

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
June 7, 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:

Mark Strain, Chairman  
Melissa Ahern  
Phillip Brougham  
Diane Ebert  
Karen Homiak  
Barry Klein  
Paul Midney  
Brad Schiffer  
Bill Vonier

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney  
Ray Bellows, Zoning Manager  
Thomas Eastman, Real Property Director, CC School District

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, June 7th meeting of the Collier County Planning Commission. If you'll all please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you. Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: I'm here.

COMMISSIONER HOMIAK: Mr. Midney is not here yet.

CHAIRMAN STRAIN: He'll probably be here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER VONAIR: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER VONAIR: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER VONAIR: Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

COMMISSIONER STRAIN: \*\*\*Okay, addenda to the agenda. Is there anything from staff?

MR. BELLOWS: No changes. I'm using her microphone.

CHAIRMAN STRAIN: Let me give you two potentials. Under old business we have the continuation of the LDC amendments. Because of the extent of today's agenda, when we finish with the last item, whenever that is today, I'll ask the members here if they want to continue, if it's before 5:00, try to get into the LDC amendment or we can continue those to our next meeting. But we'll make that decision as we see how the day pans out.

Second of all, under advertised public hearings, for some, if you didn't pay close attention to the notes under 9.A and 9.B, they appear to be the same. Well, in essence, if you recall last time we agreed to do the final review of the rewrite-up of Bent Creek and the consent at the same time. I didn't want to move 9.B to 8.A. It would have been out of sequence then. So that's why it appears the way it is. But what that means is we'll do the consent today for Bent Creek.

Now, if there are changes in the 9.A version of Bent Creek that require some rewriting, we can always do the consent at the end of today's agenda to give the applicant time to do any more rewriting, if it's needed. So that should all work out.

\*\*\*Planning Commission absences. I believe our next meeting -- our next regular meeting is the 21st. Does anybody know if they're not going to make it on the 21st?

(No response.)

CHAIRMAN STRAIN: Okay. And on the 19th we are currently scheduled for a workshop for the master mobility plan. Is that -- Ray, do you know if that's still on?

MR. BELLOWS: Yes, it is.

CHAIRMAN STRAIN: Okay, so on the 19th, which is the -- it's on a Tuesday. Does anybody know if they're not going to make it to that meeting?

(No response.)

CHAIRMAN STRAIN: Okay, well, we'll assume we have quorums for both then.

\*\*\*Next item is approval of minutes from May 3rd, 2012. They were electronically sent to us. Does anybody have any comments, questions?

COMMISSIONER HOMIAK: There he is.

CHAIRMAN STRAIN: Let the record show that Mr. Midney is exactly on time with his watch.

Paul, I don't know how you do it, but you're consistently three or five minutes after every single meeting. Nothing's wrong with that, but I think it's interesting you can -- it must be a very accurate watch you have there.

Is there a motion to approve the May 3rd minutes?

COMMISSIONER KLEIN: So moved.

CHAIRMAN STRAIN: By Barry.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

All those in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

\*\*\*Ray, do we have any recaps, BCC?

MR. BELLOWS: Board of County Commissioners met on May 22nd, but they did not hear any land use petitions.

CHAIRMAN STRAIN: Boy, I bet they were grateful for that.

\*\*\*Chairman's report. I have a couple items I want to discuss in detail in the Chairman's report. I was going to move them to new business, but that would be after the hearing of today's items, and because they're relevant to issues on today's items, it's important we hear them -- we talk about them first.

In reviewing the three cases we have up today and recalling testimony from our last meeting, some things struck me that we need to understand as far as process goes, and I've briefed the County Attorney and I talked with staff on these matters to try to make sure that today we can get some direction. And I just notice his eminence is here to assist us today for the first time in any meeting. Nick's around. So what that means is we've got to have a really big issue for Nick to be here.

COMMISSIONER EBERT: We do.

MR. CASALANGUIDA: DCA's.

CHAIRMAN STRAIN: DCA's. Well, there are two issues. One is DCA's, and one is deviations. And I'll explain the background to them and how we got here. And we'll take them one at a time, and the County Attorney -- and I know Richard and Bruce both have applications here today and I'm inviting both of them to comment on these issues as they're discussed with us and the County Attorney. So I want it to be open and I want it to be absolutely as much input as possible.

Yesterday in talking with staff about today's agenda items it was obvious that we have more interaction with DCA's than we have had in the past. I've been on this board now for 11 years and we've not seen that many DCA's. But all of a sudden they're coming in quite a bit. And all three applications today -- by the way, a DCA, for those people who aren't familiar with the acronyms, is developer contribution agreement. Usually it's a separate agreement to the side of a zoning document that explains how the developer's going to make improvements in the infrastructure leading up to or surrounding or near or within his development. But it's outside the zoning document. It's a separate agreement. It does not normally come before this board; it's out of the official review of this board.

When we -- over the years the DCA's have come along and a few of them -- we've asked that they be given to us if they're originating at the time of the zoning document.

Well, last meeting I recall we were told that some of the normal mitigation criteria for roads and I think utilities as well that would be found in a zoning document that we would hear and weigh in on have been moved into the DCA's. And because they're in the DCA's, the staff was very comfortable with the zoning having met its criteria.

And that's good for staff and that's good that they found a way to get it done.

The problem is that since we base our decisions on the zoning document, and the zoning document is what gets attached -- as it's a PUD it gets attached to the land, and if anybody wants to know what the zoning is or how they got their PUD, they go to the PUD list and there it is. Well, DCA's is not there. And that poses a problem. Because if something's in the DCA that needs to be there in order for the zoning to be official or zoning to be actually granted, the zoning document could get approved. We could approve it. We could recommend approval to the Board, the Board approve it. But if that DCA isn't executed, then the basis for the zoning becomes questionable.

So I asked -- I posed this problem to the staff and County Attorney yesterday. And I asked them just to bring a response today so that we can structure our motions correctly on that issue. And when we finish discussing that we'll get separately into the deviations.

And I know -- Nick, do you want to speak before Heidi, whatever --

MR. CASALANGUIDA: For the record, Nick Casalanguida, Growth Management Division.

I've worked on, you know, many DCA's in the past eight years.

Little brief background and history. One of the primary functions of a developer contribution agreement is to deal with the financial aspect of the, you know, contribution, hence contribution in terms of the agreement, in terms of impact fee credits or cash being transferred.

So we don't like to put those in the PUD because they're a financial agreement that's back and forth. So that -- working with Jeff over the past couple years has always come out of the PUD and been in the DCA.

You've noticed three today in front of you. And the Chairman correctly so has said, you know, if you can get them done in the appropriate time, we'd like to see what's in there, because they're relevant. When they get to the Board of County Commissioners they're companion items. We say don't approve the zoning unless you're approving the DCA, don't approve the DCA unless you're approving the zoning. Because there are obligations and commitments that are in one document that relieve impacts that are in another document. For instance, the traffic that's involved, a lot of these are road, but in this case for Bent Creek there's utilities as well too.

So the primary function of DCA is to establish a financial agreement. You pay this, we pay that. We give you credits. And it's easier to modify a DCA than it is a zoning document. In other words, if the amount gets changed later down the road, if it's a million dollar credit and something in the agreement changes, then modifying that financial contract is much easier to do in an agreement than it is in a PUD document because it has to go through the whole zoning process again.

It's an anomaly that you have three in front of you right now, it's just timing wise. Naples Reserve has a \$4 million cash contribution to accelerate a road. There's not much there other than we're paying more money up front, and we're going to use no credits for the first 300 units. Bent Creek is a clean-up of a prior DCA, \$5 million, to construct a roadway network from the prior developer or actually call the letter of credit for two and a half million dollars and we give them some money back. So we're putting that all in the agreement. So it's financial terms.

Parklands the same way. I think in Parklands we could have eliminated the DCA, except there's one middle portion of the road where we're going to share some costs that they're not required to, so that triggered a DCA. Some of the improvements that are in Parklands, the intersection improvements could certainly have been put in the PUD, but we thought they would be -- since we're doing road improvements in the DCA, let's put them all there and make them clear, because there might be some adjustments down the road.

The Chairman is correct, if they're referencing or companion items, you should see them. And he's asked me to work diligently to try to get them up here. And I know Lori and I worked last weekend and a couple of weekends making sure that we have all the documents prepared so we could get them to you so you could at least see them and understand what the terms are.

But the big thing is, if there's a financial obligation in there, we try not to put that in the PUD and put it in a contract that we can monitor.

As far as tracking, they're in the commitment tracking system. They're attached and referenced. So if you -- you have access to the Intranet, when you pull up the PUD, we have a section that says contracts and agreements, they're in there as well too, so they can be tracked there.

With that, I'll entertain any questions or just offer any other comments from Heidi or members --

CHAIRMAN STRAIN: Well, first off you said if you have access to the Intranet you can find this. I agree. Just so everybody knows, the Intranet is the internal network for the Board of County Commissioners system here.

The public doesn't have access to that. Only staff has -- only the staff or people with a county computer that has the VPN connection has access to that. So in essence most of this board, everybody in this room don't have access to that DCA. So we have a -- but they do have access to the PUD.

So what I'm concerned about is there's got to be -- for this board to approve a PUD to find it compatible, consistent and concurrent, and if the DCA has the relevant issues, I'm not caring about the dollar values, I'm caring about the functional aspects of the DCA, a road will be built. I don't care about the money part, that's fine for an agreement. But if a road needs to be built, to be concurrent or consistent, then this board's basing its zoning system on the fact that that road will be built.

But if that road's -- but if the act of building that road isn't delineated in the zoning document and it's just in the DCA, how can this board recommend that it's consistent with the zoning needs if it's not in the document that we have the review of? That's where my concern is, Nick.

MR. CASALANGUIDA: We've done it in the past, maybe we can address it this way. In the transportation commitment section, also if we have a public utilities section, under a commitment we could reference the DCA. And I'll have to work with Heidi on that. But I know in the past we have said there are commitments and attached recorded developer contribution agreements. So there would be a reference in the PUD document. It is recorded in the public records, so someone could find it and we'd know it's there.

And then the Intranet is going external pretty soon. We're working with IT to make the commitment tracking system open for the public as well. So if your direction is to work with the County Attorney's Office to put a reference in the zoning document so it's clear, I think we can find a way to do that.

CHAIRMAN STRAIN: Well, before you go there, though, when I walked in yesterday to discuss these DCA's and I started reading from the ones that I had, they were given to everybody here in their packets. The first thing, oh, that one's no good anymore, we've redone them all. Now, so how would you put the DCA that you're actually using, and now you use the word recording, in the zoning document that we review when that document isn't even in good draft form by the time we get it?

MR. CASALANGUIDA: What we've done in the past is in the transportation section reference maybe just a bullet point list of commitments towards specific road A, B and C are a companion item to the approval of this PUD and in an adopted DCA. And not put the book and page yet because you would know it's there, that means you would go look for it, and when it gets adopted and recorded that would be the official terms.

CHAIRMAN STRAIN: What I asked staff to do in preparation of this discussion today was to be prepared to take those items in the DCA that should be in the zoning document in order to assure concurrency and consistency within the document that we have to review by, so that we could get those put back in on the fly at today's meeting. Because -- and that way we have a zoning document that's complete, we have the needs for the road system stated in there, and that how those details monetarily are worked out, if they're subject to a DCA, that isn't -- I don't think that's as much of a concern, the monetary part of it, just -- but the acknowledgment that that's needed to be consistent and the zoning can be done that way I think is the most important part.

So I need to find out from Heidi if she concurs or if she sees a solution here that will work for us. Because we have three of them coming up today and they all got to be addressed.

MS. ASHTON-CICKO: Yeah, there are several ways we can address it. I mean, the concern arose yesterday because Mr. Strain was told we used to put these in the PUD's and now we're putting them only in the DCA's, okay. And so to the extent that there are things that you are relying on in making your traffic impacts analysis as part of the zoning application, to the extent you need, you know, some certainty that it's going to occur, we can move those over.

And the one way is to actually move them into your zoning document. The other is, for example in -- the Naples Reserve that you have before you today, that one does cross-reference the developer agreement. But, you know, you're seeing a draft of what it looks like today. I don't know whether it will change at all between the time it goes to the Board of County Commissioners for approval as a companion item to the PUD.

So there are two ways you can address it. One is referencing the developer's agreement, or the other option is to actually take the commitment and put it in the zoning document.

CHAIRMAN STRAIN: Well, to be honest with you, referencing a developer's agreement is no different than referencing other documents in the PUD. They're out of our control. And I've asked that any time a document is referenced for this board to have it in its packet so we can review it. The problem is we can review it, but if it's not locked into the zoning document, then it's out of our control until it gets finalized by the Board. And they're at a

three-two, they don't consider it a zoning issue, it's more or less a separate agreement.

And so I'm more comfortable seeing the duplication of the concepts that are needed for consistency and concurrency in the zoning document because that's what this board is supposed to be doing.

MS. ASHTON-CICKO: And I think you're more concerned with the actual infrastructure improvements than you are with the donations of money is what I'm hearing --

CHAIRMAN STRAIN: Absolutely.

MS. ASHTON-CICKO: -- today. So we can put it in the PUD so that it's in a form that if some of the monetary details need to be refined or changed, then that won't be impacted by the PUD.

CHAIRMAN STRAIN: Okay. And I asked staff to be prepared to explain to us today when we get to each element -- each of these cases, to let us know which paragraphs or which parts or which concepts within each DCA should be moved back -- or duplicated into the zoning documents.

So hopefully they'll come prepared today to tell us that. Which means by consent we can get it all accomplished and nobody's schedule will be held up because of it.

MR. CASALANGUIDA: Okay. We'll make that attempt. I'm not sure on Bent Creek, if --

CHAIRMAN STRAIN: Well, Bent Creek is going to be heard first. But the consent can be heard at the end of today's meeting instead of immediately following the discussion on A. That way they've got time to insert the language needed to -- or we can approve it with the presumption the language is going to be added. So either way.

Yeah, if you and Bruce, if either of you got to say anything in this regard -- and I ask you to think generically, don't try to focus on your case today, because this has got to apply as we go forward.

MR. YOVANOVICH: I understand. For the record, Rich Yovanovich.

And generically -- but also I have to go specifically, because there's examples. I could tell you for a fact the Naples Reserve PUD, which was approved in '07, had a companion developer contribution agreement at that time. It was separate from the PUD and it involved many different property owners. If you remember, there was a U.S. 41 consortium that related to that agreement. And all of those PUD's relied on that developer contribution agreement in order to meet the concurrency. And I don't believe any of them referred to the specifics in their PUD documents. And I think that was for a good reason.

That consortium ultimately got reduced in scope and size, which resulted in the change -- a change to the actual infrastructure improvements that were constructed.

Now, the amendment to the developer contribution agreement was brought back to the Board of County Commissioners. They confirmed with staff that the reduction in the infrastructure improvements would allow those projects that were part of the consortium to continue to move forward.

Had it been in the PUD, those -- I'm sure that those infrastructure improvements would have been referenced in the scope of the original consortium agreement. That would have required us roughly a one-year process to amend the PUD documents when really all we needed to do was amend an agreement regarding the commitments related to the project. So that's the Naples Reserve project. In '07 they were separate.

I can't remember Summit Lakes. I think you had -- that's now Bent Creek. I was involved in the original approval of that, and we also had a DCA that was companion. I think they were separate?

MR. CASALANGUIDA: Yes.

MR. YOVANOVICH: They were also separate. And so I think -- it hasn't been historical that the commitments have also found their way into the PUD. I think the historical application is that they've actually been separate. Because it allowed the flexibility for the Board to look at the developer contribution agreements to confirm that they -- that they were adequate to satisfy concurrency.

It's gotten -- you know, and I don't want this to be a negative comment towards staff. It has gotten to where the process of PUD's has gone much smoother, doesn't take quite as long as it used to. But to amend a PUD is both an expensive process and a timely process, where amending the developer contribution agreement can be -- it's a public hearing process, and it can be much -- much more flexible to the schedule that's necessary to keep a project moving.

So I would hope that what we can do is we can do as we're doing in the Naples Reserve project, and this is global. I mean, where there's a reference to that document, I certainly have no issues with bringing the document to the Planning Commission for their review and understanding of what it is that we're agreeing to do to meet concurrency. But I would like to keep them separate in case there are changes in circumstances that justify an amendment to the developer contribution agreement and not make us go through an amendment to the PUD process,

which under best case is probably six to nine months, probably closer to the nine months, to make it happen.

So that's why I say globally I think you can handle it the way we're doing it without moving the commitments, because historically commitments have changed due to changes in scopes of the projects and participants in DCA's. That's my two cents on the two I've been involved in. And the one specifically today had a DCA in '07, and those commitments were not in the PUD back in '07.

CHAIRMAN STRAIN: Well, several comments. First of all, if we have made mistakes in the past, we need to correct them as we recognize them.

MR. YOVANOVICH: I don't think it was a mistake, so --

CHAIRMAN STRAIN: Well, it is a mistake in the sense that if this board has to base its approval of a zoning request on having enough in the document so that it's concurrent -- it shows concurrency and consistency with our code, but now you're telling us we did that previously based on documents outside the zoning document, I'm concerned about that.

I didn't discover this was an issue until last meeting when staff acknowledged to us on record that some of the transportation commitments they would normally have put in the PUD that they need are in the -- they're comfortable that they're in the DCA, so therefore they're okay with the PUD document.

That may be fine for staff to do because they have all the records and documents in front of them and they're existing today. But this board still has to base its zoning on the document itself, not extraneous documents. I'm not looking for the detail you're concerned about. If there was an acknowledgment under the transportation section of the PUD that simply said there are road improvements needed on "X" road, those improvements will be detailed and refined in a separate DCA, developer contribution agreement, I'm fine with that. I want it acknowledged, though, that we recognize that as a need in order for the zoning to be approved.

So that if it -- see, here's my ultimate fear, and not from you, Richard. I don't think from you. We could approve something zoning wise, Board could take it and approve it, and all of a sudden the DCA is abandoned. Not you, but somebody could say we got our zoning, we don't need a DCA. Well, all the commitments we thought were there are gone.

MR. YOVANOVICH: Well, let me --

CHAIRMAN STRAIN: I don't want that chance to happen.

MR. YOVANOVICH: I understand. Let me assure you that that won't happen.

CHAIRMAN STRAIN: I know, you live in this town --

MR. YOVANOVICH: Let me tell you why it won't happen and it can't happen. Naples Reserve is a perfect example of that. What happened there, remember -- if you remember, that was a global DCA that included multiple residential developments and multiple commercial developments.

CHAIRMAN STRAIN: It was a \$45 million DCA for the over -- I'm very familiar with that.

MR. YOVANOVICH: Right. And it went to you guys, you guys got to see it. We brought it to the Planning Commission.

What ultimately happened, the economy changed, residential went totally away. The residential guys never ponied up the money they were required to do under that DCA, yet the commercial guys could, because they still had a market. The DCA was amended to allow the commercial guys to go forward to fund the improvement that Nick is working on doing at that intersection that we're also going to fund.

The zoning for Naples Reserve stopped because we had no concurrency. I wouldn't be here today to amend the PUD because I didn't -- I don't have concurrency, so I had no ability to go forward. So it was -- there are safeguards in there to where you don't have to worry about if it was me representing the developer, or Bruce, which we wouldn't do anything improper. If it was someone else, you don't have to worry about that. So the safeguard was there. So I don't think you have to worry about that issue.

Mr. Strain, I'm more comfortable now that you've said you're talking generally about an improvement versus specifics regarding the improvement, because it would have been a nightmare to -- if you would have put the level of improvements that were contemplated when you had all these projects coming through at the same time in a particular PUD. But if you talk globally there'll be an improvement at the intersection of U.S. 41 and Collier Boulevard, if that's what you're talking about globally pursuant to a separate DCA. That's -- I'm much more comfortable with that than specifics --

CHAIRMAN STRAIN: I just want to know that staff has acknowledged there are either intersection or road

improvements needed to make this zoning consistent and concurrent, that this board's been told about it and that we base our decision on the knowledge that the reference to those would be accomplished in some manner.

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: That's where I'm trying to go. Because if we leave that door open, 20 years down the road someone looks back at some of these projects and decides how in the world did we ever approve that and they start going through our documents and find out our basis for zoning wasn't solid because we were relying on documents that weren't zoning documents, I'm not sure that's good for the applicant, well enough for the public. It puts a flaw in your, me and possibly the applicant's ability to have the zoning in the first place.

So I would much rather see the definitiveness in some regard or reference in our zoning documents.

MR. YOVANOVICH: And I'm fine with the reference.

CHAIRMAN STRAIN: Okay. Heidi, does that -- will that work from the County Attorney's perspective?

MS. ASHTON-CICKO: Yes, it will.

CHAIRMAN STRAIN: Thank you.

Bruce, did you want to comment at all?

MR. ANDERSON: Yes. I agree that it can be done by simple reference. For example, the existing PUD for the Summit Lakes project, in its transportation section it lists some of the obligations and then it says should the county approve a developer contribution agreement, such agreement shall provide road impact fee credits for the design, construction and permitting, including environmental mitigation for the upgrade from a local road to a minor collector road.

That's the kind of thing that can easily be put in a PUD. It lets people know that there's detail about it somewhere else but that there is a tie-in to an agreement that provides financial details. I'd look at this as the PUD provides the skeleton and the DCA kind of provides the flesh.

CHAIRMAN STRAIN: And I don't disagree with you. My concern arose because of staff's comment last meeting that they've taken all the requirements for transportation and put them in a DCA and they were comfortable with that. I want to make sure that that works for them but there's some reference in all the documents that works for us and then keeps this a zoning matter as well as a separate agreement.

So, yeah, I appreciate it. And I think we're on the right track. County Attorney said there's no problem with it. And so at each submittal today I'll be asking county staff to make sure that that language is incorporated somewhere in that section.

Phil?

COMMISSIONER BROUGHAM: Yeah, just so I understand. In the petitions before us today, one on consent -- well, a couple on consent, I guess -- the proposed developer contribution agreement is included in our packet.

CHAIRMAN STRAIN: Right.

COMMISSIONER BROUGHAM: So obviously we're obligated to read it and make notes on it. I have questions on it. Some of these questions in fact I discussed with Mr. Yovanovich the other day specific to the DCA. So as far as I'm concerned, part of what I'm obligated to do is to review that document as part and parcel to the petition.

Now today is the first time I understood that in terms of when we approve or deny a petition it's strictly based on zoning and is not based upon the DCA, per se.

CHAIRMAN STRAIN: Right. The DCA is a supporting document to make us feel comfortable. But at any point it can be changed. And it can be changed without our review. So it's real relevant to know that something specific to zoning that's in the DCA, let's just keep it in the zoning document as well --

COMMISSIONER BROUGHAM: No, I'm with you on that.

And I also heard that any subsequent change to a DCA agreement goes back through the Board of County Commissioners for approval.

CHAIRMAN STRAIN: Correct.

COMMISSIONER BROUGHAM: Okay. What would preclude us as a Planning Commission with reviewing or having the obligation to review any substantive changes to a DCA that were submitted as part of a petition?

CHAIRMAN STRAIN: That may undermine the purpose of a DCA altogether. I have to agree with the



applicants in regards to why a DCA is necessary. You do have monetary dollar values and items like that that don't need to be in a zoning document. All the zoning document needs to do is acknowledge that they need to happen. But those other things can fluctuate, especially when you have estimates that are based on civil engineering probable opinions of cost in the future or things like that, or changes to the lanage or the turn lanes, or the -- anything little thing at all.

I'd rather -- and if you make that kind of stuff, say a \$4 million DCA in better times -- better times meaning worse times for construction but better times for bidding -- is \$3 million. Well, that's a substantial change, it's 25 percent. But legitimate. They got a better price, they were able to do it for less.

I don't see the need to push that back through the system. Because just coming back being before us and this board would be a time-consuming effort for an item in the DCA that's non-zoning related.

I tend to agree that the purpose of the DCA is well utilized. It's just that I want to make sure the zoning pieces are in the right document as well. I think that's what we ought to focus on. I'm not sure that it matters to us what the monetary value is.

COMMISSIONER BROUGHAM: No, I'm not concerned about the monetary value either. I would have the same concerns that you do as far as any substantive agreements to building roadways or infrastructure of that sort that were pertinent to our approval or denial.

I was just really -- if we can accomplish this as I think you're down to with Nick and Heidi, by references including the commitments or specifying the commitments in terms of infrastructure improvements referencing the DCA, then I guess I'm good with that. I wanted some clarification as to why a DCA was outside of our approval purview. I hadn't understood that before.

CHAIRMAN STRAIN: No, this is a zoning board, and unfortunately the only two zoning documents in Collier -- well, there's probably a couple more, but the primary zoning documents are the Growth Management Plan and Land Development Code. Specifically we are told that is part of the process we have to be involved in.

Those other documents are like any other documents in front of the Board of County Commissioners. They have a stack of books this high, almost a foot high every meeting. There's all kinds of agreements going on. But if they're not zoning related, it's outside this board's purview.

COMMISSIONER BROUGHAM: Then I'll ask one more question, procedural. Then why include a DCA in our packet?

CHAIRMAN STRAIN: We did that as a result of other DCA's in the past that seemed to provide latitude to do things that we weren't aware of.

I mean, I think Ave Maria was the first big one that came up. It had a DCA that was done before the PUD process. And it wasn't reviewed by this board at the time. And that was -- after that one we said, you know, if you got DCA's that solve some of the problems that are expressed in the PUD or that we would talk about in the PUD, give them to us with the PUD so we can understand that those issues have been resolved.

What it didn't dawn on me at the time, and I'm at fault as well as anybody else, that some of the things that were in the DCA were zoning matters that weren't duplicated in or referenced in the PUD. That's the error that I'm trying to correct. And it didn't strike me until last meeting when staff said they removed the things from the PUD to the DCA and that's why they are comfortable with the PUD. That's what triggered the thought. I'm thinking, wait a minute, that works for staff but it doesn't work for a zoning board who strictly has to look at zoning.

So technically, as Richard's example pointed out, we could have been in violation of zoning matters in regards to why we're approving something when the document that we're approving was relying on another document we had no purview over, except voluntarily. Staff's been kind enough to give them to us each time. And I think that's great.

The problem I found out yesterday is the drafts we get a week early are changed radically within one week. And I'm trying to correct that by keeping the concepts in the documents.

COMMISSIONER EBERT: Mark, I agree with you, this is -- you did ask at the last meeting that we get copies of the DCA. And that is very important, because I do find a lot of things in there. I don't care about the money wise, it's just what's listed. And so had you not even asked, you probably would have not gotten them with these.

CHAIRMAN STRAIN: A while back we had this discussion, and I think -- I think it's somehow staff's -- there's been a lot of staff changes. And over the years, I think, especially with the last one, we didn't get the DCA timely, and it was probably something that was inadvertently omitted because staff people have changed so much.

But routinely we were supposed to have gotten those for all -- as we've gone along.

Nick?

MR. CASALANGUIDA: Sure. I think hearing broad discussion, when you say they radically changed, radical change could be that we agree to build the road and they pay us back. And flip it around, they agree to pay for the road and we give them impact fee credits. Ultimately what you're hearing is the road gets built. So a radical change is who could do it and who gets paid and who gets credit, that's a radical change in an agreement, but the end result is the road gets built.

So I'm hearing from -- in talking to Bruce and Richard and as well as hearing your concerns, if we can put a specific paragraph that says this, you know, PUD is being approved subject to improvements being done at this intersection, which specific details are included within a developer contribution agreement, it's something you're relying on to feel comfortable with the zoning, we should put that reference there specifically to what it is, the construction of a road. Leave it general. The improvement of an intersection, leave it general. You understand what it is.

That way we reference the DCA where the detailed terms can fluctuate, as Mark pointed out, OPC's, opinion of probable costs, design fluctuations, timing, those things can also be put in the DCA, not in the PUD. And that way it gets you your end result, it gives you the coverage you want, and it gives us the flexibility to be able to move and move quickly, make minor adjustments, but not substantial to what your approval process or review involved.

CHAIRMAN STRAIN: And Nick, as a follow-up, in yesterday's conversation, one of the comments made to me by staff was that -- and I don't remember which of these cases today, but one of the cases, the DCA was so important that if some of the elements in the DCA were not to happen, the PUD would be then in violation, inconsistent with FLUE Policy 5.1.

So that's why it's got to be in this document. We cannot approve something that the document doesn't make whole. And if we're not whole, then we've got a gap. And I want to make sure that our PUD's at least have the completeness so that no matter if the DCA fails or changes, the PUD can still stand on its own zoning.

MR. CASALANGUIDA: I agree. And I think Heidi and I and Jeff can definitely come up with a paragraph that references the DCA and then maybe lists what I would call a general improvement that you're relying on so you get a good feel that a road will be built, an intersection will be done, a donation will happen to right-of-way, something that's specific to that that is material to that concurrency, we can put that as a general and then the details can be in the DCA. I think we can accomplish that.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: Question. Nick, does a DCA ever include items that are not part of utilities or transportation?

MR. CASALANGUIDA: That are not part of utilities and transportation?

COMMISSIONER SCHIFFER: Right.

MR. CASALANGUIDA: You mean something outside of utilities and -- yeah, it could.

CHAIRMAN STRAIN: Stormwater is one, for example.

MR. CASALANGUIDA: Yes, stormwater could be one --

COMMISSIONER SCHIFFER: Well, all right.

MR. EASTMAN: School.

CHAIRMAN STRAIN: Yeah, school. There's some school issues today, so we'll be hearing from Tom.

COMMISSIONER SCHIFFER: So in the review from those departments, isn't that where they request or note that these improvements are going to be made?

MR. CASALANGUIDA: Yes.

COMMISSIONER SCHIFFER: All right, thanks.

MR. CASALANGUIDA: You're welcome. Good discussion.

CHAIRMAN STRAIN: I'm glad. And then as we hear today, I'm going to ask staff to comment relevant to this to each one of these. So transportation, utilities, if you're listening, those questions will be asked to make sure we're complete.

The other item that I wanted to discuss is the deviation issue. This board's -- again, this board's purview is the Land Development Code and the Growth Management Plan. But you will see in some of today's hearings, just like a lot of hearings, we have a whole slew of deviations. This one -- today's are more than we normally see. But some of

those deviations are not relative to the Land Development Code or the Growth Management Plan. And then some cases, if they are relevant to the Land Development Code, the same standard is in the Code of Laws, which we don't have the ability to recommend basic changes on. The Code of Laws is not part of the LDC.

Now, where my concern was is, first of all, the mere fact we're being asked to do a deviation to the Code of Laws is a problem. We don't weigh in on that. But the other problem is if a Land Development Code standard is in another code, not in the Land Development Code, then that means that other code can be changed by a different political process or public process than we have here today. It doesn't come before the Planning Commission. It doesn't have a NIM, neighborhood information meeting, it goes straight to the Board. And it's a three-two, it's not really a zoning matter.

I'm worried that even if we were to provide a deviation and it's duplicated in both the Land Development Code and the Code of Laws, because the applicant walks out of here today with a deviation from the Land Development Code he still doesn't have a deviation from the Code of Laws, because we can't authorize that.

And I've asked Heidi to take a look at that. And one of them in particular today added a deviation that was strictly pursuant to the Code of Laws. Another one referenced codes that may or may not be in existence today. And all that needs to be cleaned up at today's meeting. But at the same time, I want to understand from this board's review how we can limit what we -- to what we're authorized to do and take those other ones out of the deviation list.

MS. ASHTON-CICKO: Well, the deviation authority that you have in your zoning capacity is to the Land Development Code. Our Land Development Code provisions regarding deviations says you can deviate in PUD's from the Land Development Code. So I've always opposed deviations to the Code of Laws.

With that said, under the Code of Laws in most instances there is a deviation provision there. And usually those deviations can be made by the transportation administrator. And usually they come later on in the process. However, I believe that you could put a deviation to the Code of Laws if the transportation administrator has authorized those in accordance with the procedures under the Code of Laws.

So -- and I have provided some language on other PUD's, you know, that specifically references those deviation processes.

CHAIRMAN STRAIN: Wouldn't it be better -- and I asked -- and staff is supposedly -- I think Caroline's looking into it. And specifically there was an administrative code adopted in 2004, it's called 2004-66. And in that code you'll find a bunch of general references, which are fine. But then you'll get into some specific standards.

One of them is, as example, is the 23-foot setback to garage doors. And we've heard before in these meetings, well, that's in the code now. Well, it's not, it's in the Code of Laws. It only appears in a couple very definitive references in the Land Development Code. Bayshore overlay for example has the language, but in the general code it does not appear.

So that means every time someone's -- we want to assure the 23-foot setback, it does have to be restated in a footnote on the developmental standards table or it doesn't get there, because it has to rely on the Code of Laws to get there. And that code could be changed much more easily than the Land Development Code. It doesn't go through an LDC amendment process. That's -- Code of Laws is just changed by the Board under public notice on their agenda.

So I'm looking to have staff consider moving those things back into the Land Development Code where they belong, because they are land development regulations. And those specific standards ought to be in our code. That way if they are amended or they are in the code we don't need to keep listing them separately under every PUD.

Is there anything wrong with that process, Heidi?

MS. ASHTON-CICKO: With asking staff to --

CHAIRMAN STRAIN: If we get the land development elements of the Code of Laws, such as 2004-66 contains, the specific standards, move them back into the Land Development Code and delete them from the Code of Laws.

The reason I'm concerned about it is back to if, say, the County Administrator disagrees with what this board does for some reason in the Land Development Code, they don't have to give the applicant that deviation, based on the Code of Laws. So the applicant's walking out of here, they're selling product, they're doing everything thinking they got a deviation that gives them the ability to put a product in a certain way, but the Code of Laws isn't consistent. And it doesn't necessarily mean they've got it. I mean, to me that might be a flaw in their title or who knows what in the zoning process.

But I would -- I'm as much concerned for the applicants in this regard as I am for this board's process.

So is it logical to move just the standards for land use back into the Land Development Code? Is that something that staff could do, or do you see that to be a problematic process, there was a reason to duplicate land use standards?

MS. ASHTON-CICKO: Well, I don't think they should be duplicative. I don't think we should have them in the Land Development Code and then in another section. So I guess you can -- I think the transportation administrator's or the, you know, growth management administrator's here and he's heard, you could forward that direction on in a request to the Board of County Commissioners to --

CHAIRMAN STRAIN: After staff gets done comparing the specific one in question right now, that might be wise to then consider approaching the Board and trying to put those standards where they belong.

MR. BELLOWS: Yeah, for the record, Ray Bellows.

I have discussed this with both Chris Scott and Caroline, who's doing our LDC amendments. And we are going to analyze everything that's in the Code of Laws and ordinances that are land use related type standards and then have those put back appropriately. If it's a process, it will go in the new administrative code, and if they're standards, they'll go back into the Land Development Code in the appropriate sections.

CHAIRMAN STRAIN: Okay. Bruce, did you have --

MR. ANDERSON: Yes, thank you, Mr. Chairman.

In years past the Land Development Code provided that a PUD could provide for a variance or other departure from any ordinance in Collier County. It got advertised, it got noticed. It was removed by a prior planning director.

CHAIRMAN STRAIN: What was removed?

MR. ANDERSON: The ability to approve a deviation or an alternative to a general county ordinance to put it in the PUD.

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: And frankly, the fear was these elected officials can't be trusted to make those decisions.

So their hands were tied by the old planning staff in that regard. And I just wanted to suggest that maybe we go back to the way it was.

CHAIRMAN STRAIN: I don't -- as far as I'm concerned, I don't mind which way it goes, as long as it's legally sufficient to go that direction. My concern has been more from the point of the applicant. Because I've been in the applicant's shoes in regards to land use. You get an approval for land use from this board or from the BCC in regards to the Land Development Code and you walk away happy. And all of a sudden you find out that the Code of Laws doesn't mirror what your deviation approval was here. To me that could be problematic in the long-term play-out of a project and reasonably unfair.

And so I'm trying to make sure that the consistency awarded here or recommended here goes forward throughout the entire process of all documents. I don't know if this board can be -- can include the review of ordinances that are done by the Board of County Commissioners through the Code of Laws. I mean, I know that in reading our entitlements it's for Land Development Code and Growth Management Plan.

But if the old way is a better way to go and it can be legally sufficient, I'm fine with that too. I just want everybody to walk away knowing that what was said is what we can do. We're basically -- there's no side door coming in and blindsiding you down the road.

So that was the purpose of the discussion. And Heidi, I think -- have you researched if we reverted back to the way Bruce is saying, that if we left the language for deviations to apply to all ordinances and codes, can that be done through the zoning process or is that a separate process that can only be done through an ordinance change through the Board of County Commissioners?

MS. ASHTON-CICKO: Well, I think you'd have to do a Land Development Code amendment to indicate that you can approve deviations from the Land Development Code and any other county ordinance.

CHAIRMAN STRAIN: Or recommend approval.

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. Richard, do you have anything? You walked up.

MR. YOVANOVICH: Just briefly.

I think you'll see a lot of times we actually ask for deviations where staff -- where there is a process that exists for staff to grant that deviation. And the reason we do that, Mr. Chairman, is exactly what you said, we want the

Planning Commission to hear why we want this deviation and make a recommendation, and the Board to ultimately decide for a concern that maybe staff will not agree with us to grant the deviation, even though they have the authority to do it.

So you'll see lot -- we're asked a lot of times why do you have the deviation in the PUD? It's to go through the process of having the Planning Commission and the Board consider the deviation and not wait to see what the result will be later on.

CHAIRMAN STRAIN: Well, I don't mind having the process be as complete as possible, I just don't want it to be having a hole in it that is problematic down the road.

MS. ASHTON-CICKO: I'm okay with --

MR. YOVANOVICH: And I agree with Bruce's suggestion that we have a process where we can ask for deviations to both the LDC and the code, because things moved from the LDC to the code. And some of the stuff that we used to ask deviations for technically we may not be able to ask for deviations now because it's in the Code of Laws.

MS. ASHTON-CICKO: I'm not saying you can't put it in the PUD, it just has to reference the process. So if it's the transportation administrator who grants those things, then it's the transportation administrator has granted this deviation and you can specify it in your PUD. I'm okay with that. But you can't say the Planning Commission is authorizing it, because that's not the process that's set out in the code.

MR. YOVANOVICH: But I thought you were talking about putting something in the LDC that would allow for us --

CHAIRMAN STRAIN: To bring it before the Planning --

MR. YOVANOVICH: -- to bring it to the Planning Commission.

MS. ASHTON-CICKO: Yeah, but that's not our situation right now --

MR. YOVANOVICH: I understand that --

MS. ASHTON-CICKO: -- but if it's amended and you can do that, then certainly.

MR. YOVANOVICH: Well, this was supposed to be a global discussion regarding the fix --

CHAIRMAN STRAIN: No, that's fine. And I think what we'll do is we'll follow up with staff on the possibility of looking at a broader review so we get everything caught in one meeting instead of making multiple levels of codes and laws.

Well, good. I think that brings us -- and I'm sorry to have taken so much time this morning. But because this is up on every single one of these, I didn't want to have the same discussion three times. And that may move the rest of the meeting ahead faster.

\*\*\*So with that in mind, we are now ready to move into our regular public hearings. We have no consent items under consent today.

The first advertised public hearing is 9.A. It is Item PUDA-PL20110001497, Bent Creek Preserve RPUD. This is a continuance from the last meeting in which there were numerous suggestions made to the applicant to improve the document. They have resubmitted it and we're going to be rereviewing it.

Following our review, if the review does not bring up a lot of new issues that can't be addressed quickly, we will go into a consent on this. However, if there are issues that need to be addressed we'll do the consent later today.

With that in mind, anyone who -- anybody wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Are there disclosures on the part of the Planning Commission?

(No response.)

CHAIRMAN STRAIN: I had a discussion -- I had a discussion with Bruce on the Parklands, and the applicant, but I don't know if we talked about -- Bruce, I think maybe you and I might have talked about this on the phone. So that's the best I can recall on that. And with that, let's move into the public hearing.

Bruce, it's all yours.

MR. ANDERSON: Thank you, Mr. Chairman. For the record, my name is Bruce Anderson from the Roetzel and Andress Law Firm on behalf of the property owner.

We took to heart your many suggestions and believe we have addressed most if not all of the excellent points that you brought up two weeks ago. Patrick Vanasse is the one who did the actual crafting of the language to put in

the PUD, with consultation from the client and myself, and I'm going ask Patrick to come up and walk you through those changes. And he or I or any other member of our team will be happy to try to answer your questions. Thank you.

MR. VANASSE: Good morning. For the record, Patrick Vanasse, Certified Planner with RWA and planning agent to the applicant.

If I may, what I'll do is I'll walk through each of the changes that we made to our PUD exhibits. And if you want me to just move on quicker and you're okay with the changes, let me know. If you have any questions, feel free to interrupt me.

CHAIRMAN STRAIN: I think the best way we could do is as you go through the pages, if we have any questions from those pages we'll just bring them up at the time. Okay?

MR. VANASSE: What I have here is a list of all the changes that we've made. And we could walk through those and look at the strike-through, underlined document that should be in your packet.

So the first changes we made were to Exhibit 8 under permanent and accessory uses within the R tract. If you recall, the R tract allows for some recreational uses that are found in the RA tract. There was concern about not allowing some of those recreational uses on residential tracts that would abut adjacent properties. We added that note under principal uses and under accessory uses to the R tract.

So if there's no questions, I'll just move on to the next.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: The following changes were made to Exhibit B. They were the notes associated with the development standards table. And the first change was made to note number two regarding side yards. And the clause within one building was added as requested by the commission.

The next change that we made was to request that we eliminate note number three. If you recall, note number three dealt with a -- an 85-foot setback from Immokalee Road. There was quite a bit of discussion as to if this requirement was really needed and also how that 85-foot setback was measured. So what we did is we created an exhibit to bring before you today and kind of walk through that.

So what I have here is the cross-section for Immokalee Road. There's quite a bit of detail on there so I'll walk you through it.

The area shaded in gray over here is the outside lane of Immokalee, outside travel lane. That's the closest lane to our project. The jagged line in solid black is the property boundary and, conversely, the right-of-way boundary for Immokalee Road. The hatching is our 20-foot required buffer along that property line.

What we see here is we've also added the conceptual development tract that would be closest to Immokalee Road. And we put a typical lot over here. As you can see, those lots would be at least 130 feet in depth.

So if you look at the minimum separation that could ever exist between our rear yard and the closest travel lane, we would have 60 feet. We also have a rear yard setback which is 15 feet. So if you add the 60 plus the 15, no structure, no principal structure could be any closer than 75 feet from that roadway. We feel that's ample, and that really the 15-foot setback might be unnecessary, and the request is to remove that setback completely from the notes.

COMMISSIONER BROUGHAM: Question.

CHAIRMAN STRAIN: Go ahead, Phil.

COMMISSIONER BROUGHAM: I have a note from the prior hearing that on the minimum rear yard setback on single families it would be 15-foot. But there was a note I added, from buffer. Is that where your -- on your exhibit that's up now, is that 15-foot --

MR. VANASSE: I think the question was where is it measured from.

COMMISSIONER BROUGHAM: Correct.

MR. VANASSE: And there was debate, is it measured from the buffer, is it measured from the rear lot line. And what we have here is we've measured it from the rear lot line. In some instances the rear lot line is right up against the buffer. For example, over here.

However, where the boundary jots, the rear lot line ends here and there's additional space. But no matter what, at the very closest point we still have a 75-foot separation, no matter what.

COMMISSIONER BROUGHAM: Okay.

MR. VANASSE: And the thought is that this 85-foot setback becomes, you know, unneeded and also confusing to staff and also anybody else that might be looking at this. And I think there's ample assurance right now

that no two-story single families are going to be built right up against the roadway.

Also, keep in mind that we have a 20-foot buffer with the ability to provide up to an 18-foot wall/berm combination for that area.

CHAIRMAN STRAIN: While you're on that issue, what's the dotted line that's in the rear -- the 15-foot rear setback? What's that represent?

MR. VANASSE: Are we talking about this line here?

CHAIRMAN STRAIN: Yes.

MR. VANASSE: That's the setback from the rear yard property line.

CHAIRMAN STRAIN: Oh, that's the 15 feet.

MR. VANASSE: Yeah, that's the rear yard setback.

CHAIRMAN STRAIN: What's the solid line doing there then, just the --

MR. VANASSE: The solid line is the rear lot line.

CHAIRMAN STRAIN: Wait a minute. Something's wrong. If that's -- show me the rear lot line with your --

MR. VANASSE: Rear lot line is over here.

CHAIRMAN STRAIN: Okay, the next line down, the dotted line is your --

MR. VANASSE: Setback.

CHAIRMAN STRAIN: That's your -- okay, what about the --

MR. VANASSE: The other line over here?

COMMISSIONER STRAIN: Yes.

MR. VANASSE: Is the 85 feet.

CHAIRMAN STRAIN: Okay, thank you.

COMMISSIONER SCHIFFER: Mark, on that point?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER SCHIFFER: Never will the lot line be within the buffer or closer than the inside edge of the buffer; is that true?

MR. VANASSE: Can you repeat that, just --

COMMISSIONER SCHIFFER: In other words, the concern we have with this buffer is we don't want you measuring from a property line, because there's a 20-foot buffer. We don't want you to be 15 feet in or in any way put the back -- setback in the buffer. So that would never occur in this layout; is that right?

MR. VANASSE: No, it wouldn't.

COMMISSIONER SCHIFFER: Thank you.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: I have a question on the table, Mark. Is now --

CHAIRMAN STRAIN: Go ahead, now is the right time.

COMMISSIONER SCHIFFER: You added -- in number seven you state that we can't go more than 10 units. And when you state without a side setback, you mean two side setbacks, don't you? Or can we word that without --

MR. VANASSE: Without a side yard is what we put in there. But the intent was really to have separation, no more than 10 units clustered together without that separation.

COMMISSIONER SCHIFFER: Right, but you worded a side yard setback, which is a single setback. Essentially normally there would be a property line and a setback on each side.

MR. VANASSE: But if you have a cluster of 10 on this side, it needs to provide a side yard. And the same thing applies to the next cluster of 10, they need to provide a side yard. Therefore, you have two. So I think it's just semantics. But we can --

COMMISSIONER SCHIFFER: Let me try it this way: If you had a property line between townhouses, would that setback be larger than what you're describing here?

MR. VANASSE: Yes, we would have a greater separation than just one side yard, we would have two side yards.

COMMISSIONER SCHIFFER: Okay. Then that could pinch them kind of close. I guess maybe let's look at separation between buildings would be the greater of 20 feet or one-half the building height. So based upon that being in the -- no, I'm sorry, 12 feet. Okay. That would actually rule you then. If you're building these on the same lot, the separation between buildings would kick in, which is 12 feet, which is two side yards. Okay.

Maybe if you worded that instead of a side yard just say somehow meeting the separation between buildings so this doesn't reduce the --

MR. VANASSE: We can certainly make that correction and clarify that --

COMMISSIONER SCHIFFER: I mean, you wouldn't want townhouses six feet apart.

MR. VANASSE: No, that's not the intent.

COMMISSIONER SCHIFFER: And you could do it according to this, so --

MR. VANASSE: We can make that change. Or I don't know if the Planning Commission's comfortable that the minimum separation addresses that.

CHAIRMAN STRAIN: I'll go with --

COMMISSIONER SCHIFFER: Well, here's the problem: You're specific here, and I would always assume that something specific would trump a general requirement. So if you remove it from the specific, you know, just say that no more than attached dwelling units are permitted, then you achieve the intent.

MR. VANASSE: No problem. We can make that change.

Moving on to the --

CHAIRMAN STRAIN: Well, before you leave the table, minimum front yard, on the table you have 20 feet with an asterisk, then you have 20 feet under single-family attached townhouse without an asterisk, then you have 20 feet with an asterisk. Why did you omit the asterisk on the 20 feet?

Wouldn't you want to be able to do a side entry garage with a single-family attached at 15 feet?

MR. VANASSE: Well, we're looking at single-family attached or townhomes.

CHAIRMAN STRAIN: Uh-huh.

MR. VANASSE: And typically they don't lend themselves to a side garage.

CHAIRMAN STRAIN: If you don't want it, I don't see what it would hurt, but if you don't want to put it there, that's fine.

But the next question would be, how do you see then 20 feet coming into play? If you've got 23 feet if you have a front opening garage and you can't have anything but a front opening garage with a single-family attached or townhouse, then why would you want have to have 20 feet in there as a setback?

MR. VANASSE: Our setback is 20 feet, and that allows us to have the residential component, the living area closer a little bit to the road with the garage setback a little further. It will provide articulation in the building. And by no means can we go less than 23 feet from the garage to the sidewalk. And we've added that note in there.

CHAIRMAN STRAIN: Okay. So the only change on Exhibit B would be Brad's suggestion.

COMMISSIONER SCHIFFER: One more quick question. Number two, why did you add that wording about having side yards within a building, which wouldn't make any sense?

MR. VANASSE: I believe it was at the request --

CHAIRMAN STRAIN: I requested it. Only because I didn't want it to be construed as side yards at the -- from end units.

COMMISSIONER SCHIFFER: But, I mean, what did we -- in other words, a building could have multiple residential units.

CHAIRMAN STRAIN: Correct.

COMMISSIONER SCHIFFER: And the confusion would be is that somebody would require a side yard between those units?

CHAIRMAN STRAIN: No, somebody would require a side yard -- you've got four units in a building.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: They're trying to say they want no side yard separation between the center units, right?

COMMISSIONER SCHIFFER: Right.

MR. VANASSE: For example, if you have a townhome layout, there's no need for side yards within that cluster of homes.

COMMISSIONER SCHIFFER: But they're adjoining, the buildings are --

CHAIRMAN STRAIN: No, the units are adjoining.

MR. VANASSE: The units share a wall.

CHAIRMAN STRAIN: No, I think it provided further clarification that we wouldn't apply it to the outside



walls of the building. That's all I was concerned about.

MR. VANASSE: The last change that we made on there, number seven, and I apologize, in our haste to get back to staff we copied and pasted that back in. There's some language missing. Actually, sorry, I'm on the deviations that we'll discuss further.

CHAIRMAN STRAIN: What page are you on?

MR. VANASSE: We can just wait till we get to deviations. I was at the wrong point. So number seven is not more than 10 units in a row without a separation, so that's the last change we have on the notes.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: So moving on to the master plan. And I'll put this on the overhead. We made several changes, as requested by the Planning Commission.

The first change that we made is we had a discussion regarding boundary markers. And we were asking for boundary markers along Immokalee and Woodcrest Drive.

Through our discussion at the last hearing we concluded that Woodcrest Drive is not a collector arterial and it made a lot of sense for us to remove the potential for boundary markers along Woodcrest Drive. So that's a change that we've made to the master plan. Those have been removed.

There was a label associated with the off-site dry detention area and excavation related to that. And that's to the northeast portion right here. That label related to excavation of that dry detention area has been removed because it was an off-site item.

With regards to the notes associated with the preserve area, we were asked to change the word may to will, and we did that.

And lastly, we added revision triangles on the master plan where those changes were made.

CHAIRMAN STRAIN: Okay. Anybody have any questions about the master plan?

(No response.)

CHAIRMAN STRAIN: I have one, Patrick. The -- it goes back to the lake in the center that's a current stormwater management pond for transportation. It's already constructed. You're changing it. And I haven't seen where you have the authority to change that yet.

MR. VANASSE: Actually, the -- if I recall, we had a discussion, and I forgot to put this in my notes, about the easements related to --

CHAIRMAN STRAIN: Conservation areas we did, but did you ever -- I mean, has anybody got transportation's agreement on doing that? Because your DCA doesn't use this master plan. The DCA that I was given uses the master plan showing this untouched. So I'm still not sure how far you guys have gotten negotiating that lake.

MR. VANASSE: My understanding, and I'll leave that to other folks when we get into the DCA, I think there are some proposed changes to the DCA where reference would be made to the Brent Creek RPUD master plan and not the Summit Lakes RPUD master plan.

CHAIRMAN STRAIN: It was one of the points I was going to make.

MR. VANASSE: So I think when we get to that point, Bruce and our engineers can provide you more detail, if they'd like.

CHAIRMAN STRAIN: But I'll need transportation or Nick or somebody to address this at some point. Because what's happening is we're asked to approve a zoning document with a change on a lake that was constructed for Immokalee Road that has an easement to the county and it was paid for by taxpayers for that Immokalee Road expansion. You guys are utilizing it. Which is fine, as long as someone's got this written down in some kind of agreement it can be done. Because if it isn't, then how can we be approving it? So I don't know where that stands.

MR. VANASSE: And I think it's been discussed with staff and it's part of the DCA. But we feel comfortable providing full assurance that we'll be taking on that water, just like we committed to previously.

CHAIRMAN STRAIN: When we get to the DCA we'll probably need to look at the specific language.

MR. VANASSE: No problem.

CHAIRMAN STRAIN: Anybody else on the master plan?

(No response.)

CHAIRMAN STRAIN: Okay, thank you.

MR. VANASSE: The next changes were related to the deviations, Exhibit E. So the first change that we made was to deviation number two. If you recall, we talked about the boundary markers. And again, we made it

explicit that boundary markers would only be for frontage along Immokalee Road. So that's the first change that we made.

We made a change to deviation number three with regards to the wall/berm combination. I think we were talking about the ability to go 18 feet on that screen along Immokalee Road. And the Planning Commission wanted assurance that it would be a wall/berm combination. We put that in there.

Also, with regards to Woodcrest Drive, the discussion was that we wanted to limit that to 12 feet rather than 18 feet, and we clarified that. And we also clarified that it would be a wall/berm combination. And I think there were questions about how we would -- what that wall/berm combination would look like along Woodcrest, and I created an exhibit to show you.

So this is the exhibit. We have a 20-foot-wide buffer using a four-to-one slope. We achieve an elevation of two and a half feet, and the wall would be -- to reach a maximum of 12 feet, the wall would have to be nine-and-a-half feet tall.

COMMISSIONER SCHIFFER: Question, Mark.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: Is that in our packet?

MR. VANASSE: The exhibit is not in the packet.

COMMISSIONER SCHIFFER: It will be in the file ultimately or --

MR. VANASSE: We can include it. We don't have a problem with that. I think it was just for illustrative purposes. The language does mandate a wall/berm combination. So in our minds it's the logical way to go, it's what makes sense, and we can certainly include the exhibit, if it's --

COMMISSIONER SCHIFFER: And what's the ratio wall to berm that's going to happen up in Immokalee? 18 feet's a pretty big wall.

MR. VANASSE: I think we haven't yet determined that, in that we have the option, we have enough room that we might exceed the 20-foot-wide buffer in some areas. So our berm might, you know, might reach a height greater than two and a half feet because we're going to have wider berms in some areas. So I think we haven't determined that at this point.

COMMISSIONER SCHIFFER: And the location of it. If I have a unit on Immokalee and you put an 18-foot wall/berm behind me, I mean, I have two stories that can't look out. I guess that's intended too, but --

MR. VANASSE: As we've shown on the exhibit that I had previously with the 85 feet, I can put that back on. We have an articulated property line, and even going 130 feet deep with our lots. In some areas we have the buffer, and where the berm would sit we have extra space. So the intent was really to take advantage of that articulation and come up with a nice berm that would vary along the roadway.

So at this point I can't really determine exactly what that -- the height of the wall would be in the berm combination. But it will be a wall/berm combination.

COMMISSIONER SCHIFFER: Okay. There could be some units, if it's in the middle, that would be, you know, what, 20, 25 feet from that wall. But anyway, it's what it is.

MR. VANASSE: But I don't think it's our intent in any way to put them that close to a big wall.

COMMISSIONER SCHIFFER: They can project their television on it and have a big screen.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I would like that put in the document, this example, when you --

MR. VANASSE: The exhibit?

COMMISSIONER EBERT: Yes, the exhibit, please.

MR. VANASSE: No problem.

The next change to the Exhibit E is we added two deviations, number four and five, that were previously approved as part of the Summit Lakes RPUD. And both of them relate to the discussion that we had earlier on as to they had been removed last time we were up here last month. And the idea was that they could be approved administratively, and that's why we didn't include them.

It was suggested that we go back and look at that and consider putting them back in. We had discussions with staff, and staff liked the idea of having those back in there. So we put them back in. Number four deals with a deviation associated with right-of-way width for internal roads going from 60 feet to 50 feet if needed.

And the last one, and that's where I was apologizing early on, in our haste to get back to staff quickly last

time, we didn't do a good job copying and pasting. And basically we put the reference to the code of ordinances, but we did not say what it was for. And that is the section that deals with having to provide tangents between reverse curves for internal roadways.

So not sure where the Planning Commission stands with regards to those. We could either remove them, if you believe this is not the right place for them, or we can keep them in there. And obviously if we keep them in there, language would be -- we'd have to add language to deviation number five. And I've got written language here that I can suggest.

MS. ASHTON-CICKO: I recommend deletion of number five.

CHAIRMAN STRAIN: And there's another little issue that -- this is what triggered my whole discussion and concern, and obviously it overlapped on the other items today. But the same code of ordinances that you're referring to, and I did print it out, it does also contain the deviations. You're asking for a width deviation, number four. That is in the LDC, but it's also in the code of ordinances.

So it goes back to the concern that I have more for your clients' consideration as they go on in the future than anything else. You think you're getting a deviation to the Land Development Code. Today if we approve it, which we could recommend approval and I think that's consistent and fine. But I'm not sure it covers you down the road because you've still got the Code of Laws to deal with.

And Heidi, how does that -- we routinely have approved deviation four. We understand its justification, it's been provided many times by many different applicants to reduce the width of the right-of-way, it is a requirement of our code. But it also is in the 2004-66 Code of Laws. So how would they have to deal with this?

MS. ASHTON-CICKO: Well, deviation number four I'm okay with. You are deviating from the Land Development Code.

Now, the fact that you've got a deviation, apparently the same exact requirement in the Code of Laws, you know, I think it would be -- I think that they should feel satisfied that they received the deviation. I don't think it's reasonable for the county to say no, it's in the Code of Laws and we gave it to you in the LDC but not in the Code of Laws. It's just not a logical conclusion. So if you grant number four, I think it's appropriate and they can rely on it.

As to number five, I don't think this is the appropriate forum for number five.

CHAIRMAN STRAIN: I haven't checked, and I don't know, Ray, you probably -- I don't mean to catch you off guard because you probably haven't checked this either, but is there a reverse curve tangent reference in the Code of Laws -- or in our Land Development Code specifically that you recall?

MR. BELLOWS: It used to be. And I'll have to check to see if it was removed and put in the Code of Laws

--

CHAIRMAN STRAIN: Yeah. Because we've -- it's been a routine request, and it's one that's not been denied. And the justification for it has always been provided. So I'm not uncomfortable with it. So I'd like to see us be able to weigh in on it, but I don't -- but if it's not in the Land Development Code I'm not sure, as Heidi's saying, it should be here.

So where I'd like to leave it is if you can find it in the Land Development Code, then leave deviation five with the reference to the proper section of the LDC, and that would cover it. And if it isn't, deviation five would have to be struck.

Does that work, Heidi?

MS. ASHTON-CICKO: Yes, it does.

MR. VANASSE: And we appreciate the clarification. I think it's going to help us in the future as we come forward with these deviations again.

Moving on, the next changes were made to the developer commitments. And the first two changes were made to the planning commitments. We added B and C. And the first one was related to the timing of the construction of the clubhouse. And what we did is we put in a commitment there that construction would commence prior to the issuance of the C.O. for the 45th residential dwelling unit.

The other condition that we added in there was related to tracking the number of model homes in the development associated with the deviation that we requested, and we tied that to the building permit phase. And we would provide evidence as we came in with a building permit for a model home. And the idea is that we would never exceed the 15 maximum that's been discussed.

The last set of changes were associated with the public utilities. And as discussed, we struck through E

through H.

And that kind of concludes it on the changes that we've made. If there are any discussions or questions, the whole team is ready to field those.

CHAIRMAN STRAIN: Anybody?

(No response.)

CHAIRMAN STRAIN: Couple comments, Patrick. The planning change you made on B that references the clubhouse?

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Besides putting it there, can you duplicate it in Exhibit A, Roman numeral two, under one of the -- probably A, so that it's there -- it's a reference to tract A only.

MR. VANASSE: Not a problem, we can do that.

CHAIRMAN STRAIN: Also, I thought if I remember Mr. Brougham's point at the last meeting was he wanted you to -- you acknowledged the location of the clubhouse would be that central RA site. That would need to be stated in the tract RA reference too.

MR. VANASSE: And I think you may have mentioned that to Bruce when you met with him. And --

CHAIRMAN STRAIN: I think I did. I think I called him about it.

MR. VANASSE: I've prepared some language in anticipation of this. And I'll put this on the overhead.

CHAIRMAN STRAIN: Okay. Yeah, that works.

Phil, does that meet with your --

COMMISSIONER BROUGHAM: That's fine. It's according to my notes.

CHAIRMAN STRAIN: Okay, that gets us to the end of those issues. Does anybody have any issues of the applicant at this time? And don't sit down, Patrick, because I have a few.

(No response.)

MR. VANASSE: Hopefully they go to Bruce instead of me.

CHAIRMAN STRAIN: Well, they probably will, it's to do with the DCA.

Okay, if no one has any, I just simply want to get a couple of questions on the table from the DCA. And if it's staff that has to respond to this or Bruce.

The DCA document that I've got apparently was a draft and it's been redone and some of the issues may be cleared up.

I want to discuss this issue involving the water management lake that this main road's going through coming in. I basically need to know either from Bruce or from staff how this is happening. What kind of agreement do we have, where's the language, how do you get that road through the middle of the county taxpayers' excavated stormwater management lake dug for Immokalee Road? And hopefully you know where the compensating area is going to go.

MR. JARVI: Reed Jarvi for the record, Transportation Planning Manager.

We just talked to -- it's a little more complicated because it's part of the PUD that John can address. But I can tell you in the DCA we've talked to their design engineer, Nick and I, and decided in the DCA to add -- a little language will address this. It's in number 11, which is on my Page 8. I know they've changed slightly, but this part has not changed.

And the DCA language currently says Bent Creek at its sole cost and expense to permit and contract may excavate additional material from the county's roadway drainage pond adjacent to the Summit Lakes RPUD.

This is specifically talking about the dry area that's oriented north-south, just to the northeast of the project or just east to the north.

Now, if we add in after -- it was the county's roadway drainage pond, make it plural, ponds, adjacent to and within the Summit Lakes RPUD, we believe that may address that lake issue.

But you may remember, and I'll bring John up here to talk about it because he was leading this discussion last time, there was discussion about bringing that -- the Bent Creek development will actually treat the water from Immokalee Road, which currently goes to that pond that is in question. And they'll bring it in. And there was an exchange of easements -- excuse me, the easement exchange goes away when the easement is redrawn over their lakes system and their lake system is maintained. So it doesn't happen until such time as the lake system is maintained. But I'll let John speak about that because he has more information than I.

CHAIRMAN STRAIN: Okay, but I think in your reference to adding language to number 11, not only do they intend to permit and contract and may excavate additional material, if you were to pluralize that for ponds adjacent to and within their PUD, they're actually going to fill it. They're going to put in road in there. So that's more than what this paragraph allows. So I think you need to expand on the language.

MR. JARVI: I believe, as I related to, probably excavate or fill would work. But I'll look at the language a little more carefully. And John can explain about the water management system, because he's looked at that more than I.

CHAIRMAN STRAIN: Okay, but who's the DCA person, you or John?

MR. JARVI: Me.

CHAIRMAN STRAIN: Okay, then stay right there and let us finish with the DCA.

Okay, you want -- whatever you guys want. I still have questions on the DCA. If, John, you want to get into the lake we'll finish it up then.

MR. PODCZERWINSKY: Yes, for the record, John Podczerwinsky, Transportation Planning.

Very briefly on the lake, we received -- and I think I might have stated this at the last meeting, we did receive an application to vacate some of the lake easements that are currently within this property boundary from the applicant in, you know, hopes that they could vacate the old easements in favor of dedicating new ones at some later point that will handle the water management from Immokalee Road. I think at this point if I recall correctly we have a rejection on that until the new plat comes in that dedicates those easements, okay, so --

CHAIRMAN STRAIN: Okay. But I just --

MR. PODCZERWINSKY: -- we are expecting the plat to dedicate those.

CHAIRMAN STRAIN: We'll probably have to stipulate any recommendation around that issue, so --

MR. PODCZERWINSKY: Yes, sir, understood.

CHAIRMAN STRAIN: Thank you.

The next question on the Bent Creek, it's probably more of a legal question. Paragraph 12 says the agreement is dependent on whether or not if this agreement is terminated by Bent Creek. But there is no termination paragraph in the draft I received to afford Bent Creek the ability to terminate.

So Heidi, did you look at that?

MS. ASHTON-CICKO: Yes. And that has been revised. The draft -- you just have a draft in here, there's been multiple revisions since. And there is a paragraph that does address that in the current agreement.

CHAIRMAN STRAIN: Okay. The plans for Woodruff (sic) Tree Farm, Massey Road, basically upon execution of the DCA. And again, if this has been changed, just correct me.

The county will receive full ownership of the design plans for Woodcrest Tree Farm, Massey Road as completed to date, free and clear of any claims or encumbrances.

My question was, I think I told you, how complete are those plans? Are they up to code? Are they ones you could use? What good are they? And is that a benefit to this -- is there a monetary value attached to it that's a benefit to us if it's -- if they're usable or not usable?

MR. JARVI: Yes. Again, Reed Jarvi, for the record.

I've talked to the design engineer, and with the acceptance/adoption of this, they will have to modify their plans somewhat to address what's been -- is part of the DCA, which is the -- basically the road improvement to their southern access, and then the Lyme Rock Road from there down to Acremaker. But the plans themselves will be complete, 100 percent plans.

There won't be permits for them, because the permitting outside of the Summit Lakes area to the south more, south of Acremaker, the water for those plans goes into Warm Springs. And until such time as Warm Springs develops, you won't be able to permit those plans. But we're not using that part of the road anyway.

So the future plans will be good, but they're able to -- excuse me, we're not able to build them right now because they're not permittable until such time as other development projects come on-line. But the plans themselves are good.

CHAIRMAN STRAIN: Okay, that's what I needed to understand.

Anyone else have any questions on the DCA?

(No response.)

CHAIRMAN STRAIN: Okay, Reed, thank you.

MR. VANASSE: I'd like to bring something back up with regards to the exhibit and the berm. In talking with my team members, the concern about putting that exhibit in the document is that there might be variations to the wall height or the berm and that we don't want it to be static. So we would be okay with an exhibit that would be for illustrative purposes, and that could vary. But we don't want to be stuck with necessarily two and a half feet and nine-and-a-half feet of wall. I think as we design this we might find that the conditions need -- require something else.

So the idea is to indeed provide the wall/berm combination within the 20-foot buffer. But exactly what we need, do we need 12 feet? At this time we don't know that.

CHAIRMAN STRAIN: But in any case, it will not exceed 12 feet in combination thereof.

MR. VANASSE: It will not exceed 12 --

CHAIRMAN STRAIN: Okay.

That work for you, Diane, since you --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay. Then I think if you modify that exhibit just to indicate a generic that the wall/berm combination at no time will exceed 12 feet, I think that will kind of cover you and make it so we understood what you're trying to do.

MR. VANASSE: Okay, thank you.

CHAIRMAN STRAIN: Is there a staff follow-up on any of this? Nobody's jumping up. Oh, Kay. I didn't -- I was looking out there for you, sorry.

MS. DESELEM: New rules, we sit over here now.

For the record, Kay Deselem --

CHAIRMAN STRAIN: Both of you? Because --

MR. BELLOWS: You could have sat here.

MS. DESELEM: Just a quick question to clarify what you were just saying. So do you want the exhibit in with the clarification language, or you don't want the exhibit in --

CHAIRMAN STRAIN: No, I think the indication is the exhibit will go in, but instead of having a definitive height for the berm or the wall, it will be that the berm/wall combination will be used but at no time will it exceed 12 feet in height.

MS. DESELEM: So that would just be illustrative then.

CHAIRMAN STRAIN: Yes.

MS. DESELEM: Okay, that's what I wanted to make sure I understood. Thank you. I think the intent is to show that it was not going to be all solid wall 12 feet high. If they're going to put a wall in, there's going to be some use of a berm.

Okay, the notes that I made, and you guys can correct me where I've not taken the notes properly. Brad, yours is the one I got -- I was writing something at the time so I may not have gotten it right. You had a footnote change concerning the length of the building?

COMMISSIONER SCHIFFER: Right. What it was is -- give me a second here. It was footnote seven to -- after the word permitted, it says no more than 10 attached dwelling units are permitted. Just erase everything after that. And what that will do is throw it into the distance between buildings requirement.

CHAIRMAN STRAIN: Okay. So the first stipulation would be pursuant to Brad's change in footnote number seven, all the verbiage after "as permitted" stops, and the sentence ends there.

The second item was that there will be an exhibit added with a berm/wall combination that will show that that combination will vary but will not exceed 12 feet in height.

The third one is that deviation number five will be reviewed. If it's an issue pertaining to the Land Development Code and they can cite a reference, it will remain. If not, it will be taken out.

Number four, the -- you're going to move the reference to the RA tract that's in the planning section B to the RA tract and duplicate it there. But in addition, you're going to add the language in the RA tract involving location of the clubhouse.

Number five, staff is going to address specifically the changes needed for the existing stormwater management lake that you're going to use as your entrance lake in the DCA.

Anybody else have any issues other than that?

(No response.)

CHAIRMAN STRAIN: Okay, is there a motion?

COMMISSIONER AHERN: I'll make a motion.

CHAIRMAN STRAIN: Okay.

COMMISSIONER AHERN: To forward PUDA-PL2011-0001497 with the stipulations you just --

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made by Melissa, seconded by Diane.

Discussion?

(No response.)

CHAIRMAN STRAIN: With the stipulations, I think they're straightforward. Normally we're trying to accommodate consent today. So I would hope that we can go straight into consent, because I think staff can review this to make sure they're consistent with what we've said and we can be comfortable it will be done that way. So I'm certainly in support of the motion with the stipulations. Anybody else?

COMMISSIONER SCHIFFER: I agree. I'll make a motion if you want.

CHAIRMAN STRAIN: Well, the motion's been made for the first one. So let's all vote. And the motion for approval -- recommend approval with the stipulations as noted. It was seconded.

All in the favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

Now let's take up consent. The consent is going to be with the assumption that the recommendations that we made are going to be entered into the document as we have explicitly stated. And staff will have to review that for concurrency and it then will go forward there, we'll not see it again. Everybody comfortable?

Is there a motion?

COMMISSIONER SCHIFFER: I'll make a motion that we accept PUDA-PL2011-0001497 as a -- as an approval for consent. Those items are small enough that they can be handled.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Seconded by Diane. Motion by Brad. Discussion?

(No response.)

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you very much for your time. We completed it. Good luck on your project.

With that, it's 10:35, let's take a break till 10:50, and we'll come back in 15 minutes.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, we're woefully behind schedule. So if everybody will please take their seats, we'll resume the meeting.

\*\*\*The next item up is a PUDA. It's PUDA-PL2011-1168, the Naples Reserve RPUD. It's located one-third of a mile north of U.S. 41 and one-and-a-half miles east of Collier Boulevard and 951.

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

(Speakers were duly sworn.)

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

COMMISSIONER VONIER: Staff and Mr. Yovanovich.

CHAIRMAN STRAIN: Okay. Phil?

COMMISSIONER BROUGHAM: I had a conversation with Mr. Yovanovich also.

CHAIRMAN STRAIN: Barry?

COMMISSIONER KLEIN: As did I. And I met with staff.

CHAIRMAN STRAIN: And Diane?

COMMISSIONER EBERT: Staff.

COMMISSIONER AHERN: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Okay, Melissa?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Mr. Yovanovich is a popular kind of guy.

I spoke to him too. And everything that we spoke about will be reiterated today.

So with that in mind, Richard, it's all yours.

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich, on behalf of the petitioner.

I have several people here that I'll introduce to you that can answer questions that I can't answer. Don Mears with iStar is the project representative. Emilio Robau from RWA is our project engineer. Patrick Vanasse from RWA is our project planner. Ken Passarella from Passarella and Associates is our ecologist. And Bill Oliver from Tindale-Oliver is our transportation consultant.

On your visualizer is the location map that shows the location of the Naples Reserve RPUD property. It's about two miles east of Collier Boulevard and about a little over -- right around a mile north of U.S. 41. It's shown to you in the red square on the visualizer.

It's an already approved PUD for 1,154 units. Part of the property is within the urban residential fringe subdistrict, which has a base density of 1.5 units per acre. And that would be the southern portion of the project. And I don't have a pointer, so -- it's represented by the property that is to the south of this diagonal line, and that's the urban residential fringe. North of this diagonal line is rural mixed fringe -- rural -- it's receiving lands under the rural mixed use district.

The existing PUD -- I have both the existing master plan on the left and the proposed master plan on the right to highlight for you the changes that we're requesting under the project.

As I mentioned, the project has an existing approval of 1,154 residential units, with an 18-hole golf course, with typical recreational amenities for the project, together with 63.7 acres of preserves.

The request, which is on the right-hand side, is to continue with the 1,154 residential units, eliminate the golf course and replace it with other recreational amenities, including walking and jogging trails, recreational lakes, and continues with the 63.7 acres of preserve.

If you go back to the visualizer for a moment, you can see that the site is pretty well cleared and the preserve areas are already identified on the property.

As I mentioned, the base density in the urban residential fringe is 1.5 units per acre. We can go to 2.5 units per acre through the TDR program. And the base density on receiving lands is one unit per five acres, which we can go to one unit per acre through the TDR program. And that's how we got to the original 1,154 units. And that's what we're keeping.

In order to attain the 1,154, we will acquire 612 TDRs. If we don't acquire 612, we'll do something less than



1,154 units.

Other changes other than removing the golf course that I'll highlight. I'll highlight the major ones. There's several smaller changes. And if we need to discuss those, we can.

Regarding major changes, we're deleting the affordable housing payment that was included in a lot of PUD's at that time. The thought was there was going to be a countywide affordable housing program where all development was going to make some type of a payment. That never came to fruition. And with the change in the economy, the need for affordable housing is not as acute as it was at the time. So we're asking to have that provision removed.

We've included greater detailed provisions regarding the conveyance of four utility well sites to the county. We're decreasing the development area from 609 acres to 592 acres. We're increasing the recreational area from basically 15 acres to almost 32 acres. We're asking for an off-site sign deviation. And the way that sign deviation works is if we reach agreement with the developer of the Walnut -- I think it's Lakes PUD, it's known as Reflection Lakes is the actual development. If we reach an agreement with them to be able to have a sign within their property, then we would be permitted to have a sign.

We do not have the right to build a sign without coming back and amending the Walnut PUD. So the deviation would allow us to have that sign once we get the Walnut PUD amended. It avoids me having to come back again to amend the PUD simply to get the sign.

I note that staff is recommending denial of that deviation. I think that's the only issue we have with staff at this time.

I did have conversations with several of you, and we did discuss different issues. And if you'll give me a moment to kind of go page-by-page in the PUD document, I think I can address those comments in my presentation. And if I miss anything, I'm sure I'll be --

COMMISSIONER BROUGHAM: Reprimanded.

MR. YOVANOVICH: -- reprimanded or you'll catch my inadvertent error and point it out to me. I'm working from the Ordinance number 12 dash blank. And I'm starting on Page 1 of 11.

CHAIRMAN STRAIN: Exhibit A, right?

MR. YOVANOVICH: Exhibit A, Page 1 of 11. And I'm going basically down to Item A.6, and it's entitled commercial excavations.

And I would like to clarify something that was brought to my attention, that we really don't -- the lakes really aren't listed as R on the master plan. They're accessory to the R. But for purposes of clarification that we can do the commercial excavation for all areas labeled L on our master plan we'd like to add the following language. It would read: Commercial excavations for all lakes identified as L on the master plan. So that would eliminate any ambiguity as to the ability to excavate all of lakes that are labeled L. And we're not talking about other lakes that may be actually constructed on R parcels.

Then if we go to Page 4, which is in Exhibit B, it's Table 1. A question came up regarding under the patio homes and villas, the minimum side yard. It provides for three feet or nine feet. And then under minimum distance between structures, it does have a minimum distance of 12 feet. I just wanted to point that out. Because it's a little bit different than the zero and six we're used to seeing for zero lot line projects. So I just wanted to point that out that there is still a requirement of 12 feet between structures. And you can't end up with a six-foot separation.

I'm going to the next page, which is Page 5. It's the notes section. Under side yards, I believe there have been some modifications for other projects to that note to make it clear that we're talking about internal units. So I would propose note two to have a small change. It would read: No side yards shall be required between units internally to a structure when more than one residential unit is in a single structure.

So that would make it clear that it applies to internal units in the building of multiple units.

And I think based upon the earlier conversations in the old PUD, in ordinance number seven we had a note addressing the 23-foot separation. And I would -- and you have the old PUD in front of you as your back-up. I would simply take that 23-foot note that's in the old PUD and move it into this PUD as note number five to address the 23-foot minimum requirement based upon an earlier conversation that we had.

Turning now to Exhibit F, which is the list of developer commitments. And it's Page 9 of 11 in the -- of the ordinance. Under transportation item number -- I'm sorry, item letter B, that is the reference to the DCA that you also have in your packet. I would propose adding the following sentence that I talked to Nick, Reed and John about: The DCA provides for improvement of the intersection of U.S. 41 and/or improvements to U.S. 41 east of Collier

Boulevard.

So it describes generally what we'll do with the \$4 million payment that we'll be making under the DCA. And I hope that will address the items we discussed earlier as far as identifying what type of improvement will be made.

I haven't drafted the language yet, and we can do that when we come back for the consent agenda, but other transportation commitments based upon conversations we had is that we would use Greenway as our construction access to the extent that all legal accesses provided exist for Greenway. If there's legal access to use Greenway, we will use Greenway, which is to the east of our project. So we would not be coming up Naples Reserve Boulevard, which is the front door to Reflection Lakes. So we would use that as our construction entrance, assuming that all the public easements exist for our using that.

And also, at build-out of the PUD, assuming all the easements are still there for Greenway, we will have a second project access accessing Greenway for ingress and egress for the community. There are communities out there that only have one access point, and we have the ability to have a second access point, and we can make that commitment, assuming that, again, all the necessary public easements are in place and we can do that.

COMMISSIONER BROUGHAM: Rich, if I may ask you a question. Provided that, have you had any discussions with transportation concerning --

MR. YOVANOVICH: I'm almost positive that those easements exist for us to have public access. But I have not done my own independent title review to be able to tell you today. I'm not worried.

COMMISSIONER BROUGHAM: If this comes back, and I assume it will on consent, then we would have resolution of that?

MR. YOVANOVICH: I don't know that I'll be able to review title in the next two weeks or not. You know, I don't know how quickly I'll get the title information back.

But again, I think we're okay. But, you know, if they exist, great, we'll do it. If it doesn't exist, then I can't.

And then finally, under -- on Page 10, under the planning, and this is where I would think to put it; if it needs to go somewhere else, we could put it somewhere else. We would include a provision regarding our community clubhouse that would provide no later than the issuance of a C.O. for the 231st residential dwelling unit, the developer shall commence construction of the community-wide clubhouse. And let me kind of go to the master plan, if you will, to better describe that.

The way the new master plan is broken down is it generally lends itself to three communities within the community. And they also will have their own recreational facilities, as identified as these smaller RA parcels.

What I was talking about community-wide is we're going to have a larger clubhouse and community-wide facility on one of these three RA parcels, which could be modified into two, depending on how we dig the lakes, or one or whatever. So we're going to have a larger community-wide clubhouse, basically in the southwest quadrant of the project. So we would commence construction of that by the 231st C.O.

So I know that there's a desire to have certainty as to when the community-wide amenities will be provided to the residents. So we will propose adding that under the planning developer commitments. And that will become an item C. And we'll work with staff between now and consent to come up with the exact language. But that's the concept of what we would change.

And then finally on the last page of the document, which is 11 of 11, the first full sentence where it reads: The Collier County Water/Sewer District shall pay the owner \$15,930 per acre for those easements that are conveyed. I would like these words added: Conveyed, reserved or dedicated to the Collier County Water/Sewer District. Because you don't always give a deed, sometimes it's by plat dedication and sometimes it's by reservation on a site development plan --

MS. ASHTON-CICKO: No, that's not acceptable.

CHAIRMAN STRAIN: Yesterday I spoke to Heidi about that. Because it seemed -- I wanted to make sure that the money got transferred at the time the land was tied up. And she informed me that until the actual deed is exchanged that she wouldn't go along with any language change. Is that --

MS. ASHTON-CICKO: Yeah, we don't pay for reservations. We'll pay at closing, which is the time of conveyance. That can be when the plat is recorded, if it's going to be a dedication or an actual easement document is recorded in the public records.

CHAIRMAN STRAIN: My concern was that --

MR. YOVANOVICH: Is dedication okay? Can we say conveyed or dedicated?

MS. ASHTON-CICKO: Yes. Well, a dedication is, you know, a conveyance to the county. So I don't see why you have to put dedicated or conveyed. But dedication is okay.

MR. YOVANOVICH: Is that okay? So take the word reservation out?

MS. ASHTON-CICKO: Yes.

MR. YOVANOVICH: So it could be conveyed or -- that's fine, conveyed or dedicated.

CHAIRMAN STRAIN: Then if it's conveyed or dedicated by plat, how long before a closing would occur in which the values would exchange? The dollar --

MR. YOVANOVICH: I think the plat, unless I have to also do a deed for those sites or an easement, once the plat is approved by the Board of County Commissioners on its agenda, that's the county's land, and I would expect a check shortly thereafter.

MS. ASHTON-CICKO: And that would be correct. You'd just make sure you're coordinating it with the acquisition folks for the county so it doesn't get forgotten --

COMMISSIONER STRAIN: I just wanted to make sure that we don't have a piece of land sitting there that's tied up and not being paid for for 10 years. That isn't fair, so -- okay.

MR. YOVANOVICH: I appreciate that.

I think I caught all the changes related to individual conversations that I had with the Planning Commissioners who met with me or talked to me on the telephone. And I hope I've described the major changes related to the PUD. The real major change is the elimination of the golf course and replacing it with other recreational amenities.

COMMISSIONER STRAIN: Okay, questions of the applicant?

Brad, then Phil.

COMMISSIONER EBERT: I do too.

CHAIRMAN STRAIN: Then Diane.

COMMISSIONER SCHIFFER: Rich, one thing. On the ownership of this, there's actually no owners listed but there's a long list of officers. Can we assume that those officers are the owners?

MR. YOVANOVICH: The answer is they are members of the LLC and there's one other, which is iStar Financial, Inc., which is a publicly traded company. So if it wasn't a publicly traded company, I would be obligated to tell you who the shareholders are. But those individuals together with iStar Financial, Inc. are the members of the LLC that owns the property.

CHAIRMAN STRAIN: So you verified the iStar Financial, Inc., okay, as a publicly traded company. Because that was one of our issues yesterday as we --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Okay.

COMMISSIONER SCHIFFER: I guess the other question then, it might be -- let me wait and discuss it with Ray. Thank you. I'm done.

MR. YOVANOVICH: With who?

COMMISSIONER SCHIFFER: It's a staff question.

CHAIRMAN STRAIN: Phil?

COMMISSIONER BROUGHAM: Yeah, Rich, on the lake excavation do you anticipate blasting or just drag lining?

MR. YOVANOVICH: We may do some blasting. And then we'll obviously comply with the county's blasting ordinance regarding notifying residences within the required distance. We'll also have our own individual out there, seismologist, as well as making sure beforehand we properly document the status of structures prior to the blasting. Serves protection for them as well as it serves as protection for us. So we'll follow the blasting ordinance.

COMMISSIONER BROUGHAM: Is that SOP, Mark, standard procedures, or do we need that as a --

CHAIRMAN STRAIN: No, that's standard. It's in the LDC. They can't do anything without it.

COMMISSIONER BROUGHAM: I'm good.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Rich, I do have a couple questions. Yes, it is on the lake. It is taking the fill off property. These are not -- it says in here that these will be deeper lakes, because rather than a golf course you're going

to do activities on these lakes, so they'll be deeper. How -- with taking this fill off, is this just for the road project only?

MR. YOVANOVICH: If any fill is removed, and that's a big if, if any fill is removed, the fill can only be utilized for roadway improvements at the intersection of U.S. 41 and Collier Boulevard or improvements to the East Tamiami -- improvements to U.S. 41 east of that intersection. There's limitation. And that was the limitation that was existing in the original PUD as well.

COMMISSIONER EBERT: Okay. So it's any fill taken off will be used for roads for Collier County.

MR. YOVANOVICH: Above -- any fill above the allowed 20,000 cubic yards that you're allowed to -- you can do as a matter of right under the code. In order to go above that, you have to get a commercial excavation approval. And anything above the 20,000 cubic yards has to be used for those limited improvements.

Make sense?

COMMISSIONER EBERT: Yes, to a certain extent it does.

But do you really -- 20,000 is a lot, but I'm sure the county will need it for their road system. You really don't plan on taking any other fill out other --

MR. YOVANOVICH: If you want, I can give you the history of that, where that provision came from. And it goes back to an earlier discussion we had regarding a DCA for that area. The anticipation was there was going to be a much greater improvement done at the intersection of 41 and 951. And the thought was we have the ability to over-excavate these lakes, if you will, to generate fill that we could sell to the county at a reduced rate, and there will be less truck traffic from other pits, and we can recover some of our expenses related to those improvements and the county could get some fill at a reduced rate to bring the cost of those improvements down.

That option still exists, but that was the history of that provision in the first place, is there was an opportunity. If the county comes to us and says they want to pay, if we're going to remove 20,000 cubic yards or less and the county strikes a deal with my client, we'll sell the fill to the county. Or if someone else strikes a deal with my client for that 20,000 cubic yards, we'll give them the dirt.

COMMISSIONER EBERT: Okay. So with you taking it -- I did not know you were going to charge the county for this. I thought it was for county roads only. So you're saying that yeah, at a price.

MR. YOVANOVICH: It has always been at a price. Which presumably the county will negotiate -- will get a price that's better for the county than they would have to pay for another fill -- another fill site.

MR. CASALANGUIDA: Little help. Because there's state roads and there's some state grants and MPO's, I can't do that. Typically on a local county road sometimes we can put in a price, a fixed reduction. On this one we were applying for some state and federal grants, which everything has to be competitively bid. They would hopefully bid a lot more competitive because they're right there.

So that's why we just said it would be great to use the dirt if we can, but if -- if the value makes sense at that time. So that's why.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Anybody else of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay, Rich, let's start the transportation part of it. And I understand the language now that's been added pursuant to the DCA and the Policy 5.1.

This Naples Reserve Boulevard, that's already existing, correct?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: And that's a -- who owns that? Your applicant? It's not a public road yet from what I --

MR. YOVANOVICH: It's not public, but we maintain it. We have an agreement with -- we being the owner of this property or the predecessor which we succeeded to has an agreement with basically the developer of Reflection Lakes where we built that road and we maintain it.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And it's a recorded document.

CHAIRMAN STRAIN: Is there a sidewalk along that road?

MR. YOVANOVICH: I don't remember. No, I don't think so.

CHAIRMAN STRAIN: The comment that you made that you're going to be using Greenway as your

construction entrance. Greenway's a public road. And if you use that as a construction entrance, it's convenient because all the beat up of the road is going to be at the cost of the public, because your private road is going to be left untouched, the one you maintain. And I didn't know this until I heard it mentioned earlier.

Also along Greenway we have approved, and I think they even exist to some extent, some developments that were low-income affordable housing. And one of the big issues with the approval of those developments was that there were a lot of children, and Greenway wasn't improved enough to accommodate sidewalks or things that the children could use to safely get around without being in a lane of traffic.

I didn't know you were -- of course, I didn't pick up you were using Greenway as the construction entrance. But how is Greenway a better construction entrance with the concerns that there might be?

And I'm going to ask somebody from transportation to verify the condition of Greenway at this point versus a road that you maintain, the taxpayers don't. Why is there an advantage to that to the taxpayers of Collier County?

MR. YOVANOVICH: Really, the advantage is is there are lesser homes utilizing Greenway than will be using Naples Reserve Boulevard.

If the preference -- this was something that we were requested, can we commit to using Greenway. If that's going to be an issue, we'll just -- we won't make that commitment.

CHAIRMAN STRAIN: Well, it's a fairness issue, Richard. I mean, there's people living on Greenway. I mean, they may not have the money it takes to fight the people on Walnut Lakes if they have to, but there are people living there. So how is it fair to them?

MR. YOVANOVICH: Either way -- again, Mr. Strain, I don't want to be argumentative. We're taxpayers too. And the tax dollars that we'll be generating from this site will go into the county's maintenance fund and can be utilized to repair any damage to that road.

Again, that came up at a request of one of your colleagues, can we commit to using that, because there's more homes using Naples Reserve than using Greenway. It was more of a -- yeah, for Reflection Lakes. There would be more residents -- fewer residents impacted if we used Greenway than using Naples Reserve.

CHAIRMAN STRAIN: Yeah, but Greenway -- I mean, Naples Reserve Boulevard being a more modern road is undoubtedly going to have better standards, widths and access-wise than Greenway we know currently has, unless Greenway's been improved since the last time this board discussed it.

MR. YOVANOVICH: Again, if that's an issue, we'll just -- we won't use it.

CHAIRMAN STRAIN: Well, I think it's an issue. And I don't know if maybe staff can point out to me the differences in the road systems that are good or bad.

And Phil, go ahead.

COMMISSIONER BROUGHAM: I'll take some of the heat because I'm the one that requested consideration of that. And my concern with construction traffic is that you have lowboys, dump trucks, et cetera, et cetera proceeding up and down a road adjacent to residences. Whether they're south of this development or as this development is developed, you're -- you would be alternately coming up Naples Reserve Boulevard and through the main gate, quote, unquote, and you would continue that as you built out to the north, going by succeeding numbers of homes within the development. And that was my concern, to try to minimize the noise and disruption to existing residences, whether they're outside the development or inside.

CHAIRMAN STRAIN: But did anybody look at the number -- because I was -- and it was before you were on the Board. The issues we have with Greenway involving the Regal Acres, for example, was -- were concerning. I mean, the biggest issue was it wasn't a safe road for kids to be traveling with the additional traffic that would be generated from the project there. And I don't know how the fix came about and how it all happened, but there were a lot of concerns over Greenway. And it's an older road.

And I am concerned that the road that was picked is one that's maintained by taxpayers versus one that's maintained by the developer.

MR. YOVANOVICH: What if we agree to this: What if we agree to maintain Greenway at its current condition?

CHAIRMAN STRAIN: Well, safety is a bigger issue, Richard. I mean --

MR. YOVANOVICH: That's what I'm trying to understand --

CHAIRMAN STRAIN: There's two issues.

MR. YOVANOVICH: Right. Okay, I can address the level of the road to where I don't make it worse than it

exists today. That's one issue I think I heard. You know, if we create any potholes, we'll fix the potholes. I don't want to have to bring it up to a higher standard than it exists today but I'll maintain the standard that's there today.

Now, on the safety issue, I don't know that I can do anything to address that.

CHAIRMAN STRAIN: And I haven't got the ability while we're discussing this to bring the aerial up close enough to see if there are sidewalks or pathways along Greenway. I don't know if staff can do that for us --

MR. YOVANOVICH: They're shaking their head no, so --

CHAIRMAN STRAIN: No, there aren't?

Okay, well, what about -- and John or Reed, if whoever is looking at this, if you were to take a look at the Naples Reserve Boulevard and look at Greenway, from a safety perspective which one is the least safe one? And especially with considering the families that are going to be already in existence on Greenway.

It just may not be the right thing to do. And Phil wouldn't have been involved in this discussion because this all came about before he was on this board. But I do remember it, it was a very --

COMMISSIONER BROUGHAM: Notwithstanding your comments, and I appreciate the history and I also could appreciate if there's a safety concern along Greenway, you know, with this added traffic. I don't know what the safety issue -- how the safety issue today is mitigated along Greenway, quite frankly.

CHAIRMAN STRAIN: I'm trying not to make it worse, that's all.

COMMISSIONER BROUGHAM: I don't know if there is one or there isn't one. But I know if we put additional traffic along an unsafe, quote, unquote, road, it's going to make the situation worse. But I think somewhere in here I hope that there can be some compromise so that we give due consideration for the residents that live along the boulevard there or the road, whatever it is, Naples Reserve Road and the future residents of this development. I mean, I've lived with construction traffic, and it's very, very disruptive.

COMMISSIONER EBERT: Yeah, we do too.

COMMISSIONER BROUGHAM: I mean, I appreciate your point, Mark, I do, but --

CHAIRMAN STRAIN: It's just as disruptive though to the developments that are along Greenway. And so if -- and in looking at who owns what roads, I just don't understand -- I understand your point now, but I didn't understand the reasoning when it was mentioned we were going to use Greenway as a construction entrance. It seems contrary to logic in regards to ownership and maintenance and safety. So that's why I'm trying to explore --

COMMISSIONER BROUGHAM: Well, I first noticed it -- I mean, I'm alert to these things anyway. But I first noticed it was brought up in a neighborhood information meeting that they had, and someone that was asking the question of where do you plan to put construction. And that was obviously somebody that lives outside of that development now. And I believe the gentleman lived along Naples Reserve Boulevard. So that's the genesis of the concern.

CHAIRMAN STRAIN: Naples Reserve Golf Club maintains, and apparently may have built, Naples Reserve Boulevard. It's named after them. It just seems like a logical street they should use for their project. And that's -- and John, have you looked at both roads, Naples Reserve Boulevard and Greenway on your aerial?

MR. PODCZERWINSKY: John Podczerwinsky, for the record, Transportation Planning.

Yes, I have. I've got them pulled up on the iPad here. If you'll bear with me, I'll show you the conditions of both as of the latest aerial.

CHAIRMAN STRAIN: Sure. That would be helpful, thank you.

COMMISSIONER BROUGHAM: Just another question, if I might. How far north -- I'm assuming that's north, Rich -- does Naples Reserve Boulevard proceed? Does it proceed clear to the northern boundary of the project or not?

MR. YOVANOVICH: No, it goes about a third or so of a mile north and then into our project.

CHAIRMAN STRAIN: What's across the street from Naples Reserve Boulevard? That's another entrance to Fiddler's Creek, is it not? Oh, yeah. Okay.

MR. PODCZERWINSKY: You folks will notice that this is the -- a two-lane roadway with drainage on either side and multiple driveway connections. This is Greenway Road on the north side, top of the screen.

CHAIRMAN STRAIN: That's a swale along both sides of that road?

MR. PODCZERWINSKY: I believe so, yes, sir.

CHAIRMAN STRAIN: Yeah, it looks like there's culverts and swales but no pathways or walks. Does that seem consistent?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER BROUGHAM: Where's the low-income housing?

CHAIRMAN STRAIN: It's up to the north end close to --

COMMISSIONER BROUGHAM: Oh, there it is.

CHAIRMAN STRAIN: And this is -- yeah, well, this is Naples Reserve --

MR. PODCZERWINSKY: Naples Reserve Boulevard.

CHAIRMAN STRAIN: Is that a sidewalk coming in off of 41 that goes north along the east side? Yeah, it sure is. This is almost -- yeah, so there is a sidewalk along it. And it goes all the way up, it looks, north.

MR. PODCZERWINSKY: And there are no direct driveway connections save for one --

CHAIRMAN STRAIN: Yeah, so why would we do it on -- Phil, I just don't -- I don't see the benefit of doing this and forcing it on Greenway to the people that live on Greenway. I think that would be highly detrimental.

Walnut Lakes doesn't have the exposure from either driveways or walking on the asphalt that you would have on Greenway. Are you -- is that -- do you see where my concerns are?

COMMISSIONER BROUGHAM: I see where your concerns are, I just don't agree with them. That's all right, I'm only one vote.

CHAIRMAN STRAIN: No, I just want to --

COMMISSIONER BROUGHAM: But I just saw on the visualizer a whole load of houses up along Naples Reserve Boulevard there --

CHAIRMAN STRAIN: Yeah, but they're none of them --

COMMISSIONER BROUGHAM: -- and I saw very few house on Greenway.

CHAIRMAN STRAIN: How many driveways on Naples Reserve empty into Walnut Lakes? There's only one main entrance. There are no driveways connecting to Naples Reserve Boulevard. There are multiple driveways through all the residences on Greenway connecting to Naples Boulevard. That's where the -- that's another point of concern.

COMMISSIONER EBERT: Was also a safety concern with the children.

I have another question. Getting the long-term transportation information, is this the start of Benfield Road?

MR. YOVANOVICH: No. What happened was -- is this the start? Are you talking about the payment we're making or are you talking about the commitment to dedicate land?

COMMISSIONER EBERT: The commitment to dedicate land looks like this is the beginning of Benfield Road.

MR. YOVANOVICH: That happened in '07. In '07 we had an obligation to dedicate right-of-way. We have not requested relief from that obligation. That already exists in the zoning.

COMMISSIONER EBERT: Okay. So that was from the '07 and --

MR. YOVANOVICH: That's the '07. It was something that was requested of us that --

COMMISSIONER EBERT: That Nick requested of you in '07. And so this will be the start of a -- but are you giving this to the county free of charge, this dedication?

MR. YOVANOVICH: I need to go look again, because I can't remember. I can't remember if Nick got it for free on that one. I think he did. Did you, Nick?

MR. CASALANGUIDA: Yes, sir.

MR. YOVANOVICH: He got it for free.

CHAIRMAN STRAIN: Okay, let's get back to the questions on the exhibit. Let's start with Exhibit A, the -- accessory uses under B.1. And maybe staff may have already responded to this. The last part says that the accessory uses to the R tract would be other outdoor recreation facilities.

Does that mean they would be typical to single-family houses or is this any outdoor recreational facility?

MR. YOVANOVICH: Meaning --

CHAIRMAN STRAIN: Meaning you just can't build tennis courts on an R lot or anything like that. You're talking strictly swimming pools or something --

MR. YOVANOVICH: Correct. Residential, single-family and multi-family, because we have both uses. I just --

CHAIRMAN STRAIN: Right. Because it's the same language you used on the RA tract. I wanted to make sure you weren't trying to do what the previous one did, was use the RA tract uses into the R zone. It doesn't appear

that way, but I thought I'd double question it.

The Walnut Lakes PUD reference under your signs, if you didn't have the reference in here, then all you'd still have to do is go to Walnut Lakes and get their PUD amended so your sign could be put up there.

MR. YOVANOVICH: My understanding, and if I'm wrong, if I don't need to have a reference in my PUD allowing me to have an off-site sign --

CHAIRMAN STRAIN: That's what I'm getting at.

MR. YOVANOVICH: My understanding is in order for me to have an off-site sign, my PUD needs to allow me to have an off-site sign. Because the LDC doesn't currently allow me to have an off-site sign.

CHAIRMAN STRAIN: Because I was getting a different indication possibly from staff.

Nancy, is that -- or Ray, is that correct? To assure that this can go through without any problems if it's approved, is there any problem referencing it under the conditions noted in this language?

MR. BELLOWS: For the record, Ray Bellows.

It's not a problem to reference that they are attempting to get an off-site sign permitted through another PUD amendment to the applicable PUD. We have done this in the past. But we didn't include that language in the subject parcel requesting the off-site sign. So it's not necessary, but I don't think it hurts in this case, considering it's an unusual circumstance.

MR. YOVANOVICH: I don't think I meet the current criteria in the LDC to have an off-site sign. That's why we want it in our PUD. And heaven forbid the code changes to where you cannot have off-site signs. I just would feel that much better if I have it in my PUD letting me know I can have an off-site sign.

CHAIRMAN STRAIN: If there's no damage done, I'd prefer the safety net of having the additional language there to make sure that there's no question in the future. As long as there's no major objection from staff.

MR. BELLOWS: No objection.

CHAIRMAN STRAIN: On your master plan, Exhibit C, and Patrick will relate to this, where it says P, preserve tract, on the lower left side and again on the upper left side, the language is the preserve may be supplemented. Remember the language change, we need the preserve shall be supplemented. And that's only where needed. So if you could make that annotation of those two points on this master plan, that would be helpful.

The remaining questions I believe are going to be of staff.

Thank you. Anybody else?

Go ahead, Phil.

COMMISSIONER BROUGHAM: One more shot.

MR. YOVANOVICH: At who, at me?

COMMISSIONER BROUGHAM: For my construction preference here. If I'm looking at your master plan and I -- when John had his display up there, if you came in off of Greenway down in that lower right-hand corner, if you will, very close to 41. Are you with me where I'm at?

MR. YOVANOVICH: I'm with you.

COMMISSIONER BROUGHAM: Rather than proceeding the full northern route of Greenway up to the north and put a potential construction entrance up there, would that, Mark, relieve your concerns about safety?

CHAIRMAN STRAIN: No. The two projects, or at least one of the projects that we worked on, maybe two, were south of Naples Reserve Golf. Where the words Regal Acres goes across there, those are Habitat projects. They have a lot of families with children in them.

Then if you go further down along Greenway there were a bunch of homes, maybe they were considered like two-acre or five-acre lots, that had driveways opening directly onto Greenway. And the entire length of Greenway had no sidewalks. And it was a narrow road. In fact, there's not even a dividing line down the middle of it. And there was a concern that the width of school buses and things going down that road would create a very dangerous situation at the time we discussed the prior projects.

MR. YOVANOVICH: I understood you meant here.

COMMISSIONER BROUGHAM: I was looking down there, yeah.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: So anyway, I'm --

COMMISSIONER BROUGHAM: All right. I just feel sorry for those people. I don't know how you're going to build this out, whether -- you're probably going to start at the southern end and build it north. But you're



going to be rumbling trucks by those people forever.

CHAIRMAN STRAIN: But they're going to be rumbling by somebody's place. It just seems the least negative impact is what I was looking at from safety.

COMMISSIONER EBERT: And safety.

CHAIRMAN STRAIN: Yeah.

Anyway, anybody else have any questions of the applicant?

Bill?

COMMISSIONER VONIER: Yes, Rich, that -- whether you use Greenway for hauling or not, that does not preclude that being a site for a second entrance for the property; is that true? In the future?

MR. YOVANOVICH: I didn't see regular car traffic as a safety issue.

COMMISSIONER VONIER: I don't either.

MR. YOVANOVICH: Okay. We're still willing to have that second access point if that's not --

CHAIRMAN STRAIN: Public road, I'm not sure you can stop you from being on a public road. Making that a dedicated construction entrance I think is going to have a liability for the people on that road. And I think it would be as equally concerning for your applicant to know that he's forcing -- that he's going to accept putting traffic on a road that is more unsafe than the road that is his main entrance, it's what's named after his development. So it just doesn't seem like a good idea at this point. I think the history of that road is where the problem lies.

With that, we'll go to staff presentation.

COMMISSIONER BROUGHAM: So I guess that removes item number E from Exhibit F.

MR. YOVANOVICH: The new E, yes. And I'll just have an E. Hopefully that will be enough that there won't be an issue for any commissioners.

CHAIRMAN STRAIN: Well, if you've got a new E, you're ahead of me, because I don't have -- mine stops at D.

MR. YOVANOVICH: Right. And I mentioned two things --

COMMISSIONER BROUGHAM: And he added E.

MR. YOVANOVICH: -- one was the construction entrance. The second thing we would add that you would see at consent was having a secondary access for the development. That would be the new --

CHAIRMAN STRAIN: I thought you said it was in the DCA, that's why --

MR. YOVANOVICH: No, no, no, we would add it to the development commitments.

CHAIRMAN STRAIN: Okay.

MS. GUNDLACH: Well, good morning, Commissioners. For the record, I'm Nancy Gundlach, Principal Planner with Land Development Review Services.

And staff is recommending approval of this petition. If you -- it is consistent with the Growth Management Plan and the Land Development Code. And if you have any questions, it would be my pleasure to answer them this morning.

CHAIRMAN STRAIN: Okay, are there any questions from the Planning Commission?

Phil?

COMMISSIONER BROUGHAM: Nancy, would you clarify for the benefit of the Commission the changes in your staff report that you addressed to me in an e-mail, please? Not that it's substantive, but I think it bears going --

MS. GUNDLACH: We have a few edits to the staff report. And on Page 14 under the last item number six, the first sentence should state: Currently the roadway infrastructure has adequate capacity. And I'm adding these words: With the proposed mitigation to serve the proposed project at this time.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Because that conflicted.

MS. GUNDLACH: Correct.

COMMISSIONER EBERT: It does.

CHAIRMAN STRAIN: Okay, is that it?

MS. GUNDLACH: That's it.

CHAIRMAN STRAIN: Anybody else?

Barry?

COMMISSIONER KLEIN: I have a question. Why did you want to not allow them to have temporary

signs?

MS. GUNDLACH: It's not allowed -- actually, the request is for permanent signs out by U.S. 41. And they don't own the property out by U.S. 41, so we're not allowed to grant them permission to regulate property they don't own.

MR. BELLOWS: In addition, they don't meet the requirements for an off-premises sign.

CHAIRMAN STRAIN: But if you include the reference in this here as they're trying to do and then go to Walnut Lakes and make the modification, it's allowed.

MR. BELLOWS: Correct.

MS. GUNDLACH: That's correct. And that's -- just for your information, Commissioner, that's been done at least one time before that I can remember.

COMMISSIONER EBERT: Nancy, I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: I went to the Appraiser's website. Is Winding Cypress owned by Collier? The Colliers?

MS. GUNDLACH: Okay, that's just to the west of the petition.

COMMISSIONER EBERT: Yeah, that's to the west. And when I looked at it, the very triangle at the bottom is Rookery Bay. And to the west it says Barron Collier, Barron Collier. And so I'm going, hmmm, it says Winding Cypress. And that's where I -- in looking at that, that's why I asked you if the Colliers owned Winding Cypress.

MS. GUNDLACH: Actually, I didn't research the ownership of Winding Cypress.

CHAIRMAN STRAIN: That's been around for a long time. The project was approved many, many, many years ago. Divosta is building in the north end, and I believe the south end's going to have a mix of more residential and golf course. It's been quite a while, though, since we visited that project.

COMMISSIONER EBERT: Okay. Because it just shows the owners of that property as the Colliers.

CHAIRMAN STRAIN: Nothing wrong with that.

COMMISSIONER EBERT: No, but they just -- I could not find Winding Cypress in the list, Mark, is what I'm saying.

CHAIRMAN STRAIN: It's in the PUD list under -- isn't it under -- in there? It should be.

COMMISSIONER EBERT: I looked under, could not find it, but okay.

CHAIRMAN STRAIN: Anybody else?

Brad?

COMMISSIONER SCHIFFER: Nancy, question on the setbacks that Rich brought up. Side yard and all the other setbacks are measured to property lines, correct?

MS. GUNDLACH: Correct.

COMMISSIONER SCHIFFER: The distance between buildings, is that the distance between buildings on the same lot or do you apply that across property lines?

MS. GUNDLACH: I think that applies across property lines.

Can you clarify which standard you're talking about?

COMMISSIONER SCHIFFER: I think it's patio villa on Table 1. But the question is, it was my impression the distance between buildings are buildings on the same lot, to regulate them. Other buildings are regulated by setbacks to property lines.

MR. BELLOWS: For the record, Ray Bellows.

I believe under multi-family where you talk about minimum distance between structures, you're correct, those are structures on the same lot. However, if you look at the patio and villa homes they're talking about, under minimum side yards, a zero foot or six-foot, they've just guaranteeing under minimum distance between side yards that they're going to have a 12-foot separation.

COMMISSIONER SCHIFFER: Okay. But what you said is what I believe, is that the requirement for the distance between building is for buildings on the same lot.

MR. BELLOWS: Typically that's the way it's applied. It's a little different with this table though.

COMMISSIONER SCHIFFER: The concern I have here is how do we prevent the buildings from getting closer than 12 feet if -- in other words, if I design a patio home there's -- a patio home will have a defined property line. And there would be two buildings, they would be on independent lots and I could take the three and three.

MR. BELLOWS: And that's a concern staff has had with this language in other PUD's where as a subdivision develops and it's been developed in a piecemeal fashion, there could be an instance where you have a vacant lot surrounded by two developable lots where they've utilized some of the different setback options and renders it impossible to meet that 12 foot.

COMMISSIONER SCHIFFER: Right. Well, we could solve it, Rich. Would you have a problem adding a footnote to the three feet or nine feet, by the three feet noting that that can occur only when the adjoining property has a nine-foot setback?

MR. YOVANOVICH: I don't have an objection. I think you probably need a footnote not only there, you need a footnote like that for the single-family, for the --

COMMISSIONER SCHIFFER: Well, single's six feet, so they would be 12 feet.

MR. YOVANOVICH: Right. But the zero or six. But that's only attached.

COMMISSIONER SCHIFFER: Correct. So obviously zero is pretty obvious there.

MR. YOVANOVICH: Yeah, okay. You're right. I was thinking a lot of times we have zero or six for zero lot line detached --

COMMISSIONER SCHIFFER: And if you want a tip, I would put the --

MR. YOVANOVICH: That's fine. I have no objection to making sure that we have a footnote that says we can't be closer than 12 feet to any structure located on an adjacent property.

COMMISSIONER SCHIFFER: Right. Just a tip, I would put the greater than symbol in front of three feet to avoid a conversation about fire dampers with dryer vents. In other words, if it's three feet and a nanometer, it's a different code requirement than three feet.

But anyway, the next question is this thing has something unique where they actually in multi-family have only the actual building height. Nancy, you guys comfortable with that as a way to regulate the height of a building?

MS. GUNDLACH: Could you repeat the question, Commissioner?

COMMISSIONER SCHIFFER: Multi-family has actual building height, doesn't have zones. Which the other ones, by not noting actual I assume they're zoned. Are you comfortable regulating the building? I could be --

MR. BELLOWS: I'd prefer they put the zoned and actual. Because the LDC has both definitions. And the purpose of having an actual is to address Board of County Commissioner concerns that the zoned height doesn't necessarily convey to the public what the actual building height will be, because the LDC allows for deviations from height, depending on, like, pergolas and things like that on the rooftop.

COMMISSIONER SCHIFFER: And it was also to stop Rich and Frank Halas from using the word tippy top.

MS. GUNDLACH: We'll add that.

COMMISSIONER SCHIFFER: But anyway, should we put in a -- or, you know, I mean, the word actual is the problem.

MR. YOVANOVICH: Or make them all consistent and have them all say actual.

CHAIRMAN STRAIN: Why don't you just run a separate line and do zoned height, then actual height like we have in every other PUD? I think that's where Brad's --

COMMISSIONER SCHIFFER: Yeah. And I wouldn't --

MR. YOVANOVICH: I just was hoping that that would still qualify us to be on consent.

CHAIRMAN STRAIN: It does.

MR. YOVANOVICH: I didn't want to get into you don't like my zoned height number.

CHAIRMAN STRAIN: We may not.

COMMISSIONER EBERT: We may not. Actual. I prefer actual.

CHAIRMAN STRAIN: Why don't you tell us what your zoned will be right now so we know where you're going to go.

COMMISSIONER SCHIFFER: I'd be curious as to what product they want to put in. If they are going to actually -- the abuse I'm afraid of is they could really build a tall building, the parapets could be at 65 feet. Today you don't have to have elevator rooms, so the only thing that -- that would be the highest part of the building. So, I mean --

MR. YOVANOVICH: Mr. Schiffer, should we call -- the footnote says that those are all actual -- I mean, sorry, zoned. So we do need to put an actual number. Is it --

COMMISSIONER SCHIFFER: I'm not looking for actual, I'm just looking to clean up that one. I mean, I think I would not call those actual, because that could diminish your second story use and stuff like that. You don't want to do that.

Just, you know, maybe what you would do is put in 65 actual in that topic and maybe pick a number, 55 feet zoned or something. I mean, how many stories you want to go? I mean, we don't want --

MR. YOVANOVICH: Okay. No, I'm fine. I'm writing that down. So zoned would be 55 feet.

COMMISSIONER SCHIFFER: Right. And we don't want flat roofs as a result of this, so --

MR. YOVANOVICH: But I think that Mr. Strain is going to now tell me, Rich, since you have 35 feet for single-family as zoned, what's your actual for single-family.

CHAIRMAN STRAIN: That's right.

MR. YOVANOVICH: So we may as well just pick the number now, as --

COMMISSIONER STRAIN: You might as well run through the actuals for each one of those right across the board. Let's get it done. Good catch.

COMMISSIONER SCHIFFER: Why do we do actual on single-family homes and stuff? If we had a lot of A-frame construction, we might have some abuse of that, but --

CHAIRMAN STRAIN: I think one of the reasons is cupolas and bell towers on expensive homes. I just saw one plan I reviewed that had a cupola that went many, many feet way above the main ridge of the roof of the house.

MR. BELLOWS: Yeah, for the record, Mark hit the nail on the head. There have been developments where it hasn't been clearly stated what the actual height is. And there's some unusual architectural designs out there that created much larger structures than the surrounding neighborhoods had intended. So I think the -- the reason we put both is to address direction from Board of County Commissioners.

COMMISSIONER SCHIFFER: What are you trying to say, Ray?

CHAIRMAN STRAIN: I was going to say there the fault is the architect's, right, Ray?

MR. YOVANOVICH: I think historically we've probably had a 10-foot difference between actual and zoned. So why don't we just -- the next line we'll add 10 feet to these. These will be the zoned heights and we'll add 10 feet to each of those to make -- that will be the actual height. So 35 for residential, 45 actual. Forty, 50, 35. And on the other one it will be 55, 65 like we just did.

That work?

CHAIRMAN STRAIN: Yep.

COMMISSIONER SCHIFFER: The thing that scares me is we're just picking numbers out of the air that the result of picking a bad number means you're going to flatten the roof. And Naples does have a lot of houses maybe without cupolas that have beautiful roofs on them --

MR. YOVANOVICH: But these are -- the only time that a -- but you've taken care of that on the multi-family, because we're at 55 and 65. The rest are really single-family type uses. So having a 40-foot townhome with 10 feet of architectural embellishment should be enough room.

COMMISSIONER SCHIFFER: But we measure actual roof to the midpoint of the roof.

MR. YOVANOVICH: Right.

COMMISSIONER SCHIFFER: So it's not like you're getting 10 feet above the ridge of the roof.

MR. YOVANOVICH: But that's single-family attached, so it's going to be a townhome.

COMMISSIONER SCHIFFER: Well -- yeah, I mean, you can do it, let's just be careful. The bad decision here would be you'd lay the roof down. And we have some big roofs in neighborhoods.

MR. YOVANOVICH: I think this will give us enough flexibility on the single-family homes to not lay the roof down. And it clearly requires us not to lay the roof down on the multi-family, with the 55 and 65 distinction.

COMMISSIONER SCHIFFER: Anyway, that's -- thank you, that's my comments.

MR. YOVANOVICH: And I didn't use tippy top.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER EBERT: I have a question --

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: -- yes, I do.

Rich, could you answer something for me, please.

In the NIM meeting it says here that there -- I noticed on when they divided property, they didn't put the

amount of acreage for the lakes and stuff. Now they're putting everything into open space, because one has to be 70 percent in the one portion of it, and the other is 60 percent. But here the open space, including 87 acres of stormwater management lakes that are separated by 74 acres of recreation lakes that will allow for canoeing and enjoyment of the water. Which is fine except when I turned it over to the water management portion of this and the diagram, I see stuff running into every single lake.

MR. YOVANOVICH: You see stuff?

COMMISSIONER EBERT: Connections. I see connections running into the lakes. I --

MR. ROBAU: For the record, Emilio Robau, engineer of record on the project.

You can still have a recreational lake connected to other lakes. The thing is that the recreational lake requires that any water going into it be pretreated for water quality. So, you know, the scheme is that you essentially collect runoff from surfaces, treat it in a treatment lake, then you can discharge it into a recreational lake. And that's the way the system is currently designed.

COMMISSIONER EBERT: Okay, because everything was just -- and I'm going wait a minute, because the Picayune Strand is behind and they're putting looks like flowway in there too. There was just a question I had, because it said separated, and I'm going, I see --

MR. ROBAU: Yeah, they're separated by water quality treatment. That recreational lake has -- all the water going into a recreational lake has already been treated for water quality in accordance with the District criteria and actually, you know, 150 percent, and then it's discharged into a recreational lake.

COMMISSIONER EBERT: Okay, very good, thank you.

CHAIRMAN STRAIN: Okay, anybody else of staff, applicant?

(No response.)

CHAIRMAN STRAIN: I have a question of utilities.

Aaron, you're familiar with the question. You have in your -- in the PUD under utilities and engineering that the Water/Sewer District will purchase the easements for 15,930 per acre. Of course then it will be conveyed or dedicated to the Collier County Water/Sewer District. And since that is a public purchase of a private easement, I believe 106-132, the code of laws applies and there needs to be an appraisal.

Since that number was different than some other appraised properties I've seen come through, I was trying to understand how you got to that number. And I've asked you for the appraisal. What I got was a memo, and I believe the memo value may have been different than the value in here. But regardless, I haven't seen the appraisal yet.

So what's the status on getting that?

MR. CROMER: For the record, Aaron Cromer, Public Utilities.

We have had a letter of opinion, which is an official document for our internal state certified land appraiser. And that's how they prepare that number for you, seventeen-seven.

CHAIRMAN STRAIN: Can you get me a copy of that letter of opinion before consent?

MR. CROMER: Sure. We sure can, yes.

CHAIRMAN STRAIN: Okay. Because when we'd met I asked for the appraisal, I got a memo. The memo -- can you explain? And I gave my paperwork to Heidi, so I don't have it in front of me, but I believe the memo said around a \$17,000 per acre price, yet in the PUD we're putting 15,930. How -- can you explain that?

MR. CROMER: Sure. This is little bit --

MS. ASHTON-CICKO: You want me to try?

MR. CROMER: Yeah, please. That would be better for me.

COMMISSIONER EBERT: It's a discount to the county.

CHAIRMAN STRAIN: And I don't have it, I gave it to you, so --

MS. ASHTON-CICKO: Yeah. Mr. Roosevelt Leonard is a state certified real estate appraiser who is employed by the county. And he did a letter opinion of value. The only thing in your letter that you received from Mr. Roosevelt is the date is omitted. I have some e-mails from -- dated back in February, February 16th of this year that sets forth the value in a similar letter form, but by e-mail.

And the -- what he came up with is, as of the February date, a value of 17,700 per acre. And when you value an easement, you're not taking the full rights of the owner, so therefore he valued it at 90 percent of fair market value and that's how he came up with the \$15,000 figure.

And my opinion is that this is a sufficient appraisal. However, Mr. Roosevelt should have a file somewhere

that's got his comparables and so forth that he used in coming up with this value.

CHAIRMAN STRAIN: Does this particular dedication or conveyances, whatever you want to call it, fall under our Code of Laws? And if so, what section of our Code of Laws?

I provided you with a section that I thought it might fall under, and it's 106-132.D, because it's less than a million dollars, so which means it can be done by a county salaried appraiser. And if it does, are we consistent? That's all I'm trying to find out.

MS. ASHTON-CICKO: The section that you gave me is Section 106-132 of the Code of Laws, and that really contemplated when we were purchasing property that would probably go forward through eminent domain, and it was to set forth the number of appraisals that you need and some minimum qualifications.

In my opinion, being involved in the drafting of this and the legislative history of the section, that the values set forth in a PUD weren't contemplated under this section. So no, I don't believe it falls under that section, but I don't believe that he did not comply with the section.

CHAIRMAN STRAIN: What section would it fall under? I mean, at some point to establish a value on which taxpayers are going to be purchasing a piece of property, and for fairness to the applicant who we're purchasing it from, there's got to be an established fair market value. You just can't pull the number out of the air. I can understand we got one in this case based on what you've said and it should be in the file that I'll see, but where's the requirement to have done that? I want to make sure the --

MS. ASHTON-CICKO: Well, this is also a negotiated value. A PUD is a negotiated document, and the value was presented to the owner and the owner accepted it. So therefore I believe it's an appropriate number. The county doesn't unilaterally set the number.

CHAIRMAN STRAIN: But on other PUD's where we've taken areas of right-of-way and things like that, we've not approached it this way, we've established an appraisal and we've acquired it through a value that apparently was a fair market value. This just seems different. I want to make sure that it's fair. And I'm not -- we don't have any code that pertains to how we handle a purchase like this, is that what you're saying to me?

MS. ASHTON-CICKO: No, I don't believe that we do. No. And I think the number is fair. The valuation is based on the value prior to the rezone. The value goes up after the rezone so the taxpayers would be paying more. So I think this was cost effective and in the best interest of the county.

CHAIRMAN STRAIN: Does that document that you've got in front of you provide us with the knowledge that it was appraised prior to the entitlement? The date of the appraisal or date of the value establishment?

MS. ASHTON-CICKO: Does this say?

CHAIRMAN STRAIN: Yeah -- no, does the memo that I gave you? I don't have it in front of me so I can't recall. Does that memo acknowledge that the value was established prior to the entitlements on the property?

MS. ASHTON-CICKO: The e-mail that I have would, because it would value it as of February 16th. The memo that they provided you is undated, and it should be dated. That's the only deficiency that I see with the letter.

CHAIRMAN STRAIN: The e-mail that you got that was February 16th, what year was it? The reason I'm asking, Heidi, is this is an old PUD, it's been around a long time.

MS. ASHTON-CICKO: No, I believe it was 2012.

MR. YOVANOVICH: I have entitlement to the property.

CHAIRMAN STRAIN: Right, I know. So was the well request established in the prior PUD or just this one?

MR. YOVANOVICH: Prior.

MS. ASHTON-CICKO: I believe it was in prior as well --

CHAIRMAN STRAIN: Prior. So that means the entitlement has to be before the prior PUD was established. That's the date I'm trying to verify.

MR. YOVANOVICH: I will tell you --

MS. ASHTON-CICKO: Well, I can tell you that in doing eminent domain valuations, the owner is typically at least three or four times higher when we go to eminent domain than the county's number.

MR. YOVANOVICH: It's not enough money for us to fight over, okay.

CHAIRMAN STRAIN: I'm not fighting over it, I just want to make sure the process that was done by the county is pursuant to our rules.

MR. YOVANOVICH: Let me clarify an answer I just gave you, if you don't mind. There was an original

PUD for a golf course community for 36 holes with less units. Then in '07 we came through with another amended PUD. That's when the well requirement came in. We went through this process again, and Aaron knows, we said we don't want to give you any wells, you have no plans for well sites, so take it out. Aaron then negotiated with us and said, hey, if I'm willing to pay you for the well sites, will you leave them in. And that's where those negotiated provisions came in for what he's going to pay us and when he's going to make his decision as to when he needs the well sites.

The dollar value is -- again, I never saw the appraisal. I asked where it came from. It wasn't enough money per acre when you look at the total acreage that we may ultimately give the county for four 100-by-100 well sites. It probably would have cost us more money to figure if it was a fair price for the delta. Really, honestly, I'm not trying to be -- we just made the business decision to say it wasn't -- it wasn't worth it to argue over a few dollars, so we'll accept the 15,000 whatever price.

CHAIRMAN STRAIN: And I don't disagree with you, Richard. I'm just looking at the precedent this will set as we go down the road. That's all I'm trying to establish is that the right procedure was followed in order to establish this. I don't care if it was 10 cents or 10 million, it needs to follow the process that's in place. And I'm just trying to make sure it did.

MR. YOVANOVICH: I hope it has. I hope it has. It's up to Heidi. I think it has, because I've dealt with Roosevelt on many eminent domain --

CHAIRMAN STRAIN: And I'm not -- I haven't -- I asked for the paperwork and all I got was a memo that now Heidi says is deficient. So I haven't even got the paperwork I asked for. I want to see how the value was established by whatever official document's in the file. It won't hold up today's process, I -- just send it to me, will you?

MR. CROMER: We're going to do that for you. That's not a problem.

MS. ASHTON-CICKO: The only thing that was omitted is the date. And according to my e-mail, the date is February 16th, 2012. And I was provided these values by Mr. Cromer at the time when I assisted him in coming up with the language. Because the prior PUD did require well-field easements. I don't remember whether the requirement was that they be donated or the county pays for it.

And in my opinion it's a better practice for the county to establish the values up front. Because we've even had to acquire some of these parcels when we've had road projects through eminent domain and wasted taxpayer dollars when we have had commitments that we were unable to enforce through letter requests.

CHAIRMAN STRAIN: Was the February, 2012 date a retrospective appraisal or was it as of that date?

MS. ASHTON-CICKO: I don't know if he's here to answer the question. My understanding, that it was as of that date.

CHAIRMAN STRAIN: Okay. Well, we'll wait to get the paperwork. Thank you, Aaron, appreciate it. Okay, anybody else have any questions of staff, the applicant?

(No response.)

CHAIRMAN STRAIN: And Ray, is there any public speakers?

MR. BELLOWS: No one has registered on this item.

CHAIRMAN STRAIN: Are there any members of the public that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll close the public hearing, and we'll have a discussion.

COMMISSIONER EBERT: On the DCA?

CHAIRMAN STRAIN: Everything. Do you have any -- do you have questions?

COMMISSIONER EBERT: Well, just mainly on the DCA, like you did.

CHAIRMAN STRAIN: Okay, we're going to reopen the public hearing and go back into questions. Go ahead, Diane.

COMMISSIONER EBERT: It's mainly on the road. And I would like Nick to --

CHAIRMAN STRAIN: Cherie', we're going to be a little bit past 12:00. Will it be okay for you?

THE COURT REPORTER: Yes.

COMMISSIONER EBERT: It's the road that I have questions on. And I did go yesterday over to transportation. Obviously, yesterday you were not in the transportation side, you were in the growth management side and, you know, when you run both places --

CHAIRMAN STRAIN: He didn't run until he knew you were coming.

COMMISSIONER EBERT: I know, yeah.

This project originally could not go ahead because you only have what, 93 trips available? So as soon as this is approved, that road fails, 41 fails.

MR. CASALANGUIDA: Fails is a relative word. Part of the intersection, the way you measure capacity on a road, you look at the intersections as well as the characteristics of the road. And then when you look at 41, it's interesting, with that intersection, as it progresses east, and when you take the counts, if I set up the traffic, too -- I had this discussion with Reed and John -- really close to the intersection and I take the counts, I pick up all the turning movements. If I set it towards the other end of the link at the very opposite end, there's no traffic at all.

So it's -- when we do say it fails, it fails as an overall. But when I widen that intersection and then this \$4 million with DOT having 100 percent plans to go east right now, we're going to have a little more capacity. So whenever we do that AUIR, and we say we put a definite number to the single digit in an AUIR book, it does have flexibility in it.

So when we looked at this, I had Reed look at it with John and said, look, are you comfortable with the intersection improvements and taking traffic counts at the midblock that there's enough capacity for this project? And they both said yes. So that's where we're comfortable making this recommendation to this commission.

COMMISSIONER EBERT: Okay. I also called the FDOT and they said they understand your -- Collier County's problem, but they don't have the money. And they put this in their construction phase, you know, down the line from 16 to 20. And that's only like in the -- and I also have our MPO, I went and got a copy yesterday. Just to Henderson Creek was very expensive, in the millions. And doing this whole road segment, your next -- the first phase then after Henderson Creek, because of the bridge, then it would be to Greenway Road and then to San Marco.

It's well over -- and she said things change, but it's 50 million or -- she said we just don't have the money, so we don't know when it will happen. And I'm going, wait a minute, we're adding -- if the road only got 93 trips available to it and -- coming this way, and I know 951 has some problems where there are failed parts down, that just concerned me. Are we going back to no more two-year concurrency, that we just okay everything and --

MR. CASALANGUIDA: No, ma'am. That's the good thing about the program is concurrency does allow us to put the brakes on. With the \$4 million, remember, they're also paying their impact fees on the first 300 units. So we're getting \$4 million right there up front. And sometimes prodding FDOT is putting money on the table. I've been calling FDOT and we plan to have some discussions at the MPO. We've actually asked these gentlemen to write the Department of Transportation Secretary at the state level and say, hey, we're -- government's all about putting jobs together, we're putting \$4 million on the table.

So I'm encouraged that we're going to have some project pretty soon. DOT's not going to tell you on the phone that they're going to commit to anything. But having that 4 million plus their commitment to pay their first 300 units of impact fees before they use any credits, I don't know what those 300 will generate, an additional about a million dollars. So \$5 million before this project really gets going. I think we'll have something on the books fairly shortly. So that's why we did the agreement the way we structured it.

COMMISSIONER EBERT: So the other -- the road impact fees of what 5,700, whatever it is, 72 -- so they're going to pay for the first 300 plus the 4 million, so you're close to what --

MR. CASALANGUIDA: Close to \$5 million. So we're going to do some project with that money. Now, again, \$5 million, does it take you another half mile? That's what we'll do. They're going to have 100 plans, and our goal would be to say to DOT, County's -- and that's what we said I think in the DCA as well as the executive summary -- that money will stay in a specific project account only for this road.

The fear would be if pay and go, put it in the impact fee count for the district and I move the money up to a project that at -- you know, miles away. So what we stipulated was the money would stay only on 41 or that intersection. That way we know that you know that we're going to do the project, it's just a matter of when we get a little bit more matching money to get that project on its feet.

COMMISSIONER EBERT: Well, because they said, well, the 4 million that they're giving right now will do 2,500 feet, a quarter of a mile. That's all it will do and we don't have the money. That was their explanation to me. I wanted to clarify it so that we all were kind of on the same page here. And thank you.

MR. CASALANGUIDA: You're welcome. So specific to 41, it can't be spent anyplace else.

COMMISSIONER EBERT: Thank you.



CHAIRMAN STRAIN: Okay, does anybody have anything else of anyone before we close the public hearing?

(No response.)

CHAIRMAN STRAIN: Okay, with that, we'll close the public hearing and we'll go into discussion before a motion.

I made some notes, I'll read them to you all. There are eight items that we discussed that we may want to consider as stipulations.

The first one is that in the commercial excavation reference on the R page, we'll add the reference to tract L as where it is applicable.

On number two, we're going to add internal to the structure on note two in the standards table.

Number three, we're going to add 23-foot setback note to the development standards table.

Number four, we're going to add a further reference to the DCA about intersection improvements.

Number five, we're going to add a community clubhouse start date with a trigger for C.O.'s.

Number six, going to accept deviation number two.

Number seven, we're going to add -- and we went back to the development standards table again. We're going to add a footnote about the principal structure setback when it's on different properties.

We're going to add a line for defining both zoned and actual heights as discussed today.

And those are all the notes that I have on this. Is there any others?

COMMISSIONER SCHIFFER: Question, Mark.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: If we approve it today, what would be the construction access to the site?

CHAIRMAN STRAIN: It wouldn't be defined as Greenway Road, it would be whatever they work out with transportation.

MR. YOVANOVICH: Right. The only thing I had in my head that you might have missed is the commitment to a second access.

CHAIRMAN STRAIN: It's on -- you have a -- it says on there you have a potential --

MR. YOVANOVICH: Yeah, but I think what we were asking was a commitment. Not potential, but a commitment that there would be. And we had committed to that second access at project completion.

CHAIRMAN STRAIN: Is there any problems with transportation staff on having -- I see heads going back and forth indicating no, there's no problem. So I don't -- any problems?

COMMISSIONER VONIER: Mark, I think that's important to me, that they commit to a second access.

CHAIRMAN STRAIN: Okay, so we'll add a second access as noted on the plan under the word, that's already there, but it's called potential. We'll strike that --

MR. YOVANOVICH: It's going to happen is what --

CHAIRMAN STRAIN: So you're just going to take the word potential off the master plan.

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: And you're going to change the note on the master plan where it says may to shall for the vegetation supplementation in the preserve areas where needed.

MR. YOVANOVICH: Yes.

COMMISSIONER EBERT: And what about construction?

CHAIRMAN STRAIN: Well, the construction was something that was suggested be added. If it's not added then it's not an issue. I don't think we can say on a public road they're not allowed to use it. But I think the safety features that have been -- or the safety concerns that have been expressed here today will make transportation keenly aware that they have two roads to choose from. They hopefully will choose the right one so we don't have a liability issue with the residents on the worst road.

COMMISSIONER EBERT: Very good.

CHAIRMAN STRAIN: Go ahead, Phil.

COMMISSIONER BROUGHAM: Just a comment regarding construction. I would just encourage the developer to have consideration for new homeowners in his development if this is approved so that you minimize construction traffic internal to your development past existing homes. And that has to do with the order of construction, I understand that. And it might make you travel a bit more distance to the north and start up there and

work south or whatever, but I would just encourage you to have consideration for your homeowners once you've sold them the properties.

CHAIRMAN STRAIN: Okay. With that, is there a motion? Melissa?

COMMISSIONER AHERN: I'll make a motion that we approve PUDA-PL2011-1168 with all of the stipulations you listed.

CHAIRMAN STRAIN: Okay. And is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen. Barry? Oh, you were seconding it? I'm sorry.

Okay, any further discussion?

(No response.)

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

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

We'll see it return on consent and hopefully it will all be cleared up with the right language. Thank you.

And with that, the Planning Commission will take a break for lunch. We'll return at 1:15 and resume with Parklands.

(A lunch recess was taken.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from the lunch break.

When we left we were trying to -- we finished up the first two or three items on our agenda. We're going to move into our last two. The last two are about the same project, so we'll discuss them simultaneously and vote on them separately. I'll read the both for the record.

The first one is PUDA-PL2001-00001551, the Parklands PUD located east of Quail West and south of the Lee-Collier County line, north of Immokalee Road.

The second part of that same project is the DRI portion of the Parklands. And it's DOA-PL2001-00001550. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Are you a court reporter or a court recorder?

THE COURT REPORTER: Reporter.

CHAIRMAN STRAIN: Okay. Sometimes I interchange those words.

Disclosures on the part of the Planning Commission. We'll start on my left with Mr. Brougham.

COMMISSIONER BROUGHAM: Nothing, sir.

CHAIRMAN STRAIN: Barry, Diane?

COMMISSIONER EBERT: Yes, I had a lot of discussions with staff. I have spoke with Mr. Anderson and also with Kevin Ratterree.

COMMISSIONER STRAIN: For myself, I met with Bruce and a representative of the developer. I forgot his name. But anyway, things we discussed will be rediscussed today for sure.

Melissa?

COMMISSIONER AHERN: None.

CHAIRMAN STRAIN: Paul? Brad?

COMMISSIONER SCHIFFER: Bruce offered to let me go ahead of him at line at lunch today, does that count?

COMMISSIONER HOMIAK: Yes, I think it does.

COMMISSIONER SCHIFFER: Didn't buy me anything.

COMMISSIONER VONIER: Staff.

CHAIRMAN STRAIN: Staff? Okay. Well, then let's move right into Mr. Anderson's presentation.

If you ever watch the Matrix, that's all I can think about every time I hear your name, Bruce.

MR. ANDERSON: I don't have any response.

CHAIRMAN STRAIN: That's it, George, he needs a sign. You come up here any day with those sunglasses on, we're going to know what's up.

MR. ANDERSON: Good afternoon, Mr. Chairman, members of the Planning Commission. My name is Bruce Anderson from the Roetzel and Andress law firm on behalf of the property owner, an entity of GL Homes.

I'm pleased to represent GL Homes today. They are the developer of several successful communities in Naples area: Saturnia Lakes, Marbella Lakes, and its newest project, Riverstone, which had people lined up outside the first day it opened, to buy, just like the good 'ol days.

With me today are Kevin Ratterree, vice president of GL Homes, and Bill Fenno, the director of land development. Also present are other members of the project team, Robert Duane of Hole-Montes, George Hermanson of Hole-Montes, David Wheeler from TR Transportation Consultants, and Robert Mulhere, from Mulhere and Associates.

I want to walk you through a little bit of history on this project. This DRI straddles the Lee-Collier County border. The Collier portion of the Parklands DRI consists of 642 undeveloped acres. The Lee County portion has its own separate DRI development order issued by the Lee County Board of County Commissioners and later by the City of Bonita Springs City Council. Those are separate D.O.s, just as Collier County has its own separate development order.

The Parklands was first approved in 1985, and it has undergone several amendments since then. Over the ensuing years as the development plans in Collier have changed, environmental permits were issued and later challenged in federal court. Two years ago GL Homes acquired the Parklands and they proceeded to settle the environmental litigation based on the amended land plan that's the subject of these applications.

Access to the Parklands will be from Logan Boulevard extension that runs from Immokalee Road north. And Logan Boulevard will ultimately extend along the east side of the development up to Bonita Beach Road. And that's where it will connect.

The Parklands is presently permitted for up to 1,603 dwelling units, multi-family dwelling units, which are proposed to be reduced to now allow a maximum of 850 dwelling units, whether single-family or multi-family.

The Lee County portion of the Parklands DRI has been substantially completed by another developer under the name Palmira, I believe it's been developed as, and as I said before, it's subject to its own separate DRI development order and really has nothing to do with what we're here about today.

The pending applications. The DRI development order amendment is a companion item to the PUD. And there is also a draft developer contribution agreement that has been submitted to the county. And I believe you have a draft in your agenda packet. The requested changes to the development order generally mirror the changes that are proposed in the PUD amendment, with the following additions that are specific to the DRI.

First, the DRI amendment extends the build-out date to January 22, 2026. And that is based upon extensions that are provided for by statute.

Secondly, it eliminates a multi-family to single-family dwelling unit conversion table. It also removes obsolete and redundant provisions that are now addressed in the Land Development Code or have been moved to the PUD, or provisions that are no longer applicable because of the reduction in density and the associated reductions in impacts on infrastructure, such as Logan Boulevard.

These proposed changes, to a large extent and in addition to other planning considerations, are the result of the settlement agreement that I referenced earlier between the property owner and various environmental stakeholders. I believe you all received a copy of a letter of support from The Conservancy.

As a result of that settlement agreement, not only is the overall maximum density reduced by almost 50 percent, the golf course use and the associated flowway have been eliminated, and the on-site preserve acreage has been more than doubled, from 158 acres to 341.

The settlement agreement also required the relocation of Logan Boulevard to the present location shown on

our PUD master plan. And it also required the relocation of the 15-acre school site.

The Regional Planning Council has approved this DRI amendment.

Now, as to the changes in the PUD that are not also changes that are found in the DRI. Those significant changes are: A change to the new PUD format was required by staff; previously approved deviations have been added to Exhibit E. These previously approved deviations were known as subdivision regulation exemptions and they were set forth in the 2003 DRI development order.

At the request of staff these were removed and relocated to the PUD. It makes no difference to us whether they are moved to the PUD or remain in the DRI development order. But it was of no substantial consequence to us so we cooperated with the staff request.

A new list of deviations is also contained in Exhibit E, and they have to do with signs, sidewalks and improvements for the Logan Boulevard extension.

Among other exhibits to the PUD are the typical internal roadway sections and details, and they are Exhibits C-2 and C-3. And they pertain to some of the requested deviations.

There are provisions contained in Exhibit E, new deviations, number 15, for excavation and transport of fill in excess of 20,000 cubic yards to be removed from the site. But it's only to be used for Logan Boulevard. We felt that it was necessary to ask for this, because there is a portion of Logan Boulevard that is not abutting the Parklands project, namely that portion in Lee County. So this will enable us to use fill excavated from the development project to build this road.

A buffer 35 feet in width has been incorporated along the western property line.

Provisions for a 7.23-acre park have been deleted from the PUD. The prior provisions required the county to issue impact fee credits for donation of a neighborhood park site. And instead there's going to be an approximately six-acre park site internal to the Parklands to serve the residents' recreational needs. The PUD, the developer, will still be responsible for the payment of park impact fees.

The right-of-way for the extension of 951 has been eliminated from the PUD, as that's no longer a necessity in this location.

The school site provisions have been revised to dedicate 15 acres as previously required, and to delete a provision that an additional five acres are available for purchase by the school board. We've discussed this with school system staff and the five acres are no longer sought. So we've removed that.

We do have a restriction on the school site that it cannot be used for any other purpose than an elementary school unless the developer or after turnover the homeowners association consents to it and records a notice in the public records that that restriction to use of the property as an elementary school has been waived.

If that occurs, if that waiver should occur, other residential uses that are permitted in this PUD could occur on that property. If there were any other uses other than an elementary school or residential, it very likely would require a PUD amendment. And this restriction of the school site use will be recorded in the public records and included in the deed to the school board.

There has been provision for emergency access added. It is now depicted on the PUD master plan. And provisions have also been incorporated, transportation conditions, that will require that a second entrance, a second full entrance be constructed to the Parklands along Logan Boulevard if they are going to build any more than 651 homes. If that occurs, if they decide they're going to build more than that, then the emergency access would disappear and in its place but not necessarily in that location there would become a full access point.

As to the deviations, we are in agreement with staff on 13 of the requested 15 new deviations, but we respectfully disagree with them on their recommendation for deviations number four and 13. The areas of disagreement are about signage and the ability of the developer to market their project along Logan Boulevard where they're donating the right-of-way.

The Parklands has about a mile and a half of frontage along Logan Boulevard, and much of that is either preserve or lake area. My client knows how they need to market this project in this business environment. They are requesting deviations from a sign code that was approved when the county was in the middle of a real estate boom. My client firmly believes that it needs those sign code deviations in order to effectively market this project.

I would respectfully submit that now is not the time for the county to make it harder to build and sell new homes. People need the work.

There is also a developer contribution agreement in your packet. And the essential terms and timing of the

construction of Logan Boulevard that are contained in the developer contribution agreement in your agenda packet are essentially unchanged. What has changed is that the provisions dealing with the remote possibility of the county doing the construction are being removed.

The construction of Logan Boulevard will be by GL Homes, and it will be broken into two phases. Phase I is from the present end of Logan Boulevard, which is at the entrance to the new Riverstone development, and Phase I will be from the entrance to Riverstone up to the entrance to Parklands. That Phase I portion must be completed prior to the issuance of the first certificate of occupancy or shorthand I'll call it C.O., before they can get the first C.O. for that project.

And additionally, the developer has agreed that no more than 181 certificates of occupancy may be issued within the Parklands unless the developer has also completed an expansion of the intersection of Logan north and Immokalee Road as depicted in the color photograph that's an exhibit to the DCA.

The developer will not receive road impact fee credits for either the road intersection improvements or the construction of Phase I of Logan Boulevard.

Under the developer contribution agreement it is the obligation of the developer to construct Phase II all the way up to Bonita Beach Road.

Under the terms of the developer contribution agreement, the developer would receive road impact fee credits for just over 81 percent of the actual construction costs of the Phase II segment that are within Collier County. And that percentage is based upon traffic study.

My client has also agreed to a cap of 297 certificates of occupancy until Phase II of Logan Boulevard has been completed all the way up to Bonita Beach Road. Yes, commenced.

CHAIRMAN STRAIN: Subtle but important point.

MR. ANDERSON: A few housekeeping items, if you please. In the development order on Pages 10 and 13, there are two typos. On Page 10 of the development order, sub-paragraph B that's near the bottom, it makes reference to the developer's satisfaction of its obligations. It's under section A.9 and section B.3 of the development order. The reference to section B.3 should be struck because section B.3 itself has been struck.

The other change is to Page 13 of the development order. The paragraph small A where it refers to the amended master plan as Exhibit B, that should instead be Exhibit H.

And based upon some discussions that we've had internally and with some of the members of the Planning Commission, we have some revisions to the PUD document. Over your lunch hour I distributed a copy of those changes. They are shown as strike-through and underlined in red for ease of reference. And I'll try to briefly walk through those and -- yes, sir?

CHAIRMAN STRAIN: Just one comment so the other Planning Commissioners are aware of it. There's a lot of changes here that we won't have time to thoroughly understand during a walk-through today. In my discussions with the applicant, I had asked them to consider that -- we'll go through everything today and request a continuance for a final vote at our next meeting but do it in conjunction with a consent agenda at the same time. That way it gives us time to digest all these changes, and if we have anything before we vote on it, we can get those final moments in before the vote's taken, and then we can do the consent.

So don't feel like we have to understand every one of these sitting here today. It's just a -- hopefully it's a preliminary. And if that's in agreement with where we end up today, Bruce, I mean, that's kind of what I think we were doing.

MR. ANDERSON: That's fine. Do you even want me to spend some time on them?

CHAIRMAN STRAIN: Yes, I think it's important to understand what's been changed and lay it out. And we need to know if -- you need to know if there are any other concerns from this panel as we go through each item so that you can have everything done at once and we haven't got to come back for a third time.

MR. ANDERSON: As I go through these, if you have a question, please let me know so I can stop and we can deal with it while you're on that particular page.

On Page 1 of the PUD document, it's identified as Exhibit A, permitted uses.

COMMISSIONER EBERT: You're going to the PUD document?

MR. ANDERSON: Yes, ma'am.

CHAIRMAN STRAIN: That hand-out will be -- you were thinking is the one he's probably going to be reading off of.

COMMISSIONER EBERT: Okay.

MR. ANDERSON: Under section 1.A.1, instead of reference to an area, we're using a more precise term of a tract.

The second change is the removal of the reference to essential services. That was a holdover from the old PUD. In keeping with the Planning Commission's direction not to duplicate the Land Development Code, that is being removed, since the Land Development Code does in fact permit essential services practically anywhere. So we will be governed by the Land Development Code in that respect.

We've also similarly removed the reference to lake excavation. Again, redundant with the LDC.

Item number six we have added to clarify that walls may be used in conjunction with landscape features.

CHAIRMAN STRAIN: Now, Bruce, you said to interrupt you as you went through so I need to interrupt you on that one. But it says in accordance with the LDC, so if the LDC is prevailing, what good is this language doing you? Because if the intent is to get walls that are not consistent with the LDC, then we need to know what those walls are, where they're going, how high they are, what they're comprised of, and all that, which you're not willing -- which you couldn't provide to us today.

So I'm wondering if six offers any value at all. And staff, do you see anything in six that is needed for other than what you could do -- basically it says per the LDC, which is the same redundant language we're trying to remove.

MS. DESELEM: Staff agrees with your position, sir.

CHAIRMAN STRAIN: Bruce, do you have any heartburn over that?

MR. ANDERSON: Probably not, no. Unless there's something that the engineer's been withholding from the lawyer.

CHAIRMAN STRAIN: By the next time you come back -- okay, well, next time you come back, if that turns out to be something, let us know and we'll try to understand it better.

MR. ANDERSON: The next item that's struck are parks and recreational facilities and community centers. That is being relocated in this PUD document. And I'll get to that in a few moments.

Under the accessory uses, the tennis club, health spa references, again, that is being relocated along with the parks and recreational facilities language to a recreational site tract.

The reference to maintenance areas as an accessory use, maintenance areas and buildings, has been moved to the recreational site portion of this PUD.

And all of the rest, six, seven and eight, are all being moved to the recreational section of the PUD.

Item number nine regarding telecommunication facilities has been removed in that the Land Development Code generally permits those.

On the next page, 3 of 18, we have struck number seven, which would have allowed any use listed as a general use to be placed in the residential section. Again, that's redundant to other provisions of the PUD.

At the bottom of Page 3 we've made it clear that where there is a combination of housing types in proximity to one another, that each housing type has to meet its own separate setback requirement.

CHAIRMAN STRAIN: Bruce, before you move on, C.2, can you tell me why that needs to be in this document?

MR. ANDERSON: It doesn't.

CHAIRMAN STRAIN: Okay, so C.2 is coming out as well.

MR. ANDERSON: Thank you, that was not -- thank you for reminding us.

CHAIRMAN STRAIN: C.3, on what you're talking about, I think a concern is between non-identical units, if they're mixed on a tract. You go along, you have a patio home, then you pop in with a single-family. The concern I think is how do you judge the setbacks in that case?

The way you've written this, providing each housing type meets the applicable development standards. So that still means the zero lot line could be zero and the single-family could be whatever you've got. It still doesn't -- like the last one where Brad pointed out we have to maintain a principal structure setback, this is more of a relevant example of how even on the same tract you'd have to do that.

So I guess that's what I was trying to understand with number three is how is it that you're making sure you've got the consistent separations needed, regardless of the types you've got together and their side yard setbacks.

MR. ANDERSON: Perhaps we can add some language to make that clearer.

COMMISSIONER SCHIFFER: Mark, a suggestion?

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I think maybe just put in there, Bruce, the most restrictive applies. So if one has a three-foot, one has a six-foot, the six-foot applies.

MR. RATTERREE: Sometimes I just have to jump up. For the record, my name is Kevin Ratterree. I'm vice president with GL Homes. I provided the court reporter a business card so she doesn't type her fingers out trying to spell my last name.

The reason for that specifically relates to the model row. Typically in model rows you have a combination of single-family and zero lot line homes. We wanted to make sure that A, we could have two different product types in the model row.

Typically what we do is take the zero and put it on a single-family lot so that the house actually meets the setbacks of a single-family residence, even though it is a model of a zero lot line home. We just wanted to make sure we still continued to have the right to do that.

COMMISSIONER STRAIN: In the future, though, when you're done with your models in the project, you would sell those off as residences, then, right?

MR. RATTERREE: That is correct.

CHAIRMAN STRAIN: So they'd still have to self stand on their own. And I think that's what I'm trying to make sure that paragraph does.

MR. RATTERREE: We can work on some language.

CHAIRMAN STRAIN: Okay, that'd be great.

That works for you, Brad?

COMMISSIONER SCHIFFER: That's good.

But you bring up a point, though. I think if it is a zero lot home, it would be nice if it was represented in that position so that the market's not confused as to what the setbacks are. And then -- could you just note that these are for the model homes only?

MR. RATTERREE: Sure.

COMMISSIONER SCHIFFER: Just take this clause and make it for model homes. Because the more accurate you represent the actual condition the less likely there will be confusion.

MR. RATTERREE: For the record, outside of the model row we don't mix product type. We have single-family pods and we have zero pods and we have patio pods, but they don't intermingle.

COMMISSIONER SCHIFFER: So just add that.

CHAIRMAN STRAIN: So you're going to add model homes only to paragraph three and then any clarification needed after that. Good, thank you.

MR. ANDERSON: On to Page 4, please. You'll see that we have struck all the references to the preserve and replaced it with recreation site development guidelines. This relates to the clubhouse area.

COMMISSIONER BROUGHAM: There's only one RS site on the plan, right?

MR. ANDERSON: Yeah, yeah.

CHAIRMAN STRAIN: Right above the school site by two parcels there in the middle of -- there it is, right there.

MR. ANDERSON: And you'll see that the uses that I discussed earlier -- I missed some --

CHAIRMAN STRAIN: He shot that laser at my eyeball so I couldn't see what he was talking about. Just kidding.

COMMISSIONER BROUGHAM: Bruce, as long as we're on clubhouse, when do you plan on construction?

MR. RATTERREE: We usually commence construction of our clubhouse facilities when we're about a quarter way through the community in sales. So it would be approximately 200 permits.

COMMISSIONER BROUGHAM: Okay. Would you agree to include that?

MR. RATTERREE: Commence construction, sure.

COMMISSIONER BROUGHAM: Generally how long would you envision the construction to take?

MR. RATTERREE: These type of facilities and this type of community usually are somewhere between one year -- around a year.

CHAIRMAN STRAIN: Before you get off that subject, and I'm -- just when it comes back to us with the

language, you said approximately 200 permits. Staff will have a hard time wondering -- agreeing -- may have a hard time wondering if your approximately is equal to theirs.

MR. RATTERREE: 200 building permits we will commence construction. I removed the word approximately.

CHAIRMAN STRAIN: Good. That just makes it easier.

COMMISSIONER BROUGHAM: Thank you.

COMMISSIONER SCHIFFER: Not to be weird about this, but essentially a multi-family building is built under one permit with multiple units, so therefore you could trick that a little bit.

CHAIRMAN STRAIN: How about C.O. --

MR. ANDERSON: Thank you. It's tied to dwelling units.

COMMISSIONER SCHIFFER: Okay, then that's good then. I'm sorry.

CHAIRMAN STRAIN: 200 dwelling units.

MR. ANDERSON: Yes.

Moving on to Page 5, if you will. We've relocated the preserve area and cut way down on how we describe the uses. And essentially it's any use that's permitted by the Land Development Code in a preserve area, and it ties it to those uses that are permitted in the preserve area as of the effective date of this PUD. It also has the standard language about any use or structure or any use that's comparable to those that are permitted in preserve areas by the Land Development Code.

Also you'll see where I've added the reference to in the event of turnover, that the master homeowners association has the authority to waive the restriction to elementary school uses on the school site.

And under lakes we have added -- there's a provision of the Land Development Code, I believe, excavation ordinance, that allows the opportunity to reduce the setbacks to a minimum of 20 feet. And like your earlier discussion today, we're putting that in there, and that sentence would say if requested by the developer rather than if required by the developer.

CHAIRMAN STRAIN: If -- on that one in particular, Bruce, if it's already in the LDC and it's allowed and all you have to do is request it, why do you need to restate that in this document?

MR. HERMANSON: Good afternoon, George Hermanson, Hole-Montes.

The reason is, and I discussed this with the county engineer and he suggested we leave it in. The Land Development Code says those reductions may be granted, not will be granted. So there is a discretion here. In this particular case we're saying if we provide the necessary safeguards, we will get the reduction. So it's a matter of getting it versus just asking.

CHAIRMAN STRAIN: Yeah, but then that would override possibly the qualifications because may is based on certain criteria. You're saying if you ask for it you get it, but you're not telling us that you have to provide the criteria then.

MR. HERMANSON: Oh, yes, we have to, we have to provide barriers or something of the sort to prevent --

MS. ASHTON-CICKO: If this is a deviation, then I think it needs to be specified as a deviation. I'm not really clear --

MR. HERMANSON: Well, we're not asking for a deviation from the setback reduction, we're merely saying that we will get it. We're not asking --

CHAIRMAN STRAIN: I'm familiar with some of your work. I remember on a project there was a lake that was -- where water's edge and the maintenance was closer to a roadway and there had to be a guardrail added. All you're saying is you want to have the ability to do that.

MR. HERMANSON: Yes.

CHAIRMAN STRAIN: The LDC already allows you to do that. You're just worried that the county engineer will say no.

MR. HERMANSON: Yes.

CHAIRMAN STRAIN: But the county engineer can only say no if there's good health, safety and welfare criteria. So I'm not sure what you're concerned about.

MR. HERMANSON: Well, the guy that's there now, yes. A guy in the future, you never know.

CHAIRMAN STRAIN: Any county engineer better be playing by the same rules.

MR. HERMANSON: That's what -- frankly, that's the bugaboo you're always worried about is a staff or



someone in the future may have a different interpretation. And we just don't want a different interpretation.

CHAIRMAN STRAIN: Well, I don't think that you're going to be able to regulate interpretation by including deviations that aren't called deviations to the code. This could open up doors that we don't anticipate. We've gone through plenty of county engineers, and I haven't heard of one yet where we've had problems. I shouldn't say plenty, Stan was here from the beginning of time.

MR. HERMANSON: I can remember one.

CHAIRMAN STRAIN: And Jack is almost a mirror image of Stan, So -- well, yeah, you're right. I know who you're talking about too, oh, yeah.

But honestly --

MR. HERMANSON: Why don't we think about it. We'll make it right next time. We just want to make sure that we have the ability, if we provide the necessary safeguards, that we get the reduction --

CHAIRMAN STRAIN: But you have that ability now --

MR. HERMANSON: -- and not be a whimsical thing.

CHAIRMAN STRAIN: You have that ability now. If you provide the necessary safeguards, the county -- unless the county engineer has an awfully good reason, he'd be putting himself out on a long stick to say no to you. And I'm not sure why you're trying to CYA on this one, there's probably not a need to, so -- Kay?

MS. DESELEM: For the record, Kay Deselem.

This is not in the LDC, this is Code of Laws and ordinances.

CHAIRMAN STRAIN: Ah, well, there's another reason. Now we've got a real difference. How does that work, Heidi?

MS. ASHTON-CICKO: Well, I guess I don't really understand why we're changing the language we had originally in the PUD --

CHAIRMAN STRAIN: Well, I think the language in the PUD --

MS. ASHTON-CICKO: -- because it says the minimum setback may be 20 feet.

CHAIRMAN STRAIN: But the language in the PUD isn't -- where do you see it being -- why do you see it being necessary? If the --

MS. ASHTON-CICKO: Well, I'm looking at the language we had in the first draft of the PUD, and I'm looking at how he changed it. And if this is some kind of deviation then, you know, I would never have been able to guess that the way it's written.

CHAIRMAN STRAIN: I think what we're hearing from Kay, it can't be a deviation because it's a change to the Code of Laws. It's not an LDC issue.

MS. ASHTON-CICKO: I don't know what the Code of Laws provision is, so --

CHAIRMAN STRAIN: Can we as this board change the Code of Laws by a PUD?

MS. ASHTON-CICKO: No, not at this time.

CHAIRMAN STRAIN: Okay. If you can find it in the LDC and come back and look at it as a deviation or however you want, we'll discuss it then. But right now it doesn't look too good to leave it in.

MR. ANDERSON: Okay, we'll revisit that.

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: On signage we've made specific references to the applicable deviations so it's easier to understand what kinds of signs and what changes we are asking for. For example, there's no such definition as a boundary marker in the sign code.

And there are changes to Exhibit B, the development standards. Some of the footnotes I think were cut off during the copying process. Those have been made more legible. And there has been a clarification on footnote 4.D, which talks about the garage setback of 23 feet. That would be applicable to a front-loading garage. If it's a side-loading garage, the setback would be 15 feet. And --

CHAIRMAN STRAIN: Before you leave the table, let me know. I want to walk through and make sure we've got everything.

COMMISSIONER SCHIFFER: I have some table questions.

CHAIRMAN STRAIN: Go ahead, Brad.

Are you done with the table, your part of it, before we ask?

MR. ANDERSON: Yeah.

COMMISSIONER SCHIFFER: Bruce, the multi-family, why are the setbacks not applicable?

MR. ANDERSON: To?

COMMISSIONER SCHIFFER: The multi-family dwellings, except townhouses. If you go -- there's N/A all over the place. Is that what I'm -- am I mistaking something there? We like setbacks.

CHAIRMAN STRAIN: This would be saying you have no setbacks for your multi-family?

MR. ANDERSON: You know those engineers.

MR. HERMANSON: No, I honestly think it's better this way, because multi-family don't have a front yard because they don't sit on lots individually, they sit in clusters on one common tract. Therefore, the setback is better expressed as setback from the boundary of the project, whether it's the back of the building, the front of the building or the side of the building, or set back between the buildings. Remember, they're on the same tract. There's no lot line in between.

So it's really more applicable to talk about those setbacks rather than front yard and side, because those apply to single-families, which is one house on one lot.

CHAIRMAN STRAIN: You're the only person that's ever said that, George. So I guess everybody else isn't doing it right, huh?

MR. HERMANSON: No, I think it's actually easier. Because we've gotten into a situation where we're doing multi-family side developments and we're arguing about where is the front of the building or the side and what setback applies here.

If you cover it with the setback from the project -- from the tract line and between the buildings, you've covered everything. There's nothing else to cover.

COMMISSIONER SCHIFFER: And you're not even doing that.

CHAIRMAN STRAIN: Right, so where are those setbacks?

COMMISSIONER SCHIFFER: And then let me go back, because I'm not sure I agree with what he just said about how they get in the way. Because essentially that means you could put them right up on roadways, you could put them right up against, you know, buffers, you could put them -- and even though multi-family, the units are mixed into one big building, the building's a building. Buildings have setbacks.

MR. RATTERREE: Let me try to make this a lot easier. We're not doing multi-family here, so what we'll do when we do the revision is just provide some setbacks that are typical to your PUD tables and just call it a day and move on, because it's kind of an irrelevant fact for us. For us to spend all that time trying to figure it out is a waste of all of our time.

CHAIRMAN STRAIN: That would be a great idea.

COMMISSIONER SCHIFFER: You kill the whole column.

MR. RATTERREE: I don't want to kill the whole column, because you never know. But I will say that I understand the issue that is being brought forward. And we will just take what was done for the typical PUDs that have come through here, apply those setbacks, and then if we end up doing them and George is right, he was right all along and everybody else was wrong, then our bad.

MR. HERMANSON: I do want to answer Brad's question. You have to look further down that column. If you look down to the box that says distance between principal and accessory structures, there's a number there. If you look distance between principal structures, there's a number there. And the very last number is the distance from the parcel boundary, there's a number. Those are your setbacks, regardless of which way the building is turned.

CHAIRMAN STRAIN: What's it between buildings?

COMMISSIONER SCHIFFER: Twenty feet.

MR. HERMANSON: Twenty feet.

CHAIRMAN STRAIN: Is there -- okay.

COMMISSIONER SCHIFFER: You're right about that. It is down at the far bottom. But I don't see the advantage of not having any setbacks on a structure. I mean, try that again. Because you could put it right on the road, you could put it right on the buffer, you could put it right on the property line next to another --

MR. HERMANSON: No, you can't, you have to be 20 feet away from the property --

MR. RATTERREE: The parcel boundary. The bottom column of parcel boundary.

COMMISSIONER SCHIFFER: The parcel property line is the outer -- yeah. The outer parcel is that one, correct, within the --

MR. HERMANSON: The 25 feet is -- every building would have to be 25 feet inside of that parcel, whether there was a lake next to it, a preserve next to it or another tract or a road, 25 feet.

COMMISSIONER SCHIFFER: Okay. So what you're saying is --

MR. HERMANSON: And the buildings within have to have a separation so they can't be too close together.

COMMISSIONER SCHIFFER: So what you're saying is all the setbacks are 20 feet. Okay, and when you're saying parcel, you don't mean the overall parcel, you mean the actual lot. So why don't we use the word lot then.

MR. HERMANSON: Maybe we can change that, yeah.

COMMISSIONER SCHIFFER: Because that's exactly how we describe normally the outside parcel. That would --

MR. HERMANSON: Doesn't that make sense?

MR. BELLOWS: Yes. For the record, Ray Bellows. Kay and I were just talking, and it should have said tract boundary, because it's not the PUD boundary he's referring to.

COMMISSIONER SCHIFFER: Okay. And that helps.

So what you're saying is you're going to keep it 20 feet away from the edges.

MR. HERMANSON: All the way around. All the way around.

COMMISSIONER SCHIFFER: And that's it --

CHAIRMAN STRAIN: Twenty-five, I think.

COMMISSIONER SCHIFFER: Twenty-five, okay, 25. And then if you split it into two buildings, they're 20. Okay.

CHAIRMAN STRAIN: The distance between the buildings, the side yard separations more or less is 30 feet.

MR. HERMANSON: Uh-huh. Because there's no lot line in between them. It's just how far do you put the buildings apart.

CHAIRMAN STRAIN: And as close you want to come to the front row, which would be a driveway in this particular case because it would be private, is right up against the parking space?

MR. HERMANSON: You could -- I'll tell you, we could add a setback from the internal driveway. That's probably missing. I think if we had that in, we'd cover everything.

COMMISSIONER SCHIFFER: And then if you -- by the footnote, if you have a garage, the building can be 10 feet from the garage.

MR. HERMANSON: That's correct.

COMMISSIONER SCHIFFER: The garage can be how far from the boundary of -- in other words, the garage would probably be on the access road, the spine road.

MR. HERMANSON: That's going to be probably further into the property. But it still has to be 25 feet.

COMMISSIONER SCHIFFER: And we have no ground coverage, you know, maximum or anything. So you could build one really big chunk of building, I guess.

That brings up the other question. On the townhouse, you have to limit to the length of those townhouses, they could theoretically travel the perimeter of all these residential zones. Should we put a limit on how many --

CHAIRMAN STRAIN: We have another project, so we ought to be consistent with the way we look at it.

COMMISSIONER SCHIFFER: If you look at Collier on these aerial photos, it looks like a box of zippers, and it's because of that.

MR. RATTERREE: I have no problem putting a limitation on it. I mean, if it's --

COMMISSIONER STRAIN: You can look and see what we've done to others or come up with one yourself the next time we come back. Just as long as something's there, I think that's the objective.

MR. RATTERREE: Is 100 good enough?

COMMISSIONER SCHIFFER: Only if you put a caboose on the end.

CHAIRMAN STRAIN: You're not intending I know to develop these, but if you do and you're looking for a height of 50 feet but you only have two stories, that means you're going to have 25 foot per story. I mean, if you're going to get 50 feet, why would you only put two stories in it and end up with a 35-foot high -- I mean, that's probably good in some ways, but I'm just pointing it out, it could be something you're not counting on.

MR. RATTERREE: I appreciate that, Mr. Chair. Again, I didn't spend a whole lot of my brain cells trying to figure out the multi-family column simply because it was not something that we were anticipating doing. But we'll

take a look at it and make sure --

CHAIRMAN STRAIN: It will give you a density that you might otherwise not use.

Okay. Anybody else got anything on the development standards table?

(No response.)

CHAIRMAN STRAIN: I think -- oh, yeah, side yard setbacks under zero lot line. It's not O. I mean, that O should be zero. It's a B. Instead of capital O, just stick a zero there so we -- okay, let's move on.

MR. ANDERSON: Okay, Exhibit E, Page 9 of 18.

CHAIRMAN STRAIN: Before we jump there, there are -- in our packet there's a whole bunch of intermixed pages. One showing your master plan, one showing the schematic of the master plan with signage, and then we get into the road cross sections.

I know you don't have -- you may not have suggested any changes to these, but let's see if there's any questions from the Planning Commission on those pages before we jump into page Exhibit D -- Exhibit E next. Anybody have any questions up to Exhibit E on the graphics?

COMMISSIONER EBERT: Just.

CHAIRMAN STRAIN: Diane, then Brad.

COMMISSIONER EBERT: No, let Brad go ahead.

COMMISSIONER SCHIFFER: Ladies first.

COMMISSIONER EBERT: Are you looking down here?

COMMISSIONER STRAIN: No, these pages here. After we leave the developments table, he was going to jump to Page 9. But in between those are all the graphics pages. I just want to make sure that if we have any clean-up on those, that we point it out.

COMMISSIONER EBERT: Well, he's asking for a deviation on the sign. Could you explain that to us? Is this --

CHAIRMAN STRAIN: That's the sign, yes.

MR. RATTERREE: Right, thank you. For the record again, Kevin Ratterree.

This deviation process is a little strange to me, so just bear with me for a second.

What these all relate to are project related signage. And I want to walk everybody through, using my pointer that I wouldn't give to Rich this morning, and talk about what's there today. Because one of the comments from staff was signage blight. It's a term of art.

This is Immokalee right here along the southern boundary of that aerial. This is the Olde Cypress community right here. This is Riverstone right here. This is the Parklands PUD under discussion today. And this is the Lee County portion of the DRI, Palmira. And this is Bonita Beach up at the northern side. All told, obviously, this is four sections of land, one, two, three, four, so it's four miles south to north from Immokalee up to Bonita.

And as Bruce mentioned earlier, because of the curvature of Logan Boulevard around the development parcel and west of the preserve and a little south of the preserve for that northern leg, the Parklands project has approximately a mile and a quarter to a mile and a half of frontage along that road.

It was interesting this morning during Mr. Yovanovich's presentation that he mentioned one PUD that had in effect an off-premise sign for the development. That is the Riverstone project right here where we came through and modified the development order for Longshore Lake to allow an off-premise sign there on the corner of -- I knew I was right, it was my sign. I raised my hand, nobody saw. This was, you know, Logan here. And that sign sits right there. Sorry it's -- when you get a little distance away it starts to jiggle a little bit. But it's on this --

CHAIRMAN STRAIN: That's age, not distance.

MR. RATTERREE: Among other things.

The extreme southeast corner of Longshore Lake. And for those of you all that are familiar with the area, Olde Cypress actually has a parcel of land between the Logan Boulevard travel lanes and the Longshore Lake. But as we were coming through the approval process, we wanted to get corner signage, because basically as it exists today, Logan is in effect a long driveway. But eventually, as Bruce mentioned, Logan is going to connect up to Bonita Beach.

So what you've got is that one sign there on the corner that Mr. Strain may remember was a condition that once that roadway connection was made up to Bonita, that sign goes away. You've got Olde Cypress, which has one sign right there on the corner. You have Riverstone, which has one sign right there on Logan, and then you come to

the Parklands project. Palmira does not have access onto a road that doesn't exist, being the northern extension of Logan.

For those that have not been out there yet, this is the entry feature for Riverstone. It is a single-faced sign. And the reason it is single-faced is because we knew most of our traffic, at least for the life of this particular project, was going to be coming from the south going north to the project entry. So this actually sits on what would be the north side of the intersection of Seven Seas and Logan Boulevard. This sign is three feet, three inches by 25 feet, three inches, if I can remember those numbers correctly.

And again, this is where I get into different jurisdictions do different things with their sign regulations. Collier County calculates their sign face area by the box that the sign sits in, not the actual lettering of the signs. They don't box in the letters, they do it by this box. This sign right here is 61.3 square feet. Terafina was allowed one sign of 80 square feet. And if we split that sign into two sides, it would then be 40 square feet.

For Parklands we envision -- well, I'm going to use this. Can everybody see that okay? It's black and white, but I'm going to use this anyway.

This is the main project entry for Parklands. So you're going to be coming from the south going north to this entry for that initial phase of construction up to the 297 commencement, and then eventually Logan will connect down. So we do expect traffic to be coming from both directions. The initial phase of the construction, everything will be coming from the south. But after the connection is made, then obviously we would have traffic coming from the north as well.

I just want to cut to the chase and tell you what I'm after. Does that make it easy? I would like 64 square feet if I have one sign face. That is the Riverstone example that I just used to you. If we go to a two-faced sign, which would not be on each side, but we went to a V, I would want to make sure that I had 60 square feet for each side of that V, because we're trying to make sure that that visibility of that sign comes up. And again, my unfamiliarity with the code. But when you do two different signs versus one sign that's a V, I interpret what's in the staff report as being you're limited to 40 square feet per sign face. And we would like that to go up to 60 square feet for that sign face, because we want to carry basically the same sizing that we had.

But again, there's a total of three signs, project entry signs, for that entire four-mile link of run unless we build that second entry at 651. I don't need a deviation for that entry, that will just be a small sign. It will a resident only entry, that type of thing.

But project corners are important. And that's why we asked for that deviation. And I know that's a new concept. But we like to at least tell people, hey, you've reached Parklands. And because this is a mile and a half of frontage, we wanted to have two boundary marker signs. I think we asked for 64. I think staff, it I -- Kay, help me out, it was like 16 square feet. I would ask that that be a 32 square foot sign, simply because again you're boxing in.

So we like to do a decorative element, but it's kind of restrictive to say well, your decorative element has to include your lettering and whatever. So what you end up doing is you end up maxing out your lettering and not having that decorative element around the sign. We really like to provide that decorative element. As you can see from that Riverstone entry, some of those 30-foot oak trees, I mean, it took me a whole weekend to carry them up to the top of that element, so -- you know, I just wanted to make sure that everybody understands what was our intent was and our desire was with the project.

The second deviation that was under discussion relates to temporary signs. And here's the difference. Four by eight, 32 square feet, which would be your left side, and eight-by-eight, which are what we asked for in the deviation, which would be 64 square feet. I mean, I can live with 48 square feet. But as you can see, when you do 32 square feet, you really don't have a lot of room to do anything else. A lot of times with these temporary signs you like to say things like pricing from 350, 360,000, or whatever the pricing is going to be. Models open. You like to have the logo of the company so people know, hey, I can go to GLHomes.com and find out the information.

Because these are temporary signs and because we're the only project for that mile and a half of frontage, we felt it was appropriate to have a little bit larger temporary signage. And that's what we asked for. But that, you know, that looks twice as big because it is twice as big. So I'm more than happy to kind of split the difference and take that 64 square feet down to 48 square feet, if that works for everybody else. I don't want to be egregious about it, but it is important to put as much information on that as you can regarding pricing and things like that, opening, whatever date, those are all things that are relevant to us.

As Bruce said earlier, we've had a lot of success with Riverstone. That project came out of gate strong, it

stayed strong. We expect this to be the continuation of that project. So a lot of those elements that we did at Riverstone that we deemed to be successful, the signage on the corner of Logan and Immokalee, that was very important to us. We went through, and are the only PUD that's ever done it, to get that signage because it was important to us to get that element on our roadway visible. Thank you.

CHAIRMAN STRAIN: Thank you.

Anybody have -- now we're back on the -- well, that question first. Anybody have any other questions about that graphic?

Brad?

COMMISSIONER SCHIFFER: Just, yeah, one quick thing.

If you were given the square footage, boxing the letters that the code allows and then given the background more square footage, would that accomplish what you want? Essentially we're not giving you more square footage, we're allowing you to just measure the signage itself.

MR. RATTERREE: I think that's a deviation by itself, because then you're deviating from the code as to how they interpret the sign face. So we would just rather just do it as a clean bill of health of this is the amount I'm in. On Terafina it was 80 for the one. We ended up building 61.3 square feet of sign face. So that 64 I felt like was a reasonable amount for the one sign. But if we go to a double-sided sign you don't want to have that lettering so small, especially on a curvature of road like that, that it's hard to see.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: Why don't we start with the master plan graphic. In that particular graphic, you have an OS/B area along all your roadways shown on that graphic. Some of that is internal to your project, some of it is external to the Logan Boulevard north section as it goes up and around the project.

The settlement agreement that you have with the various conservation groups, I think as a result of all the Mirasol or whatever flowway issues there were, require that you provide 337 acres of preserve plus 11 acres of preserve buffer. I understand from the master plan that you have 341 acres roughly of preserve, which I'm assuming are the two big areas, the one to the north and the big one to the south. But I can't understand because I have seen no cross-section, nor a calculation based on the width of the cross-section and on the lineal footage adjacent to the preserve along Logan Boulevard that that's what remains in that buffer. The OS/B is in fact the preserve buffer required by the settlement agreement and if in fact it calculates that way.

Can you provide that information by the next meeting?

MR. RATTERREE: I can. But I want to walk you through what it is so that we can just make it easy for everybody. And I did have a conversation with Nicole. I just know her as Nicole, I'm sorry --

CHAIRMAN STRAIN: It's Nicole Ryan Johnson.

MR. RATTERREE: Nicole Ryan Johnson. Did it used to be Nicole Ryan?

CHAIRMAN STRAIN: Ryan, yeah.

MR. RATTERREE: All right. I had a call with Nicole Ryan Johnson yesterday, so -- and I believe that in your packet you have -- actually probably -- there was a letter from The Conservancy. But let me walk you through. And I apologize for the kind of change in orientation of the board.

But on the left-hand side is the actual exhibit from the settlement signed off by the environmental parties --

CHAIRMAN STRAIN: Your mic went out, there, Kevin.

MR. RATTERREE: It went out because I didn't have it on.

Let me start over again. My name is Kevin Ratterree.

This is the exhibit from the settlement agreement. The acreages are the same. 337 plus 7.6 is 338 plus -- 348 plus of preserve and preserve buffer. This plan is the same amount. The difference, so everybody knows, is that strip right there and that strip right there, which we show on the master plan as simply preserve. So we prepared an alternative exhibit, Mr. Strain brought this issue up, where the master plan reflects that preserve buffer and that preserve buffer, the acreages are the same. It then goes 337 plus and 11.1 plus for the same 348 acres of combined.

Now, in my conversation with Nicole yesterday I wanted to remind her that when you label that strip there as preserve and that strip there preserve, its uses are very restricted. Because as you know from earlier, we amended that section to reference just the uses allowed in the Land Development Code. Once that becomes a preserve buffer, that is basically a landscape buffer. So that is, you know, vegetation, that's native trees, that's material. It's actually more

restrictive to have that as preserve than labeled as preserve buffer.

And I made it clear, I don't care. It's one in the same to GL. But the difference, and I pointed out to her, is let's assume for a second we have some very unhappy residents at the Riverstone project, which could never happen, but let's just assume that we have some unhappy that live along that north property line and they really don't like the view of that preserve. They just -- you know, they had a grand oasis in their head when they bought this project. Well, we then have that preserve buffer. If it's on the master plan we can basically take out that preserve and put a regular landscape buffer in there. That would be consistent with the settlement agreement because it is a preserve buffer. And that's all it is is just a buffer to the preserve, a regular landscape buffer.

So I can do it either way. It doesn't matter to me. If the goal is to make it 100 percent consistent with the settlement agreement, we'll revise that master plan to put that there, and we'll revise the master plan to put that there. The 341.2 goes down to 337 point something, George, and then the 7.6 of preserve buffer goes from 7.6 up to 11.1. You get to the same acreage. In fact, it's a little over the acreage of the settlement agreement. But you get to the same point.

CHAIRMAN STRAIN: My concern wasn't necessarily along those lines. Your settlement agreement was 337 plus 11. When I reviewed this I found 341. So basically that -- it met the 337. It was minimum. Then I tried to figure out the 11. And I figured the 11 was because of the OS/B. But when I went over and looked at the OS/B in your master plan table, it just says Logan Boulevard open space buffers OS/B, 7.6 acres, it didn't tell me what part of Logan Boulevard. Because in some cases it runs along both sides and it's up along a lake in another location.

I wanted to see -- I wanted you to separately show on the master plan the OS/B that you're defining as part of Logan Boulevard that would be the preserve buffers. And I think you can sense what it is, I just wanted you to show it --

MR. RATTERREE: Let me give it out. Because what I did to make it very clear is we broke out those two categories. Instead of an OS/B category, we did an OS/B plus a P/B buffer, preserve buffer on the plan that takes care of it. I did not want to call it a POS because of the problem with the acronym.

CHAIRMAN STRAIN: I'm fine, I think that would work. I just -- it isn't clear with the way the master plan's written now, that's --

MR. RATTERREE: Let me just have him hand this out, and I think that makes it perfectly clear what the program is.

CHAIRMAN STRAIN: Yes, this is good. This is much better. What happens is the OS -- the P/B is 11 -- now wait a minute. Oh, but now you've taken back and reduced the P/B in the north and south, which doesn't need to be done. Your 341 would have been better instead of the 337.

MR. RATTERREE: Well, remember, that's why I went through that. That's the difference. The 341.2 included that P/B on the north and that P/B on the south. You take that 7.6, add it to 337, you get to 348. This is 348 point something, same thing broken out.

CHAIRMAN STRAIN: Okay. But again, I don't think you understood what I was trying to find out. The 341 is acceptable, I like what you did; I like saying that the buffers along the north and south edge are preserve. That is actually better than being a landscape buffer.

All I wanted to know was that the -- where the P/B's that you show on here are now located, you had them as OS/B on your other master plan, not differentiating where they might be, other than all over. So this says the P/B's along Logan Boulevard are the ones you counted. The P/B's along the west side of the north preserve and both sides, east and west of the north preserve, and -- that's fine. You didn't need to include the P/B's on the south property line or on the north of the two preserves. I would prefer you left those like you had them on the 341 table.

MR. RATTERREE: Okay, so that's the Nicole Ryan conversation that we remove the north P/B and the south P/B. So that 11.1 will come down to 7.6 and the preserve will go from 341.2 on this down to the 337.

CHAIRMAN STRAIN: No, no, just the opposite. This 337 goes to 341.2.

MR. RATTERREE: Yeah, yeah. I'm sorry.

CHAIRMAN STRAIN: But honestly, all you've got to do is use the master plan you had and just change the reference to OS/B on those points that you've put P/B on here along the boulevards and on the east and west sides, and then just change the reference on that master plan. It would be simpler. Then we're done.

And disclosure, I did talk to Nicole, I forgot to tell everybody that. But it was after that.

MR. RATTERREE: Nicole Ryan Johnson.

CHAIRMAN STRAIN: Yes.

MR. RATTERREE: I just know her by Nicole.

COMMISSIONER SCHIFFER: And Mark, just for clarification, we are not going in the preserves to build buffers, correct?

CHAIRMAN STRAIN: Not with this plan he's showing, no.

MR. RATTERREE: Not with the plan, correct. That's correct.

CHAIRMAN STRAIN: Okay, on the road cross-sections, does anybody have any issues with the road cross-section?

COMMISSIONER SCHIFFER: I have one comment. In the cul-de-sac you show it as not having an island and everything. And I wouldn't mind if you'd look at putting an island in there. I've lived on cul-de-sacs and -- where people drove straight at you all the time, and it's a bit fright -- until you discover putting stained glass in the window and make it an asset. But could you put, you know, islands in there?

MR. RATTERREE: No. Be direct. But Bill Fenno is here. That creates a fire problem with regard to the interior radius of the fire truck being able to get around.

The other side of that is also in a family community we get a lot of complaints about the fact that the kids don't have that little cul-de-sac to go play the ball games and stuff in. So we actually prefer not to have those in here. But I'll -- if you have any questions about the fire radius, Bill can answer. But we've --

COMMISSIONER SCHIFFER: Well, too, I'm aware of the requirements for turnaround. There is an interior radius, so you're allowed to build islands with the fire code.

And secondly, you want the kids playing in the streets?

COMMISSIONER EBERT: Yes, yes.

MR. RATTERREE: Kids are going to play where kids are going to play. And it's very -- the answer to that question is I can't tell kids where to play and where not to play. But what we have found is a lot of communities the parents complain because the kids like to have that wide open cul-de-sac to go play certain of their games. I'm just -- that's just the reality of what we've heard on our sales floor, so --

COMMISSIONER SCHIFFER: Not good testimony.

But anyway, I still think that it's a feature to landscape then. But you don't have to, I guess, and you've told us why. And hopefully no one later gets hurt and gets the minutes of this meeting.

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Back up to the master plan and just talk about the school site situation relative to the main entrance to Parklands.

I'm making the assumption, and I just want to clarify, that there's enough space in there. Will the main entrance to Parklands be served by a traffic signal?

CHAIRMAN STRAIN: I guess transportation or somebody will have to answer that.

MR. ANDERSON: Yeah. If the county finds that the warrants are met, the developer's required to put one in.

CHAIRMAN STRAIN: How does, just out of curiosity, and Tom, you might -- that's a good point. How does the school site have access?

If it's off of Logan, they're on a radius for most of the part, and the part that isn't on the radius, they're proximity (sic) to the existing opening. I'm not sure that poses problems to transportation or not.

MR. RATTERREE: We provided both the school district and the county a conceptual plan of the school layout showing the entry to that school. And both looked at it and were fine with it, so --

CHAIRMAN STRAIN: As long as Reed will acknowledge that, we're in good shape.

John's nodding yes, Reed's nodding yes. They're both pointing to one another, smiling, so I guess that means it's okay.

MR. EASTMAN: So there's room there for a traffic signal to serve both the main entrance of Parklands and a traffic signal to serve the school site.

CHAIRMAN STRAIN: Whoa, that's a different issue now. And road cut -- John and Reed, now Tom's questioning the ability to be able to put a traffic signal at both locations, the main entrance to Parklands and at the school site on whatever location they previously showed you.

They're different spacing criteria for just an opening versus a traffic light, so that --



MR. JARVI: Reed Jarvi, Transportation Planning Manager.

I've not actually seen the proposed school site. But just looking at the graphic we're showing here, the likelihood of two traffic signals would be very remote.

CHAIRMAN STRAIN: And they have to meet criteria for the traffic signal distancing?

MR. JARVI: They would have to meet distance criteria and then the warrants, which would be the volumes, volume criteria.

CHAIRMAN STRAIN: So if the school met the warrants first and got the traffic light, the project could theoretically not get one?

MR. JARVI: I think that's a theoretical process.

CHAIRMAN STRAIN: Oooh.

MR. EASTMAN: Is the reverse true?

MR. JARVI: Yes.

CHAIRMAN STRAIN: Yeah, but see, I wanted to make sure the developer understood the impact, because if you guys got the warrants because of the capacity of the school moving up faster than they got sales, and they were late going in with their traffic light, you would have it and they wouldn't. And I'm sure they're counting on one for their development. So somehow that could become an issue either between both parties.

MR. EASTMAN: I would think the school was counting on a traffic light just in terms of safety. I don't know that we have a school site that is not served by a traffic light.

MR. JARVI: There are at least one I can think of on a two-lane road. Remember, this will be a two-lane road and it will remain a two-lane road. From what I've seen typically, and I can only think of one, actually, on a two-lane road, they do not have a traffic light.

MR. EASTMAN: What is that?

MR. JARVI: 111th and Naples Park.

MR. EASTMAN: Naples Park --

COMMISSIONER EBERT: Naples Park --

MR. JARVI: Elementary or middle school, I don't remember which it is. And it could be others, but I just --

MR. EASTMAN: Would be it fair to say that that's more the exception than the rule?

MR. JARVI: I think -- I don't know that that's a true statement. I just don't know the answer. I know typically on like on six-lane roads, four-lane roads, schools typically have a signal. But I don't know on a two-lane road.

CHAIRMAN STRAIN: It's important that this get worked out. We actually have extra time on this one. It would be nice, Tom, if you got with your people and the developer and transportation and figured out a solution to the issue, so you all could come back and agree there's not a problem in the next meeting.

MR. EASTMAN: That would be good.

CHAIRMAN STRAIN: I'm not sure we'll resolve the problem today, but at least we've got a couple of weeks in which to get it accomplished.

MR. EASTMAN: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER SCHIFFER: One more.

COMMISSIONER EBERT: No, let him finish. Go ahead.

CHAIRMAN STRAIN: Architects first.

COMMISSIONER SCHIFFER: Well, no.

CHAIRMAN STRAIN: I'm just teasing you.

COMMISSIONER SCHIFFER: They're going to say no anyway, so it will be quick.

Bruce, when you're looking at the spine road here as it goes up, the ability to turn around, could you put instead of T intersections or X intersections, could you put traffic circles there so that a vehicle, and maybe an emergency vehicle, could turn around in that area quickly?

You know what I mean? There's like -- you have -- coming out of what will probably be the gatehouse, going up there's an intersection that goes into the two residential. You show two little arrows. Do you see that?

MR. ANDERSON: Uh-huh.

COMMISSIONER SCHIFFER: That's one location. Continue on further, there's the next one. That's one

location.

Where it goes just to the left, forget that.

And then up at the end you kind of show one, at least a cul-de-sac. And hopefully kids aren't playing in that one.

Before you go into the other thing, could those maybe be designed or looked at to be traffic circles? And they could be larger than code minimum. And the intent is just to be able to come back quickly.

MR. RATTERREE: You and I are just not going to get along together today.

We have one in Saturnia Falls. It is a problem. People are driving through it all the time. I hear you, but I think if you were to see the conceptual plan there, there are plenty of opportunities for people to turn in the pods and turn around.

It's just it's -- these balloons in the middle of the roads are just problems. They've been a problem for us and we just don't like doing it.

COMMISSIONER SCHIFFER: What kind of problem could a traffic circle give you? I mean, you have two stop signs going into it and the main spine goes straight through.

MR. RATTERREE: If you don't mind, I'm going to let Bill answer that, because he's the guy in the field that deals with them.

MR. FENNO: For the record, Bill Fenno, GL Homes.

We have one now in Saturnia Falls, Riverstone, and for construction traffic to maneuver it, the signs are getting knocked down all the time. We've had them in regular roadways where we've had fatalities, people going right through them. So we've had major issues with them.

COMMISSIONER SCHIFFER: Well, okay. I mean, you don't want to kill people. But, I mean, New Jersey has highways that are on traffic signals.

MR. FENNO: At one point they were supposedly a traffic calming device. And that's why everybody started recommending to install them. We did that and we've had issues.

COMMISSIONER SCHIFFER: So you have traffic circles that have two stop signs going into it.

MR. FENNO: They're not -- correct, no, there are no stop signs.

COMMISSIONER SCHIFFER: Well, I think you would --

MR. FENNO: They're yield conditions.

COMMISSIONER SCHIFFER: But don't make them yield, make them stop signs. So the roads that would normally be stop signs --

MR. FENNO: It's not a stop condition issue. It's the turning around them when you're trying to get an 18-wheeler through there is very difficult. We've had a mountable curve on the inside that we've installed and the back wheels of the vehicles take the signs down all the time.

COMMISSIONER SCHIFFER: Okay. Maybe make them bigger but -- I told you they'd say no. Go ahead.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I'm going to have to agree with Bill. In Olde Cypress we have -- on our cul-de-sacs we do have center islands. It is a big problem. You cannot get vehicles around those at all. They are going over onto people's property. In fact, a couple of people have gone out and put rocks there because there -- it's just not big enough.

And to be honest, when you do have the children, they have to play -- I mean, GL I know has great areas for them to play, but the kids still go right out in that little circle and play.

So that -- but one other thing on the road I would like to bring up is it says that it will be made out of the multi-use path, Nick, the multi-use path. Said it will be concrete here, six-inch. And actually on the original plans when Parklands was doing it, it was going to be a multi-use path. It was supposed to be 10-foot on the Olde Cypress side and nothing on the right-hand side going up. I understand going in they made them put cement on both sides.

People are looking for the multi-use path. And when worked with Mike Green on this, because I'm very familiar with all three properties in here, Marisol's going to be coming up, people were really looking forward to the multi-use path. And at the one start at the end of Olde Cypress it was going to be a 12-foot multi-use path on the west side which would go all the way around and up to Bonita Beach Road, and it was going to be asphalt. I would prefer that because that's what the people really like. They like it for biking, they like it for jogging, absolutely love it for

jogging, and they won't run on the hard cement. They want to do the asphalt.

MR. CASALANGUIDA: You're correct, Commissioner. The preference of the multi-use path has been asphalt. But typical section DCA we did not specify concrete or asphalt. The note -- or on top we didn't. Our preference is asphalt because it's easy to maintain when it becomes a public road.

COMMISSIONER EBERT: Yes, it is.

MR. CASALANGUIDA: Our preference for joggers and bikers, since I do both, is asphalt as well too. Discussion to take it out and just put asphalt, I don't think they'd have an objection. It's cheaper to construct. So we're happy to put it down as asphalt.

COMMISSIONER EBERT: Okay, we could do that. I'd appreciate it, thank you.

MR. CASALANGUIDA: You're welcome.

CHAIRMAN STRAIN: Anybody else on the road cross-sections?

Bill?

COMMISSIONER VONIER: Just to echo Diane's statements, in Imperial we have cul-de-sacs with islands in the middle. They are a huge pain. And people demand they be landscaped and they want them watered and then you have to maintain it and it's no good.

And Brad, I don't know where you played baseball, but I grew up when we all played in the road, that's where we played, for crying out loud. And you these are neighbors. And look out for your neighbors' kids playing in the road. You're happy to see them playing ball not looking at television.

COMMISSIONER SCHIFFER: I mean, like I said, I lived on a cul-de-sac, and we spent a lot of time keeping our kids out of there; that's not a safe place to be. But anyway, I fold -- I know when to fold.

MR. RATTERREE: We agreed on the asphalt.

CHAIRMAN STRAIN: Unfortunately I have my last question. It's about cul-de-sacs. In the -- unfortunately in the administrative code, Section 2004-66, we have a detail on how cul-de-sacs are to be built. It's outside the Land Development Code but it's a -- it differs from what's on the exhibit that we've got attached here that says cul-de-sac dimensioning.

Now, I don't know if staff has reviewed the contrast between these two, and I don't know if we need to ask for -- how we suggest it proceed to be different. This board oversees the LDC. I can't remember, you got 15 plus about, what, 10 or 11, you got 25 or so deviations. I can't remember how you've addressed the cul-de-sac in your deviations offhand, but if you've addressed it with a proper reference to the LDC then that's fine, we can consider it for the LDC. But if you haven't and it still pertained and here's the detail, it's still part of 2004-66, I don't know what to tell you, because that's not part of the LDC.

So I noticed that discrepancy, I wanted to point it out. By next meeting I hope to have it resolved between you all and county staff and whoever else has got to review it. But 2004-66 is going to enter into a lot of issues as we go forward with this hearing as well as the Planning Commission in general.

Then also, the footnote that Nick referred to and that -- or you all referred to Nick concerning the concrete path, my suggestion is to strike it. It's redundant. You build it the way the LDC allows you to build it. I don't care if it's asphalt or concrete. To have a specification in here may be then another deviation that I don't believe you're asking for. Is that -- do you care?

MR. RATTERREE: I do care. Let me explain why, and I apologize. But this issue was created because a -- I'm not going to use names -- individual at staff mandated to GL that the existing pathway by Olde Cypress be done in concrete. And our permit was held in abeyance until we agreed to do that. So if the intent of everybody is to do asphalt, we should put it in here so that we don't -- like George's example earlier, depends on who the person is. Well this one did depend on who the person was.

CHAIRMAN STRAIN: Okay. Well, then I got a problem for staff. First of all, I don't know how it was demanded if we've heard it could be either. If the LDC says it could be either, why would we have to restrict this developer by putting in -- it in concrete. But if we do have to restrict them and they don't have the rights of the LDC, then isn't that a deviation to the LDC, and shouldn't it be put forth as a deviation if they're going to use it as a footnote as part of the PUD?

MR. RATTERREE: I didn't say it was you. It's not you. It wasn't him, for the record.

CHAIRMAN STRAIN: Boy, oh boy.

MR. CASALANGUIDA: Leave people alone once they leave.

Anyway, Commissioner, there are times where it's considered a multi-use path, six or eight foot to 12 feet. Once it gets below eight feet, you start getting into is it a pathway, is it a sidewalk. There are certain folks that felt for maintenance purposes concrete is better than asphalt. I'm not going to get into the who, what, when, where again. Going forward, asphalt pathway is fine. It is our standard in the LDC at that width. If it was to shrink down and then it becomes non-multi-use then you get into well, maybe it should be concrete because it holds up better and the edges don't get fractured.

So I understand his concern that it should be noted as asphalt. The LDC does state that a multi-use path is asphalt. So it's the Planning Commission's reference. I have no --

CHAIRMAN STRAIN: So up to 10 feet it could be asphalt or concrete.

MR. CASALANGUIDA: Below 10 feet it goes -- we can request concrete. Ten feet, 12 feet is considered multi-use, the cross-section is asphalt.

CHAIRMAN STRAIN: The decision on whether it's asphalt or concrete, whose decision is that?

MR. CASALANGUIDA: It's review staff, engineering department or --

CHAIRMAN STRAIN: So staff can demand that the alternate -- or the option in the LDC not be an option, it can be whatever they say.

MR. CASALANGUIDA: When the width goes down, sir. At this width it would be asphalt. The LDC shows a cross-section of asphalt.

CHAIRMAN STRAIN: This particular detail shows eight-foot and 10-foot multi-use paths.

MR. CASALANGUIDA: And I -- so to take this argument away, I would agree that we just call it asphalt all the way.

CHAIRMAN STRAIN: Okay. Again, it's a technicality. Is by stating that it's going to be asphalt all the way, removing the option that's in the LDC to be asphalt or concrete, is that a deviation?

MS. ASHTON-CICKO: I'm not sure what the code section says. If it is a deviation, let's make sure we spell it out under the deviation section.

CHAIRMAN STRAIN: By next meeting when they come back we can get that clarified, can we not?

MR. CASALANGUIDA: We can.

And the exhibits along Parklands, none of them are less than 10 feet; they're 10, 12. So, yes --

COMMISSIONER EBERT: Ten to 12 feet?

MR. CASALANGUIDA: Yes.

CHAIRMAN STRAIN: Okay, I've got -- the Terafina entrance, is that going into Terafina then, it's not along -- and then the one at south of Terafina entrance to section line 1621, that shows eight feet. Isn't that -- isn't that the --

MR. CASALANGUIDA: You're looking at the PUD document.

CHAIRMAN STRAIN: Right, I'm looking at the PUD document.

MR. CASALANGUIDA: I'm looking at the DCA document with the notes.

CHAIRMAN STRAIN: Yeah, I have a note in the top of mine, it's inconsistent with the DCA. So maybe that's another thing that needed -- but I only -- I had an only -- early DCA.

MR. RATTERREE: It's in. It's built already. It's concrete.

MR. CASALANGUIDA: That's the one that's constructed. Okay.

COMMISSIONER EBERT: That one is already constructed? With --

CHAIRMAN STRAIN: Yeah, I just --

MR. CASALANGUIDA: We'll clean it up by the next meeting. We'll be clear, so if it's a deviation, we'll call it as such. If it's not, we won't.

CHAIRMAN STRAIN: Okay, Tom?

MR. EASTMAN: I just wanted to point out an additional issue. I do believe that the documents currently, and that was shown to me by the transportation folks, it restricts any additional access off of the Logan Boulevard North, other than what's shown on the master plan. So we do have the entrance into the residential project. We pass the school site and we've got another emergency entrance to the north.

But the plan is unclear showing that access to the school site would go through this main gate. So we have that issue of where the actual access is.

We have the competition for the light in close proximity from -- if our entrance is off of Logan to your main residential entrance.

And then if our entrance is off of Logan, there may be a need for a turn lane.

CHAIRMAN STRAIN: I think those are all goals to get straightened out by the next meeting.

MR. RATTERREE: Yes, just to be clear, that master plan just needs to show an access point on Logan. That was always the intent.

The one that's coming in from behind the main gate was if the school district decided that they were going to build a school there and that property reverted back, that that could then access from internal to the PUD versus having to access exclusively from Logan.

But the issue of the signal we need to have a discussion on.

MR. EASTMAN: As well as the turn lane?

CHAIRMAN STRAIN: Turn lane's a given. The road's wide enough. And in fact the cross-section of the road shows the turn lane's based on stacking --

MR. RATTERREE: I don't understand why we're obligated to build -- not trying to be argumentative, but I don't understand why we're obligated to build you a turn lane.

CHAIRMAN STRAIN: You guys need to work this off.

MR. CASALANGUIDA: Tom, are you asking him to build a turn lane for you, is that what you're asking?

MR. EASTMAN: I'm asking if our entrance is in fact off of Logan and we're in need of a turn lane, and you have plans and specs for the Logan extension, which county transportation is receiving the road, does the road contemplate having a turn lane in it as it's built and being required by the county, or are we going to have to do that after the fact as the school district?

MR. CASALANGUIDA: You would have to -- once you permit your site, because they would be putting a turn lane where they don't know where your entrance or site plan looks like. So that will be done at the time you do your site plan.

MR. EASTMAN: So if we don't know where our entrance is and the documents currently say that the only entrances off of Logan are the ones that are depicted and we're not going to depict where our entrance is, are we in essence shut out completely?

MR. CASALANGUIDA: You're going to put an arrow on your site that shows an access point.

MR. EASTMAN: Then that would indicate where a turn lane would be needed.

MR. CASALANGUIDA: That would just indicate that you need an access point. And they're conceptual on PUD master plans, so it could slide several hundred feet, depending on your site design. And you have a median based on this typical section from Parklands' main entrance to the Collier line that's got a 16-foot median, so you'd have ample space to put a turn lane in.

MR. EASTMAN: Okay.

CHAIRMAN STRAIN: But I think the issue's going to be before you put that arrow on the plan, make sure that you've worked out the traffic light issue so we know where that's going to go, by the time we get back.

Okay, does that get us through the pages of the graphics?

By the way, when staff sends us the new documents for this, when it comes back, could you send us the most updated version of the DCA? Because currently the DCA that we have is inconsistent with -- the draft I got was inconsistent with the cross-sections that we've been reviewing today.

MR. BELLOWS: Yes, we'll work with the folks putting together the DCA and --

CHAIRMAN STRAIN: Will members of staff also check this document against 2004-66 to point out how many discrepancies we have between that set of standards, and which are covered by the LDC and which ones are not. Because we're getting into all kinds of tangents that we shouldn't be getting into, but there's no way to avoid it when we have multiple documents in the county describing land use standards when they all should be in one document.

And with that, let's just give the court recorder --

COMMISSIONER EBERT: Reporter.

CHAIRMAN STRAIN: I know, but I wanted to say recorder. Let's give her a break till five after 3:00 and we'll resume.

(Recess.)

CHAIRMAN STRAIN: Okay, welcome back from break. If everybody will resume their seats.

The Planning Commission, when we do have all-day meetings, they need to stop at 10 minutes to 5:00. So

we have an hour and 45 minutes left to finish this meeting up.

Besides finishing up the Parklands, we also have to, if we can get to them, we have some LDC amendments. The first item on the LDC amendments that we wanted to hear today was the exotic mitigation issue regarding the rural fringe, because there are members of the public here for that. I don't know if we'll get to it today. The only thing I can suggest at this point is we monitor the progress and maybe around 4:00 announce if we're even going to be able to get to it in the last 45 minutes of the meeting. Right now it's touch and go.

During the break I think Bruce indicated he was nearly finished or finished. He may be finished, but this board may not be. So that's going to take some time. And unfortunately I know I have a lot of questions when we get into the deviations.

So with that, we left off with finishing up the graphics. And Bruce, you were going to go into Exhibit E. So why don't we just continue there.

And I have a lot of specific questions about the deviations, Bruce, but in order to get you through the rest of your document first before I start asking mine, why don't we get through the rest of your document and then we'll fall back on the deviations into the more detailed questions, at least for some of them that I have.

I think the item that you may want to hit on about the deviations in particular are especially what you've done on deviation number -- it was 12. Looks like you just moved it or did something.

MR. ANDERSON: Of the new deviations?

CHAIRMAN STRAIN: Yes.

MR. ANDERSON: That's been withdrawn.

CHAIRMAN STRAIN: Okay, that's what the intention was by cross -- okay.

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Then on the first section of your deviations one through 10 are your old deviations. And in those your -- the deviations have to be relevant to a section of the Land Development Code. But the section you referenced is the fact that the Land Development Code includes a reference to the construction standards manual. So in essence you're asking for deviations from the construction standards manual.

MR. ANDERSON: With all due respect, I'd phrase it a little differently.

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: We are seeking to retain the rights which presently exist.

CHAIRMAN STRAIN: Well, you repealed your other PUD, so --

MR. ANDERSON: Well, these weren't -- these were not in this PUD --

CHAIRMAN STRAIN: No, the other PUD has been repealed by this new PUD, correct?

MR. ANDERSON: Yes, but these things that are listed as existing approved, they were not in the old PUD, they were in the DRI development order.

CHAIRMAN STRAIN: But aren't both of them up here for review today?

MR. ANDERSON: They are. The DRI development order is being amended.

CHAIRMAN STRAIN: Right.

MR. ANDERSON: The PUD is being more or less replaced with a new format.

CHAIRMAN STRAIN: Okay, so you're bringing these new ones into the new PUD from the old DRI.

MR. ANDERSON: At the request of staff. We are perfectly content to leave them in the DRI development order.

CHAIRMAN STRAIN: You think by doing that it wouldn't open them up to questions from this board?

MR. ANDERSON: The engineer tells me they were in both documents, the PUD and the DRI development order.

CHAIRMAN STRAIN: In either document, since they're both up for discussion today, we wouldn't be -- we wouldn't be -- you don't think we -- think we're restricted from discussing those because they were in the old document?

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Then the decision this board will have to make is we don't have to accept anything of your recommended changes of either one of your new documents and you just fall back on your old document and do the best you can; is that what -- I think that's a counterproductive argument. We've come a long way.

But my concern with your deviations is twofold. Number one, I don't know what sections of the code you're

deviating from, because I can't get it nailed down.

And number two, I don't know why you need 25 deviations on such a small project. And it is a small project. At one time it was a big project, in fact so big it warranted a DRI, it had commercial, it had double the density, it had two counties. Now it's a rather small project. So what is the purpose --

MR. ANDERSON: We're only talking -- you know, the new ones are fair game. We're only talking about the 10 that are listed.

CHAIRMAN STRAIN: Well, I still need to understand why you're asking for them and what sections of the code they're trying to be from. The code changed. 91-102 went away. We came in with 04-42, which is the new LDC. Some of these may not even be inconsistent with the new LDC. I can't tell because I can't get the -- the only reference I get is the construction standards manual. If that is the only reference, then I need staff to understand how we're issuing deviations to the construction standards manual.

And Heidi, do we -- is this -- can you weigh in on this in any direction? Where do you see this coming from as far as legally? Are we entitled to review these items, to question them? Can we provide deviations to the construction standards manual in lieu of the LDC, or how does that work with your legal department?

MS. ASHTON-CICKO: I think the issue that maybe Bruce has is that some of these things at the time they were going forward before might have been in the Land Development Code and then moved over into the Code of Laws. I prefer to work with Bruce and see if we can't come up with language, have him pinpoint where these things are in, I think some of them are probably in the Code of Laws, and see if we can't have the appropriate mechanism, like the transportation administrator authorize those and put them in here so he can still retain them.

So I guess I'd be asking to continue to work with Bruce to come up with appropriate language to bring it up to date. And we've tried to work with him, both me and Kay, to bring these up to code, you know, as we've been going forward. And with your further direction, I think we can come to conclusion with some appropriate --

CHAIRMAN STRAIN: Okay, well, I don't have a problem, as long as the intention is to get it more defined and worked out by the next -- by whatever meeting you come back at. I'm assuming it will be the next one.

MR. ANDERSON: Yes. And remember earlier in the day when we were talking before any of the hearings today and I commented about how the old Land Development Code used to read that you could use the PUD forum to vary from any other ordinance in the county. And at the time this was approved, I believe that provision was still in effect in the Land Development Code that would have allowed that back when this was last amended in 2003.

So that's -- you know, that's part of the reluctance.

CHAIRMAN STRAIN: But as I said to you on break, though, you may be fighting a fight you don't need to fight. This project, I took a look at your layout, you are not -- this is not any kind of strange project, it's a typical residential project of a size you find all over Collier County. And you've got good product I would assume to put on there, you're going to have nice signage, it's on a new road, it's in a clean area. I think you'll do fine with it. But I'm not sure you need all this stuff that you seem to be so much so protecting so badly. And I'm trying to understand why you think you need it.

So maybe by next meeting you can take a look at it from a developer's perspective and an actual build-out perspective through your in-house people that are going to be on the ground building it and see if you really need that issue. Because there's 25 deviations or so here. I can't imagine that you need all those. And I've tried to go through the first 10 to figure them out, and I can't nail it down.

So if you can come back next meeting with maybe more of a discussion --

MR. ANDERSON: Let me let George address some of them at least now.

MR. HERMANSON: Keep in mind some of the newer ones have to do with the signage program, and that's a very organized way they want to approach their marketing.

But with respect to the old ones, there are still in existence some street standards that have to do with street geometry. They're in a book called the County Construction Standards Manual. That's where they're at.

CHAIRMAN STRAIN: Get a little closer to the mic.

MR. HERMANSON: That's where they're located. In your disclosures, Mark, remember we had a conversation too yesterday and --

CHAIRMAN STRAIN: That's right, we did, thank you.

MR. HERMANSON: The -- you expressed this concern, that that document is not the Land Development Code per se, it is a different publication. So you were scrolling up through your LDC and I later found it in section

four where it does reference the Construction Standards Manual.

So the best that I could do to comply with what you're talking about is to reference section four of the LDC, which refers to the Construction Standards Manual. It says streets shall be constructed according to that. It's very explicit.

But I'm not asking for every standard to be waived. We're only asking for those that typically no one does anymore: The tangents between reversed curves, the monuments and water valves. Nobody does that. But again, somebody could come along and say the code says it or the manual says you have to do it. So I felt we need to keep those.

Now that's irrespective of whether we can just carry those through or not. The point is I think we need them.

CHAIRMAN STRAIN: Well, I understand that. And I asked you when we spoke to tell me the justification as to why you need them.

MR. HERMANSON: Well, we didn't feel we needed that at the time. We weren't asked for it because they were a carry from the old. If you needed justification, certainly, we've written those many times before, so --

CHAIRMAN STRAIN: Every deviation that we've gotten staff does an analysis based on the applicant's justification, and then staff comes back with theirs, whether they weigh in or not, approve or deny it.

On these existing ones that were moved forward, none of that occurred, which also provided a void in regards to if it didn't occur what is the reason for it and what exactly is it we're deviating from. And that was where I was trying to understand it. We don't have the Construction Standards Manual.

Now, I think that's an issue that I'm glad you all brought up. Ray, could you send us the Construction Standards Manual, all nine of us?

MR. BELLOWS: I'd be happy to.

CHAIRMAN STRAIN: And next meeting we'll come back with a lot of questions involving --

MR. HERMANSON: There are others. There's the Right-of-Way Manual, you know, things, other things that --

CHAIRMAN STRAIN: Well, if you want to -- if we're going to open doors, then believe me, we'll open the door real wide.

MR. HERMANSON: We're not going to get into that. But my point is there are other documents that are related to the code by reference. And if you're going to be exact about it, yeah, you can point out the section in the code but then you have to take it from there and say in the actual document this is what we want. Otherwise we'd be asking for the -- to throw the whole manual out. We're not doing that.

CHAIRMAN STRAIN: See, and that all leads back to the discussion I started out with under Chairman's Report this morning, is what exactly are we allowed to issue deviations to? If you read the strict letter of the code, what does it apply to?

You're trying to throw in the Construction Standards Manual. Earlier today it was the Code of Laws. It was 2004-66. It was everything. And I'm not sure we're allowed to even recommend changes to everything as a deviation, because I'm not sure that's written that way in the code.

I've asked the County Attorney's Office to look into this issue and by next meeting, with meetings with you, hopefully we can get it worked out.

Heidi, did you have something you wanted to add?

MS. ASHTON-CICKO: Yeah, the manual that he's referring to is in section 2-10 through 2-12 of the Code of Laws.

CHAIRMAN STRAIN: Therein lies the problem. So we're back to the Code of Laws then, deviations to a document that we may not be able to make deviations to. So --

MR. ANDERSON: And that gets back to my point about why we wanted to retain them. Because they were approved at a time when the Land Development Code permitted you to do that. That's why we're reluctant to relinquish them.

CHAIRMAN STRAIN: Okay. I think the fallback -- after you guys get together and decide how vital these are to you, I mean, if you're not going to need them, don't bring them forward. But if you do need them, I'd simply need to understand them then. We need to walk through them, the ones that are not understood at least by me, maybe some of the others as to what it means you're doing differently than what everybody else in this country does. So, okay?



COMMISSIONER SCHIFFER: Mark, can I say something?

CHAIRMAN STRAIN: Yes, go ahead.

COMMISSIONER SCHIFFER: And particularly look at why you need to not have the 1,000 foot requirement on your cul-de-sacs. Look into your plan. I don't know how you would get a cul-de-sac greater than 1,000 in there to begin with. But just to keep it clean. I don't think you need those.

You are at the perimeter of the county. I mean, you can't -- Bonita Beach is north of you. So you are probably in the extreme distance for a fire department. So let's not -- and that's why that's there.

Okay, if a station's close, then I guess that's not an issue.

CHAIRMAN STRAIN: I guess that takes us, Bruce, through the deviation Section E. Did you want to move into Exhibit F?

MR. ANDERSON: Did you have any questions on the new deviations, or concerns? There are 14 of those.

CHAIRMAN STRAIN: Yes. Anybody want to start? Anybody else have before I go forward?

(No response.)

CHAIRMAN STRAIN: Number 10, could you explain that particular deviation? I understand Logan Boulevard. Here's the problem: If we have an arterial road or collector, in our standard set of details it's shown as a four-lane road, but now this one's going to be -- so your deviation's allowing it to go down to two lanes.

Now, that's a pretty good north-south link from Immokalee Road to Bonita Beach Road. I mean, to be honest with you, I'll pick it up at Vanderbilt and I'll take it all the way up to Bonita Beach Road and it will work well for me. But why are you limiting it to two lanes?

And traffic got into this, answered it partially with me yesterday. And I think it was because it necks down at Olde Cypress. But, you know, if you continue with it two lanes, you eliminate any possibility of expanding it in the future. Are we sure that that's the right thing to do? Because this deviation would lock it in and it would be done.

MR. ANDERSON: I think it's always been contemplated as a two-lane.

COMMISSIONER EBERT: Uh-huh, yes.

CHAIRMAN STRAIN: What happened to Norm Feder's everything in the world becomes six lanes?

COMMISSIONER EBERT: Norm's gone.

CHAIRMAN STRAIN: Well, John, or Reed, whoever is coming up, is there any possibility of making this a four-lane road in the future? Do we have to eliminate the possibility?

MR. PODCZERWINSKY: It's unlikely it would ever be possible. I think we would need to eliminate the possibility. The first reason why is the long-range transportation plan that's drafted by our MPO demands only a two-lane need in that section, okay.

And the other reason is that Olde Cypress development is currently in place. And also, I believe it's Longshore Lakes to the west, the right-of-way is constrained in that area. We'd have to probably look at, you know, contemplate taking homes if we were to widen it any more. So it doesn't look like it would be a feasible option.

CHAIRMAN STRAIN: Well, I didn't want to see -- no, I agree, not a good idea to take homes. They take them -- only time you get to take homes is when it has to do with Golden Gate Estates, I realize that.

MR. JARVI: Reed Jarvi for the record.

Just to add on to that, and what we are calling Logan Boulevard North extension from the county line to Bonita Beach Road, that segment that's in Lee County, what is planned is actually the western two lanes of a future four-lane road. So that segment is anticipated to eventually be a four-lane road. And the only time I could see that really happening is when and if a 951 extension comes north and jogs over and meets it, which will be -- let's see, I don't see anybody that's young enough here that will see that.

CHAIRMAN STRAIN: Okay. Well, that's the only one I had a question on, with the exception of 15, deviation number 15, the last sentence. I think we want to drop that, don't we?

MR. ANDERSON: Yes, we've struck that in this morning's hand-out.

CHAIRMAN STRAIN: In your new one?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Let's move on to -- unless anybody else has any questions?

Go ahead, Diane.

COMMISSIONER EBERT: Mark, I do have a question.

I think they made a very good point on number four with the signs, because of where they're stuck. I don't

see a problem okaying that one out of what has --

CHAIRMAN STRAIN: I don't disagree. Next time we'll probably -- if we have any concerns, we can express them next time or vote on them if we don't.

COMMISSIONER EBERT: All right, very good.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Bruce, you want to go into Exhibit F?

MR. ANDERSON: The changes to Exhibit F are again to remove the reference to hauling off-site for anything other than Logan Boulevard. And --

CHAIRMAN STRAIN: Okay. I have a question of Heidi on Exhibit F. It refers to the vesting of the Parklands DRI.

When a DRI is vested, Heidi, what parts of it are vested?

MS. ASHTON-CICKO: It's essentially vested for the density that it gets.

CHAIRMAN STRAIN: Okay. So the actual text of every paragraph and all that is not a vesting issue.

MS. ASHTON-CICKO: No, I don't believe so.

CHAIRMAN STRAIN: And does the vesting of a DRI also denote automatic vesting of a PUD?

MS. ASHTON-CICKO: The vesting of a DRI, does it --

CHAIRMAN STRAIN: Does it automatically mean the PUD is vested?

MS. ASHTON-CICKO: Not all the provisions, but the density part, yes.

CHAIRMAN STRAIN: Which is why I'm questioning your carryovers from your prior documents.

MR. ANDERSON: Well, may I say that I respectfully disagree with my colleague.

CHAIRMAN STRAIN: Sure. Did you do a VRD, a vested rights determination, for this project?

MR. ANDERSON: No.

CHAIRMAN STRAIN: You had an opportunity to do one.

MR. ANDERSON: Perhaps. I mean, we're relying on the statute.

CHAIRMAN STRAIN: And the statute is relevant to the DRI.

MR. ANDERSON: Yes, the 1985 Growth Management Act that provides that nothing in there will have an effect on a previously approved development of regional impact.

CHAIRMAN STRAIN: Okay.

COMMISSIONER BROUGHAM: Mark, I have some questions on the developer commitments and perhaps on the DCA.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER BROUGHAM: Just a question. On the second project entrance on Logan, after the 651st dwelling unit out of 850, that just seems like the extreme tail end of the build-out. I mean, just can you talk to why so late in the development that you would put that second entrance in?

Because if you're coming from the north to get down to your house -- or maybe the other way, it would seem it would facilitate an easier travel if you could come in to your property on the north side through a north side entrance rather than have to go clear down to the main entrance and then all the way back up. If you're following my question at all.

MR. ANDERSON: Yeah, yeah.

MR. RATTERREE: Good evening. For the record, Kevin Ratterree with GL Homes.

That was actually a negotiated number. Staff had some concerns that a PUD of 850 units needed to have a secondary access point, and so we negotiated to a number. If this community builds out like Riverstone, Riverstone was approved at 850 homes. That project will probably end up being somewhere closer to 700 homes. This site is -- this developable portion of this property is smaller than that. So we anticipated that if we do like a Riverstone, this would be a single-entry project and fall below that 650. We're big fans of single-entry projects. But obviously we understood staff concern that if this thing got too big that it needed to have that secondary entrance, and so we agreed to that number.

It is based on building permit, not certificate of occupancy. And as many of you who have been up to Riverstone have seen, once we get going on construction, we move pretty quick.

COMMISSIONER BROUGHAM: Approximately how many -- I know this isn't a site development plan or

anything, but how many approximate dwelling units would you have in that residential area north of the emergency entrance? I'll term it that.

MR. RATTERREE: That pod would probably be somewhere in the neighborhood of 70 to 80 homes. Back to my pointer that I stuck in my pocket.

This pod right here?

COMMISSIONER BROUGHAM: No, that and the one to the west.

MR. RATTERREE: That would probably be double, if not closer to 200 homes, because that other pod's a little bigger.

COMMISSIONER BROUGHAM: 200 from 850. You're down to 600, you're right at about the number that -- okay, I see that.

For the benefit of the two members of the public that have been sitting here all day, I'll ask you a couple of questions on their behalf, okay. There's a reference, and I asked Bruce about that, there was some reference to the expansion of the intersection with Immokalee Road and Logan. And that is depicted in your -- as an exhibit. Could you put that up on the visualizer, someone?

I think that will respond to one of your questions, ma'am. It's Exhibit D.

MR. RATTERREE: What was it earlier, the visualizer? Was that the term? I call it an overhead projector.

COMMISSIONER BROUGHAM: You're behind the times.

MR. RATTERREE: Basically what Nick had asked us to do is go ahead and do a traffic analysis, assuming the connection to Bonita, and model it after a series of different assumptions, the development of Olde Cypress and Riverstone itself, what roadway improvements were needed. None were needed to the existing configuration.

Then to model then Olde Cypress, Riverstone plus Parklands without the connection to Bonita Beach, where would we need intersection improvements to get the roadway to function at a proper level of service.

And then the other model was all three projects plus the connection to Bonita. And it was determined through that analysis that in the Olde Cypress plus Riverstone plus a portion of Parklands, that that particular intersection may fail and that would need the addition of the two additional turn lanes.

COMMISSIONER BROUGHAM: So those would -- those additional turn lanes would be constructed at what point?

MR. RATTERREE: It's prior to receipt of the 181st certificate of occupancy.

COMMISSIONER BROUGHAM: Second area of concern on the part of these folks that live in Olde Cypress is the flow of traffic going up and down Logan can be substantial. And to exit Olde Cypress might be problematic if there's nothing to interfere with that traffic flow. Are you considering or would you consider some stop signs on Logan going northbound-southbound?

MR. RATTERREE: That discussion has been ongoing, for a lack of a better way of putting it. The first conversation with the Olde Cypress residents was relative to a traffic signal at that intersection.

The county has presently installed two stop signs, one at Olde Cypress and one on the north side traveling south approach to that intersection. And then the southbound lane heading north having free flow. Those stop signs are there today.

It's my understanding, based on my conversation with Bill this morning, that there was consideration that that would be a permanent condition where those stop signs would stay.

But to be clear, I think that is an issue that Collier County needs to work out with that development. It's not something that this project having been approved for so many years and having been approved at 1,600 plus units, that issue was a situation that was not created by us, it's just simply the traffic that is now coming to be realized based on those existing approvals.

I did make it clear to Olde Cypress, I'm not interested in paying for a signal in front of their development. I don't think that should be our obligation to do that. But the stop sign configuration, they are there today. And we have no problem if the county wants to continue that, to continue it.

Do I personally like it? No. I think when you have a road that has somewhere between 18 and 20,000 trips per day, to have a stop situation in that road in two out of three directions, that's a little odd. But if that's what the county and community work out, that's what the county and community work out.

COMMISSIONER BROUGHAM: Reed, any comment on that? You ought to sit closer.

MR. JARVI: Reed Jarvi for the record.

We have talked to the Olde Cypress people, the GL representative, the design engineer several times over the last several months. Probably a lot since I've been here, which is about five months, come to the agreement that it's set up as it is, which is the stop sign southbound and westbound to give the Olde Cypress people a chance to adjust to having to stop. They've always had to stop, but since there was no oncoming traffic, they maybe didn't stop as long as they should by the law. But we want to do that.

Eventually Logan, as it punches through to Bonita Beach Road in the next few years, will become a through road and the stop signs will be removed there, plus there aren't any currently at Riverstone, but it would be the same situation eventually, and this will be a through road.

There would be -- I mean, at the times when traffic gets to be a lot more than it is now, I'm sure that there'll be something looked at for signal warrants, but at the present time it is our anticipation that there will not be signals on this road. Not saying that's not -- that couldn't change, but that's our anticipation.

COMMISSIONER BROUGHAM: Just so I'm clear regarding the stop signs, there are currently stop signs on the south?

MR. JARVI: Southbound.

COMMISSIONER BROUGHAM: Southbound.

MR. JARVI: It was primarily to stop and slow down the construction trucks coming, oh, I don't know, three-quarters of a mile on a straight road going as fast as they wanted. So it would improve the safety situation for them stopping.

Coming northbound they're coming through curves, and the thought was it wasn't as much of a safety because they weren't going as fast.

COMMISSIONER BROUGHAM: And that stop sign is envisioned to remain?

MR. JARVI: No. No, the stop sign southbound will go away with the construction traffic. The stop sign on Olde Cypress, which will be westbound on Treeline Road, at Treeline will remain, which has always been there.

COMMISSIONER BROUGHAM: Okay. I don't know if that helps you folks, but if not, you could certainly remain for the public portion of this.

CHAIRMAN STRAIN: Reed, before you leave the podium, is the Logan Boulevard from Immokalee Road to Bonita Beach Road, assuming it's completed, what kind of road is that considered by Collier County?

MR. JARVI: It would be a minor arterial. It would be a continuation of Logan, which would probably be a minor arterial.

CHAIRMAN STRAIN: We can have a minor arterial, based on our codes, at two lanes?

MR. JARVI: Yes. Arterial is really a function of what it does versus how wide it is. I will say typically we would not see a two-lane arterial, but it could be a major collector, it could be a minor arterial, which the functions are fairly similar.

CHAIRMAN STRAIN: Thank you. Anybody else?

Phil, do you have more?

COMMISSIONER BROUGHAM: No.

COMMISSIONER SCHIFFER: Question.

CHAIRMAN STRAIN: Okay, Brad?

COMMISSIONER SCHIFFER: Reed, looking at that photograph up there, is this thing going to be -- I mean, it looks like it's going through a building in Longshore Lakes. I mean, I know the Appraiser site's is not perfect, but if you look at the road coming out of the island, it's not that far off. So how tight are we going to be on Longshore?

COMMISSIONER EBERT: Longshore?

COMMISSIONER SCHIFFER: Is that Longshore down there?

CHAIRMAN STRAIN: Yeah, the project to the west is Longshore.

MR. RATTERREE: The project -- well, Olde Cypress owns -- Olde Cypress owns to right here, okay? And then west of that is Longshore Lake. So Olde Cypress actually has the corner. We've actually looked at it from an engineering standpoint and the improvement can be accomplished. We have to make some changes to the culvert that's there, but we can get those turn lanes in.

COMMISSIONER SCHIFFER: But where you put that line saying that's Longshore, what is that stuff to the east? Isn't that buildings?

MR. RATTERREE: No, it's actually some minor landscape stuff that Olde Cypress has done. There's -- it almost looks like they tried to do a design element of a golf hole there at the corner, but there's nothing really there, other than just some landscape improvements. There's no structures there unless it's like a little utility shed or something like that.

COMMISSIONER EBERT: No, there is nothing.

COMMISSIONER SCHIFFER: So where the word -- where 415 is there, those things that look like roof structures, those are not roofs?

MR. RATTERREE: Those are trees.

COMMISSIONER SCHIFFER: Brown trees?

MR. RATTERREE: Uh-huh.

CHAIRMAN STRAIN: Yes, the coloration of the photo I think is mis -- it looks like rooftops, you know, the terracotta rooftops of some kind, but it's not, it's all trees.

MR. RATTERREE: Right. And just a reminder, the 415 dimension is just a dimension. The actual lane improvements are farther to the east of that.

COMMISSIONER SCHIFFER: I was concerned that that was structures in there that -- okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, thank you, Reed.

Bruce, we might as well move on to your Exhibit F. Under -- on Page 16 of your exhibit there are three references to utilities that need to be struck, because they're already in the code, D, E and F. I had met with staff on that, so --

On Page 17 of yours, in the reference under 5.A.2 where we're back to the developer or master homeowners, you need just to change that to be consistent with the first one.

MR. ANDERSON: I guess that was -- George tells me that was the purpose of the red addition there was to refer back to that section where we had the reference to the turnover. But we can do them both --

CHAIRMAN STRAIN: All it would take is you cross out four words and put in four more. Why don't you just do that.

MR. ANDERSON: Yeah, yeah.

CHAIRMAN STRAIN: 6.A, or six all together doesn't need to be here. I don't care who you pay your fire impact -- I don't think anybody does, you just have to pay them, unfortunately.

MR. RATTERREE: Okay, this one's -- this one is one where I'm going to ask for your permission. This DRI had a condition of approval in it originally, because it originated before impact fees were generated to pay a certain amount of dollars to the North Naples Fire Improvement District for their equipment, personnel, et cetera. And through this process we were asked by staff to get a letter from them acknowledging that now that there are impact fees that we no longer need to make those payments.

When -- I went to them and said this is the situation, we're asking you to change this to impact fees, because at the time of the DRI it made those payment reference, but if impact fees come along, you just pay your impact fees, I represented to them that we were going to incorporate this into the PUD document.

I understand your issue, that it's repetitive. I would just ask for your deference, since I told them I don't like to be accused of somebody saying to me, well, you told us you were going to do something. I know I don't have the authority to do -- to actually end it in here, but even though it is repetitive, this particular one I just ask you to leave in. Because we told them that we were going to make sure the PUD document contained it. I know if you decide you want it out, that's within your purview. I just ask for your deference, since we did that make that representation, that we keep that one in.

CHAIRMAN STRAIN: Well, knowing the fire departments, that if you get this in here, they will make sure the next developer, they tell them to make sure you tell us this so you can go the Board and tell them same as you guys did so everybody has to put it in.

I don't really -- fire impact fees are a matter of record. You've got to pay them. You're not going to get out of that, whether it's in here or not.

I understand your dilemma. I think you've tried the best you can. I think your obligation has to go as far as you can control. So I personally don't like these kind of things in here; they don't do us any good, and I don't care how

they collect their impact fees, they need to do it legally and that's the way they're doing it. So I don't believe 6.A should be in there, so -- and I'll continue on that mode.

Then anybody else? I think that takes us to the end of the document. Anybody else have any questions on the document?

(No response.)

CHAIRMAN STRAIN: Before we end with Bruce, is there any other questions on any other parts of this application for either the PUD or the DRI?

(No response.)

CHAIRMAN STRAIN: The DRI is the second package back. It's as thick as the first. We also -- and Diane, so we don't do what we did last time, that includes the developer's agreement. So if you've got any issues about the developer's agreement, now is the time to bring them up.

COMMISSIONER EBERT: Yeah, I don't.

CHAIRMAN STRAIN: Bruce, when I met with you, I brought up the point that the entities that are named in both documents are not provided for as far as individuals, it's just companies. And actually, they differ between one document to the other, so --

MR. ANDERSON: The PUD document disclosure is correct.

CHAIRMAN STRAIN: Okay. So you're going to redo that into the DRI disclosure.

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: Where are the entities -- are you going to provide us those entity individuals by the next go around?

MR. ANDERSON: Probably not, no, because --

CHAIRMAN STRAIN: Okay, Heidi, can he say that?

MS. ASHTON-CICKO: The LDC requires that they disclose the property owners. And the breakdown is for purposes of the conflicts, to determine if there's a conflict of interest. So if you feel looking at the names of the entities that that's sufficient information for you to do your disclosures, then they've complied. If it's not enough information for you to do your -- you know, to do your conflict evaluation, then he needs to break it down further.

CHAIRMAN STRAIN: Well, you've got four different entities named here, none of which are individuals. I will need to know the names of the individuals of the four different entities. Unless you have a reason why you can't provide them. Are they on the stock exchange or something like that?

MR. RATTERREE: This has been a long arduous task with this particular issue. One of the entities, MFV Holdings, which I think was -- is a private equity firm, private equity firms will not under any circumstances release the names of their private equity members for public record. I mean, we've asked, we've been there 100 times on this issue.

The purpose of listing the name is to hope that a sitting elected official can look at that name and make an informed decision whether or not. But you're asking for the individual, and some of these could be hundreds of thousands of members of equity firms that individual names would have to be listed. They just simply will not do that.

For the GL related, we have an issue with doing it because ultimately what ends up happening is the children of the president of the company who are listed as members start getting phone calls from people because their names have been listed in public documents. So we try to avoid that if at all possible.

We've done what we thought was sufficient for the purpose of the County Attorney's Office. I would just ask for your deference. Some of these things we just can't simply produce. I mean, they just won't produce those documents for us. They're private for a reason. For the GL ones there are children involved, and we'd like to maintain their privacy.

CHAIRMAN STRAIN: Heidi, from your department's perspective, this requirement is in the application section of their project. Can you review whatever code or ordinances require this to make sure that it's not required to break it down further versus it's in -- it's up to us to ask for it if we feel it's necessary?

If we have that option and none of us feel uncomfortable with it, that's a different animal to deal with than if the ordinance that created the need for this says it's mandatory that individuals are listed; that's a whole different ballgame. And I just want to know which one we have to guide -- which we're guided by.

MS. ASHTON-CICKO: Yeah, I have already looked at it. And like I said, it indicates they have to disclose

the property owners, but it doesn't require necessarily the further breakdown, unless you're unfamiliar with these entities and you need to know who the particular individuals are for purposes of your conflict determination.

CHAIRMAN STRAIN: If we don't ask for anything further and we just accept this and by some fluke some one member of the 1,000 that happen to be in MFV is a member through some investment, even could be one of us, do we have a conflict?

MS. ASHTON-CICKO: Well, I think you've requested -- you've requested it prior to this meeting, you've requested it in this meeting and he's given you the information to the extent he can. So I would say that you shouldn't have any concerns approving it with the information you've been provided.

CHAIRMAN STRAIN: Thank you.

Okay, that takes us to the end of I think questions of the applicant. Thank you, sir.

Ray, staff report, is that -- who's still here, anybody?

COMMISSIONER EBERT: They left.

CHAIRMAN STRAIN: I certainly don't blame everybody.

But do you have a staff report, Ray?

MR. BELLOWS: For the record, Ray Bellows. I'm filling in for Kay Deselem.

I have been working on this with Kay and I'm familiar with it, and I think the recommendations outlined in the staff report for both the PUD amendment and the DRI amendment, I don't really have anything more to add other than staff has found this consistent with the Comprehensive Plan. And I'd be happy to answer any other questions you have. I may have to call Kay on the phone if you --

CHAIRMAN STRAIN: Page 2, the fourth bullet up from the bottom.

MR. BELLOWS: For the staff report for the rezone?

CHAIRMAN STRAIN: Staff report for the rezone, Page 2.

The sentence with a semicolon above the first bullet on that page and towards the bottom. I just want a technical correction before it goes on to the next level.

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: It says on that page, due to changing market conditions, the petitioner is requesting to amend the PUD to allow the following changes.

Actually, isn't it due to the settlement agreement that forced them to reduce from the -- not this particular owner, whoever it was at the time.

Oh, it was you guys? Okay. Well, they had to reduce it because of the settlement agreement they worked out. So it isn't changing market conditions. Usually that has a different connotation than what really happened here. So I'd just like to get that corrected so it reflects the real reason why we have to entertain this.

And then the Page 3, the third bullet, there's a reference to the fill being taken off-site to also possibly be used for fill for other county roadways. They have agreed that that's not what's going to happen, that's only going to be for Logan. So we need to make sure that reference is crossed out.

Everything else is with Bruce. Thank you, Ray.

Anybody else have any questions of staff?

(No response.)

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

MR. BELLOWS: Yes, we have two speakers. The first one is Paul Schultz, to be followed by Carol Wilsey.

CHAIRMAN STRAIN: Sure appreciate your patience all day waiting. Please just come on up and use the mic, identify yourself for the record and then we'll be glad to hear from you.

MR. SCHULTZ: Paul Schultz, the vice president of the master association for Olde Cypress.

And I'm here, I've been working with transportation and engineering for the last three or four months regards to safety of Olde Cypress in our community. We only have one access out of our community for the last 12 years. And with this oncoming of GL Homes and the 800, 1,400 homes, we feel it's a real detriment to the community. I feel it's a real safety hazard. I've had 20 years in reconstruction of accidents, and I feel like it's an obituary waiting to be written.

I thought we had an agreement that we could put a three-way stop sign in there going south and north. And that would deter, you know, the opportunity for any accidents to come up.

I've met with many times Gene Calvert of transportation. I talked to Nick. I spent time with Reed. I've spent

time with Bill Fenno, the director of land development, and he was in agreement that if we were going to do something, that a three-way stop sign would be the appropriate thing.

Again, because we've been here for 12 years, we have an older community and we have no other access to come out -- to come on into Logan Boulevard. Right now we have a stop sign that is working. Hopefully we can keep that on a permanent basis. We had also -- that's going south out of GL Homes. We'd like to have one going north, because we have a blind area with all shrubberies that can't be taken down coming out of our community. But there is a stop sign there. So we think a three-way stop sign would be appropriate to safety of the community. And that's my position.

CHAIRMAN STRAIN: Thank you. We'll ask Reed to address the issue after we hear from the next speaker too, so we get all transportation related issues in one shot. He's been getting up a lot so we have to minimize the amount of times. Thank you for your time, sir.

MS. WILSEY: For the record, my name is Carol Wilsey --

CHAIRMAN STRAIN: Didn't you live at a different location years back, south of I-75 and 951?

MS. WILSEY: No. I've been before this --

CHAIRMAN STRAIN: I thought so, yeah. I remember it was on this --

MS. WILSEY: It was relative to Logan Boulevard.

I'm a resident of Olde Cypress as well. I've been there for 12 years, from the beginning. I serve as the neighborhood rep from the Olde Cypress Homeowners Association to our master association.

I concur with Paul on the issue with stop signage, at least a stop sign coming out of Olde Cypress. But I wanted to amplify some of our other concerns about Logan.

You know, we think that Kevin Ratterree and GL Homes has been frankly a pretty good neighbor to the north of us and we don't really have any gripes at this point with what Kevin wants to do, with one exception. And we think that we do need some assistance in whatever manner GL Homes may give us, or you may, in concert with adding more homes to the traffic along Logan.

I would like something that clarifies or reiterates what we agreed to when Logan Boulevard was approved. I mean, it's still being referred to as a two-lane road. Reed Jarvi referred to it as a minor arterial, I think he called it. It had been called back then potentially a couple of different things, a collector road, a minor arterial. But it still needs to be no more than a two-lane road, and I just want that reaffirmed.

We also got -- I was fairly instrumental in getting it constrained to no more than 35 miles an hour. I would have liked it even less, but the reality is is that when you have 35 miles an hour, really most people don't do that. And that's why we need the current stop sign that's coming south at least and going north, we think, when we get more homes in there to slow the traffic down.

We did try for a calming device at one point at a traffic circle, but there wasn't enough room for it. We'd ideally love to have a street light, a traffic light. But I don't know if that's going to ever be possible. But I'm basically looking to you at the Planning Commission level to make sure certain that we keep on the record at least what we have now.

I heard Kevin say earlier that he felt that because the DRI had, you know, before he got involved, before GL Homes got involved in this project, he didn't think that it meant that he was required to assist us in getting egress out of our community. But then on the other hand he's asking you for the rights when it reaches a certain point to change and expand the intersection that is our signage coming in off of Immokalee. I don't think the two jive. I really don't, Kevin. Because there are no rooftops at that point, Brad, as you questioned. But there are a couple of monuments, entry monuments to Olde Cypress. And I think adding a second turning lane is frankly only going to encourage higher speeds. I do. So I need to go on record as saying that.

I didn't hear anyone say in any of the documentation today what kind of traffic monitoring reports they're going to do and how often they're going to do that and at what point that traffic monitoring may trigger other signals, other traffic calming approaches along Logan.

My own personal opinion is that I was very happy to see those big 90-degree turns. I talked about that years ago when they were first planning the road. But if you give people another access point, there are people that speed and that's just the way that it is. It's been very difficult for us up to this point to get in and out of our community already. And we still have another 100 plus homes coming in our own community from Stock Development. And now we're going to have 700 finalized at Riverstone and approvals being granted at some point for another 850 at



Parklands?

I would like to see a much more carefully detailed outline telling us at what point we're going to have to try to find -- and we haven't got another way out of Olde Cypress. We can't go out east because the slough's out there. We can't go across the Cocohatchee canal. We only have this way in and out. And we really don't have a lot of room.

So I'm here basically trying to make certain that you who serve as the protectors of everyone, in fairness to us look at what can be done. And, you know, if all we're asking for is a three-way stop at this point and if that's not going to work then a traffic light, we need to have something, because we've got 427 home sites in Olde Cypress, another 120 coming. I mean, I agree and concur with Paul that we will have accidents. And even with the stop sign, people are not stopping. So that's my position.

CHAIRMAN STRAIN: One thing that I believe we've assured is that the road will not be wider than two lanes, because what's being done today will lock it into two lanes. But I think that also may be a double edged sword. With the amount of capacity that you have just told us is on that road, the fact that this project is cutting it in half is a good thing, it's actually helping it.

MS. WILSEY: I agree.

CHAIRMAN STRAIN: But still, that's a -- when you take Palmira, which will go south to use to get into Collier County, that project -- and I think most people probably come to Collier before they might go to Lee, that road's going to -- for two lanes, that's going to be a pretty, pretty busy road. But that's the downside of making it restricted to two lanes.

MS. WILSEY: Oh, I understand. The reason it was restricted to two lanes, if you recall, Mark, was that there was not enough room for it to become more than two lanes. I did a very careful detailed analysis from FDOT on the width that roads could be. And we couldn't -- it could never become more than a two-lane road, at least at our section.

So even if you made it wider at another point, you're only going to create another problem by bottlenecking everything down in. The problem is that it was never, I don't think, intended. When it was approved way back when, there should have been changes made to even our development or Longshore as to giving more greater birth, but it wasn't there. So we're stuck dealing with what we're stuck dealing with at this point.

CHAIRMAN STRAIN: Okay. Well, we'll be listening to Reed in a minute. Thank you for your comments. Is there anybody else in the public, Ray, that asked to speak or was on the registered speakers?

MR. BELLOWS: No one else.

CHAIRMAN STRAIN: Is anybody in the public who has not spoken and wish to speak on this issue? (No response.)

CHAIRMAN STRAIN: Reed, can you just put everything you can on record regarding how this is going to go, so we just got it clean as best we can.

MR. JARVI: Reed Jarvi, Transportation Planning Manager.

And I'll address the ones I can remember and add to the ones I forget already.

But I'll reiterate what Mark said, is that two lanes will be the only thing we'll see, other than turn lanes, of course, up to the county line. And remember I did say at the county line it's planned to be a future four-lane road, county line to Bonita Beach Road. Don't know when that will be, but there is plans for that. And this particular developer does not control the right-of-way for the northern two lanes -- or the eastern two lanes, future northbound lanes. But it is, I guess, reserved from the project to the north. So that's what we'll be seeing in the future.

In relation to the stop signs at Treeline, when we talked about this over the last several months, as was mentioned, I believe -- I believe we came to a consensus that put what was out there. If that's not a true statement, we'll revisit it and look at putting a third stop sign. I don't think GL will have a particular problem with that and I don't think our traffic operations will if a three-way stop is the right answer. But please understand that the intention of that three-way stop was to get Olde Cypress used to having a stop sign, and from truck traffic from Riverstone.

Future -- this is an arterial or a collector, either one, it's a fairly large road. And the idea is it's connecting -- or it's a bypass for I-75, it's connecting northern Collier County with Bonita Beach Road area. So it will be a through road mainly and we won't have stop signs on it. Traffic signals would be possible but only when they meet warrants. And until such time as we have through traffic, I would be real surprised if Olde Cypress can meet warrants. Could in the future --

CHAIRMAN STRAIN: Would you expect that the stop signs would be in place though until the warrants

are met for a traffic signal?

MR. JARVI: I would expect the stop signs remain in place through the construction phases of Olde -- excuse me, of Riverstone, or to the majority of the construction phases. We've made some -- we've had some discussions with the GL about when that is, and we're probably going to lengthen that because of other issues we found out.

CHAIRMAN STRAIN: Something else you said, that this is the north-south link for I-75?

MR. JARVI: It may be a bypass.

CHAIRMAN STRAIN: Bypass? You know, in thinking about that, this is the only north-south link east of I-75 forever. I mean, forever out, I don't mean forever ever in the future, but for as far as we go there's not another one --

MR. JARVI: Well, 951 extension --

CHAIRMAN STRAIN: Doesn't go through, does it?

MR. JARVI: Well, it is eventually planned to meet Logan at the county line, which is why the four lanes is set up.

CHAIRMAN STRAIN: But isn't that all wrapped up in all this flowway and going through wetlands and elevated --

COMMISSIONER EBERT: No.

MR. JARVI: I don't think it's wrapped up, because those are all permit issues. It hasn't been -- those are issues that the 951 extension will have to deal with, but they're -- it hasn't been dealt with yet.

CHAIRMAN STRAIN: So if you go east of I-75 and you want to get north, your only choice is going to be Logan for quite a --

MR. JARVI: For the foreseeable future.

CHAIRMAN STRAIN: Okay.

MR. JARVI: The 20-year plan, the 2030 plan I think doesn't have 951 extending north and 2035 does have it. So that's 23 years from now.

CHAIRMAN STRAIN: Carol, you have to come up and use the mic. But please remember, this isn't to get into a debate with Reed. That's not what these meetings are --

MR. JARVI: And I may have missed some of the points about --

MS. WILSEY: No, I understand that. But can you respond to the question about traffic monitoring on the road and how often it will be done and who will you report it to?

MR. JARVI: The traffic -- there is no traffic monitoring required from GL Homes that I can remember, is there? Other than the PUD monitoring.

CHAIRMAN STRAIN: Well, that is traffic monitoring, though, isn't it?

MR. JARVI: Yes.

CHAIRMAN STRAIN: It's once a year, it's at your entrances to your road, and that's how it comes out, right?

MR. HERMANSON: (Nodding.)

MR. JARVI: And then as Logan Boulevard expands it will, I would anticipate, become part of the county system, which we monitor quarterly.

MS. WILSEY: Like a time table? Because if you're going to determine signage or lights based on traffic counts, how can you do that if you don't do monitoring?

MR. JARVI: Well, the traffic -- what you would do as a development would ask our -- if you're looking for a signal warrant, you would talk to our traffic operations people about doing a warrant analysis.

MS. WILSEY: What's the requirement? Just so we know.

CHAIRMAN STRAIN: It does vary. There's warrants that even have levels of accidents. So the more accidents you get in, the better possibility you have of having a light.

MS. WILSEY: Oh, that's really refreshing.

CHAIRMAN STRAIN: I know. I've been frustrated with the same issues, so -- that is the truth.

MR. JARVI: There are warrants, and it depends on the situation there. I can't tell you the --

MS. WILSEY: Is that a published document somewhere?

MR. JARVI: Yeah, it's in the FHWA Manual of Uniform Traffic Control Devices. It's also in the FDOT Manual of Traffic Studies.

MS. WILSEY: I've looked at a lot of FDOT but I don't remember that.

MR. JARVI: Yeah, they're in there. And it depends -- it's actually fairly easy once you get the numbers and it's just punching a table, and it goes yes or no. But it --

MS. WILSEY: I may ask send you an e-mail asking you to send me --

CHAIRMAN STRAIN: Yes, that would be the better way to handle it.

MR. SCHULTZ: Reed, just one question so I can report back to the community.

When you say construction and -- is when the stop signs may or may not come down, can we put a time table on that, Kevin? Is it three years, four years, five years? I mean, there's something I could tell the community? Since we're agreed on stop signs at least we can --

MR. JARVI: Our earlier discussion was about a year or so. But that was under my false understanding of their construction schedule, so --

MR. RATTERREE: Kevin Ratterree again for the record.

Let me answer one question she said regarding the Olde Cypress monument sign. The turn lane additions that are necessary do not affect their monument sign whatsoever on the east side of Logan Boulevard.

The answer is it's market driven. As I told you earlier, this was a continuation or planned to be a continuation of Riverstone. To give everybody a reference point, we're in the mid-120's in terms of contracts since we opened January 28th. So this community is selling at a very, very brisk pace. I would anticipate that we would be in a position to start land development probably two to three years, maybe four years at the pace we're on. I expect that pace to slow down a little bit naturally, so probably four to five years before we really start gearing up into the Parklands project.

CHAIRMAN STRAIN: Before you get into the Parklands project. So that means you could be in the Parklands project another four or five, based on 800 units, 200 absorption a year, four or five years for that?

MR. RATTERREE: That's correct.

CHAIRMAN STRAIN: So you're looking at nearly 10 years by the time the construction is near completion.

MR. RATTERREE: Right.

Remember, Mr. Chair, that the DO obligation for the 297th C.O. to commence construction for that connection up to Bonita, and I would expect that construction could take anywhere from six months to a year.

CHAIRMAN STRAIN: And okay, that connection --

MR. RATTERREE: Because once that connection gets made --

CHAIRMAN STRAIN: It's a different story.

MR. RATTERREE: -- it's a different story.

CHAIRMAN STRAIN: Understand.

And Ray, just another thought. Since we're now talking about five years before the project starts, do they have any issues with sunseting? Because I'd rather address them as an exemption now in this document than having to show them back up and -- no?

MR. ANDERSON: No. That's the DRI build-out date controls.

CHAIRMAN STRAIN: Okay. That's so you have it -- okay, that's fine. I wanted to make sure.

MR. SCHULTZ: So we're roughly saying 10 years, is it, whenever --

CHAIRMAN STRAIN: It could be up to 10 years.

MR. SCHULTZ: Okay. Thank you for your time, everybody. Appreciate it.

CHAIRMAN STRAIN: Thank you.

Go ahead, Diane.

COMMISSIONER EBERT: Mark, because I live in Olde Cypress too and have monitored all these, we have Mirasol coming up, the environmentalists held all developers up for six years or whatever. Mr. Ratterree I know wanted to start his project much earlier.

Originally on Logan Boulevard, and I can go back in 1985, I don't even think you had questions on it. You're right, it was originally going to be on the west side of Olde Cypress and then that became -- when it was the Woodlands that was very precious land and so they had problems with right-of-way, so they wanted to reserve something on the west -- or excuse me, it was originally supposed to be on the east side. Then they made a reservation on the west side. And they didn't ask for enough at the time and it wasn't right at the line either.

But originally when all these were put up, it was going to be Terafina, which is now Riverstone at 850,

Parklands was going to be 1,602 or 1,603. And there was going to be a school there. A lot of people that moved into Olde Cypress had no idea, because we didn't -- when you moved in, there was no road there. So I mean, that's a long history. This is a very old DRI.

CHAIRMAN STRAIN: Okay, thank you.

Anybody else have any questions of anyone at this point?

(No response.)

CHAIRMAN STRAIN: Okay. Well, I think that gets us to the end of all the discussion we need to have today, pending whatever comes back in the next meeting.

Bruce, are you requesting a continuance to the next meeting?

MR. ANDERSON: Yes, please.

CHAIRMAN STRAIN: Okay, is there a motion to --

COMMISSIONER EBERT: I make a motion to continue to --

CHAIRMAN STRAIN: That is both the PUD and the DRI, which are PUDA-PL2011-00014 -- no, sorry, Cherie', that's the wrong page. Let me get the right page.

MS. ASHTON-CICKO: Mr. Chair, can we confirm that -- can we continue this to a date certain? My understanding, we weren't going to do any land use petitions on the 21st of June.

MR. BELLOWS: Good question.

CHAIRMAN STRAIN: Why aren't we doing land use petitions on the 21st?

MS. ASHTON-CICKO: Well, I won't be here. But if you want to hear it on the 21st you can --

CHAIRMAN STRAIN: Well, I mean, life has to go on for us.

MR. ANDERSON: What other meetings do you have this month?

CHAIRMAN STRAIN: We have one on the 19th for a workshop and then on the 21st we have our regular meeting like this. Other than that, Bruce, we'd be to the 19th of July.

MR. ANDERSON: Might we try for the 19th of June?

CHAIRMAN STRAIN: The 19th of June is a workshop for the master mobility plan, we can't -- the 21st is the meeting we have, that regularly scheduled Thursday meeting.

Heidi, would there be -- Ray, do we have anything else scheduled on the 21st?

MR. BELLOWS: The only thing we have scheduled is the LDC amendments.

CHAIRMAN STRAIN: Okay, Heidi, would there be any -- the workshop for the master mobility plan is a morning workshop. If we were to hold this one on the afternoon on the 19th, would that be acceptable, or do we have an advertising --

MS. ASHTON-CICKO: As long as you continue it to a date and time certain then I think we're fine.

CHAIRMAN STRAIN: That might be an opportunity. Would you be here on the 19th?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. See what we do for you, Heidi.

MR. BELLOWS: It might be difficult to get the documents revised in time and in your hands.

CHAIRMAN STRAIN: You'd have to get them to us by next Wednesday.

MR. BELLOWS: Or earlier, since it's the 19th.

CHAIRMAN STRAIN: You're going to need all the way to -- that's going to hurt Bruce. You've got to have some meetings with the County -- discussions with the County Attorney's Office as well. You could brief somebody else to fill in while you're gone on this one issue, couldn't you?

MS. ASHTON-CICKO: I can.

CHAIRMAN STRAIN: I mean, it might be the only way to do it unless they want to go to the 19th of July. If you're not going to start for five years, are you that concerned? It's not like you're going to rush in to run out there and build.

MR. RATTERREE: Based on when we started this process, I'm going to have to pay for my kids college.

CHAIRMAN STRAIN: We all have to do that right now.

MS. ASHTON-CICKO: Well, it's going to be driven by the BCC date. What date do you have for the BCC? Does anyone know?

MR. ANDERSON: Yeah, we're scheduled to go to the County Commission at their July 24th meeting.

MS. ASHTON-CICKO: Okay, then, yeah --

CHAIRMAN STRAIN: Yeah, that would hurt. Do you need the 24th meeting? I mean, do you have to hit that date since you're not going to build for so long? I mean, it's up to you guys. If it's a rush is all I'm trying to say is it's up to you all. You're the ones that are going to have to perform.

MR. RATTERREE: I've got people in my ear.

We filed in December of 2010. So we just feel like this process has taken its process. It's time to finish up. We've got partners involved with this deal that need to know that we finished. Obviously we have a settlement agreement with The Conservancy. We would appreciate if we can continue on to the June 21st meeting so that we could stay on the July 24th.

Most of the stuff that we were talking about today are really technical things. The fundamentals of this project is a reduction of density in half and the doubling of preserve. And I just feel like those should take precedent to some of the --

CHAIRMAN STRAIN: Yeah, I think the 21st is fine, but it's you all that's going to have to produce the documents in time and have the meetings in time for staff to manage it. So, you know, that's why it seemed to be a hesitance on your part more than ours. So if you guys are fine with the 21st --

MR. RATTERREE: Yeah. The other side of it is the Commission, of my understanding, doesn't even meet in August, so if you miss that cycle, then you're really talking about --

COMMISSIONER EBERT: That's correct, they do not meet in August.

MR. RATTERREE: -- September. That's why we were trying to make sure we made that last BCC agenda.

CHAIRMAN STRAIN: Okay, Brad.

COMMISSIONER SCHIFFER: Question for Heidi. Heidi, will you have time to review this before you leave?

MS. ASHTON-CICKO: It depends on if they submit it -- the reason I'm not going to be here is I'll be at the Florida Association of Counties meetings. And there's very few meetings that we ever request that, you know, we have a light agenda, and this was one that we asked because of the -- due to the meetings.

COMMISSIONER SCHIFFER: But my concern is more for your reviewing the documents than sitting there in the hearing. So as long as you have time to review it, I'm comfortable with that date.

CHAIRMAN STRAIN: Well, she'll get to review it no later than we do, right?

MR. BELLOWS: That's correct. As soon as we get the packets, we can have it to Heidi. But the key is can the applicant give it in time for staff to review, in time to make adequate comments to you.

COMMISSIONER SCHIFFER: It's up to them.

MR. RATTERREE: Why doesn't somebody just give us a date you want the document.

CHAIRMAN STRAIN: Okay, what date do you want the document, Ray?

MR. BELLOWS: Well, speaking for Kay, she would want it tomorrow, but --

COMMISSIONER EBERT: He's got a half hour left today.

CHAIRMAN STRAIN: If you have to get the package to us by Friday, you need to review it before then. Heidi can review it simultaneous with us, and whoever is going to fill in for her can come and make any comments they need to from the packets. So that would --

MS. ASHTON-CICKO: Actually, that's not correct, because we'll finalize the document with Mr. Anderson before it goes in the package; otherwise it can't go on the agenda.

MR. RATTERREE: Right. As I remember, it's been a long meeting, but as I remember the fundamental issue with the County Attorney's Office was the legal vesting status of the old deviations discussion and getting that language.

CHAIRMAN STRAIN: The schools.

MR. RATTERREE: The schools is a separate meeting. And I understand, we've tried -- I think there's trying to be a meeting set up for Tuesday sometime, so hopefully. But we will go ahead and amend the master plan to put the two access points on it for the school parcel. The issue of the signal I think can just be a continuation discussion about how that occurs.

CHAIRMAN STRAIN: But we need to know that result in order to vote. And I think that Tom can get with his people to see how necessary the signal is for the school in question. So that would work.

Well, I mean, Ray, when do you need the documents by?

MR. BELLOWS: I think if we had a day and a half, Monday aft -- like 12:00. Too soon? The 11th.

MR. RATTERREE: Is that Monday?

MR. BELLOWS: Yeah.

MR. RATTERREE: That's fine. Here I am committing for my guys that have not told me anything about their vacation schedule. Sure, 12:00.

COMMISSIONER SCHIFFER: Mark, for us, can't we just move it to the -- continue it to the 21st? Then if they don't make it, they don't make it, and we'll continue it again at that meeting.

CHAIRMAN STRAIN: Yeah, we can.

COMMISSIONER SCHIFFER: So let me do that. I make a motion we continue till the 21st of June.

COMMISSIONER AHERN: Second.

CHAIRMAN STRAIN: Motion's made and seconded. The two items that have been continued are PUDA-PL2001-00001551 and DOA-PL2001-00001550. Motion was made and seconded to continue both until the 21st. There's been -- all in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0. Thank you Bruce, thank you, Kevin, everybody, appreciate your time today.

\*\*\*Okay, that ends our regular hearings. And Caroline, I'd like to ask you a few questions before we jump into your issues.

MS. CILEK: Hello. Caroline Cilek, for the record.

CHAIRMAN STRAIN: Caroline, we have 30 minutes to go or not to go. You have on the 21st most the day, from what it sounds like. I'd like to see us be able to finish everything on the 21st, subject to any things that have to be rewritten. But that's the way the schedule's looking right now. And even if you wanted to, we could probably look at something on the 19th if we got it early enough, because that's a workshop, we're going to be here. Subject to advertising or whatever we got to do today, I think we could contemplate that day.

MS. CILEK: The items that we prepared for today could be reviewed on the 19th because they're ready to go. Any additional at least amendments that we would be bringing forward after that, I don't have enough time to prepare and get in the packet and stuff, but --

CHAIRMAN STRAIN: Okay. And I would -- my concern is that we look at these carefully, especially the first one, which is the exotic preservation, I know that's been contentious in a lot of ways.

I guess from Bruce and Bob's viewpoint, do you guys have any concerns whether it's today or the 19th?

MR. MULHERE: No.

CHAIRMAN STRAIN: Steve?

MR. LENBERGER: As long as Heidi is here on the 19th, we're fine.

CHAIRMAN STRAIN: And Heidi will be here on the 19th, that may help the matters. What do you think, Caroline?

MS. CILEK: I just want to make sure the room's available first, just on the 19th. I know that the master mobility has it from 9:00 to noon. I just want to confirm that we would be able to meet after lunch.

CHAIRMAN STRAIN: Can you do that -- well, if we take a five-minute break?

MS. CILEK: Yes, I can run and find out.

CHAIRMAN STRAIN: If we don't do the 19th, it would have to be on the 21st, as in it's already scheduled on the 21st. Heidi isn't going to be here. Is it necessary for Heidi to be here for this particular one? Oh, it is. Okay, then we will try -- then let's focus on the 19th. Let's take five minutes to find out. And if not, we'll just -- we won't get

much done today but we can jump right into it if we have to.

Hi, Ian.

MR. MITCHELL: Hi. Sorry, I -- I always listen to your meetings.

CHAIRMAN STRAIN: I'm glad someone does. We're still on record, so just -- can you tell us if we have the 19th?

MR. MITCHELL: Ian Mitchell.

Yes, the room's available for you all day.

CHAIRMAN STRAIN: Thank you very much.

Then I think that is the solution. If you guys can confirm to Ian that we want the room for the 19th for at least part of the afternoon, why don't we move these LDC amendments to the 19th. Heidi will be here and we can get into them to whatever detail we need to. Does that work for everybody?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Do we need a motion to continue them to the 19th?

MS. ASHTON-CICKO: Are you going to start at 1:00 or --

CHAIRMAN STRAIN: Well, we'd start -- the master mobility plan, Ray, do you know how long that's going to take on the 19th?

COMMISSIONER EBERT: Twenty minutes.

MS. CILEK: At least till noon.

MR. BELLOWS: My understanding was it would take at least till noon.

CHAIRMAN STRAIN: Till noon, okay. Let's make a time certain. We'll continue the LDC amendment hearing till 1:00 on the 19th in this room. Does that work for everybody?

COMMISSIONER SCHIFFER: I'll be there.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER KLEIN: I'll so move.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Made by Barry, seconded by Diane.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: We're continued for the LDC.

All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER AHERN: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

Anybody opposed?

(No response.)

CHAIRMAN STRAIN: For the LDC amendments we're continued until the 19th at 1:00 time certain in this room.

\*\*\*And that takes us to the end of our agenda. Does anybody else have anything else?

COMMISSIONER VONIER: New business?

CHAIRMAN STRAIN: Sure.

COMMISSIONER VONIER: This concern has been expressed previously by members of the CCPC, but I think the proposal I want to make is new. And after finding that the BCC allowed the Wahl boat dock variance, which staff had recommended for approval but the CCPC had denied, I read the transcript of the BCC meeting in order to better understand for future petitions where we went wrong in our deliberations.

I was surprised that specific items discussed by the CCPC were -- which led to the denial were either not

discussed or were mentioned only in passing.

It is my understanding that the function of this board is to filter land use issues from staff recommendations and to provide an opportunity for considerable public comment. It seems that when the CCPC and the staff differ in their recommendation that a red flag should be present in the consent agenda.

My proposal is simply that we establish a policy that whenever the CCPC and the staff recommendations differ that the Chairman of the CCPC or his designee shall write a position paper outlining specifically the reasons for the CCPC majority opinion. A minority opinion may also be included if a board member requests it. These reports should be forwarded and made a part of the consent agenda.

I believe it is unfair to ask the staff to interpret our thoughts and rationale to the BCC when we differ. Likewise, I believe it is irresponsible for us to not ensure that our positions when they are counter to the staff's are properly presented to the BCC.

The Jaffee boat dock variance I think is an excellent example. It has not come before us yet for a consent agenda. And if the board were to approve this approach, I think that would be an excellent place to start.

CHAIRMAN STRAIN: We've always relied on staff's unbiased position to carry forward. And I think the example you cite has already been discussed. Brad did bring it up and it was pointed out. And I think through -- at that time, and now with your emphasis, I think staff understands clearly that our sides need to be fairly presented to the Board.

I am concerned about any member of this board trying to write a paper to represent the whole. I think that could be really detrimental to the individual, including -- because I happen to be Chairman right now, I don't know how I could ever articulate all your reasons. Sometimes I don't hear them, sometimes I'm busy, and other times if I were to do it and I was wrong or I put more of my inferences in than of yours, I really don't think that's the right way to go, so --

But we do each have the opportunity to go to those Commissioners that have appointed us or any of the Commissioners that are willing to see you and express your concerns prior to the meeting. And you also have the opportunity to stand up at the meeting.

Personally, I see our forum as this board, and we do the best we can on this board. I don't bother the BCC with this board's position based on my own thoughts after this meeting.

Now, in that regard our system is maybe not the best, Bill, but I think with the emphasis that Brad earlier put on it and you have today, I can't imagine Ray's going to let something go wrong at all at this point forward, including with the Jaffee boat dock when that ever gets to the Board.

So I don't disagree there's a problem, I'm concerned about how to solve it based on your direction. I think that might be dangerous for somebody, so -- Brad?

MR. BELLOWS: Yeah, I agree. And I just also want to put on the record that staff is sometimes constrained by the Board, they sometimes cut staff off and we can't put out everything we want to say because they've read the executive summary, they read the staff report, they've either watched the minutes or read the minutes from the Planning Commission.

And I believe on the Wahl variance they did not allow staff to go on much longer. They said they read the staff report, they were ready to make a motion --

COMMISSIONER SCHIFFER: No.

MR. BELLOWS: -- so I don't think staff had a complete. But in the executive summary presented to the Board, it contained all the reasons cited by the Planning Commission for denial.

Like I said previously, staff is also staff to the Board of County Commissioners and we provide them staff's professional recommendation, and where it differs, we note the difference. Certainly we are not favoring one position over the other, we just note both positions.

COMMISSIONER VONIER: No, I wasn't implying that. I didn't mean to imply that. I just thought it was difficult for us to expect you to get into our heads.

MR. BELLOWS: I think the better way may be if --

CHAIRMAN STRAIN: It's hard for me to do that too, so believe me.

MR. BELLOWS: If that is a concern, maybe the minutes of the CCPC could be attached.

COMMISSIONER SCHIFFER: That's what I was going to say. Whenever we part company, maybe the Commission doesn't hear it into until the verbatim minutes are prepared and that's what they get to review.



CHAIRMAN STRAIN: That might help but --

COMMISSIONER SCHIFFER: And then that way they could look at the tape or they could review that thing and they can make a judgment based on that. I don't know, you know, that's a lot of time for them to review, you know, a hearing --

MR. BELLOWS: That's the only way to convey your thought completely when there's a difference. You know, the applicant when they disagree with staff they have all the time to present to the Board their position. Staff doesn't necessarily have that same amount of time.

CHAIRMAN STRAIN: Ray, I think a solution, now that at least two board members now have brought this up, highlighted it during a Planning Commission meeting, if you just come back to us in the future with how you're going to handle when we disagree, if it is by inclusion of a section of minutes, just state that so at least we know that's going to be the consistent pattern that will go forward every time there's a disagreement between staff and this board.

MR. BELLOWS: And I just want to remind everyone that we did, last time this issue was raised, come up with one process was to put on a consent item the following meeting the -- all the items cited by the Planning Commission for the recommendation of the denial of the petition. So you'll see either resolution of denial or a memorandum outlining what goes into the executive summary for the reasons for the denial.

COMMISSIONER SCHIFFER: That gives us a chance to adjust that if we're not comfortable.

MR. BELLOWS: Yes. And if you want the minutes to be added in addition to that, we can do that.

CHAIRMAN STRAIN: Yeah, I think the minutes is a -- or the section pertaining to that is a good idea. If they want to read it they have the opportunity to easily do it, or they could just discard it then.

Okay, Phil.

COMMISSIONER BROUGHAM: What I found to be effective, at least with my Commissioner, is on selected hearings or issues I make it a point to either meet with her personally or to send her an e-mail or a telephone call so at least she understands from my perspective where I was coming from, if not the entire board. And at least it gives you an opportunity of providing some color commentary along the way, which they don't necessarily hear from either side in their formal hearings.

I know that in the case of the Wahl petition, which Commissioner Fiala tried to have reconsidered, but it was deemed, you know, you can't do that procedurally, she did not fully understand the implication of that. Not whatsoever. Because there was the variance petition and then there was the extension. We denied one and approved the other. But in the extension with the restriction we put on it, it still precludes, unless they come back through, it still precludes Wahl from adding that boat lift on the one side of that dock, which was what Commissioner Fiala was hearing loud noises from Isles of Capri residents about that.

So I explained as best I could to her where we stood or where Wahl stood with both of those issues, and I can tell you she didn't quite understand it fully after the hearing.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: And then there's one other thing too is the applicant in that thing. And you can go back and look at it. Ray, I think you should too, because I think your comments about not having time isn't necessarily bulls eye. The applicant kept saying this is only about safe access to the boat. The lift is not that. The boat would be there in the exact same position to enter it or not.

So I think the staff also has to listen to what the applicant's saying and make sure the Commission understands that that may not be exactly the case. If the Commissioners are sitting there listening to this guy repeatedly saying it's safe access to boat, it's safe access to boat, they were confused, and that's not fair to them either.

MR. BELLOWS: Understood.

CHAIRMAN STRAIN: Thank you, Bill, for bringing it back up. I'm glad we -- it's always good discussion, with which we stay on track.

So is there anything else anybody has?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to adjourn?

COMMISSIONER AHERN: So moved.

COMMISSIONER VONIER: So moved.

CHAIRMAN STRAIN: Melissa, seconded by Bill.

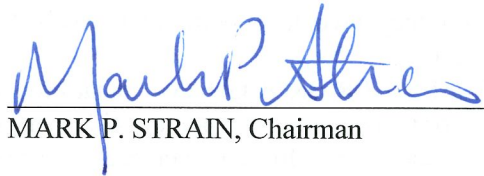
All in favor, signify by saying aye.

COMMISSIONER SCHIFFER: Aye.  
COMMISSIONER HOMIAK: Aye.  
COMMISSIONER EBERT: Aye.  
COMMISSIONER KLEIN: Aye.  
COMMISSIONER BROUGHAM: Aye.  
COMMISSIONER AHERN: Aye.  
COMMISSIONER MIDNEY: Aye.  
COMMISSIONER VONIER: Aye.  
CHAIRMAN STRAIN: Aye.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 4:30 p.m.

COLLIER COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
MARK P. STRAIN, Chairman

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 7-19-12, as presented  or as corrected \_\_\_\_\_.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.  
BY CHERIE' NOTTINGHAM