. Lowitz about the school crossing issue. And we will work with staff to make sure that you have the most efficient access there for the schools.

CHAIRMAN STRAIN: Okay, this Board would entertain a recommendation to continue this item to our next regularly scheduled meeting or the one immediately thereafter, depending on how fast you can get your --

MR. SAUNDERS: What is the date of the next meeting?

CHAIRMAN STRAIN: The 20th.

MR. SAUNDERS: October 20th?

CHAIRMAN STRAIN: Yeah. The next one after that would be the first week in November.

MR. SAUNDERS: We will be ready on October 20th. I will meet with the homeowners next week on the internal security issue. We will get with Heidi Ashton and make sure that all these changes are taken care of. We'll do that early next week.

CHAIRMAN STRAIN: Is there a motion to allow the --

COMMISSIONER SCHIFFER: So moved.

CHAIRMAN STRAIN: Mr. Schiffer.

Seconded by --

COMMISSIONER AHERN: Second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Melissa. How's that? I heard her voice first. I was looking at you and heard her. All those in favor, signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. We'll continue to next meeting.

Okay, let's take a 10-minute break and then we'll wrap up when we get back. We'll resume at 4:03.

(A recess was taken.)

(At which time, Commissioner Ahern is absent.)

CHAIRMAN STRAIN: \*\*\*Okay, everybody, welcome back from break. We're going to try to wrap up. The last advertised public hearing is a boat dock petition that was continued from the last meeting. It's BDPL-2010-1473 266 Third Street West, lot eight.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission.

Anybody?

COMMISSIONER SCHIFFER: No ex parte.

CHAIRMAN STRAIN: No. None for me.

COMMISSIONER EBERT: No.

COMMISSIONER BROUGHAM: None.

CHAIRMAN STRAIN: Okay, thank you.

Sir, go ahead.

MR. TURLEY: For the record, I'm David Turley, and I'm returning to satisfy some comments that were asked of me at the last meeting.

One was I'm here representing Greg Orick, Naples Barge Rental in a petition to extend 25.5 feet beyond the allowed 20 feet for two boatlifts.

There was a question, I believe -- well, I'll let you go with the questions.

CHAIRMAN STRAIN: Oh, okay, you just want to have us ask questions.

Does anybody have any questions on this application?

COMMISSIONER SCHIFFER: I do, Mark.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER SCHIFFER: I guess what it was, we were looking for -- to get some soundings, some depths underneath the boats area. But did you get that? I mean, the drawing --

MR. TURLEY: Yes, I did. It should have been. I thought it was -- might have been submitted. I have -- here, this is bigger.

COMMISSIONER SCHIFFER: Anyway, I guess, you know, the question I had is that it's the -- it's actually the same drawing you showed us last time.

MR. TURLEY: Yes, it is. Except actually this one has a boat drawn in it and it has the water depths.

COMMISSIONER SCHIFFER: Yes, it does have a boat. Does have some more depths.

Okay, we'll go with that. That's -- the other question is in the affidavit it states, and at the end he says that he's aware of the fact that they're going to comply with the Land Development Code and that the rental of boat slips are strictly prohibited.

MR. TURLEY: That's correct.

COMMISSIONER SCHIFFER: But the concern we also had was that he would be renting the boats themselves.

MR. TURLEY: No, no. This is noncommercial, strictly noncommercial.

COMMISSIONER SCHIFFER: Right. And that's what we want it to be. But the concern is the way he worded it, it just -- you know, he worded it that it's the rental of the boat slips, not the rental of --

MR. TURLEY: Excuse me, I'm sorry, that was -- I put that in there that he could not rent either slip. That the vessel occupying those slips had to be in his name. And that's the way I understand it's been for quite a while.

COMMISSIONER SCHIFFER: Okay. But he couldn't rent it to me to go take the boat out.

MR. TURLEY: No. That would be considered commercial.

COMMISSIONER SCHIFFER: Okay. I mean, if everybody, code enforcement would be comfortable with that, I'm good with it.

CHAIRMAN STRAIN: Any other questions?

COMMISSIONER BROUGHAM: Mark, I have some questions, but now I'm not sure whether the questions were covered in the previous hearing or not.

CHAIRMAN STRAIN: Well, you weren't here so it doesn't matter. So you can ask them.

COMMISSIONER BROUGHAM: Okay, fine, fire away.

The first one I had is on your affidavit. You're referring to requirements of Section 2.6.21 of the LDC. And further on we have references to 5.03.06. And I'm not -- I get -- trying to figure out which is the applicable.

MR. TURLEY: The 5.03.06 is basically for commercial multi-family marinas where you have to abide to a Manatee -- standard Manatee Protection Plan.

And the other was rezoning of these boat dock lots back in 1999 -- actually the north side of the road was done in '88. Let me find my paper -- '88. And this was rezoned again in -- there's a -- setbacks were changed in Resolution 2000-51 for that particular project. And I believe it references -- is that 91? That's the wrong one. Bear with me. Where's my staff report?

COMMISSIONER BROUGHAM: It may be more of a question for staff after I look at where I've --

MR. TURLEY: The resolution -- oh, here it is. The rezoning for that particular side, Block H, was in number 99-236, to make those boat dock lots.

COMMISSIONER BROUGHAM: Okay.

MR. TURLEY: And then in 2000 there was another resolution minimizing the seven and a half foot setbacks to zero setbacks because of the size of the lot and allowing for two boats for a single-family residence.

COMMISSIONER BROUGHAM: The reason I bring that up is on Page 4 of 7 of staff comments they say it has been reviewed in accordance with Section 5.03.06 and finds the following. That's sort of where I hung my hat.

And if that's not appropriate, I don't understand why it's in there, but --

MR. TURLEY: Probably because it said Naples Barge Rental and a commercial entity. Could be.

COMMISSIONER BROUGHAM: Ray, can you help me with that?

MR. BELLOWS: Section 5.03.06 of the Land Development Code contains the provisions for dock extensions for all types of docks. And within there there's different types of docks that are -- whether it's multi-family or single-family or commercial.

COMMISSIONER BROUGHAM: Okay. So on Page 4 of 7 where you say you have -- your staff has reviewed in accordance with 5.03.06 --

MR. BELLOWS: That's the general category.

COMMISSIONER BROUGHAM: Okay.

MR. BELLOWS: Yeah, that's the general category.

COMMISSIONER BROUGHAM: All right. So on the affidavit where it says comply with the requirements of Section 2.6.21, all I'm trying to look for is the linkage between what I perceive to be two sections of the LDC.

CHAIRMAN STRAIN: Ray, this one was a boat dock extension, so isn't it supposed to go by 99-236, the others that refer to the old LDC language?

And that may be where the discrepancy is. We have two LDC's. One was repealed and replaced in '04. So the reference to the 2.06.21 sections, and I have those, those are from the old LDC, 91-102. And when we repealed it in 04-42 with the new number, 04-42, we changed the numbers. That may be part of the confusion.

MR. BELLOWS: Yes, I'm trying to find where it says the old language.

CHAIRMAN STRAIN: I've got all that in these documents in front of me.

MR. TURLEY: That was probably my fault. When I started digging for information, I don't completely read it 100 percent and it was a resolution, and I just happened --

COMMISSIONER BROUGHAM: Well, if staff's okay with it. I'm looking at an affidavit dated September 16 --

MR. BELLOWS: Yeah, it just appears we got a reference to an old LDC section. But it's basically the same language.

COMMISSIONER BROUGHAM: All right. I trust you, I guess, because I don't have the old.

Now, I have some other questions here further on in the staff report, if appropriate.

CHAIRMAN STRAIN: Well, we have the applicant now, so if there are questions involving the applicant, we should ask him first, then we'll go to the staff report.

Do you have any others of the applicant, Phil?

COMMISSIONER BROUGHAM: No.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER SCHIFFER: Well, I'm just -- the concern we had last time is we tried -- you were trying to push the thing in and you had these little wings on it that was holding the boat back. The elevations in the --

underneath the boat, you're not really giving us any.

MR. TURLEY: Well, on the drawing, Brad, in the front of the -- unfortunately the surveyor had to offset all measurements. But to the west or to the left of the smaller boatlift you have the measurements at the head of the slip is -1.57 feet. At the beam or at the start of the lift it's -2.86. About in the center it's a -3.93. And in the back it drops off. This is a dredged trench, it drops back to 5.89. And then it starts to come back up to the --

COMMISSIONER SCHIFFER: Right. And I guess what you're saying is that -- because remember we were looking at the section and it looked like you had enough water at just about where that wing system comes back onto the four-foot wide dock.

MR. TURLEY: Right. I went back to the surveyor and I kind of let him know that unfortunately he did not draw that particularly to scale. He tried to reference it with the various points on the dock. And he said if he tried to draw it out, lengthen it, it would be a real long piece of paper.

And I had another survey he had done that had an offset five feet vertically -- or five feet horizontally, 10 feet vertically. And that would really have been confusing if I'd have submitted it to you all. Mark probably would have been able to make drift of it, but I'll tell you what, I didn't like it because I was going to submit it to the state for a rip-rap permit.

COMMISSIONER SCHIFFER: But the concern is looking at the thing and forgetting the fact that it's not to scale, it does appear that at the lift you have quite a bit of water. And we try to keep everybody about four feet, that's been our guideline. And you're down, you know, five, six feet at that point where the lift is.

MR. TURLEY: In that situation it was a dredged trench. If you notice how quickly it drops off on the actual topo, not the bathymetric -- I got that in there someplace -- I had these all nice and neat a little while ago. That didn't work.

If you notice, up at the top of the bank -- or actually the top of the property line, you have a 4.37 -- 3.4. And this has been used as a boat ramp for over 30 years or longer. Everything's been pushed down in the water. And I have some pictures of that as well. That it's really gradual. It's going from -- in the center of the lot from 2.88 and then you're getting down to mean high water, which is probably only about another seven feet. That's a 1.4. And then you're going probably close to 10 feet out to come to a positive .21. And then another five feet of negative .40. So it's just a situation where everything has been sloughed in and then it just drops off drastically.

And my 20 feet is just about to the angled portion of what I was calling the bow access area. That is 20 feet. And it's still very shallow there. It's less than a foot deep.

If we go back to the screen, I can show you pretty much what I'm talking about. Fifteen feet from mean high water to the -- this bow access where it starts coming out, it's -.40. So you're looking at five inches. And then approximately halfway between the back of it and let's say the angle you have a -1.57. So you just divide it in half. We're going to be looking at 10 inches of water, eight-tenths.

COMMISSIONER SCHIFFER: Okay. All right.

MR. TURLEY: So all this is -- this winged area is high and dry, with the exception of the actual dredged area -- that's how that bank sits, that dredged area sits. And that's the acceptable water depth.

COMMISSIONER SCHIFFER: You ginned me out. I'm fine, we'll go with it.

Mark, done.

CHAIRMAN STRAIN: Anybody else? Phil?

COMMISSIONER BROUGHAM: Just one more.

Is there an existing boat dock there today?

MR. TURLEY: No, there isn't. It was taken out -- oh, when was it, around the first of January this year.

COMMISSIONER BROUGHAM: Okay, that explains it.

MR. TURLEY: Yeah. Originally, see, I started this over a year ago. And it was --

COMMISSIONER BROUGHAM: I got a look-see at the appraiser's GIS of that area. Shows a boat dock and a boat sitting there.

Okay, thank you.

MR. TURLEY: Well, this past appraiser's aerial on that shows a 43-foot boathouse.

COMMISSIONER BROUGHAM: I understand that.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I have a couple questions.

The aerial that's on Page 3 of 7, could you put the aerial on the overhead, Ray?

That little yellow spot in the center is the lot you're talking about. And if you look at it there's a huge boat there right now.

COMMISSIONER BROUGHAM: That's what I was referring to.

CHAIRMAN STRAIN: Whose boat is that?

MR. TURLEY: Well, we never really did figure out whose boat that was. The lot belongs to a Donald Chu (phonetic) Trust.

Now, I don't know. These two dock areas or these lots have been used by commercial fishermen during run season for the last -- since that thing was put in.

CHAIRMAN STRAIN: Okay. But that boat there is longer than what the dock probably accommodates. It's over the setback, which probably when the dock was permitted didn't allow that to happen. I'm just wondering how it got there. And it's a pretty large boat.

But it also shows that your boat can be docked right up to the property line. And I don't see a survey of where the mangroves are. But yet I notice in the requirements, in the primary and secondary criteria, the basis for the criteria, and it says criteria met. According to the petitioner's application there are existing mangroves along the shoreline and water depth at the site is not adequate to accommodate the 25-foot vessel described in the petitioner's application without an extension.

In the past we've requested these mangrove lines to be surveyed. So if that's a defense that you're using, we can actually see where the mangroves are.

Do you have anything that shows us where those mangroves are? Because this doesn't look like you got a problem with mangroves.

MR. TURLEY: I have pictures. But these mangroves, there's quite a bit of canopy there. And that one you can't see it because the guy came in and cut out that mangrove canopy so he could get his boat up in there.

CHAIRMAN STRAIN: Well, that's a -- you can't cut mangroves, can you?

MR. TURLEY: Oh, no, absolutely not. Well, you can get a permit to trim 25 percent from the DEP. It's an ongoing type of permit.

But this guy, whoever brought that houseboat in, like I say, I don't have a clue. He was kind of homeless, because it looked pretty rough. He had defoliated that lot, which was then lot number seven.

MR. BELLOWS: It's no longer there though. Is that boat there still?

MR. TURLEY: No, no. That boat probably disappeared, oh, I'd say I think in April, March or April.

CHAIRMAN STRAIN: Did you survey the mangroves and supply us with a survey of the mangroves?

MR. TURLEY: Well, it was a vague survey that -- this is -- let me back up. The only thing that the surveyors provided to me was the canopy of the mangroves, the upland canopy.

CHAIRMAN STRAIN: So that doesn't provide any kind of use for you in arguing that you need an extension. So the mangroves don't seem to be a reason as a need for the extension. Is that a fair assumption, based on what I've just seen on that picture?

MR. TURLEY: In -- I wish I had -- I tried to print up some quick past aerials the last few years.

CHAIRMAN STRAIN: That wouldn't help us though because the aerials wouldn't show your property line. So we need -- in the past when the mangroves have been in our criteria for someone to ask for an extension, they've actually brought in a surveyor's notation showing where the mangroves approximately extend to. In this case we don't have that information.

MR. TURLEY: I do have -- and this is post trimming. This is a picture I took not too long ago. This is that area where the houseboat was. This is mean high water, which is about four feet back from the platted property line. The edge of these mangroves exceed over 15 feet, or actually to the side of the walkway that's going to extend out.

CHAIRMAN STRAIN: Do you happen to have -- any of your plans show accurately where the docks on both sides of you are located in relationship to their water-ward extension?

You're asking for 45 feet. Do your neighbors need 45 feet? Have they used 45 feet?

MR. TURLEY: The neighbor to the west has extended out 40 feet. I have a -- I thought you may be asking similar to that. This is an aerial showing these docks in line. This particular dock is out 50 feet from mean high water. This one is out 38 feet. This is a 2007 aerial. And you can see the canopy of the mangroves extending out.



CHAIRMAN STRAIN: Which lot is the one that you're dealing with?

MR. TURLEY: This is the lot I'm dealing with. Unfortunately the property appraiser's aerial doesn't plat it out right. But right here's -- and a canopy of the mangroves were out there quite a ways, this one especially.

This dock here is 43. And the best I could measure, this dock here is 48 feet from mean high water. And that's 40 feet. That's just going from the property appraiser's aerial and their measurement device.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: Mark, question?

CHAIRMAN STRAIN: Yes, sir, Brad?

COMMISSIONER SCHIFFER: Where's the boat ramp in relation to this picture?

MR. TURLEY: The boat ramp is right here. It's just to the west of this particular dock. That's the boat ramp. And a lot of the aerials will show that. I have another aerial in which there are a couple of fishing boats. This is a 2005 aerial. There are a couple mullet skiffs there on both sides.

Right here, that's the dock in question. And that's the ramp in front of this skiff that had been launched there. It's gravel, shell, it's just whatever's been pushed down in the water over the years.

CHAIRMAN STRAIN: Okay? Brad, is that the only question?

COMMISSIONER SCHIFFER: Well, I'm just -- it really would be nice to see on that how far out this layout's going. I mean, one of the problems we have is we normally have a lot of examples of adjoining docks and drawings and photographs of the CAD work, you know, with the CAD on top, you know. This application we're just not getting.

MR. TURLEY: This? This --

COMMISSIONER SCHIFFER: And then I guess --

MR. TURLEY: That depicts the ramp right there. And it runs, you can see how far. It does run down --

CHAIRMAN STRAIN: Where's your property, the property that you're dealing with?

MR. TURLEY: This is the east property line. West property line is in these mangroves.

CHAIRMAN STRAIN: Well, where's the mangroves that you're needing the extension for? This is kind of like showing just the opposite. You've got a pretty clear shot at the water there.

MR. TURLEY: Well, that's the open area. That's only about 12 feet wide.

CHAIRMAN STRAIN: Well, if the east side is on the left and the west side is on the right, how can you be much further --

COMMISSIONER SCHIFFER: And the other thing you said is that the dock was to the east of the ramp. So that means it would be coming out right through that -- those are pretty tall skinny mangroves.

MR. TURLEY: That was defoliated for that boat to come in. Because I told the owner, I said you're going to get in trouble trimming these. He said, I didn't touch it, that guy. He just pointed his fingers like -- and I don't think he actually knew who.

CHAIRMAN STRAIN: So your proposed lot lies between the stake on the left with the flag on it and the boat on the right; is that correct?

MR. TURLEY: That's correct. I have a --

CHAIRMAN STRAIN: Wow.

COMMISSIONER SCHIFFER: And the other concern I have is that you show that you want at least gravel, I don't know if it's paved, at least 28 feet of that area. And why would you need three cars being able to park there?

MR. TURLEY: Three?

COMMISSIONER SCHIFFER: Well, yeah, nine, nine, nine.

MR. TURLEY: Two. The walkway's going to come halfway in that --

COMMISSIONER SCHIFFER: Walkway from where?

MR. TURLEY: On that dock. In my survey site plan, you can see where the end of the walkway is, just about in the middle of that lot. So you're going to be able to park on one side or the other without parking in the easement. Which I know everybody does on that street anyway. But that was the initial idea, not to.

CHAIRMAN STRAIN: Okay, any -- Brad, did you finish your question?

COMMISSIONER SCHIFFER: Yeah, this the second time I finished it.

COMMISSIONER BROUGHAM: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER BROUGHAM: Leave this picture up, if you would, sir.

CHAIRMAN STRAIN: You mean the one that's up?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Yeah, okay.

COMMISSIONER BROUGHAM: I thought I was following this. Now I'm not at all sure. If I look straight ahead, you've got what you call the mangroves.

MR. TURLEY: Yes.

COMMISSIONER BROUGHAM: And they trimmed the mangroves.

MR. TURLEY: They've been trimmed seriously.

COMMISSIONER BROUGHAM: And if this drawing depicts, where would the walkway to your proposed dock go? Right through --

MR. TURLEY: It would be right at the edge -- right at this edge of the mangroves. I mean, right at the edge. And then it extends five feet to the west.

COMMISSIONER BROUGHAM: So you really won't have any boat ramp, quote, unquote.

MR. TURLEY: No. This is going to get rip-rapped. I have a permit to rip-rap it. I got it from the state.

COMMISSIONER BROUGHAM: The way I was looking at that, the walkway would be going right through the skinny little mangroves. But okay. So you're basically not going to have a ramp.

MR. TURLEY: No, absolutely not. This is what we're trying to do, protect that bank by putting a rip-rap in and trying to plant and propagate those mangroves in that rip-rap. And I know I have a --

COMMISSIONER SCHIFFER: Mark, let me ask.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Bill, you're -- glad you're here today. Is that a mangrove? Does that look like any mangrove?

COMMISSIONER BROUGHAM: Whatever, but no. Maybe it used to be when it was young --

COMMISSIONER SCHIFFER: Yeah, I mean, unless there's a species called shack --

CHAIRMAN STRAIN: You guys have to stop talking out of turn, please. She's trying to type and she's looking frantically.

Mr. Lorenz?

(Speaker was duly sworn.)

MR. LORENZ: Yes. Chris D'Arco here is the environmental specialist who is doing the review. I'll have him answer the question for you, Brad.

COMMISSIONER SCHIFFER: Okay, thanks.

MR. D'ARCO: Good afternoon.

I was not on site, I'm covering this for Summer Araque. But by looking at the photograph, it does look like a mangrove tree.

CHAIRMAN STRAIN: Thank you.

Okay, does anybody else have any questions?

Go ahead, Ms. Homiak.

COMMISSIONER HOMIAK: So you're going to leave those wings in there?

MR. TURLEY: Yes, ma'am.

COMMISSIONER HOMIAK: How's the boat going to launch?

COMMISSIONER SCHIFFER: It's not.

MR. TURLEY: The boat will be on boatlifts, and that will be the access to get to the bow of the boat --

COMMISSIONER HOMIAK: To get it into the water, how are you going to get in --

CHAIRMAN STRAIN: They're not launching here. They go to a marina and once they're in the water that's not -- he's going to rip-rap all that, that's not a boat launch.

COMMISSIONER HOMIAK: It's going to be rip-rap there?

The old boat launch. That's where you launched the boat before, right, with that driveway looking --

MR. TURLEY: That's where some of the locals and fishermen from Fantasy -- and I've known some of them, unfortunately.

MR. BELLOWS: I think the question is once this dock is -- if it's approved and installed, the boat ramp will

not be usable anymore.

MR. TURLEY: Absolutely.

COMMISSIONER HOMIAK: Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, thank you. We'll go to staff report.

Mike, come on up. You're not a shy person.

MR. SAWYER: Good afternoon. For the record, Mike Sawyer with Growth Management Zoning Services. Between the last meeting we did receive a letter of objection. It was due to the business, Naples Barge, being

listed as the owner of the property.

CHAIRMAN STRAIN: Are they the owner of the property?

MR. SAWYER: Naples Barge is listed as the owner of the property, yes.

CHAIRMAN STRAIN: What's the objection? I don't understand.

MR. SAWYER: They're objecting to it being a business use.

CHAIRMAN STRAIN: The ownership --

MR. SAWYER: Perceived --

CHAIRMAN STRAIN: -- of the property -- someone suspects because a company owns it it's a business use?

MR. SAWYER: Exactly, yes.

CHAIRMAN STRAIN: Now I understand, thank you.

MR. SAWYER: We did provide some additional information as a follow-up to the previous meeting. The affidavit that was mentioned, which does in fact have the old 2.6.21 LDC reference, that's the old code before codification.

CHAIRMAN STRAIN: But see, the problem I think there is, is resolution 99-236 says the following: All boat docks erected on the subject lot shall comply with the requirements of Section 2.6.21 of the Land Development Code.

Now, it doesn't say as amended or it changes in the future, it just says 2.6.21 of the Land Development Code. And I'm just -- that is different than what we normally see when you can refer to a section of the LDC and as it's updated you get the updated benefit.

I'll probably ask Heidi if there's an issue there. But she's busy with Ray.

Heidi, that resolution or that I just -- the section I just read does not have an as amended, it's Resolution 99-236. Is an amendment automatically assumed or does it have to say as amended, as we've had language in PUD's with the same kind of references? But some have said as amended and some haven't. And some of the applicants have argued when it doesn't it locks it into the standards at the time.

What is this?

MS. ASHTON-CICKO: Well, the better drafting would have been to say or, you know, as amended from time to time. And staff is telling me that they're -- that they've interpreted those resolutions historically to mean it meant the current boat dock standards.

So to be consistent they've interpreted it to mean the 5.03.06 standards.

CHAIRMAN STRAIN: I just want to make sure we're consistent. If that's the way staff's interpreting them, I have no problem --

MR. BELLOWS: That's correct. The same discussion came up on the previous boat dock extension in this area, and that's the conclusion reached at that time too.

CHAIRMAN STRAIN: It will probably come up again. It's hard to remember all these things.

Thank you, Heidi.

Any questions -- was that your presentation?

MR. SAWYER: That was it.

CHAIRMAN STRAIN: Okay, any questions of Mike?

(No response.)

CHAIRMAN STRAIN: Mike, this issue, I have two issues that concern me. Mangroves weren't proven and by the photographs doesn't appear to be a reason for an extension need. Doesn't seem there's anything that's shown in

the canopy over the water, and the pictures clearly show clear access without disturbing mangroves. Plus they seem to be back by the shoreline.

The other thing that bothers me is there's no reference to how this overlays to the other docks in the area. We generally see that on all the applications so we get a gist of where the reality is for water depths and things like that, including not only the surveys but also how the other boat docks have fit in.

I notice the write-up for the staff comments in the secondary and primary criteria note that the mangroves are part of the reason for the meeting of the criteria. You still feel that's a comfortable position to take after seeing or hearing what we don't have in regards to evidence?

MR. SAWYER: As far as is it a great reason? I would say no. Is it a somewhat weak reason? Yes. Is it a primary reason for the need to go out as far as they're proposing to do? No. But it is a consideration. Because certainly we want to keep the mangroves that are there. And I believe the application pointed out more of the condition where they wanted to avoid further damage to the mangroves.

Again, bit of a stretch, but we tend to try and be as careful as we can when it comes to mangroves.

CHAIRMAN STRAIN: Thank you.

Anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Thank you, Mike, appreciate it.

Anything else? Anybody else have any other questions or comments?

(No response.)

CHAIRMAN STRAIN: Okay, I certainly don't see any public here to -- different than the first one we had. Is there anybody wish to make a motion? Don't all jump at the plate at once.

Ray, you want to make a motion, go right ahead.

MR. BELLOWS: Just I wanted to make a -- clarify a point on -- and I think it's a good point that you made about whether this is in regard to the secondary criteria number one.

CHAIRMAN STRAIN: And primary criteria as well.

MR. BELLOWS: I think that we should revise that staff finding to say that it doesn't appear to protrude approximately 12 feet into the waterway. And, you know, I'm almost willing to say that the criterion has not been met but they still meet the other criterions which qualify for recommending approval.

CHAIRMAN STRAIN: Okay. And that's kind of why I asked the question.

But if you have to have four out of the six of the secondary criteria, number one is dismissed, number two is not applicable. And let's see, and number six is not applicable --

MR. BELLOWS: We would still say it meets the criteria, though.

CHAIRMAN STRAIN: It meets -- well, what meets criteria?

MR. BELLOWS: Well, you don't say it doesn't meet criteria, so --

CHAIRMAN STRAIN: Okay, let's start -- is the criterion met for number one?

MR. BELLOWS: I would say based on the recent photographs, I would say no.

CHAIRMAN STRAIN: Okay. Is the criteria met for number three?

MR. BELLOWS: Well, it's not applicable in this case, but it shouldn't count against the applicant in meeting the --

CHAIRMAN STRAIN: Okay. Well, my concern is if it doesn't count against him and he's got to meet four out of the six, but some don't count against him, how does he meet the one that counts against in order to qualify for the four?

MR. BELLOWS: He's not inconsistent with it.

CHAIRMAN STRAIN: That's not my question. Let me read what it says: It must be determined that at least four of the five primary criteria or four of the six secondary criteria have been met.

So let me rephrase my question. Has he met the criteria of number one?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Has he met the criteria number five -- number three, I'm sorry.

MR. BELLOWS: No, because it's not applicable.

CHAIRMAN STRAIN: Has he met the criteria number six?

MR. BELLOWS: That's not applicable.

CHAIRMAN STRAIN: Okay. That's my concern. If you take out the mangrove issue, what do we end up with? Do we end up enough?

And I guess maybe the County Attorney needs to opine on it. But do we -- because criteria are not applicable or they're not subject to the -- like number six says criterion met. Then it says the proposed facility consists of two boat slips and therefore is not subject to the provisions of this section.

So does that -- I guess he meets -- doesn't --

MR. BELLOWS: I think historically we've said if it's not applicable it's still -- the criterion is met. That's historically how we've interpreted it.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Comment on that comment.

Then why wouldn't you revise for the future and clarify that particular condition if it's encountered in the future?

CHAIRMAN STRAIN: Oh, you cannot believe how many times we tried to get that done, and they're still working on that, yeah.

Ray, we've -- Phil, we have numerous times commented about the -- and the County Attorney's Office has equally commented that this criteria are badly outdated. But we just haven't had the time to get them into an LDC amendment to make the change. And I think that's still on staff's plate to do at some point.

MR. BELLOWS: Yeah, and there's a lot of other alternatives to some things in regard to some people think it's like a point system or whether it's general guidelines or whether this could be done administratively. There's a lot of ways to -- or look at percentages of -- if you exceed a certain amount of distance greater than 20 feet, as long as there's certain conditions met then you can do it administratively, but if you go out further distance, then those always require a more stringent review.

There are a lot of different options we were studying. But as you noted, we just didn't have time to really do an LDC amendment. But we are now starting new amendment cycles and we can look at this.

CHAIRMAN STRAIN: Okay, Brad?

COMMISSIONER SCHIFFER: Phil, for the new, if you read it it doesn't say that if you meet these criteria you get it, it says in order to be approved. So this threshold means that if you don't meet the threshold you can't consider approving it. But it doesn't tell you you have to approve it. That's the controversial part of the way this is written too.

MS. ASHTON-CICKO: That's how we've interpreted it, that you can't approve it unless you meet those criteria, but you don't have to approve it. Because there can always be health, safety and welfare reasons that require you deny --

CHAIRMAN STRAIN: So if the applicant can't meet some of the criteria because they're not applicable, in this case out of the secondary we have four that can apply to this site, of the four one of them doesn't -- is not -- the criterion is not met. So that means he meets the criteria of three. What are we allowed to do at this point?

MS. ASHTON-CICKO: Well, I think the whole point of number three is does it have an adverse effect on navigation. And don't think you can say it has an adverse effect on navigation. I mean, it does refer to marked channels and so forth, but I would read that broadly as to adverse effect on navigation.

CHAIRMAN STRAIN: Number three, where are you -- no, no, I'm talking about secondary criteria --

MS. ASHTON-CICKO: The primary criteria number --

CHAIRMAN STRAIN: No, secondary. In the secondary they have to meet four of the six. Two of the six are disqualified for not applicable to this site. Number one has been found to be not met. So that leaves three met. What are we allowed to do?

Brad?

COMMISSIONER SCHIFFER: My guess, I think in the past if it doesn't apply we've given it to them as being met --

MS. ASHTON-CICKO: Yeah, you have not held it against them --

COMMISSIONER SCHIFFER: It's met by not having --

CHAIRMAN STRAIN: Just want to make sure we're right. But no one's making a motion. Does anybody wish to make a motion?

Barry?

COMMISSIONER KLEIN: I'll make the motion that we --

CHAIRMAN STRAIN: You've got to use your mic, sir. Cherie's going to get really upset.

COMMISSIONER KLEIN: I don't have the number in front of me or anything, but I --

CHAIRMAN STRAIN: BDPL-2010-1473.

COMMISSIONER KLEIN: Yeah. And I move that we grant his request.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded.

Discussion?

COMMISSIONER BROUGHAM: Yes.

CHAIRMAN STRAIN: Go ahead, Phil.

COMMISSIONER BROUGHAM: First time out of the box. But this whole presentation has been very poorly handled, in my opinion. It's poorly organized. I wasn't here for the first time. It's confusing. Staff comments and what I see written material in front of me are contradictory and confusing. It wasn't a good application as far as I was concerned.

CHAIRMAN STRAIN: Right. And I don't think I disagree with you a bit. But through the process of the application we've got to decide whether or not the criteria have been met. And the motion has been made to recommend approval because even though it took an unusual effort to get there, looks like the criteria may be considered to have been met, based on the County Attorney's findings that even though some of the secondary don't apply they're still considered valid in regards to meeting the need.

So with that in mind, unless someone knows why they -- specific reasons to turn it down when they can state them for the record, we may be heading down a path of approval. So Brad?

COMMISSIONER SCHIFFER: And I just want to say, Phil, I agree with you, this is -- that's why we brought it back, because we were trying to get more information. It didn't happen. So it doesn't quite meet it. But again, being in the district and knowing that area, I think this is going to be okay. I really don't want to vote for it because of the fact it wasn't there, but I'm going to support it because my leap of faith and my analysis of the thing, I think he's probably right that -- could he move it in a couple feet further? Probably. But the motion wasn't for less.

One thing, Phil, by the way, this is the only thing the Planning Commission does that's a final judgment. It doesn't go to the Commission unless he would appeal with us denying it. So this is our big moment in making a final decision for Collier County.

COMMISSIONER KLEIN: I share the same sentiments, and that's why I made the motion.

CHAIRMAN STRAIN: As far as my part of the discussion, this is another difficult application for boat docks. Second time you've come to one where we've had a problem. I remember the first time.

COMMISSIONER KLEIN: Yeah, Hickory Harbor was interesting.

CHAIRMAN STRAIN: And, you know, the only saving grace in this one is it's a boat dock lot and the criteria -- it's a little different in regards to how it fits, and it's set into a large body of water, so it makes it a little easier to kind of forgive some of the mistakes that appear to have been made.

But you keep doing this, it's going to be harder and harder to get through the system. And you ought to try to fix it next time you come around, so --

MR. TURLEY: Could I make one brief statement? On secondary criteria one, originally -- I probably typed up this application I don't know how many different times and spelled it out. The mangroves wouldn't be a factor but the fact is the size of the lot and with the dimensions of the docks on both sides, that it would be very difficult to moor a vessel in there with a dock that's parallel with the property instead of perpendicular.

CHAIRMAN STRAIN: And we understand that. We're not trying -- your length is what I think became the question, reasoning for the length. That's the only issue. And this is discussion for the motion, not necessarily interaction for the applicant. So let us finish our discussion and have our vote.

Anybody else got anything to say?

(No response.)

CHAIRMAN STRAIN: If not, I'll call for the vote. All those in favor of the motion, signify by saying aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER EBERT: Aye.  
COMMISSIONER KLEIN: Aye.  
COMMISSIONER BROUGHAM: Aye.  
CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. We're running out of people here today. Thank you.

COMMISSIONER SCHIFFER: Mark, can I say something?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: David, there are a lot of people suspicious of this guy. Be careful that he's not renting boats and stuff, okay?

I mean, it's fair for us to accuse him --

MR. TURLEY: He's not. He's my godson.

COMMISSIONER SCHIFFER: But the thing to me is a guy that works on barges all day, why he would take a boat out on the weekend seems strange to me, so -- but my suspicions are uncalled for.

MR. TURLEY: He actually owns Greg Orick Marine Construction. He has another barge for that one. This one was his father's original barge, and he was having difficulty selling it so he figured well, I'll start another company, call it Napies Barge Rental.

Well, it turns out that he's been using it to haul material. There's a long story but it's -- he tried to sell it to the county, I think.

COMMISSIONER SCHIFFER: All right, thank you.

MR. TURLEY: Thank you very much.

CHAIRMAN STRAIN: Appreciate it.

\*\*Okay, that wraps up the public hearings. Old business. Both items -- let's see, we've continued the Watershed Management Plan till the next meeting, Ray? And from there it will be continued, what, again and again and again.

Master mobility we heard this morning. That's it for old.

\*\*\*New business is election of officers for the upcoming year for the Planning Commission.

COMMISSIONER SCHIFFER: I'll make a motion.

CHAIRMAN STRAIN: Mr. Schiffer?

COMMISSIONER SCHIFFER: I move that we elect Mark Strain as president and allow him to pick his secretary.

COMMISSIONER KLEIN: Second.

COMMISSIONER EBERT: I second.

CHAIRMAN STRAIN: Well, thank you. I'll accept. And I had an interesting thought come to mind. And first of all, Ms. Homiak is doing a great job as position of secretary, so I'd like to see that remain.

Ms. Caron had done an excellent job as vice chair but she's not here anymore. And since Melissa Ahern is not here, I'd like to nominate her for vice chair.

COMMISSIONER EBERT: Melissa?

CHAIRMAN STRAIN: Melissa, yeah.

COMMISSIONER BROUGHAM: Is that the criteria for the future?

CHAIRMAN STRAIN: No, but I'd like to surprise her with that when she shows up again.

Everybody --

COMMISSIONER SCHIFFER: That's fine. It's your call.

CHAIRMAN STRAIN: Everybody -- it's my call, then we're good to go. And I appreciate all of you for the support for the next coming year.

And one of the reasons I suggested Melissa is that she just got reelected for a new term, so she will be here for an extended amount of time in case I'm not. And this next year coming up it will be possibly my last year here with this Board. So I want to make sure that someone is in a chair who is going to be here for a length of time and can sit close enough to see what's happening and continue on when I leave, if that's the way the Board sees it.

So thank you, Brad.



COMMISSIONER SCHIFFER: Now, a good Chairman would actually call a vote.  
 CHAIRMAN STRAIN: I'm sorry. All those in favor, signify by saying aye.  
 COMMISSIONER HOMIAK: Aye.  
 COMMISSIONER SCHIFFER: Aye.  
 COMMISSIONER EBERT: Aye.  
 COMMISSIONER KLEIN: Aye.  
 COMMISSIONER BROUGHAM: Aye.  
 CHAIRMAN STRAIN: Aye.  
 Anybody opposed?  
 (No response.)  
 CHAIRMAN STRAIN: Motion carries 6-0.  
 I'm glad you reminded me, Brad, thank you.  
 I'll let staff break the sad news to Melissa when they see her.  
 Any other business?  
 \*\*\*Public comment?  
 (No response.)  
 CHAIRMAN STRAIN: With that, a motion to adjourn.  
 COMMISSIONER EBERT: Make a motion to adjourn.  
 CHAIRMAN STRAIN: So moved by Ms. Ebert, second by --  
 COMMISSIONER KLEIN: (Indicating.)  
 CHAIRMAN STRAIN: -- Barry.  
 All in favor?  
 COMMISSIONER HOMIAK: Aye.  
 COMMISSIONER SCHIFFER: Aye.  
 COMMISSIONER EBERT: Aye.  
 COMMISSIONER KLEIN: Aye.  
 COMMISSIONER BROUGHAM: Aye.  
 CHAIRMAN STRAIN: Aye.  
 We're out of here. Thank you all very much.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:51 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
 MARK P. STRAIN, Chairman

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 11-3-11, as presented \_\_\_\_\_ or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE,  
BY CHERIE' NOTTINGHAM