

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, January 19, 2012

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

CHAIRMAN: Mark P. Strain  
William H. Vonier  
Brad Schiffer  
Paul Midney  
Melissa Ahern  
Karen Homiak  
Diane Ebert  
Barry Klein  
Phillip Brougham

ALSO PRESENT:

Bill Lorenz, Environmental Services Director  
Raymond V. Bellows, Zoning Manager  
Heidi Ashton-Cicko, County Attorney's Office  
Tom Eastman, School District Representative

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the January 19th meeting of the Collier County Planning Commission.

If you'll all please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Ms. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is not here or not here yet. I don't know.

CHAIRMAN STRAIN: Not here yet.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: 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: And, Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. We have one cancellation or actually withdrawn item, and that's 9B, BDE-PL2011-857, the Wheatly boat dock, and it's been withdrawn by the applicant; is that correct, Ray?

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: So we won't be hearing that today.

Planning Commission absences. Our next meeting ironically -- we've got a couple of meetings coming up. First of all, the EAR meeting is January 26th. That's next Thursday, and Friday as a carryover day. Now, the EAR we've already had in at least one or maybe two workshops, so I don't expect us to need the carryover day, but we never know what could unfold.

Does anybody have any -- know if they're not going to be able to be here next week on Thursday or Friday?

(No response.)

CHAIRMAN STRAIN: Okay. We'll assume we'll have a quorum for both days.

The three-ring binder that you received this last week is for that meeting, and we had a handout that was provided to us today that supplements that binder. So next Thursday that's the documentation that we'd be using.

The meeting after the next week's January 26th meeting is our February 2nd CCPC meeting. At this time there are no scheduled land-use petitions. So at this point I can see not having a meeting on that date.

MR. BELLOWS: That's correct.

CHAIRMAN STRAIN: Okay. Now, so I keep trying to move to the next meeting to ask who's going to be here. The next meeting is February 16th. There are no land-use petitions scheduled for February 16th. So, again, I can expect that we would not have a meeting that date.

MR. BELLOWS: There's still time for items to get scheduled, so we'll know more by next week if that's actually going to remain.

CHAIRMAN STRAIN: Okay. Just to be safe, when you find that out, would you poll the commission to make sure there's a quorum, because that's why I ask the question ahead of time.

MR. BELLOWS: I'll definitely do that.

CHAIRMAN STRAIN: And it looks like then our next regular meeting would be March 1st. There are some things for March 1st.

COMMISSIONER EBERT: He jammed it.

COMMISSIONER BROUGHAM: That might be a two-day meeting.

COMMISSIONER EBERT: Yeah. That might be a two-day meeting.

CHAIRMAN STRAIN: That is interesting. Nothing in February, but we have the March 1st meeting that could end up being a lengthy one.

Ray, is there a reason we couldn't move some of those to February 16th, or could you look into that at least?

MR. BELLOWS: My understanding is some of those items got continued from the February meeting to later dates.

CHAIRMAN STRAIN: Okay. So they were already attempted to be February?

MR. BELLOWS: Yeah, yeah. I think the variance and the boat dock, I believe, are companion items, too.

CHAIRMAN STRAIN: Okay. Well, we'll deal with it when it -- best we can when it happens, so --

Okay. Approval of the minutes from December 15, 2011. Does anybody have -- and, by the way, let the record show that Mr. Midney has just entered.

Any changes, corrections, to the approval of the minutes from December 15th?

Go ahead.

COMMISSIONER HOMIAK: Mr. Vonier's name was spelled wrong. I guess you didn't see that. And on Page 7 at the bottom of the page it mentioned Chairman Lefevbre. It should be Chairman Strain.

CHAIRMAN STRAIN: Chairman?

COMMISSIONER HOMIAK: That's from the Code Enforcement Board, I think.

CHAIRMAN STRAIN: Okay. Well, will the minutes -- will the records reflect those two changes.

Is there anybody in disagreement with those changes?

(No response.)

CHAIRMAN STRAIN: Okay. Is there approval subject to those changes?

COMMISSIONER HOMIAK: I motion to approve.

CHAIRMAN STRAIN: Second?

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Okay. Motion by Ms. Homiak, seconded by Ms. Ebert.

All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. And we're at 9-0; everybody's here.

\*\*\*First item up is the consent-agenda item from last meeting. It's Sabal Bay MPUD. It's PUDA-PL2011-47. And we all received a rather detailed packet in our package for this particular project.

I had been contacted by the applicant and asked if there was anything that I saw. I expressed to them a few items that ought to be considered, and they're going to be relaying those to us this morning.

Bruce?

MR. ANDERSON: Good morning, Mr. Chairman. For the record, my name is Bruce Anderson on behalf of the applicant.

Yes, we received comments from Chairman Strain and Mrs. Cicko, and I'll just go through those.

From Mr. Strain, we made a change to Section 2.14(9), and that is to -- his comment was a 12-foot-high wall or fence could also be in combination with a berm, and so we modified it to read an 8-foot-high wall or fence on top of a 4-foot berm.

Also, he made the note in Table 1, Footnote 5, and I'll just read it. There is no actual height for multifamily/time share. Since they can go in the "R" areas, they should be included. You do call for a mid-rise for Tract R, but there are no mid-rise development standards and no definition of what a mid-rise is. I would suggest this be changed to the multifamily/time share for that parcel if that is what was intended. And --

CHAIRMAN STRAIN: Could you walk through the specific changes that that would result in then --

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: -- so we --

MR. ANDERSON: Yes.

MS. ASHTON-CICKO: Bruce, if you could read the page number you're on, too, then we would -- I could get there a little faster.

MR. ANDERSON: The first one I read is on Page 2-8. This last one that Mr. Strain mentioned was on Page 3-5. Where it says "mid-rise" in the third sentence, that should be struck, and it would read "multifamily/time share."

And the last comment --

CHAIRMAN STRAIN: Before we leave that one. Back to the actual height, though, we need to correct the reference to mid-rise because there wasn't such a product. It was -- I'm sure you were referring to the multifamily/time share, is what I believe. But you did clarify actual height in Asterisk 5. But I think what I was trying to say is you don't have an actual height for multifamily/time-sharing (sic). If I remember -- I'm trying to -- best I can remember --

MR. ANDERSON: It says it shall have a maximum height of 10 residential floors over parking not to exceed 150 feet of zoned height as measured pursuant to LDC section --

CHAIRMAN STRAIN: Oh, there it is, and it's the last part of the sentence. It says, "actual height of 165." Gotcha. Okay. Thank you.

MR. ANDERSON: Thank you. And Mr. Strain's last comment was on Deviation No. 9, again, on -- I don't have that page with me.

CHAIRMAN STRAIN: It would be Page 2 of the Exhibit C, list of deviations.

MR. ANDERSON: Then it's No. 9, and the "o" in "owner" has now been capitalized.

Ms. Cicko's comments were on Page 3-3, Section 3.5.B.2.i, double I, and three I and four I, Roman numerals, that "structure" be replaced with "principal structure."

And on Table 1 on Page 3-4 in the column under ALF, CCRCs, that would be the last column, and for rear yard the reference has been added per Section 3.5B referring to that section in the PUD document.

CHAIRMAN STRAIN: Bruce, does that mean if you go down to the ALFs column and you go down to rear yard where it's blank you're just going to put it in that blank space?

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Not as a footnote.

MR. ANDERSON: Correct, correct.

CHAIRMAN STRAIN: Okay. Thank you.

MR. ANDERSON: And the last two are to spell out rather than simply abbreviate for the U.S. Fish and Wildlife Service and the Florida Wildlife Conservation Commission. That's Page 8-4, and the top of 8-5.

MS. ASHTON-CICKO: And then with the paren with the abbreviations.

MR. ANDERSON: And then on Page 8-6, instead of the abbreviation or the acronym "LASIP," we have instead added the full name, the Collier County Lely Area Stormwater Improvement Project permit.

And those were all of the changes that we had received.

MS. ASHTON-CICKO: And then also on that same page where you've got the abbreviation for the Rookery Bay you're going to write it out and define it with the parens again so that 10, 20 years from now people know what we were talking about.

CHAIRMAN STRAIN: Is that in agreement?

MR. ANDERSON: Yes, that's fine.

CHAIRMAN STRAIN: Okay. Does anybody on the Planning Commission have any other changes or suggestions to clarify this last one?

Go ahead, Ms. Homiak.

COMMISSIONER HOMIAK: What about the actual heights on the ALFs and CCRCs? It was mentioned in



the minutes on the last minutes that we just went over on Page 21, that these -- that on Table 1 on Page 3-4, and that's -- it is in the footnote that the actual height for the first four categories would be the 45 feet, and then the last three categories would have 15 feet added for the actual height, I thought.

CHAIRMAN STRAIN: Well, we --

COMMISSIONER HOMIAK: It seems like everything else is covered except the -- all clubhouse buildings and the last two categories, there's no actual height.

MR. ANDERSON: Yes. I spoke with Mrs. Perry, and the actual height would be 80 -- 95 feet.

COMMISSIONER HOMIAK: So that's going to go where? In the 3.5, into 3.5?

MR. ANDERSON: Yes, 3.5.B.4.

Okay. Anything else, Karen?

(No response.)

CHAIRMAN STRAIN: Thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: Bruce, you're in agreement with all the comments that were made and --

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. Does anybody wish to make a motion subject to the revisions noted on the record today?

COMMISSIONER SCHIFFER: I will.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: I move that we accept, as amended, PUDA-PL2011-47 as representing what was at the hearing.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Okay. Barry made the second.

Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0. Thank you, all.

\*\*\*Next item up is -- it is a consent item for the ST permit from parks and rec. It's ST-PL2011-677.

Does anybody have any comments on that particular item?

(No response.)

CHAIRMAN STRAIN: Okay. Is there a recommendation for approval?

COMMISSIONER SCHIFFER: I'll do it.

CHAIRMAN STRAIN: Brad.

COMMISSIONER SCHIFFER: I move we forward ST-PL2004-677 as representative -- representing the hearing.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Ms. Ebert.

Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed? Motion carries 9-0.

COMMISSIONER HOMIAK: I have to abstain because I wasn't here.

CHAIRMAN STRAIN: Okay. 8-0, Ms. Homiak abstaining.

COMMISSIONER AHERN: And I have to abstain, too. I wasn't here.

CHAIRMAN STRAIN: We're working our way down, 7-0. Ms. Homiak and Ms. Ahern abstaining because neither were here for that meeting.

\*\*\*Okay. We're on to our first advertised and our actually only advertised hearing at this point. It's PUDA-PL2011-343, the Tuscany Reserve PUD.

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

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission? I met with the applicant's planner, the applicant's representative, and the applicant's attorney. We went over a series of questions that I had that will be re-brought up for discussion today.

I guess nobody else?

MR. VONIER: I talked to staff.

CHAIRMAN STRAIN: Okay. With that, we'll move on.

Okay. Bruce, it's all yours.

MR. ANDERSON: Good morning. My name is Bruce Anderson on behalf of the applicant. I'd first like to introduce some folks to you. I have with me today Ms. Erica Rogan, who's the vice president of legal services for Kitson & Partners Communities; and also with me is John Asher, the director of land development for the Tuscany Reserve PUD; and a familiar face, Wayne Arnold, the project planner.

Before I get to the substance, I need to note in the record that the applicant has filed a name change for the petitioner, and it is -- the new name is KE Talis Park Properties, LLC. It is the same entity, just a name change, and that will require a change to the cover page of the PUD and also Section 1.3 of the PUD.

CHAIRMAN STRAIN: Bruce, before we leave that issue, so we don't get lost in further discussion, are you intending that to be one of the changes that you want on record today?

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Okay. Heidi, is there any problem with that being added to the record in today's meeting versus how it was advertised or how it was presented previously?

MS. ASHTON-CICKO: I don't think there's a problem. He's telling you it's a name change as opposed to a sale or a new unrelated entity, so there is not a problem.

CHAIRMAN STRAIN: Okay. Just wanted to make sure we focus right. Thank you.

MR. ANDERSON: Thank you.

The Tuscany Reserve PUD is a 461-acre property that was acquired a year ago by a limited liability company affiliate of Kitson & Partner Communities. Tuscany Reserve is a beautiful, partially developed project that became a victim of the recession. It's located on Livingston Road, and it abuts the boundaries of the city of Bonita Springs.

The changes that are requested in the PUD are reflected -- reflective of changing market conditions in Southwest Florida, and among the most important changes are adding villas as a permitted type of dwelling unit, adding development standards to decrease side-yard setbacks, in certain instances, adding actual height limitations for all uses, and retaining the existing approved zoned height limitations with one exception, that exception being, is adding five feet to the maximum zoned height in the village center. That would go from 45 to 50 feet for the zoned

height, but it is still subject to the existing overall three-story height limitation.

Other changes proposed for the village center area of the PUD are to allow for small-scale retail convenience, goods, offices, and other personal services solely for the residents of the PUD, and they are as allowed by the village center provisions of the Growth Management Plan and the Land Development Code.

A deviation from the Land Development Code has been requested with respect to timing of when commercial uses can be constructed as well as the distance within which retail commercial is from the dwelling units that are finally constructed in whatever locations they wind up being.

The Land Development Code currently provides for phased construction of village center commercial. As the PUD is built out, you can go higher and higher percentages. And the deviation is to request that that be allowed to be constructed up front because the clubhouse and the village center are going to become one, one building, one area, and those -- those commercial uses would be located in there entirely interior to the project.

And the distance limitation, the Land Development Code contains a requirement that 80 percent of the dwelling units be within a third of a mile of the commercial in the village center, and simply because development layout plans have not been finalized for where all units are going to be placed, the request is to allow that percentage to be 70 percent, just to be on the safe side.

This amendment would also allow both types of dwelling units to be constructed within the -- dwelling units authorized in the PUD to be constructed within the village center subject to a cap of 200 dwelling units instead of just 100 as provided for in the current PUD.

A definition for golf club cabanas was added at the request of staff, although a maximum of ten golf club cabanas has always been approved for this PUD as an accessory use to the golf club.

And, lastly, the native-vegetation preserve area acreage has been modified to reflect a right-of-way taking by the Florida Department of Transportation for the widening of Interstate 75. The PUD will still exceed the minimum preservation requirements. It's really more of a housekeeping item.

And, finally, I would note that Tuscany Reserve is also classified as a development of regional impact, or DRI, and an amendment to the DRI approval document was previously approved by this commission and the County Commission to extend the project buildout date to January 24, 2021.

With that, Mr. Arnold and I are available to answer your questions.

CHAIRMAN STRAIN: Okay. Mr. Midney?

COMMISSIONER MIDNEY: Yeah. I'm interested in -- if you could define a little bit better "villa." I see here it says, "Clustered single-family residential dwelling units." That's kind of the definition you're using?

MR. ANDERSON: Yes. I'm going to let the planner give you some more detail.

COMMISSIONER MIDNEY: Thank you.

MR. ARNOLD: I'm Wayne Arnold, professional planner with Q. Grady Minor & Associates.

Mr. Midney, we have developed a product that we're calling a villa. It's a unit type that's been built through many of the master-plan communities. Many of those are older PUDs that allowed flexibility when you came through a site-plan review process. We don't use the same process that those may have been built under.

So the developer has come up with several concepts of kind of the same thing. And let me just show you a few of those examples, if I could.

This is one example, and this would be a depiction of something that could be constructed in the village center. And those are small cul-de-sac type lots that -- the cul-de-sacs themselves wouldn't necessarily be rights-of-way. They'd function as more of a motor court to serve four units or so. Those would be individually owned. And since they're really not to be functional through streets, the setbacks have been reduced to be a very minimum to allow flexibility in siting those.

Just another example. Some of these are in color; some are not. But this one is one that depicts a straight in with the backout movement but, again, the same concept of these, you know, handful of units being clustered around that.

Show you another one that depicts a few units in it. Again, another similar concept where you get the idea that we're trying to cluster these, and it's a -- kind of a nontraditional street system.

If you have any other questions -- but that's what we were trying to -- I know it's hard without the visual to really gain what we were trying to do, but that's an example of what we're trying to achieve.

COMMISSIONER MIDNEY: It seems like it could be attractive.

MR. ARNOLD: We think so too, and I think it has been built successfully in Pelican Bay, for instance. I know Grey Oaks, I think Lely also has similar examples of this type of product.

CHAIRMAN STRAIN: Until you said that, I was kind of -- didn't have too many questions, but this particular product that you have has a 7-foot set -- distance between buildings. Where in Collier County do we have that previously? You're just telling us we have other projects in Collier County with 7-foot setbacks between buildings?

MR. ARNOLD: I didn't say they have the exact same development standards.

CHAIRMAN STRAIN: Ah. Your examples are not really example -- accurate examples.

MR. ARNOLD: For the record, I did speak with Mr. Asher, and we're not quite clear where the number -- the 7-foot separation came from, and I think that number should be 10.

CHAIRMAN STRAIN: Well, that would solve a lot of problems. That's even better. Okay.

Before we even got to it, you solved one of the problems we had from our meeting. Good.

MR. ARNOLD: And that is on the development table. And when we get to that page, I can point out exactly where that change would be made, if that's appropriate.

CHAIRMAN STRAIN: Yeah. Well, when we walk through the PUD and we get there, if anybody -- I'm sure there's -- Phil?

COMMISSIONER BROUGHAM: Just a question on your master plan, or this aerial, is good. There's specifics in here as to the buffering and the berm and so forth along I-75.

MR. ARNOLD: Yes.

COMMISSIONER BROUGHAM: Do you plan buffering along Veterans Memorial or Livingston?

MR. ARNOLD: Yes. There is an existing buffer on Livingston Road. It's a real narrow frontage where the project entry and sales center is located.

The Veterans Memorial extension, which was east/west Livingston at the time, will get a buffer at the time that we come in for a plat and development adjacent to that area of the project.

COMMISSIONER BROUGHAM: And until then it's -- you won't have one?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Okay. Any other questions?

(No response.)

CHAIRMAN STRAIN: Well, let's start at the beginning. Page 2-1. When I met with you, we had talked about an actual change that started on 2-3, and it was under your model home sales office, 2.5. In this particular paragraph, you struck through the previous reference to our 91-102 LDC, which was, in the third line, Section 2.6.33, and you replaced it with the LDC reference from our new code, 04-41, 5.04.04, and you did that as well in the last sentence.

But then if you go read in this document everywhere else, all the references are to the old 91-102 code, which really makes it hard for any new person coming on in the staff to follow.

So as we discussed, my concern, and I think the solution that we discussed -- and I've already brought it up with staff -- is that wherever there's a reference to the LDC either by division or LDC reference, we would simply say "per the LDC." And you were going to check to see if that caused you any concerns. And does that -- did you check, and did you have any problems with that?

MR. ARNOLD: Mr. Strain, I think -- we did discuss that in our meeting. This goes back for several months in our discussions with the County Attorney's Office. And our reluctance was simply because we weren't sure what had been constructed to some prior code provision that may not be applicable today.

So what we did do in Section 2.2 of the PUD on that Page 2-1, we added the language to reference that at least things that were constructed under the prior LDC provisions that may no longer be applicable or at least not deemed nonconforming. And with that change I think we don't have a problem to change the other code citations to those "per the LDC."

CHAIRMAN STRAIN: Okay. So let's take it a step at a time, because my questions started on 2-1. But before we try to refine the language on 2.2A, subject to some clarification language, you don't have a problem with any other references going to per -- "per the LDC"?

MR. ARNOLD: Correct, unless there's a specific reference to the new LDC, or there were substitutions that were called out. Those were the way we treated what we would now call a deviation. They were substitutions to

design standard. Those did have specific references, and I'm not sure I want to change those.

CHAIRMAN STRAIN: Okay. Well, that's the -- can you give me -- can you take us to those references just for an example?

MR. ARNOLD: If you go to the section on -- it's in the --

CHAIRMAN STRAIN: Give us a page, if you could.

MR. ARNOLD: Section 7.6 on Page 7-2 of the PUD document, that's where those start. And some of those -- and, Mr. Strain, the only reason I say those might be the exception is because I think I need to go back and double-check on those. But the general change throughout the document to reference "per LDC," I don't think is a problem. But in this one, these are deviations that were called out from specific code provisions when this was adopted back in 2003, and these were called substitutions to design standards.

And I know those sections have now changed. I don't know if -- I don't know if our attorney, either county attorney or Mr. Anderson, have a comment on that. But there may not be an exact code change, and the deviation may have changed if the language changed.

MS. ASHTON-CICKO: I mean, I have two points that I can make.

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON-CICKO: They've reopened the PUD, so they've reopened all the issues that you can discuss and changes you see appropriate for compatibility in the other criteria that you have set forth in the staff report.

The second thing is if you agree that the old provision -- you know, you're going to accept the old provision, then I've said before, not necessary -- I wasn't the attorney assigned on this PUD, but what I've said before on other PUDs with Mr. Anderson is if you attach the LDC provision that you're saying is going to be applicable, then I would be willing to accept that. I'm -- I don't think it's appropriate that staff has to hunt down and figure out what year, what version of this section applies.

But if you agree that the old -- you can see the old provision and know what you're approving, then that's satisfactory to me if it's attached as an exhibit, the language, so staff doesn't have to hunt it down.

CHAIRMAN STRAIN: Well, I think it's important to clean up every PUD that comes through that has a possibility of cleaning up for less -- to reduce confusion in the future. As the county starts building up and gets more busy, we're probably going to have more staff. They may not have the background and the knowledge and history that many of us have today. I would rather not see a staff member having to go back to a '91 code and try to understand what was intended by this document.

So I think there's two solutions. Look at the substitutions you have at 7.6 and provide a current reference to the LDC that you're substituting for. And by the fact that you were provided this in the existing PUD, I would suggest that is comparable to a deviation and, therefore, consistent.

And where there is not a comparable section in the new LDC that references the same language that you're trying to reference in the old, that instead of using the number, you actually list what the LDC reference is so it's spelled out in your PUD and we haven't got to go back searching old ordinances and amendments to old ordinances to see which is the most current one that you were talking about at the time.

MR. ARNOLD: As I read through some of these, Mr. Strain, while I was listening, the -- it may be even easier in some cases, to delete LDC reference, just to state what the substitution is.

CHAIRMAN STRAIN: Well, that's fine, too. That's a third alternative.

MR. ARNOLD: I mean, that may work.

CHAIRMAN STRAIN: But I think those -- I think this section should be cleaned up so there's some continuity between what a new staff member might come across when they read this.

Phil?

COMMISSIONER BROUGHAM: No. I just want to wholeheartedly second that thought, and it's like I was reading your mind, because as a new commissioner I read through here several times, and I'm searching the current LDC. And I'm saying, what's wrong with this document, you know. And I finally spoke with Kay, and she explained the old references.

But I was finding it -- I found it impossible to approve or disapprove of all these references. I had no frame of reference. I had no comparison between the old LDC reference and the new.

And I agree, Mark, on a go-forward basis, I would really endorse that anything that come before us either reference the new LDC or, if it's an amendment, that, like you suggested, there be -- or Heidi suggested, there be some

sort of a cross-reference and an explanation because otherwise, you know, it's impossible.

CHAIRMAN STRAIN: And I --

COMMISSIONER BROUGHAM: And if you're referencing -- and I haven't looked at it, because I can't find it -- the old LDC, if there's a reference there to a specification, I -- there may be instances where there's loopholes, gaps, omissions between the old and the new, and that could be a big loophole for someone to take advantage of, perhaps.

CHAIRMAN STRAIN: Well, even if you had found the old LDC, you would have found, first of all, it would start at 91-102. The problem was, there were 18 very substantial amendments to that LDC up through the few months prior to adopting 04-41. And those 18 -- and they were very comprehensive. Just to follow that paperwork is hours and hours and hours of research, and I don't think we can expect that to be done in a time frame acceptable to anybody in the future by staff members.

Go ahead, Ray.

MR. BELLOWS: For the record, Ray Bellows. I just want to point out that when you amend a PUD that has existing development that was based on the development standards at the time it was approved, years later when you do an amendment and you start changing those citations to meet the current code, there could be changes to the current code that adversely impact those existing developments creating nonconformities. So staff is very careful when reviewing amendments to a PUD that we're not affecting some existing development.

CHAIRMAN STRAIN: And then -- that's what led us here.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: We're asking Wayne to have -- to check all the references. He's come up with a section of references that might be concerning. We've also offered now three alternatives to how those could be worded to be acceptable, but then we've still got to go back to Section 2.2A and study that sentence they added as the catchall to address the issue just brought up.

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: So that's where we're headed is to make sure that what you're just expressing does not happen.

So are you understanding where the direction is at this point?

MR. ARNOLD: I think I do. I just spoke with Mr. Anderson, and I think we can -- it can either be a combination of things. As Heidi suggested, maybe it includes -- including those code references or maybe simply just modifying the substitutions that are written to insert the new provision or to generalize the provision that we're deviating from, as long as what the deviation results in is expressed in the document.

MS. ASHTON-CICKO: And I think you're mixing questions, because Mr. Strain's initial question was related to 2.2A, and then we went off on the other sections that deal with the other provisions. So I think where Mr. Strain was getting at was a method of identifying those properties that have already received development approvals so that when staff goes through and has to look at it, they know which ones are already -- have already been built and are under older provisions as opposed to what is going to be new.

So perhaps an exhibit or something that could identify; is there a method of doing that?

MR. ARNOLD: Heidi, I think the difficulty in doing that is that if you look at the aerial and you see how much infrastructure's been installed, including the primary code, the gated entries, individual cul-de-sacs, the clubhouse tract, I mean, I don't know where you start, because a lot of that -- it's not the vertical things that I'm worried so much about. It's what's underground and what was approved as part of the plat and construction plans. That's my --

MS. ASHTON-CICKO: Well, then, perhaps that's the way to reference it is --

CHAIRMAN STRAIN: Construction plans and plats --

MS. ASHTON-CICKO: -- plats already been approved.

CHAIRMAN STRAIN: -- applied for approved to date would be the exception that may be needed to be listed in there, not by specific plat reference, but just in generality. Anything as of this -- anything dated prior to the approval of this amendment is grandfathered in, or whatever provision we want to call it, deemed approved pursuant to prior LDC language, and that would get you away from being legally nonconforming, which I know you want to avoid.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: And I don't blame you there at all. We're not trying to put you in that box.

MS. ASHTON-CICKO: Yeah.

CHAIRMAN STRAIN: Does that get us there?

MS. ASHTON-CICKO: Yeah. We just need to have a meeting of the minds as to what's already deemed approved. And so however you think that can be addressed, put it on an exhibit, or you could list it here.

MR. ARNOLD: I mean, maybe we come up with a round date. I don't think there have been any approvals since December 31, 2011, for instance. I mean, is that a date at which we could express approvals prior to that date?

MS. ASHTON-CICKO: You know, my problem with it is not just the legal issue but the administrative issue, and then how -- does staff have to go -- whenever one comes in, now they've got to go back and try to research it and figure out which one is -- applies. So I'm just trying to make it simple for --

CHAIRMAN STRAIN: But see, Heidi, with --

MS. ASHTON-CICKO: -- everyone.

CHAIRMAN STRAIN: If anybody comes in on this project for a change in the road underground, a new tap or whatever, they're going to have to pull up the construction drawings from at the time it was approved. And if we subject something to any approval -- any development orders prior to December 31, 2011, you would simply see the date on those prior approvals and acknowledge that it was under that particular reference. It was prior to 2011. So I'm not sure that's too hard to do.

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: SIRE and all the rest -- and CityView --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: -- and all the electronic research abilities we have now are pretty fast when you want to pop into things like that. I can pull a PUD up on any project in the county in two minutes. It's just not that hard to do anymore.

So, Ray?

MR. BELLOWS: You raise a good point. The PUDs are online and easily researched.

The one that was just approved on the consent today, the Sabal Bay, I think has a format that I think will work in many cases. When amending an existing PUD, the deviations are treated -- deviations to the previously-approved language, and then they went on to have deviations from the current code. So it's clear to staff what they're looking at in regard to an existing PUD and development that's already in place versus new development that the petitioner is in control of.

CHAIRMAN STRAIN: So you're suggesting then that they would take the substitution section of this PUD and replace it with a deviations exhibit? Because they're not under the new PUD format. They're still under the old PUD format.

MR. BELLOWS: Yes. And if the -- if they're not changing anything from the currently approved PUD but it is not consistent with the current LDC, then it could be listed as an LDC so you know that it's not -- it's an older standard that's still going to be retained.

CHAIRMAN STRAIN: Wayne? You look like you were about to say something.

MR. ARNOLD: Well, no. I think, in my mind, changing generally all the references to "per LDC," I think, works for us, and then we craft some language in Section 2.2A, if that's the appropriate place, that protects the nonconforming status of anything that may have been approved or constructed, any/or constructed but unbuilt, because we have infrastructure on the ground that's -- some of it's platted and improvements are at different stages. I mean, that language, I think, gets us there.

I'm only more concerned about the substitutions at this moment, how we're treating those. And I just need to make sure -- it may very well be a general reference still works, Mr. Strain. I just don't know. Those were the only things that came to my mind, because I hadn't --

CHAIRMAN STRAIN: But the purpose of me meeting with you-all two days ago was exactly what is now not happening. I wanted all that stuff on the table so today's meeting could be expedited in regards to those issues. It didn't happen.

I'm concerned about where you're -- how you're going to be wording your substitutions, not in a sense that I'm objecting to any of them, but I want to make sure that the clarifications and wording are in a manner that can be easily understood by future reviewers as this goes through the processes, because you're going to be building these parcels

out and coming in for plats and doing building permits and everything else, and I'd really rather see it go quickly as it comes through the process rather than being hung up on research that doesn't need to be done if it's done clearly today.

MS. ASHTON-CICKO: Yeah. If I'm understanding them correctly, we're talking about, you know, development that's been constructed, but we're also talking about development that's been approved but not yet constructed.

CHAIRMAN STRAIN: Yes. If they're already in with -- working drawings and approvals but the work hasn't been done, there's -- we shouldn't be penalizing anybody for what they've met pursuant to the earlier codes.

MR. ARNOLD: Mr. Chairman, Mr. Anderson was just showing me the exhibit that was prepared for the prior consent item. I think we can format these substitutions in a similar manner and either write the former -- the former and compare it to the new LDC citation where it's applicable.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: I don't think that's difficult. I just do it from a form.

CHAIRMAN STRAIN: Yeah. I think you understand the point, and I think the point's been made clear, so hopefully that will come across that way. And as long as it doesn't change anything, it wouldn't necessarily undermine any vote that we have today, as long as it's consistent with what's already there.

Phil?

COMMISSIONER BROUGHAM: Just a question. I think that type of a table exhibit cross-reference would certainly help me, or would have helped me. I'm not sure it helps me today. But on a go-forward basis, is that -- are we going to adopt some sort of a standard on future items that come before us that they will see things in a standardized way?

CHAIRMAN STRAIN: Well, we already did that. The problem is, some of the older PUDs, if they're not coming in for a complete rewrite and the repeal --

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: -- it's hard to get them into that new PUD format. Everything new, a new PUD in Collier County -- we changed that back a few years ago at the request, actually, of this board, and the format is much more to what you're used to seeing.

COMMISSIONER BROUGHAM: Okay.

CHAIRMAN STRAIN: Where, unfortunately, there's a lot of lingering old PUDs out there, and when the economy picks up, we're going to be dealing with a lot of them. And they have a lot of ambiguity, unfortunately.

COMMISSIONER BROUGHAM: But to the extent those come forward, they will be subjected or will conform to what we're talking about today with this one as far as --

CHAIRMAN STRAIN: Depends on if they're either amending or repealing. If they repeal, then they -- I would -- if they repeal, the new ones have come through with the new format.

COMMISSIONER BROUGHAM: Correct.

CHAIRMAN STRAIN: If they amend an old format, we have to basically fit it to the old format.

COMMISSIONER BROUGHAM: And that would be accompanied with this cross-referencing?

CHAIRMAN STRAIN: From now on it would be, yes.

COMMISSIONER BROUGHAM: That's what I'm talking to.

CHAIRMAN STRAIN: We haven't had this issue pop up before that I can recall to this extent until this one came along.

COMMISSIONER BROUGHAM: No. I'm concerned with the go-forward, Mark.

CHAIRMAN STRAIN: Yeah. No, I think we would do -- I would imagine the precedent that's being set here today would be requested of any future applicant.

COMMISSIONER BROUGHAM: All right. Can I ask a question on 2.2A? In that same paragraph, you say where these regulations fail to provide developmental standards, then the provisions of the most similar district in the county Land Development Code shall apply. What is the most similar district in the county Land Development Code?

MR. ARNOLD: Well, I think it would depend on what portion of the project you're looking at. If it was a single-family residential, I think the county staff would tell me and agree with me that you would go back to the most similar R district in the LDC to try to find a comparative standard, or if it was in the village center, there's a village



center section in our Land Development Code. You would go to that section and then try to find the standard that would be most applicable.

CHAIRMAN STRAIN: But, actually, that whole sentence on a new PUD wouldn't need to be said, because that is what happens. If the -- where the PUD is silent on the language, it always falls back to the Land Development Code. That's redundant language that has been omitted from the new PUD format, so --

COMMISSIONER BROUGHAM: All righty. Thank you.

MR. ARNOLD: Can I add one comment?

CHAIRMAN STRAIN: Heidi? I'm sorry.

MS. ASHTON-CICKO: Do you want to strike that language then, or just keep it in since it's older?

CHAIRMAN STRAIN: I don't think it matters one way or the other. It's still a -- it's an amendment to existing language. We have so much redundant language in these old PUDs. If we start striking one sentence, we'd be striking half the PUD. So I don't think it hurts anything.

Wayne?

MR. ARNOLD: Can I make one comment to build on what Mr. Brougham said? And that would be one cautionary statement that there are provisions right now in your code that talk about what's insubstantial, what's minor, what's major. There are minor provisions that affect less than ten lines or something like that. I mean, there may be situations where it would be a difficult situation to update every cross-reference in an older PUD that's substantially built out if they need to come in and make such minor changes to it. I'd just offer that. It has no effect on what we're talking about today, but just as you move forward, that might be a thought you want to keep in mind.

CHAIRMAN STRAIN: Okay. Ray, were you going to --

MR. BELLOWS: Yeah. I think maybe the thing that we need to do is look at the procedures that are currently contained in the LDC to make it more clear what needs to be provided for a minor amendment where, as Mr. Arnold had indicated, there's only a few lines of text being changed. Maybe you should not, as the Planning Commission, be seeing the entire PUD but only those lines being changed. So we might get one sheet of paper contained in an ordinance saying this page is being changed in the PUD showing strikethrough and underline, if it's just that minor of a change.

Now, if -- when you have an amendment that's as large as this one when they're changing development standards and adding uses, that can't really be treated as a minor, per se.

And as the County Attorney's Office had indicated, then you're dealing with a wider range of issues that can be nonconforming-type standards that aren't consistent with the current code, should be brought up to code.

But we just have to be cautious not to impact those developments that have already been approved under the older standard.

CHAIRMAN STRAIN: Well, the idea of providing only a certain section of the PUD as a reference to a minor amount of changes --

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: -- personally, I wouldn't be comfortable with that. What you may review may have a higher level of competency than what a new person who we don't even have employed and has no history in this county may review in regards to that issue.

And then, regardless, I would still want to review the entire PUD and any references to any previous documents that that PUD may have just to be sure that nothing was missed. And I think that's what this board's responsibility is.

So I understand what you're trying to do, Ray, and I don't see it as bad, but on the other side, I think this board's comprehensive review is to catch all the things that may not have been caught as it went through a more limited review, per se, if anybody stuck to just the one or two pages it affected, so --

MR. BELLOWS: Understood.

CHAIRMAN STRAIN: -- I'd still want to see the whole thing.

Let's try to move on. On Page 2-2, I pointed out previously, Wayne, that your table there doesn't agree with the table on the master plan in regards to golf course open space and preserves. You have 138 here, and we're over 200 to 300 on some of the other tables that I've seen. Did you have a solution to that?

MR. ARNOLD: Well, you had suggested that we change it to a number that was reflective of the golf open space. I went back and -- I mean, that was a simple calculation number of the minimum open space. That's 30

percent of the overall project acreage. So that's sort of the minimum project open space in, I think, the master plan. I think the bottom line is, I think leaving it as-is is fine.

The master plan documents the fact that we've got golf on open space and lakes and preserves that far exceed that number.

CHAIRMAN STRAIN: Okay. Could we put the word "minimum" in front of "open space" so we know we're not looking for 138 acres; we're looking for a minimum of 138 acres for those items?

MR. ARNOLD: I think that'd be a good suggestion.

CHAIRMAN STRAIN: Okay. On Page -- well, 2-3 we already went over. That's the LDC issue. So we won't beat that to death.

Under Page 3-2, the last paragraph is an interesting change, and I want to make sure we understand what it is you -- you're intending to accomplish with that paragraph. It's 3.5F.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: And the way it used to read, housing structure types including lot orientation for single-family detached dwelling units such as zero lot line versus non-zero lot line orientations may not be mixed within the same development tract. And you struck the word "not" so that now you may mix and match development types with the exception, single-family, which is fee simple, and multifamily, which would be SDPs, couldn't be mixed and matched. Well, that part makes sense.

But I just want to understand the limitations that we have if we get into mixing and matching units on parcels. And first of all, it also brings back into the question how would you -- did you intend this to address platted parcels? Because you have some parcels where people already own property out there, nice, larger homes, and I'd hate to see a zero-lot-line home go in next to them.

So I think we need to have some clarification and limitation on where and what this applies to and then how you would handle a zero-lot-line home going into a single-family home where you have different setbacks. And then if you were to build a whole parcel out with mixes and matches -- and say you had two zero-lot-line homes on each side but your single-family homes in the middle with a setback of five or six feet but you've got 10 foot between principal structures, you squeeze that remaining lot down to almost a no-build lot by taking 20 feet out of it, 10 on each side. How did all this play out? How did you see this happening?

MR. ARNOLD: Well, first of all, I don't think we -- first of all, let me say that it was not the intent to apply this type of standard to streets that have already been started with vertical construction.

We do have platted unbuilt tracts out there, so there could be replats, Mr. Strain. But the intent wasn't to come in on the street that's got six homes, as you can see there, and now put two zero lot lines between those large estates single-family homes.

CHAIRMAN STRAIN: But you understand the way it's reading --

MR. ARNOLD: I understand.

CHAIRMAN STRAIN: -- it doesn't say that. So we need to make that correction.

MR. ARNOLD: I agree. I think we need to provide that limitation. And I don't know exactly what that language is off the top of my head, but we can think about that.

The other question you had was related to when you mix the two -- two different product types, how do you control it. And it may be as simple as referring back to the unnumbered footnote that's immediately following Table 2, which talks about where we use even the zero lot line, you have to demonstrate a plan when you go in for your permitting to demonstrate that you can meet all those setbacks.

MS. ASHTON-CICKO: You might want to tie it to a date. That would be an option. If you're saying after a certain date, this section, as amended, applies, that would be one way.

CHAIRMAN STRAIN: Well, okay. That's two different questions. So he was -- the first point, though, is the clarification of 3.5F, and you're suggesting we could tie it to a date so that any particular parcel that was built on or developed prior to this date would not apply.

MS. ASHTON-CICKO: Yeah. Because he just got done saying it wasn't intended to apply to what is already built. It's -- or approved to be built.

CHAIRMAN STRAIN: Or platted, because you've got some parcels that have been platted, and it's typical to replat if you want to change product. So they'd have to really go to -- beyond that point. I think that's something they could suggest to us.

COMMISSIONER SCHIFFER: Mark, I have a question.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I was going to wait till we got to the master plan, but -- well, let me wait till they're actually paying attention.

Wayne, the question I had is, that, you know, in the master plan we show everything as residential. We have five residential types. So there's no way at this point in time you can kind of show where these different residential things will be placed? And wouldn't the existing people living there kind of want to know that now or --

MR. ARNOLD: Well, I think the easy answer is they bought in with the same master plan that we have with the exception of the villa type that we've added. There was no indication on that master plan where the different product types would be constructed, except for maybe the village center where we only had multifamily that was a permitted dwelling-unit type. We think that inserting a villa product or small lot -- zero lot line in the village center makes a lot of sense, too.

COMMISSIONER SCHIFFER: Okay. So you're saying that a multifamily could be built next to a single-family home right now?

MR. ARNOLD: No. I think the limitation that's in there that we are referring to under 3.5F prohibits that situation currently and moving forward.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Well, 3.5F previously would not have allowed what you just said. So they couldn't have done that previously. Even though they had a variety of product to pick from, if you did a parcel in single-family, had to be that type of single-family, the changes they're suggesting is that they can still pick a parcel to do single-family on but it can be any one of the five -- or any number of the single-family product on the same parcel instead of limiting it to just one type of single-family.

COMMISSIONER SCHIFFER: And when you say "development tract," what do you mean by that? I mean, is that half a road, you know, I mean, a couple sites? I mean, that's the other thing that's not defined. Could a single-family home be next to a development tract with multifamily?

MR. ARNOLD: It could, and it could be currently or -- and in the future, but that brings into play setbacks and buffer requirements between those different dwelling unit types.

CHAIRMAN STRAIN: Could you put a picture of your product, your master -- could you put the master plan on the overhead? And this may get to Brad's question visually.

If you come in the south entrance off of the east/west Livingston Road extension, which is now Veterans Memorial Parkway, and you see the two Rs down there, they're undeveloped, unplatted at this time. If you were to apply this, could you, theoretically, put on the north side of either one of those cul-de-sacs a multifamily and on the south side a single-family, or is the cul-de- -- is the entire cul-de-sac roadway parcel subject to all single-family, all multifamily, and then do we start triggering the -- in those particular ones any mix of the single-family?

MR. ARNOLD: Well, your first comment, yes, I think you could come in and plat the north side of a road with multifamily and the south side with single-family.

CHAIRMAN STRAIN: That's your tract issue that you were asking about.

MR. ARNOLD: It would be referenced to a platted tract of land.

COMMISSIONER SCHIFFER: But the concern I have is -- let's go back up into the older part. If -- there was a street in the north side probably with tract -- all single-family, let's say, can you go back and replat that and put on that same north side a big tract for multifamily? I mean, is there any way at this point in time you can show us what development tracts have already been placed there?

MR. ARNOLD: Well, we have --

MR. ASHER: You want me to try to?

MR. ARNOLD: You can. I mean, you can try and answer that, John.

CHAIRMAN STRAIN: They have three that have been --

MR. ARNOLD: There are several platted tracts of land, and there are intended to be replats. I think one was recently created -- one of the tracts near the sales center, for instance, was single-family; next developer thought it needed to be multifamily; the current developer thinks it needs to be back at single-family.

I mean, things do change, and those development tracts have been the trigger for all of these. I mean, what we have isn't unique. And I go back to the standard. If we didn't come forward with this amendment, we still have

the same standard. This was really to allow us a mixture of single-family dwelling unit types to have flexibility to mix some different product types in a different streetscape.

CHAIRMAN STRAIN: Well, you would have a different standard than what Brad's asking about, so I think that statement isn't really accurate. If you didn't come in with this amendment, you would be building out the tracts basically all single-family or all multifamily. You wouldn't be mixing and matching, because you weren't allowed to do that.

MR. ARNOLD: But what I'm trying to say is, the tract is based on what I plat.

CHAIRMAN STRAIN: So you'd plat those cul-de-sac current tracts as two tracts instead of one potentially.

MR. ARNOLD: Correct. I think that's -- that would be possible today.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: But how much of it has been -- how many development tracts have been established so far?

MR. ASHER: Good morning. My name is John Asher, and I'm with Kitson & Partners, the KE Talis Park Properties, LLC, and I'm the land development director for the project.

Very simple. What's built today is basically two streets with homes on it. This street along I-75 --

CHAIRMAN STRAIN: You've got to use the portable mike, John.

MR. ASHER: This street -- how's that?

CHAIRMAN STRAIN: Good.

MR. ASHER: The street out here is called Pistoia, and that is almost completely built out. There's four vacant lots remaining. And then the other street that's built is this street here. It's called Prato, and there -- I think there's seven completed homes on that.

So what we're proposing would not have -- we would not make any changes on those streets. We wouldn't mix or match product or product type.

COMMISSIONER SCHIFFER: Okay.

MR. ASHER: I think the whole purpose of this request is just to add the flexibility with the market that we're seeing. Right now we're switching to smaller -- you know, smaller, narrower lots. But as the market gets better, there might be a demand for the larger hundred-foot-wide lots. So we don't want to be -- we were shoehorned in with the larger lots previously.

I worked for a home builder prior to this, and we were stuck with large lots, and you couldn't sell them. So we needed to downsize and change product and replat. And, you know, we're seeing quite a bit of that right now going to smaller lots. And that's part of the reason, but we could go back up to larger, so --

COMMISSIONER SCHIFFER: Okay. So would you have a problem that -- in anything that was developed far -- any other development tracts that were established prior to this amendment? Would they stay -- can they stay the same?

MR. ASHER: No. I would say we're willing to commit to any tracts that have vertical, you know, homes on them, we would not change.

COMMISSIONER SCHIFFER: And when the tracts that were built, the two streets you showed, were those tracts on both sides of the street? I mean, was the subdivision --

MR. ASHER: Yeah, both sides of the street are built on.

COMMISSIONER SCHIFFER: Are subdivided?

MR. ASHER: Are subdivided.

COMMISSIONER SCHIFFER: And recorded already?

MR. ASHER: Recorded?

COMMISSIONER SCHIFFER: On those two cul-de-sacs.

MR. ASHER: Correct.

COMMISSIONER SCHIFFER: Okay.

MR. ASHER: And so we would -- I think we could commit to not going in and replatting those two streets.

COMMISSIONER SCHIFFER: That would be good. Thank you.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Can you tell me, John, how many homes you have there right now?

MR. ASHER: I believe we have approximately 30 -- 33. There are 14 on the street, the first one that I showed; I think there's seven on the second, and then there are two 6-unit multifamily buildings that are built.

COMMISSIONER EBERT: Okay. And where these single-family homes are now, how large are those lots?

MR. ASHER: The street that's furthest along that has the 14 with only 4 vacant, those are 75 foot wide; the street that has only 7 homes, those are 125-foot-wide lots.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: I have a question. John, since you're up there and I know you have some engineering background. The infrastructure has been installed in quite a few of your parcels, and a lot of your roads are in, which means all your taps are in, your water/sewer lines, your placement of your cleanouts and everything will be, and maybe even your FP&L transformer pads, your UTS, your Sprint pads and whatever else you've got out there.

You start mixing and matching units, you're going to be off center on the placement of some of your buildings and driveways and things like that. How would you -- are you intending to modify all your infrastructure as you go along, parcel by parcel, depending on who picks what for each parcel? I mean, that's what you'd almost be forced to do.

MR. ASHER: Essentially, that's the process.

CHAIRMAN STRAIN: That's an expensive process. I mean, I know what it takes. I've done it twice.

MR. ASHER: Absolutely. The streets that are -- there are several that are partially completed, and there are several that are approved in the original Phase 1 plat that they stopped prior to installing them.

The infrastructure is about 80 percent completed on this first street, and that's -- and WCI already revised it once to take it to multifamily, and we've got large backflow preventers for the multifamily buildings. We are adjusting the utility services to fit a smaller single-family product.

CHAIRMAN STRAIN: And the purpose of your new product mix, which are basically smaller units, is to be more competitive in the current economy, I would assume.

MR. ASHER: Absolutely.

CHAIRMAN STRAIN: But you're just driving the price up by allowing the mix and match. I mean, at what point will you make a decision on what goes where, or will it be a buyer making the decision?

MR. ASHER: It will all be market driven. I mean, we -- there's people that have a desire for a condominium unit, but there's not a developer out there that we're familiar with that would build a condominium product in a golf course community right now. There's just too many resales on the market.

I mean, we would like to get the -- get a few more units out here density-wise, but no one's willing to commit to anything like that, thus the need for the clustered product that we can come in with a little bit better price point.

CHAIRMAN STRAIN: Well, that product doesn't bother me as much as -- because you'd plan for that. If you're going to do that clustering, you'd have a whole infrastructure layout that only aligns itself with that type of product. But your mix-and-match product on your single-family standard tracts, depending on, at the time, how it's picked, could require a redo of almost every tap and alignment as you go down that roadway, and I'm -- that's what is a little concerning. I mean --

MR. ASHER: Well, it's cheaper to change the services if you can get a product that sells rather than to hold onto the property indefinitely with no use.

CHAIRMAN STRAIN: Well, it's either -- it's also -- could be cheaper to come up with a design and a product that's consistent and works than try to market it for a period of time on a short quantity than commit yourself to miles of quantity.

MR. ASHER: Sure.

CHAIRMAN STRAIN: But -- oh, well.

MR. ASHER: Well, no. We're stuck with what we have, and we will be phasing -- you know, doing smaller phases at a time on any of the new stuff that hasn't been developed.

CHAIRMAN STRAIN: Okay. Did you have anything else, Brad?

COMMISSIONER SCHIFFER: Well, I was just going to say, it's good for the construction industry if he's moving taps all over the place.

CHAIRMAN STRAIN: Oh, yeah. I don't see how it's going to work, but that's --

COMMISSIONER SCHIFFER: It's a stimulus program.

CHAIRMAN STRAIN: But no, let's get back -- and I guess we started -- we'll get back to Wayne, then. If

you mix and match and you start putting in zeros -- say you've got a 50-foot-wide lot, and a 50-foot-wide lot could have a single-family detached with, you're looking at now, side yards of 5 feet, so that would be -- your net buildable is 40. But if you end up putting zeros on both sides of that 50-foot-wide lot, your net buildable is 30.

Are you prepared, then, to build a -- you know, do you have a product that you could market on -- I mean, the last thing we need is to say, well, the county allowed you to do this mix and match and you built yourself into a corner and you walk forward with a hardship saying, well, we now can't build on this lot, it's unbuildable, it's not fair. We want to have a buildable product. Are you going -- is that a possibility that's going to be coming up, or are we putting ourselves into a corner?

MR. ARNOLD: No. I think it's a remote possibility given the fact that -- what it's referring to, we need to come up with a concept plan for that tract if we're going to mix those development types, was one of the suggested changes that I made.

Right now if you use zero lot line the way the PUD is written, I have to show the county conceptually how I make my units fit on the zero lot lines to avoid the same situation that you're referring to so that the guy in the middle doesn't get squeezed out of an opportunity to construct on the lot.

CHAIRMAN STRAIN: So you'd have to show it over the entire duration of the plat?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: So every one of your units on the plat application, instead of having a diagrammatic showing a typical setback of a lot that you'd be putting there, you'd be putting five different typicals with the scenarios that show how each one would influence the net resulting lot in the end.

MR. ARNOLD: I think, potentially, you could. I doubt if you're going to be mixing five different types. But as you know, having been in the industry, most of the developers do lot-fit studies anyway where they depict their different footprints on their conceptual plans once you get a little bit further down the development process.

CHAIRMAN STRAIN: Okay. But how about this as a solution. Since you're going to show them on the plat, why don't we make 3.5F where it says -- instead of "may not be mixed," but subject to the approval of the plat showing the configuration you intend to use, so that once you're platted you can't come back in and add in one of the units that you didn't anticipate at the time you sent it into county for planning. I gotcha.

MR. ARNOLD: Well, let me think about that. That's a lot to take in.

CHAIRMAN STRAIN: Well, think about it. You're going to show a plat, and you're going to show your typical lot, and in this case you're going to maybe show two or three different scenarios on that typical lot that's going to go on that plat, but then later on a buyer says, gee, I'd like to put a villa on that lot, not the zero, not the single-family, not the duplex or not the -- whatever it is you've got there -- one of the other ones. Not the -- yeah, not the two-family, I want to put -- or the townhouse.

Instead of the three you've chosen for the plat, I want to do a fourth. Well, now the plat doesn't show us the scenarios that would -- that we could potentially have as a result of that. Why don't we just limit -- whatever you do is pursuant to your plat. And if you don't want the particular product after you've picked the three or four that you've decided and you want to add another one, you've got to come back in with a plat to show us how that's going to work in the overall picture of the parcel, a replat.

I mean, you could do that -- that would force you to do the scenarios at the plat time, which is what you want to do anyway, isn't it?

MR. ASHER: I don't think there's any objection to coming back in with some sort of site plan showing how it's going to work. I mean, we'd never intend to just randomly let someone pick "we want a zero here and we want a 50 there and a 75 there." There wouldn't -- it wouldn't be a random thing.

I think this -- what we're looking for is the flexibility to make a change driven by the market. You know, we had a zero lot line, a smaller product, and we're having trouble selling those. We want to be able to change the product to a bigger product or something a little bit different.

So coming back in with some sort of site plan approval process to say this is how we're going to meet the building separations, this is how it's going to be laid out on the rest of the tract or the portion of the tract that we're looking to do it, there's no objection at all.

What I think Wayne -- Wayne's struggling with trying to understand on a plat, you know --

CHAIRMAN STRAIN: What is the site plan approval process for a fee simple?

MR. ASHER: It would be a plans and plat, but --

CHAIRMAN STRAIN: Okay. Well --

MR. ASHER: I think -- there's --

CHAIRMAN STRAIN: I mean, we're back to where I suggested.

MR. ARNOLD: Mr. Strain, if you look at just under Table 2 that's on Page 3-3, there's a paragraph that talks about establishing your minimum yards and thing -- and lot sizes, but there's also -- in the third sentence it says, for all -- it had patio, villa, zero lot line. I think maybe we reference back the same process on the prior page so that we have to come in with a plan of how that's going to be developed before we pull the first building permit.

CHAIRMAN STRAIN: Okay. But, now, what are you going to call this process of submitting this plan? Because it's going to be out of the normal sequence. Is it a standard format of submittal? I mean, the plat is. Everybody in the county knows what a plat is. Staff knows what a plat is. They expect it. How would they know about this? You're looking for a different process?

MR. ARNOLD: No. I don't think it's a different process. There are several other PUDs of this generation that use -- it's not a formal site development plan process. That process is really driven by infrastructure. This is really one to depict building configuration, and it's not a true site development plan, but it's a site plan depicting your unit types at the time you're going in for your building permits.

CHAIRMAN STRAIN: PSP?

MR. ARNOLD: Excuse me?

CHAIRMAN STRAIN: It would be like PSP?

MR. ARNOLD: I guess it could be similar to the PSP process.

CHAIRMAN STRAIN: Well, if I'm barking up a tree the rest of you aren't concerned about, somebody on this board should say so. Because I'm -- this bothers me, not in the sense I'm against what you're trying to do.

I'm trying to get a way so that staff's going to understand what it is you're trying to do, and when they go out and inspect it, they know what they're looking -- or when they review it. That's all I'm trying to get to is clarification of the process; otherwise, you guys could get tied up in submittals and rejections for eons, and that shouldn't be the case. We should make it clear here.

So you can help me get there by a standard process that we've already got that we understand and that everybody's used to. That's fine. If you're going to invent a new process, we need to understand what that is then, too, Wayne.

MR. ARNOLD: Well, the process is already in place, Mr. Strain.

CHAIRMAN STRAIN: What do you call it, then?

MR. ARNOLD: I think it's called what's referred to in this sentence. It's not a site-plan process. It says we have to provide a typical building configuration submitted to the customer service department with the application for the first building permit.

CHAIRMAN STRAIN: Right, but that goes for the building permit. There's no reflection to zoning review on the plat. That's what I'm concerned about; it goes to the building department review.

Does anybody from staff have any ideas how this can be done? I see you both looking. Jump in. You guys

--

MR. BELLOWS: In my opinion -- for the record, Ray Bellows. My understanding of what's being proposed, I think, could be addressed by listing in the PUD document those tracts that have development that are going to keep the current development standards, and then their proposed standards on the tracts that haven't been developed, just list those standards -- the new standards that they were proposing, that way there won't be a mix and match.

Now, if they want to be able to switch -- typical PUDs have language. A developer starts a tract with certain development standards. You stay with those development standards and you can't switch them midstream.

CHAIRMAN STRAIN: But that's exactly the issue we're having trouble with. That's not what they want to do. They want to mix and match as the market dictates.

MR. BELLOWS: That becomes very problematic for staff to be able to --

CHAIRMAN STRAIN: Well, that's what I've been arguing about. Right, that's what my concern is. I'm not saying, though, we're against it. I'm trying to figure out a way to clarify the process. I'm more concerned about staff review and how to get this right than have staff criticized later on for missing it because the language is so poorly written.

Kay, do you have a suggestion?

MS. DESELEM: The only thing I was thinking -- for the record, Kay Deselem. We could, you know, exclude the developed tracts -- they're identified in the plat -- and then reference that plat book and page. So even if they're replatted, it's still goes back to that. Right now it's platted as Tuscany Reserve in Plat Book 39.

CHAIRMAN STRAIN: Well, Kay, I have no problem with the platted part. We can clarify that. But if they wanted to come in for one of those northern tracts, that's -- as a replat or to do as a new plat and they wanted to have the ability for all five single-family unit -- type of units on that tract, how do you see that getting through a review process to know that the setbacks and all the distances between buildings and footprints are properly portrayed in the plat process?

MS. DESELEM: Yeah. I could be wrong -- Ray can correct me if I'm wrong -- but I don't think zoning normally looks at plat reviews. I mean, when they come in for plans and plat, I don't know that we have anybody in that realm that reviews that.

CHAIRMAN STRAIN: Well, John Houldsworth reviews it.

MR. BELLOWS: Yeah, and John Houldsworth reviews it and -- if there are zoning issues, making sure, basically, the lots meet the minimum lot size and area of PUD. He'll coordinate with the zoning to make sure that it's -- that it is --

MS. DESELEM: Okay.

MR. BELLOWS: -- consistent.

There is a possibility that they could provide a typical detail of a tract as they proceed in the future. But it still boils down to, if you're in the middle of developing single-family with a certain lot size and then all of a sudden you change that to a four-plex, let's say, it's not going to fly on the same tract.

CHAIRMAN STRAIN: No. They're not suggesting that. They're saying if they would develop a single-family lot of 75 foot wide on any one of these tracts but they found a buyer who wanted to provide a -- have a 40-foot-wide zero lot line on that same tract, they just pop it in that tract and do it. Is that something staff can monitor effectively?

MR. BELLOWS: In regards to building permits pulled for single-family dwelling, they're going to look at the PUD to determine what the setbacks are for that tract. Now, if there are multiple setbacks that apply, it will be very difficult to understand what -- you know, I think an error could be made in that case.

CHAIRMAN STRAIN: Well --

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Okay. Brad?

COMMISSIONER SCHIFFER: And you're spending a lot of time protecting them from themselves, but I'm more worried about the people living there. Because one thing this thing doesn't do -- it just says everything is residential, so it's kind of a no man's land until they come along and provide a plat.

There's no minimum-size plat. It could be for one lot on the street. It could be for the whole street, the whole cul-de-sac. And then people go in, and they buy a product, then the next product is going to be what's ever marketable next door. And I'm worried about the people that would start off down the street and see this nice single-family. The next thing you know, hey, let's do some multifamily here. Then, Wayne, let's go back to cluster here, then let's -- you know.

And normally these plans show us regions in which different densities are going to occur. This thing doesn't have it. They're just going to cut it off as they eat it, so to speak.

So, you know, that's the problem I have. Your problem could be there, but I think where they'll get cut more than anything is they have minimum lot sizes, and they'll probably be subdivided minimum lot sizes. So if you've got a 3,500-square-foot lot, you're not going to build a -- you know, the 4,000 product won't fit.

But enough said on that.

Ray (sic), one question is, on the two-family, you're saying that it is 3,500 per unit on that lot?

MR. ARNOLD: Correct.

COMMISSIONER SCHIFFER: So at a 35 width, if I wanted to do a duplex, I would have a 200-foot-deep lot?

CHAIRMAN STRAIN: Two hundred-foot-deep lot?

MR. ARNOLD: I'm not following.



COMMISSIONER SCHIFFER: Well, the duplex is -- the minimum width is 35 feet, right?

MR. ARNOLD: The minimum lot width is 35 and the minimum building area is 3,500.

COMMISSIONER SCHIFFER: Right. And the minimum lot depth is 100. So I start out at, I have a 3,500-square-foot lot. I can only put one unit on that, though.

MR. ARNOLD: Correct.

COMMISSIONER SCHIFFER: That's right, isn't it?

MR. ARNOLD: Yes.

COMMISSIONER SCHIFFER: I'd have to either make it twice as wide or twice as deep.

MR. ARNOLD: Well, that would be in form of -- in that particular reference, that's a two-family or an attached single-family, I think, is the more common reference, where you have a common wall.

CHAIRMAN STRAIN: They'd have 70 feet for two -- for that unit to be complete.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: There would be a common parting wall; 35 feet on each side.

COMMISSIONER SCHIFFER: Okay. That's what I'm trying to get to, that you're not building a duplex on 3,500 feet. In the note, I think -- the two-family would have a property line, common property line, you know, in a parting wall.

MR. ARNOLD: Yes.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: Wayne, your suggestion of taking some of that language from that paragraph and trying to supplement it into clarification on 3.5F, I think that might be the way to consider going.

MR. ARNOLD: I think Mr. Anderson and Ms. Ashton are -- have discussed that, too, and we may have an answer for that before we complete it today.

CHAIRMAN STRAIN: Okay. It just needs further clarification rather than leave it like it is, and I think you've -- heading in the right direction, so I'd certainly like to see that happen.

Boy, we're moving --

COMMISSIONER SCHIFFER: Just one more question on that.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: The customer services department, what is that just out of curiosity? Is that downstairs where I get my beach pass or --

CHAIRMAN STRAIN: Probably need to refer to the correct -- that's the old language, so CDES or whatever they call themselves now. Yeah, you guys change your name so much over there, it's hard to keep up.

MS. DESELEM: My understanding, the customer service department is part of the business center which is, in essence, when you go into the building at 2800 North Horseshoe, when you get in the lobby, that's the business center area and the customer service people.

CHAIRMAN STRAIN: Well, what's the department now called?

MS. DESELEM: The overall?

CHAIRMAN STRAIN: It used to be called CDES.

MR. BELLOWS: Growth Management Division.

MS. DESELEM: Now it's called Growth Management Division.

CHAIRMAN STRAIN: Okay. Then why don't we just substitute that in. That takes care of -- no matter what lobby you walk into, you've got to submit it to that division.

COMMISSIONER SCHIFFER: Well -- and also we wouldn't want them just to walk in, walk up to a counter, you know, get a number. When the number's called, and that's where this is all worked out. Like, something a little bit deeper than that.

CHAIRMAN STRAIN: Well, I think that's the process we've asked to have clarified in the previous page.

MR. ARNOLD: We'll clarify that.

CHAIRMAN STRAIN: Table 3 -- the table on Page 3-3 we've already started touching on a little bit. One of the issues -- your definition -- the old definition for building height is in here. I asked you to consider accepting -- striking that Asterisk 2 and just use whatever the zone definition is, because you went to the new "actual" as another category; do you have any problem with that?

MR. ARNOLD: I think we do. When we initially spoke, I wasn't sure. I consulted with Mr. Asher, and he

reminded me that the multifamily structures that are actually built on the lake in the village center, those units are at lower-than-road elevation because they created the height for the village center area and the bulkhead for the lake. So you have units that are down closer to the water, and those, essentially, are three-story units that progress from -- so your first finished floor is actually below the road elevation on those units, and that's why we'd be hesitant to remove that standard, because they were constructed using that standard. And there's still other development along that lake bulkhead to be constructed.

COMMISSIONER EBERT: Wow.

CHAIRMAN STRAIN: Nothing's easy with this one, is it? Got to walk through every one of these.

MR. ARNOLD: That's the difficulty of dealing with a project that's under construction. It's one of those where we need refinements. And I know it's not easy, but it's the process we have to go through.

CHAIRMAN STRAIN: Under F -- go ahead, Brad.

COMMISSIONER SCHIFFER: And, Mark, one thing, too. Zoned height, that is not the description of zoned height.

CHAIRMAN STRAIN: Well, I know it isn't. That's why I wanted it struck and just use the definition of the LDC. But the problem is, they've relied on their definition, which isn't uncommon at the time. That definition was used by many PUDs at the time. It gives them more latitude because it measures into your heights, not exterior, as you well know.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: But if it's -- they've already got property slated to be used with that height calculation in mind based on other infrastructure improvements, I'm not sure it would be beneficial to change it or how to change it at this point.

COMMISSIONER SCHIFFER: And actual is measured from, you know, average road to --

MR. ARNOLD: Correct.

COMMISSIONER SCHIFFER: -- the uppermost part of building.

MR. ARNOLD: Yes. And that was one of the other changes that Mr. Anderson previously referenced. We were asked by staff to add an actual building height to the zoned height, to which we have complied.

CHAIRMAN STRAIN: Well, you would have been asked by us to do it anyways, so staff was just giving you a heads-up, so --

MR. ARNOLD: They listen to you, yes.

CHAIRMAN STRAIN: Yeah. Asterisk No. 3, this is different. I understood your explanation. I want to make sure everybody on this panel understands it, because normally the front-entry garages are a minimum of 23 feet. You've reduced it to 20. The basis for the reduction is that the 23 feet is from back of curb -- or back of sidewalk so you don't block a sidewalk. In this particular case, you don't have any sidewalks. You have no homes facing sidewalks in this particular project; is that correct?

MR. ARNOLD: I think that's correct, yeah.

CHAIRMAN STRAIN: Okay. Number 6 was a twist.

COMMISSIONER EBERT: They have no sidewalks?

MR. ASHER: On the cul-de-sacs.

CHAIRMAN STRAIN: On the cul-de-sacs, so the only place you've got residential. None of the cul-de-sacs in this project have sidewalks based on prior approval. That was done in -- I forgot when. It was a scrivener's error back --

MR. ARNOLD: 2004.

CHAIRMAN STRAIN: 2004. So --

COMMISSIONER SCHIFFER: So none of the roadway exhibits are in the cul-de-sacs, the sections? Well, they have sidewalks, so the answer has to be no.

MR. ARNOLD: Correct. The deviation at the time was to not provide sidewalks on the cul-de-sacs. And the other road cross-sections, the primary -- primary road and any other street that's not a cul-de-sac would be constructed to those as they're currently referenced in the PUD document.

COMMISSIONER SCHIFFER: Okay. And what street would not be a cul-de-sac? The road from the primary to the village center?

CHAIRMAN STRAIN: Entrance to -- yeah. All up the spine road down the middle it looks like. All the

cul-de-sacs feed off of it.

MR. ARNOLD: Correct.

COMMISSIONER SCHIFFER: So that's the primary and then the road.

MR. ARNOLD: And that's not to say that it couldn't change. But, yes, the primary road has the sidewalk, and then the cul-de-sacs do not.

CHAIRMAN STRAIN: What about that loop road that goes along the north and connects over at the star -- the center point by the village center? That's not a cul-de-sac road.

MR. ARNOLD: Are you referring to the northernmost east/west road, Mr. Strain?

CHAIRMAN STRAIN: Yeah, then it turns north/south when it goes to the west side -- east side of the project.

MR. ARNOLD: Yeah. It's got a sidewalk, right?

MR. ASHER: Right.

CHAIRMAN STRAIN: That has a sidewalk?

MR. ARNOLD: It does have a sidewalk.

CHAIRMAN STRAIN: So that's the additional one.

Back on that page, now we get into the issue of the variables zero lot line. This board is used to seeing standards like zero feet on one side and 10 on the other, and you can move it back and forth. In this particular case it's variable. It can be anything from zero to ten, but you maintain a 10-foot separation. So one property could have zero. The other next to it would be 10 feet. But if one property is three, the other's got to be seven. Is that what you're proposing?

So the zero lot lines are -- you could have five and five. How do you differentiate a zero lot line from a single-family detached at that point?

MR. ARNOLD: That is -- I understand your comment, and we did discuss that. Mr. Asher has been building a zero-lot-line product, as they call it. We're calling it variable for this purpose, because Heidi would point out to you your definition of zero lot line requires one wall to be built on the zero.

This would allow the developer some flexibility to have certain portions of the building at zero if they chose to. But I think in reality, if they start a street with a three and a seven, it's going to be a consistent three and seven, or five and five, if that's the case.

MS. ASHTON-CICKO: I think the variable lot lines are a problem. We have had problems in other developments. I think Wyndemere is an example of that. And if you're going to allow it, perhaps they can come up with some kind of control so that you don't have a property owner who does have zero lot lines on each side and then they have to be the one that has to build the smaller home or not get the kitchen extension that they want.

CHAIRMAN STRAIN: Ray, do we have a definition in the LDC for zero lot line?

MS. ASHTON-CICKO: Yes.

MR. BELLOWS: Yes.

MR. ARNOLD: You do.

CHAIRMAN STRAIN: This varies from that definition? If it does, is that a deviation?

MS. ASHTON-CICKO: Well, I can read you the definition.

MR. ARNOLD: I would call it development.

MS. ASHTON-CICKO: The only thing zero lot line says is the location of a building on a lot in such a manner that one or more of the building sides rests directly on a lot line.

CHAIRMAN STRAIN: So this isn't a zero-lot-line unit if it goes -- if it has a variable distance. So now, we're into a -- we're into a definition issue.

Ray or Kay, if this isn't a zero lot line because it no longer rests on the line, under what definition does it become in the code then? And, then, how do we --

MR. BELLOWS: Single-family.

CHAIRMAN STRAIN: Well, if it's single-family, then we fall under category -- which was Category 1, but then your setbacks don't work. So now we've got a single-family with a variable setback. Is that what we're looking at?

MR. ARNOLD: Are you asking me or staff?

CHAIRMAN STRAIN: No. I'm trying to understand it, Wayne. This is probably -- I don't -- I understand

the creativity. I understand all that good stuff that PUDs are supposed to have, but this one is certainly one of those creative ones. We're trying to understand it; that's all.

MS. DESELEM: For the record, Kay Deselem. Since it doesn't meet the definition of a zero lot line, it can't be a zero lot line. So, like you say, it's probably going to have to be some kind of single-family attached unit and then set forth the standards for that, because you can't deviate from a definition anyway.

CHAIRMAN STRAIN: They're not attached, though.

MS. DESELEM: So you can't -- okay.

CHAIRMAN STRAIN: Single-family -- go ahead, Ray.

MR. BELLOWS: One -- some older PUDs that I've noticed they might say Type 1 development standards, single-family Type 1, Type 2, then you have your second set of development standards, then you would note on the plat that it's going to be Type A or Type 1 development standards, single-family. That way you're not trying to fiddle with the definition or trying to shoehorn a project to meet a certain definition. Certainly it's not a zero lot line by definition.

CHAIRMAN STRAIN: Well, if it becomes variable, and you don't have part of the building on zero, then you don't have a zero lot line, that means your whole table becomes what? What do we go for then?

MR. ARNOLD: Could we just retitle the zero lot line to say "variable lot line"?

CHAIRMAN STRAIN: Well, it would be better than trying to use the --

MR. ARNOLD: Variable, single-family, or something like that because --

CHAIRMAN STRAIN: -- term that's got a definition.

MR. ASHER: With the commitment that it not change the standard.

CHAIRMAN STRAIN: Well, I under- -- and, John, you're not on the record, but I think Wayne can repeat what you just said.

MR. ARNOLD: Well, I'll let John speak.

MR. ASHER: John Asher, for the record. The purpose of this is we've gone to smaller products -- and I'm putting on my builder's hat. And it had a twin-villa product that was basically a duplex, and then we separated it. But that product works out much better architecturally if you come in from -- have a side entrance versus a front because of the narrowness.

And to do -- but the true zero lot line causes problems with roof overhangs and drainage, so we found it much better to have a 3-foot setback on the one side that accommodated the roof overhang and minor drainage issues, left you 7 foot on the other side to put in a small landscape hedge and a sidewalk and still keep it off the property line. So we avoided all those cross-use easements and all those headaches that residents never understand and end up being basically arguments in an HOA down the road.

So that's the desire. It isn't to have, you know, zero on one lot and three on the next and five and five on the next. It's to come up with a standardized plan that allows flexibility that minimizes headaches for the residents but allows you the side entry.

CHAIRMAN STRAIN: I understand what you're trying to do, and I don't have necessarily a concern with that part of it. I'm just trying to figure out how it should be worded so that anybody reviewing it can understand it. And your explanation helps. Thank you.

MR. ASHER: Okay.

COMMISSIONER HOMIAK: Terri might need a break.

COMMISSIONER EBERT: Does he --

CHAIRMAN STRAIN: Yeah, I'm going to do that now.

COMMISSIONER SCHIFFER: One more question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: Okay. And you forgot the fire code, which is a good reason we'll be back, too.

Number 8, Ray, the way that's worded, I mean, I read that last sentence. Everything was going well until you got to -- the 150 feet's important because a dead-end, the fire department cannot back down anything greater than 150 feet, so you have to have a massive cul-de-sac or T turn.

But then you say for nonemergency-vehicle access. I don't think you have to say that, and the reason that could be a problem is that if you're telling them that vehicles -- emergency vehicles can't go into that cul-de-sac, then

you might start throwing some of the buildings that are on the far end of that having to be sprinklered and stuff like that because of the fire department access distance. So you may want to review it with the fire department.

But I think you could remove the notation that you're saying that's not for emergency-vehicle access. The 150 feet is a brilliant number.

MR. ARNOLD: I don't think we had a -- would have a problem. I think we put it in there for assurances that it wasn't going to be an issue for emergency vehicles. But if we don't need the language, then I'm happy to take it out.

COMMISSIONER SCHIFFER: Well, you're saying that it's not to be used for emergency-vehicle access, correct? That's how I'm reading it. I mean, if it's --

COMMISSIONER EBERT: That wouldn't be good.

COMMISSIONER SCHIFFER: Anyway, the point is, you would want to go the 150 feet and then give you immediate access to a unit down at the end. I mean, I've had trouble where if you get past the 150 feet you actually have to start sprinklering the building because the fire department access is so far from the building, in some jurisdictions, not here.

Anyway, work it with the fire department to get it worded --

MR. ASHER: Okay.

COMMISSIONER SCHIFFER: -- so they can use it but you don't have to put a full-blown cul-de-sac or T turn on the end of it.

MR. ASHER: Right.

CHAIRMAN STRAIN: Let's take a break while we can for the court reporter. We'll be -- let's come back at 10:45 and resume.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. This is abnormal. Sorry we're being -- we're coming back late.

COMMISSIONER EBERT: Late?

CHAIRMAN STRAIN: Late. It's 10:46. It's supposed to have been 10:45. I know how punctual Mr. Brougham likes things, and so --

COMMISSIONER BROUGHAM: I was looking at you.

CHAIRMAN STRAIN: I figured you were. When's he going to get up here.

Okay. We left off with the standard's -- development standard table on Page 3-3. Brad had asked a question about the last paragraph, and I certainly wanted to understand it better myself, but a different issue than Brad had found.

And, Ray or Kay, it really leads to staff's issues. It says in the second sentence, the county manager or his designee may approve substitutions to the design standards in the Collier County Construction Standards Manual in accordance with Section 10.02.04, yada, yada, yada -- good luck writing that, Terri -- of the LDC.

Now, are you comfortable with the processes that they're talking about, in particular the reduction in road -- in right-of-way width down to 30 feet? And if you are, why have we had that listed as a deviation in so many previous PUDs? It's almost a standard deviation request now if you can apparently do it administratively.

John, did you pop up because you had something new to contribute or --

MR. ASHER: Yeah.

CHAIRMAN STRAIN: Okay. You want to strike that whole paragraph?

MR. ASHER: Pardon me?

CHAIRMAN STRAIN: Do you want to strike that whole paragraph?

MR. ASHER: Oh, no, not at all. We'd add a few more thing -- possible flexibilities in there, but no. We met with Jack McKenna and John Houldsworth on this language and tried to show them what we were trying to accommodate, and this was derived as a result of those conversations and giving the county manager or his designee -- who in this case would probably be Mr. McKenna -- the ability to, you know, authorize that.

CHAIRMAN STRAIN: Well, but, unfortunately, we've had many PUDs, and Wayne's brought some of them here where, because we wanted to vary the right-of-way width from the standard that's shown in the LDC down to 50 feet or some other number, we've had to always put it through as a deviation.

So this is kind of saying we never needed to do that because it can be done administratively, which I'm a little surprised at seeing it like that, and I'm wondering how many more of those conditions are tucked away under this process or in the reference to this manual that we don't know about that normally we would have seen as a deviation

as we had in the past.

And I don't know if Ray and Bill and Kay are listening to any of this --

MS. ASHTON-CICKO: Well, Mr. Chair?

CHAIRMAN STRAIN: Yes.

MS. DESELEM: Yes, sir, we are. For the record --

MS. ASHTON-CICKO: The Constructions Standards Manual is in your Code of Laws and Ordinances, so it's not in the LDC. And there is some current ability under that ordinance to grant, I don't know if I'd say deviations or variances, but there's that authority there already.

CHAIRMAN STRAIN: To who, the --

MS. ASHTON-CICKO: To the -- yeah. This recital here deals with the authority that's already in the Construction Standards Manual. And I can get that section for you if you want to see what it says.

CHAIRMAN STRAIN: No, but then let's go back to the question at hand. Why have we been looking at changes in right-of-way widths as deviations? Kay?

MS. DESELEM: For the record, Kay Deselem. What I've run into is when the developer comes in with a project, he doesn't want to wait till that stage because that's usually done at SDP. They want to have assurance up front as part of their zoning that they can have the approval to deviate from those standards.

So instead of going through the process to do it at SDP stage, they want to do it as a deviation at the zoning stage.

CHAIRMAN STRAIN: They haven't asked for a deviation, though.

MS. DESELEM: I --

CHAIRMAN STRAIN: That isn't a deviation. That's a footnote to a development-standards table. Did they ask for a deviation for this?

MS. DESELEM: No.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: I'm thinking of the substitution table. I'm sorry.

CHAIRMAN STRAIN: Okay. I'm only getting more confused. And I apologize --

MS. DESELEM: That's my fault.

CHAIRMAN STRAIN: -- because --

MR. ARNOLD: May I try and address that? Again, Wayne Arnold.

CHAIRMAN STRAIN: Sure.

MR. ARNOLD: Under your preliminary plat procedures that's referenced in the Land Development Code, you can ask for design substitutions as part of that process. Mr. Asher met with Jack McKenna and John Houldsworth to show them the various product examples that they had, and we believe that the two numbers that are referenced with regard to the standards are what we need assurances to be able to construct that product given the substitutions that we can ask for.

CHAIRMAN STRAIN: Okay. But, again, I'm back to the process as a problem, not what you're asking for. If you want to put a 30-foot driveway in instead of 50-foot or a 60, that's practical. I'm not worried about that. I'm more worried about the process. And the process that you've brought up basically says that this can be done administratively. It's never been done administratively from those applications sent before this Planning Commission. It's been done as a deviation.

So now you're asking for a -- you're telling us something can be done administratively asking for prior approval of it when we're -- we only issue deviations through the LDC. So I don't understand why this issue is coming up to here. And if it's already something that can be done, why is it even listed in this as a need to even express itself. Why aren't you just following procedure? And if the staff can already do it, let staff keep doing it.

I'm a little puzzled as to why we have even the prior deviation request of the 50-foot-wide road widths. Can you answer that question, Ray?

MR. BELLOWS: There's -- the section cited in this Footnote Number 8, Section 10.02.04.A.3 of the LDC, is part of the platting requirements.

And as Kay has -- had mentioned, there has historically been an ability at the time of platting or Site Development Plan to ask for deviation -- or those substitute design standards; however, during rezoning, the board and the Planning Commission has historically wanted to know if they were planning on doing those things. And we

tried to list those as deviations so you know that they are proposing either a smaller right-of-way or that the cul-de-sac length is going to be extended greater than what's allowed in the LDC. So we tried to --

MS. ASHTON-CICKO: Mr. Chair?

MR. BELLOWS: -- address those as soon as possible up front at the time of zoning.

MS. ASHTON-CICKO: You've got some roadway design standards that are in the LDC. And when we're deviating from the LDC, we put it specifically as a specific deviation, okay.

There are also standards in the Collier County road right-of-way handbook which is in the Code of Laws, and we have been getting requests from the development community to deviate from that section.

And because we don't give deviations to the Code of Laws, we have been structuring it a little bit differently. We've been looking at the authority under that ordinance for the transportation administrator to grant deviations, and on occasion we have specified under the deviations section that he's granting that deviation. Do you understand what I'm saying?

So it has shown up under your zoning approvals, but it's been as the transportation administrator granting that deviation prior to getting to the SDP stage.

CHAIRMAN STRAIN: Okay. Without me having that section of our code in front of us, what is the minimum right-of-way width provided by the LDC; do you recall? You said it was in there, and I believe it is.

MS. ASHTON-CICKO: I believe it's in the LDC under 6.06.01 --

CHAIRMAN STRAIN: No. But what is the minimum width called out then?

MS. ASHTON-CICKO: I believe it's --

CHAIRMAN STRAIN: Sixty feet?

MS. ASHTON-CICKO: -- 60.

MR. BELLOWS: Yeah, 60 feet.

CHAIRMAN STRAIN: And what are they asking for; 30?

COMMISSIONER EBERT: Thirty.

CHAIRMAN STRAIN: Is 60 more than 30? Yes. Is 30 a deviation, then, to the Land Development Code?

MS. ASHTON-CICKO: Yes.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Okay. Then where's the deviation being requested? It's as simple as that.

MR. ARNOLD: Well, if we need to restructure this in the form of a deviation, I'm happy to do so.

CHAIRMAN STRAIN: Yes, I would think you do. And I would think that we take out the language that you're entitled to already if you believe you are, because by putting it in here subjects us to have to understand your entitlement. And I don't really want to go through that Construction Standards Manual in -- paragraph by paragraph with this board stepping through all the things you could possibly ask for as unsolicited deviations, more or less.

So if you want a deviation to what's in the LDC, I think you need to list it as a deviation, Wayne. And if you want to go from 60 feet to 30 feet, I think you need to say so.

And I am puzzled, though, as why staff would have seen this as not a deviation in this case but a deviation in other PUDs. And that still -- at some point we probably need to understand how often this is going to occur.

MS. DESELEM: Let me see if I can confuse you again.

CHAIRMAN STRAIN: Thank you.

MS. DESELEM: Like I said, the LDC allows them to do substitutions at platting or at the SDP stage.

CHAIRMAN STRAIN: Right.

MS. DESELEM: And that can be done administratively. But if they want to have it up front as part of their zoning, they are allowed to request a deviation, but they're not required to because they still have the ability later to come in as a substitution.

CHAIRMAN STRAIN: So you're saying that they could take an LDC standard that says 60 feet, substitute 30 feet administratively later, and never have to go through a deviation process?

MS. DESELEM: That's my understanding.

CHAIRMAN STRAIN: Is there anything in the LDC they couldn't do that for?

MS. DESELEM: It's only for those portions that are listed, like in the substitutions where you saw it earlier identified as substitutions. And I think it's, like, 6.06.0 of the LDC where it allows for those specific things like they were saying that the engineer -- the county manager or his designee can allow for those substitutions.

CHAIRMAN STRAIN: Okay. But the substitutions they're asking for are not 30 feet. They're down to 40 feet. So how are we getting to 30 feet? That's another substitution on top of the deviations that are -- the substitutions in this document today would have been deviations.

MS. DESELEM: Right.

CHAIRMAN STRAIN: Okay. So let's consider them as deviations. And they have been previously approved. If you go to Page 7-3, Paragraph 7.6C, you've got various widths of cul-de-sacs. They appear to be 40-foot widths. They're now asking for, in a footnote to the Development Standards Table, to go down to 30 foot -- 30 feet, 30 foot, yeah -- 30 feet, yeah. But you just said these are deviations that are basically complementary to the substitutions that are -- already been approved.

Well, they haven't been approved at 30 feet. They've been approved at 40. So now it's another deviation?

MS. DESELEM: They can either do it as a deviation or add it as an underlying segment for the substitution list.

CHAIRMAN STRAIN: Then why have they got any of the substitutions in there? So you're saying if they wanted to change the LDC in the future, they can just sub- -- they can do it through staff? They don't come through -- they don't have to do that approval process through a deviation?

MS. DESELEM: Only for those items listed in LDC Section 6.06 --

COMMISSIONER EBERT: Boy.

MS. DESELEM: -- having to do with right-of-way widths, cul-de-sacs, lengths, that kind of thing.

CHAIRMAN STRAIN: Is there a segment in the LDC that allows that discretionary review?

MS. DESELEM: I believe that Bill Lorenz has it. It's Section -- it's the same one that's cited in this footnote, 10.02.04.A.

CHAIRMAN STRAIN: Okay. So I'll -- when I get time, I'll pull that one up and take a look at it and try to resolve it before the --

MS. DESELEM: I think we can get it online and read it -- the intro, if you'd like.

CHAIRMAN STRAIN: Yeah.

MR. BELLOWS: Okay. This provision in the Land Development Code states that the county manager or his designee has the authority to approve requests for substitutions to the design standards contained in the Collier County Construction Standards Manual, provided those requests are based on generally accepted, sound and safe professional engineering principles and practices.

Requests for substitutions shall be made in writing and shall provide clear and convincing documentation and citations to professional engineering studies, reports, or other generally accepted professional engineering sources to substantial --

MR. LORENZ: Substantiate.

MR. BELLOWS: -- substantiate the substitution requested.

CHAIRMAN STRAIN: I'm just trying to think where it stops. I mean, basically it -- go ahead. Wayne?

MS. ASHTON-CICKO: That seems to relate to preliminary subdivision plat approvals, preliminary.

MR. ARNOLD: It is. It's related to the infrastructure improvements that are related to subdivisions. It wasn't meant to apply to --

CHAIRMAN STRAIN: Why don't you add this as a substitution and take it off as a footnote to Development Standards Tables so it's up front and everybody knows what we're talking about.

MR. ARNOLD: You want me to add it as a deviation or substitution?

CHAIRMAN STRAIN: That second sentence under Asterisk 8, you just need to strike it completely, then you need to take whatever width you want and stop the reference to the county construction standards manual. Whatever deviation you're asking to -- for the LDC, list it as a -- one of your sub- -- either the -- do you have a new list of -- you have another couple deviations you're adding to this, so why don't you just add it to that list, and that'd be a new substitution or deviation.

MR. ARNOLD: That's probably the cleanest way to deal with it. As long as the Planning Commission has no objection to that, I'm happy to do it.

CHAIRMAN STRAIN: Well, I'm asking -- I guess if anybody thinks 30 feet is a problem, state so now; otherwise, I think that's the direction to go just for clarification. Footnotes to -- how many times have we missed footnotes to Development Standards Tables? They just generally don't get caught. And this Asterisk 8 of paragraph



and width doesn't work.

So, anyway, I think that's where it needs to go. Is anybody -- Brad?

COMMISSIONER SCHIFFER: To understand what's left behind -- because the 150 feet is an important part of that, so that's going to still stay, correct?

MR. ASHER: Correct.

MR. ARNOLD: I think I'll just rewrite one deviation that applies to the width of that right-of-way for villas. And I can even make it specific to our villa product, because that's the only place we're asking for that to apply.

CHAIRMAN STRAIN: And if you were to decide later on you want to apply it to another product but it met the intent of the process in which it can be done by staff, don't muddy the waters. Do it that way.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: And we're not asking you not to do something that has been previously allowed, but this is -- the way you're bringing it up, I think, again, is the question.

MR. ARNOLD: Okay. Let's go to --

MS. DESELEM: Mark?

CHAIRMAN STRAIN: Yes.

MS. DESELEM: If I can add on. It's Kay over here.

CHAIRMAN STRAIN: Hi, Kay.

MS. DESELEM: Hi. In Section 6.06.01.0 of the Land Development Code, in part it reads, private street rights-of-way and design may be determined on a case-by-case basis in accordance with Chapter 10. In the event the applicant does not apply for a preliminary subdivision plat, the applicant's engineer may request that the county manager or his designee approve an alternative private right-of-way cross-section, has to be in writing accompanying -- it goes on similar to what you heard Ray read. So they link together.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: But that's where it comes from.

CHAIRMAN STRAIN: Appreciate it, Kay. Thank you.

Okay. Page 4-1.

COMMISSIONER EBERT: I have one question on the other.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Wayne, I talked to you briefly, but I just want to make sure. The rear-yard setback for principal and accessory structures on lot tracts, setback from the lake and all principal and accessory uses may be zero. I always thought there was a 20-foot setback. And you said something about they sit right on top of the water. How is the lake maintenance ever done?

MR. ARNOLD: One of the lakes that's constructed that surrounds the village center, for instance, it's a large -- it's got a seawall, in essence, a bulkhead, that has been developed, and the buildings have been cited out to that bulkhead line so that they're closer to the water. It was a -- it was the design element that the predecessor developer wanted. It created a unique situation where you could have units that were literally down close to this man-made lake, and they tiered away from that lake. But it's allowed where they have that bulkheading. And the maintenance then occurs from the water side of a bulkheaded shoreline, which the Water Management District has previously approved for this.

CHAIRMAN STRAIN: Okay. Let's move on. On 4-1 you start a discussion on the golf open space, the GO tract, and in it you list a series of uses, most of which I'm finding are duplicated in the village center. And the village center is where you're actually going to have your clubhouse; is that right?

MR. ARNOLD: It's under construction right now. It's been sitting there vacant. They -- the predecessor developer started their golf clubhouse structure. The golf and open space, as you see, allows tennis clubs, et cetera, community buildings similar to other communities like a Pelican Bay that has a foundation or something similar. So the golf course and open-space tracts could have more than one.

The village center is meant to be the clubhouse for the golf course, the primary clubhouse. But the golf open space does also provide for there to be club facilities.

MR. ASHER: There is an existing facility.

CHAIRMAN STRAIN: You have a temporary club facility over -- but I notice that the parking for that is on a residential parcel which -- I mean, off-site parking isn't unusual. But I'm assuming, though, if you intend to retain

that, you build that residential parcel out, you're going to have to move the parking into the GO; is that right?

MR. ARNOLD: Correct, I believe so.

CHAIRMAN STRAIN: Okay. On 5-1, the village center, this one is another one of those fun, confusing requests. We have an NVC, a neighborhood village center, requirement in our Land Development Code, and it talks about the maximum amount of acreage you can have based on the population you have anticipated, or not the population, the number of houses, density you have for your PUD.

In this particular case, you have to max out the neighborhood village center at 4.5 acres. Your current village center is 21 or 21-and-a-half acres. And this says that you're going to limit those uses not associated with a golf and tennis community club facilities, which means the other personal services, small-scale retail, and convenience goods to 4.5 acres.

And as I pointed out to you at our meeting the other day -- and you showed me a layout of the golf club and where you intended to put that. Could you show that to us so we can get a picture view and everybody on the board will realize what you're talking about?

MR. ARNOLD: Give me one second to locate that exhibit. I think this is --

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Mr. Strain, I think this is the exhibit. This highlights, really -- if you're familiar with the community and remember the aerial, the oval park area that's there has an obelisk in it, and it also has a fountain. It's a very decorative feature as you come into this village center.

The clubhouse facility that's under construction is located where the larger brown structure's depicted on that drawing.

If you take in the area that's depicted as -- I can't read the building number. It's Building --

CHAIRMAN STRAIN: Between D and B.

MR. ARNOLD: Yeah, there it is. That area's envisioned to be the clubhouse structure of which these small-scale retail and personal-service items could be located.

The entirety of the area that's inclusive of a club and its parking is about 3.9 acres as currently configured. So I think we're already under our four-and-a-half acres, and we can depict that on the Site Development Plan for the clubhouse and those small-scale convenience items that would come through the process.

CHAIRMAN STRAIN: Okay. So for the calculation of things like parking -- let's start there. Certain -- of the parking lot, you've got a C, G, and H parking lot. Certain portions of that parking lot are attributable to the neighborhood village center portion of the project, as would be buffers and roadways and other things. I'm not sure how you're going to show those, but you do know that needs to be done.

But in -- look at D, for example. I think, from the last time we spoke, D is an open courtyard with table seating potentially for diners or cafes or whatever might be there, some of which you may have in the golf club, which would be F, and could be in B, which is more retail.

How do you define how many tables and what space contributes to the 4.5 acres when you get in a mix like this, and also, since this is the neighborhood village center and it's supposed to be for all of the residents of Tuscany, is Tuscany then, all the residents there, going to have an ability to use this golf club and these retail spaces as well, or is it going to be limited to some kind of membership?

MR. ARNOLD: I don't think it's all been defined, but the intent is that all of the small-scale retail and anything that's non-golf related that would be subject to this particular LDC standard would be open to all residents of the PUD to use.

CHAIRMAN STRAIN: Well, the intent doesn't work. You need to know what it's going to be. And the reason for that is if you're not going to allow the whole population to use the retail space but the retail-space acreage is based on the full density count, I'm not sure it's fair then to say that 300 or 300 -- typically a golf club is 350 members. That wouldn't get you as much available commercial as 799 would.

So can -- someone just tell us for the record that it's going to be open to all residents of Tuscany?

MR. ASHER: Yes. For the record, all the residents of Tuscany will be members of the club.

CHAIRMAN STRAIN: Good.

MR. ASHER: There's a mandatory social membership, and everyone will have access to all those facilities. The golf membership will be an additional level above that, but the social members will not be precluded from any of the facilities.

CHAIRMAN STRAIN: Excellent. Thank you. Okay.

COMMISSIONER SCHIFFER: I have some.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I have a 5-2, and it's B6. Where do you see those things going in? And they don't count as residential, correct? The golf -- essentially you're describing, I think, a hotel, right?

MR. ARNOLD: Are you referring to the golf club cabanas? Just to make sure I'm in the right --

COMMISSIONER SCHIFFER: No -- yes.

CHAIRMAN STRAIN: Yes. Page 5-2.

MR. ARNOLD: 5-2, okay. Well, this language --

COMMISSIONER SCHIFFER: Well, let me -- before you go into it, why is there a 5 golf club cabana and a 6 for the purpose of this PUD golf club cabana?

MR. ARNOLD: I think it's because of the way we have formatted. It's -- it obviously applies to No. 5, but we labeled it 6 because it's clarifying what it is. I think we could certainly call it 5A. It wouldn't have to be No. 6. But the golf club cabanas were envisioned with the initial project.

Staff asked us to try to help better refine what that product is, so we tried to add a definition to address it, which was largely based on maybe a combination of what's cabana in your LDC and what's also defined as a guest unit in your LDC.

COMMISSIONER SCHIFFER: But it also sounds like a hotel room.

MR. ARNOLD: I don't think the concept is far enough along in this developer's mind to know how they might utilize that. I know how the predecessor developer intended to utilize it, and it was meant as just a convenience. And I don't know that anybody got into the nuance of whether it's a hotel or not. I have no idea what technically becomes a hotel.

COMMISSIONER SCHIFFER: Where would you see them -- it would be in this area. Where do you see those being built?

MR. ARNOLD: Probably as part of, most likely, the golf club structure itself.

COMMISSIONER SCHIFFER: Well, is that -- what is E on your drawing here?

MR. ARNOLD: Yeah, it looks like a swimming pool to me.

MR. ASHER: It's a swimming pool.

COMMISSIONER SCHIFFER: Okay. So it's a swim club, part of it. Okay. The area on the island here to the north, what's intended for that? I mean, here's the thing is that since there's no limit to these, the only limit is the maximum size. I mean --

MR. ARNOLD: Well, we're limited to 10 of them total, 10 golf club cabanas.

COMMISSIONER SCHIFFER: You're right. Once you link it with the golf club cabana, okay. I'm good.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: But -- that was my next page of questions, and that was the issue. So let's continue with that. Your golf club cabana, if they were to be built at a thousand square feet, they would be bigger than your villas, bigger than your multifamily dwellings, and equal to all of your single-family units.

MR. ARNOLD: One difference.

CHAIRMAN STRAIN: So -- one difference is they don't have a full kitchen.

MR. ARNOLD: No. The Table 2 that you're referring to, those are minimum square footages. This is expressed as a maximum square footage.

CHAIRMAN STRAIN: But you could build any one of your product to a size equal to or lesser than what a golf club cabana is. So a golf club cabana is a structure that has water and sewer, which impacts infrastructure in Collier County, as a partial kitchen, not a full kitchen. So instead of an oven you have a microwave or you have a wall oven or something, one unit shorter than what a full kitchen is. It's bigger than some of your product can be, and it's as big as some of the smallest levels of your other product yet it's not counted as a unit; is that what you're telling us?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: How is that rational? I mean, you've got 799 units. You're going to have full buildout in this project? Because what I see happening here is we don't -- do you pay impact fees on these 10 units? Bill? Ray? Kay? Is anything -- are these -- how are these looked at from the county? They're just 10 freebie units

with no concurrency issues for Collier County?

MR. LORENZ: I don't know. I'd have to check that.

CHAIRMAN STRAIN: Okay.

MR. ASHER: I think we can make it simple here.

CHAIRMAN STRAIN: Good. I would love simple.

MR. ARNOLD: If your issue is whether or not they're a dwelling unit to --

CHAIRMAN STRAIN: Whether they're counted as a unit in your overall density.

MR. ARNOLD: I think, in consulting with our client, he's happy to do that, if that makes it easier for everybody else, as multifamily units, yes.

COMMISSIONER SCHIFFER: Well, if you do that, then let them put a kitchen in it.

CHAIRMAN STRAIN: It doesn't matter what they do at that point.

COMMISSIONER SCHIFFER: Let them put a full kitchen. You could use them for staff housing; you could use them for guesthousing; you could use them --

CHAIRMAN STRAIN: Yeah. And I would suggest you strike the restriction language in regards to that. Leave the maximum and minimum if you want, but don't -- you don't need it restrictive to a kitchen size of any type. And I think Brad's got a good point. But if they are units, let them be units. And it makes it a lot cleaner for everybody to handle in the future.

MR. ARNOLD: I guess we will clean up Item No. 6 accordingly. Because if it's a dwelling unit, maybe we need to --

MR. ASHER: 5A.

MR. ARNOLD: It becomes 5A.

CHAIRMAN STRAIN: Okay. Now, when we -- then we get over to 5-3, and D3 brings back in our little -- now that you've made these units, they're still an accessory use because now you're saying they don't need parking? Because if they don't need parking, then they'd have to be -- how is that going to factor into your plan? I mean, I -- if they can be units and you can either sell them, lease them, use them, whatever you want to do with them, put full kitchens in them, you have the potential of having someone living there, so why wouldn't parking be part of it?

Because the way that D3 is written, it's all accessory uses, and you'll put these under accessory uses.

MR. ARNOLD: Well, that's why -- I think if we're going to commit that we count them toward our dwelling units, then I think -- it may be easier -- and I need to consult with, I guess, the client, too -- maybe we don't need to worry about what a golf cabana is. We can just build another dwelling unit in our village center.

CHAIRMAN STRAIN: Which you already have permission to do.

MR. ARNOLD: We already have permission.

CHAIRMAN STRAIN: Anywhere in -- yeah. So why don't we just strike 5 and 6 completely? You don't need them at all, then you take away the issue of the parking not being counted or whether it should be or not, and it just becomes dwelling units built within your clubhouse.

Does staff see any potential problem with that?

MR. BELLOWS: For the record, Ray Bellows. No, we don't have a problem with that. That works.

COMMISSIONER SCHIFFER: Isn't there a limit as to how many residential are on that? So can we just add 10 to that?

CHAIRMAN STRAIN: So instead of 200, it'd be 210.

John, you look like you're anxious to jump up and say something. You're thinking.

MR. ASHER: I'm thinking. I guess the only concern is I'm thinking if they truly are more of a -- you know, a cabana and they're only a couple hundred square feet and they become integral to the clubhouse facility and not spread out throughout the whole village center parcel, then the parking would be integrated with the clubhouse parking. And that -- you'd be parking at the club, but you just happen to be staying overnight there, and not -- you wouldn't need separate parking and all the kitchens and all --

CHAIRMAN STRAIN: Yeah. I think parking will take care of itself. You've got -- you're going to have excess parking with the residential -- with the golf club -- for the club you're going to have X number of parking spaces, and then you're going to have additional spaces for the retail. So, yeah, I think that -- the parking should not be an issue for having it as accessory, so --

MR. ASHER: All right.

CHAIRMAN STRAIN: Okay. Wayne, if you're going to be taking out the references to golf club cabanas -- you know, you might want to leave them in just so you know how to treat them if they're put within the clubhouse, meaning setbacks, development standards and all that; otherwise, you're going to have to list another residential product under your deviations -- under your Development Standards Table. So I would second guess; leave the language in, then that way you're covered. I would just change -- I would strike the part about full kitchen because you can have whatever kitchen you want in them. And then that matches up better with the language on D and F of the next page so everything, then, stays kind of smooth.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: First time today we've had something stay smooth.

COMMISSIONER SCHIFFER: Mark, I have a 5-3 question.

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER SCHIFFER: Ray (sic), in B1 you are using the word "zoned height" and "actual height," so which -- these will be -- I'll wait.

Okay. Ready?

MR. ARNOLD: You asked Ray, but I -- your question was B1?

CHAIRMAN STRAIN: 5-3, B1.

COMMISSIONER SCHIFFER: You were using "zoned height" and then "actual height." In this case, since it's not defined, you're going to use the LDC version of that term, correct, as -- I mean, there's no way we'd go back to the footnote on the other table.

MR. ARNOLD: Correct.

COMMISSIONER SCHIFFER: When you get down to 4 and you describe that you're allowed to build -- you know, if you put a level of parking, you're allowed to build on top of that and measure -- assumably, I don't know, I'm not sure what -- but from the top of the parking garage you'd start measuring your height instead of grade. How about actual? Because actual has a different method of measuring. It's based on streets.

MR. ARNOLD: I'm not sure how that section of the code -- there is a section in the LDC currently that allows you to increase your building height where you have underbuilding parking, and then there's an open-space provision that you have to have open space above the minimum. But I don't know how that affects -- whether it affects actual or zoned height.

Ray, do you know?

COMMISSIONER SCHIFFER: It wouldn't because "actual" came in later. I mean, "actual" was supposed to get rid of the word "tippy top" but instead has become a requirement in LDCs. So it's -- "actual" has grown in its function a little bit too much. But -- anyway, I think you'd really have trouble mixing it with this concept because there wouldn't -- you couldn't change because of the parking.

MR. BELLOWS: For the record, Ray Bellows. I believe you're correct. That's an older terminology for exemptions to building height that was in the code prior to the definition of "actual." There could be a conflict if somebody was -- have an approved PUD with actual building heights listed and then at some point in the future tried to utilize those other exemptions from building height.

COMMISSIONER SCHIFFER: Right. Because "actual" is road to, here it goes, "tippy top."

CHAIRMAN STRAIN: So --

MR. BELLOWS: Therefore, if the applicant felt that they were going to use it, they should reference it now.

CHAIRMAN STRAIN: Any problem?

MR. ARNOLD: If I'm going to use what? I'm sorry. I was trying to clarify.

CHAIRMAN STRAIN: The actual height.

MR. ARNOLD: I'm trying to make sure I didn't have a problem with the actual height for the clubhouse structure, because I think it is going to be designed with cart storage below and then building above. I'm just trying to clarify that from the center line of the primary road that's in front of us we're not going to exceed 60 feet for that structure.

CHAIRMAN STRAIN: And that includes the golf-cart parking, potentially, below it, right? Which if I think is -- that's typical, so that's not a -- should be what your design would be.

MR. ASHER: Well, we're at a grade situation where the golf-cart parking is, literally, underground from the road level, but then on the golf course, or the lake side, and -- it's at a grade out there, natural grade out there.

This whole center island with the obelisk and the oval and the green, that's elevated 15, 20 feet above natural grade. So those two existing multifamily buildings, the main floor is the second floor, and there's a -- I guess I'd call it a walk-out basement, basically, that takes you out to the lowest level on the lake with the vertical bulkhead that's built right on it.

So, again, if we're measuring from the road, then we're good with these dimensions.

CHAIRMAN STRAIN: Well, as a solution, first of all, based on the extensive amount of rewrite and language discussions we've had here today, I certainly wouldn't be comfortable voting on this today, but I would be comfortable voting on it in combination with a consent agenda at the same time, not -- so that time is not wasted on your behalf -- at the next round you could come in by. And since we have all of February free, you've sure got some playtime there.

But I think you ought to find that out and have Wayne -- Wayne knows the code real well, and he knows the definitions real well. Make sure that the definitions or the references you're using here you can live with with what you've got planned, and then firm it at our final meeting. And at that meeting we'll -- if this board agrees, we can have a vote at that meeting, and then the consent will be done at the same time so we don't delay the process any.

MR. ANDERSON: Which meeting are we talking about now?

CHAIRMAN STRAIN: Well, the next one you'd be up for is, I think, May or June. I'm not sure which.

If we come back on this one for the final hearing and then a consent at the same time, I don't know why we couldn't come back in February, either one of the meetings that is -- everything's completed by. We've got nothing scheduled for those dates anyway.

COMMISSIONER EBERT: Sixteenth?

CHAIRMAN STRAIN: When were you thinking you'd be coming back?

MR. ANDERSON: That's fine.

CHAIRMAN STRAIN: Because as of today we had nothing -- we weren't going to have a meeting in February, so you wouldn't be coming back till March.

MR. ANDERSON: No, the -- we're checking what date we're scheduled for the County Commission.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: It appears to be scheduled for March 13th.

CHAIRMAN STRAIN: Oh, so you could even come as late as our March 1st for consent. But -- well, staff wouldn't get the paperwork done in time. So had we not asked this question and we didn't have meetings in February, you guys would be already in trouble. We need to compute these things.

Anyway, I think the suggestion is verify what you need in that "actual" for that clubhouse and confirm when we meet again.

MR. ARNOLD: Well, would it -- I mean, I think the easy point of measurement is from the finished grade, because it's all been finished anyway. I mean, it is what it is. And I think that -- you know, as John said, I think the basement issue doesn't affect us one way or the other because the actual height's being measured from the road.

But, I mean, is the question really in reference because we're saying "above finish to grade"? Because I think that's how that was originally envisioned. Because it had always been envisioned that this area was going to be sort of the high point of the community and all things focused to the village center.

CHAIRMAN STRAIN: In this particular case, would you use the natural finish grade or would we use the finish grade that's been the -- built up in this property?

MR. ARNOLD: I think I'd use the grade that's been established to date.

MR. ASHER: Paved road.

CHAIRMAN STRAIN: Right. Well, that's three different grades then. We've got natural, we've got what's been established today, and now we've got paved road. I think that's -- we need -- why don't you guys -- first of all, see if the definition for "actual" will work, and if it doesn't and your plans are already underway and you've already got a partial clubhouse there, we can understand why this has got to be treated differently -- come back with a suggestion and a confirmation of what will work, and we'll deal with it at that time. Is that -- okay.

COMMISSIONER SCHIFFER: Yeah. I mean, the easiest thing is get rid of the -- in B1, get rid of reference to "actual." I mean, I know we all don't see eye to eye on the use of "actual," but this is a place where it could trip them up, unintended consequences.

CHAIRMAN STRAIN: Okay. I don't really have any other questions on the PUD, but I have one ownership

question. I just want confirmation. You have a CDD out there, and in discussing with you, you told me the CDD doesn't own any property at this point. I just want a reconfirmation for the record of that.

MR. ASHER: The CDD does not own any property out there. They do maintain the lakes and the conservation areas and have easements to the -- you know, to do that work, but there's no -- been no conveyance to the Community Development District.

CHAIRMAN STRAIN: Okay. And -- because if there were additional owners, it brings in more fun.

Okay. Phil?

COMMISSIONER BROUGHAM: If I might, I'd like to go back to one of my original questions -- and you did answer it -- and that concerns your statement that you do not intend on putting any buffering along Veterans Memorial Parkway until platting, which is an unknown date sometime in the future, et cetera, et cetera, et cetera.

Where is your -- where is your construction entrance or storage yard or currently your -- or where do you envision that?

MR. ARNOLD: Construction entrance is currently off of Veterans Memorial Boulevard, as is the golf maintenance facility that is buffered from the road.

COMMISSIONER BROUGHAM: So that's on what would be the southwest -- okay.

MR. ARNOLD: (Indicating.)

COMMISSIONER BROUGHAM: I don't know what the requirements are for that. There may be none. But it would seem if that's going to be -- and is your construction area, potential construction yard, it's your maintenance area, all that type of thing, aesthetically it would sure benefit the neighborhood if there could be some buffering put in there sooner rather than later.

MR. ARNOLD: Understood, but I think we're in compliance with the existing Land Development Code and how it treats buffers.

COMMISSIONER BROUGHAM: You may be. That's not my point.

CHAIRMAN STRAIN: Do you have an established buffer by code that's going to go in there? Just -- are you going to use code standard?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Okay. I understand that a lot of times it waits till plat approval, but a lot of times we have stipulated they be done prior or at a certain stage of construction.

Concerning Mr. Brougham's view and his potential vote on this outcome, when you get back to us, is there a possibility you could take a look at this and consider putting a portion or some of that buffer in, since you know what it's going to be, at an earlier stage?

MR. ARNOLD: I'll let Mr. Asher address you again.

MR. ASHER: The problem with doing that, in considering it, is that we don't know what's going to go there. It might be a 4-foot-high berm with an 8-foot wall. It might be a thick, dense landscape buffer. We don't know the product of the development that's going to go on that parcel and how much room we have in order to create that buffer.

It may be, the code minimum, a couple trees and the shrubs, or it may be something exorbitant. But at this point if I plant a landscape buffer, there's a good chance it's going to get ripped out, and that's the reason why, you know, we would prefer not to do it at this point in time. No matter what I put in, the ultimate design of that is going to be something different.

CHAIRMAN STRAIN: Across the street from that entrance, is there a buffer on the property to the south?

MR. ASHER: Well, there wasn't. They removed -- they had a Brazilian hepper pedge (sic) -- pepper head.

CHAIRMAN STRAIN: Brazilian Pepper.

MR. ASHER: Brazilian pepper hedge. And it was on county property, it got removed, and the residents were a little upset. And so they have now since planted a landscape hedge in there. I don't know if -- there's no trees. I don't think it meets any code, but -- so --

MR. ARNOLD: If I might address that. The project that you're referring to on the south side of Veterans Memorial is the Strand, as it's known as. They have golf course tracts that are adjacent to Veterans Memorial Parkway. There is no buffering required from a golf course to a road.

CHAIRMAN STRAIN: Okay. So if they don't like the view, they could put a buffer in on their side, too?

MR. ARNOLD: Well, I think what Mr. Asher said, they already did start. They planted a small hedge

recently.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: On your PUD Exhibit A, on the Veterans -- it used to be called east/west Livingston, you have access limited to right-in, right-out, left-in when road is four-laned. Is this road ever going to be four-laned?

MR. ARNOLD: That question's probably better left for the county. It's a roadway that -- I don't know if it currently does, but it has been on your long-term needs plan, and it was envisioned to fly over I-75.

COMMISSIONER EBERT: We're going to have to get that clarified.

MR. PODCZERWINSKY: Jumping in. For the record, John Podczerwinsky, transportation planning. Just to clarify, I checked in the 2035 LRTP. The east/west portion of Livingston Road, what we call -- used to call Livingston east/west is now referred to as Veterans Memorial Boulevard. The section east of Livingston Road today between Livingston and 75 is not planned at any time to be a four-lane road. That is the current 2035 LRTP, and it does not cross over I-75.

COMMISSIONER EBERT: Good. But then let's remove this from when (sic) it says "when it is four laned," because really all you have on your south side is you have traffic coming from the back side of the Strand and then your traffic coming out. So --

MR. ARNOLD: Ms. Ebert, I think on a two-lane road segment we have full access. I don't think that's a question. I don't think we have a problem removing the language as long as staff doesn't, because if the road reappears at some point they're not going to want us having full access movements that close probably to something that's going to be an elevated roadway, you know, for site issues and safety issues. And I don't think we have an issue with removing it.

MS. ASHTON-CICKO: I'm going to ask that that as well as the other one that says "full access" be removed and that only arrows be depicted showing that they can go in and out.

CHAIRMAN STRAIN: Being that it's a two-lane road, it probably shouldn't matter at this point.

MS. ASHTON-CICKO: We shouldn't be putting turning movements on our site plans, master plans, so --

COMMISSIONER EBERT: Yes. Thank you, Heidi.

COMMISSIONER BROUGHAM: Mark, can I go back at that just for a second?

CHAIRMAN STRAIN: Sure.

COMMISSIONER BROUGHAM: And I heard what you folks said, and you're going to be coming back. I'd appreciate it if you could at least give some thought as to what minimum buffering you might be willing to invest in there.

I take your point that you want the flexibility for the future and you don't want to put something in and have to tear it out. I would think that you have two or three ideas of what would probably go in there.

And my concern, again, is just the unsightliness and the view, the dust, the disturbance that you're going to see from that roadway.

Just, if you could, humor me for the next meeting and give us some thought, and we'll talk about it the next time. Thank you.

MR. ARNOLD: We'll do that.

COMMISSIONER BROUGHAM: Thank you.

CHAIRMAN STRAIN: Okay. Before we go to staff -- okay, Brad?

COMMISSIONER SCHIFFER: One more question.

Ray (sic) -- and it's on 7-3 -- have all the roads been platted and laid out already? And the one I'm concerned with -- here's what I'm concerned with is some of these cul-de-sacs are really long. The one that's the P on the screen now where the "P" for property is at is probably 2,000 feet long. So could you add another cul-de-sac at this time in the center or the ability for a firetruck to do a T turn? I think the way you're doing these villa properties, you could create -- if the driveways are across from each other -- a T turn with their access drives.

But if -- these narrow roads, an emergency vehicle's never going to be able to turn around till it goes through the cul-de-sac. So that's a long 2,000 feet, 40 feet wide. They make a long turn, you know, the guy with the heart attack on the adjoining street's got to wait.



MR. ARNOLD: What was the question?

COMMISSIONER SCHIFFER: Can you --

MR. ARNOLD: I understood the discussion. I'm not sure I understood what the question was.

COMMISSIONER SCHIFFER: The question is can you add a cul-de-sac on that, at least that one -- it starts off with I don't -- obviously, you haven't built it. There -- may have been laid out in a plat somewhere.

CHAIRMAN STRAIN: No. I don't think that property -- south of the village center, I don't think any of it's been platted.

COMMISSIONER SCHIFFER: Okay. And you have a -- you're waiving the thousand feet, but that's not exactly a good idea for the -- if you ever make a wrong turn with an emergency vehicle, or if you do pick the person up, you've got to run them all the way down the cul-de-sac.

So, you know, this doesn't have to be a big freak, because you could -- if you get good driveways such that a T turn could happen in the middle with the villa driveways, for example, if they were across from each other, that would give them the ability to turn an emergency vehicle around; otherwise, on these narrow roads, they're kind of screwed until they hit the cul-de-sac.

MR. ARNOLD: So I think -- if I'm understanding correctly, as -- in some other projects where there's been a deviation approved, we've added language that says there has to be appropriate turnaround for fire safety subject to their review and approval. I'm pretty sure the fire districts are involved in the plat review process. I'm not certain, but I think they are.

COMMISSIONER SCHIFFER: But the point is, this is removing you from the thousand-foot requirement, which is a good requirement. And the reason for it is exactly that, so that the vehicles can turn around quickly and get on with what they're doing.

CHAIRMAN STRAIN: But we aren't removing them from fire department requirements, unfortunately. So the fire departments have free reign over whatever's going to be submitted, unfortunately.

COMMISSIONER SCHIFFER: And I'm not sure they have a length distance; that's the problem.

CHAIRMAN STRAIN: Oh, God. I hate to give them guys any more than they already got. They destroy businesses as it is, but --

COMMISSIONER SCHIFFER: So from my understanding in conversations with them is this is the only shot we got at that length. I mean, they could maybe come back and give you, you know, second egress into the project and stuff, which you have, but what's the problem with adding the ability to turn around midway on that somewhere around midway? That a 2,000-foot one. That's a long one. The other ones, we'll let them go, but -- again, that doesn't have to be -- all's it has to be is the ability for two driveways, especially with the villas, to align such that they have a T turn built in there.

CHAIRMAN STRAIN: Wayne, you've got to come back in again. Maybe you can research the issue Brad's asking about and find out if it's addressed already in a code somewhere. And if it is, that's -- just tell us what it is. If it isn't, figure out some language that potentially addresses his concern.

MR. ARNOLD: Okay.

MR. ASHER: Yeah. We can look at it. The problem is, if you put the cul-de-sac requirement, then you get, basically, 90 or 100 foot of asphalt pavement in there to meet a county-required cul-de-sac. So you're saying something different, though, I think, and it's basically some sort of ability to turn around midway.

COMMISSIONER SCHIFFER: Right. All's we want to do is turn around. They can do a T turn. That's a good -- but do you get -- the circle does give you pavement, but it also gives you a nice little landscaped circle to dress up, too. It also would calm that road. I mean, you may find the kids living on a 2,000-foot road like that might excel in their acceleration when they're playing with their cars.

MR. ASHER: As long as it isn't a code minimum cul-de-sac and merely an ability to turn around, I think we can accommodate it.

COMMISSIONER SCHIFFER: Well, that will be the code-minimum cul-de-sac. I mean, the regulations for a cul-de-sac I'm sure are the fire department's regulations.

MR. ARNOLD: Yeah, they are.

COMMISSIONER SCHIFFER: It's not a passenger vehicle.

MR. ARNOLD: But I think as I'm hearing Mr. Schiffer, he's not expecting a mid-block cul-de-sac or turnaround. He's looking for some protection that, on these long cul-de-sacs, we have an ability for safety-service

vehicles to turn around before they get to the cul-de-sac.

COMMISSIONER SCHIFFER: Correct, midway somewhere would be nice. But there's nothing wrong with a cul-de-sac. That can look nice if you --

CHAIRMAN STRAIN: Okay. Are there any other questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Kay, do you want to -- is there anything left for you to present?

MS. DESELEM: Again, for the record, Kay Deselem with zoning.

And you've heard considerable discussion and changes. Suffice to say that the staff report's been submitted for the record. It is a document dated 12/20/11, Parens 2, and provides the background information for staff's review providing findings of fact in support of our recommendation. We are recommending that it be found consistent with the Growth Management Plan, and we are recommending approval.

And we're in agreement so far with what's been proposed as far as changes or -- and we'll look at whatever the applicant comes up with to see if we're in agreement with the final wording at that time.

CHAIRMAN STRAIN: Okay. Thank you, Kay.

Is there any questions of county staff?

(No response.)

CHAIRMAN STRAIN: Ray, do we have any public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Does anyone here today wish to speak on this item? Please come on up and use one of the microphones, identify yourself for the record, and I'll have to confirm that you were sworn in when we started earlier today.

MR. L'APPETITO: My name is Paul L'Appetito. I live at Tuscany Reserve. I reside in one of the condos on the island, and I've lived there for about five years. I'm also the president of the Tuscany Reserve Condo Association.

CHAIRMAN STRAIN: Were you sworn in earlier, sir?

MR. L'APPETITO: I'm sorry?

CHAIRMAN STRAIN: Did you stand up, and were you sworn in earlier?

(The speaker was duly sworn and indicated in the affirmative.)

CHAIRMAN STRAIN: Thank you.

MR. L'APPETITO: Firstly, I want to thank you for your attention to detail to preserve the essence of what we originally bought into at Tuscany Reserve. We really appreciate that.

I'm here today to petition against the name change to Talis Park. More specifically, I'm petitioning to -- against the word "park" in defining our golf community. I don't know of a single person at Tuscany Reserve that likes the new name. We think it's more suitable to describe an RV park or a trailer park than to define a golf community.

Many of us wrote to express our views. Some of us met with management. We said we'd prefer the name to remain Tuscany Reserve, but we said if it was imperative that you change the name, how about calling it Talis Reserve rather than Talis Park?

I don't know of anyone that got a response from management. No letters were answered. No response to a meeting with management was ever received.

Collectively, we that live at Tuscany Reserve have a greater investment in our original purchase of real estate than the developer.

You know, you would have to say the concession we were asking for was not really a big deal to get rid of the word "park." At best it seems to be a non-caring attitude; at worst it seems to be just arrogant. We don't care what you think; we're going to do whatever we want to do anyway.

Tuscany does not have a bad image in Naples or elsewhere. Anyone who has been there or who has played that golf course falls in love with it. It just has to be developed.

WCI ran out of money, sold it to AB Naples. AB Naples was risk adverse; never even opened the sales office. What Tuscany needs is development.

Golf Digest just named Tuscany Reserve one of the top 100 golf residences to live in the United States. Only one other golf course in Naples made that list. It's hard to understand how you'd want to walk away from that endorsement.

Collectively, we like some of the things that the developer plans to do, but we sure don't like the name Talis

Park. The name is already an inside joke in the Naples real estate community.

Unfortunately, you may not be relevant either. If you were to call Tuscany Reserve this morning, you would find the name has already been changed to Talis Park. I think that's pretty arrogant. I urge the body not to approve the name change.

I've been in marketing a long time. I worked for a Fortune 500 company. I had 18,000 people in my organization; 10,000 people were direct salespeople. I know from experience that sometimes you get just so you fall in love with your idea so much that you can't possibly think that you're wrong, and I think that's one of these occasions.

Thank you for listening.

CHAIRMAN STRAIN: Thank you. I guess the county attorney and staff, I have questions as a result of this gentleman's presentation.

We have never had a name challenged or concerned at this Planning Commission that I can recall. Is there any criteria in the Land Development Code that allows the Planning Commission to have any influence or decision-making capability over a name other than if it should conflict because of addressing or emergency response? Either one of you.

MS. DESELEM: Okay. I can jump in and say that as part of this particular petition there is no request to change the PUD name. I do understand, however, that there is a petition pending for a street name change, but that has not been scheduled before the board. That petition will go directly to the board. But it's not an issue within this PUD at this time.

CHAIRMAN STRAIN: Well, no. They introduced the PUD this morning with that caveat that they were changing the name; do you recall?

MS. ASHTON-CICKO: I understood they were changing the name of the applicant/owner, but they weren't -- I wasn't aware until this gentleman spoke the name.

CHAIRMAN STRAIN: They're not changing the name of the PUD.

MS. DESELEM: Yeah. It was a name change for the Tuscany Reserve, you know --

CHAIRMAN STRAIN: Okay. So you're not changing the name of Tuscany Reserve on the PUD. It's staying the same?

MR. ANDERSON: That's correct.

CHAIRMAN STRAIN: Well, then it's a non-issue for this board then. There's not much -- I don't think we have jurisdiction over -- regarding that. We can only hear things that pertain to the Land Development Code and the processes in front of us, and they're not changing the name. So -- at least with us. I'm sorry, but that may be our limitation. So that's what I was trying to find out.

Is there anybody else in the audience that would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. I would like to recommend to the applicant, at the request of the Planning Commission, that we continue this hearing to whatever date we now discuss is reasonable to refine the issues that we have outstanding in regards to the review today. And I'll reiterate some of the more important ones; there are a lot of small ones.

The villas were going to be reduced -- be changed to 10 foot between buildings. You're going to change the various LDC references to "per the LDC" and come back and redefine to us ones that cannot be. You're going to amend the references in 7.6 to provide continuity with the LDC in some manner or form, as we spoke about.

You're going to address what has already been deemed approved in the paragraph, I think it was 2.2, or something like that, that we had that one sentence added. Going to clarify 3.5F for the mixed product.

You're going to talk about a variable lot-line product instead of a zero lot line, and you're going to -- that will change that terminology. And the court -- I mean the golf-cart cabanas and multifamily -- will be multifamily units as far as density count goes. You're going to go rewrite the parts that need to be written to address that more appropriately.

You're going to provide some language concerning turning movements in the east/west Livingston Road, and you're going to take a look at Mr. Brougham's request for the southern buffer.

That's the highlights of what I think we need. And I would rather -- I would feel as a Planning Commission member a lot more comfortable with seeing the final language that comes out of all those, because some of them are

extensive in regards to LDC references and things like that, and deviation clarifications, rather than attempt to vote on it today without seeing that stuff and waiting for consent when we don't have as much input.

Is that the consensus of this board?

COMMISSIONER HOMIAK: That's fine.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Is the applicant in agreement with that scenario? And what we would attempt to do is whatever date you tell us you can have this put together in February, we'll hear it first up on that date, but it will be as a combined final action and consent that day.

Wayne?

MR. ARNOLD: I just wanted to clarify one other point. One of the other -- maybe it was embedded in what you discussed, but we were going to break out the villa definition to add a deviation for the reduced right-of-way width.

CHAIRMAN STRAIN: Yes. Yeah, that was -- I'm sorry. That was part of that footnote change in No. 8.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: And I don't know what our possible dates are in February.

CHAIRMAN STRAIN: Second or sixteenth.

COMMISSIONER EBERT: Sixteenth?

CHAIRMAN STRAIN: You need time to get it to staff, they have to get it to us, and everybody has to go back and forth, and it may be the County Attorney's Office is especially involved in the clarification language of the substitutions and deviations.

MR. ARNOLD: Did staff confirm that we're on the March 13th board? I want to make sure that whatever date we establish is not going to jeopardize that board date.

MR. BELLOWS: Yes, you're on the 13th.

MR. ARNOLD: Then I think the second meeting in February before CCPC works.

CHAIRMAN STRAIN: So the February 16th meeting, okay. Then if that's the consensus of this board, I need a motion to continue this to the February 16th meeting, combine both the final hearing and the consent in that one day.

COMMISSIONER EBERT: I make that motion.

CHAIRMAN STRAIN: Ms. Ebert.

COMMISSIONER SCHIFFER: I'll second that.

CHAIRMAN STRAIN: Seconded by Brad.

Discussion?

(No response.)

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

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

We will see you on the 16th of February.

Now, we have a couple of items on new business that are being presented by staff. And before we start their presentation, I want to talk about timing. One is the LDC amendment cycle 2012. Can someone from staff tell us about how long that will take for them to present? We have to make a decision whether to break for lunch and come

back and continue this afternoon or go right -- take a short break, and then skip lunch.

MS. CILEK: Caroline Cilek, for the record. My presentation should only take about 10 to 15 minutes; however, I do see individuals in the audience who may like to speak.

CHAIRMAN STRAIN: Okay. And then the second thing is Mike Bosi. And Mike stepped out the one time I need him.

Bill, do you know how long Mike's presentation on the RLSA will take?

MR. LORENZ: I'm thinking 10 to 15 minutes at the most.

CHAIRMAN STRAIN: Okay. So we probably have potentially an hour more by the time you combine the two with input and other issues that may come up. I'm not saying that's a guarantee, but that's a suggestion. It's lunchtime. We could take an hour lunch, come back for an hour --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- or hour and a half. Is that what you prefer, Diane, or we could take a break for 15 minutes?

COMMISSIONER HOMIAK: Break.

COMMISSIONER AHERN: Break.

COMMISSIONER BROUGHAM: I'm hungry.

CHAIRMAN STRAIN: You all hungry?

COMMISSIONER EBERT: Yeah.

COMMISSIONER HOMIAK: I'd rather break.

CHAIRMAN STRAIN: How many want a break, just raise your hands. One, two, three.

COMMISSIONER VONIER: (Raises hand.)

COMMISSIONER AHERN: (Raises hand.)

COMMISSIONER HOMIAK: (Raises hand.)

COMMISSIONER BROUGHAM: Lunch?

CHAIRMAN STRAIN: No, no, just a 15-minute break. How many want a break? One, two, three. Three for a 15-minute lunch break, and I'd be four. And that's 4-4, so it's a tie, so we leave it as a lunch break so -- we'll have to take a break for lunch, but before we go for lunch, let's try to start the -- well, I guess it wouldn't be good to start it and then break and come back after lunch and finish it. Then you guys have to -- you think we can get gone before lunch?

MS. CILEK: I can give it my best shot.

CHAIRMAN STRAIN: Okay. Let's try it.

COMMISSIONER SCHIFFER: Here's your tie breaker.

COMMISSIONER HOMIAK: Here's the other voter.

MS. CILEK: \*\*\*All right. Good morning, barely, Commissioners. Again, my name is Caroline Cilek, and I'm a senior planner with the Growth Management Division, and I am coordinating the current LDC administrative cycle with the assistance of Fred Reischl and Chris Scott. They're going to wave.

And today I'm here to provide you an overview and an update of the 2012 LDC amendment cycle. And following the overview and the timeline, I'd like to give you a brief highlight of some of the amendments that are coming forward.

The LDC amendment cycle began last summer with the direction of the Board of County Commissioners. Applicants were welcome to submit LDC amendments from June until early October when we then worked to form them into the LDC forms and post them online.

All of the LDC amendments and related documents can be found on the LDC amendment web page which is located on the Zoning and Land Development Review website.

Amendments were collected from the county departments, private entities, such as CBIA, which is the Collier Building Industry Association, as well as those that originated through the BCC's direction.

Once the amendments were drafted, they were reviewed in November and December by the Land Development Review Subcommittee. This is a group that is made up of DSAC members, which is the Development Services Advisory Committee. And DSAC is made up of private-sector engineers, general contractors, planners, architects, and attorneys.

The subcommittee members were all familiar with the code and provided comments and reviewed each of the

LDC amendments. These meetings were publicly noticed, and interested parties were encouraged to attend.

Following their review, the subcommittee provided their first round of recommendations in January, and they're finishing up their round of recommendations in early February.

The next step is to present the LDC amendments to the Environmental Advisory Council, and the amendments that are going forward all have an environmental component. Then the amendments will come back to the Planning Commission, and then the BCC has public hearings.

Staff from both the comprehensive planning section and the zoning services section are also reviewing these amendments.

We are also holding public meetings. The first one is going to be on January 30th, and they're called 2012 LDC Amendment Cycle I In Focus, and we are encouraging anyone who's interested to come become -- to come, comment, and become more informed.

And then to give you an overview of the timeline of the LDC amendments, we are starting public meetings this month, then we present to the EAC in February and March. We'll be back to the Planning Commission in April and May, and then the goal is to present to the BCC in June and July.

This cycle we have LDC amendments from several Collier County departments. There are 14 prepared amendments from the Growth Management Division ranging from creating administrative procedures to clarifying environmental provisions. The Administrative Code will also be coming forward for approval concurrent with the LDC amendments. This is an ongoing project of the county's.

We have one amendment from parks and recreation, and 13 amendments from pollution control, and these include all the wellfield and related amendments.

The Bayshore/Gateway Triangle and the Immokalee CRA each have revisions and new provisions for their overlay districts. It's important to know that these LDC amendments stand independent of any other documents.

The Collier Building Industry Association is presenting 11 amendments which I will highlight shortly, and there are also several amendments to the definitions section of the LDC, and multiple amendments that will provide corrections to typos in the LDC.

I'd like to highlight some of the amendments today, but all of the amendments are in draft form, and they're all being publicly vetted. So I'd like to briefly describe them, but there will be ample time at future meeting dates to review them in detail.

From the Growth Management Division, we have the administrative adjustment which aimed to address a wider array of low-impact non-use-related issues, and the administrative adjustment would allow for specific deviations concurrent with a site development plan or a site improvement plan.

There is the administrative boat-dock extension which would allow single-family residential boat docks to be approved administratively so long as that -- the request meets the threshold for the length of the boat dock, and all of the objective criteria are met.

Those that could not be approved administratively, so either for length or for the criteria, would appear before the Planning Commission and be approved.

We have amendments that extend time frames for Site Development Plan and Site Improvement Plan, an amendment which seeks to create an -- creates to -- seeks to make an insubstantial change, which is a type of site development plan, more efficient and clear.

We have revisions to the PUD monitoring report programs that simplify the process, and revisions to the environmental sections which seek to provide clarity.

This cycle we are also presenting an LDC amendment which will help form the new Administrative Code. The Administrative Code is an ongoing project which seeks to create a user-friendly guide detailing the procedures for development within the county.

The amendment will specify which sections of the LDC will be removed in whole or in part from the LDC.

The CRA Overlay Districts each have new provisions to assist with their redevelopment and development efforts, and the Parks and Recreation Department is presenting an amendment regarding grass parking provisions.

The Collier Building Industry Association, CBIA, was asked in the county to identify over -- was asked by the county to identify overburdensome provisions and areas for improvement in December of 2009. Since that time, the following amendments have been drafted: Two amendments dealing with preservation standards, a proposal for an alternative landscape design standard, modifications to be usable, open-space standards, transportation-related

proposals, a digital-submission requirement change, clarification to the permitted-use process for PUDs, and a proposal to extend a conditional-use application.

That concludes my presentation on the current cycle, and open it up for questions, or we can wait till after the break.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: We don't normally get such comprehensive updates. It's a -- we appreciate it. Thank you.

MS. CILEK: Well, you're very welcome.

CHAIRMAN STRAIN: Gives us something eagerly to look forward to this --

MS. CILEK: I'm sure. Me too, me too.

CHAIRMAN STRAIN: Appreciate your time. Thank you very much. And welcome aboard. You're one of our new members. I think Chris is, too. So good to see you all coming -- people getting hired back here. It's a good thing for Collier County.

MS. CILEK: Thank you.

CHAIRMAN STRAIN: Okay. With that, no other questions, we will take a break, and we'll come back at one o'clock and finish up on the RLSA discussion.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay. Did anybody find Mike Bosi?

MR. LORENZ: No, we did not.

CHAIRMAN STRAIN: Is his stuff still back there in a pile? Steve's nodding his head yes. He's checking, looking hard. Do you find anything at all?

Oh, you got some information, Nicole?

MS. JOHNSON: Just -- I was going to make an LDC comment real quick.

CHAIRMAN STRAIN: Come on up. Waste some time.

MS. JOHNSON: Oh, I can do that.

MR. BELLOWS: I hope you have a long speech to make.

CHAIRMAN STRAIN: Yeah, we want two hours out of you, Nicole.

MS. JOHNSON: Oh, you opened that door.

For the record, Nicole Johnson, here on behalf of the Conservancy. And I hadn't initially planned to comment on the LDCs, but I really felt compelled to make a brief observation, and that is, I have been involved in a number of LDC cycles over the years, and this has been, I think, the best cycle so far.

When the amendments were initially drafted, the Conservancy had lots of questions, a number of concerns, and Caroline and the staff have sat down with us. They've made themselves available for our questions, asked for our suggestions, incorporated, I think, a lot of our recommendations and suggestions into the language.

So it has been a really tremendous, transparent, open, interactive process, and it's been a very, very good process. And I wanted to compliment staff because this really has been, I think, one of the best LDC cycles that I've been involved in, so --

CHAIRMAN STRAIN: Well, good. We always like to hear positive things. So does that mean, for our benefit, we're not going to get a 10-page written letter from you that we have to digest?

MS. JOHNSON: I can't promise --

CHAIRMAN STRAIN: Oh, okay.

MS. JOHNSON: -- but we're going in that direction.

CHAIRMAN STRAIN: Thank you.

Bill, what do we do?

COMMISSIONER EBERT: Does anybody have his cell?

CHAIRMAN STRAIN: Does he have a cell that you can -- I mean, he wasn't here before lunch, but everybody -- and I'm --

MR. LORENZ: We've been calling.

CHAIRMAN STRAIN: What would he have done if we decided not to have taken lunch and decided to finish up?

MR. LORENZ: Yeah. We've been calling cell phones, numbers that we've gotten. We haven't been able to raise him.

CHAIRMAN STRAIN: Okay. And nobody seems -- well, at this point, I guess the commission can decide what to do. I'm -- to be honest with you, he was gone before lunch. He didn't know when we were coming or going for lunch, and we could have just worked through lunch.

I don't know if -- when he would plan on being back, but then again, I don't know if the issue is that time sensitive. We just couldn't wait till our February 16th meeting to handle it then.

COMMISSIONER SCHIFFER: Does Bill know what it's about? I mean --

CHAIRMAN STRAIN: Yeah. He's going to present the LDC schedule and layout of how it's going to be -- RLSA schedule and how it's going to be -- go forward.

MR. LORENZ: Mike was pretty much working with other staff with that directly. I'm not familiar with the details of it.

COMMISSIONER SCHIFFER: Let's give him 10 minutes.

CHAIRMAN STRAIN: Okay. We'll -- that's fine with me. I'm -- benefit of the doubt. Let's recess -- wait a minute. Someone's coming in. Oh, the star is here.

It's a shame all those bad things you said about him, Bill.

MR. LORENZ: We'll pull the tape.

COMMISSIONER SCHIFFER: I thought they were good.

CHAIRMAN STRAIN: Mike, you don't have a cell phone that's -- do you want to give -- provide the world with it by telling us publicly what it is or --

MR. LORENZ: At least the numbers I was using, it wasn't working.

MR. BOSI: Good afternoon, Commission. My name is Mike Bosi, comprehensive planning manager. A tad bit out of breath. I didn't expect -- I thought I'd come back from lunch, watch the end of the hearings. You guys, obviously, decided a different route.

The item that we're here to talk about simply is just a discussion item. There's nothing for decision-making purposes on the table at all. It's related to the Rural Land Stewardship Area, the proposed amendments associated with the five-year review that was conducted in 2007/2008 and accepted by the Board of County Commissioners in 2009.

And at the December 14th meeting, continuation of the December 13th meeting, we asked the Board of County Commissioners how we were going to proceed forward with the Rural Land Stewardship amendments. As you may recall, as part of the EAR report that was accepted by the board on the 31st of January of 2011, last year, we had said that the five-year review in the proposed amendment were going to be our structural review or EAR review of that subdistrict within the Future Land Use Element and that -- but we were going to wait until the completion of the Habitat Conservation Plan before we were going to initiate those amendment processes.

Some circumstances had changed. Some information had come to the county towards where we proposed an alternative towards that route, which would have been acceptable if the board had decided, but they had decided on the alternative, which was to move the amendments forward, have the firm Stantec package the data associated with the amendments, and provide a cursory analysis. Staff would review that analysis and the data to make sure they were complete based upon the newly revised statutory requirements for Growth Management Plan data amendments related to a previous growth management bill that was passed last year by the Florida Senate. A lot of issues that are going on.

The board decided to move forward, but they also decided to move forward with the additional partnership of the Conservancy of the Southwest Florida. Andrew McElwaine had offered \$90,000 to the process to retain an outside consultant to be able to independently review the data that was provided with the -- with the amendments to make an evaluation as to whether they believe that data supported the amendments based upon the new regulations, based upon the new laws for what is needed to proceed with the Growth Management Plan amendment.

Within the memo I had sent you related to the -- not only the outside consultant but the amendment process moving forward, I had indicated five individual things that, from a staff's perspective, we would be looking for for the consultant to do.

And just to let you know, that we're in discussion with the Conservancy with Stantec to establish a meeting to finalize these areas of review or work -- scope of work for that outside consultant, and that is ongoing; that process is



ongoing.

The five, in summary, were to review the Rural Land Stewardship Volume I and II, which was accepted by the Board of County Commissioners; review the proposed RLSA amendments package and the data that's supporting the proposed amendments; review the existing RLSA regulations and evaluate the maximum credits, the maximum yield that the current regulatory system would provide for and then what the maximum yield, the proposed amendments would provide for.

That's one of -- to me that's the 50,000-foot question that we start with this process in terms of the maximum intensity of the current regulatory environment compared to what the maximum intensity will be with the proposed amendments.

I have heard -- there's been a lot of discussion. There's a lot of numbers that have been thrown out. There's a lot of, I think, individual understandings of what could be the maximum yield, but I'm not sure if there's a universal definitive agreement towards what those numbers could be and what the numbers could be with the new proposal, and that's why we're going to -- would ask this outside, independent firm to make their own evaluation as well.

A fourth thing would be to write a detailed report evaluating whether the data supports the proposed amendments and draw individual conclusions upon each individual amendment and the data that supports it, and along with the proposed amendments, whether those proposed amendments were what was, indeed, accepted by the Board of County Commissioners at the April 21, 2009, meeting.

And I know that you've received some correspondence from the Conservancy reiterating that desire to make sure that what's going to be put forward through the process is what was accepted by the Board of County Commissioners. And I think we can address those, and actually I think we address those within these individual -- within these individual requests, because we're asking that outside consultant to review the minutes of that meeting, review those two -- those two phases, those two volumes of the report of the Five-Year Review Committee, and make sure that they were all consistent with the actions of the Board of County Commissioners.

And I know that the Conservancy put forward some issues related to the EAC recommendations, the CCP (sic) recommendations, and maybe some disparities between what those two bodies had recommended and what the Five-Year Review Committee had put forward to the Board of County Commissioners.

And when we asked them to review Volume I and Volume II, Volume II contains the recommendations from the EAC, contains the recommendations of the CCPC. So they're making that evaluation -- they're making that evaluation with that first request that we're asking them to make in correspondence with the fourth request, meaning that not only reviewing those -- both of those volumes, but they're consistent with what the board had directed us.

And fifth would be that they would attend the transmittal hearings for the EAC and the CCPC and the Board of County Commissioners, provide that independent review, and be available for questions or dialogue or whatever -- to address whatever concerns or questions that the Planning Commission, the EAC, or the Board of County Commissioners may have.

The -- and the second portion of that memo really went -- just was strictly to remind -- or not remind, but to clarify from staff's perspective of how we see this moving forward. We see this moving forward as acceptance of the Five-Year Review Committee's report. The amendments that were proposed and accepted by the Board of County Commissioners, those would be the starting point, the basis of how we would move forward.

Each -- staff, the EAC as the advisory board, the CCPC as the advisory board would be able to make comments, suggestions, proposed modifications, proposed deletions, whatever we would think would be the necessary adjustment as a board towards those original -- that original starting point, meaning the amendments, as proposed by the committee that were part of the phase -- the Phase 2, Volume II report.

An additional factor that we would look to do, because so many of the Planning Commission members are new to the dais, have not maybe had the intimate experience of four to five individual meetings to discuss potential changes to the program, we -- we're proposing that before we would start that transmittal process that we would have a workshop that we could familiarize not only the Planning Commission but some of the individual staff members as towards the larger concepts within the Rural Land Stewardship Area, some of the history about -- some of the history, some of the reports that's contained within Phase 1 talks about the program achievements to date, and then Phase 2 talks about where it's going to go.

So just a general opportunity to expose some of the issues outside of a regulatory transmittal hearing, and we think that will provide the Planning Commission a little bit added benefit, and staff as well, to get everyone familiar

with the amendments that will be coming forward within the transmittal process, and that was the second part, like I said, to clarify how the process is going to start, but also to reiterate what we start with at the beginning of the process normally is not what we end up at the end based upon suggestions and modifications from all the advisory boards, from staff, from public as well.

We shape the document regulatory authority as you -- as this commission does on a regular basis with the proposed PUD or any conditional use or variance or any other issues that would come before you.

I mean -- and, essentially, that was the intent of this -- of this discussion item, to talk about what we anticipate that outside consultant to do and also how we're proposing to move forward with these proposed amendments and to maybe try to address or understand whatever concerns or issues the Planning Commission may have regarding this upcoming amendment process.

And we, as a staff, know that there is going to be a tremendous amount of public involvement, there's going to be a tremendous amount of interest groups that want to have a voice at the table, so we want to make this as open -- we want to make it transparent, and we want to make it as inclusive as possible.

And with that, I would like to entertain any questions or comments or anything from the dais.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: I, for one, would -- I had made a note before you had made your comment. I had made a note to get together with you so I could get some background in RLSA and sending and receiving and TDRs and this whole mess. So your idea of a workshop --

COMMISSIONER EBERT: Fantastic.

COMMISSIONER BROUGHAM: -- I think, is really good.

MR. BOSI: Well -- and just from that very statement, it almost confirms that need, because sending, receiving, TDRs --

COMMISSIONER BROUGHAM: It's all a big stew --

MR. BOSI: -- those are our rural fringe mixed-use districts. That's -- those are terms that are associated with a different subdistrict within our Future Land Use Element. This -- the Rural Land Stewardship Area, based upon the same concept, has a different approach to it.

So, yeah, we understand, and that's -- I think that's why the suggestion was offered -- was proposed to have that workshop before we would start the process.

COMMISSIONER VONIER: And I concur.

COMMISSIONER BROUGHAM: We have two to come to such a workshop, three.

COMMISSIONER EBERT: Four.

COMMISSIONER BROUGHAM: Four.

CHAIRMAN STRAIN: Yeah, there's a lot of new people.

Now, the last time the Planning Commission heard that we went through a rather lengthy series of meetings, and some of those were attended by experts from the outside that the new members wouldn't necessarily have the advantage of. They were experts in all different kinds of issues.

But, Mike, I know we did an extremely detailed paragraph-by-paragraph report from this Planning Commission about our concerns, and as -- and then it was forwarded to the BCC. I know it didn't move forward -- nothing's moved forward, from what I understand, to date, and that's what we're now talking about.

But my personal starting point is going to be paragraph by paragraph what this Planning Commission did and recommended prior to today. We did a -- we spent days and days, and I spent countless hours of my life putting that together, and I certainly am not going to dismiss it for no reason at all.

And unless somebody can prove new information is available that disproved something we had originally looked at or has another way we should have considered, then I don't know what else there is, but I certainly will start that way.

MR. BOSI: And that's another thing that we -- we're asking the outside consultant do is ensure that any reports that -- the Panther Technical Report wasn't finished by the time that the board had heard this in 2009. That report has been completed, and that would be part of the data that would be supplied to support the amendment, and I think it would -- it would allow for some of the discussions and the continuation of some of the discussions that were had with this body.

All of those information points that you felt were relevant then are relevant now, and I think your approach

was anticipated by staff, and we expect that those issues will surface again. We will vet them with this body, gain a majority of a perspective, and put forward that prospective to the Board of County Commissioners who are the ultimate arbitrators within the county decision-making process.

CHAIRMAN STRAIN: Could you, as a staff member, distribute to the Planning Commission our prior report? I mean, I know you've got it because -- I think it's the one that the Conservancy may have distributed already, but I'd rather see it coming from you guys as the one that you officially have on record that was sent to the BCC; that way we've all got the original, you know, the true copy.

MR. BOSI: You want the report that was the -- post CCPC workshops?

CHAIRMAN STRAIN: Well, no. The one we finished where we had CCPC in blue letters across it. That was the one that -- that was an accumulation of everything we had done. And that was a -- that was what I believe was supposed to go to the Board of County Commissioners. That's what it was written for.

MR. BOSI: Would you -- and, obviously, I have hard copies, and I will be able to just deliver them when -- with -- I don't know if you guys are meeting in February. Did you guys decide?

CHAIRMAN STRAIN: February 16th we're going to meet.

MR. BOSI: Sixteenth we're coming back, okay.

CHAIRMAN STRAIN: Yeah, that would be fine. That way we -- and then -- now, lacking in that report we didn't have information that is available today on some elements, and one of them being at the time the property owners wanted, certain issues, kind of wait to see what happened with this panther study. I know the panther study was done. So that may be helpful for this board to have, too. It's things like that.

There may be other new information that we haven't got. But anything that -- if there is new information that should have been weighed in, I'd certainly like to have it all, because it may change some of the positions.

MR. BOSI: Yeah. I anticipate those will be part of the data package that's going to be provided to support the amendments, and we would, obviously, give those to you in anticipation of a workshop.

But pre that -- that package being put together, we can most certainly get an early read for you, the CCPC prospective report that went to the Board of County Commissioners for the 29th -- or the 21st of April.

CHAIRMAN STRAIN: And on that workshop, it might expedite -- I don't -- I would hate to see us have to spend five more meetings on that. I mean, that was real tedious last time, and it was the first shot, and everybody had a lot to say.

It might be helpful if we know where the measures of agreement are so we haven't got to dwell on those; we can just go to the issues where the property owners or that committee feel that they're in total disagreement with the -- either the Planning Commission or the other groups that participated so we can focus on those. That might save some time.

MR. BOSI: Okay. The -- and I know the committee has been officially dissolved. It would be probably a difficult task to try to reconvene that committee.

CHAIRMAN STRAIN: No. Your report to the board said something -- I thought your -- well, I thought your report to the board incorporated those issues where the committee was in agreement with the Planning Commission in the final review that the board had. And if that's the case, that's all I'm trying to say is let's --

MR. BOSI: Okay.

CHAIRMAN STRAIN: -- sort those out, and when we go through the process, let's try to shorten the process by not rediscussing everything that's already been agreed to.

MR. BOSI: Well, and I -- and with that -- with that suggestion, what I'm hearing is, highlight where that disagreement is; where there is the agreement, there's no need to spend, you know, a tremendous amount of time just -- other than just verifying this is an agreement.

CHAIRMAN STRAIN: Yeah. And maybe explaining it to the new members. If they have a different perspective on it, great. But I think you'll find that the biggest issues of contention probably are the only ones that really are going to be as impactful for this board to address compared to some of the smaller ones. We had -- a lot of it was clean-up language. I mean -- and I think a lot of it was agreed to. In fact, if I remember the word, "substantially" agreed to. So that may be the best way to approach it to save everybody a lot of time.

MR. BOSI: Understood, and we'll take that approach.

COMMISSIONER SCHIFFER: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER SCHIFFER: We really do need a refresher where we left off to bring it up to date. That was, like, three years ago, right? I mean, a lot of stuff has fallen out of my head since then.

MR. BOSI: Well -- and the Phase 2 report has details of the recommendations and the actions of each of the advisory bodies, which will be a good -- I mean, it's a pretty voluminous, you know, material. It's going to take a little bit to get through, but it's there. The -- where -- to get you kind of up to speed towards what had happened with -- up and to the Planning Commission, to the Board of County Commissions, it will be documented within the Volume II report. So we'll be able to at least provide you the opportunity to get up to speed.

CHAIRMAN STRAIN: Well, when Nicole sent her letter around -- which was way too lengthy, but she still sent it around -- with it were some attachments, and then I saw that -- I remembered that draft that we had written up, or not the draft but the final report from the board, that's why blue letters brought back those wonderful memories after reading it, and so a lot of it started coming back, and I remembered some of the detail.

So it would be a lot nicer if we didn't have to go through all that again. You know, I mean, unless the new board members have questions on some of the mundane stuff that seems to be settled, we don't have to go back into it.

MR. BOSI: And I think that will be -- that will definitely become apparent, and that will be another advantage of the workshop. We'll be able to really identify those areas where -- not only where the past CCPC members but the current members are in agreement so we know where that focus is once the transmittal starts.

CHAIRMAN STRAIN: Yeah. I think that would help out a lot.

Thank you, Mike.

Anybody else have any questions of Mike?

COMMISSIONER SCHIFFER: Just on timing. What's going on happen?

MR. BOSI: Well, there's going to be a need for a request for proposals for an outside firm to come in, perform this work. That process is going to take a little bit of time. We're trying to set this meeting up with the Conservancy to make sure that we are attending to all of their expectations as well as the expectations of the Planning Commission and staff in terms of the work associated with it.

I would -- tentatively would hope that we could be in a position to hold the workshop April, May. And then based upon those results, we could, you know, schedule those transmittal hearings in close proximity based upon the number of issues that we have identified during those workshops.

COMMISSIONER SCHIFFER: Okay.

MR. BOSI: But because of the need to have -- to follow the public process for the bidding and the retention of an outside firm, there's going to be -- have to -- you know, a series of procedures that will need to be followed to make sure that we're above board and following everything that needs to be done to retain that outside firm.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Mike, thank you. Is there anybody from the public that would like to address this issue? Okay. Oh, Nicole's getting up. This better not be a 10-page speech.

MS. JOHNSON: My letter was short. Lots of attachments, but --

CHAIRMAN STRAIN: Short? Nicole, you write these lengthy letter, my goodness. Yeah, it was only seven pages; you're right.

MS. JOHNSON: It's seven pages, come on.

CHAIRMAN STRAIN: Oh, okay, okay.

MS. JOHNSON: For the record, Nicole Johnson, here on behalf of the Conservancy. I think that from the discussion today we seem to be going in the right direction. I think -- and as Mark -- Mike said, we haven't had an opportunity for the Conservancy to sit down with the county and talk about some of these things that we really think need to be specified in the scope of work, but we would like to see it very specifically written that the RLSA report did contain all of those recommendations of the Planning Commission and EAC just so that there's no confusion on that issue and to potentially reference some of those very specific studies that need to be part of the review now, that panther review team study.

So those are things that we haven't had a chance to really write down what our suggestions for the scope-of-work input would be, but we're going to do that, and it looks like we're going in the right direction.

CHAIRMAN STRAIN: Okay, thank you. Andrew?

MR. McELWAIN: I, not only don't have 10 pages, I don't have 10 seconds to give you.

CHAIRMAN STRAIN: You can have more than 10 seconds.

MR. McELWAIN: Thank you. I'll be very, very brief. Andrew McElwaine. I work for Nicole. The Conservancy agreed to "pay up" to -- those two words get lost -- "up to" \$90,000 to support independent review of --

CHAIRMAN STRAIN: Now the whole mike's lost.

MR. McELWAIN: One way to shut off public comment. Hello -- up to \$90,000 to support this. You know, and what we're going to -- all we're asking for is that it truly be independent, that the process of identifying, selecting, putting out the scope of work, and then conducting the analysis be independent of all the stakeholders, myself included, and all of their affiliated entities and subs be disqualified from those roles. And I think that's going to be very important to going forward. We really want it to be independent, independent, and that includes my outfit.

CHAIRMAN STRAIN: Okay, thank you. And I appreciate what you-all are doing to try to keep it independent; however, the best thing this board can have is more information. So the more the better. We want to make the right decision for the long term Collier County, and that can only be done with all the facts on the table. So we're not going to shy away from the facts. Whether we agree with them or not, we'd like to have them.

So -- and KD, you coming up to speak?

MS. ARNOLD: Oh, yeah.

CHAIRMAN STRAIN: Just fixing the mike.

MS. ARNOLD: You done good.

CHAIRMAN STRAIN: Al, you guys want to speak at all? I'm not -- it's up to you. I saw you sitting here for some reason, so --

MR. REYNOLDS: Good afternoon. Al Reynolds with Stantec, only to say that we've had, you know, considerable conversations with the county staff about the role that our company is going to play in helping to put together the data that will support these amendments. We have a clear understanding with them as to what the county expects us to do, and we're looking forward to moving this process forward.

We think it's timely, and we're pleased that the board made the decision to go ahead and get these -- get these amendments underway before we hit the 10-year anniversary mark of the program.

And I do think that the workshop is going to be very productive and very important. It is -- it is a very unusual innovative program, and I think during that workshop it will be good to not only learn about what has happened in Collier County, but to understand that the rest of the State of Florida sees Collier County's Rural Land Stewardship Program as the model that should be embraced across the state for these kinds of incentive-based conservation programs.

And so it's something that the county, I know, is proud of and should be proud of, and a lot of folks are looking forward in other parts of the state to see the results of this process because it was a new program and because the five-year review process has -- has resulted in some recommendations that are going to make some pretty important enhancements to the program.

I can tell you from working all across the state that there are others who would like to think about doing a program like this, and they're looking forward to seeing Collier County complete the process of its update.

So thank you very much.

CHAIRMAN STRAIN: Okay, thank you.

Okay. Does anybody have any other questions? No? Oh, Mitch.

MR. HUTCHCRAFT: For the record, my name is Mitch Hutchcraft. I'm with King Ranch and Consolidated Citrus. We are one of the landowners with -- that's located within the Rural Land Stewardship Area.

I didn't have any comments, but I did feel it was appropriate to just give you a little bit of perspective, and I think Al indicated it, and so did Chairman Strain. We've been in this process for a long time. And so as one of the landowners who has actively been working on a better solution -- and I think if you'll remember back from where this all started, it was how can we do a better job of putting the right land uses in right location, how can we think regionally comprehensively about environmental restoration, and how can we do that in a manner that respects the efforts and the stewardship that the landowners have put out there, respect the property rights, and does it in a manner that is a win-win for everybody.

And as somebody that's been in the program for a long, long time, I'm looking forward to this finally moving forward with the support of the Planning Commission, the support of the commission, to ultimately achieve the goals.

that we've all been talking about.

And I encourage each one of you, as I'm sure that you'll do, to look at the information fairly and impartially and remember we're trying to strike a balance between how can we protect property rights and encourage -- make people want to make sure that at the end of the day we've achieved something that didn't used to exist, but that we can all look back and be proud of.

And so, just as a landowner, I want to let you know that's the position that we come at it from. But we've been in this for a long time, and so we're looking for the opportunity for it to move forward.

Thank you very much.

CHAIRMAN STRAIN: Okay. Thank you. Anybody else?

Okay. Mike, thank you.

MR. BOSI: Thank you, Chair.

CHAIRMAN STRAIN: Bill said you needed a half hour. You took 20 minutes, but that's okay.

MR. BOSI: I ran upstairs fast, so --

CHAIRMAN STRAIN: That's okay. Well, with that, then I guess we're at the end of our meeting today. I don't believe anybody else from the public is here to discuss anything.

So is there a motion to adjourn?

COMMISSIONER AHERN: Move to adjourn.

CHAIRMAN STRAIN: Made by Melissa.

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: Second by Barry.

All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

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

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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 1:31 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
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MARK STRAIN, CHAIRMAN *ms@chair*

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 2/16/2012, as presented  or as corrected .

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