

April 18, 2013

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 18, 2013

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 (Absent)
Phillip Brougham
Diane Ebert
Karen Homiak
Barry Klein
Paul Midney
Bill Vonier

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning everyone. Welcome to the Thursday, April 18th 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. Would the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Present.

COMMISSIONER HOMIAK: Mr. Midney is absent, or not here yet, I'm not sure.

CHAIRMAN STRAIN: That's a good choice.

COMMISSIONER HOMIAK: Ms. Ahern is absent?

CHAIRMAN STRAIN: Yes.

COMMISSIONER HOMIAK: Is she coming?

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Sorry.

Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Here.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Addenda to the agenda. Does anybody have any changes?

(No response.)

CHAIRMAN STRAIN: Ray, is there anything to be changed?

MR. BELLOWS: I have no changes.

CHAIRMAN STRAIN: Planning Commission absences. Our next meeting is the first Thursday in May. I think it's the 2nd. Does anybody know if they're not going to be here for that meeting?

(No response.)

CHAIRMAN STRAIN: Okay, we'll still have a quorum.

While we discuss Planning Commission absences, I need to move into another subject under that category.

I talked to Melissa this morning. Ray, I was able to reach her today. Actually, she reached me, as she was away taking care of some family matters, so that's why she couldn't respond sooner. She has relocated to another area and will not be able to complete her term on the Planning Commission. So she will be sending you a message to effect, or me, and I'll forward it to you when I get it. So we will have another vacancy on this board.

In the meantime, when I took a three-month vacation, let's say a forced vacation, you all had elected a chair and vice chair at that time, and Melissa was the chair and she dropped to vice chair when I came back on.

I'd like to suggest that because Bill Vonier was elected vice chair, he never got to finish his term, he only got three months --

COMMISSIONER KLEIN: I move.

CHAIRMAN STRAIN: Barry moved. Is there a second?

COMMISSIONER EBERT: I'll second.

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

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: All those opposed?

(No response.)

CHAIRMAN STRAIN: And Bill, since you didn't oppose, you acquiesce then to the position.

You may want to move up to this chair, if you could then, because you're going to be called on here in a minute, unfortunately.

Ray, is there any recaps?

MR. BELLOWS: Yes. On April 9th, the Board of County Commissioners heard the PUD amendment for Royal Palm International Academy. That was approved on the summary agenda.

CHAIRMAN STRAIN: Okay. Good. It stayed on summary.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: Excellent.

We have -- oh, I'm sorry, I missed the approval of minutes on March 21st, 2013. They all were sent to us electronically. I'm assuming we all had time to review them.

Are there any changes or comments to them?

COMMISSIONER BROUGHAM: Move to approve.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Made by Mr. Brougham, seconded by Ms. Homiak.

All in favor, signify by saying aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion passes 6-0.

Chairman's report. I might as well read this now. It's a little bit out of sequence, but it's a good way to enter into it.

We have two consent items and one regular public hearing and then a new business regarding the EAR. Under the advertised public hearings we have a project called Wentworth Estates, it's a mixed unit planned development on U.S. 41 in East Naples. And the applicant is Lennar Homes. So I have -- I'm going to read a conflict: I will not be participating or voting on this matter and my reason is as follows. I have the appropriate paperwork filed with the reporter -- recorder right now. Per Florida Statute 286.01.2, due to an appearance of conflict for agenda Item 9.A, Wentworth Estates MPUD, I will be abstaining from voting on this matter. There are two circumstances involving my relationship with another community, Fiddler's Creek, where Lennar is developing multiple housing sites. The first is that this amendment may impact the competitive real estate market between Treviso Bay project and Fiddler's Creek. The second is that Lennar is developing home sites within Fiddler's Creek, and I am periodically asked by Fiddler's Creek to review Lennar designs and site work. Although I do not receive compensation from Lennar, I do receive benefits from Fiddler's Creek. Therefore, in an abundance of caution, I will be abstaining from voting or participating on this agenda item.

So at the time this agenda item comes up, I will let Mr. Vonier pick it up from there and then I'll resume after that particular item is over.

Phil?

COMMISSIONER BROUGHAM: A question on that, Mark. I think I probably know the answer. But that potential conflict of interest precludes you from even asking questions during the hearing or only from voting, or do you choose both?

CHAIRMAN STRAIN: At recommendations, I choose both. I have consulted with the Attorney's Office on this matter and they've recommended just to step down and let it go another way. And I have no conflict with that. I think that their advice is always well received, by me at least. So thank you for --

COMMISSIONER BROUGHAM: The reason I ask is we always appreciate your in-depth questioning.

CHAIRMAN STRAIN: And I enjoy that part of that, to be honest with you. So I will miss it on this one. And I wish it was simpler. But I -- this has only occurred for me once or twice before in 12 years and it's a rare occurrence, but I don't want anybody to ever think that I was doing something inappropriately in regards to those issues, so -- and with that, we will move in -- we have two consent items on the agenda. One is PUDZA-PL20120000680. It's the Palermo Cove PUD.

We were all sent a rather detailed list of highlighted corrections and changes as a result of our meeting, the last meeting we had. And a companion element to that was PUDZA-PL20120000650, Wolf Creek PUD.

And again, on that one we received not quite so many, but there were some changes to that all highlighted so we were able to review them.

Does anybody see any issues in there that are inaccurate, considering our motions and requests made at the planning commission meeting? I reviewed them against my notes and they were fine. Doesn't anybody else --

COMMISSIONER BROUGHAM: I'll move to approve PUDZA-PL20120000680, Palermo Cove.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER KLEIN: (Indicating.)

CHAIRMAN STRAIN: Barry's seconded. Mr. Brougham and Mr. Klein.
Wayne?

MR. ARNOLD: Can I interrupt one moment?

CHAIRMAN STRAIN: You're in the threshold of an approval and you want to interrupt?

MR. ARNOLD: I must. I apologize.

I'm Wayne Arnold with Grady Minor Engineering.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: There -- apparently in your packet the cross-section for Wolf Road that was revised to include the details that Reed Jarvi included were not included in your packet. I can put it on the visualizer. I thought maybe -- we sent it to Kay.

CHAIRMAN STRAIN: Kay distributed them.

MR. ARNOLD: Did it make it in your packet? I just needed to be assured that it was in your packet. It's called Exhibit C-2.

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Yeah. So then the -- as long as the motion maker and the second accept the separately districted cross-section C-2, is that okay with you too, Barry?

COMMISSIONER KLEIN: Yes.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Thank you, Wayne, for the clarification.
Is there any further discussions?

(No response.)

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

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion passes 6-0.

The next consent item is PUDZA-PL20120000650, Wolf Creek PUD.

Is there any discussion on this matter?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER VONIER: So moved.

CHAIRMAN STRAIN: Mr. Vonier.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Ms. Homiak.

Any further discussion?

(No response.)

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

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion passes 6-0.

Thank you, gentlemen.

That was a -- for those of you in the audience who are coming up on the regular hearing, that was a consent hearing. That's a project that already came before us, and we just are acknowledging that the corrections we requested at that meeting were properly instituted in the documents that were sent out to review today. So it's not like it's a brand new hearing. Your hearing is going to be quite a bit different.

Now, with that we will move into the advertised public hearings. And the first one up is Wentworth Estates Mixed Planned Unit Development, MPUD, and it's PUDA-PL20120001126.

And with that, I will leave Mr. Vonair with the rest of it at this point. Sir?

COMMISSIONER VONIER: You're going to leave?

CHAIRMAN STRAIN: I'm going to sit in the audience. I'll come back up after we get done with

9.A. Thank you.

ACTING CHAIRMAN VONIER: What do we do first?

COMMISSIONER BROUGHAM: We need disclosures first.

ACTING CHAIRMAN VONIER: Yeah, I guess -- are there any disclosures, Tom?

MR. EASTMAN: No.

ACTING CHAIRMAN VONIER: I consulted with -- I visited the Lennar property and consulted with Mr. Anderson.

COMMISSIONER HOMIAK: I spoke with Mr. Anderson and briefly with Commissioner Fiala.

COMMISSIONER EBERT: I spoke with Bruce Anderson also and staff.

COMMISSIONER KLEIN: Last Friday I went and had a meeting with Bruce and Darren and Russell, and that's what I have to -- that's it.

COMMISSIONER BROUGHAM: I met with Mr. McMurray, Mr. Smith and Mr. Anderson on-site at Treviso Bay.

ACTING CHAIRMAN VONIER: All those wishing to speak on behalf of this petition, please rise and be sworn.

(All speakers were duly sworn.)

ACTING CHAIRMAN VONIER: Mr. Anderson?

MR. ANDERSON: Good morning, Mr. Chairman, Commissioners. My name is Bruce Anderson.

I'm with the Roetzel and Andress Law Firm and I'm privileged to be here today on behalf of Lennar Homes.

I've got a few people I'd like to introduce at the beginning here. First of all I'd like to introduce Darin McMurray, who is the division president for Lennar; Russell Smith, who is the senior vice-president. And the members of the project team are Margaret Perry, Planner with Stantec; David Wilkison, an engineer with Stantec; and Jeffrey Perry, who is a transportation planner also with Stantec.

I'm going to keep my presentation exceedingly brief and so you'll have plenty of time to answer questions -- or ask questions.

And I'll begin by saying that this is a PUD amendment for Wentworth Estates. It's been developed under the name Treviso Bay.

At the outset I want to make clear, I think most people have learned of this, but I want to make it on the record, that the density request has been reduced to only request an additional 250 homes. So the new total would be 1,450 dwelling units on approximately 1,563 acres.

That comes out to be a density of .93 dwelling units per acre. The Growth Management Plan allows three dwelling units per acre on this property.

I would say that the request of Lennar is comparable to their next door neighbor, Sable Bay, which has a density of .85 dwelling units per acre.

Other approved residential zoning in the surrounding area ranges from RMF-6 units per acre to 2.75 units per acre. So Treviso's proposed density is certainly compatible with the surrounding area.

I would also note that Lennar is staying within the existing approved development footprint. All of Treviso Bay has been platted.

Lennar has worked very closely with Treviso residents and met with them often individually and in groups.

The results of those meetings -- you will find this item in the correspondence section of your agenda packet near the end.

The results of those meetings with the Treviso residents are the reduction in the density request. And if approved, there are very specific restrictions on the most intensive land uses that can occur on the eastern portion of the property, which is the only portion that is partially developed. The details and depictions of those restrictions, as I said, are in your agenda packet.

This is the proposed master plan. One of the significant deletions in this PUD amendment is the elimination of the category of medium high density residential. It's abbreviated as MHDR. This category currently allows up to 12 multi-family buildings, up to 90 feet in height. Those areas are depicted in green on this master plan.

In its place, Lennar requests the ability to build four stories of medium density residential, not to exceed 50-foot zoned height and 55 feet actual height.

And for the low-density residential category, they are proposing to add to bring up to date the actual height measurement and not just the zoned height. And the actual height would be limited to 50 feet.

These height changes, together with the very specific development restrictions on the eastern portion of the property, balances the density request. And I would argue that the net result is enhanced internal compatibility because of the new development restrictions and the elimination of 12 90-foot tall multi-family buildings.

One of the other smaller items that is included in the PUD amendment is the incorporation of a 5.35-acre FPL parcel that is inside the PUD but was excluded originally because FPL had operations there.

There are also four new deviations. Those and the existing approved deviations are all recommended for approval by the planning department. And Lennar is in agreement with all of the conditions proposed by staff on those deviations.

There are also some housekeeping measures in the PUD text and table that you have before you. I'd like to briefly go through those.

The first is a modification to impose stricter standards on buildings greater than two stories. That addition is shown in green on the development table on the overhead projector. And it is a new footnote that requires a greater distance setback for buildings over two stories. It's even the numbers shown in the table, or half of the building height.

Moving along, in Section 2.13 we'd like to add the statement to recognize that this project exceeds the native vegetation prevention requirements. The new sentence -- two sentences would add, quote, the required native vegetation retention acreage is 258.68 acres (10,034.72 acres times 25 percent).

The MPUD master plan provides for 2.91.94 acres of preserve or 28 percent native vegetation retention. End of quote.

In Section 2.19 of the PUD, the last sentence is being deleted because it conflicts with the excavation limitations in place in the Land Development Code.

In paragraph -- or Section 7.6, the last paragraph number nine which talks about establishing a water quality monitoring program in consultation with The Conservancy and Rookery Bay, that language will be retained.

And deviation number 10 -- this may put you to sleep. Deviation number 10 would be changed to read: Water main connection between the two LDR areas instead of a reference to between the LDR and MDR areas. And that is because the MDR area involved -- has been voluntarily reduced to low density residential.

In conclusion, for now, I would point out that a number of those who previously wrote letters of objection have formally withdrawn their objections. And hopefully you have received those, I believe, from your planning department since the agenda packet went out.

I and the other members of the project team and the Lennar officials are available to answer your questions now and later. And we thank you very much and request -- respectfully request your recommendation of approval.

ACTING CHAIRMAN VONIER: Any questions, Planning Commission?
Phil?

COMMISSIONER BROUGHAM: Bruce, couple of things. On the attachment, it's not labeled here -- the attachment that went out with the letter? Yes, that one. Can you comment at all at this point as to general plans for that area east of the FP&L easement that goes up the middle? I mean, I see obviously the conceptual roadway's going in there, but is there any thinking as far as what product would dominate those areas?

MR. ANDERSON: No, sir. It's going to be solely reaction to whatever the market conditions are when this becomes opened up.

COMMISSIONER BROUGHAM: All right.

And it's probably buried in here, but I couldn't find it, what buffering if any is set aside on either side of the FP&L easement between let's say Tracts D and E, and then down at bottom, G, H? The FP&L easement runs, what would it be, north to south I guess? Is there any buffering or shielding between the residential units and the FP&L lines?

MR. SMITH: Regarding area D -- I'm sorry, for the record I'm Russell Smith with Lennar.

Regarding area D on the master plan, on the other side of the FP&L easement, that is specified as low density residential, so -- and we are agreeable to, you know, buffering that, and we've had every intention of buffering that between the existing tract D and what will eventually go there. We haven't done design plans for that yet because we haven't designed that part of the property yet. But we're agreeable to buffering that use from the existing use.

And the same goes from the area to the west of Tract E, as the -- as Tract E kind of heads down to the southeast, there is a preserve which you can see and a lake shown in green. The part running north to south on our master plan, we have limited that area to no more than two habitable stories and we are also agreeable to any buffering that might be required there. It hasn't been designed yet, but we're fine with buffering that area from the existing use.

COMMISSIONER BROUGHAM: You might want to during today's hearing and before we finish, you might want to come up with a recommendation. I personally would like to see some commitment to putting buffering between those residences and that easement of some sort. I'm not stuck on exactly what. And I understand, what is it, a 100-foot easement there?

MR. SMITH: 110.

COMMISSIONER BROUGHAM: 110 foot? And lines. I mean, you're not going to see over the

power lines, I understand that. But we could maybe dress it up and --

MR. SMITH: Okay.

COMMISSIONER BROUGHAM: -- moderate that.

I have a couple more. Whether it's for you or for Bruce.

Bruce, basically what is being asked now with the 1,450 revisions is approximately a 20 plus percent increase over the 1,200, somewhere in that neighborhood.

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: I'd like you to speak to one of the concerns brought out in one of the memos we received was regarding the amenities. If you're growing the number of units and it's 250 plus units, you're going to have potentially 300 more residents at peak occupancy.

What accommodation are you making or have you already planned to accommodate those folks in terms of the clubhouses, the swimming pools, tennis courts, et cetera?

MR. ANDERSON: Individual swimming pools, individual development bought swimming pools have been added by Lennar. Those are open to all members of the community, regardless of the location.

COMMISSIONER BROUGHAM: And those are associated around the multi-story units --

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: -- primarily?

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: And those are open to all residents?

MR. ANDERSON: All residents, yes.

COMMISSIONER BROUGHAM: Do you have any sort of a ratio or approximation of what those additional swimming pools versus the increase would be in terms of the units? I mean, prior to this with the 1,200 units there was a golf clubhouse planned, and beyond that I'm not certain. Maybe there were the tennis clubs and so forth. And so that was some sort of a square footage ratio of amenities per unit.

And you've increased the -- my concern is if you've increased the units by 20 some percent, are you compensating sufficiently for those increased number of residents at peak time with additional facilities?

MR. ANDERSON: Certainly with regard to community pool areas.

There is a distinction, a huge distinction in the proposal that the prior developer planned and the -- how Lennar builds their successful communities.

There's been an assertion by some that Lennar is reducing the amenities or the size of the clubhouse, and that is an unfair apples to oranges comparison. Under the previous developer all residents within the community were required to join the fitness center and spa and pay a membership fee of \$25,000 for the privilege to join. Their annual dues in relation to those facilities were \$3,600 a year. And if they elected to join the golf club, they were required to pay an additional upfront fee of \$90,000 and additional annual dues of \$9,500. In addition to all that, everyone was subject to annual master association fees of \$3,000. Thusly the members of the community were charged \$25,000 upfront and \$6,600 per year for the social membership. And the golf members on top of a social membership -- or including that, full golf members were charged \$115,000 upfront and their dues were \$16,100 per year.

The critical distinction is that these clubs were designed by the developer to remain the developer's property. And a source of income, even after all the homes were sold they would continue to be operated as for profit businesses within the community.

Under the present arrangement that Lennar has put in place, every purchaser will receive at least a social membership and the amenities, which entitles them to use all the amenity facilities in the community except for the right to play golf. And the golf course will be limited to somewhere between eight and 900 purchasers who will receive golf membership when they purchase specific homes.

In all cases this membership is included in the purchase price paid for the home, with no additional membership fees required. The annual dues for social members under Lennar are \$1,646 annually, versus \$6,600 under the previous developer.

And for golf members the dues are \$4,400 for golf privileges annually, versus \$16,100 under the previous developer.

Also, as part of the turnover process, when Lennar is nearing completion of their communities, all of

the facilities are turned over to the residents at no additional cost, debt free, for them to manage and use as they see fit.

Again, that is in stark contrast to the business model that was proposed by the previous developer. Not-for-profit entities such as Lennar uses in their communities for their amenities and the dues that are paid by residents are structured only to cover the costs of operating the facilities.

COMMISSIONER BROUGHAM: Thank you, Bruce.

One more question, if I might.

In your application under -- well, it's Page 8 on mine. It's within transportation, I believe. Application. Page 8 of the application where it starts out, it's referencing at the top PUD rezoning consideration, blah, blah, blah. Are you there?

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: Okay, on Page 8, item number seven, it says: It should be noted that the transportation concurrency for this project is vested and the developer is entitled to a certificate of public facilities for transportation for up to 1,000 dwelling units.

That seems to be in conflict with both the 1,200 and now the proposed 1,450.

MR. ANDERSON: My recollection is that it's for the 1,200. I may be in error, but --

COMMISSIONER BROUGHAM: I don't understand, if it's saying for up to 1,000 dwelling units and you were previously approved for 1,200, there's a gap initially of 200 units. And now with a proposal to go to 1,450, there's a gap of 450 units vis-a-vis this transportation concurrency. We are on the same page, correct?

MR. ANDERSON: Yes, we are on the same page.

Mr. Smith is seeing if he can verify that information. But my recollection is that it is for the full 1,200.

COMMISSIONER BROUGHAM: What happens if 250 people don't have cars, Bruce? That's a sarcastic question.

MR. ANDERSON: They'll pay impact fees, and they'll be subject to concurrency management.

COMMISSIONER BROUGHAM: Okay, that's the distinction here.

MR. ANDERSON: Yes, these ones that are vested for transportation concurrency is because the road impact fees were paid up front for them.

COMMISSIONER BROUGHAM: Okay, that clears it up.

And with the additional units then, the impact fees are paid when the units are at some point, SDP or CO'd or something.

MR. ANDERSON: Yes, yes, the county now has it structured where you pay a little bit at different stages of the development review process.

COMMISSIONER BROUGHAM: That clears it up.

MR. ANDERSON: Oh, and -- no, nothing to do with that. Thank you.

COMMISSIONER BROUGHAM: I'm done, bill.

ACTING CHAIRMAN VONIER: Any other questions from the panel?

COMMISSIONER EBERT: Are we going to go through the PUD page-by-page?

ACTING CHAIRMAN VONIER: We can, yes.

COMMISSIONER HOMIAK: We need to hear the speakers.

COMMISSIONER EBERT: Yeah, we do need to hear --

ACTING CHAIRMAN VONIER: Ray, could we have registered speakers?

MS. DESELEM: Did you want the staff report first or did you want --

ACTING CHAIRMAN VONIER: Yes, let's have the staff report first.

MS. DESELEM: And go through the PUD with the applicant?

ACTING CHAIRMAN VONIER: Let's do it.

MS. DESELEM: Which do you want to do, the PUD with the applicant or staff report?

ACTING CHAIRMAN VONIER: Staff report.

MS. DESELEM: Okay. For the record, Kay Deselem, Principal Planner with Zoning.

And there are other staff members in the back that can assist with specific questions regarding

transportation or the GMP or other issues that might arise.

You do have the staff report. It is dated last revised 3/27. It's a 23-page document. And it begins with recognizing who the property owners are; the requested action telling you where the property is located; there is a zoning map and a copy of the current master plan, as proposed; there is a description of the project with bulleted items explaining what the requested changes are; there's a discussion about the surrounding land use; there is an analysis of the growth management consistency with recommendations from the Conservation and Coastal Management Element, the Transportation Element, as well as the Future Land Use Element.

All recommendations are that this be found consistent with the overall Growth Management Plan.

You also have reviews from fire and environmental and transportation staff and zoning services staff.

Beginning on Page 7 is a deviation discussion with staff's recommendations for all the deviations as requested. And then it is followed by the findings of fact in support of the staff recommendation.

And then finally on Page 21 begins the recommendation of staff. We are recommending approval with some stipulations regarding the deviations.

And staff respectfully recommends that you find the project consistent and we recommend approval of it.

MS. ASHTON-CICKO: Kay, you'll need to go over all the deviations, because they don't have the deviations in their package. So you'll have to put a sheet up so they can make sure they're aware of what those are.

ACTING CHAIRMAN VONIER: We have the deviations.

COMMISSIONER HOMIAK: It's not with the PUD.

MS. ASHTON-CICKO: It's not attached to the ordinance, so somewhere in the back of the deviations are there (sic). So if you all were able to follow, then she doesn't need to go over them. But if you want her to, then --

COMMISSIONER BROUGHAM: All the deviations were in the staff report, at least, at a minimum. At least in mine.

MS. DESELEM: Yeah, the list actually inadvertently got left off the PUD ordinance. But they are discussed at length in the staff report.

COMMISSIONER EBERT: I do have a couple questions. Maybe this is for Bruce. With the staff report, I've got things.

MS. DESELEM: The deviation discussion starts on Page 7.

COMMISSIONER EBERT: Yeah, I know.

On deviation 10, on Page 13, I notice that you want a longer cul-de-sac, 2,500 feet long. Is there going to be a turnaround in there in the center somewhere?

MS. DESELEM: Sorry, I didn't mean to interrupt.

Staff is recommending that. And the applicant has acquiesced to that.

COMMISSIONER EBERT: Okay. And I notice this is done okay through utilities. What about fire, do they get to look at the --

MS. DESELEM: They did review it also.

COMMISSIONER EBERT: They did review it also?

MS. DESELEM: Yes, ma'am.

COMMISSIONER EBERT: Okay.

The other question I had was the deviation seven where you have the homes for 10 years as models. That is a very long time. Most of them are recycled. No one wants to buy a home that's been a model for 10 years. I think last time we kind of did a recycle in five years. You want it for 10 years?

MR. ANDERSON: The last one I was involved in, the GL Homes, it was certainly -- it was more than five years.

COMMISSIONER BROUGHAM: If I might comment on that? I think the distinction, Bruce, correct me if I'm wrong, you're asking -- there was a previously approved deviation stating you could have model homes on-site for up to 10 years. And that's not to be construed to mean the same model will be sitting there for 10 years. I mean, that's -- I think the last time this came up it was -- there was some life cycle

purported by the previous developer that says we're going to sell a given model within a three or four-year period --

COMMISSIONER EBERT: Yes.

COMMISSIONER BROUGHAM: -- notwithstanding the fact that we may build a different model for a different product there and be able to construct these and have them on-site for a period of 10 years. And if the wording isn't clear, maybe we need more specific wording. But that was my understanding of the previous discussion.

COMMISSIONER EBERT: That's correct, that's correct.

MR. ANDERSON: My recollection on this specific deviation is that there was no time limit and that we are imposing one for the first time, and requiring to come in for a conditional use approval if the project hasn't sold out and there are still some model homes there 10 years from now.

COMMISSIONER BROUGHAM: Well, it was previously approved. I look to staff to explain the previous definition interpretation then. Deviation. Deviation seven was previously approved, so I'd look to staff to explain what was meant by the previous deviation.

COMMISSIONER EBERT: Yeah.

MS. DESELEM: If I understand your question correctly, you're asking about the reference to Parklands?

COMMISSIONER EBERT: No.

COMMISSIONER BROUGHAM: No, model homes.

MS. DESELEM: But in deviation number seven we note that the same deviation was approved for 10 years in the Parklands deviation. Is that -- because I'm not understanding your question, I'm sorry.

As far as I understand, the LDC has always had some period of limitation, that being right now is three years. And that's why they're asking for the deviation. I don't know that it was ever approved to allow model homes to be there forever. If you want to give me a minute, I'll look through the PUD and see, but I don't recall that.

COMMISSIONER BROUGHAM: The current approved deviation number seven predated this new application. And that deviation was approved for what you read, for a period of three years, et cetera, et cetera, et cetera. This deviation number seven is not -- correct me if I'm wrong, this is not a newly requested deviation, correct?

MR. ANDERSON: That is correct.

COMMISSIONER BROUGHAM: That deviation was approved when the current PUD was approved.

MR. ANDERSON: That is correct. And at that time there were --

COMMISSIONER BROUGHAM: You're not requesting any change to that?

MR. ANDERSON: No, we aren't, but staff is. They're asking to put a limit on it. And my client has agreed to it.

COMMISSIONER BROUGHAM: I want to --

MR. ANDERSON: Yes, thank you.

MS. ASHTON-CICKO: The language is on Page 2-5 under section -- new Section 2.5 --

MS. DESELEM: I just found it as well.

MS. ASHTON-CICKO: In the middle of that first paragraph.

MS. DESELEM: Yes, I just found it as well.

Yes, it was originally approved and staff is recommending a limitation of 10 years, rather than for the life of the project. Sorry for the confusion.

COMMISSIONER EBERT: No, that's all right.

COMMISSIONER BROUGHAM: All right. Now, just so we understand, staff is recommending a limitation of 10 years for the presence of model homes in the development, or for a given home? And there's a distinction.

COMMISSIONER EBERT: There is.

COMMISSIONER BROUGHAM: Mrs. Ebert's point is, and I tend to agree, you don't want a model home to go up on year one and have that same model home necessarily be there 10 years later. Nor do I think

that's the intent of the development.

MS. DESELEM: The intent of staff was that it be applied to any individual model home.

COMMISSIONER BROUGHAM: Individual or -- any and all.

MS. DESELEM: Any individual model home. Because they might put in a model home in five years and keep that one, and they might put another one in in two years, so you can't, you know, stop all of them at the same time. That wouldn't be logical, in my mind.

COMMISSIONER BROUGHAM: The deviation -- your recommendation is that you allow -- if approved, we allow model homes on-site for a period of 10 years, period, with a start date and end date, I would assume.

MS. DESELEM: No, that's not exactly the way I see it. I see it --

COMMISSIONER BROUGHAM: We're asking for your intent.

MS. DESELEM: The initial call is yours to make in your recommendation.

MR. BELLOWS: Explain how you're wanting it to read.

MS. DESELEM: Yeah. The way we want it, it would be applicable to each model home that's approved through a temporary use.

COMMISSIONER BROUGHAM: Okay.

MR. BELLOWS: Especially if they're phased over time. They may build one five years after and --

COMMISSIONER BROUGHAM: You start out with no model homes, for example, you build a model home, you go in and you get a temporary use permit for a model home. It has a life cycle then of 10 years, period, for that home.

MS. DESELEM: That's correct.

COMMISSIONER BROUGHAM: And if you build a second one six months later, you go in and you get a temporary use permit for that, the clock starts on that guy.

MS. DESELEM: Correct.

COMMISSIONER BROUGHAM: And staff monitors, or someone monitors the life cycle on those homes so that each -- any individual home is not sitting there for longer than 10 years. That's --

MS. DESELEM: Yes, sir, that is what our intention is.

COMMISSIONER EBERT: Wow. That's a long time to sit there.

And is Lennar asking this just for their -- just for your model homes? Because I understand there are other builders in there.

MR. ANDERSON: It's for anybody who's building there.

COMMISSIONER EBERT: That they can put up a model home and it can be there for 10 years?

MR. ANDERSON: Yes, ma'am.

COMMISSIONER EBERT: Wow. That's a long time.

COMMISSIONER HOMIAK: But that's what we've done in the past with the --

MS. DESELEM: Yes, the deviation is applicable to the entire PUD. We don't divide it by who's building it.

COMMISSIONER BROUGHAM: But in other developments --

ACTING CHAIRMAN VONIER: We have done that in other developments.

COMMISSIONER BROUGHAM: -- typically that's --

MS. DESELEM: Yes.

COMMISSIONER BROUGHAM: -- the limitation we've put on. Okay, fine.

MS. DESELEM: It's common for a large project to have more than one person building.

COMMISSIONER EBERT: Oh, no, that isn't it. One home sitting for 10 years as a model is a problem. If you, you know, do a model and about three years later you sell it and do another one, that's fine. But to have one sit there for 10 years is a very long time.

Okay.

ACTING CHAIRMAN VONIER: Any other comments on the staff report?

(No response.)

MR. ANDERSON: Mrs. Ebert, I just wanted to make certain that we all understood that at present there is no limitation whatsoever. And staff has requested the 10 years and we have agreed to that restriction.

COMMISSIONER EBERT: Bruce, can you tell me a couple things? Do you -- the clubhouse, how big is that going to be? How many square feet?

MR. McMURRAY: My name is Darin McMurray; I'm a division president for Lennar.

And hopefully you have a history, a little bit, of U.S. Home and Lennar. I mean, I think we had the first DRI here in Collier County, Lakewood, which is back in the old U.S. Home days. We've been building these bundled communities for really my life with the company, some 25 years.

So really, we look at the market demands, we look at our community and we design those clubhouse and those features around our community.

Right now the main clubhouse is not designed. We're in contract with Dave Humphrey, a local designer that we're trying to use the original shell. The original shell was some 65,000 square feet. The new clubhouse will not be 65,000 square feet, but it will be 30,000 plus.

But as Bruce explained, this is a totally different club. This is a bundled golf, bundled community club. The residents will need to support this when we turn over the club. This is not a for profit club. The old club was really a for profit club, it was a business club. This is a non -- this is a bundled community, a not-for-profit club.

And my job is to make sure that the community can support the club. We have two clubs. We have a resorts center that's under construction, which is approximately 15,000 square feet, the main structure as far as -- that includes breezeways, walkways, lanais, as well as the fitness, which is far bigger than our last club that we built in Heritage Bay. You know, we've built Heritage Bay, Foxfire, Countryside, Cedar Hammock, Naples Heritage. We have a long history in these bundled type communities.

You know, I'm proud of where we're going with Treviso. And every one of them just gets better. And today I feel very comfortable to say this will be one of Lennar's finest communities ever. Sanjay, the original developer, did a great job with the entry features, bridge and everything he's done in the layout of the community. And our job is to compliment and make this a proud home that all of our residents can enjoy.

But the main clubhouse is under design right now. And as far as committing a square footage, you know, I'm not here to commit one today. But I can tell you, it will be as big if not bigger than what we've done at Heritage Bay.

And again, square footage is one thing, but we want a club that's very efficient, one that we can maintain and one that we can be proud of. And I can assure you that we'll have that at Treviso.

But there's two clubs in Treviso. There's a sports club that houses the fitness, aerobics, a resort style pool, a lap pool, eight tennis courts, a practice court, two bocce ball courts. A lot of amenities. More than I've ever had in any club.

There's some great opportunities in Treviso, and we're taking advantage of that, and that's what we're very proud of this community. But I really can't give you an exact square footage to that clubhouse today. But I think we're working with what I think is one of the finest architects out there in Dave Humphrey, and we're very proud. Some of his clubs that he's done is Grey Oaks and some other major clubs in the area, as well as around the United States. So we think we've got the best to really hopefully give our residents one of the finest clubs out there.

COMMISSIONER EBERT: How big is your sports club?

MR. McMURRAY: The sports club has actually -- there's a number of different structures, but the main structure which includes the breezeway into it and everything else is right around 15,000 square feet. I don't have the exact number, but it's 15,000 and some change, which is under construction. That houses a salon area, which will have a massage area for our residents, nails and hair, an aerobics room, a fitness room which is bigger than our last club in Heritage Bay, plus a little locker area, restroom facilities, plus there's an outside bar area, a pool cafe, there's a tennis center. There's, like I said, eight lighted tennis courts, a practice court. We're also going to have a shooting basketball area for our residents, a spa for the residents, a lap pool, resort pool. I'll be honest with you, I've never done anything like it.

So we're very proud of it, very excited. We've hired I think one of the best contractors here in town, DeAngelis Diamond, to build it. So we're very excited about where we're going.

COMMISSIONER EBERT: The clubhouse, when do you plan on starting that?

MR. McMURRAY: Right now it's under design. And when I say that, the thinking is progressing.

We are not -- we have not finished any type of design other than concept drawings.

But I would hope that -- you know, again, it all depends on sales and the success of this project. But right now we're looking at some time to start this before the year 2015, if not better.

COMMISSIONER EBERT: We should probably have a date in here, in the PUD, as to when, when there's so many homes or -- so the residents will know when this will be built.

MR. McMURRAY: You remember, I've got a -- when I build this club, they've got to support it. So, you know, the timing of that is very important. And a lot of that depends on the success of the community.

And yes, we're having a little bit of success now in our lives, but I just came through one of the probably worst things that I've experienced in my life with this company in this economy, and I don't want that to happen again.

And you know what, with these big clubs, they go through another cycle. You know, you look out there today and, you know, we've got some fine developments out there. You know, Quail West went through four developers. You know, we aren't -- there's not a development that we haven't finished here in Collier County. And we want to finish this. But that restriction really depends on really the success of the community in sales and everything else.

But right now, you know, I feel very confident based on where we're going that that club will start somewhere by the end of 2015. But I've got to get permits and everything else. So we've got a lot of work to do. I wish I had a crystal ball.

COMMISSIONER EBERT: Well, I understand. But the people that are moving into your community also kind of want to know when this is going to be. And if we don't have a time frame for it, you --

MR. McMURRAY: And I understand that. I'm not sure if they had a time frame on the other club, the club that unfortunately just didn't make it in the economy.

You know, we've started the resorts center. We've committed to that, and that will be done in the fourth quarter of this year. So we're very excited to have in the major amenity.

The golf course is in, which is probably the major amenity. You know, the clubhouse is fine dining. You know, we've got a pro shop, a temporary pro shop on-site. So really what we're missing is that fine dining, those locker rooms. But for the most part that resort center really is the main lifestyle club and that's under construction now. So we're very proud of where we're going there.

Plus as Bruce mentioned, we will also have, I don't know the proper term, but I'm going to call them pocket parks that might have -- you know, we've already developed one in our four-story condominium area that has a pool, a sitting area, restrooms and everything else. We'll have several of those throughout the community when we feel that it's needed. We have two right now that are finished, one from the previous developer, one from us. We have another one that's already planned, and I think we're in for permit, if I'm not mistaken. That's in our two-story tract. We'll have another one planned in our four-story tract that hopefully that will be under construction.

And of course west of the parallel lines, that's yet to be determined, but we've have additional parks there as well.

COMMISSIONER EBERT: Okay. On your -- you're bundling this golf course. Do you have a limit as to -- Bruce mentioned eight or 900. Is there a limit to a bundled golf course?

MR. McMURRAY: You know, there's no limit. You know, we've done many bundled golf communities in Collier County. I've been involved with just about all of them since 1987, '88. And of course back then the DRI threshold was 800. So of course all of our bundled communities was 799. And I remember somebody said there's a secret recipe to bundled golf, it's 800 units. Well, no, it wasn't a secret recipe, that was the DRI threshold.

So we always had -- and we kind of looked at that 400, 450 and nine. So that's why Bruce said 800 to 900. So that has yet to be determined. I don't have an exact, but it won't exceed the 900 number.

COMMISSIONER EBERT: Most golf courses, though, for a normal membership is 350 to 375 for an 18-hole if it's not bundled. So that's why I'm --

MR. McMURRAY: Those are equity clubs. And those equity clubs have high memberships just like

this club once had. \$110,000, and of course annual dues of 9,500, you know. So you want to have those golfers -- and yes, hey, three months out of the year it's very busy. It's very busy on any golf course. You know, nine months out of the year we probably have too big of amenities. So, you know, three months a year golf is very busy in Southwest Florida.

And again, we've done a number of these courses, going back to whether it's 36 holes, 27 hole, you know, we really have a good idea of what we can support. And that 800 and 900 number is that range. And we've always been pretty close in that range. Will it be 850, will it be 875, will it be 825, will it be 801? That's yet to be determined.

But as we get closer, we will define a number, and we'll define this community as far as where we end up.

COMMISSIONER EBERT: Okay, thank you.

MR. McMURRAY: Thank you very much.

COMMISSIONER HOMIAK: Could you just explain, I think some people -- this will be like Countryside, correct, with your membership bundling? Some will be social in certain sections and some will be the golf membership?

MR. McMURRAY: That's exactly right.

COMMISSIONER HOMIAK: Everybody belongs, but --

MR. McMURRAY: We've learned a lot in Countryside, because in Countryside sometimes there was memberships, different memberships in a building. And I think I still get a phone call that says Darin, did I get a membership? But today we more or less transfer that membership with the deed. We make it easier. So we learned a lot in those Countryside days.

And yes, you know, the Legends Golf Course up in Fort Myers is a great example where we had 800 and some change golf members. The rest were social. And it's clearly defined in the documents.

COMMISSIONER BROUGHAM: Bill, if I might, and Darin, one more follow-on question to Diane's. I understand what your hesitancy in committing to a date to start construction on the main clubhouse. It will be the principal clubhouse for the community. It's going to be market driven, I certainly understand that. You can't predict how sales are going to go, therefore you can't honestly commit to a construction date.

Would you feel at all comfortable in committing to start construction upon the issuance of "X" CO?

MR. McMURRAY: You know, generally it's -- you know, just like Heritage Bay, I mean, we probably built that in the worst of times where everybody else wasn't building. But I made that promise to my homeowners, and I kept that promise. And I think we built them probably one of the finest clubhouses.

COMMISSIONER BROUGHAM: Nice one.

MR. McMURRAY: You know, we probably, if I -- and I really haven't thought through that question. But if we're approved at the 1,450, you know, I would imagine that I'd need to bring that clubhouse along probably around 900, 800 COs. But I would look to do better than that. But if you wanted a commitment, you know, I would rather under promise and over deliver.

COMMISSIONER BROUGHAM: How about commencing construction up users of the 700?

MR. McMURRAY: You know, I'd feel very comfortable saying 800. I really would on that. And again, I'd --

COMMISSIONER BROUGHAM: 750?

MR. McMURRAY: -- rather come here -- what's that?

COMMISSIONER BROUGHAM: 750?

MR. McMURRAY: Boy, you're as tough as Dr. Gates. But, you know --

COMMISSIONER BROUGHAM: No, I'm playing with you.

You would commit to start construction upon the 800th CO?

MR. McMURRAY: I would. I think that feels very comfortable. And again, our date right now is 2015, sometime during 2015. Will it start December 31st? You know, I don't know. I'll be honest with you, this sports club, I was trying to start that sooner than we did. We had some delays. We had delays in designing.

And I'm not going to sacrifice a bad design. I'm going to make sure that we do the best job. Dave

Humphrey did that, took us a little bit more time, but I think the end result will be even better, because we added to.

COMMISSIONER BROUGHAM: Comfortable with that, Diane?

COMMISSIONER EBERT: Well, I just wanted something.

MR. McMURRAY: I understand. And I appreciate that.

COMMISSIONER HOMIAK: You've got to remember, Treviso Bay was supposed to be built out in 2012.

MR. McMURRAY: Well, that's exactly -- and that's true. And I don't think anybody thought this would happen in our lives. And believe me, you know, Sanjay, the original developer, he's a friend, I think he heart was there. And we still consult with him. And believe me, he's a great person, and it breaks his heart that Treviso did not make it under his watch. Because he had a hell of a dream.

But you know what, we're very excited about where we're going.

ACTING CHAIRMAN VONIER: Darin, what were the number of dwelling units at Heritage.

MR. McMURRAY: At Heritage Bay it was 1,275.

ACTING CHAIRMAN VONIER: Okay. So we're very close.

MR. McMURRAY: That's why, you know, based on -- you know, I live in a club, Heritage Palms, which is 36 holes of golf. And quite frankly, our clubhouse is really pretty good, you know, and really probably too big. But we still get those complaints, you know, we didn't have enough breakfast plates for Easter. I'm not going to build the club for Easter, you know, I'm going to build a club that we can maintain throughout the life. And those big days, yes, we know they're going to be crowded. But we're going to build a club that our residents can support. Because you've got to remember, we turn it over. We turn over our clubs debt free.

Bundled golf is -- you know, and you saw this. In the bad of times bundled golf still worked. And you saw what happened with some other -- without mentioning names, because we know those. And those were great developers. But we were trying to survive. And unfortunately they went back and had to sell them to the members and assess the members.

We don't do that. Our clubs are turned over debt free. And I don't think really homeowners that build with us really understand until the day of turnover. Because they take control of a club that we give to our homeowners again debt free. There is no mortgage. You know, it's part of your purchase with Lennar. And that's the beauty of a bundled golf -- a bundled community. It's not just bundled golf, it's a bundled community.

ACTING CHAIRMAN VONIER: Any other questions?

Diane.

COMMISSIONER EBERT: No, when we go through the PUD I will.

MR. McMURRAY: Thank you very much.

ACTING CHAIRMAN VONIER: Thank you, Darin.

Cherie', how are you doing?

THE COURT REPORTER: Good, thank you.

ACTING CHAIRMAN VONIER: Okay. Let's go through the PUD page-by-page.

COMMISSIONER HOMIAK: Are we going to do that before the speakers?

COMMISSIONER EBERT: I'd like to have the speakers.

ACTING CHAIRMAN VONIER: You want the speakers?

COMMISSIONER EBERT: Yes.

COMMISSIONER HOMIAK: Yeah.

ACTING CHAIRMAN VONIER: How many speakers do we have, Ray?

MR. BELLOWS: Seven speakers.

ACTING CHAIRMAN VONIER: Okay, I think we can do the speakers first.

COMMISSIONER KLEIN: I'd like to.

ACTING CHAIRMAN VONIER: Registered speakers. Call the first one, please.

MR. BELLOWS: Patrick White.

MR. WHITE: Morning, Mr. Chairman, members of the Planning Commission. My name is Patrick

White. I'm with the law firm of Porter Wright.

I'm here today representing a group of Treviso Bay homeowners who themselves, a couple of them at least, will be speaking today. And my comments are intended to be more of an overview and an introduction.

The gentlemen in fact who I represent are Dr. Gayes, previously mentioned, Mr. Ed Graft, both of whom are here, and Mr. Joseph Newcome; I don't believe I see him in the audience.

I was engaged to help understand the process and to guide the homeowners in their evaluation of the application, as well as the staff report and their discussions with various members of the Lennar team, as well as some members of the Planning Commission and others on staff. As well as others in the private sector who have stakeholder interest in this develop as well.

And I say that because this is a fairly atypical representation for me, not only in terms of the scope of the representation but in regards to my remarks as well.

What I'm hoping to leave you with is a sense of what is in between the lines, if you will, of all of the regulations, the application, the staff report, and the letters that you've read. It comes down to a question of fairness and equity, and the idea of what happens to the expectations of the homeowners who have been the ones that are, if you would, the most committed to this community by having put down their cash and life savings, similar to Lennar at this point, to invest in what will hopefully be a vibrant and successful community. Their concerns are ones about the nature of that community and the change in vision.

Not looking to diminish the value of reducing the number of towers and the heights of some of the buildings. Not looking to question that in fact there's been an agreed upon reduction from 1,600 to 1,450. We're still at a point where it is the nature of the community that results in terms of the number of single-family homes that currently are approved, those that are being sought to be reduced and the increase in number of multi-family units.

We certainly respect and appreciate that east of the power line things are pretty much going to remain as they were planned. But it is certainly fair to say that it is a change to the character of the community. Going to a bundled golf course community is something that in particular as to the vast increase in the number and percentage of multi-family units, you're going to have impacts that were not anticipated certainly by the original homeowners.

Our goal today is to try to find some mechanism by which that can be addressed on a going forward basis. And I commend this Commission so far for having seen what are legitimate concerns that not only the residents have but I think generally questions of public health, safety, welfare in particular as to concurrency.

One of the issues that I've long had concerns about in this community pertain to evacuation times and shelter space. Theoretically we have evaluated those consistent with what it would be -- the maximum development would be under the Growth Management Plan. I submit to you that that is not the most well fashioned public policy. We have not looked at what the impact of these additional units are going to be, we've simply assumed that there's going to be adequate capacity and that there's going to be sufficient evacuation times on the current road network.

That increase in the number of units not only has an impact on the community character, but from my point of view is something that has not been well examined or articulated in the packet that you've received from the applicant or from the staff. So I would direct your queries further in your review of the PUD and afterwards in your deliberations to that particular set of issues.

Additionally, I think you're going to hear from others with respect to the environmental impacts. You've received a letter from one of my clients that speaks about the impact to the recreational uses. You've sought to try and balance the impact based on the recreational uses that are more traditional ones where there's infrastructure required, whether it's a clubhouse, some type of tennis or other kind of facility, but there is an impact as well to the increase in the amount of folks that are going to be using the recreational paths.

And there isn't really any way to address that except to keep the number of units consistent with the existing number at 1,200. We believe that that's also the only way to be able to address the mix or what some people have called the ratio of multi-family to single-family.

(At which time, Mr. Midney enters the boardroom.)

MR. WHITE: Because of the increase to the number of multi-family units, the only way to

effectively address and keep that ratio similar to what it is today and to maintain the community character -- and welcome, Mr. Midney -- is to keep the number at the current 1,200 as a reasonable cap. That I think meets the expectations of and provides a level of fairness and equity to those who have invested in this community.

I would also just like to comment that with respect to the items Mr. Anderson had brought to your attention today that are not part of the PUD or application but were agreed to and put on the record today, that as to those items I don't believe that other than as to deviation 10 you've had any analysis or response from your staff. So in your review again of the PUD, I'm grateful, Commissioner Ebert, for you desiring to have us provide some input from the speakers first to guide you in that process, because I think those are things that are critical to your determination to have the staff input on.

At this point I wrap up my remarks and ask if there are any questions I might be able to try and answer from any of the commissioners.

ACTING CHAIRMAN VONIER: Anyone have any questions?

COMMISSIONER HOMIAK: How many people do you represent?

MR. WHITE: Three.

COMMISSIONER HOMIAK: Three?

MR. WHITE: But that is as to the clients that I have run conflict checks on. But I know that there have been discussions with probably up to 11 others in the community who are part of their quote, unquote group, but they are not identified as direct client representations.

And I would ask either Mr. Graft or Dr. Gayes to speak to that as well, if you care to have that information.

ACTING CHAIRMAN VONIER: Anyone else?

COMMISSIONER HOMIAK: That's fine.

ACTING CHAIRMAN VONIER: Thank you.

MR. WHITE: Thanks you for your time and service.

MR. BELLOWS: Next speaker, Nicole Johnson.

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

The Conservancy was very involved with the initial Wentworth Estates PUD amendment back in the 2002 to 2004 time frame. Because we were concerned about what was proposed in a coastal high hazard area and adjacent to Rookery Bay. We had initially opposed the project and we withdrew our opposition based on two concessions that the developer had given. That was first the 1,200 units. But also it was the inclusion of additional mechanisms to protect water quality, especially at that point of discharge into the Rookery Bay system.

And that's why you have the Section 7.6.9 included within the PUD. That requires the developer, the owner, to work with The Conservancy and Rookery Bay on a water quality monitoring program and enforceable limits. This was to be something above and beyond what the Water Management District would require in their environmental resource permit, because we quite frankly did not think that that ERP would be enough.

So a decade later more units are being requested. We would of course prefer that it stay at the 1,200 units, but if it is going to be increased to the 1,450, we really feel that this additional water quality protection above what the District is going to require is essential. So that's why when we saw that Section 7.6.9 was proposed to be removed, I talked with Bruce and Bruce has stated on the record that it will remain.

I'm not sure if after the PUD was approved back a decade ago we actually did a lot of follow up with VK on getting those enforceable limits in place, so that is something that it's been I guess brought to our attention again. So you're on notice, we will be following up with that.

But we do appreciate that that section be retained. We think that that is really, really critical. The applicant has stated that they will put it back. But since it's not within the draft you have, because we just negotiated that in the past couple of days, I wanted to bring that to your attention. Thank you.

ACTING CHAIRMAN VONIER: Thank you, Nicole.

Any questions?

COMMISSIONER BROUGHAM: Nicole, just for clarification, and Bruce, confirm. I mean, you are committing that on the record. I didn't hear that, perhaps I missed it.

MR. ANDERSON: Yes. And I want to make clear that I clarified with Nicole that they had withdrawn their opposition.

COMMISSIONER BROUGHAM: Okay. All right, fine.

MS. JOHNSON: Right, right. We are not opposed. If you wanted to stay at the 1,200, we would certainly find that preferable, but no, we are not opposing at this time, thank you.

COMMISSIONER EBERT: Nicole, I have a question for you. I noticed on one of their buildings, the tall one, they were going to put it at the back towards Sable Bay. Is that all conservation area behind there?

MS. JOHNSON: I would have to -- I'm not quite --

COMMISSIONER EBERT: Because I thought maybe they'd show us some bigger pictures of everything today.

MS. JOHNSON: Are you talking about Section I?

COMMISSIONER EBERT: It's back here.

ACTING CHAIRMAN VONIER: Which section are you referring to, Diane?

COMMISSIONER EBERT: Well, I'm just trying to figure out here. I had my other one.

COMMISSIONER VONIER: Yeah, put that back up, Bruce, thank you.

COMMISSIONER EBERT: Well, I know that it goes from the west and wraps around to the south.

MS. JOHNSON: Okay.

COMMISSIONER HOMIAK: The Sable Bay.

COMMISSIONER EBERT: Yeah. But --

MS. JOHNSON: Well, certainly the elimination of the 90-foot tall structures is something that's good. So I think what we're talking about here, the maximum is four stories, maybe? I really didn't take a look --

ACTING CHAIRMAN VONIER: Four stories.

MS. JOHNSON: -- too closely with that. So four stories is certainly better than the taller buildings. Because the taller buildings were certainly an issue back in the 2002 time frame. So the shrinking of that I think is a benefit.

COMMISSIONER EBERT: Okay, very good, thank you.

COMMISSIONER VONIER: Ray, our next speaker, please?

MR. BELLOWS: Joe Hering.

MR. HERING: Good morning. I represent a group of homeowners in Treviso Bay. My wife and I originally objected to Lennar's request for 1,200 homes, but based on several meetings with Bill Lennar, with Darin and Russ, and during the last week or so, we believe they should be granted approval for the 1,450 units with conditions in a two-step process that require county approval.

Step one: Drawings showing the general lay out of all 1,450 units with a balanced mix that is equal distribution of single-family homes to multi-family units.

Step two: A more detailed layout of all units planned for 1,450 units. The layout should show a balanced mix of single-family units to multi-family units. The submittal should be justified by reliable statistics for what is selling in Naples the previous two years by a reputable agency such as the Naples Area Board of Realtors.

This is not unlike the community we just came from. We moved down here last October, we moved from Reston, Virginia. My wife and I lived there when it started out at 10,000 units and went up to -- 10,000 people to 80,000 people with 130,000 people working there during the day because of increased density with building. But there was -- at every increment there were a lot of amenities added for each group of homes or condos or garden apartments.

Some of the details of this step two of the plan are as follows: A balance between the single-family versus multi-family units in Treviso Bay.

When many of us purchased in Treviso Bay, we were led to believe there would be a greater emphasis on single-family units. Now it appears that the majority of the construction sales at Treviso Bay

however are in coach homes and multi-story condos.

In view of today's hot real estate market -- and there's been many things yesterday. There was a big spread in the Naples section on increased sales. Ruth Trettis from Premier Sotheby's International Realty noted that there was a 20 percent increase in the 300,000 to 500,000 range in 2012, and a 29 percent increase for the 500K to one million range.

Okay. So -- and then the Lennar Treviso Bay plan should be more specific to avoid confusion. There's been a lot of comments or discussion over the plan on -- that we received, a Lennar letter of 8 April, to us on the two attachments that are in this plan. And there's variances between the two which are confusing.

But we believe in order to avoid confusion, parcels should be labeled as follows: The types of units planned for all lots; that is, single-family or multi-family units, with lot dimensions, the number of units in each parcel.

Number two: Parcels should be labeled according to their density, such as low density, residential LDR or medium density residential, but everybody should agree on the terms. Parcels of multi-family units should be separated geographically in the plan from parcels with single-family units. Obviously if you're buying a high-end single-family home, you may not want to look over a garden condo right in front of you.

The plan should depict the location of all infrastructure in Treviso Bay to include: Roads, intersections, access to the Rookery, bike paths, lakes to accommodate water for new developments, pocket carts with lap pools. I think lap pools are very important, because this 15,000 square foot Champions Club probably will not be able to include the number of people that are going to be swimming in Treviso Bay. Exercise centers and playground areas that are a supplement to the Champions Club now under construction to accommodate the additional proposed density.

Next: There are currently gaps in the gate area in Treviso Bay. In several instances people from outside the communities get through these areas to fish. All these gaps should be closed for security and safety purposes. Some of the fisher persons come right up to the lanais where there are single-family -- or single women living. And you know, that's pretty scary.

In summary, the plan for the 1,450 units should follow the tenets of Lennar to make Treviso Bay the flagship of all Lennar properties.

And we would like to support Lennar. We want this to be their flagship community and we want this to be a win/win situation for both Lennar and for the residents of Treviso Bay. Thank you.

ACTING CHAIRMAN VONIER: Any questions of Mr. Hering?

(No response.)

ACTING CHAIRMAN VONIER: Thank you, Mr. Hering.

MR. HERING: I did -- one of the things we did, we did send an amendment plan. It's called granting approval for Lennar units. Building 1,450 units in Treviso Bay. I sent that to Mark Strain yesterday.

COMMISSIONER BROUGHAM: We all received it.

MR. HERING: Okay, good. Thank you very much. Appreciate it.

ACTING CHAIRMAN VONIER: Ray, the next speaker? And also the person following him so that he can be ready.

MR. BELLOWS: Okay Bobbie Hering, to be followed by Edward Graft.

MS. HERING: I will rescind my time, because my husband took care of my needs, as well as Diane.

MR. BELLOWS: Edward Graft, to be followed by James Gayes.

MR. GRAFT: I hope this podium's big enough for all my props here.

Yeah, my name is Ed Graft, I'm a Florida resident, and I have resided at 9687 LiPari Court in Treviso Bay since May of 2010.

Before I dive in to my prepared comments, I'd like to comment a little bit on some of the comments that have already been made by either Mr. Anderson or the Lennar people.

As it relates to limiting the golf membership to eight or maybe 900, those of us that bought in previously, which were not a part of the VK Development, were offered golf memberships for \$25,000. You had a choice of either doing that or not doing it. If you did it, it became part of the deed of your home. We were indicated that the cap would be 800. This business of 800 or maybe 900 starts to scratch the surface in terms of concerns that have been expressed about Lennar's lack of transparency.

The comment that the one lady made about plans for expansion, they are doing a nice job in terms of the Champions Club sports complex, but at some meetings when we said is there room for expansion at that site, it's totally built out. And there may even be questions in terms is there adequate parking.

In terms of starting the golf course clubhouse, you should be aware, and I think you are, that the original developer had actually already started the golf course clubhouse and had it out of the ground, and that skeleton is still standing. Much of the effort on Lennar is to take what's there, rather than knocking it all down and starting over. So apparently they started it much earlier in the process than Lennar is planning on.

I think to say it's going to start in 2015, I guess that's the first time we've heard that number. And then as they talked they said well, maybe it will be the end of 2015. I mean, you know, when's it going to get completed?

My first meeting with the Lennar people representatives was on January 10th of 2011. It was a social event for existing residents. At that meeting early renderings of the Champions Club were shown, along with verbal assurances from Lennar that would bring the quality of home design and overall community image up to the world class level that they were envisioned to be. It would become, as many have already said, Lennar's flagship development.

This type of communication has continued through the year in many of their advertisements and brochures. In December of 2012 we were invited to a neighborhood information meeting to discuss the proposed Wentworth Estates PUD amendment.

There was a limited turnout of residents for two reasons: Number one, very few buyers had actually taken possession of their property at that time. And as some of you -- well, Kay will remember, it rained cats and dogs that night. I mean, it was just a real gusher, which might have caused a few people not to show up.

At that meeting members of the Lennar project team provided an overview of the requested PUD amendment. This meeting was the first time where we were made aware of Lennar's desire to increase the number of dwellings from 1,200 to 1,600, which at that time was a 33 percent increase.

But more importantly, to significantly change the relationship of the number of single-family homes to multi-family dwelling unit mix -- we were told and this has been confirmed in the summary report of that neighborhood information meeting, we were told that there would be 1,210 multi-family units and 310 single-family units, an 81 percent to 19 percent ratio.

When we asked, I believe it was Ms. Perry, what was the ratio that is in place for the existing PUD, we were told that it was a 59 percent multi-family, 41 percent single-family. So their initial proposal was increasing the multi-family by 82 percent and reducing the single-family by 38 percent.

This revelation set off a whole series of questions and dialogue that ultimately related in Lennar pulling their original application.

Since December, growing groups of property owners, as they became aware of the intent of Lennar, have communicated with Lennar, attempting to get to the bottom of such a dramatic and inconsistent approach to the build-out of Treviso Bay. As more residents became aware of the internal plan, questions of transparency surfaced. Number one: Why doesn't Lennar's requested increased density reflect the 59/41 percent product mix that is consistent with the current approved PUD? Why did Lennar quietly and without notice reduce the home square footage requirements from 4,500 to 4,000 square feet in the Pavia or parcel G without ever contacting any of the existing homeowners? Why were homeowners in Italia, which is E, and Piasari, which is D, misled by Lennar's sales personnel saying their views would never change. But they will.

Why did Lennar make verbal promises to provide written communication summarizing where new units would be built, along with a number and type, then delay for a month in executing the promise?

They did it because they refused to provide specific product types. And by delaying that for almost a month, they limited our ability to have legal review, as well as timing for sending in concerns to the commission or the commissioner.

Why does Lennar continue to use the market-driven versus business plan as their basis for this shift to a bundled golf condo community? Treviso Bay data and also the Collier County shows that as we already heard, home sales for single-family homes were up more than 35 percent in 2012. That trend is continuing in the first quarter of 2013. And again, we have an answer for why they say market driven. It's their way for having a quick exit from the project and it's basically to effect their bottom line.

The current build-out data from Lennar provides for a total of 946 units to be built east of the power line. And that's consistent with the exhibit that has been shown. That would break out to -- and it actually does break out, if you looked at them staying with the platted lots, it turns out to be 540 multi-family and 386 single-family, which is a 59 to 41 percent ratio.

If they receive approval for the 1,450, 504 additional units would be built and primarily west of the power line.

If the current approved ratios are followed, the 59/41, then the 297 multi-family and 207 single-family units would be built.

When you examine the Exhibit B drawings, the area west of the power line identified as MDR would easily allow Lennar to complete these areas with the 59/41 percent product ratio.

The completed project at turnover then would have this 59/41 percent ratio, when you combine the lots east and west of the power line. I think this scenario is one that would complete Treviso Bay, consistent with Lennar's early vision of a world class community and a flagship of all their developments, and it would be mutually beneficial not only to the Treviso Bay residents but also to the East Naples community.

I guess I'm asking you to display empathy and understanding and consider approving the modified PUD, subject to the conditions outlined above. Thank you.

ACTING CHAIRMAN VONIER: Any questions of Mr. Graft?

(No response.)

ACTING CHAIRMAN VONIER: Thank you. I think we have to take a break. It's 10:30. Give Cherie' a break. We'll adjourn until 10:45.

(Recess.)

ACTING CHAIRMAN VONIER: Thank you. Seats, please. We'll resume with the public comment.

Ray, the next speaker and the following speaker?

MR. BELLOWS: The last two speakers are James Gayes and Diane Gayes.

MS. GAYES: I cede my time.

MR. GAYES: After 42 years, that's the least she could do.

Good morning, Mr. Chairman and Commission members. My name is James Gayes. My wife and I live at 9304 Vercelli Court, in Treviso Bay. We've been there for four and a half years. We were the first couple to actually get an architect and build in Treviso Bay, as opposed to buying a parade home, et cetera.

We speak only for ourselves, although we are here to tell you that we oppose Lennar's proposition to increase the MPUD for Wentworth Estates.

Our concerns circle around three important areas: Environmental concerns, housing density and ratio mix, as well as the impact on East Naples.

I'd just like to digress for a moment and let you know that I freely took the oath that you offered all of our speakers and attendees to take, and so that I present to you the facts that are true to the best of my knowledge, but that we are very passionate about our home community because we've been there so long.

I'd also like to answer one of the Commissioner's questions when he asked our attorney, Mr. White, who I would like to thank publicly for being so articulate on our behalf. How many people does he represent?

When we endeavored to engage with him, he'd like to know the names of the people that he should continually contact. And so we gave him three names so that we could keep rather tight the information that we shared. Because there was some concerns that if we expanded that we thought that some of the information was rather free-flowing to areas that we felt uncomfortable with.

And in fact there are 14 Treviso Bay members who have contributed to our modest and humble legal fund. But I can tell you that if you were at the homeowners association meeting last week, there were probably 40 members there. It was a very verbal meeting. And there are a lot of people in Treviso Bay who share the detailed concerns that I'm going to share with you this morning.

Diane and I built our home four years ago with the idea that we were getting into a home that had higher end amenities and in neighborhoods that were varying degrees of affluence and lifestyle. When we bought our home we had no idea that Treviso Bay would be transformed into a bundled golf community, as well as decreasing the ratio of single-family homes to multi-family homes.

One of the main reasons why we purchased in Treviso Bay was because of the Rookery Bay Estuary land portion that was in Treviso Bay. This is what makes for us Treviso Bay very special, and this is what makes Treviso Bay something that makes Diane and I motivated to talk about some of our environmental concerns.

When Lennar purchased Treviso Bay, we were pleased because their vision was to have Treviso Bay be their flagship and world class. So we were pleased with that. That was their vision. Diane and I bought that vision. Lennar changed that vision by changing the density of housing and the housing mix ratio.

We are concerned that the proposed increase in housing density increases the irrigation usage, resulting in a decrease in the water level and quantity -- quality of the existing lakes.

Now, I'm not an environmental specialist. I'm not a consultant. I'm a physician and a scientist. And common sense tells me that if you are going to increase housing density that the irrigation water needs are going to increase. In addition to that, that the pesticides and herbicides, et cetera, are going to increase and eventually find their way into the lakes of Treviso Bay, causing an excessive increase in unwanted vegetation, as well as decrease the size of these lakes.

We welcome the positive environmental statements that Lennar made. But we request you, the Planning Commission, to require the applicant to reiterate these declarations in written format as a precondition for any PUD approval process.

The most important environmental uncertainty for my wife and I still remains, and that is how Lennar -- Lennar's environmental compliance will be monitored. Increasing the housing density and dramatically altering the housing mix ratios are inseparable issues and of equal importance. Where is the justification and demonstration of necessity for adding more multiple housings in Treviso Bay? There is not a need. Lennar has not presented a compelling rationale for increasing the number of units in Treviso Bay, nor have they offered any coherent defense for reducing the number of single homes as a ratio to the multi-family structures.

Lennar states that the proposed decrease in the number of single-family homes is a response to market demand. Nearly all of the recent articles that we have looked at in the Naples Daily News reports that from the year 2012 until now, 2013, the incidents of higher value homes is on the increase. And so a single-family home demand is increasing. Why does Lennar propose to decrease the number of single-family homes in Treviso Bay?

Lennar frequently uses the term market driven. This is rhetoric to justify Lennar's business plan. Lennar needs revenue to support the TPC golf course. So their priority is to sell inexpensive condominiums and promote Treviso Bay as a bundled golf community.

Furthermore and more importantly to Lennar, adding more single-family homes will delay their exit strategy from Treviso Bay.

I'd just like to clarify a little bit about the term housing ratio, since that's been used here. As you well know, that the community of Treviso Bay is made up of neighbors. And we're not talking about a ratio of condos to multi-family to side-by-side to single-family homes within a single neighborhood, we're talking about collectively that ratio within the community of Treviso Bay.

So why is housing mix so important? First of all, there are a number of residents in Treviso Bay who are concerned about housing mix. It's relevant to them and thus becomes an important issue.

Secondly, Lennar are the people who brought to our attention the issue of numbers that they wanted to change in single-family homes, as well as multi-family homes, and we have that from the minutes both written and audio from the original meeting that we attended in December of 2012. So that any discussion about ratios and numbers stemmed from their numbers of the reduction in changing of single-family units to multi-family units. And it's simple mathematics to make those numbers into a ratio. So that's where that term came from.

Third, and I think this is probably one of the most important issues: A radically revised housing ratio overwhelmingly favors the condos and will significantly shift the voting balance within the master association and will favor the condominium residents' position. This imbalance in voting rights is not good for those of us who have single-family homes. So that down the line when Lennar exits and a condominium group wants to add a pool, as one of the Commissioners added, they're going to have a significant ratio of

80/20 if they are granted their request. And so they'll be able to get just about anything they would want to do over the single-family owners' consent.

The significant increase in multi-family dwellings proposed by Lennar significantly, fundamentally transforms Treviso Bay from an equal mix single-family housing development into a predominantly multi-unit golf community. In other words, they're changing Treviso Bay from a residential community to a recreational community.

It is doubtful that transitory seasonal residents and renters will have the same communal ownership or a sense of community as the long-term homeowners like ourselves in Treviso Bay.

Sense of community is what translates into a support of the East Naples community and business district for the entire year cycle.

Homeowners appreciate Lennar reducing -- I'm sorry, homeowners appreciate Lennar rescuing Treviso Bay from foreclosure. That said, when Lennar asserts, and I quote, we can get anything or do anything we want to do in Treviso Bay, that tends to offend some of us who are members of the Treviso Bay community.

I would say this to Lennar in my defense of our community: Just because you have rescued a damsel in distress does not give you the right to bully her.

One final point. What makes Treviso Bay great is obviously its relationship to its proximity to downtown Naples, its restaurants, its infrastructure, that beautiful bridge that has been built, as well as the relationship to the Rookery Bay Estuary. All those were present before Lennar became involved, and is a credit quite frankly to VK Development. And by the way, I doubt that VK Development built a beautiful entrance bridge for \$7 million so that it would be a causeway to carports and condos.

For the reasons I've just stated, we oppose Lennar's application to amend the MPUD of Wentworth Estates. Rather than converting Treviso Bay into a high-density condo-laden golf community, we urge the following: Limit the housing density to the original 1,200 units. Maintain the current single-family home percentage at 41 percent. This will allow Treviso Bay to be the flagship community it was intended, including a more evenly balanced ratio of single-family homes to condominiums and respect for the environment. The result will be as has been said already, a win/win scenario for the homeowners of Treviso Bay, Lennar, and for the business community of East Naples. Thank you.

ACTING CHAIRMAN VONIER: Thank you, Mr. Gayes.

Any comments from the board?

COMMISSIONER EBERT: Is he the last speaker?

COMMISSIONER VONIER: He's our last speaker, Ray? Thank you.

COMMISSIONER EBERT: Mr. Gayes, I want to make a comment to you. 42 years? Today is my 53rd wedding anniversary.

But we are a zoning board. If your feelings are still very, very strong on this, I suggest the BCC and your commissioner on this. As far as zoning, we have to go by the zoning rules. And I just want you to know that.

ACTING CHAIRMAN VONIER: Thank you, Diane.

Mr. Anderson?

MR. ANDERSON: Yes. Mr. Chairman, if I might get a brief response to a few of the comments.

Closely related to what Mrs. Ebert just said, some of the minute details that have been requested by some of the speakers are Site Development Plan issues. If those were to be put in a PUD document, my client and I would be back here about once a year, if not more, changing those very specific details. And that's not the purpose of the zoning document.

As far as the ratio claimed between multi-family and single-family homes, none is provided in the current PUD. It's almost never done. In my 30 years of doing land use law in this county, I can only recall one DRI that had that kind of detail incorporated into the approval document.

If we have had a recession lesson at all, it is that community developers like Lennar must be able to quickly respond to market changes to have a successful community. And I would cite Heritage Bay as a prime example. The quiet secret during the recession was that Lennar continued to sell, slowly but steadily, every year, about 200 closings a year, because they were able to change their products to address the market

changes themselves. You can't take that ability away and expect to have a successful community.

I'd like to share with you just a couple sentences from an article from the Naples Daily News, February 4th, 2010. And it's based on an interview with VK Development, particularly Sanjay Kuttemperoor.

It says: With the potential for new investment, the developer is looking at how it can reshape the community to meet the current market trends and demands. Sales have been sluggish, like they have been at many other new communities at Southwest Florida. Currently there are no homes under construction, Kuttemperoor said.

There have been 167 closings in Treviso Bay, including those who purchased from the prior developer. 140 of those closings have occurred since Lennar took over.

All of the vacant chairs in this room are silent testimony to the overwhelming support that this application has among the residents of Treviso Bay. We respectfully request your recommendation of approval to the county commission. Thank you very much.

ACTING CHAIRMAN VONIER: Any questions of Mr. Anderson?

COMMISSIONER EBERT: Oh, yes. Bruce.

ACTING CHAIRMAN VONIER: Bruce?

COMMISSIONER EBERT: Bruce, one of the things in here is you want to reduce the side setback from six feet to five feet. In the original PUD it was six feet. I would really like to keep that in there. A foot isn't going to make a difference to you, but to the people that live in there it will. Especially if there's a two-story next to them. This is for your -- I believe it's just your single-family homes.

MR. ANDERSON: Uh-huh. I'm going to ask the engineer to come up and respond to that, please.

MR. WILLIAMS: Good morning, Commissioners. My name is David Wilkison, with Stantec, representing Lennar.

There are three existing communities within Treviso Bay that are currently being developed. They are single-family communities. And they are actually located in the existing PUD in an MDR area. And they have been and being developed with a five-foot to five and a half foot side yard setback.

Now, if these communities can continue to be developed in that manner, I think we're fine with a six-foot side yard setback for the remaining communities.

COMMISSIONER EBERT: Okay. So you wouldn't have a problem with that, okay.

ACTING CHAIRMAN VONIER: Any other questions for Mr. Anderson?

COMMISSIONER BROUGHAM: I have one.

Bruce, if you go to the PUD on -- under statement of compliance, I don't have the page number here, it's IV. It's early on.

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: And turn to page V, as in Victor, Wentworth Estates PUD proposed density table.

MR. ANDERSON: Yes, sir.

COMMISSIONER BROUGHAM: Proposed number of units was 1,427 and prior to today being requested to change to 1,600. I'm looking at the 1,427 number, Bruce, and trying to put that in context with 1,200, which was quote, unquote, the prior PUD.

I know I'm asking you to go back in history, but it's sticking out there.

MR. ANDERSON: You're exactly right. There's a typo in the existing PUD.

COMMISSIONER BROUGHAM: So the existing PUD --

MR. ANDERSON: Has that 1,427 number.

COMMISSIONER BROUGHAM: We approved 1,427 units.

MR. ANDERSON: No. No, I wish I could say that. But not -- this is just frankly a mistake, typographical error, it appears, from the original PUD approval.

COMMISSIONER BROUGHAM: Okay.

ACTING CHAIRMAN VONIER: If you're on the PUD, Mr. Brougham, since we've started at the beginning of the PUD for review, let's just continue.

COMMISSIONER BROUGHAM: Yeah, that's where I was going.

ACTING CHAIRMAN VONIER: Let's just flip through the pages one at a time. If anybody has anything, we'll go through the whole thing. We won't read anything. If you have something on a page, just bring it up, please.

We'll stay with your Page 5. The proposed number of units would have to be changed.

COMMISSIONER BROUGHAM: Yeah. I mean, all the way through the document, Bruce, pending approval today, you're going to be changing all references to 1,600 from 1,450; is that correct?

MR. ANDERSON: Absolutely.

COMMISSIONER BROUGHAM: I mean, it's --

MR. ANDERSON: Yes.

COMMISSIONER VONIER: I'm on Page I-2. One-two, three, four, five, six?

Section II, one, two, three and four, five and six, seven and eight, nine and 10, 11 and 12, 13 and 14.

COMMISSIONER EBERT: I have a question on 14.

ACTING CHAIRMAN VONIER: Fourteen. Ms. Ebert.

COMMISSIONER EBERT: Bruce, maybe the people from Lennar?

I noticed in the lot of the communities, I noticed people that did write letters, that they care about riding their bikes, they care about the trails in there. I have not really seen any -- the complete plans, nor do I expect to. But I notice now in the communities, The Quarry, I don't know, I haven't been in Heritage Bay, but The Quarry has wonderful roads where there is bike paths and there is nice wide -- I mean, it's double going both ways. And then when you come to the residential streets, that's where they go down to the 20 feet.

Is there something that Lennar can do? And I'll be honest with you, it's -- the multi use bike paths and the people love to jog on asphalt, riding their bikes on -- these five-foot sidewalks are really almost out -- I mean, they really prefer the other. Is there something that Lennar could do in this area where you have the sidewalks and bike paths? I do not consider a five-foot wide sidewalk a bike path. And I can tell you that joggers do not like cement, they will run on the -- they'll run in the street.

MR. SMITH: Well, when we took over the project there was -- and some of you have taken a tour of the project -- there was an existing sort of linear park sidewalk system throughout with little pocket medians. You know, we've improved it, we put some hard scape in, put some sitting areas in, some trellises and a fountain to encourage walking through the community.

It was conceived when we took the project over and we finished it and improved it once we took over. But in terms of -- I'm not sure exactly what you're asking for in the terms of -- like I said, when we took the project over, the main spine road and most of that infrastructure was in, in terms of whatever bike paths were there, the walking paths were already conceived and we accepted those as they were and then improved them and finished them.

COMMISSIONER EBERT: So what is in there now?

MR. SMITH: Like I said, there's a -- there's certainly what I would call a linear park system along the main boulevard. There are three median areas that have been improved. One has some Roman columns and some benches and a fountain and a lot of plants around it. Then you walk a little further and then we put some trellises where we're hoping to grow some, you know, shade things over it. Then you go down a little further and we have built a gazebo with some sitting areas. So, you know, it's sort of a continuation down through the project of that theme.

COMMISSIONER EBERT: Is this -- what type of sidewalk is this?

COMMISSIONER BROUGHAM: Concrete.

MR. SMITH: They're concrete sidewalks.

COMMISSIONER EBERT: And so this is where you expect them to ride their bikes and to do the jogging too?

MR. SMITH: Well, as I said, the main boulevard was in when we accepted the project and took it over. I thought -- David, do you know what the cross-section is in the roads in terms of bike lanes, if we have bike lanes in the existing cross-section? There is an eight-foot bike -- go ahead, Dave knows the specifics of it.

MR. WILKISON: I believe the path alongside of Treviso Bay Boulevard is about eight feet wide. I

can't remember exactly whether or not it was concrete or pavement. But like Russ said, they've improved I think with the existing developer's plan that path linear park system all along Treviso Bay Boulevard.

COMMISSIONER EBERT: So that's eight feet?

MR. WILKISON: I believe so.

COMMISSIONER EBERT: Okay. Because the five-foot concrete is --

MEMBERS OF THE AUDIENCE: No, no, that's not eight feet.

COMMISSIONER EBERT: It's not. Okay.

MR. SMITH: I mean, that --

COMMISSIONER EBERT: And I understand all developers only want it on one side of the street. They want the cement and only five feet. But when you have a community where you're putting in that many homes, more people today are more active, they want to ride bikes, they want to jog. It's not just a golf community, especially with what you have around you, Rookery Bay and those types of amenities.

MR. SMITH: No, I totally understand. I'm a runner myself, so I know what you mean.

The plans for all that, like we said, were approved probably back in 2006, 2007. We really took over the project in late 2011 and have used those preexisting plans and tried to improve them. They are SD -- you know, they've got -- they had approved SDPs and approved PPLs and stuff like that.

So we kept and improved what was previously conceived by the developer for a linear park system, whatever that was, and improved it far beyond what was in existence when we took the project over.

On a going forward basis, I mean, I'm not sure if -- what we want to do, but I think it's a good idea. It certainly, you know --

COMMISSIONER EBERT: Being you're a runner, you understand. But I --

MR. SMITH: Yeah. I run on concrete, though, it doesn't bother me. But that's just me.

COMMISSIONER EBERT: Most people do not.

And the pathways is a big thing in Collier County. Very big thing. And they are 10 to 12 feet.

MR. SMITH: And I just spoke to Darin. He said we can commit to continuing the sidewalks throughout the community. You know, I'm not sure how specific we need to get. We haven't planned a lot of that is the issue.

COMMISSIONER EBERT: So what do bike riders do? When you have this many people, what do -- because I know they won't drive on the sidewalk. I live in a community where it's this way. And they're in the street. And I would just -- with the way people are living today, it is -- they're more active. I'm just -- maybe for developers, just to maybe change it a little bit?

COMMISSIONER BROUGHAM: How about a suggestion, if I might?

COMMISSIONER EBERT: Sure.

COMMISSIONER BROUGHAM: I heard a semi commitment. What if you were to commit for the future development areas, which I think is primarily west of FP&L's easement, that you design and construct a system of sidewalks and pathways, pathways being conducive to joggers, and that you commit to design and install a combination of sidewalks and jogging pathways?

ACTING CHAIRMAN VONIER: Ray, excuse me, the definition of pathway that you use --

COMMISSIONER BROUGHAM: We're getting there.

ACTING CHAIRMAN VONIER: -- in the county.

COMMISSIONER BROUGHAM: And if they're a combination -- I'll just throw it in right now, if they're a combination, that they be at a minimum I would think eight to 10 foot in width.

COMMISSIONER VONIER: I think it's 10, isn't it? Ten feet.

COMMISSIONER BROUGHAM: I believe it's 10.

COMMISSIONER EBERT: It is.

MR. SMITH: We have -- I think on tracts that are not currently under review by the county, we have one tract in parcel F, which I think has five-foot sidewalks planned. It's a single-family track, 75 plus or minus foot wide home sites.

In the rest of the community, and correct me if I'm wrong, we look to put a bike lane within the roadway system and, you know, a sidewalk system, a pathway system. I think -- is that fair enough?

COMMISSIONER BROUGHAM: Commit to a 10-foot wide quote, unquote, pathway.

ACTING CHAIRMAN VONIER: Now, A sidewalk and a bike path are two different things. A pathway is a 10-foot wide sidewalk, if you will.

COMMISSIONER EBERT: It's five.

COMMISSIONER VONIER: So there's a difference, so we have to be careful what we're committing to.

COMMISSIONER EBERT: But you will put a bike path then on the street?

COMMISSIONER HOMIAK: Or a bike lane.

COMMISSIONER EBERT: A bike lane?

MR. SMITH: A bike lane that's a diamond lane?

COMMISSIONER EBERT: Yeah.

MR. SMITH: Yeah.

COMMISSIONER EBERT: You will do that?

COMMISSIONER BROUGHAM: He said he would.

MR. SMITH: Doesn't have a problem with that. Okay.

COMMISSIONER EBERT: That's great. Thank you.

MR. ANDERSON: I just wanted to make sure that it was understood. You spoke of parcel F that's in for review right now with the county, that would be I guess a side street, and that would not be subject to that.

COMMISSIONER BROUGHAM: We're talking about the future areas, not what is in SDP.

ACTING CHAIRMAN VONIER: So for the record, you are committing to sidewalks throughout the property. All future developments will have sidewalks?

MR. SMITH: That's correct.

ACTING CHAIRMAN VONIER: And all future development will have a bike lane; is that what I'm hearing?

MR. SMITH: By me, a diamond lane in the road that is for bikers' use.

COMMISSIONER BROUGHAM: A bike lane.

MR. SMITH: Yeah.

MR. McMURRAY: On the west side --

ACTING CHAIRMAN VONIER: West of the power line.

MR. McMURRAY: But going back, we're not going to widen the roads that --

COMMISSIONER BROUGHAM: No.

ACTING CHAIRMAN VONIER: Correct.

COMMISSIONER EBERT: We understood that.

ACTING CHAIRMAN VONIER: Understood. Understood.

Ray, let's make sure we have all of that.

MR. McMURRAY: And we agree that --

COMMISSIONER BROUGHAM: We're going to go through it all.

MR. McMURRAY: -- bikes and walking is a major amenity and that is part of our plans, so --

MR. BELLOWS: We have it down.

COMMISSIONER BROUGHAM: We'll review all that at the end.

ACTING CHAIRMAN VONIER: Anything else on that page?

(No response.)

ACTING CHAIRMAN VONIER: Let's continue.

I'm on section three. Anything on one and two?

(No response.)

ACTING CHAIRMAN VONIER: Three or four?

(No response.)

ACTING CHAIRMAN VONIER: Section four, anything in section four?

(No response.)

ACTING CHAIRMAN VONIER: Section five?

COMMISSIONER EBERT: Yes, Page 3.

COMMISSIONER VONIER: Okay, V-3.

COMMISSIONER EBERT: Parking for the community center clubhouse. How many parking places do you plan on, Bruce?

MR. ANDERSON: I'm sorry, where --

COMMISSIONER EBERT: Parking for the community clubhouse center. I'm on V-3, minimum off-street parking and loading.

The reason I ask you how big the community center clubhouse will be, your -- that's why I wanted to know how big it was going to be, because you have one space for every 200 square foot of gross floor area. And is this the -- is this the one that's 10,000 square feet? I mean --

ACTING CHAIRMAN VONIER: No, this is the one that's 30,000 plus. Is that correct, Bruce?

MR. SMITH: If you're referring to the clubhouse that will be at the golf course, that would be the one that was 30,000 plus.

Incidentally, the parking area for that is already constructed. It was constructed along with the shell of the old clubhouse, which I would assume was approved for larger than 30,000 square feet. So there is probably going to be excess parking there. More than -- yeah, there's an approved SDP for that clubhouse site, and the parking associated with it has been built.

COMMISSIONER EBERT: Okay.

COMMISSIONER VONIER: Section six?

(No response.)

ACTING CHAIRMAN VONIER: Seven? Anything in section seven?

COMMISSIONER EBERT: On 7-1, the developer commitments. Bruce, you said you -- in here it does say on the 1,600 dwelling units that you plan 310 single and 1,209 multi-family. Is this what you really plan on this? We know it's not going to be 1,600, but what is the breakdown for your single-family and multi-family?

MR. ANDERSON: We don't know what it will be. We wouldn't have put that in there, but staff asked for it.

COMMISSIONER EBERT: All right. Okay.

MR. ANDERSON: You mean the future?

COMMISSIONER EBERT: Yeah, it is in here. And --

MR. ANDERSON: It is planned. Plans change. Well, seriously.

COMMISSIONER EBERT: I under -- that I understand. But I can see where the homeowners are having a fit when all -- you know, when you -- you have it in here, though. And I guess we either take it out or -- I mean, there has to be something here, because it's in your developer commitments.

COMMISSIONER HOMIAK: Well, it's an example.

ACTING CHAIRMAN VONIER: It's an example.

MS. ASHTON-CICKO: Yeah, I think the reason staff would have required a starting point is because you have conversions in here, and so they needed to know well, if you're converting it --

COMMISSIONER EBERT: Do you --

MR. ANDERSON: These numbers were tied to traffic impacts --

COMMISSIONER EBERT: Okay.

MR. ANDERSON: -- to keep them the same, despite the increase in density.

COMMISSIONER EBERT: Okay.

ACTING CHAIRMAN VONIER: Anything else --

COMMISSIONER EBERT: No, not on that page.

COMMISSIONER VONIER: -- on 7?

MS. ASHTON-CICKO: But I think you are correct, if they're going to reduce the number, whatever the percentage is, those too will have to be changed accordingly. And you'll see that on the consent if you --

COMMISSIONER EBERT: Yes, okay.

MS. ASHTON-CICKO: -- vote to approve.

MR. ANDERSON: We'll be glad to take that sentence out.

ACTING CHAIRMAN VONIER: Anything more on section seven?

COMMISSIONER EBERT: Page 5 on 7. And the only reason I went for this pathways use, it's on here and it was crossed out. And that's why I went back there, Bruce.

MR. ANDERSON: Okay.

COMMISSIONER EBERT: So if you could put the multi use back. It is a big deal now to people. The other thing is in five, Page 11, you'll go back to the six-foot side yard setback, I believe he said?

ACTING CHAIRMAN VONIER: Yes, we had that.

COMMISSIONER EBERT: Okay. That's it for me on that.

ACTING CHAIRMAN VONIER: Anything else from any of the board members?

(No response.)

MR. ANDERSON: Thank you.

COMMISSIONER VONIER: Anything else for Mr. Anderson?

COMMISSIONER BROUGHAM: Not from me.

ACTING CHAIRMAN VONIER: Thank you, Bruce.

MR. ANDERSON: Thank you very much.

COMMISSIONER BROUGHAM: Close the public hearing?

ACTING CHAIRMAN VONIER: You all set? With this, we will close the public hearing. And board have any additional comments?

COMMISSIONER KLEIN: Well, I'd like to take a jab at it. I happen to be a fellow who's been in a Lennar -- actually was a U.S. Home -- for the last 16 years, and I was -- I came here from the Detroit area and I was at a country club that had a lot more amenities and that type of thing. But -- and I can see how the people here who have very expensive homes, larger homes and it's a little bit of a culture shock I think for you, and it was for me at first when I went to the U.S. Home/Lennar Development at Naples Heritage. I got used to it. Do I like to go to the -- get a workout and there's a shotgun that I didn't know when I couldn't find my car parking place or something? Yes.

I really deeply have sympathy for the people who bought the nice houses. I went on -- you know, Mr. -- Darin gave me a really nice tour. And I remember going to these tournaments that the seniors played about, what was it four years ago or so, and I said wow, this is going to be great.

Well, you know, things happen. The whole country came to a stop. We're still getting out of it. And I think that for what they do and what they do in the community that I'm still in, it's a good way to make it work.

And is it going to be exactly like you wanted it to be at the beginning? No. But I really think these people have the ability to do it and turn it over, and I think that's the alternative we have to face. And, you know, that's about it. I think that Lennar is the way to go, so I'm for it.

ACTING CHAIRMAN VONIER: Any other comments from the board?

COMMISSIONER BROUGHAM: I'd just like to make -- very brief. I think there's over the last two to three weeks that I've witnessed by the letters that have been submitted, both in advance and then retracted and the developments and the concessions along the way, it's evidence that there has at least been very meaningful outreach by the Lennar principals and coming together with them and the residents, the ones that are both here and not here.

No one can predict market conditions. I think we all realize that. If we did, we'd all be not sitting in this room, we'd be on the Riviera or something.

I'm heartened by the concessions. I'm heartened by the communications. And hopefully the predictions are going to come true and Treviso Bay will be completely built out.

I'm ready. I've taken notes on the stipulations, Mr. Chair, so when you get to that --

ACTING CHAIRMAN VONIER: I have them too.

Hearing no more comments, the Chair will entertain a motion.

COMMISSIONER BROUGHAM: I'll make a motion that we approve PUDA-PL20120001126, with the stipulations that we will have to agree and read into the record.

ACTING CHAIRMAN VONIER: Is there a second?

COMMISSIONER KLEIN: Second.

ACTING CHAIRMAN VONIER: Seconded by Mr. Klein.

MS. ASHTON-CICKO: For clarification, does that include the additional changes that Mr. Anderson mentioned at the beginning --

COMMISSIONER BROUGHAM: Yes.

ACTING CHAIRMAN VONIER: Yes.

MS. ASHTON-CICKO: -- as well as the handout that he gave?

COMMISSIONER BROUGHAM: Yes.

ACTING CHAIRMAN VONIER: Yes.

MS. ASHTON-CICKO: We have a picture in the handout?

ACTING CHAIRMAN VONIER: I think we must add that the motion will be as approved after being reviewed by the County Attorney, prior to the --

MS. ASHTON-CICKO: Yeah, since -- I appreciate the clarification, because the changes read into the record by Mr. Anderson were not reviewed by me or Ms. Deselem. And frankly I didn't get it all down, so I need to review it and make sure it doesn't impact any other section of the PUD that you've reviewed.

ACTING CHAIRMAN VONIER: And for the record, I think -- Phil, do you want to state the stipulations?

COMMISSIONER BROUGHAM: I'll state them as I have them down. And certainly I don't mean that they're all inclusive, but I've been trying --

ACTING CHAIRMAN VONIER: Well, you can use your list to start. Go ahead.

COMMISSIONER BROUGHAM: There were -- I think, Heidi, what you're referring to, first of all, there was major changes in terms of the 1,600 down to the 1,450. There was also an exhibit that we received in advance and it was on the display unit today that has very specific stipulations as to the sections and what the maximums will be, et cetera, et cetera. I don't know how to refer to it other than it's this guy.

ACTING CHAIRMAN VONIER: Commitments to the parcels.

COMMISSIONER BROUGHAM: Commitments to the individual parcels.

So I'll make those as the first thing I reported.

You committed to at least putting some type of buffering, not yet specific, between the -- along the sides of the right-of-way, the FP&L right-of-way and abutting the sections D and E, I believe. It would be helpful if you committed to a certain type of buffer today.

MR. ANDERSON: We're going to do that. At least a type A.

COMMISSIONER BROUGHAM: At least a type A.

Next we need to add deviations, I believe, to the PUD. Deviations -- there was a comment that the deviations were not included in the PUD.

MS. ASHTON-CICKO: Yeah, there is an additional Exhibit C that was not attached, but this (sic) deviations were outlined in Ms. Deselem's staff report.

COMMISSIONER BROUGHAM: There was a commitment to commence construction of the golf clubhouse at the issuance of the 800th certificate of occupancy.

There was a commitment to retain 7.6, item number nine, which was referencing to the water quality.

There was a commitment to maintain a six-foot side yard setback on all single-family homes.

MR. ANDERSON: Except for the existing. We don't --

COMMISSIONER BROUGHAM: We don't want to tear down any --

MR. ANDERSON: We don't want to make anybody nonconforming.

COMMISSIONER BROUGHAM: Repeat what he said.

MR. SMITH: Well, as Dave stated earlier, there are existing tracts that because they were MDR and I think they had a 10-foot principal setback between structures were approved under that stipulation. Prior approved. So there may not be a home there yet, but those tracts will continue as they are presently approved by the county, and then anything we do new that's single-family will adhere to the six-foot setback.

COMMISSIONER BROUGHAM: I'm sure Bruce can capture it --

MR. SMITH: I just wanted to make sure.

COMMISSIONER BROUGHAM: You committed for the development west of the FP&L easement, I believe, correct me if I'm wrong, to continue a sidewalk -- construct a sidewalk network throughout all future development.

You committed to a bike lane on all future streets. Bike lane being a what --

COMMISSIONER EBERT: Diamond pathway.

COMMISSIONER BROUGHAM: Diamond pathway. However that's defined by transportation. And that's all I had, Mr. Chair.

MR. ANDERSON: Mr. Brougham, is that the main street?

COMMISSIONER BROUGHAM: Yes, not the private roads. I mean, that was my understanding.

COMMISSIONER HOMIAK: And the deviations are including all the stipulations, staff --

COMMISSIONER BROUGHAM: Yes.

COMMISSIONER HOMIAK: -- stipulations, right?

ACTING CHAIRMAN VONIER: They're all included.

COMMISSIONER BROUGHAM: That's all I had, Mr. Chairman.

ACTING CHAIRMAN VONIER: That's all I had.

Anyone else?

MS. ASHTON-CICKO: Does that include the staff recommendations on the deviations?

ACTING CHAIRMAN VONIER: That includes --

COMMISSIONER BROUGHAM: Yes.

ACTING CHAIRMAN VONIER: -- the staff recommendations.

I'm sorry, the public hearings are closed.

MR. GAYES: Okay. I don't see, when they ask for 16 and they only want 1,450 why you suggest that that that's a concession.

ACTING CHAIRMAN VONIER: Any other comments on the motion?

(No response.)

ACTING CHAIRMAN VONIER: I'll call the question. All in favor, say aye.

COMMISSIONER KLEIN: Aye.

ACTING CHAIRMAN VONIER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

ACTING CHAIRMAN VONIER: Opposed?

(No response.)

CHAIRMAN STRAIN: Unanimous consent.

MR. ANDERSON: Thank you very much.

COMMISSIONER VONIER: Mr. Strain, your presence is required.

COMMISSIONER BROUGHAM: Now he comes to help.

CHAIRMAN STRAIN: Well, Bill, if you haven't figured it out, that was a setup for today.

You guys are entertaining. And Diane, you're really, really short from back there.

COMMISSIONER EBERT: It's because of the chair that I sit in. A very tall person sits in this chair.

CHAIRMAN STRAIN: We need to get you a booster, that's for sure.

Okay, we have -- and Cherie', I think we can manage to finish up here pretty quick.

So the last item up on the agenda today is -- well, there's no old business listed.

The new business is 11.A, and it's informational update on the EAR process. Mike Bosi is here to present that.

MR. BOSI: Good morning, Commission. Mike Bosi, Interim Director for Planning and Zoning.

The memo that was placed in your packet related to the 2014 EAR. It was generated by Corby Schmidt of my Comprehensive Planning staff. Corby is not feeling well today, so I'm stepping in.

It's basically just to inform you of how we plan to proceed with the county's next EAR requirements. As the Planning Commission remembers, 2010, 2011, we went through a pretty comp -- or a very comprehensive analysis of our Growth Management Plan, the objectives, goals and policies of each one of the elements. Looking where substantial changes and modifications would need be, as well as updates to the statutory references and compliance with the state's statutes and regulations regarding whatever individual

discipline that element was pertaining to.

And in January the Board of County Commissioners adopted the final EAR-based amendments related to our EAR report.

In that period of time also, the state regulations through 2011, Community Planning Act, the state modified drastically the means for how a county goes about and assesses the EAR and what's required within that assessment.

Also within that period of time the DEO, which was the former DCA, published a list of revised dates for when each county and each jurisdiction, the cities as well, would be required to complete their next EAR.

An anomaly took place within Collier County in the sense that 2011 was when we adopted our last EAR. 2014 is when our next EAR was due. 2013, in January, we just adopted our EAR-based amendments. So less than a year after we have adopted the EAR-based amendments from the previous year we'll be required for another EAR.

Within conversations through the administration within Growth Management we saw no benefit for another in-depth structural analysis of the Growth Management Plan as we did in 2011. And in fact the state statutes have changed. No longer is that a requirement of a county or a municipality in terms of how you assess your EAR.

The requirement for an EAR assessment now is simply to modify your Growth Management Plan to be in compliance with the state statutes.

The proposed memo is going to -- has described over the next three to four months we'll work with each individual department and division analyzing the relatively very small changes that have happened within the state statutes, since we've adopted our EAR, to see if there are any required statute that will be needed to be updated.

I would like to tell the Commission the Rural Land Stewardship Area, the Golden Gate Area Master Plan, all of these initiatives that we have allocated and have indicated that need a comprehensive restructuring restudy and reanalysis, those are still on the plate. We still will initiate those as a county with direction from the Board of County Commissioners at the appropriate time to address those growth management planning issues.

This EAR that we have upcoming is strictly going to be an analysis of the state statutes or reference within our Growth Management Plan, and it's going to be on that narrow focus as suggested by the state.

We really don't anticipate we're going to have a number of EAR-based amendments if at all, based upon like I said very relatively -- few changes to the statutory requirements. But those other planning initiatives that I know that everyone on this dais and the Planning Commission would like to see initiated are still going to go forward. It's going to, though, take place outside of the EAR-based amendment.

And I think that gives a number of advantages in terms of timing, the allowance for how the process and how the public hearing schedules will be allocated for each one of those. And in essence that's what the memo is trying to convey.

Those will be taken care of. But for the statutory requirement for compliance with our 2014 EAR requirements is strictly going to be the narrow focus of what the state now asks each jurisdiction or county to look at.

With that, I'd open myself to any questions that any of the Commissioners may have regarding our proposed process.

CHAIRMAN STRAIN: Anybody have any questions of Mike?

(No response.)

CHAIRMAN STRAIN: It's pretty routine.

Thank you, Mike. Appreciate your time. Please thank Corby for the memo, it was very descriptive.

MR. BOSI: Will do.

COMMISSIONER EBERT: I noticed though that Corby and Michele are always sick on the day that they are to appear in front of us.

COMMISSIONER HOMIAK: Wonder why.

MR. BOSI: See, at my staff meeting I tried to emulate my administrator and I'm trying to get as

much face time. So I've asked them if they feel anything, we want to be proactive.

CHAIRMAN STRAIN: You're emulating your administrator who never shows up here? Now wait a minute. I think there's a difference, Mike.

Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: That brings us to the end of our agenda.

Is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion that we adjourn.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Made by the short person there, Diane.

All in favor, signify by saying aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER MIDNEY: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER BROUGHAM: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Motion carries. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:42 a.m.

COLLIER COUNTY PLANNING COMMISSION

MARK STRAIN, Chairman

These minutes approved by the board on 5-16-13 as presented or as corrected .

Transcript prepared on behalf of Gregory Reporting Service, Inc.,
by Cherie' R. Nottingham.