

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida  
February 6, 2014

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  
Stan Chrzanowski  
Brian Doyle  
Diane Ebert  
Karen Homiak  
Charlette Roman  
Mike Rosen

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 February 3rd meeting of the Collier County Planning Commission.

If everyone will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

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

COMMISSIONER EBERT: Yes. Good morning. Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Rosen?

COMMISSIONER ROSEN: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda. I don't know of any particular ones today.

Ray, do you have any changes that you -- or additions you want to make?

MR. BELLOWS: It was my understanding Mike Bosi might have something to present. Or was that just --

CHAIRMAN STRAIN: Well, we're going to talk about that under Planning Commission --

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: -- at the next item.

The one thing I wanted to note to the Planning Commission, we have a full schedule today so we will be probably here -- we should count on being here all day. If we happen to get done earlier, that's fine. But we generally go 'til 5:00 if we have a full schedule.

If anybody has to leave before 5:00, could you let me know now.

COMMISSIONER CHRZANOWSKI: I have to leave. I have a doctor's appointment at 3:00.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER DOYLE: I have one at 4:30 that I canceled yesterday that I've reschedule for today.

CHAIRMAN STRAIN: Okay. So we potentially might lose two. And we still have a quorum. That's what I was concerned about. So thank you, that works.

Planning Commission absences. Our next meeting is February 20th. Does anybody know if they're not going to make it on that date?

(No response.)

CHAIRMAN STRAIN: Okay, that means if we have the meeting, which I'm -- almost certainly we are going to have because of consent issues, or at least we have a quorum on that particular day.

At the same time, Mike Bosi has passed out a flier indicating an AUIR date. And he's asked for us to check our schedules to make sure that we can be here on those dates. He didn't really give us enough notice. I mean, I'm -- my schedule on November 4th I think is already filled, Mike, I'm sorry.

So anyway, does anybody know if they have a problem with those dates?

(No response.)

CHAIRMAN STRAIN: Okay. Well, Mike, I think that will work fine. So let's just put them on the schedule on the calendar, and we'll go with it.

Okay, we were passed out -- electronically we were issued a set of minutes for the January 2nd

meeting. Now, that was only attended by myself, Diane, Charlette and Stan. So I'd ask the four of us if there's any changes. Anybody have any changes or corrections to those minutes?

COMMISSIONER ROMAN: I had one item that I made a note of. I don't have the minutes actually in front of me. Page 8, I thought that I saw a paragraph where we had a commissioner's name. I thought it was not a commissioner that was on this --

CHAIRMAN STRAIN: On this board?

COMMISSIONER ROMAN: So I wanted to check that.

CHAIRMAN STRAIN: Okay. And I've got the minutes somewhere here electronically, I can take a look at them, verify later in the day. But we'll just so note that there may be an error on Page 8 in reference to one of the commissioner names.

Anything else?

(No response.)

CHAIRMAN STRAIN: Okay, any one of you four want to make a motion?

COMMISSIONER CHRZANOWSKI: I'll move to approve the minutes.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER EBERT: I'll second it.

CHAIRMAN STRAIN: Made by Mr. Chrzanowski, seconded by Ms. Ebert.

All those in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Those opposed?

(No response.)

CHAIRMAN STRAIN: Motion passes four, with three abstentions. The three of you that weren't here, I'm assuming you want to abstain since --

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: -- you can. We're good.

Okay, BCC report and recaps. Ray?

MR. BELLOWS: Yes, the Board of County Commissioners during the last meeting heard the PUD amendment for Pelican Lake. That was approved by a vote of 5-0, subject to the CCPC conditions with some slight modifications. They basically adopted conditions three, four, five, six and seven but eliminated one and two. And I believe there was a slight change to the landscape requirement.

Can you fill them in on that a little bit?

MS. GUNDLACH: Yes, they removed the requirement to require a survey of the existing landscaping.

CHAIRMAN STRAIN: That was a photo survey, wasn't it?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Costly survey. It was just a picture. Okay.

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. Well, that's up to the board.

I did notice that one of them was the removal of the air conditioner in the back. And I watched the testimony. One fellow got up and said the Mitsubishi units are really quiet, there's really not a concern. That's great. But I think the reason this board made that recommendation is we can't stipulate what manufacturer would go in. So I didn't -- I don't know if the board understood our reasoning for that, but that was the reasoning for it, so -- I agree, the Mitsubishi units may be quiet. But someone could put a beater in from a local hardware store and the noise will kick in. So that was the only reason we had stipulated that.

MR. BELLOWS: The other item they heard on that meeting was the amendment to the R. Roberts Estates PUD. That was approved on their summary agenda.

CHAIRMAN STRAIN: Great. Thank you.

Chairman's report. I just have one comment. I reviewed the consent items for this meeting today,

and I notice a different format on the first one than the last two. I wish to congratulate Nancy and thank her for the format that you used on that first consent item, because it laid out the stipulations in a real neat fashion so we didn't have to go hunting through pages to make sure that they were right. That was a big help in the review. So we appreciate it. And I hope that maybe it's a staff item we could continue to do for all the rest from here on forward.

MR. BELLOWS: We will do that.

CHAIRMAN STRAIN: Excellent, thank you.

MR. BELLOWS: And Nancy gets a gold star.

CHAIRMAN STRAIN: All these little things help and they make the day go a little bit better. There was a lot of reading for today's meeting, and when we can have a summary like that, it sure does expedite the reading.

With that, let's move into our first three consent items. The first one is PUDZ-PL20130000827. It's The Lord's Way, located on Lord's Way on the east side of Collier Boulevard.

Does anybody have any corrections or comments needed for that one?

COMMISSIONER HOMIAK: Yeah, I do. On Page 10, under the developer commitments under transportation, there's a sentence added there. And I didn't see it on this list and I didn't have a note of it, so I'm not sure if it's -- it says, this shall occur prior to issuance of certificate of occupancy for the first building permit --

THE COURT REPORTER: May I have you on the mic, please?

CHAIRMAN STRAIN: Yeah, you need the mic closer.

COMMISSIONER ROMAN: Yeah, which one? I couldn't hear you either.

COMMISSIONER HOMIAK: Sorry.

On B, under transportation requirements. The second to the last sentence is different. And up above it was removed from first plat or first SDP.

COMMISSIONER ROMAN: Which sentence?

COMMISSIONER HOMIAK: This sentence was added: This shall occur prior to issuance of certificate of occupancy for the first building permit within the project.

And I didn't see that on this list and I don't have a note of it on my things. But maybe I just missed it.

CHAIRMAN STRAIN: I can't recall without pulling the video up how that may have come about. I mean, it's not illogical, but at the same time I don't know how -- do you recall, Nancy?

MS. GUNDLACH: I don't recall. But I'd like to ask our transportation staff if they have any knowledge of how it came about.

CHAIRMAN STRAIN: And I know that's Bob Mulhere's project, and he called me and said he -- oh, he's here.

Bob, we're talking about you.

MR. MULHERE: I missed it.

CHAIRMAN STRAIN: You missed it.

He was going to be late, but he's here.

MR. MULHERE: What was the question?

CHAIRMAN STRAIN: The whole thing was all about your project, Bob.

We're going to have to swear you in, Bob.

(Speaker was duly sworn.)

MR. MULHERE: And your question was with respect to that condition? I didn't hear.

CHAIRMAN STRAIN: The last sentence in 1-B under transportation requirements. Ms. Homiak --

COMMISSIONER HOMIAK: Second to the last one.

CHAIRMAN STRAIN: Second to the last one.

MR. MULHERE: Yeah, this shall occur prior to the issuance of a C.O. for the first building permit within the project. And the reason --

CHAIRMAN STRAIN: I thought we discussed it, but I don't remember --

MR. MULHERE: We did.

CHAIRMAN STRAIN: -- seeing it on the list.

COMMISSIONER HOMIAK: I don't remember it either.

MR. MULHERE: And that was the -- my recollection. Because I raised the issue at the end of the hearing.

CHAIRMAN STRAIN: I remember it.

MR. MULHERE: And the reason why -- typically --

CHAIRMAN STRAIN: Just didn't get on.

MR. MULHERE: -- often the county will require those off-site improvements simultaneous with or before the site improvements so that there aren't any traffic conflicts. In this case we don't have that situation because The Lord's Way beyond that isn't improved. So it makes sense to allow them to do it at the same time as they're doing the construction, because it's less money and less inconvenience for everybody.

CHAIRMAN STRAIN: I think it was part of your presentation and we kind of just took it in stride. And I thought it was something that would have been added as like a grammatical issue, so I didn't include it in the list. And that was maybe my mistake, and that's probably why you didn't see it on the list.

COMMISSIONER HOMIAK: Oh, okay.

CHAIRMAN STRAIN: Does anybody have any -- the applicant, you have no objection to it?

MR. MULHERE: No, that makes sense to us.

CHAIRMAN STRAIN: Okay. Does anybody on the panel have any objection to that?

(No response.)

CHAIRMAN STRAIN: Then if it's -- you okay with it then?

COMMISSIONER HOMIAK: Yeah, that's fine.

CHAIRMAN STRAIN: Is there a motion to approve The Lord's Way consent item?

COMMISSIONER HOMIAK: I'll make a motion to approve.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Seconded by Charlette.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Next item up is PUDA-PL20120002855. It's the Winding Cypress Planned Unit Development. This is a companion item, the same project's DRI. But the first item up would be the review of the PUD.

Does anybody have any issues on the PUD?

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: For the record, at the last meeting I had to recuse myself from voting so I'm going to do the same thing today. And I'll hand this in to the office so we could have it on the record.

CHAIRMAN STRAIN: Yes, sir. Thank you.

I had one correction I believe is needed on table one. And it would be on Page 23. The rear yard setback, there was a footnote 12 added to the table to define the setback up against the Henderson Creek canal. And while the table caught it for the rear yard accessories and put the footnote there, I believe it needs to be added to the rear yard setback for the principals as well. It was the same issue.

And I did mention it to staff. I think staff was in agreement. Nancy?

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: Okay. And the applicant? Richard's carefully studying his documents.

MR. YOVANOVICH: Carefully studying.

CHAIRMAN STRAIN: I mean, we wouldn't have restricted the setback for the accessory and not the principal. It would have made no sense. The intention was that there be no structures that violated that setback. So with that, the correction will be we'll add the footnote 12 to the principal?

MS. GUNDLACH: Mark, which petition are we -- that sounds like The Lord's Way. But we're on Winding Cypress, so I'm confused.

CHAIRMAN STRAIN: Why? We're on Winding Cypress.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: I mean, I'm sorry, what did you think we're talking about?

MS. GUNDLACH: Because it sounds like the exact change that we made to The Lord's Way the same day.

CHAIRMAN STRAIN: Henderson Creek wasn't along The Lord's Way though.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: Anyway, there's been no objection by -- that change then needs to be made to the development standards table. Other than that, I think it's fine for consent with that change.

Is there a motion form --

COMMISSIONER HOMIAK: I'll make the motion to approve.

CHAIRMAN STRAIN: Made by Ms. Homiak. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan, Mr. Chrzanowski.

All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0 -- 6-0, I'm sorry. One abstention by Mike.

Next consent item up is the Winding Cypress DRI. That's Item DOA-PL20120002856.

Are there any changes or corrections needed to that consent?

(No response.)

CHAIRMAN STRAIN: And I didn't see anything on that one.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion to approve by Ms. Homiak. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

All those in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0 with one abstention.

Okay, with that we move right into our advertised public hearings. The first one up is the PUDZ-A-PL20090001891. It's the Quail II Planned Unit Development, PUD, located north of Immokalee Road and east of Valewood Drive.

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

CHAIRMAN STRAIN: Disclosures by the Planning Commission? We'll start with Stan.

COMMISSIONER CHRZANOWSKI: No disclosures.

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: (Shakes head negatively.)

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Wayne Arnold on this.

CHAIRMAN STRAIN: Okay. And -- well, Charlette?

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: No.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Okay. And I spoke to the residents of I think just Longshore, but there may have been others there in a meeting with the developer. I spoke with the developer's representatives, I've had communications with Janet Vasey, Wayne Arnold and Rich Yovanovich. So it's been a busy -- I attended a meeting Monday night with both groups seeking to see where their differences were. Hopefully we'll work those out today and we'll discuss them all today.

So with that, Wayne, the presentation is yours to start.

MR. ARNOLD: Thank you. Good morning. I'm Wayne Arnold with Grady Minor Engineering. And with me today for the Quail II project is Rich Yovanovich, land use attorney, and three representatives from Toll Brothers who are under contract to purchase the property, Jim Manners, Matt Hermanson and Chris Adam. And all available for questions as we move through the agenda.

I put on the visualizer here the subject property. It's a tract designated as an R-1 tract in the Quail II PUD.

There's been some history associated with the project in the sense that it was formerly a commercial tract of the Quail II PUD and in 2005 it was rezoned from commercial to allow 152 multi-family dwelling units.

I don't think the post that application -- there had been an application to rezone this property for an assisted living facility as well. I don't believe that made it all the way to Planning Commission, but it got put on hold and continued indefinitely. And the project is now coming back with the proposal that we're offering, which is -- it's really an and/or situation. It's currently approved, as I said, for 152 multi-family dwelling units. We're asking for the option to develop 87 single-family homes. So the application specifically is for either building 87 single-family product or 152 multi-family units as currently approved.

That's as I said pretty straightforward. I've got a larger aerial showing it in the context of everything else going on.

You can see the subject property, it's in the lower right-hand corner of the outlined parcel. That's Longshore Lake immediately to the east of us. And Quail Village project and their golf course to the north of Valewood Drive.

The project is served by Valewood Drive and there is an entrance that's in the fence, if you've been to the subject property, that would be the intended location for the entrance for the single-family community.

The master plan is fairly simple. We built on the former R-1 approval that was there. You can see it's just under 22 acres. The outline of the internal road network is shown on the conceptual master plan. And we've noted deviations that are being requested as part of this.

The PUD currently allowed 50-foot right-of-way, for instance, in the property. We've reaffirmed that by asking for that to apply specifically to this tract as well for the single-family homes.

I think, Mr. Strain, you would argue that it may not be necessary, but we've included it. And if necessary, we can certainly delete it as long as we get the 50 foot rights-of-way we think we're entitled to.

CHAIRMAN STRAIN: I've since learned that the County Attorney's Office likes additional clarity.

MR. ARNOLD: Okay, good.

CHAIRMAN STRAIN: So I'm willing to go along with that.

MR. ARNOLD: The other request we made was for sidewalk deviation to allow sidewalks on one side of the road. And through the process it was requested by staff that we clarify that and note that that deviation only applies to the single-family development option that's being proposed, and we're fine with that clarification as well.

And the other requirement we had was to allow there to be a 10-foot wide buffer where we have an interface with the commercial tract that's located in the PUD to the south rather than a 15-foot wide buffer.

There's an existing wall with landscaping and we'll be landscaping on our side of it as well. And the 10-foot wide buffer is sufficient for our purposes for single-family community. So we hope that you will support those deviations.

Pretty simple application on its face. As you all received, as did staff, a copy of a letter from Longshore Lake and I think Quail Village as well. Part of the issue was traffic safety. And the request had come to put in a turn lane. And I think the various correspondence through the process, staff also had made that request, that a turn lane be provided for this project. And we're certainly willing to do that.

I've got an exhibit I can show you, if anybody cares to see what the detail of that would look like.

And this would be a deceleration lane for northbound traffic on Valewood to go into the property. There was adequate room in the right-of-way that exists. I don't have room to offer the county compensating right-of-way as they normally would ask. But I think most of us would agree that Valewood Drive's probably not going to get widened to wider than its current condition. This is the last parcel developable on Valewood Drive.

So I think that should satisfy staff and hopefully the neighbors for their traffic safety concerns that have been expressed to us.

One of the other items that the Longshore residents had raised was construction access to the property. And we had told them during our neighborhood information meeting and in follow-up conversations that it was our intent to utilize the access point on the south side of the property. Let me go back to the aerial, just to show you.

We had told them that it was our intent to use Executive Drive, in that location, for the principal construction access to the property. And as we had further dialogue with them, I think we all agreed that for all of the initial site work, site prep and through 75 percent of the residential construction, we could utilize Executive Drive for the final 25 percent of the units that would need to be built that we would be able to use the Valewood Drive access point. That would be vertical construction of the individual homes. All the other site prep work and the heavier activities would have been complete at that point.

So so far I think we've clarified, you know, in their letter that we were -- it's an "or" situation. It's 87 single-family or the 152. The construction entrance would be largely Executive Drive, as I just clarified. The decel lane is being provided.

They had another issue with regard to lake issues, and they had asked for clarification of the language that's in the current PUD. And the current PUD contemplates that this tract would provide 12 percent of the maintenance obligation for the Longshore Lake system. This project outfalls through Longshore Lake.

And that 12 percent, I don't know how that number was crafted many years ago, but the 12 percent number is there. And the Longshore folks had asked for clarification to add language that would say repair, replacement and improvement.

And our clients don't necessarily agree with those -- insertion of those terms. But I think we all agree that we can probably either write in some exclusions for what it doesn't cover so that it's very clear what it does. Because they don't want to be in a position where it's argued that things that are for beautification or some enhancement to the lake system that doesn't benefit the outfall through there, that they would be required to pay for that, in addition to the normal maintenance activities.



So we need to clarify some of that language, I guess, if that's an issue for the Planning Commission. But we had that dialogue with the Longshore Lake residents, as you're aware, Mr. Strain.

CHAIRMAN STRAIN: Uh-huh.

MR. ARNOLD: The other issue that came up was the amenity area. They had asked for us to relocate it. I'll show you what was previously approved. I apologize, it's not the most legible copy. But that is the Site Development Plan that was approved for the 152-unit multi-family development.

The PUD indicated that the amenity area would be centrally located. I think that as you most often would expect, the smaller multi-family buildings would not each have their own pool or amenity area, so the amenity was meant to be centralized to the project.

In our particular case a majority of the homes are anticipated to have their own pool structure.

CHAIRMAN STRAIN: Just out of curiosity, before you take that off, as a planner, is that -- I notice it's HMA, but you're with Grady Minor and Associates. Is that based on the currently approved PUD?

MR. ARNOLD: That's my understanding, yes.

CHAIRMAN STRAIN: Okay. Thank you.

MR. ARNOLD: I'll show you a little more detail. This is actually from a set of plans and plats that were submitted to Collier County. This is how the single-family lot configuration would look. The amenity areas in the top right corner of the sheet is a fairly small amenity area. And really, the unique part of the site and the challenge for this small site really was the fact that some of the infrastructure was already in place. And trying to utilize existing underground infrastructure, we've taken the road network and moved it within those existing utility areas so that we can come up with the road network we have and still have a viable single-family community.

It would be nice if I had the luxury of just saying yes, we can move the amenity area. I don't have that luxury without killing a large number of single-family lot opportunities.

So we've got the amenity area located where we do, and we can't move it but I think we can reach some consensus on conditions that would make it not a nuisance for the few neighboring residents to the east and Longshore Lake.

And when we met we talked about things like allowing it to only be dawn to dusk use so that there would be no late night activities. We could limit the level of lighting only to that necessary for security purposes. And we could also orient the structure.

It's intended that this is obviously a small amenity. If they provide a pool, it's probably only going to have a cabana bathroom type building. And we could orient that toward the eastern property boundary and orient the pool toward the Valewood side of the project. And I think with those kind of conditions, that would certainly make it compatible with the neighboring residences.

I think if you go back to the aerial, a portion of the project in Longshore Lake in that area are actually a set of villas. They were approved through a Site Development Plan approval for clustered housing a number of years ago, and their screen enclosures actually touch the wall that's adjacent to their homes.

So it's -- they've got a wall situation. So we have a wall, we have a 30-foot setback, we have a landscape buffer, and then we could orient our amenity building and then pool. And I think that would largely work to address any compatibility concerns they would have.

Which brings us to the next issue that they had raised which was the wall between Longshore and this particular tract of land.

There's a gap in the fence that -- it's an inconsistent wall type. A portion of this wall is concrete block, a portion of it's the concrete slats that are drop-in-place panels, and then there's a segment that's, I don't know, 150 plus or minus feet long that is a chain link fence. And the PUD currently requires that that gap be filled in by this developer, and we certainly intend to do that. So the gap would be filled.

The -- there was discussion of replacing the subject wall for the entire length, which is almost 1,500 feet of our common property line, and Toll Brothers declined to accept that offer to replace the wall.

The portion of the wall on the north side of the property boundary as you proceed north is actually encroaching onto our property. The individual property owners who constructed their walls in part encroaches onto our property. Our intent was simply we're going to pressure wash it, paint it, landscape it, hide it. There's no need to replace the wall that's otherwise in what we believe is sound structural shape.

On the south end as you approach Immokalee Road, it's a slatted wall. I do have some pictures, if it will help anybody to look at that.

That's an example of the concrete wall that exists. And you can see the screen enclosures that actually touch part of that wall. Which certainly is one of the issues related to replacement that, you know, you're getting into a situation where you have now screen enclosure replacement for individual homeowners as well as pavers and some of their pools encroach within a couple of feet of the wall itself.

I'll show you the gap. This is -- that's what's referred to as the gap. It's a chain link fence that's there. And that would be required to be filled in with either a concrete wall or the slatted type wall that exists, which is this.

So the wall system is largely in place except for the gap. And as the PUD requires, we're certainly willing to fill in the gap as specified.

COMMISSIONER EBERT: Wayne, is that slatted wall, is that concrete?

MR. ARNOLD: It's a concrete slat wall. They're drop-in-place panels is my understanding.

COMMISSIONER EBERT: Okay, thank you.

MR. ARNOLD: And those were the issues raised by the Longshore homeowners. And that's how we've proposed to address them. Again, we don't believe it's, you know, certainly our obligation to go and assist in tearing down their wall and rebuilding something that we think is in decent shape. And from our perspective, you know, single-family to single-family requirement is a Type A buffer. That's a tree every 30 feet, is my understanding, and a 10 foot wide buffer. So we already have the protection of a secured wall and we don't believe that it's necessary to replace the wall that's there.

CHAIRMAN STRAIN: Okay. Is that the end of your presentation?

MR. ARNOLD: It can be.

CHAIRMAN STRAIN: No, it's up to you.

(Laughter.)

CHAIRMAN STRAIN: You seem to be pausing, so I wanted to --

MR. ARNOLD: And I guess Rich just reminded me that really what we would -- you know, what we would do if not for the wall would simply be to put in more or less a Type B buffer without a wall is what we're proposing, and that certainly meets code and exceeds code.

CHAIRMAN STRAIN: Okay. Now we'll go with questions for the applicant before we get to staff report, and then after staff report we go to the public.

So let's start, does anybody have any questions of the applicant?

COMMISSIONER DOYLE: Sure, I do.

CHAIRMAN STRAIN: Go ahead, Brian.

COMMISSIONER DOYLE: Is there a preference between the 152 multi and the 87 single-family that you guys are looking at?

MR. ARNOLD: Well, the preference for Toll Brothers who's under contract is the 87 single-family homes. The seller wants to retain the opportunity to do multi-family, should Toll not close on the property.

COMMISSIONER DOYLE: Okay.

CHAIRMAN STRAIN: As a follow-up, though, so you have a contract that's contingent on zoning, and if you get the zoning to do the single-family, that's what you intend to do?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER ROSEN: Wayne --

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: -- clarification question. Back to the -- with the wall. Who owns the wall?

MR. ARNOLD: Well, I believe the wall was originally intended to be Longshore Lake's wall. So the south 800 feet of it or so is wholly on their property.

COMMISSIONER ROSEN: It's on their property.

MR. ARNOLD: Yes.

COMMISSIONER ROSEN: Oh, okay.

MR. ARNOLD: The northern portion there are encroachments that do come over onto our property. And it appears if you just go look at it that the wall was built more piecemeal by individual -- maybe the developer of this clustered housing plus another segment that's concrete block. And then of course the gap is the chain link.

COMMISSIONER ROSEN: Thank you.

CHAIRMAN STRAIN: The question though is who owns it. So theoretically the person that built it owns it.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: So that means it was probably put there not by your client but by the residents.

MR. ARNOLD: Correct. It was not --

CHAIRMAN STRAIN: It meanders on and off the property line.

MR. ARNOLD: That's correct. I have a detailed survey indicating that, if that becomes a --

CHAIRMAN STRAIN: But I think to answer the question directly, the ownership, you don't own the wall, that wall's not yours.

MR. ARNOLD: I don't. We do not own the wall.

CHAIRMAN STRAIN: I mean, where it goes on your property, I guess that's a point of debate, but you didn't build the wall. That's what I --

COMMISSIONER EBERT: Wayne, I have a question. How are they going to maintain this wall?

MR. ARNOLD: Well, I think the idea is that, you know, the wall's of sound construction and they'll do general maintenance on it upfront, landscape it and I don't believe they --

COMMISSIONER EBERT: But normally you have to go behind your wall. I mean, there are things behind the wall that you have to maintain.

MR. ARNOLD: Sometimes. I mean, I guess it depends on the level of maintenance activity that you want to keep. If you look -- if you go out to the site, you'll notice that some of the individual homeowners have cut and put doors in their wall. I don't know for what purpose, if that was for their own maintenance or their desire to use a vacant lot as part of their backyard.

COMMISSIONER CHRZANOWSKI: How thick is the wall?

MR. ARNOLD: Excuse me?

COMMISSIONER CHRZANOWSKI: How thick is the wall? Six-inch, eight-inch?

MR. ARNOLD: Probably various. But the concrete block portion's probably standard, if that's what, eight-inch con --

CHAIRMAN STRAIN: Well, eight-inch block with two five-eighths stucco. So you might be what, 10 inches?

COMMISSIONER CHRZANOWSKI: So it's a concrete block wall, not a concrete wall.

CHAIRMAN STRAIN: It's both.

MR. ARNOLD: It's both.

COMMISSIONER CHRZANOWSKI: It's both.

How much encroaches?

MR. ARNOLD: It varies. It meanders on and off our property. I've got an exhibit that shows you what --

COMMISSIONER CHRZANOWSKI: Is it inches or is it feet?

MR. ARNOLD: I would say it's measurable in inches.

COMMISSIONER CHRZANOWSKI: Oh, okay. So the property line's probably in the middle of the wall at some point?

MR. ARNOLD: Yes.

COMMISSIONER CHRZANOWSKI: So any of the screen enclosures that touch up against the wall are definitely on the other people's property and not on your property.

MR. ARNOLD: You know, I don't know if I can say that definitively, only because I didn't survey the exact location of the drop point for most of those.

COMMISSIONER CHRZANOWSKI: Okay, I'm just curious.

MR. ARNOLD: But it's close.

COMMISSIONER CHRZANOWSKI: As long as you don't have a problem with it, I don't.

MR. ARNOLD: We don't. We're willing to let them keep them where they are, where the encroachments lie.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Well, as usual, I do.

Well, let's start the -- we'll try to get into the PUD first, Wayne.

Well, first of all I notice, and this is probably more of a staff request than it is of yours. This PUD did what we do in the past a lot, we amend an existing PUD. And by the amendment what they do is they only put in paragraphs that they want to change in the amendment. So in order to understand how this fits into the whole PUD, which is necessary, we would have to more or less cut and paste to see how it fits in.

I would ask that in the future staff not go that direction, that we -- if we are going to have paragraphs or items changed we do a strike-through and entry into the original document so we can see how it fits encompassing the whole document.

And Ray, is there a reason we couldn't do that, or --

MR. BELLOWS: Well, the idea of a minor PUD amendment is so that staff would not have to check the entire PUD document for a minor change that affects one page. If you have a PUD document that's completely open to changes, then we'd have to review every page to make sure that there aren't unintended changes made so it doubles the -- not doubles the cost, but we have an increased fee for a regular PUD amendment that we review the entire PUD document. By submitting one page as an amendment that is minor, it reduces staff time, we don't have to worry about the other parts of the PUD document being impacted or affected.

CHAIRMAN STRAIN: Well, see, I believe you do have to worry about the other document. This isn't one page, it's 12 pages. And this isn't by our LDC defined as minor. It's considered a PUD amendment and that's substantial.

MR. BELLOWS: Well, yeah, and I agree with you on that point. And maybe that should have been discussed more detailed during the pre-application meeting if in fact they were impacting more than 10 lines of text.

CHAIRMAN STRAIN: Well, and I think this one --

MR. BELLOWS: Because that's the cut-off. You know, if it's more than 10 lines, then we make them --

CHAIRMAN STRAIN: And I understand that. But this doesn't meet any of those qualifications. And my concern is that this shouldn't have come through this way.

Now, it's doable. I actually meshed them together to try to figure out. I have comments from both the old PUD and this document. But it would have been a lot easier and time saving for the rest of us if we just had this thing in one document.

MR. BELLOWS: I agree. And we'll do a better job at finding out if they're affecting more than 10 lines of text and make them submit on the right application and pay the right fees upfront.

CHAIRMAN STRAIN: Okay, the maximum -- Wayne, the maximum density that this project is allowed was based on a conversion from the commercial to the multi-family when it happened -- when the multi-family was introduced a few years back. And you went -- it was up to 512 units based on 152 multi-family.

If you build 87 units, are we looking at a build-out total that will be reduced by 65 units then back down from the 512?

MR. ARNOLD: If that's the correct math. I didn't do the math, but yes.

CHAIRMAN STRAIN: Let's assume it is. But you get the intent.

MR. ARNOLD: The intent is we're not going to reach the 512 for this property. I don't know about any other part of Quail II, Mr. Strain, about whether or not there are any units left to be built in Quail Village or anything else. But certainly our intent's to build the maximum of 87 single-family or 152 multi-family.

CHAIRMAN STRAIN: Right. And I looked at the reason the total was up to 512, and it was

because of the addition of the 152 multi-family. And what I'm getting at is this project's going to come for a close-out at some point. And why have this density on the books that you're not going to build?

I'm not saying take it away from you. I'm just saying if it's not -- it shouldn't be added if you're going to build 87 instead of 152. And I just want to make sure that you're -- if there's an objection from -- I'd like to know.

MR. ARNOLD: No, I don't think we have an objection to the direction you're headed. I just don't know how that gets reflected on the dwelling unit count that's there.

CHAIRMAN STRAIN: Well, I mean, I think it's going to have to be paragraphed in, to be honest with you, but --

Let's see. You caught some of the things I had as issues, so let me get right by those so I don't have to ask them again.

MR. YOVANOVICH: Mr. Strain?

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: On that point, unless I'm reading it wrong in the PUD, on Page 4 of 12 under maximum dwelling units, I think it's covered. Because it says 360, which is not us, plus 87 or plus 152.

CHAIRMAN STRAIN: Yeah, I agree with you.

MR. YOVANOVICH: So I think it was covered on the max. I can't --

CHAIRMAN STRAIN: Well, it is there, but it's not covered in the original sections of the PUD you did not change. By your amendment -- remember I just got done saying we need to look at the whole PUD? That's part of the reason. When you look at the whole PUD, that 512 pops up in other areas. All I'm saying is if we're going to consistently apply that, we need to make sure it's everywhere so we don't have an argument down the road.

MR. YOVANOVICH: I think Section 2.2 does apply to the overall PUD, not just the R-1 tract.

CHAIRMAN STRAIN: Okay, and that's fine. I just wanted to -- when I get to it I'll point them out.

Under your development standards table, Wayne, you have a -- I just wanted a clarification. On your footnote number one, it says measured to the edge of the sidewalk, to the edge of pavement or back of curb if no sidewalk. That reference is the front setback.

Then it says, parenthetical, single-family front entry garages shall have 23 feet front setback.

MR. ARNOLD: Yeah, I think --

CHAIRMAN STRAIN: And all I want to suggest is 23 feet from the back of curb, the words "back of curb" be added to that.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: So it would be 23 feet from back of curb from setback. And that way we know that's where your measurement point is.

Does that work for you?

MR. ARNOLD: Actually, would it be more appropriate to reiterate that that's from the sidewalk, the 23 feet?

CHAIRMAN STRAIN: That's fine. Either way you want to do it. The point is I want to make sure we use the right measurement point.

MR. ARNOLD: I think I'd rather say from sidewalk. That way we're consistent with our 23-foot measurement from sidewalk.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: If we're going to make that modification.

CHAIRMAN STRAIN: On the PUD master plan, there was a notation about the 15-foot Type B buffer that's on the east side of the property with a six to eight-foot high wall, existing wall to remain.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: Your property can't dictate what somebody else can do, it's not your wall, so I think the reference to existing wall to remain be struck.

MR. ARNOLD: I think that's probably appropriate, now that we know that the wall was especially intended not to be on our property; it's our adjacent neighbor's property.

CHAIRMAN STRAIN: Now, as far as that issue goes, you had made a statement earlier that you

guys -- you guys, your company's, whoever you're representing, doesn't intend to make an issue over their monitoring of that wall.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: And I just would -- I want to memorialize that somehow. So one of the stipulations will be that there will be some easement provided to allow the wall to remain in its current location. Is that agreeable with your side?

MR. ARNOLD: I'm sure we can work on some language than deals with that issue.

CHAIRMAN STRAIN: I mean, only where it conflicts with your property, obviously.

On your -- you did some changes on Page 16. It's under signage, F.

MS. ASHTON-CICKO: Mr. Chair, I don't have a Page 16 on the ordinance, so I'm not sure where you're reading.

CHAIRMAN STRAIN: Well, I figured you were going to say that. I was just trying to find where it starts. I figured that might be a question.

The old -- it's actually where the -- it was on the old PUD.

MS. ASHTON-CICKO: Oh, the old. I'm sorry.

MR. ARNOLD: I think it's from -- Mr. Strain, you're looking at ordinance 2005.

CHAIRMAN STRAIN: That's the -- never mind, yeah, I realize what it is now. Never mind. It was just one of my notes on -- making sure I catch everything, and that one was something that I've already understood to be --

The easements on the east side of the property that are along Longshore Lakes, I find three of them: A CU, a CUE and a telephone. What's your -- because they total about I think 30 feet and you show a 15 foot buffer. But it looks like a slightly off the property line where it starts.

So how are you handling those easements with your buffer?

MR. ARNOLD: It's my understanding that we're going to be revising some of those easements as part of the plat -- replatting process for the single-family community. And we're going to deal with that. But we know we're going to have an encumbrance of around 30 feet from that property line adjacent to Longshore Lake, which is why we've established at minimum setback from that boundary of 30 feet.

CHAIRMAN STRAIN: Okay. So some of those easements will have to remain. And your landscape buffer, the way -- because the way it looks, the one that's closest to that property line is remaining.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Because you're starting your landscape buffer outside of that. So that does give you a further setback distance from the neighbors on Longshore Lake.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: That's all I got for now. I've got some others we'll talk about when we get to the -- when we're done with our public presentation.

Anybody else on the Planning Commission have any further questions?

(No response.)

CHAIRMAN STRAIN: Nancy, do you have a staff report?

MS. GUNDLACH: Good morning, Commissioners. I do have a staff report.

And before I get into the staff report, I just have a few questions based on the presentation that was given this morning.

Would it be okay -- I did speak to our sidewalk specialist and she would like to see the sidewalk exhibit incorporated into the PUD. So if you would consider doing that.

CHAIRMAN STRAIN: Sure, we've done that before.

Any objection from the applicant?

MR. ARNOLD: No.

MS. GUNDLACH: And then the other question I have, based on one of the exhibits this morning that shows the turn lane, I just want to ensure that the Type B landscape buffer will still be there after the turn lane is built. It shows in the exhibit, original PUD exhibit, that we reviewed for the staff report but I didn't quite see it on the exhibit for the turn lane. So if you could just clarify that, that would be great.

MR. ARNOLD: Nancy, I would have to look closer, but I've detailed that. The wall that appears in

that exhibit is larger in scale than it really is. If I were to put it to scale you wouldn't really be able to see it, it would just be a tiny little line of eight inches.

And I think for that area of the turn lane, Nancy, we're going to have a reduction in that landscape buffer. And I don't know if it's just implied that that landscape buffer is reduced by that amount. Our intent all along has been not to impact the existing wall that was built several years ago and is in good condition.

CHAIRMAN STRAIN: You know, to solve that problem, because this is what you intend to do, is it something that you think is far enough along to incorporate in as an exhibit to the PUD? Because that will take care of the buffer and everything, if it's going to be built like it's shown here.

MR. ARNOLD: You know, I think we probably could. I don't -- I'd defer to our client. But I think it is. I mean, subject to minor modification. You know, if the county -- the county -- in fairness, I don't believe John Podczerwinsky or Reed Jarvi have studied this in detail. But I guess to the notion that we can provide a turn lane of sufficient length and width without compensating right-of-way, I'm happy to include it in there, if we can have at least a little wiggle room that it's subject to final permitting.

CHAIRMAN STRAIN: Subject to final permitting adjustments, okay.

And yeah, I see John nodding his head up and down yes, so that will -- I think that will make sure you can do what you're proposing to do, and it gets the residents a turn lane that -- actually, that was the biggest issue when I started speaking with them, that they wanted to make sure that happened. So I think that gets that accomplished.

MS. GUNDLACH: Okay, so we'll have a turn lane and we'll still have our landscape buffer.

CHAIRMAN STRAIN: You'll have what that document shows.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: Did you have anything else for the staff report, Nancy?

MS. GUNDLACH: Just that staff is recommending approval because this is consistent with the Land Development Code and the Growth Management Plan.

And if you have any questions, it would be my pleasure to answer them this morning.

CHAIRMAN STRAIN: Great. Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Good. Great staff report. Thank you.

Okay, with that we'll go to the public speakers. And we ask that -- well, first we'll start with the registered speakers. When we're done with registered speakers, I'll ask if anybody else would like to speak.

We ask you try to limit your discussion to five minutes, not to be redundant, if possible, and we have some flexibility in that time. So I know some of you have a little bit longer you want to spend. That's fine, we'll work with you on it.

And please come up to the podium when your name's called. Either podium works.

Okay, Ray, you want to call our -- how many speakers do we have registered?

MR. BELLOWS: Three.

CHAIRMAN STRAIN: Okay, want to call the first one?

MR. BELLOWS: Janet Vasey.

MS. VASEY: Excuse me a minute while we get set up for the presentation.

Good morning, Mr. Chair, Commissioners. My name is Janet Vasey, and I'm here for the Longshore Lake Board of Directors. They asked me to speak to you today.

Longshore Lake is the community on the east side of the Quail II PUD. We have a common boundary with the Quail II property of about 1,450 feet, and that's about five football fields for you football fans.

We're a mature community of about 1,500 residents, and Longshore has been in existence about 25 years. Some of our residents are here today.

Would you please stand. Thank you.

We are opposing the Quail II PUD amendment. This is a list of the problem areas we identified, and I'll go through them individually.

But first I'd like to say that we think a property is only entitled to the zoning that it has. It's not entitled to anything more or anything else. Quail II is entitled to residential multi-family. They want to add

and build single-family housing. So this is a discretionary zoning change and should be evaluated on the total impact the change would have on everyone in the effected area. Approving this change would certainly benefit Quail II, but at the experience of Longshore Lake. Therefore, we're asking you to deny the PUD amendment.

Construction entrance. Valewood is -- Valewood Drive is too dangerous a county road to use for heavy construction traffic for a multi-year project. Executive Drive is perfect for the construction entrance and they're planning to use it. However, they plan to use Executive Drive for construction vehicles only up to the 75 percent completion. We think safety requires a full-time construction entrance on Executive Drive, not just for 75 percent but for 100 percent. We do not want construction trucks using Valewood Drive because of safety concerns with big trucks carrying construction materials, lumbering down our busy two-lane road, slowing and blocking traffic.

Traffic on Valewood is heavy and the speed differential between turning vehicles and through traffic is a safety issue, especially at the Quail II entrance where Valewood curves, limiting visibility.

The deceleration right turn lane, we all really wanted the deceleration right turn lane on Valewood into the Quail II property. And the county transportation department supported including this requirement in the PUD, and we're very pleased with that decision.

To address our lake issues, stormwater runoff from the Quail II property will drain into our lake. The current PUD provides for the developer to contribute 12 percent for lake maintenance to Longshore Lake.

Now, that term maintenance should be expanded to include maintenance and also repair, replacement and improvement. Otherwise there will be bickering over our communities relating to the expenditures for stormwater management.

Quail II stormwater runoff has a 12 percent effect on all aspects of our lake health. To include regular maintenance, periodic repair and replacement of management equipment -- maintenance equipment and occasional improvements.

And we're only talking about stormwater management costs relating to water quality, nothing for beautification or anything like that.

This change would continue and formalize the current practice in which the Quail II owner has been contributing 12 percent to lake management improvements, including the recent purchase last year, or maybe in '12, 2012, for aerators. And it would avoid future confusion and arguments with the new Quail II homeowners association when it's formed. So we recommend revising the language in the PUD.

On the amenity area: In the PUD amendment the planned amenity area is at the northeast corner immediately adjacent to Longshore Lake wall and our residents. Toll Brothers is planning to include a pool with restrooms, lighting and possibly other amenities. This plan puts all the noise and activities within a few feet of Longshore residents. And by the way, it's isolated from all the Quail II homes.

The current PUD requires recreation facilities to, quote, be centrally located toward the middle of the property. We ask that you keep this safeguard to protect Longshore residents.

Okay, the common wall between Longshore and Quail II: The current PUD requires Quail II to close the gap. And you've already heard that the developer plans to do that. However, we're concerned about the existing slat concrete that he talked about. And that wall is located in the southern part of their development. It's about 800 feet.

Now, this wall was constructed in 1996. And while it's deteriorating in some areas, we feel that with maintenance it should last quite a few years yet.

That being said, we do have an engineering study that says there is no useful life to this section of the wall. So it will eventually need to be replaced, probably sooner rather than later.

However, once homes in Quail II are constructed, wall replacement will be very difficult and considerably more costly since the wall will be wedged between two rows of homes. And we just really don't know how we'll get in there unless you bring in that big equipment lifting things over houses.

We have one chance to make that wall between Quail II and Longshore a good neighbor wall. Toll Brothers we think is taking the short-term financial view of the issue. Longshore is taking the longer term people oriented view. And by the way, we're also considering the interests of the Quail II homeowners.

We requested that the developer replace the slat concrete wall during their construction of the gap



wall. We feel that would be a win/win for both communities. A new wall would enhance the value of their property, and rather than having their backyards of their homes facing a deteriorating unattractive wall.

Also, we think that it would also limit disruption to their homebuyers when in the future, and it wouldn't be too far in the future, that wall will need to be replaced. And would also recognize the value of the existing wall to Longshore, since we have no need to replace that wall until it's absolutely necessary. We'll patch it, repair it, whatever we need until it's necessary.

We want Toll Brothers to manage the 800-foot wall construction, since they already are required to build the 150-foot section of the wall further north.

Our reasoning is: They're already putting in a wall and it shouldn't be difficult to manage both segments; they could get a better price as a developer; they have access to their property and construction would need to be completed from their side of the wall; and if the wall is replaced, they want the wall completed early so we'd be out of their way when they build. Longshore doesn't command the priority of a big developer in this heating up construction environment. And it would be difficult to be certain we could meet their deadlines. We also need a cost sharing arrangement for future maintenance, repair, replacement and improvement of the wall, similar to the Lake's stormwater management agreement already in the PUD.

In summary, last but not least, we need a PUD that will continue the existing excellent relationship among the Valewood Drive communities. If Toll Brothers is allowed to put their bottom line ahead of its future community's welfare, then it will start a Hatfield and McCoy situation between the new Quail II homeowners association and Longshore. And we see that happening possibly on lake costs, pool noise and wall issues.

Also, the contagion will spread to the cooperative spirit that exists among the Valewood Drive association members that promotes mutual welfare of all the communities on Valewood Drive, including Quail Creek Estates, Quail Creek Country Club and Quail Creek Village.

We were very surprised that a nationally known quality construction company like Toll Brothers, who is building what we estimate to be a \$50 million plus project is unwilling to help a small neighboring community deal with some problems that this new Toll Brothers development is creating. The money we're talking about here is insignificant. This section of the wall is about replacement -- demolition and replacement would be about \$100,000. And the wall replacement would benefit their homeowners as much as ours.

In conclusion, Longshore opposes the Quail II PUD amendment because of safety concerns, and that relates to the 25 percent of construction traffic using Valewood; noise issues, with the amenity area smack up against our homes instead of in the center of the development as the current PUD requires; and financial and logistic problems relating to the lake and the wall.

I would like to conclude with a statement I made earlier. We think that the property is only entitled to the zoning that it has. Nothing more, nothing less. So this is a discretionary zoning change and should be evaluated on the total impact that the change would have on everyone in the effected area. Approving this change would certainly benefit Quail II, but it would definitely harm Longshore Lake. Therefore, we're asking you to deny the PUD amendment.

Thank you very much. Do you have any questions?

CHAIRMAN STRAIN: Any questions for anybody?

(No response.)

CHAIRMAN STRAIN: Janet, I do. Could you go back to the previous slide where your conclusion are?

MS. VASEY: Yeah.

CHAIRMAN STRAIN: So it's my understanding this is a reduction, a downzone, from 152 two-story multi-family, basically crammed in a -- typical to the plan we just saw, to 87 units that would be probably higher priced than a multi-family, and they're being opposed -- you think this is bad for safety because of the construction entrance that isn't required if they just came in with an SDP right now and wanted to build 152 units. But they're willing to at least say 75 can be done and they're going three-quarters of the way with you on that issue.

The noise issues. The noise from the original amenity center would be greater with a multi-family

because they don't have backyards. I doubt if very few people will use an amenity center when they've got single-family homes with pools and backyards. And I think the history of those kind of uses are minimal. But I also think that 152 multi-family units, two-story high with the second floor being an active floor, not just bedrooms as they are in two-story houses, will recreate more noise for you than 87 single-family homes.

And as far as financial problems, those are self-created. And I think the developer's going a long way just not to force you to tear down your wall, because it's on their property.

And I would suggest that before today is over, we would recommend they provide an easement for both access and maintenance over the existing CUE that remains in place outside their landscape buffer.

And those kind of things would all be beneficial to you, but I don't know of any code issue that would allow us to intervene on your financial problems. So I wanted to make that clear because I've known you a long time, and I don't want to go necessarily unsaid, unexplained, because I believe you have concerns and I believe they've been met better this way than they were with 152 multi-family. But that's my comments.

MS. VASEY: Well, since I'm under oath, I will not tell you that we prefer a multi-family development. But we don't like this plan at all. We think that there are things that can be done, accommodations that could be made, if there was a willingness to do so.

The multi-family by the way does have a 50-foot setback which would at least keep them farther away.

The issue with the pool, you know, pools can be used for a lot of things, and gathering areas. We've had to fight with our pool with kids up there smoking pot, doing other kinds of things up there. You know, all of that, if that kind of thing should come up, it's right next to us. I think other people have had those kind of experiences too with what happens in vacant areas.

But anyway, this is something that we think we wanted to talk to you, we wanted to bring it up, these are our concerns. And we think we have some valid concerns and would like to see some changes. And if there were some changes made, I think we might be able to support this.

CHAIRMAN STRAIN: Okay, thank you.

MS. VASEY: Anyone else?

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, next speaker, please.

MR. BELLOWS: Ted Monty.

MR. MONTY: Thank you, Mr. Chair. My name is Ted Monty. I'm the general manager of Quail Creek Country Club.

And I just want to first start off by saying that the initial exhibit shown in the very beginning is a little bit misleading. Because actually Valewood Drive is just over 1.1 miles long, and it starts off at Immokalee Road and ends at the gatehouse at Quail Creek Country Club. So the exhibit that was shown was just showing a very small portion.

Valewood Drive, the capability of this area growing, even with the development going from 153 units to 87 units, Valewood Drive is a county road. And I'm not sure if everybody knows that. But it's a county road that's maintained by five entities: Quail Creek Country Club, Quail Creek Estates, Longshore Lake Foundation, Quail Creek Village and then the proposed entity that I believe Toll Brothers, which used to own this property at another time and is trying to rebuy the property.

But like other county roads that can go from two to four lanes, Valewood Drive does not have that capability. And this would be an excellent reason to have the entry way and exit located off of Executive and Commercial Drive. Why put it on Valewood Drive?

I'm not sure how many people have been on Valewood Drive, but I personally have managed two communities for over 10 years in that vicinity. And I have personally witnessed many accidents on Valewood Drive. And where -- the proposed entry off of Valewood, even with a deceleration lane, is located too close to Quail Village, Longshore Lake, and you would be putting too many lives at jeopardy.

This is not a dream or fantasy, this is reality where we've seen people in major accidents. The Department of Transportation has even acknowledged that Valewood Drive is a problem. We've had lights installed. We've had no U-turns installed. That area is just a breeding ground for accidents.

We have no way of knowing what other type of traffic will be added, because we have seen no other covenants or proposed bylaws from 153 units or down to 87 units. Are there going to be -- is there going to be one landscaper that maintains that whole development, or will each independent homeowner have the ability to hire their own landscaper? There is a lot of misleading facts here that need to be brought out into the open before anything should really be decided.

I'm sort of confused to the fact that Toll Brothers says they will buy the property or they're under contract to purchase a property if the zoning -- or it gets rezoned to 87 units. So what will happen if it does not go down to 87 units? Will we be dealing with the fact of something going back to 153 units or possibly somebody coming in to buy and changing it again?

This is not the first time I've been up here. This is probably the third time with various developers trying to develop this property. And to go against over 1,000 neighbors just for the financial gain of the developer does not make sense to me. It just seems to be too much smoke and mirrors, as there were back in 2005.

I'd also like to say, I don't agree with the deviations to seek relief from the buffer requirements. I do not agree with the deviation to seek relief from sidewalks or bike lanes or pathway requirements. I do not agree with the deviation to seek relief from right-of-way standards which are established at 60 feet wide and are looking to reduce to 50 feet wide.

I ask that before you make a decision to sincerely think about the things that are at stake here. Specifically safety. If you do choose to have this rezoned, I ask that you consider putting the entry and exit gate off of Executive and Commercial Drive.

Thank you.

CHAIRMAN STRAIN: Sir, just I have a question, if you don't mind.

This used to be commercial. Were you there when it was --

MR. MONTY: That is correct.

CHAIRMAN STRAIN: Did you see commercial being more problematic for your position or your community than what it was converted to when it went to multi-family?

MR. MONTY: Unfortunately the way the developments are laid out with the two sections that encompass the five entities, and because of the way it's laid out, it's going to cause a problem just because of the way Valewood Drive is not a straight road, there's lots of bends and turns in there.

So be it commercial, be it residential, if it's 87 units, 153 units, will cause a safety concern there. That's why I ask that you consider that if you do move forward with this project that you have the entry and exit off of Executive and Commercial Drive.

Now, if the county requires to have a second egress, there can be an emergency egress located off of Valewood. Just like Longshore Lake has. They have an emergency egress located off of Logan. The same type of setup can be made for this present development where an emergency vehicle or upon evacuation people could leave. That's a lot different than having everyday traffic going in and out.

I'm sure you've seen the traffic studies. There's over several thousand cars that travel on this 1.1 mile strip of county road.

COMMISSIONER CHRZANOWSKI: I have a question.

CHAIRMAN STRAIN: Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: Of those five entities you say that use Valewood for access, are any of them built out?

MR. MONTY: Four entities are completely built out except for this proposed.

COMMISSIONER CHRZANOWSKI: Except for --

MR. MONTY: Except for --

COMMISSIONER CHRZANOWSKI: The other four entities are all built out?

MR. MONTY: That is correct.

COMMISSIONER CHRZANOWSKI: So this is the last one going in up there?

MR. MONTY: This would be the last one, yes.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

CHAIRMAN STRAIN: Okay, thank you.

Next speaker, please.

MR. BELLOWS: Gary Lakin.

MR. LAKIN: Hello, thank you. My name is Gary Lakin and I'm the -- I'm an attorney. I've been an attorney since 1970 in the real estate development and just was admitted to the Florida bar a few years ago.

I'm the head of the legal committee of the Quail Creek Estates, and the Quail Creek Estates Board of Directors has asked me to speak to you today.

In keeping with the chairman's direction, I will not be repeating anything that's been said today but I'll be supplementing remarks and responding to items that have been mentioned.

Let me say that the remaining three concerns of the Quail Creek Estates are the -- having a full-time construction entrance and a permanent dual entrance on Executive Drive.

Number two, single-family homes are the only option that happens going forward as a practical matter.

And number three, that we preserve harmony within the Valewood Maintenance Association for reasons which I'll go into.

Let me start by saying as a preface, the Chairman asked about commercial development at this site. Originally this was zoned probably farming at one point, it went to commercial. Commercial would have been a terrible idea and was never feasible. The site lacks visibility and has terrible access for commercial. So that really was never going to happen. Would have been vacant forever.

The existing commercial that exists north of Immokalee Road has been taking years and years to develop, so commercial was never feasible.

Let me mention the lesson from the deceleration lane. And this is why the different Valewood association communities is so sceptical about Toll Brothers.

Toll Brothers submitted a paid as directed; made as directed and paid for traffic study that came to the opposite conclusion of the staff traffic report. The traffic situation on Valewood is obvious. The staff report is obvious. But Toll Brothers submitted what in effect is a bogus report just to try to save a few dollars. They spent a few thousand dollars. They would have saved 10 times that if this Planning Commission had agreed with it.

This planning board is too smart for that. The staff is too smart. But what we learned was that Toll Brothers has a short-term dollar oriented view, and all the other communities have a safety and welfare view for owners. So with that in mind we go forward.

But the deceleration lane is no longer on the table. If you're going to do it, hopefully it will be buffered correctly, everything will be fine.

The Estates is concerned about safety issues on Valewood Drive. The construction entrance needs to be, please, on Executive Drive for the full term of the development. And here's why: Toll Brothers is represented by excellent attorneys. They are excellent wordsmiths. They understand nuance that the staff does not. When they say 75 percent development and they're talking about development of homes, they will come up with a definition such that the effective 75 percent is next month. It's short. And as a practical matter, it will be unenforceable.

The easy metric for this is that the turnover to the new association, that marks the completion of construction. That's when it should be. I guarantee you, the 75 percent mark will be defined in such a way that it's unenforceable.

And how do I come up with that cynicism? Just look at how this cost-sharing arrangement was done currently. They talk about 12 percent maintenance for the lake, cost-sharing of the common lake that's used for water runoff.

Toll Brothers knows maintenance is not the same as management. And as Janet already mentioned to you, it was purposeful that the word maintenance was used because it's minimal. But maintenance does not include the full scope of management which also includes repair, replacement and improvement.

They threw at you today a beautification item. That's -- if Longshore wants to put in rip-rap along the shore, they'll do that at their expense. They would never charge that to Toll Brothers. But it should be water runoff management, including the four items. Maintenance is one part of it, then it's repair, replacement and improvement.

The wordsmiths representing Toll Brothers knew that from day one, but the nice people at staff said maintenance, okay, that's the right word. Well, it's not.

So this time around let's be sure we please have a representative from the VMA, the Valewood Maintenance Association, look at a prior draft before it's finalized. I assure you there will be nuances in there that are purposeful, and we should all be guarded for them. They've done this before and Toll Brothers will do it again.

The next item I have is the single-family option only. There have been, as been mentioned, multiple applications, commercial to high-rise, then to assisted living. That was dropped when we showed that they were trying to pull a fast one on the community.

And now we have continued uncertainty in the neighborhood what's going to be built there. Enough is enough. We have meetings called in the summer, we have other shenanigans that are pulled. Let's have one item. Everyone agrees, single-family would be the best. All we have to do is resolve some items related to it.

The fourth concern that the Estates has is harmony. We have a situation that if this property, this main PUD was developed today, it would have been developed entirely different with a master association. It would have been like Pelican Marsh, master association, all the other communities factored in together, governed together.

We don't have that. We have a developer in a Wild West fashion that developed each community separately. And we have to live with that. But right now we have harmony among the communities. We're all on the same page for what we do, from Christmas decorations to lighting to signage, we always have unanimous decisions about what we're going to do. And if this board allows Toll Brothers and Longshore Lake to have serious disagreements about the perimeter wall and the lake management issues and the amenity area, that's going to undermine everything that Valewood Maintenance Association has done to date. And I ask you, I beg you, please don't let that happen. We need existing harmony among the communities.

Toll Brothers has the ability to set things up so the new homeowners association is compatible to have a decent wall. The wall is just a question of dollars. They're putting in a \$50 million development. They don't want a hodgepodge wall except to save money. Let them put in a wall, let them meet with the Planning Commission and Longshore. Whatever agreement they come up with, all the other communities are happy. But please don't let them come up with a terrible situation of a hodgepodge wall that's going to need replacement, repair, maintenance, improvements and no ability to do it.

So what I've talked to you about is again the deceleration lane, fine, it's been done with, but remember how it got there. Only after Toll Brothers was kicked screaming and had to reject their own traffic report, they didn't even put up much of a fight. They knew it was bogus.

Talk about the full-time entrance for construction. For safety it should be there. And as the community matures, that second access point on Executive Drive needs to be preserved full-time so that all the people in that community use that parallel road to get to Immokalee Road. It will be a real saving of traffic on Immokalee Road.

The single family is the only option. Keep it simple. And that's really what's going to be built, so let's perfect that. And again, please preserve harmony within the Valewood Maintenance Association.

As far as the nuances with words and the correction why a community representative should be involved in the drafting or at least look at it before it's finalized is you misnamed the Valewood Maintenance Association. In your documents it's the Valewood Landscape Maintenance Association.

We're far more than landscape. We do everything together; everything that's of mutual benefit together. So another reason.

The staff doesn't have time to work on the nuances. We'll catch the nuances, just let us have an opportunity.

I'm available for any questions you might have.

CHAIRMAN STRAIN: Okay, thank you.

Next speaker, Ray?

MR. BELLOWS: No one else is registered.

CHAIRMAN STRAIN: Does -- anybody who has not registered but yet want to speak on this item?

If you do, please raise your hand.

(No response.)

CHAIRMAN STRAIN: Okay, with that, we will go back to the applicant.

Do you have any rebuttal?

MR. YOVANOVICH: Yes. For the record, Rich Yovanovich, on behalf of the applicant.

I just want everybody to know that the last speaker and his characterizations of how the previous developer treated the residents, I found to be an inaccurate and candidly an offensive representation.

Because I can tell you, I was the attorney who did the last PUD. And I know for a fact that a lot of what that gentleman just said is not accurate and I think a non-fair characterization of my client, my former client and my current client as to how they've dealt with the neighborhoods.

And our professional staff, including our traffic consultant, when he uses terms like bogus and that we're wordsmithing and we're taking advantage of the neighbors, we did far from that.

We did work with, and these provisions are still in the project, we agreed to be a one-fifth partner in the maintenance of the landscaping and the improvements along Valewood Drive. We agreed to be a one-fifth. We're still going to be a one-fifth.

I think if you probably did the prorations, we're not a one-fifth user of those improvements, but we agreed to be a one-fifth participant in those improvements prior to that, and those provisions will continue to move forward.

We will continue to work with our neighbors at Longshore Lakes regarding crafting appropriate language to address their concerns about the proper maintenance of the water management system.

And as Wayne pointed out early on, we're continuing and willing to do that, knowing they were coming today to speak against our project. We didn't take back anything we promised at our meeting with them the other evening. Including we agreed to come up with appropriate language to address their concerns regarding a small pool, and they know it's going to be a small pool, with a cabana that has a his and her -- his bathroom and a her bathroom. It's going to be a very small amenity to serve this community. Because we believe a significant portion of the residents will put their own pool in this community and they're going to have another small amenity.

And we had proposed dawn to dusk hours, we had proposed no outdoor amplified music or any outdoor amplification, the typical things we've worked through with other communities and those are still on the table.

What this all came down to frankly is a wall. Longshore would like us to replace their hodgepodge wall that they built that seemed to be perfectly fine for their community with a new wall at my client's expense. My client is not responsible for building that wall. And just because they would like the developer to do that doesn't make it an obligation for my client to do so.

We have said and we will continue to work with them to give them the ability to properly maintain their wall. If they want to replace their wall, we'll help them replace their wall by giving them the access they may need to do that. But they've also got to work with us and move quickly with that.

The fact that they didn't budget to replace this wall is really an unfair term to place onto my client. We'll work with them, and we offered to work with them the other evening. And we won't make them move their wall off of our property. Although we would have every legal right to do so, we're not going to do that. We're not a revengeful or spiteful developer.

We have every intention to put in a first quality project. But quite candidly, the owner of the property isn't willing to give up its 152 multi-family units until Toll Brothers closes. I think that's a perfectly reasonable position to be in. Because if Toll Brothers doesn't close, they have given up an already existing development right on the property.

And frankly, all the conditions that are trying to be placed on this single-family community will probably result in the multi-family community being built on the property.

So I caution -- I caution the Planning Commission to look at this, and if the true goal is to have a single-family community on this piece of property, we need to do this in a reasonable and responsible manner.

There is already an existing approved access on Valewood Drive. Frankly, we didn't push the issue

on the turn lane because although we met -- the requirements did not have a turn lane, we knew it was important to the community to have that turn lane. And when we worked with the county to make sure we needed to include compensating right-of-way, we could keep the wall in place which made doing the turn lane less of a burden on this property owner. Because the existing Site Development Plan for 152 units does not include the turn lane, okay. But we've said we will work with the community to give them what we understood to be the most critical issue when we were working with the community, which was the turn lane. When -- we worked with them on that.

It now appears to be the most critical issue is this wall. And our position is unchanged. The wall is Longshore Lake's wall. They need to pay for that wall. We will buffer ourselves with landscaping to where we don't see the wall. It will not be an issue for our community. I'm sorry that they don't have the money to take care of the wall today. But again, that's their community's responsibility, not this developer's responsibility.

And I'll end with -- I like Janet, known her for a lot of years, but Janet's not a lawyer and she's just flat out wrong about what the law says regarding the county's discretion.

Zoning is a right. If we meet the comprehensive plan and we meet the Land Development Code criteria, we are entitled to what we're asking for today. It isn't something you can just say no to us. Because I have 152 units today, you're going to let me keep that. There's a lot of ag. land out in the urban area. Under that philosophy, people would be stuck with ag. lands unless they met every reasonable or unreasonable request that the government throws their way.

The reality is, your staff has reviewed our submittals, our traffic studies and everything. We have provided competent substantial evidence that we do meet your Growth Management Plan, we do meet your Land Development Code, and we are entitled to the request we have before you today, and we request that the Planning Commission forward our petition to the Board of County Commissioners with a recommendation of approval, subject to the things we discussed, that how we would address the concerns that we believe are legitimate concerns from Longshore Lakes being incorporated into the PUD document. That's all I have to say.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Rich, who -- there is a wall up there now on -- a nice yellow -- I believe it's a yellow wall or some --

MR. YOVANOVICH: On Valewood?

COMMISSIONER EBERT: Yes.

MR. YOVANOVICH: That's the wall.

COMMISSIONER EBERT: Pardon?

MR. YOVANOVICH: That's the wall for this project.

COMMISSIONER EBERT: Okay. So you didn't put a wall all the way around, you just put it three-quarters of the way around and left the east side without a wall?

MR. YOVANOVICH: Left the east side without a wall? No, there was already a wall on the east side.

COMMISSIONER EBERT: Who put that wall in?

MR. YOVANOVICH: Well, I'll be honest with you, I'm assuming -- part of it looks like it was done by a developer, part of it looks like it may have been done by another developer because it's a different type of wall, and then there's a chain link fence. And we agreed --

COMMISSIONER EBERT: No, no, no, no. Not that wall. The wall -- there is a wall --

CHAIRMAN STRAIN: She's talking about Valewood and up against the commercial.

COMMISSIONER EBERT: Valewood and up against the commercial there's a wall there already.

MR. YOVANOVICH: We did that. The prior developer which was Toll Brothers at the time put that wall up.

COMMISSIONER EBERT: Okay. So Toll Brothers originally put that wall up.

MR. YOVANOVICH: Yes, ma'am. I'm sorry, I thought you were talking about the east.

COMMISSIONER EBERT: No.

Do you know how many homes are on the Valewood Drive between the communities? Does anyone here know between Quail Creek, Longshore, Quail Creek Villages and there's another little 60-home thing or whatever on the site. Does anybody know the total number of people that use Valewood Drive?

MR. YOVANOVICH: I think we can do the math pretty closely. I think that the portion of Quail II, which was --

CHAIRMAN STRAIN: Richard, the PUD that you have is 512 less 152.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: So you're down around 300 and something for Quail, and then whatever Longshore has.

MR. YOVANOVICH: You also have Quail Creek. And the gentleman -- I'm sure Ted can tell you how many homeowners are living in Quail Creek, and then we can come up with that maximum number. But I --

CHAIRMAN STRAIN: That's okay. I think the point's been made.

COMMISSIONER EBERT: I was just wondering how many travel down that road now. I guess how many total homes are there within the four people that participate? If someone can come up with that, it would be interesting.

CHAIRMAN STRAIN: No, we're not going to have anymore public testimony, so --

MR. YOVANOVICH: I think Janet's --

MS. VASEY: We're 565.

MR. YOVANOVICH: She had 565 in hers. We have 360 in Quail II that I believe are constructed, but that's the max. And then I don't know how many are in Quail Creek. So 565 and 360 and whatever Quail Creek has. And we can add another 152 to that.

MR. LAKIN: 297.

UNIDENTIFIED MEMBER FROM THE AUDIENCE: Homes, not people.

CHAIRMAN STRAIN: I'm going to ask the residents not to make comments during the -- off the record.

MR. YOVANOVICH: I don't know how many people are in each of the homes.

COMMISSIONER EBERT: Okay. I also notice that across on Executive Drive that there is a -- it is a day care school, Primrose, that is being built. Very good school, I must admit. They take from three months to first grade. There will be traffic on that also. Just --

MR. YOVANOVICH: On Executive?

COMMISSIONER EBERT: On Executive that way.

With the original 152, were there going to be two points, the Valewood and the Executive Drive?

MR. YOVANOVICH: I believe it was approved with both the main entrance on Valewood and a secondary entrance on Executive.

COMMISSIONER EBERT: Okay.

Mr. Podczerwinsky, can I ask you a question?

CHAIRMAN STRAIN: Diane, we need to take a break for the court reporter. You almost done?

COMMISSIONER EBERT: Okay, sure.

CHAIRMAN STRAIN: I'll let you finish up.

COMMISSIONER EBERT: Well, I just wanted to ask him what the difference is in traffic count for the 87 single-family and the 152 multi-family. Maybe after the break you can just let me know what kind of --

CHAIRMAN STRAIN: No, he can tell you that now, it's in our record.

MR. PODCZERWINSKY: I'll be glad to. I would like to answer right now. John Podczerwinsky, Transportation Planning, for the record.

I was sworn in, yes.

It's a very slight difference. Slight increase to the 82 single-family, as I recall. I don't have the TIS --

CHAIRMAN STRAIN: I think it was eight cars, eight additional trips. I read it and I noticed it was a slight increase, yes.

MR. PODCZERWINSKY: It's a very minor increase. It's not something that's going to --



COMMISSIONER EBERT: So it would be about the same. Okay, thank you.

CHAIRMAN STRAIN: And John, when we get back from break, I have some questions, but I want to make sure we get time for the break for the court reporter.

But real quick, Richard, I don't like to leave things that you say unaddressed sometimes, because then you'll use them against me in the future.

MR. YOVANOVICH: I would never do that.

CHAIRMAN STRAIN: So your comments that you have this zoning basically by right subject to the staff approval. No, the inter -- staff level is one interpretation of our codes. This board and the Board of County Commissioners is another. And so if our codes do apply and we interpret it that way, that's the way it can be found in the end when the board gets done with it. So I don't think you have it automatically. I think it's going to take interpretations of these boards, as well as staff.

MR. YOVANOVICH: What I said is if we meet the laws, we entitled to --

CHAIRMAN STRAIN: As interpreted by the various processes you have to go through. And the process isn't finished 'til it gets on the Board of County Commissioners. That's -- I don't want you to claim you've already got anything, because you don't.

MR. YOVANOVICH: I didn't say that.

CHAIRMAN STRAIN: Okay. With that, we'll take a break and come back at 10:45.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, if you'll please go back to your seats so we can resume the meeting.

And we left off after the rebuttal by the applicant. I need to speak to John Podczewinsky with our transportation department.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Hi, John.

Are you familiar with Valewood Drive?

MR. PODCZERWINSKY: Vaguely, yes. I haven't driven down Valewood Drive, but I am familiar with it. We had a recent project on the opposite side of Immokalee Road and Valewood extension.

CHAIRMAN STRAIN: Are you familiar with the location that this project's entry's going to be on Valewood Drive?

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: And how about where Longshore Lakes is? Can you see the map that's in front of us now?

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: It's about halfway -- a little bit past halfway up on the right-hand side there's a connection --

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: -- with a little circle going into their main road?

MR. PODCZERWINSKY: Uh-huh.

CHAIRMAN STRAIN: The distance between that and Valewood Drive, I don't believe there's another opening. I was there last Monday night, and I don't recall seeing one.

Is that distance a problem from a transportation viewpoint as being too close?

MR. PODCZERWINSKY: No. As far as I recall from my last review of this, the distance between there was adequate in terms of what the access management policy requires for a local roadway.

CHAIRMAN STRAIN: Okay. And that's kind of what I wanted to find out, because there's been some concerns about the number of openings on that road and I want to make sure that you guys had looked at it from the locational distances.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Okay. And that's the only question I had of transportation.

Anybody else?

COMMISSIONER CHRZANOWSKI: John?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Is Valewood a privately maintained public road?

MR. PODCZERWINSKY: As I recall. I've gotten some confirmation that there is some public maintenance that occurs on that road. I don't know the extent to which road and bridge does maintain that, though.

COMMISSIONER CHRZANOWSKI: Will they have to get a right-of-way permit?

MR. PODCZERWINSKY: Yes, they will need a right-of-way permit.

COMMISSIONER CHRZANOWSKI: So it is a public road?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER CHRZANOWSKI: It's a county road.

MR. PODCZERWINSKY: Yeah, the ownership has been investigated and it is a public roadway.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay. And Richard, I don't know if there's anymore questions of you from this board. Is there?

(No response.)

CHAIRMAN STRAIN: I have some suggestions; I wanted to see what your thoughts of them are. Because if you're willing to go along with them, it will make it easier. If you're not, we still may go along with them anyway.

Let's start out with one that is still vague. And I don't want to send vagueness to the Board of County Commissioners for review. And that involves the lake maintenance agreement to be clarified.

Ms. Vasey put a statement on the board earlier. I need to know if that's acceptable to you or you have some suggestions or where you stand.

MR. YOVANOVICH: We have some suggestions.

CHAIRMAN STRAIN: Okay. And Janet, without -- would you mind plugging that back in and putting that language back up so we know where we're talking from?

And from the County Attorney, the Power Point that Janet Vasey has shown and used at this meeting, does it need to be obtained by us electronically or the fact that it's on the overhead and part of the video, is that good enough?

MS. ASHTON-CICKO: Since it's on the video, that should be sufficient. But if she has a copy, she can give it to the court reporter and make it part of the record, if she would like to.

CHAIRMAN STRAIN: Okay. Well, I'd like to see, Janet, if we can get to that language on the -- that you suggested.

Okay, thank you. With that, can you leave that up there for a little bit for us?

MS. VASEY: Absolutely.

CHAIRMAN STRAIN: Richard, is that language something that you or your client feel is objectionable or do you have other suggestions for it?

And Nancy, as staff, whatever this -- we're going to make sure this is included, whatever comes out of this, depending on how the vote goes, so maybe you might want to make sure we got it written down right.

MS. GUNDLACH: Okay.

MR. YOVANOVICH: I think what we wanted to add, and I appreciate -- we wanted to add some spec -- basically that language looks like the concept we were going with about dealing with water quality related issues. We wanted to clarify that we were specifically excluding, or we talked about this, lake bank maintenance. We don't -- and they said they're not interested in --

CHAIRMAN STRAIN: I recall, right.

MR. YOVANOVICH: -- doing that.

Decorative features.

We want to exclude any experimental or non-standard water quality practices. And they've done some. I understand they may have done some experimental like maybe demucking or other type -- there's some experimental stuff out there that could be very, very, very expensive and we want to stay within the tried and true and known technologies and not --

CHAIRMAN STRAIN: Okay, but for the record, though, your intention wouldn't be that if they found a better way to do something and tried it out, the experimental part of that wouldn't be shared by you,

but if they decided to implement it, the implementation would be shared by you if it pertained to water quality.

MR. YOVANOVICH: Well, we -- I guess what we need to look at, reasonableness as cost. I mean, there could be one way of doing it that is just as effective for a dollar and another way of doing it that's just as effective for \$5.00. I'm assuming we're all going to agree that the one dollar way is the way to go. But we'll have to deal with that if the issue comes up.

CHAIRMAN STRAIN: Do you have that agreement currently in the 12 percent language?

MR. YOVANOVICH: Well, you know what, the 12 percent has worked fine. We have not any issues with our paying for aerators and things like that, so we're just also looking for some --

CHAIRMAN STRAIN: Well, it's worked fine because there hasn't been a lot of reasons for it to maybe be challenged or questioned. And I think what they have acknowledged is let's head this off before it gets built and before you have a different board.

MR. YOVANOVICH: And that's what we're trying to do.

CHAIRMAN STRAIN: Right. So that's why we're discussing this. So the reason I asked about the 12 percent, you don't have a voice in how that 12 percent is created now, do you? I mean, if they decide to go in and algaeicide the lakes or weed control or anything related to the quality of the water, that's their decision. And whatever that bill is, you pay 12 percent of it, right? Or wrong?

MR. YOVANOVICH: Well, I mean, I'm not going to answer the question. It depends.

CHAIRMAN STRAIN: What, are you taking the Fifth?

MR. YOVANOVICH: No. You know, Commissioner Strain, if someone were to come to me and say we decided to spend \$100,000 to fix something that could have been done for \$10,000, I'm not going to automatically say that they had the right to go out and do that and charge my client 12 percent of that.

CHAIRMAN STRAIN: But they'd be paying 88 percent of it.

MR. YOVANOVICH: It doesn't matter.

CHAIRMAN STRAIN: So it's kind of like shoot themselves in the foot to get 12 percent from you.

MR. YOVANOVICH: It sounds like my kids when they say hey, dad, would you buy me this, it's on sale. I mean, it doesn't mean it's the right thing to do. I just want to say, I'm not going to say that they have the right to go spend their money however they want and we automatically are obligated to pay 12 percent of it.

CHAIRMAN STRAIN: Okay. Well, that fight can be done with or without the language you currently have. What we're trying to do is improve the language. So let's look at it that way.

If that issue is a fight no matter what way it is, then what language can we all lock into that gets us past this lake maintenance agreement clarification so we've at least provided that?

MR. YOVANOVICH: Well, we had put that on there. And I still think experimental technology is experimental technology. Just because it works doesn't take it away from it being experimental technology. And we'll have to deal with that issue, should it ever come up.

CHAIRMAN STRAIN: Do you consider experimental technology, if it's being done for experimental purposes, actual maintenance, repair or replacement? It's not.

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: Okay. Then you wouldn't be required to do it by the --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- statement that's in front of us here today.

MR. YOVANOVICH: Right. I agree.

CHAIRMAN STRAIN: So you agree with the statement?

MR. YOVANOVICH: What I just put up there and I read into there --

CHAIRMAN STRAIN: What you just put up --

MR. YOVANOVICH: No, no, no, no, no. We want the exclusions. No, we want the exclusions.

CHAIRMAN STRAIN: Well, put them up there then. That's what I just said. You said what you just put up there. I didn't see it.

MR. YOVANOVICH: I thought you were talking about what I read.

CHAIRMAN STRAIN: Okay, can we -- let's -- what did you -- Nancy, what did he previously read

into the record?

MS. GUNDLACH: No bank maintenance, no decorative features and no experimental practices.

MR. YOVANOVICH: I said experimental or --

CHAIRMAN STRAIN: And I think that falls -- I don't see an objection to that, because the experimental wouldn't be maintenance until it is incorporated. And then you guys can decide if you want to fight the dollar value, because that's another issue altogether that isn't part of the 12 percent.

MR. YOVANOVICH: What I read into the record, Mr. Strain, was experimental or non-standard water quality practices.

CHAIRMAN STRAIN: Well, what's standard, though, Rich? We're getting the ambiguous language again.

MR. YOVANOVICH: Well, I'm assuming -- you know what? Mr. Strain, it's not ambiguous. We think that people who are in that business know what you usually use to control lakes and water quality.

CHAIRMAN STRAIN: So you're going to penalize them if they find better ways of doing things.

MR. YOVANOVICH: I didn't say that, Mr. Strain. What I said is there's -- on the experimental side, until it becomes a normal practice, we're not paying for it.

CHAIRMAN STRAIN: What's normal?

MR. YOVANOVICH: I can't -- this is -- we're going around in circles.

CHAIRMAN STRAIN: Right. So I think we need -- this non-standard normal language needs to drop. Experimental is understandable. If it's something that's being tested to see if they want to use it, that's where it needs to be.

MR. YOVANOVICH: Fine, we'll let that issue come up if they go some way, or we'll --

COMMISSIONER EBERT: I have a question.

MR. YOVANOVICH: -- deal with it when it comes up.

CHAIRMAN STRAIN: I think Karen had some --

COMMISSIONER HOMIAK: Does South Florida Water Management dictate how this stormwater is managed --

CHAIRMAN STRAIN: No.

COMMISSIONER HOMIAK: -- in Longshore? It does pretty much everywhere else. It doesn't?

CHAIRMAN STRAIN: No, not for --

MR. YOVANOVICH: I mean, they have a permit, yes. But I mean, as far as -- I don't know if they dictate the techniques to keep weeds away, or they don't tell you exactly -- I don't know. Mr. Chrzanowski would probably know.

COMMISSIONER CHRZANOWSKI: Yeah, I was about to ask, because I was going to bring up that I'm the secretary of the water symposium, and Mr. Vasey is the chairman, and one of the studies we did was of the Longshore Lake we kayaked the entire lake to see what the water quality is and how the sediment had been building up in the bottom of the lake and didn't find anything unusual to where any of your concerns would enter into any of this. I can't see where you'd have any reason to think that they would do anything to that lake that might be expensive.

CHAIRMAN STRAIN: But see, that's even a better reason to put the language in, just so --

MR. YOVANOVICH: You don't have to worry about it.

CHAIRMAN STRAIN: Yeah, there's no concern. I mean, if that's all it takes to get this done, what does it hurt, you know?

I mean, I agree with you, Stan, I think it's far-fetched to have it happen. And I don't think any reasonable community's going to do something they're paying 88 percent for to garner a big percentage of 12 percent. It just doesn't make any sense. But that's fine.

Again, Nancy, could you repeat back to us what we're left with?

MS. GUNDLACH: No bank maintenance, no decorative features, no experimental or non-standard water management practices.

CHAIRMAN STRAIN: He's dropping the word non-standard. No experimental practices.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: That's it.

COMMISSIONER EBERT: One thing.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Rich, you mentioned demucking. That is a concern for every community because of the water quality. At some point some of these communities are going to have to do it. Island Walk already had to do it. So when you just used the word demucking, that immediately brought to my attention if you're willing to -- you know, that's part of the lake normal maintenance.

MR. YOVANOVICH: I just want to clarify, what I was talking about is the standard demucking practices, we're fine with that. If there's a different way of doing it --

COMMISSIONER EBERT: Okay. All right.

MR. YOVANOVICH: -- that is an experimental way of doing it, then we have some issues with that.

CHAIRMAN STRAIN: Okay. I think then what we'll do is one of the stipulations, if the motion is to approve, would be for lake maintenance agreement, as it's been clarified, using Janet's language in the additional exceptions from your discussion. You've agreed to no mix of product uses. It's either going to be

--

MR. YOVANOVICH: Yeah.

CHAIRMAN STRAIN: -- all or one.

MR. YOVANOVICH: Yeah, we said it's either/or.

CHAIRMAN STRAIN: I know. I'm just repeating it.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Executive Drive shall be the construction entry for all parcel site work. That's 100 percent. And 75 percent of the platted project, once it's C.O.'d. And that is a measure of standard that the county uses. It's logged in, they have to get a building permit, it physically has to be C.O.'d, it's counted and it's known. It's not a statistic that's wishy-washy, it's there.

MR. YOVANOVICH: And we never intended for it to be wishy-washy.

CHAIRMAN STRAIN: I know. But I'm just trying to -- one of the speakers thought it might be. This is one that we've used before and it's tight.

Deceleration lane will be provided on Valewood Drive without compensating right-of-way.

MR. YOVANOVICH: Right. And we were going to attach the --

CHAIRMAN STRAIN: I'm getting there.

If a structure is built in the amenity area, the back side of the structure will face the wall and the activity side will be facing Valewood.

Hours of operation will be dawn to dusk. And there will be no amplified sound. The structure setback is 30 feet minimum. Lighting will be bollard and no greater than 12 feet in height and limited to that required by code or for security purposes and shielded from adjoining properties.

MR. YOVANOVICH: Fine.

CHAIRMAN STRAIN: Sidewalks will be on one side only if single-family.

MR. YOVANOVICH: That was the intent.

CHAIRMAN STRAIN: I know, I just want -- it wasn't in the original distributed copy. I hear it came in later. I just want to make sure it's now in the minutes.

The wall -- you will provide an easement to allow the wall to remain where it is today, unless it's rebuilt. If it's rebuilt, obviously it needs to go back on their property line.

You will also provide access and maintenance over the existing and remaining easement that's outside your landscape buffer.

There's a CUE there already. You -- in our previous discussion your landscape buffer was going to start inside that CUE. So if that's -- and you were going to leave that one. And if that's the case, is there any reason that you can't allow the Longshore Lakes people access to their wall to the extent they need it, limited to that remaining CUE?

MR. YOVANOVICH: Just let's make -- I think the answer is that shouldn't be an issue. But I just want to make sure that the easement language, it says it's a nonexclusive easement because it's going to have an existing easement in place.

CHAIRMAN STRAIN: Okay. Then let's -- I agree, if it's not nonexclusive, you can't do that.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Then I think it would be, since it is a county easement that's something the county could consider and you would agree not to object to it.

MR. YOVANOVICH: Correct, we would give -- we would also give them easement rights over that area, provided the county doesn't come back and say to us, sorry, they --

CHAIRMAN STRAIN: And if the county -- if it is restricted but the county says it's okay, you would agree to it?

MR. YOVANOVICH: That's fine. Yes, sir.

CHAIRMAN STRAIN: And it's going to be fun writing this up, but we'll get to it.

You're going to add the sidewalk exhibit to the PUD and you're going to add the turn lane exhibit to the PUD, subject to final permitting adjustments. And that's something that I know John was nodding his head affirmative for, because I believe that works for transportation.

And those are the notes that I have made. Anybody else have any?

(No response.)

CHAIRMAN STRAIN: Okay, John, did you have something you wanted to add?

MR. PODCZERWINSKY: (Nods head affirmatively.)

CHAIRMAN STRAIN: Rich, I think we've --

MR. YOVANOVICH: We're good?

CHAIRMAN STRAIN: Yes, we're good. Thank you.

MR. PODCZERWINSKY: Yes, sir, Mr. Strain, thank you for giving me a moment here.

Thank you for clarifying on the turn lane requirement that it would be pending final permit adjustments.

CHAIRMAN STRAIN: Right.

MR. PODCZERWINSKY: There is one note that needs to be made if that exhibit is to be added to the PUD, is that the exhibit that is there that's shown is not consistent with our current right-of-way ordinance. The right-of-way ordinance does require separation between the back of curb and the sidewalk.

In their exhibit they showed that there was -- where they relocate the sidewalk there will be no separation there.

CHAIRMAN STRAIN: Right.

MR. PODCZERWINSKY: So that will need to be discussed amongst staff review to make sure that that will be an acceptable situation in the end and that we are able to deviate from that in the existing right-of-way ordinance. I believe it is under the transportation planning manager's discretion to deviate from that.

CHAIRMAN STRAIN: And is that part of what you would consider a process you look at for their permitting?

MR. PODCZERWINSKY: It is.

CHAIRMAN STRAIN: So wouldn't that be a permitting adjustment?

MR. PODCZERWINSKY: Somewhat, yes. But one problem that it creates is that if we're adding language in there that states that there will not be a requirement for compensating right-of-way, if there's a separation between the back of the curb and the beginning of the sidewalk, there's a potential that that sidewalk could be in conflict with the property line and the buffer that's along the front of the property there on Valewood Drive.

I want to make sure that if that conflict happens that it would not need to be in a right-of-way -- or in a dedicated right-of-way but that it could be in a sidewalk easement or in an access easement and that the buffer would be shifted appropriately to make it fit.

It wouldn't affect their property rights but it would allow that sidewalk to be on maybe a foot or two of their property and it would eliminate the conflict in the future.

CHAIRMAN STRAIN: Okay. So if any conflicts with a turn lane occurred, then access of easements will be created to the benefit of Collier County.

MR. PODCZERWINSKY: Excellent. That will --

CHAIRMAN STRAIN: Is that agreeable to the applicant?

MR. YOvanovich: That's fine.

And add one thing I think that we might have missed in our earlier discussions. You had said we needed to correct and we agreed on the master plan, the reference on the east side to the six-foot high wall. Because we were not going to mandate what someone else did.

CHAIRMAN STRAIN: Right. You were going to remove that. That's a grammatical thing. I usually don't stipulate --

MR. YOvanovich: I just wanted to make sure it was what was discussed and the change we were going to make.

CHAIRMAN STRAIN: Yeah. And staff, when they produce the consent, those kind of things will be cleaned up. They're more grammatical in nature and I don't really get into those in the stipulations.

MR. YOvanovich: Okay. That's it.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER HOMIAK: Will there have to be any corrections to the rest of the PUD for the number of dwelling units?

CHAIRMAN STRAIN: No, I don't think so. I think Richard was right that the 512 was addressed in that one paragraph.

That's the only time you're going to get away with that.

MR. YOvanovich: I want that transcribed.

CHAIRMAN STRAIN: I was reading another project that's coming up 'til midnight last night so I'm getting some of them mixed up.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN STRAIN: So anyway, yeah, that I already looked at.

Okay, does anybody else on this board have any questions, concerns, issues?

(No response.)

CHAIRMAN STRAIN: Is there -- then we'll close the public hearing and entertain a motion, if this board so desires.

COMMISSIONER ROSEN: I'll propose a motion, Mr. Chairman, to approve PUDA -- and just for clarification, on our agenda it said PUDZ-A. So I want to make sure I'm saying the right thing. PUDA-PL2009-1891, the Quail II PUD.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROSEN: I'm sorry, with my motion, as per the suggestions that have been previously reiterated.

CHAIRMAN STRAIN: Okay, is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER DOYLE: I'll second it.

CHAIRMAN STRAIN: I think Karen kind of jumped you there. Karen seconded the motion. And the conditions were the ones I just went over with staff and with the applicant when he was at the speaker. I'm assuming that's what you're intending, right?

COMMISSIONER ROSEN: Yes, sir.

CHAIRMAN STRAIN: Okay, any further discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you all very much for coming. It's been an enlightening experience. It's probably the first time I've seen a down zone be attended by so many, so I'm glad we got through it.

Okay. Okay, if you all -- I know that you're still talking, if you could move your discussions to the hall, we have to get on with a couple other cases here. Thank you.

Okay, the next item up is PUDA-PL20130000175. It's the Naples Bath and Tennis Club Planned Unit Development, located on Airport Road, south of Pine Ridge.

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

MR. MULHERE: Anybody that's going to speak, or might speak. If you might speak, you've got to stand up.

CHAIRMAN STRAIN: If you're going to -- if you think you might speak, you have to rise and be sworn in; that's what this is about. It's not to show support, it's just -- there's one in every crowd.

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Thank you. Disclosures on the part of the Planning Commission, we'll start with Stan.

COMMISSIONER CHRZANOWSKI: None. Excuse me.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: I've had discussions with Mr. Mulhere about some corrective language to what was supplied, and we'll probably go over that here in a few minutes.

Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: I have spoken with Bob Mulhere as well.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: Okay. With that, Bob, it's all yours.

MR. MULHERE: Thank you. Good morning. For the record, Bob Mulhere with Hole-Montes here this morning on behalf of the applicant. And also here with me this morning is Emilio Sanchez, who will speak, if necessary.

This PUD, the Naples Bath and Tennis, which is on Airport Road, is one of the older PUDs in Collier County. First approved I believe in 1981. It allows for 516 dwelling units and it's built out.

Over the years, perhaps the last 25 years, there have been numerous occasions or at least several occasions where there have been -- and I'm sure some of you remember, there have been some somewhat controversial issues related to PUD amendments and so on and so forth, and a lot of the residents of Naples Bath and Tennis are long-term residents and they also obviously remember those circumstances.

Emilio runs the Sanchez Casal Tennis Academy, which is located on the recreational club Tract B, which is depicted right here in the center of the overall PUD that's shown in the hatched marking there. General location is shown over here.

And there are tennis courts, there is a very nice clubhouse, pool, a fitness facility all located, built on that site.

And they've been there and operational for a number of years. I'm not exactly sure how long Emilio's been involved, but for a few years now.

Emilio and his wife have invested significant time and financial resources into the tennis academy and its partners. And they determined that it would be nice if they could live within the community. And we began to explore the opportunity to construct a house on the parcel that he owns, the recreational club facility. And there was a location on there that was actually a perfect location. There is a triangular piece right here that would be accessible right off of Clubhouse Drive.

And so Emilio hired an architect and began to do some preliminary design for a home there. We met and determined that we could amend the PUD to add a single dwelling unit, taking the number from 516 to 517, in order to allow this to happen.



During that initial period Emilio was also meeting with representatives from the community. And the -- we prepared and submitted a PUD amendment. Initially the limitation that -- the only thing that we were asking for was to add one single-family home. But as we -- as the staff began to review the project, there were a couple of other matters that arose in staff's opinion that were somewhat unclear in the existing PUD and we agreed to clarify those.

One, although the tennis academy was there and operating and was deemed to be permitted by the language that existed in the PUD, it wasn't really clear, and so we agreed to add some language to clarify that that was a permitted use.

And there is also a school attended by the members of the academy, the students. And there's another tennis academy similar to this in Barcelona, and it's the same kind of a setup right now, that there are students who go to school and I guess you might call them tennis prodigies or wanna-be tennis prodigies. So they spend basically all their time there at the facility.

And so we also added as an accessory use a school. It's limited to and only accessory to the academy, so there really are no new trips, because these are the same members of the academy that would be going there for tennis purposes.

So we made those two additions. Those are the only changes that we were proposing.

We had a neighborhood information meeting. It was very well attended. There were -- probably lasted maybe 90 minutes. We had it right at the clubhouse there. There were lots of good questions. There's a summary in your packet.

I want to say that in contrast to the history within this PUD, there was extremely strong support for this proposed amendment. Many, many people spoke in favor of it. No one spoke in opposition to it.

There were some great questions, and those were answered. And I know that we have some letters in the packet that also are supporting this project both from the master commons association as well as from residents within the PUD. And I'm sure there are a few folks here that will speak in support of it if need be.

I know you have a really busy agenda. I really think this is a relatively simple PUD amendment. I'm happy to answer any questions that you have.

CHAIRMAN STRAIN: Any questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Well, Bob, I've got the ones I talked to you about.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Let's turn to Page 11 of 27. Number 4.3(A)(1). The addition is for recreational clubs, sports, instructional schools or camps. Now those correspondence to SIC Code 7997, 7032 and 7999, which is what we use as SIC codes.

That would open it up to far greater intensive uses than what's intended. The NIM said it would be needed for a tennis academy and that's what the cleanup is for. So at the end of that sentence do you have any problem with indicating all limited to tennis academy?

MR. MULHERE: No, I think that's fine. I'd like to suggest that we say limited to tennis academy and fitness facility, because there is a fitness facility there also.

CHAIRMAN STRAIN: That's fine. I have no problem with that.

And we have to do the same thing under the accessory uses.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay, on Page 13, top of the page, it's number five now, private school not to exceed 100 students (enrollment limited to students of the tennis academy/recreational club.)

It limits it to the tennis academy/recreational club, but you don't have any other kind of school -- it fits the -- it's the tennis academy school. It's part of that the school, right?

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. Then --

MR. MULHERE: What we want to do is make sure that there would be no concern about if for whatever reason the school associated with the tennis academy went away, somebody could come in and open up a charter school. That's not our intent.

CHAIRMAN STRAIN: That's what I'm trying to stop by this language.

MR. MULHERE: That's why we --

CHAIRMAN STRAIN: Right. But see, in your principal uses and accessory it should be there as well.

On Page 21, in my discussions with you -- it's on the top, Item 8.1, general, you indicated that this was not supposed to be part of the condominium form of ownership. And that project's pretty unique in the way they structured their condominiums. They actually have single-family in a condominium, and they have a chart attached to the PUD that shows how they did that.

I think you want to make an exception then to this single unit on paragraph 8.1.

MR. MULHERE: We would propose to add a new sentence that would read: The single-family unit in Tract B shall not be subject to this requirement.

CHAIRMAN STRAIN: Okay. I think that's a good thing.

And something of interest, and I'm not sure -- and I'm pointing this out for staff more than anything else. Paragraph 9.2, general, says that the facilities shall be constructed in strict accordance with the development plan and all applicable state and local laws. Then it says: Except where specifically noted or stated otherwise. The standards and specifications for references numbers one and two shall apply to the project.

So I thought well, what is references number one and two. And this is where this project shows its age. The references are on Page 26, and it's one and two. One is the Collier County zoning regulations of 1968, revised in '72. And the Collier County subdivision regulations done in 1967.

Now, I don't know about the single-family house and I don't know how you're going to review it, but I want to make sure that reference doesn't trip up the review of the single-family home.

And Bob, do you -- I mean, you were around in those days. I think you were director here.

MR. MULHERE: I know I don't look that old, but -- I had hair then.

CHAIRMAN STRAIN: I was shocked to see this. That definitely ages this PUD.

MR. MULHERE: I would -- I would defer to Heidi. I don't know that you could argue that it's implied now that those no longer exist and so they have to re-- they're required to review under the Building Code.

CHAIRMAN STRAIN: Well, they do exist. We have a library with them in it.

MR. MULHERE: Well, they do exist but they no longer apply.

Perhaps in addition to 9.2, something along the lines of at the end of the sentence, comma, as amended or as had been amended or repealed and replaced.

CHAIRMAN STRAIN: That's fine.

MR. MULHERE: Something like that?

CHAIRMAN STRAIN: Just to make -- I'm more concerned about you coming in and trying to get your SDP or whatever else you've got to get and be hampered by a review of the older code. I just want to make sure that it's a clear sailing when you get to --

MR. MULHERE: No, I'm going to get with Heidi, because I think she can come up with some language probably better than I can that would address that.

CHAIRMAN STRAIN: Okay. And I'm just checking to see if I have anymore notes.

You know you have an FP&L easement running right through that property.

MR. MULHERE: Yes, thank you. Yes, we did. And I did talk to the architect and he's been working on that. They're probably going to relocate it.

CHAIRMAN STRAIN: Okay, and I have one question of John Podczerwinsky. It involves the fact that this is an instructional school and additional 100 students. I saw there's no TIS required. It's being brought forward as a new use but it's really an existing use. Did you have any concerns with that?

MR. PODCZERWINSKY: No. After speaking with Mr. Mulhere off line, we've discussed that this is a use that would be tied only to the students that are already there as part of the tennis academy, so it should not be any net new external trip generation. It would be a membership only type of a thing.

CHAIRMAN STRAIN: Okay, just want to make it clear.

And that's the only questions I have. Does anybody else have any?

(No response.)

CHAIRMAN STRAIN: Thank you, Bob. We'll go ahead and get staff report.

MR. MULHERE: Thank you.

MS. DESELEM: Good morning. For the record, Kay Deselem, Principal Planner with zoning staff.

You do have a copy of the staff report in your file dated last revised 1/21/14. Again, since you do have a long agenda, I won't belabor the issue other than to say that staff has reviewed it, found it consistent with the Growth Management Plan and all applicable elements of the Land Development Code, and we are recommending approval.

CHAIRMAN STRAIN: Okay. Are there any public speakers, Ray?

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

CHAIRMAN STRAIN: Does anybody wish to speak in this item?

(No response.)

CHAIRMAN STRAIN: It's heading in the right direction, but you could side track it, if you'd like. Okay, with that, we'll close the public hearing.

Stan?

COMMISSIONER CHRZANOWSKI: I think that term is snatch defeat from the jaws of victory.

CHAIRMAN STRAIN: Yeah. There were some suggestions for changes to tighten up the language. They were accepted by the applicant. So if there's a motion subject to those, that might be a way to get started. Anybody?

Charlette?

COMMISSIONER ROMAN: I'll move that we approve PUDZA-PL20130000175, with the changes that we discussed.

CHAIRMAN STRAIN: Is there a second to the motion?

COMMISSIONER DOYLE: I'll second it.

CHAIRMAN STRAIN: Seconded by Brian.

MS. ASHTON-CICKO: Mr. Chair, before you take the vote, could I clarify on Page 11 of 27, did you remove accessory use B.1?

CHAIRMAN STRAIN: No, we added to it. It will be limited to the tennis academy. Here it says such as a tennis academy. It will be limited to a tennis academy.

MR. MULHERE: No, B.1 you said, right?

CHAIRMAN STRAIN: B.1 is the accessory use, yeah.

MR. MULHERE: Right. There was a duplication for some reason, and we didn't catch it. We had private schools as accessory, B.1. And then we also had it as B.5. So we were going to remove B.1 and renumber them. You see that it shows up in two locations?

CHAIRMAN STRAIN: Yeah, I actually questioned that B.5, yeah.

MR. MULHERE: The second reference is more restrictive.

CHAIRMAN STRAIN: Okay. So accessory use B.1 will be removed --

MR. MULHERE: Right.

CHAIRMAN STRAIN: -- and the numbers will be renumbered.

And does the motion maker accept that?

COMMISSIONER ROMAN: I do.

CHAIRMAN STRAIN: And the second?

COMMISSIONER DOYLE: Second, yes.

CHAIRMAN STRAIN: Okay. So that will be added to the more or less grammatical changes we're making.

Further discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Thank you all for attending.

MR. MULHERE: Mr. Chairman, does that count as a consent, or do we come back on consent?

CHAIRMAN STRAIN: No, that will count as consent.

MR. MULHERE: Just wanted to make sure.

CHAIRMAN STRAIN: And that's something we should clean up with the first one. Based on the amount of changes on the first one, my assumption was that we'll come back as consent, but I forgot to ask that as a formal vote. So when this calms down, that's probably the first thing we ought to do.

And Ray, I think I had already told the applicant to expect that, so you might want to --

MR. BELLOWS: Yes, that's my understanding too. We'll follow up.

CHAIRMAN STRAIN: Okay, you'll follow up?

If everybody will please take their discussions out in the hall, we would appreciate it. We have a couple more cases to go through.

COMMISSIONER ROMAN: Yeah, Mr. Chair, that's just something for procedure, we'll have to remember to do that after each case.

CHAIRMAN STRAIN: I agree. Brand new and I forgot the first one.

COMMISSIONER ROMAN: We'll forget by the end.

CHAIRMAN STRAIN: Well, what I'd like to ask is if this board feels that we need to come back on consent for the Quail II application that we heard first?

COMMISSIONER EBERT: Yes.

COMMISSIONER ROMAN: Yeah, I believe.

CHAIRMAN STRAIN: I would agree. We need to make that a motion.

COMMISSIONER EBERT: I'll make a motion that we bring that back on consent.

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Made by Diane, seconded by Charlette.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

So Richard, I know you're the applicant's representative. And we failed to do that on time, that was my fault. But I think with the questions you probably figured it was going to come back on consent.

MR. YOVANOVICH: I was just happy that you acknowledged on the record that I was right, so we'll come back.

CHAIRMAN STRAIN: Well, I'm glad you're not on the record by you saying that, so -- I can't believe I got -- okay, let me see where we are with the next one.

The next one up is PUDA-PL20130001056. It's the Brandon Residential Planned Unit Development located at the southeast corner of Livingston Road and Veterans Memorial Boulevard.

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

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on behalf of the Planning Commission.

Stan?

COMMISSIONER CHRZANOWSKI: None.

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: No.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Myself, I had a meeting with the applicant's planner, engineering firm. I think I spoke to Richard once or twice on the phone, maybe once at a -- when I ran into him at the Quail II thing, but we didn't get in a lot of detail. So most of the detail was done with the others, and we will be discussing all that and a lot more today because I was up 'til midnight finding new stuff on this project.

Go ahead, Karen.

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: No.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No.

CHAIRMAN STRAIN: Okay, with that, we are going to break about noontime for one hour. We will not get to the Temple Citrus project until after lunch. So those of you that are going to be waiting for that, if you want to leave early, get a longer lunch, I can assure you we won't get to Temple Citrus 'til at least 1:00 or later. But I'd be back here at 1:00, if you're interested.

Okay, Rich -- who's the presenter on this one?

MR. VANASSE: Good morning. For the record, my name is Patrick Vanasse, Certified Planner with RWA.

I'm joined here today by Rich Yovanovich, who's the attorney, and the rest of our consulting team. And our clients, which are from D.R. Horton.

This petition is a joint petition on behalf of the current owner, which is Fullerton, LLC and D.R. Horton.

CHAIRMAN STRAIN: Before we go too far, who do you represent?

MR. VANASSE: We represent both.

CHAIRMAN STRAIN: Both. And you have an affidavit of representation for both clients?

MR. VANASSE: Yes, we do.

CHAIRMAN STRAIN: Okay. So when we ask you questions, you are actually responding on behalf of both clients?

MR. VANASSE: Yes.

CHAIRMAN STRAIN: And a twist that I was surprised to hear about when you told me it and I want to make sure the board understands it, when I met with you to talk about some of my concerns on this project, you told me that there were some things that you could do and some things you couldn't do because of some restriction you have in your contract agreement with the current owner?

MR. VANASSE: Exactly. Similar to the previous case that you had with regards to the density, the current owner wants to maintain their current approvals. And they are under contract with D.R. Horton and they want to make sure that what is currently approved does not change today and hinder them in any way in the future. Therefore, what we have presented in the application as the changes is somewhat limited in to only those changes and we don't have a whole lot of leeway as to what else can be changed.

CHAIRMAN STRAIN: Okay. And it's a little different because the previous application was trying to protect their use rights. In my discussion with you, you were even trying to protect anything that would be considered by the current owner a reduction in their rights, such as the request to locate an amenity center, the boundaries, the setbacks, the distances like that that are more intense rather than less intense. Basically you're asking us for things to enlighten or embellish or enhance your ability to develop the property, but you're telling me you can't provide any givebacks that we may ask in regards to make those happen in a smoother transition. It's a one-sided deal is what it looks like you're presenting; is that right?

MR. VANASSE: As I mentioned, there is -- there is some flexibility. For example, with regard to the activity center the current owner wants the ability to maintain that flexibility as to where it can be located. And I think we've discussed this. And I think there are conditions that can be put in there to ensure that your concerns are addressed.

But again, the seller wants to keep that flexibility as it currently is.

CHAIRMAN STRAIN: Right. And when you talked to me, I listened to what you said and we went on with our discussions. But about 12:00 last night it hit me what you said. And from that perspective it made me a little bit concerned that we have a request to do a lot of things that will make the development better for the particular buyer, but at the same time if we find issues that we think need to be improved because of either mistakes made or the lapsing of time, you're telling me it's somewhat restricted.

Just to let you know, I don't agree with that. So we'll move forward with this hearing today, and I'm going to treat this as though I would any other PUD and we'll see how it rolls out.

MR. VANASSE: We'll be happy to hear your concerns or your questions and address those as best we can.

CHAIRMAN STRAIN: Okay. And I didn't mean to interrupt your presentation, but I wanted to get the tone right before we started, because I want everybody to understand what we're up against here today.

MR. VANASSE: No problem.

One more clarification that might help also get a little context is that the original PUD was approved prior to the ERP being approved. Since that original approval, the seller, with his engineer, they've gone through the ERP process and we have an approved ERP. So the changes in some of the limited flexibility is with the thought of keeping the PUD closely consistent with what's approved in the ERP.

So with that said, I'll give you a quick presentation, introducing the project. I know there are a lot of questions and concerns on some of these exhibits, and we'll be happy to go through those one-by-one and address all those questions.

COMMISSIONER CHRZANOWSKI: Can I ask something before you get into it?

MR. VANASSE: Yes.

COMMISSIONER CHRZANOWSKI: The South Florida Water Management District permit. I noticed that, that your comments were, we made this change to conform to the permit.

When -- how long -- how long ago did you realize that all those things had changed, and why weren't the changes made immediately then?

MR. VANASSE: We had begun the PUD amendment process prior to obtaining the ERP.

COMMISSIONER CHRZANOWSKI: Right.

MR. VANASSE: The ERP was obtained when we were in process and working with staff. So we have -- for example, we went from three deviations to 15 deviations. A lot of them are related to signage, but we have some other issues that are dealing with water --

COMMISSIONER CHRZANOWSKI: I'm only concerned about those.

MR. VANASSE: And the idea was that as we went through the process with staff -- and we got into the finer details of the engineering design, we worked with staff to address those. And until just a few days before the hearing, we're still going through some of those details.

And we had this discussion with the Chairman and he brought up his concerns. And to address his concerns, we've made some changes to some of those exhibits or illustrations that we'll be prepared to present today.

COMMISSIONER CHRZANOWSKI: Okay.

MR. VANASSE: Okay?

Subject property is 51 acres, plus or minus, located south of Veterans Memorial Boulevard and east of Livingston. To the north of it is Mediterra and the Tuscany Preserve PUD. To the east we have vacant ag. land and an FPL easement. To the west we have some vacant ag. land and the Delarosa residential PUD. And to the south we have the Verona Walk (sic) existing community.

As mentioned --

COMMISSIONER EBERT: Do you have a diagram you could put up for us, please?

MR. VANASSE: Yes.

COMMISSIONER ROSEN: Just as a point of clarification, to the south is Verona Pointe, not Verona Walk.

MR. VANASSE: Verona Pointe. Sorry.

COMMISSIONER ROSEN: Yeah, otherwise I'd have to recuse myself.

MR. VANASSE: As mentioned, what precipitated the change for this amendment to the PUD is the Water Management District permit. Through that process the preserve was reconfigured significantly.

As a result of that, we had to rework the entire master plan. So what we're presenting today is a new master plan with revised tracts with a revised preserve and we had to increase the preserve area slightly.

We are -- as part of this process in redesigning those tracts, we tweaked certain things that we think would benefit the project. One of the things is the access point along Veterans Memorial that we pushed east a little bit.

We have added some deviations. As I mentioned, we started working through the engineering design. It's such a detail that we realized that we would need more deviations, so we've added those. And we're also looking at removing the affordable housing contribution language that's in the PUD.

So that's a general summary of what is being asked. And unless you'd like a more detailed presentation, I would just be happy to start going through those questions and concerns and answering those.

CHAIRMAN STRAIN: And we have -- my intention is this one has been very complicated to review, so we're probably going to go through it page by page. But there is a disclosure I forgot to mention. One of the adjoining property owners to the east had sent me an email last night. I have it here for the record, Mr. Irv Pavlo, expressing his concern about the interconnections.

And Ray? If you could pass this down to Ray, he could put it on the overhead so all the -- everybody can see it and there's a copy for the record.

COMMISSIONER HOMIAK: I did receive that email too.

CHAIRMAN STRAIN: Oh, you did too. Yeah, he just had my name on it so I don't know who else he sent it to.

And also, Patrick, when we met I was a little concerned about the -- my lack of attention to the recreation amenity area back in 2008 when this came before us before.

And I went and checked the record, which I only do when I'm told no. And so I had to figure out why I did that. And the record's right, the people that presented it then did fine. I asked the question but I failed to follow it up.

But during that review I also found the record replete with references in details about negotiations that the eastern property owners and their attorneys had with the attorney representing this property owner. And the value and attention put into -- in the agreements for those interconnects, which you've taken out. And I don't see the reasons why they were taken out. So I really am concerned about that.

I did not bring this up to you ahead of time because at that point it hadn't been an issue because I did not get back and reread the record. Because I didn't think I needed to, which was again another mistake. But I have read it now. And those interconnections were a real serious discussion during the 2008 meeting. We have 128 pages of transcript from that meeting. And we even took a break early for lunchtime so the attorneys could go out and negotiate those interconnections and come back with it. And they agreed when they came back.

And so that's an issue right from the getgo that I'm concerned about in relationship to your new master plan. You've eliminated three of the interconnects. And I'd like to understand how you think that is appropriate. I mean, obviously it's something that will certainly greatly benefit that property owner. So if D.R. Horton walks away from this deal because they're only asking for positive things and accepting no negative, it's a real big positive to remove those interconnects. And so your owner's benefiting greatly from something you previously agreed to. Can you explain to me how that's reasonable?

MR. VANASSE: Yes. We definitely looked at that issue in great detail and we discussed it with staff, we discussed it with the zoning folks, with the transportation folks and the County Attorney.

Our understanding of the interconnects that were shown on the existing PUD master plan is those are options, and that we weren't mandated to provide all of those.

And I think from a reasonable standpoint, the adjacent property owners, they need to gain access to

their property, but it shouldn't be just one entity's responsibility to provide access to all those property owners. They can provide each other interconnections.

So through the discussions with staff, we have identified one interconnect that we think is feasible. It is supported by transportation staff. It was discussed with County Attorney, there was no objection. And we also had a separate meeting with many of those landowners. Several attended the meeting and several called in the conference call.

And the way it was left off was that we discussed our proposal for that one access point. We looked at how they could provide each other interconnections and make sure that everybody had access to their property.

And the way it was left off with them is they were going to look at that and come back to us if there was any concern.

We haven't heard back from them. We've reached out to the Irv gentleman that provided you the email or called in, to ask if there were any other issues that had come up after our meeting, and we haven't heard back from them.

CHAIRMAN STRAIN: Well, I'll -- again, since I went back and had to read everything, let me read that part of the minutes.

"Chairman Strain: Okay, everyone, welcome back from your productive lunch, I hope. And during that time just before we left for lunch, the Planning Commission was discussing the parts of the motion that may yet to be made. That discussion, we asked the applicant and the adjoining property owners who are having some lack of uniformity come together and see if they could come back with something that would actually strike a balance. And Mr. White, I'm hoping you were successful during your lunchtime with any other gentleman."

"Mr. White: Mr. Chairman, Commissioners, yes, we were. And I thank you, both on Mr. Bloom's behalf -- and by the way Mr. Bloom was the attorney representing some of those property owners -- and mine and my client's, as well as affording us the opportunity to do so. I will be brief. We have agreed to the addition of access points for interconnection at the point shown conceptually on the master concept plan being provided for the record, which is on the visualizer and I will be giving the court reporter at the conclusion of the proceedings. And that the cost for providing such access, as well as maintaining such access, will be determined by the developer and such landowners as may be desired to utilize any one or more access points (sic) or points, or in the alternative, as provided for by general law. And I believe that your staff is agreeable to that. I haven't spoke with Mr. Casalanguida while we were on break. Rather than going through and trying to define some methodology today, we've agreed amongst ourselves that we pretty much know how we want to determine that, and if we can't agree, we've agreed that we'll seek a court determination."

It seems that we actually do have all the interconnects that were negotiated at the time shown on the plan.

Now, I'm more than receptive to suggesting you want to move one of them. But to eliminate three and put a new one in, I don't know we could do that without fair representation from the property owners to the east who are not here and whose attorneys are not here. And I just don't see it as something we should be doing today at this point.

MR. YOVANOVICH: If I can, for the record, Rich Yovanovich.

CHAIRMAN STRAIN: Are you authorized to represent this client?

MR. YOVANOVICH: Yes, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Just double checking.

MR. YOVANOVICH: We did have -- you and I had a discussion about this a long, long time ago, I think before we even submitted. You probably don't remember since we've talked about a lot of projects.

CHAIRMAN STRAIN: No, I don't, Richard, sorry.

MR. YOVANOVICH: It was -- we -- this has been an issue basically from the beginning since I was retained to work on this project. And I recognize that, you know, I've been at this podium many times and Mr. White was in a position where he was negotiating on the fly.



I did look at the provision that exists in the PUD and it talks about the parties reaching an agreement as to how that access would be utilized to the east. That's paraphrasing, but basically it would be an agreement regarding costs. For all the people who wanted to use this access, there would be an agreement and a negotiation about how those costs would be shared between the, you know, different property owners that wanted to use the interconnection.

I've reviewed the title to the property. I think under the law, because the fallback is what does the law require if we can't reach an agreement. I think under the law, because we have a title commitment that says nobody to the east has access rights to our property, the people to the east will ultimately lose. However, we didn't take that position of trying to cut out all the access. We had a meeting -- I was not there but I can only tell you what I was told -- with the property owners to the east to talk about how everybody could work together --

CHAIRMAN STRAIN: Before you go too -- who's the we that had the meeting, if you weren't there?

MR. YOVANOVICH: I say we. We, the collective group team had a meeting --

CHAIRMAN STRAIN: Of which, the contract purchaser or the owner?

MR. YOVANOVICH: D. R. Horton. With the authorization of the prop-- everything in front of you today has been authorized by the property owner, okay?

CHAIRMAN STRAIN: Right, I know. It's just the fact that everything in front of us today is not as well done as it could be.

MR. YOVANOVICH: I understand that. I understand that. But we'll get through those issues soon.

But regarding the access, the proposal was to provide an access point that would be easy for the property owners to connect to and cut through the project, as you can see by the cul-de-sac stub-out.

It required the property owners to the east to actually work things out amongst themselves. And quickly scanning this email, it looks like maybe they're having a little trouble working it out amongst themselves as to how they will share access through their own properties to get to the shared access point.

Everybody was notified of this hearing, and well in advance they had an opportunity to be here, they had an opportunity to contact legal counsel, to contact us, talk about these issues, to force us into a situation where because they decided not to come for whatever reason to participate in this public hearing process, other than -- and there may be people here who want to speak about it, but other than through this email is not fair, since they were notified about our intentions to change the access to reduce it down to one access point.

CHAIRMAN STRAIN: Do you have a copy of that notification that they were provided?

MR. YOVANOVICH: The mailed out notice that the county sends? I don't have that with me.

CHAIRMAN STRAIN: You're saying the legal ad that we sent?

MR. YOVANOVICH: That and everybody who's adjacent to us gets a written notice.

CHAIRMAN STRAIN: Okay. But during lunch break, Ray, I'd like to find a copy of that so we can

--

MR. YOVANOVICH: Yeah, unless the process has changed.

CHAIRMAN STRAIN: No, I want to see how specific it is to the fact those interconnections have been removed and only one remains.

MR. YOVANOVICH: And maybe in the break we can go ahead and provide you with how we notified people to talk about the reduction of the --

CHAIRMAN STRAIN: I mean, that kind of stuff is important for the record.

MR. YOVANOVICH: I think it is.

CHAIRMAN STRAIN: I want to see it.

MR. YOVANOVICH: Because we're not doing this without telling people what we're doing. We reached out to people to let them know that we want to work with them. And frankly, we think it's a better plan for them because now you don't have two or three different people trying to figure out how to build an access point to interconnect to our internal roads, figure out what their fair share is going to be to those internal roads, based upon their desire to use access. So we thought that this actually made a little bit more sense for the people to the east.

So that's kind of how we got here. We understand that, you know, there's some provisions that exist

today. But those provisions were -- required mutual cooperation to effectuate those interconnections in the first place.

CHAIRMAN STRAIN: Well, I appreciate the explanation. We'll resume it after we get those additional data.

Okay. And Patrick, I guess we left off with you finishing up your presentation and wanting to move into discussion.

Before we go into discussion on a page-by-page basis to the PUD, does anybody have any general questions they'd like to bring up?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Patrick?

MR. VANASSE: Yes.

COMMISSIONER EBERT: Could you please tell me, do you -- you're saying that you did not get the ERP until after you submitted this?

MR. VANASSE: The ERP was obtained after our original application.

COMMISSIONER EBERT: Okay. So this Exhibit C that we have apparently doesn't put in that one extra acre of preserve?

MR. VANASSE: The Exhibit C that's in your packet has been revised through the process, the sufficiency review. So what you have is what's in the ERP. And we are exceeding the minimum requirements lately.

COMMISSIONER EBERT: Okay, I'm going to ask another question. The property owners to the east, how do they get to their property now?

MR. VANASSE: Currently?

COMMISSIONER EBERT: Currently.

CHAIRMAN STRAIN: Well, we ought to go back to your other question.

The current PUD calls for preserves required 11.81. Preserves shown, 10.91. The new PUD shows preserves required 11.81 but you've upped it to 11.82. So you're right on where you're supposed to be. That's the question that --

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay. So the preserves, they did put the other acre in there.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay, thank you.

Now back to the other question.

MR. VANASSE: Currently those folks don't have access to their property unless there's some kind of dirt road that I'm not aware of. Just like the folks at Brandon, nothing's built. It's ag. land right now. There are no improvements out there.

CHAIRMAN STRAIN: Do you have an aerial you could put on the overhead? That might clarify it. I think you had one there originally. There.

COMMISSIONER EBERT: Okay.

MR. VANASSE: So we're talking about these properties.

CHAIRMAN STRAIN: You need to use the mic, Pat, if you could.

MR. VANASSE: Properties to the east are right here.

COMMISSIONER EBERT: Okay.

MR. VANASSE: And in yellow is our property.

COMMISSIONER CHRZANOWSKI: Patrick, could you -- did you say there's three properties to the east? I wasn't clear on that. There's three property owners to the east, three parcels? Or is there more?

CHAIRMAN STRAIN: I think there's six.

COMMISSIONER ROSEN: There's six.

COMMISSIONER CHRZANOWSKI: Oh, six.

CHAIRMAN STRAIN: Last meeting we had six letters of objections and they -- I think it was from six property owners.

COMMISSIONER ROSEN: Is there any clarification on any of your charts where the six are, or what the outline of their parcels are?

MR. VANASSE: On this aerial we do have the various parcels.

COMMISSIONER ROSEN: Oh, the red boxes?

MR. VANASSE: The red boxes.

CHAIRMAN STRAIN: But some of them may own more than one red box.

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Right, so --

COMMISSIONER ROSEN: Okay, thank you.

CHAIRMAN STRAIN: Okay, go ahead, Pat.

MR. VANASSE: Okay. Unless you've got some questions, I will just proceed with some of the changes and the questions you had brought forward when we met, and I'll start off with Exhibit B, which is the development standards table. I'll put that on the illustrator.

Okay, the -- we don't have a lot of changes to the development standards table. We wanted to keep things generally the same.

The only concern or question that was raised was with regards to the descriptors to the two-family and the duplex. I think the discussion we had is those are defined in the code. There's no need for those descriptors. We were asked to remove those and we've struck through those.

CHAIRMAN STRAIN: The descriptors are the blue definitions up on top under the words two-family and duplex.

MR. VANASSE: Exactly.

Looking down we're going to move this exhibit. For the accessory structures the minimum rear yard setbacks, we had zero feet from perimeter buffer. Due to the configuration of the project, almost every lot backs up to the perimeter buffer. That's why we have that.

However, in our discussion, we may have a few lots that will back up to a lake or possibly a drainage easement. Therefore, we clarified that. It's zero feet from the perimeter buffer, lake or drainage easement. And the intent there is to make sure that no accessory structures go in a buffer or lake maintenance easement or in a drainage easement.

COMMISSIONER EBERT: All right, I do have a question on that, Patrick.

I notice that you tried to slip through five feet instead of six-foot separation between the homes? It's close.

The other thing is with the minimum rear yard -- and I understand the lake which is 20 feet. But on parts of this are you going to have -- is this community going to be walled?

MR. VANASSE: Well, it's going to be a gated community. It's not necessarily going to be walled throughout the entire perimeter of the project, but we are going to have some walls. And at this point in the design adjacent to the roadways, Livingston and Veterans Memorial, it does call for a wall.

COMMISSIONER EBERT: So you will have a wall along Livingston's side only; is that what you're --

MR. VANASSE: Livingston and Veterans Memorial.

COMMISSIONER EBERT: You'll have a wall there.

MR. VANASSE: And the reason I didn't address the five feet, it's not something that came up that was an issue supported by staff. We've had no real discussion about this five feet. Five feet for the setbacks is commonly approved and there are numerous examples of PUDs in this county that approve --

COMMISSIONER EBERT: I know. But the zero bothered me on parts, not knowing it was walled. And I'm saying, so it's zero so these people can go right up to the buffer and then people on the east or west side -- I mean --

MR. VANASSE: And when we did --

COMMISSIONER EBERT: And that's zero instead of --

MR. VANASSE: -- discuss this with Chairman Strain it made sense and that's why we're changing it.

CHAIRMAN STRAIN: In the case where there's a buffer, it won't be zero, it will be 10. The

minimum buffer width is 10 feet. And correct me if I'm wrong. Then your landscape buffer, I believe the minimum buffer easement you have is 10 feet wide. So they --

COMMISSIONER EBERT: And that's on the east.

CHAIRMAN STRAIN: -- can't go closer than 10 feet. Doesn't matter where it is, east, west, north, south. They can't go closer than the buffer. So the buffer will always end up being the setback. That's why we have accepted it in the past and that's how it pans out on this one.

MR. VANASSE: I'll move on to the next change.

Okay, with regards to the footnotes, we had several footnotes that already existed. And some of them were associated with front yard setbacks and this idea of front-loaded garages needing 23 feet.

Through the sufficiency comments from staff, we tried to combine those. And it kind of got confusing. So what we're doing is we are changing that to avoid the confusion. And what we're doing is we are identifying footnote number two; we're keeping it the way it was previously approved, and the language stays the same. And then what we're doing is we are also adding another footnote that says that front yard setbacks will be measured from the back of curb rather than right-of-way. And the rest was just renumbering the footnotes accordingly.

CHAIRMAN STRAIN: And because of footnote number two, you do not need deviation number 12.

MR. VANASSE: Exactly. And we can address that now or when --

CHAIRMAN STRAIN: No, I just wanted to make sure that's part of what we're --

MR. VANASSE: We're going to be asking to withdraw deviation 12 since it's a --

CHAIRMAN STRAIN: And because of footnote number three, I questioned your platting. And you've agreed to add language that basically says landscape buffer easements and landscape maintenance easements shall be platted at separate tracts.

MR. VANASSE: Actually my recollection was that we talked about that and I was going to verify that with our engineers.

Currently our drainage easements that run in some of the backyards are part of the plat.

CHAIRMAN STRAIN: Yeah, I didn't say drainage easements.

MR. VANASSE: Lake maintenance --

CHAIRMAN STRAIN: I said LMEs and LBEs. Lake maintenance easements are your 20-foot required by South Florida and LBEs are your perimeters that you've got all around the project. Those would be separate tracts.

MR. VANASSE: Separate, yes.

CHAIRMAN STRAIN: Okay. And that's what I was referring to. I know DEs are typically inside lots so that doesn't surprise me.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: But the footnote number two did, because you can't do that if you've got them platted as separate tracts anyway.

Okay, where -- we left off on that standards table? We're going to break for lunch here as soon as we finish with the standard table page. Are you --

MR. VANASSE: If you have any other questions regarding this exhibit, we can go through those.

CHAIRMAN STRAIN: I don't think there's any. When we get back, I asked -- I had some confusion over your understanding of the 20-foot front yard versus the 23-foot. So we -- did you have a diagram to explain it or you're going to be able to --

MR. VANASSE: I do not have a diagram. I think what we did to simply address that was the 23 foot, which was acceptable and it's consistent that that was the language previously approved and it's consistent with other PUDs.

CHAIRMAN STRAIN: So you're fine with that.

MR. VANASSE: We're going to leave that intact.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: And the only thing we're saying is how you measure the front yard back of curb.

CHAIRMAN STRAIN: Okay. You're right, the point goes away if you leave the original language

in.

MR. VANASSE: Yes.

CHAIRMAN STRAIN: Okay. With that, we're going to break a little bit early so you guys that eat downstairs can get in line before they get too crowded. And we'll come back at 1:00 and resume with Patrick's presentation.

MR. VANASSE: Thank you.

(Luncheon recess.)

CHAIRMAN STRAIN: Okay, everybody, welcome back from lunch. We're going to resume the meeting with the Brandon PUD where we left off at lunchtime. And that was with the -- we're still in the presentation discussion phase with the developer's representatives and Pat Vanasse.

We left off on Exhibit B, the development standards tables. I think we finished that. And we're now going to the Exhibit C.

MR. VANASSE: Exhibit C. If you're ready, I will move straight into this.

CHAIRMAN STRAIN: Sure.

MR. VANASSE: One of the issues that we talked about when we met was that there were a few segments of the perimeter buffer that did not identify, did not have a leader showing the Type A buffer. So we went back and amended our master plan. And I'll show you the locations.

CHAIRMAN STRAIN: Okay, the Type A buffer in the bottom corner, the last one down by your entrance?

MR. VANASSE: Yes.

CHAIRMAN STRAIN: I did check, since I was rereviewing everything, and you have a Type D buffer requirement there, based on your master plan that you have in the current PUD. So I think that's probably what you need to put that one to. So right now you got the A going to both the eastern line and the southern line. That southern line up against the future fire department is supposed to be a Type D.

MR. VANASSE: The fire department has a preserve there. And preserves up against our project, our understanding was that it was an A.

CHAIRMAN STRAIN: Okay, but you're changing the existing PUD is what you're saying. Because you've got a D on the existing PUD.

Mike, if you want to see it, maybe since you do the buffers you can tell me why we would have a D and he's got an A now.

MR. SAWYER: Yeah, for the record, Mike Sawyer, Project Manager for the project.

I can -- I would assume that the reason that the D was put there was because that was where the entry road is. And along roadways generally you will have a D buffer adjacent to the outside parcel.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: My confusion would be why the D would be required if in fact there's a preserve required on the other side of it.

CHAIRMAN STRAIN: Yeah, I only know what I saw on the master plan when I pulled it up. Actually, I was in records before they opened this morning to get some of these documents, because the one on file as you know can't be read. So I had to get copies to find a readable one. And in the process I noticed that it very clearly calls out a D buffer on that location. And if there was a reason for that in 2008, I assumed you might know, because I sure don't. But --

MR. SAWYER: Again, the only reason I would think that you could require that would be because it was looked at as a right-of-way or a roadway. And adjacent to roadways we have a requirement for a Type D.

CHAIRMAN STRAIN: Okay, does that requirement need to apply to this location today on this project?

MR. SAWYER: I don't believe so. Because it's adjacent to a preserve. We know that a preserve is required adjacent to this one. And because of that, I think an A buffer is adequate.

CHAIRMAN STRAIN: And have we seen the adjoining -- has the adjoining plan been far enough in advance to know that that is going to be preserve?

MR. SAWYER: My understanding is that that is where it is. I know I have seen it on other previous

plans. However, that fire station has not been built.

CHAIRMAN STRAIN: Okay, between now and consent, would you check on that?

MR. SAWYER: Most definitely.

CHAIRMAN STRAIN: On consent it will either be an A based on what you're requesting, or it will be a D based on what was there because we're not sure a preserve's going to be there.

MR. VANASSE: And just to further clarify, that little strip between our entrance and our perimeter boundary in our district permit, what we have there is a preserve. It's a very narrow little strip. But technically it's going to be preserve against preserve.

CHAIRMAN STRAIN: And so we -- you have qualified that as a preserve on this plan? It's not crosshatched that way.

MR. VANASSE: No, not at the -- currently that's what the district permit shows.

CHAIRMAN STRAIN: Okay, why don't we stop with the district permit. Because this is Collier County. I don't care what the district says or the federal government says. If you go there first, that's at your risk. You should have come here first and then gone to them. The fact you went to them first is fine for your needs, but we're not going to be necessarily adhered to things because that's what they want.

MR. VANASSE: Right now what we have on this is open space.

CHAIRMAN STRAIN: Okay. And that's what it looks like on your master plan.

So from that perspective, Mike, could you check it before we get -- before we come back on consent to make sure that the right buffer is shown there on the master plan?

MR. SAWYER: Most definitely.

CHAIRMAN STRAIN: Whether it be an A or D or whatever. That's all.

On the A buffer additions, you're making -- are all the ones that are missing. Okay.

Okay, anybody else have any questions on that one?

COMMISSIONER ROMAN: Just for clarification, where you have no buffer required, is that the place where you're saying that you're adjacent to other preserve?

MR. VANASSE: No, just because our preserve will act as buffer. If we were to provide a buffer rather than preserve, we would actually have to cut down native vegetation to plant hedge row.

COMMISSIONER ROMAN: Okay, thank you for the clarification.

CHAIRMAN STRAIN: If you do your signage like you're proposing and it's in the county right-of-way, I'm assuming then you would -- how is the buffers going to work? You're going to continue those out further or you just going to leave them where they are?

MR. VANASSE: I'm not sure what area we're talking about here.

CHAIRMAN STRAIN: Well, you've got some signage you're asking for.

MR. VANASSE: Yes.

CHAIRMAN STRAIN: And the reason you're asking for so many variables is because in some cases it's going to be either/or, depending on if you get permission to put it in the section of land that the county still owns.

MR. VANASSE: Exactly.

CHAIRMAN STRAIN: You intend to do any buffering in that section to the north or anywhere around it, or is it just going to be used for signage if you acquire it? Well, I mean, if you acquire it you've got a problem with your PUD, so you're probably not going to acquire it.

MR. VANASSE: Well, if we acquire it, it's still outside of the PUD. And what we're asking is for the ability to have signage outside of our PUD.

CHAIRMAN STRAIN: Okay, but you're not going to move any buffers out there.

MR. VANASSE: No.

CHAIRMAN STRAIN: Anybody have any questions further on the -- I mean, the other issue on the master plan's going to be the interconnects. I guess now's a good time to ask about it as any.

The current plan you have has three interconnects and you're requesting to drop it down to one. And it doesn't appear like it's going to adequately cover some of the areas that were needed to by the other locations.

Rich, looks like you're up there for this one.

MR. YOVANOVICH: Yes. If I can, first the gentleman who provided you the email about -- you know, I just wanted to let you know that as early as -- wrong one -- I have an email correspondence between that gentleman and our representatives going back to October of 2013 where we met with them and discussed the changes to the access on the east portion of the property. So I'll just show you the email he wrote back to us. And just kind of want to make that part of the record to let you know that we did meet with our neighbors. And this is his, the day after meeting note, thank you for meeting with us.

So I just hope that will confirm that we have kept our neighbors in the loop with what our proposed plans were regarding the changes to the interconnections to the east.

CHAIRMAN STRAIN: And I think in our -- you brought this as a result of our prior conversation. I thought I heard someone say that you notified them. Do you have those notifications, or was it just --

MR. YOVANOVICH: We sent emails to people and gave them call-in numbers and things like that. For those who couldn't be there, we provided conference call access.

CHAIRMAN STRAIN: Okay. So that's how this meeting was set up.

MR. YOVANOVICH: Right.

What I wanted to do is -- I'll redraw it. I'll put the -- on the visualizer.

The proposed changes that we're making is -- I don't think anybody has an issue with this access point, which is to the west. Nobody's complained about the removal of that access point. It's by the fire station.

CHAIRMAN STRAIN: Yeah, I don't see the necessity for it myself.

MR. YOVANOVICH: Now, there was this access point and this access point that currently exists.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: We are proposing -- so there were two access points on these is what I'm basically saying.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: We are proposing to continue to provide this one right here, which would provide access to the church property. And I understand that, you know, then -- I understand a realtor -- Fred's here. You still here, Fred? There he is. I believe he's working with the church and most of the property owners up in this area.

And I think from what he showed me, he's not representing this piece right in here.

So what we would propose is to add an arrow basically right here that would serve these two property owners here. People will still have to cooperate. I mean, it's just the fact of life when you're landlocked. You're going to have to work together. We would add an access point there. I drew what I needed to draw.

So when I'm talking about that access point, it's the one we're talking about adding.

We'll provide that access point there. What that will mean is if they do permit access, we'll lose a lot. So we think it's only fair that they basically fish or cut bait as to whether or not they want to utilize that access point.

And we'll give them two years to, you know, design, permit and work with us like they previously had to do for how we'll cost share access for them to the east to come through the project. We think that the one that we're currently proposing addresses any concerns the church may have regarding getting out to Livingston Road.

If my memory is correct, they already have an access to the project to their south, the Verona project. But this will provide them an alternative access that's probably better than what they currently have.

The reality is those small parcels, somebody's going to have to, you know, assemble those parcels if they're really going to really do a project. So that gives whoever put those projects toge -- those parcels together the opportunity to have access to Livingston Road and it provides the two that Mr. Kermani is not working with right now an alternative access and gives what we think is a fair and reasonable time period for them to say they're really going to use it. Otherwise we'd like to go ahead and develop that lot or sell off that lot. So that's what we would propose. So you'd still have two on the east, like was previously authorized.

CHAIRMAN STRAIN: Okay. Well, we're going to hear many public speakers and we'll probably further discuss it. Okay.

MR. YOVANOVICH: Anything else?

CHAIRMAN STRAIN: Not on that issue.

COMMISSIONER CHRZANOWSKI: I have a question.

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: Is this going to be a gated community?

MR. YOVANOVICH: It always has been planned to be a gated community.

COMMISSIONER CHRZANOWSKI: How do the church people get through the gate?

MR. YOVANOVICH: Well, they had the same issue before. They have -- everybody who wanted to come through the community, we're going to have to work something out. My understanding is, is they're trying to sell the property for a residential use.

COMMISSIONER CHRZANOWSKI: I'm not trying to exhume the body, I just -- thank you.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Okay. I think we can move past the master plan, Pat, and onto Exhibit E, I would assume.

MR. VANASSE: Okay. Moving on to Exhibit E. My attempt is just to go through the deviations where we've had discussion before, unless someone wants to interrupt me and address other deviations. Or if you please, we can go through them one by one.

CHAIRMAN STRAIN: Number one -- well, I mean, I have questions and I guess each of us can join in as we have questions on the issues.

Number one, you're looking for a reduction from 60 feet to 50 feet for a right-of-way width for the internal streets that includes public utilities. By -- I'm used to separating out private and public utilities. The private utilities are ones that are non-government in my mind, so I could be wrong in calling them that way.

But when you say public here, do you mean force main, water main, things like that, or do you mean FP&L, Sprint, Comcast, Teco and all the other kind of utilities?

MR. VANASSE: We're looking at putting all the utilities within the 50 feet.

CHAIRMAN STRAIN: Okay. So this only occurs where you have preserve.

MR. VANASSE: Preserve.

And I can show you -- I can put the cross-section that we had provided staff. So through the review process the questions came up. We provided illustrations just to clarify what we wanted to do. The intent was never to have those illustrations be part of the document just because things can change, regulations with regard to right-of-way, dimensions can change. So the idea wasn't to get things handcuffed, it was just to really show you what the intent was.

So I've got what is currently in your packet. And then I have a revised exhibit that would remove -- well, let me put that on the illustrator.

CHAIRMAN STRAIN: Is that figure one?

MR. VANASSE: Yeah.

CHAIRMAN STRAIN: Okay. So basically the top two details on figure one would be dropped because they're basically typical, and the one on the bottom that relocates the private utilities that deviation one applies to would be the one that you're trying to --

MR. VANASSE: Yes.

CHAIRMAN STRAIN: -- include as a detail.

MR. VANASSE: Yes.

So based on our discussions, this is the revised exhibit. The two typicals that were included on top of that one have been removed. And we would be moving forward with this figure as part of the ordinance. And it only shows the section where we're going through preserve and we have preserve on both sides.

The idea to provide all the utilities within our right-of-way is that we don't encroach on the preserve, we don't need additional space, and we can maximize the preserve area.

CHAIRMAN STRAIN: Some additional language that should be added to the deviation is that this only applies for the road sections that have preserves on both sides. Because the detail says adjacent to a preserve. That's different than a preserve on both sides.

MR. VANASSE: We could certainly make that correction and bring it back for consent.



CHAIRMAN STRAIN: Okay, sounds good.

And I don't care if you leave the word public or private utilities in there. I think the detail says what you mean. I just wanted to understand it myself.

MR. VANASSE: Okay, perfect.

CHAIRMAN STRAIN: Anybody have any questions on one or two?

(No response.)

CHAIRMAN STRAIN: If not, let's go to three, four.

Five is the wall height.

Six is the D buffer reduction to 15 feet.

MR. VANASSE: Actually, if I can just address deviation number four.

CHAIRMAN STRAIN: Oh, yeah, I was going to wait 'til we got your detail on this, but since it's a deviation, that's a good point.

You have a separate detail you've provided for that.

MR. VANASSE: Yes.

Currently in your packet you have a cross section that shows the typical lake section and shows the break point elevation where the lake gets deeper. We discussed this with staff. Staff supports the deviation.

The only difference is since we submitted our zoning application or zoning amendment we have been working on the design we submitted to PPL. The figure has changed slightly. It's actually safer, where our break point is even lower than it was. And I'll just put that on the illustrator. The idea would be to include this section as part of the PUD ordinance and remove the old one.

CHAIRMAN STRAIN: Okay. Yeah, I saw that on your revised submittals that you've done to the other agency.

MR. VANASSE: So as you can see on that one, from NAVD, our control point, we're at 8.5 and previously we were at seven.

CHAIRMAN STRAIN: So you're suggesting to change deviation number four to 8.5 feet?

MR. VANASSE: Yes.

CHAIRMAN STRAIN: While we're on this one, since Stan is not the county engineer anymore, so I won't ask him, because he'll tell me to ask the county engineer, can the county engineer come up?

COMMISSIONER CHRZANOWSKI: I've got a real quick question, though.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: Since you said NAVD, is the district still working at NGVD?

MR. McKENNA: For the record, Jack McKenna, County Engineer.

They are transferring over now. They're changing slowly.

COMMISSIONER CHRZANOWSKI: The permits that they're issuing now are NAVD?

MR. McKENNA: Yes. It's been a, and it will be a painful process, but it is happening.

CHAIRMAN STRAIN: Hey, Jack, the beard's growing in white. You've got to be careful. It will age you real fast.

The -- I know our standard is 10 feet, and apparently this has met with staff approval to reduce it to 8.5. If we're at 10 and there's no problem going to 8.5, is it something we should look at changing our code, or is it -- what are the issues involving the differences?

MR. McKENNA: The issues, really, the reason for the break point is for safety, so someone can climb out of the lake. And in this case and in any cases that a deviation is requested, I ask for backup information to verify what low water would be.

And in this case there was several wells nearby, monitoring wells, where they were able to show a low season water table to where we had at least three feet from that point. And so based on that, we felt like the -- that safety criteria is being met. And that was the historic safety criteria that had been in place for many, many -- for decades, actually. 'Til, Stan, I don't remember what year it changed, 2004, something like that, maybe, to 10 feet uniformly, rather than being a dimension from low water.

CHAIRMAN STRAIN: The advantage to the developer is they get more material?

MR. McKENNA: Yes.

CHAIRMAN STRAIN: Is there a significant amount of material in a case like this? Because, I mean, you're looking at 18 inches in a slope that will bring it back down to meet up with a two-to-one that's there.

MR. McKENNA: It's in the eyes of the beholder.

CHAIRMAN STRAIN: Yeah. Okay. I just didn't know if there was an advantage to consider this as an LDC amendment across the board.

MR. McKENNA: I don't think that that would be appropriate, because the 10 foot was put in there as a safeguard because there were lakes where the break point was higher than it should have been. Engineers were estimating the low water perhaps incorrectly, and so break points were too high. And the code was changed to the 10 foot below control to try to take care of some of those cases.

I think at this point if they try to deviate from the 10 foot, we're requesting that they have significant backup to justify that deviation.

CHAIRMAN STRAIN: Okay, thank you.

Anybody else? Stan?

COMMISSIONER CHRZANOWSKI: Just something real quick so it doesn't seem like an inside joke: NGVD is National Geodetic Vertical Datum, and for the benefit of some people that might not know, NAVD is North American Vertical Datum.

In 1927 the National Geodetic Survey did survey the United States through a certain datum and then they recalculated the shape of the earth, and they came up with this new datum, the NAVD.

And in Collier County the difference between NAVD and NGVD varies from about 1.2 to maybe 1.4. 1.2 up near Lely Barefoot Beach and 1.4 down near Ochopee or something, or almost to Dade County.

And the FEMA maps are all done to NAVD, with a little thing below them saying what it is, what it translates to in NGVD.

But all the district permits that we have are all done to NGVD. So for them to switch over in the middle of a project like Pelican Marsh to NAVD, I could see -- you know, you think he's got gray hair now? Watch him in a year.

COMMISSIONER EBERT: He's got hair now.

COMMISSIONER CHRZANOWSKI: Yeah, it's why we're laughing. We've talked about this for years. And the fact that they're finally doing it, I'm glad I'm not county engineer anymore.

MR. McKENNA: I'll say it's not across the board, but it is -- we recognize it's got to be a painful transition, no matter what happens. Because the FEMA elevations are all NAVD. So if you do your site plan to NGVD, there's the potential of having a slab come up wrong. If you're --

COMMISSIONER CHRZANOWSKI: Or pipes not meet when your utilities is done to NAVD and the old ones are to NGVD.

MR. McKENNA: Yeah, we said it would be nice if they were 100 foot apart or something like that. 1.3 feet apart is just enough to make it painful and not work, but not enough to point out the difference.

CHAIRMAN STRAIN: So the idea of the old railroad tracks coming from the east and west where they fail to meet in the middle could actually be happening when this piping doesn't meet because we have vertical changes. Ah, okay.

Okay, anything else of Jack while he's up?

(No response.)

CHAIRMAN STRAIN: Thanks, Jack, appreciate it.

Patrick, I --

MR. VANASSE: And I think from our standpoint, the illustration that I have on there, we could do without it. We don't necessarily need to have that be part of the PUD document.

CHAIRMAN STRAIN: I think it's self-explanatory. Unless somebody on this panel feels they need it, I think we're good. I'd rather not clutter the document up with things that may change in the future.

MR. VANASSE: Okay.

Next deviation that we had discussed was deviation number five. And there was a figure associated with that, figure number four. And the intent was to, again it was just for illustrative purposes, do away with figure four because it really isn't needed.

So I will put that on the illustrator. These are the typical wall berm combination sections. And at the bottom you have the depiction for what the plantings would be for a buffer.

So through our discussion we thought that was consistent with code, consistent with our application and the comments that we received and the answers we provided. Staff did not feel the need to have that on there. So again, the request is to remove that from the PUD document.

CHAIRMAN STRAIN: And I think because of the amount of detail on it, that's probably a good thing. I don't know where that -- it could get both of us in trouble in regards to how the county handles it.

Now John, while we're on this particular detail, at one of the meetings we were having, you had volunteered, I don't know if you followed it up or not, but maybe you need more time, the right-of-way for Livingston Road versus the property line. I was curious as to how there's a 19-foot difference. And at the time I was talking to Patrick, he wasn't sure it was an error on their part by not showing them the same or there was a true 19 feet missing up there. Do you know? Did you ever look into that?

MR. PODCZERWINSKY: I have not had an opportunity to take a look at that yet. We're a little bit behind on staff.

CHAIRMAN STRAIN: Well, if you get a chance, it would be nice that we could --

COMMISSIONER EBERT: Too much vacation.

CHAIRMAN STRAIN: Yeah, too much vacation. I didn't say that, she did.

MR. PODCZERWINSKY: Can I promise to have it to you before any consent hearing or --

CHAIRMAN STRAIN: It's more of a curiosity. I'm just wondering what a 19-foot strip is doing out there owned by nobody.

MR. PODCZERWINSKY: So do we.

MR. VANASSE: I actually looked into with our engineers, and I think we just made a mistake on the exhibit where we show right-of-way. That should have been edge of pavement. So the right-of-way goes up to where the buffer is.

CHAIRMAN STRAIN: Another reason why that kind of detail isn't needed. Good, thank you.

MR. VANASSE: Okay.

COMMISSIONER EBERT: Patrick, but you are going to go up the 15 feet with the berm, the --

MR. VANASSE: A maximum of 15 feet. We may not need to go --

COMMISSIONER EBERT: Well, if it's Livingston Road, that's going to be heavily traveled one of these days, so it's good for the community.

MR. VANASSE: Yes.

Before I proceed, the next few exhibits are related to signage. And I know there's been confusion as to what we're asking. Most of them are either/or type of cases. So let me try to address those globally before we move forward.

And I'm going to use an exhibit here to show you the locations of those deviations.

So we have five sign deviations. We have deviations related to boundary markers and we want the ability to -- I think the batteries are dead. We want the ability --

CHAIRMAN STRAIN: That's the one that's been giving -- oh, that one should work.

MR. VANASSE: Okay. We want the ability to put boundary markers on the edge of our project along Veterans Boulevard. One possibly in this general location. And possibly, depending on the configuration, the final configuration of the lake and the preserve, if there was room, possibly put one there. So that was for the boundary markers.

As part of that deviation also we're asking to be able to have the sign face a little larger.

We are also asking for deviations related to entrance signs and the size of the sign area on those entrance signs. And I'll go into the exact figure in a little more detail. But what we have there, we have three illustrations, but those are just options, they're not three separate deviations.

And then we have a deviation with regards to internal signage, which is commonly asked for in a lot of the PUDs.

And I believe we had another one related to providing signage within the county right-of-way. And that's because of the unusual configuration of the right-of-way at the entrance of our project. It's leftover right-of-way from the Livingston expansion, and we're asking for the ability to put signage to there, or the

ability to -- so we're looking at either getting a right-of-way permit that would allow us to put signage within that right-of-way or purchasing the property from the county and then having the ability to put the signage in there.

So I'll go through -- hopefully that explains kind of generally what we're asking for from a signage standpoint and I'll go through each one of them one by one.

CHAIRMAN STRAIN: Okay, one of the exhibits that was in our packet, not for the PUD but I think to explain the deviation, actually showed some elevations of your signs that was helpful. Is there -- and I think there was one site plan that showed that where you put the two V markers and then the center one, how they all possibly fit. Do you have that with you?

MR. VANASSE: Yes, I do.

CHAIRMAN STRAIN: It might be handy to put that on the overhead, it will explain it a little easier.

MR. VANASSE: So the intent behind this figure was simply to address the sign area. And we're asking for a deviation that we can go up to 80 square feet for the sign area.

The reason there are three illustrations, those are the three options that are allowed by code that we were contemplating. When we originally submitted this, we weren't as far along on the design of the project, so we were looking for either putting a median ground sign, putting two ground signs that were angled on each side of the entrance, or putting a V sign on one of those sides.

So that exhibit was simply dealing with the sign area. And I know it got a little confusing because we're showing three options.

So the idea would be to remove that from the PUD document. The intent was really so staff understood exactly what we were asking for.

CHAIRMAN STRAIN: Can you tell us for clarity the top figure, which deviation does that one fall under?

MR. VANASSE: This whole figure is only for deviation number -- let me get the number here. Just want to make sure I get it right.

The sign area deviation that we were asking to go from 64 feet to a maximum of 80 square feet, which is deviation number 11.

CHAIRMAN STRAIN: Okay. And deviation number nine --

MR. VANASSE: Simply deals -- and I'll put the exhibit on the illustrator. That one simply deals with the ability to provide signage in county right-of-way. Contingent upon obtaining a right-of-way permit or purchasing the property.

CHAIRMAN STRAIN: But that's an either/or situation.

MR. VANASSE: Either/or. Either -- again, either we would provide a median sign or an angled sign where we have one on each side of the entrance.

CHAIRMAN STRAIN: Okay, but the deviation nine is an either/or to another deviation, or is it an either/or to the signage that you're proposing here?

MR. VANASSE: No, it's either/or to the options of what kind of sign. Because this only deals with the sign area, the size of the sign face, the square footage. It doesn't deal with the location, it doesn't deal with the various options. The options were just shown as what the code allows.

CHAIRMAN STRAIN: Mike, since staff will have to review this when it comes in with a sign request, I'm concerned about clarity to know what we intend the applicant to be allowed to do.

In your reading of deviation -- I don't care whether it's nine or 11 or whatever, is the outcome that's shown on this plan something that you would have anticipated? Because he's got three different scenarios here. I read, that. I couldn't see how you got three different scenarios. And that's -- but I think that's what they're intending to say, they get these kind of options with that deviation.

MR. SAWYER: Again, Mike Sawyer, Project Manager.

The three illustrations that they've got are just the various options that the code already allows. What they're principally asking for with this illustration is just to be able to have a larger sign area.

CHAIRMAN STRAIN: But the code wouldn't allow all three.

MR. SAWYER: It would not allow you to have all three of those configurations. You could have one of those configurations up to the provisions of the code as far as sign face goes.

CHAIRMAN STRAIN: Okay, and I think that's why the illustration became more confusing. And it looked like they were asking for all those signs, and I didn't think that was a good way to go.

MR. SAWYER: We would concur with that.

Additionally, just to be clear, our -- staff's understanding is that this deviation is principally just for the sign face itself and that the other deviation is the request to be able to have the sign out in the county right-of-way. You would not be able to have both.

CHAIRMAN STRAIN: Okay. That helps. And as long as you read it that way, that's what my concern was. Because if they wanted the quantity of the signs they're showing here, it would have been a problem. But not having that input at the time with the illustration makes it difficult.

So okay, anybody have any -- go ahead.

MR. VANASSE: If it makes sense, I'll move on to deviation number nine, which is dealing with the location of those signs within the right-of-way.

CHAIRMAN STRAIN: Yes, it does.

MR. VANASSE: And due to the confusion, we have made some revisions, and I will present those to you.

So deviation number nine refers to figure six. This is a revised figure six. And what we're showing there is two options.

So one of the options, option A, would be ground sign on either side of the entrance on both sides. One of those ground signs would actually be in the county right-of-way, the other one would be on our project. That's option A.

Option B is providing a ground sign in the median with an associated entrance feature. So what we're saying that's an either/or case right here. We're not asking for both, we're just saying we'll choose one of those two options. But to be able to execute those options, we need that deviation to provide signage outside the right-of-way.

CHAIRMAN STRAIN: Okay. Is there some way that we can clarify deviation number nine to indicate that it's one of two options, not both?

MR. VANASSE: Yes, I've got the language here also that we've revised and I'll put it on the illustrator.

CHAIRMAN STRAIN: Great. Okay.

MR. VANASSE: So what this reads is it would allow one of two ground entrance signs or, and we made this very large so people fully understood, a meeting ground sign and associated entrance feature.

And this language also refers to figure six, and it would be the revised figure six that hopefully clarifies those two options.

CHAIRMAN STRAIN: Okay. Well, that helps clarify it.

Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Let's move on to the next one then, Patrick.

MR. VANASSE: Okay. The next one was associated with deviation 12, and we've already touched upon that.

COMMISSIONER EBERT: We're at nine?

CHAIRMAN STRAIN: Yeah, we would be on 10 and 11 I think is where --

MR. VANASSE: As I mentioned, I was going to just address the ones where I've received comments or questions, but we can go through the other ones, no problem.

COMMISSIONER EBERT: Fine, because I --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I had one on 11.

MR. VANASSE: Okay.

COMMISSIONER EBERT: I was just going to ask where Mr. Podczerwinsky was.

Deviation 11, it was the petitioner's rationale that got to me. It said they are seeking two ground signs per entrance with the development max of eight feet, total of 64, to allow for the 80. I have no problem with that, except the rationale. It says: The subject development will be accessed via two roadways with

allowed relatively high travel speeds.

What do you anticipate for Veterans Memorial Boulevard, John? That's a dead-end. It's a dead-end, right?

MR. PODCZERWINSKY: I believe it's designed and posted as 35, if I'm not mistaken. Anybody's who's been on Livingston can correct me on that.

COMMISSIONER EBERT: Well, it's not Livingston as much as --

MR. PODCZERWINSKY: Livingston east/west. I'm sorry, Veterans Memorial Boulevard.

COMMISSIONER EBERT: Yeah, Veterans Memorial Boulevard was going to go across I-75, correct? Gee, John.

MR. PODCZERWINSKY: That's correct.

COMMISSIONER EBERT: Which it no longer will, because that's been closed.

When -- there is one outlet I believe from the Strand, which is their back door.

MR. PODCZERWINSKY: Correct.

COMMISSIONER EBERT: Did we give -- I want to say Tuscany Reserve, but Talis Park, do they have an exit point from there?

MR. PODCZERWINSKY: They do. There's an ingress/egress point onto Veterans Memorial.

COMMISSIONER EBERT: Okay. So it's really only those two from that position. And now he wants a -- it was just that I kind of know Veterans Memorial and I'm going there's no --

MR. PODCZERWINSKY: Well, let me give you a little history on that. Veterans Memorial originally was planned to cross over I-75 in our long-range transportation plan. As you'll recall from one of the previous hearings that we saw, the PUD that we were looking at with Longshore Lakes and Quail II, that was where that roadway was supposed to land was at the north end of their development.

That has since built out and that possibility is now gone for Veterans Memorial to cross over I-75. However, just because there are two access points for two different developments on Veterans Memorial today with Brandon PUD and Talis Park to the north, that -- in my understanding from upper staff level is that that portion of Veterans Memorial is going to remain in the LRPT in case we're ever able to pursue a connection to I-75 for an egress point, an exit basically from 75 onto Veterans Memorial.

Very preliminary, it's very conceptual, it may never happen. But we don't want to remove it from future planning documents in case it's ever a possibility. So --

COMMISSIONER EBERT: I thought when we did Talis Park we gave them that extra space.

MR. PODCZERWINSKY: No, I don't believe we've given up any right-of-way at this point.

COMMISSIONER EBERT: Okay.

MR. PODCZERWINSKY: I just want to make sure that that's out --

COMMISSIONER EBERT: Okay then, going westbound, do you plan -- does the county plan on putting a road through westbound, which goes by Mediterra to the south? Do they?

MR. PODCZERWINSKY: Help me out on that. Tell me --

CHAIRMAN STRAIN: Yeah, the extension of Veterans Memorial over to old 41.

COMMISSIONER EBERT: Old 41.

MR. PODCZERWINSKY: At this point yes, that's still in our long-range transportation plan.

COMMISSIONER EBERT: It is?

MR. PODCZERWINSKY: Yes.

COMMISSIONER EBERT: That's good.

CHAIRMAN STRAIN: Yeah, they've already acquired the right-of-way, so --

COMMISSIONER EBERT: That's good.

MR. PODCZERWINSKY: Other questions?

CHAIRMAN STRAIN: No, I think that's it. Thank you, John.

We left off on 12, was it?

COMMISSIONER EBERT: 11.

CHAIRMAN STRAIN: You just asked about 11 so we're on 12.

MR. VANASSE: Deviation number 12 has already been somewhat addressed when we looked at the development standards table with the footnotes dealing with how we measured the front yard setbacks. I

no longer think we need this deviation and that it's covered through the development standards table. So we would ask to remove that and withdraw the deviation completely.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: Deviation 13 was for -- associated with the flag lots. And I'll put that on the illustrator also. There was one issue with regards to some labeling on there that we have revised.

So what we had before was zero foot setback from perimeter buffer from boundary. And what we did is we clarified that zero foot from perimeter buffer. And we've illustrated the buffer there in that dark black line. And again, that's typical conceptual. And again, we don't really see the need to have that included. We just wanted to clarify what we meant by --

CHAIRMAN STRAIN: The deviation, though, will be included. I talked with the County Attorney's Office. They'd rather see the deviation stated there as a -- in addition to the fact that it could have been stated on the tables we have whether it's -- I guess it's clearer that way, so we'll leave it at that.

MR. VANASSE: Understood.

If there's no question on 14, I'll move on to 15.

(No response.)

MR. VANASSE: 15 was a deviation from an internal buffer from our amenity center to adjacent residential within the project, and the ability to put the same plantings that you would in a 15-foot Type B buffer but put it within a 10-foot wide buffer. Same plantings.

And I think the issue that came up in the discussion was would the buyers of those lots be made aware that they were buying adjacent to an amenity center, and D.R. Horton fully intends to fully disclose that.

CHAIRMAN STRAIN: Well, that isn't the only issue that came up. So -- the other issue is that back in 2008 when this came forward, I was on this board. And I went back and reviewed the minutes and I did question the fact they didn't show where the amenity area was going to go. They responded that they wanted to go anywhere in the residential area and I didn't pursue it any further than that. That was a mistake.

And as we've learned over the years and as a very well known land use attorney says, I reserve the right to get smarter. Well, so do I.

And what we did in the past, especially if these are coming forward and if can make corrections in the future, we need to do that.

So I -- we have requested and we've even rejected proposals until they've come back with locations of conceptually where they're going to put their amenity center. Or at least protections so that wherever it's put we know that the adjoining public and the internal public are somewhat protected by things unknown to them because they're not shown.

This being an older PUD, we have to figure out a way to fit it in. So I asked you to come back with some suggestions. I'd like to hear what you think might be a solution.

MR. VANASSE: What I've put on the illustrator is Exhibit A. And under general uses how the PUD currently reads is the following -- basically the following uses that are identified as one through four are allowed anywhere in the PUD except the preserves. And in there they have common recreation amenities.

So understanding the concern of amenities possibly abutting a residential area, what we came up with, and I'll have to read that from the illustrator, was -- so we've got common recreation amenities as a use, and then should these uses be located adjacent to the residential portion of the Della Rosa PUD, a 15-foot Type B buffer with a wall shall be provided between the amenity center tract in the abutting residential uses.

COMMISSIONER DOYLE: May I ask how high the wall will be?

MR. VANASSE: We haven't defined that at this point. Right now we have a deviation that would allow us to go with a berm/wall combination up to 15 feet.

CHAIRMAN STRAIN: The code minimum, Mike, is --

MR. SAWYER: Actually, the code doesn't require these types of walls. There is a provision within the B buffer to provide a six-foot fence option as opposed to hedge.

CHAIRMAN STRAIN: That's what I meant, I'm sorry.

MR. SAWYER: Additionally, normally within -- hence the reason that we've got the deviation in this case. Most of the time in a residential district you're limited to six feet when it comes to walls and fences.

And I believe the deviation that we currently have for this one is limited to I believe it's Livingston and --

MR. VANASSE: I think you might be right, it might be along the roadways.

MR. SAWYER: Yeah. So we might have to amend that if the will is to have the wall.

MR. VANASSE: But the intent was to --

CHAIRMAN STRAIN: I think the intention is to have the -- I mean, we heard this morning from one project where they were concerned about the amenity area. And honestly, those are the -- if you take a single-family or some of your residential, it ends up being the most intense part of the residential because it's where the noise is congested. Not so much in single-family as in multi-family or the many options they have with this project.

So the rec area in this project could be well used. And for that reason I think we ought to be concerned about the abutting neighborhoods. And that's hence why we have brought it up.

So I think that requiring a wall to protect the neighborhoods to the west or east, wherever they may be for the residential, and in this case I think it's only Della Rosa, or whatever the name is, I think that's a positive thing. So at least the neighbors moving in there, if this project decides to put its amenity area right up against that buffer, it will be a 15-foot high buffer on their side and a wall, and that somewhat protects those neighbors. So that was the theory behind it.

What do you -- Brian, did you have any concerns with that, or --

COMMISSIONER DOYLE: Just that, you know, backed up against the amenity, and which wall would best suit the residents, you know, protecting them from any light, noise, activities. If it's standard to not be any more than six feet and your 15-foot buffer, if that's acceptable with everybody, I'm okay with that as well.

MR. VANASSE: Just to clarify, I was saying that we have a deviation that allows up to a maximum of 15. And again, that deviation might just apply up against Veterans and Livingston. So I don't think at this point we can actually tell you exactly what the height would be. Because we would have to look at that location and slopes associated with drainage, et cetera, et cetera. So I don't think we can commit to height.

But I certainly think that a six to eight-foot wall could work and would be feasible there, if we decide to even place anything there.

CHAIRMAN STRAIN: There's two other things that need to be considered. The project this morning was Quail II, and their issue with the wall -- their issue with the rec center, the building would have a 30-foot setback on that particular parcel, and we would need to have a setback for that building here greater than what's currently called in your standards plan, because it's zero to the buffer, which means 15 feet. So to have a 30-foot setback for the building would provide a little bit more distance.

You're going to hear a project come in this afternoon, if you still want to sit around for entertainment and watch Temple Citrus. But they've got a -- their rec center back over 150 feet from the people behind them. So these distances are important too.

So I would suggest that we limit the building setback against the external property line to 30 feet.

MR. VANASSE: We could certainly do that.

CHAIRMAN STRAIN: Okay. And then you're going to provide a disclosure in the buyer's contract.

And now let's talk about the internal buffer. Your deviation is to request a 15-foot Type B buffer be allowed to add a 10-foot width.

Now, the Type B buffer's also the one that provides for opportunity for a wall. So how would you believe your internal residents who buy in there are protected from the activities of an activity center without a wall? Was that your intention?

MR. VANASSE: No, the intention was to -- I think what we're looking at currently is putting a Type B with a wall. But instead of having a width of 10 feet, because right now the buffer, if you look at a Type A buffer, you have open space as part of that buffer. So you have plantings, you have open space, you can put the wall in there.

What we're saying is we would like to do the same type of buffering but within a 10-foot distance, 10-foot width distance instead of 15.



CHAIRMAN STRAIN: With a wall.

COMMISSIONER EBERT: With a wall.

MR. VANASSE: Sorry, I'll just -- I'm not sure if we had committed to a wall, if we knew at this point. I think Rich is telling me that we haven't committed the wall and right now we don't --

COMMISSIONER EBERT: You had or had not?

MR. VANASSE: We have not. And right now we don't necessarily have a design that shows a wall.

COMMISSIONER EBERT: Are you on 15? Are you on deviation 15?

MR. VANASSE: Yes. We went back to 15.

COMMISSIONER EBERT: Well, in here it says the deviation is allowed the flexibility, given the constraints to the unique -- but the intended buffer will include a wall. And the required Type B buffer plantings, however allowing a minimum of 10-foot buffer, but that included a wall.

And staff analysis is they don't find a problem with it, but they recommend that the proposed wall noted in the application be made part of this landscape buffer.

MR. VANASSE: Okay. I think as part of our justification, we went into that detail. The actual deviation here does not have it. But I think the wall works.

COMMISSIONER EBERT: The wall works. It will be put in?

MR. VANASSE: Yes.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Do you want to move on, Patrick?

MR. VANASSE: Yes, if you don't have any other questions on Exhibit E.

(No response.)

MR. VANASSE: The last change that was discussed that I wanted to present to you was Exhibit F. And actually, I'll let Heidi maybe address that.

But what we've done is we -- under Exhibit F, the developer commitments under general, that first paragraph we were asked to insert an extra sentence, and I'll let Heidi address that.

MS. ASHTON-CICKO: The extra sentence would read: The managing entity is also the developer under the sub-heading indemnification agreement on Exhibit F.

CHAIRMAN STRAIN: Okay. I think that's a good improvement.

MR. VANASSE: That pretty much concludes all the changes that we were envisioning. If you have any other questions, we'd be happy to answer those.

CHAIRMAN STRAIN: Okay. Anybody have any place they'd like to start?

(No response.)

CHAIRMAN STRAIN: Exhibit F, since we're on it, why don't we move to -- you have a B, I think it's B, there's been a lot of changes through it. It's Page 3 of 4. Talks about a reserved interconnection. Why are we needing to change any of that language?

MR. VANASSE: I believe you're referring to G that I put up?

CHAIRMAN STRAIN: Well, it looks like --

COMMISSIONER EBERT: B.

CHAIRMAN STRAIN: The copy I've got looks like B. No, no, that's your deleting language. Keep going. Go to -- it's the third paragraph on Exhibit F that's been crossed out all over the place. The next page after the one you just had.

I mean, the fact we now have two interconnections put back in, what is the point of changing -- there'd be no reason to change that paragraph.

MR. VANASSE: Correct. The intent was when we were looking at one.

CHAIRMAN STRAIN: Okay, and is that -- just so I can reference it properly when we write up our consent, is that paragraph B?

MR. VANASSE: Yeah.

CHAIRMAN STRAIN: Okay. It's under Exhibit F. So okay, why don't we just move on, see if there's anything else.

I know the indemnity agreement's been re -- County Attorney took care of that. So I think that's it from the PUD document.

Does anybody else have any other questions from the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay, with that, I guess we'll go to the staff report before we go to public speakers.

Thank you, Patrick.

MR. VANASSE: Thank you.

MR. SAWYER: Again, for the record, Mike Sawyer, Project Manager for the petition.

You do have the staff report, last revised on January 21st.

I do have a slight change on Page 4. That first sentence at the top of the page, it should be a parcels added on that at the end of that sentence.

Otherwise, staff has reviewed the petition, it is consistent with the GMP and the LDC. We are recommending approval of the petition, as well as the deviations.

We do have a stipulation regarding deviation six and 15 that the masonry wall be required.

Other than that, I'm here to answer any questions you might have.

CHAIRMAN STRAIN: Okay. Does anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: I do want to say, this was -- Mike doesn't normally do PUDs, and for one that he doesn't normally do, he sure picked a fun one to get involved in. I think that was Ray's fault.

MR. BELLOWS: I knew he could handle it.

MR. SAWYER: I actually learned quite a bit, thank you.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Well, in here it says that you are going to remove the one for Verona Walk also on here -- Verona. I won't say Verona Walk.

Transportation commitment for the required interconnection to Verona Pointe, that one you are removing, but you're putting two to the east up further, correct?

MR. PODCZERWINSKY: That's correct.

Commissioner, I had one very brief correction on a comment that I gave you before, on an answer that I gave you before.

If you'll notice on the screen I've put up here the current most recent update of the long-range transportation plan. You'll notice Veterans Memorial Boulevard as a -- what they're showing as a red line, which indicates a four-lane improvement, that actually ends at Livingston Road. And you'll notice that east of Livingston Road that has no longer been included in the long-range transportation plan as a widened road.

I'm also informed that through board action, I believe it was last year sometime, there was -- the eastern end of that was actually vacated.

COMMISSIONER EBERT: I thought so. Thank you.

CHAIRMAN STRAIN: And just out of cur-- you're not extending that over to new 41, are you? Because isn't that where that new pharmacy is that you'd have to take out again? Another CVS.

MR. PODCZERWINSKY: I believe the right-of-way is actually reserved behind that.

CHAIRMAN STRAIN: Is it? Good.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Okay, anybody else have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Well, then we'll go to public speakers.

Ray, do we have any registered public speakers?

MR. BELLOWS: One speaker. Fred Kermani.

CHAIRMAN STRAIN: Sir, if you want to come up and use either mic.

MR. KERMANI: My name is Fred Kermani. K-E-R-M-A-N-I. I'm with CRA consultants, commercial broker in the area.

I represent three groups here: Della Rosa PUD, church property and seven property owners to the east.

For your information, Della Rosa PUD is under contract, and the church property is under contract

too. I have the developer here after me, he had some concern.

The reason I'm here, I was asked by the -- those seven property owners to appear here, as well as the church group, to voice our concern about access to Livingston.

Right now the seven properties, one, two, three, four, five, seven and eight, are actively on market. They're marketing that for sale with no access.

There are two alternative accesses that we have. One is through the church, a development, or through Brandon PUD.

The cul-de-sac access that I saw today from Brandon doesn't go through that seven property owners. There's no -- just gives access to the church property.

So I'm questioning, how do we get access to these seven owners? Property number six didn't cooperate in this marketing pool. He's an older guy, and he said I'm not in a hurry, I can wait for the better market.

So we have seven owners. They want to sell their properties. Not having an access severely affect their values, the property values, so we're asking to have an access for these two properties, the church property and the seven owners.

CHAIRMAN STRAIN: This issue came up and was hotly debated back in 2008. And there were two legal firms involved: Henderson Franklin I think was one, I saw a letter in the file, I believe from them; and another fellow by the name of Mr. Bloom was an attorney, and they both in some way represented some of those property owners to the east, I believe. In fact, I know Mr. Bloom did, because at the meeting he and the applicant's attorney went out and worked up an interconnection plan that we currently have.

Well, 2008 was five years ago, and this property has been advertised, there's been NIMs, there's been announcements to the changes that they're offering here today.

What has been done from 2008 'til now in regards to the people that you apparently represent to solidify their concerns and to further make sure that this access that was provided by this Board, or actually by the Board of Collier County, six years ago is moving forward? I mean, it doesn't seem like anything's been done.

MR. KERMANI: Well, the reason I guess they contacted me was they see that there's some activities in the market. Brandon is going to be developed hopefully shortly, and also the church property. And then they see that the properties are locked and so they contacted me and said can you get access through the church property. I said no, we are having actual ourself, you know, we don't know if you have an access or not.

So they asked me to come here to ask for a separate access to Brandon PUD in case they cannot get through their church property independent.

And I look at their -- Brandon PUD and I see there is a point that you can get access to property number -- to lot number six with not much interference with Brandon PUD. Of course if you get that access to property at lot number six, then we have to get some sort of easement agreement through lot number six to get to the rest of the group.

CHAIRMAN STRAIN: Well, the current access points would have been north of property six along the south side of a lake and would have given access to six, three and five directly. And the other access point was up in the corner of where three and one meet, so it would have provided three, two and one. And then four, seven and eight would have the option of joining the others or going south.

So we have -- are these all separately owned? Or how many people own those five --

MR. KERMANI: They're separate owners. Each -- some of the lots owned by three or four people, but there are eight different owners, of course. And I have a listing agreement from seven of them. So I have a control on seven owners, but not lot number six.

If you get access through somewhere between lot one and three of course, is less headache for us because we don't need to deal with property number six.

CHAIRMAN STRAIN: Okay. We're going to have some discussion on that with the County Attorney and then the applicant and you'll probably be sitting here listening to it. So thank you for -- can you leave that up for a little while?

MR. KERMANI: Sure.

COMMISSIONER CHRZANOWSKI: Can I ask a question?

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER CHRZANOWSKI: Sir, to me the logical solution would be you should have tried to sell this to the developer of the Brandon PUD. Did you try that?

MR. KERMANI: Yeah, we are working on it. But of course there's no guarantee.

COMMISSIONER CHRZANOWSKI: As I remember, this is a heavy ST area, special treatment.

MR. KERMANI: Yeah.

COMMISSIONER CHRZANOWSKI: Very wet.

MR. KERMANI: Yeah.

COMMISSIONER CHRZANOWSKI: Very large wetland.

MR. KERMANI: Yeah.

COMMISSIONER CHRZANOWSKI: Maybe that's some of your problem?

MR. KERMANI: Well, you know, as I said, I'm already talking with the developer. So there is a possibility that he may want to expand his project. But these owners are concerned that what if you cannot send it through that church we don't come to agreement. We want to have our own access in order to set it at the right price. And the developer is coming to speak with you and he's going to tell you about his concerns.

COMMISSIONER CHRZANOWSKI: Thank you.

CHAIRMAN STRAIN: Okay, we'll have the public speakers before I ask the County Attorney to weigh in on it.

So Ray, is there any other registered public speakers?

MR. BELLOWS: No.

CHAIRMAN STRAIN: Does anybody else in the audience wish to speak on this?

Come on up. And first question is have you been sworn in?

MR. MINHAS: I have not.

CHAIRMAN STRAIN: Okay. Well, we'll take care of that.

(Speaker was duly sworn.)

THE COURT REPORTER: Would you state your name and spell your last name, please.

MR. MINHAS: Max Minhas. Last name M-I-N-H-A-S. Land Quest Group.

Well, when I got up this morning I had no idea I'd be speaking here to you ladies and gentlemen, so my apologies in advance if I come a little ill prepared.

Land Quest Group is the contractual purchaser of the church property. We've only just recently agreed to purchase it. And our understanding was that there was an easement from Verona Pointe going to both the church property and Brandon PUD.

We've just in the last week or so discovered that the 40-foot easement, 20 feet of it sits on the church property and 20 feet on the Brandon property. So by moving, you know, that access, as the petitioner's proposing, obviously we would need to reconsider how we get an access into the church property, and of course access to the other parcels behind.

So what we'd like to do is invite obviously the petitioners to start a dialogue with us before the County Commission, the next County Commission hearing in order that we can discuss not only the access but the timing of that access.

Now, we feel a little bit hoodwinked because our consultants did start a dialogue with the owners of the Brandon PUD a couple of weeks ago, and at no stage did they discuss this was coming to this Commission. In fact, they said we'll get back to you. So obviously we were a little bit disappointed to have heard that.

But again, we're just voicing our concerns and would, you know, really appreciate if you could take on board the concerns that we have with the access easement.

CHAIRMAN STRAIN: With that map that's in front of us, the property you're working with suggests the church property to the south of those squares?

MR. MINHAS: At the moment we are the contract purchasers for that property. But as the gentleman highlighted, there are the parcels which we would look to perhaps consider purchasing.

But as you rightly said, there's quite a lot of wetlands there so we need to do some due diligence in

order to establish whether they work in conjunction with the property we're proposing to purchase.

CHAIRMAN STRAIN: You said that you had a 40 -- oh, go ahead, Stan. I'm sorry.

COMMISSIONER CHRZANOWSKI: You're going to have to probably do a lot of preserves, so buying it might be a good deal. Just convert it all to preserve and develop the uplands.

MR. MINHAS: Yeah, you know, we've started that dialogue with the agents for the property. So perhaps we will have some idea fairly soon.

COMMISSIONER ROMAN: I had a question regarding the comment that I thought that you made with an easement that you currently have on this property. Did you say you had a 40-foot easement or 20 and 20?

MR. MINHAS: That's right. I mean, we understood there was a 40-foot easement going to the church property. But our due diligence over the last couple of weeks has actually shown us that the easement sits between the two properties. So about 20 feet goes directly onto the --

COMMISSIONER ROMAN: Can you point that out where it is?

MR. MINHAS: Sure.

CHAIRMAN STRAIN: Mike, you might need a microphone, so -- it's upside down; it's twisted around. There you go.

MR. MINHAS: I don't know whether you can see the line up in the left-hand corner, Brandon PUD and subject property. That line I think is basically what dissects the easement. And it's -- looking on this plan it doesn't look quite 20 feet each side, but obviously it splits the two.

CHAIRMAN STRAIN: You know, now that you point out that connection, it makes sense with what's on the current master plan for the property. And that's it. That's the connection you're talking about.

MR. MINHAS: Correct, that is the connection.

CHAIRMAN STRAIN: Interesting. How did that get dropped?

MR. YOVANOVICH: End of a 90-day period.

MR. MINHAS: Well, if I can just reiterate, we've only just recently become involved with it so, you know, we've not been involved for the last 90 days and obviously were somewhat surprised to learn yesterday afternoon that --

CHAIRMAN STRAIN: But now from a perspective of the developments to the south and especially the church property and those other six or seven, in essence this could be a solution for all of them.

MR. MINHAS: And that's my understanding, it could well be, yeah.

CHAIRMAN STRAIN: So I guess I'll have to ask the County Attorney our position on it from what we should and should not do in regards to how viable that is based on the language that's trying to be struck from this PUD, and then we'll ask the applicant a little bit about it. So we'll have to do that after we finish hearing from you.

Is there anything else you wanted to add?

MR. MINHAS: Thank you for listening.

CHAIRMAN STRAIN: We appreciate your time.

MR. MINHAS: Thank you.

CHAIRMAN STRAIN: Heidi, I guess this is going to fall back on that language that's being struck on I think it's Exhibit F or one of the exhibits that we have. I'll see if I can -- yeah, here it is, it's number (sic) G. In this PUD it's being recommended for the proposed PUD to be struck out.

So I'll tell you what, we're near break time. Let's take a 15-minute break to give Heidi a time to review it, and then we'll come back at 2:30 and resume the meeting.

(Recess.)

CHAIRMAN STRAIN: Okay, if everybody will please take their seats, we'll resume the meeting.

And Ray, just so we have it for talking points, can you scale out from that so we can see all the orange highlights on that particular plan?

Okay, that works great.

And if -- where we left off was a discussion about the language that's being proposed to be struck that pertains to the circled in blue access way on the bottom left side of this master plan.

And Heidi, I'm assuming you had time to review that language during the break? The applicant

believes that language pertains to their access from their project into the church and therefore is able to be struck because they need it within the time frames requested.

MR. YOVANOVICH: It's not the church.

CHAIRMAN STRAIN: Verona Pointe, I'm sorry. I'm sorry, Verona Pointe.

And Heidi, is that a reasonable conclusion of that paragraph?

MS. ASHTON-CICKO: Yeah, I've reviewed paragraph G of the former Exhibit F, and it does appear that that's for the benefit of the Brandon RPUD to have access through Verona Pointe's property. So I don't have an objection to that being stricken from this PUD.

CHAIRMAN STRAIN: Okay. And that takes that out of play for the fellow who's looking and doing the due diligence on the church property.

As far as the other changes to the access ways, one thing I'd ask, if you wouldn't mind looking at during the break, was the responsibility of the county as far as removing or changing the access ways that are shown on the plan that's on the overhead now versus the one access way through the former preserve to the south.

The one access way to the south connects directly to the church property. The access way that's proposed in addition to that connects directly to parcel number six. But the two access ways we had to the north provided access to a series of the other parcels. I know this has worked out with hours and hours and pages of discussion in 2008. It's unfortunate it's coming back for another change. But at this point I kind of want to see from the County Attorney's Office if there's some concern over access ways and what's being proposed here.

MS. ASHTON-CICKO: The county would be ill advised to approve a PUD that essentially land locks a parcel. In this case the way Brandon wraps around, there are at least seven or eight parcels that would not have any access. And they wouldn't even be able to go to court and establish an easement by necessity, because there's really no place for them to go.

So the proposal that you have today to strike those two access connections that are shown in the orange more to the middle of the master plan, in my opinion both of those should stay, unless the owner can work out some other manner in which he would like to provide access.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: Or allow access.

CHAIRMAN STRAIN: What I don't want to see this board do is if we work something out in 2008 that was provided by the board and it more or less provides access ways as shown here to make the position of the landowners as well as the position of the county in a worse position because of changes that are not as equal to or better than what was already there. So that's where the discussion's coming from.

And I was going to turn to the applicant's attorney, and he just left. So thank you, Heidi, for your comments.

COMMISSIONER EBERT: Thank you. It's important.

CHAIRMAN STRAIN: We'll let them weigh in on it and see where --

COMMISSIONER ROMAN: Just for clarification, what we're looking at on this diagram with the highlight in orange is currently what's being proposed or what was being proposed back in 2008 or whatever?

CHAIRMAN STRAIN: That was what was proposed by the applicant in conjunction with the property owner's representatives during a Planning Commission meeting in 2008. It was recommended for approval to the Board of County Commissioners. It's on the plan, so the board must have approved it. And those are where the interconnections, to the best of my knowledge, are today, unless someone has other documentation to show that's inaccurate.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Richard, did you want to comment on what's just occurred, or --

MR. YOVANOVICH: Well, I just want to point -- for one thing I would ask is those interconnects only occur if the property owners to the east work with the owner of the Brandon PUD on how access will occur, proper cross-sharing, building of it. All of that was on their -- their burden to deal with that.

I would just request that one, if we're going to -- couple of practical things. One, there should be a time frame by which they're going to either agree to go permit it and we're going to reach an agreement on

how they're going to come through the project, because we're going to lose lots. Or it's not and they're going to have to find a different way through. Because there are other ways through.

As you can see, the only people who are being in a position to, quote, play nice, is Brandon. Because -- listen, listen, you heard that the property owner on parcel number six doesn't want to be involved in this in solving the access solution. The access solution is a very simple solution.

You have parcels one through eight, including parcel six, and the church all cooperate on how they can all go through each other's property and come through our proposed cul-de-sac. Everybody gets together and we provide everybody access.

What's going to happen as a result of leaving everything the way it is, is we go back to this. Our access way to the south goes away. Obviously if we could have permitted that, that would have been nice to get to a light, so obviously we would have tried that first. So this one goes away.

Now, you keep -- and I think we all agree there's no need for this one.

So now you keep the two you have to the north. Okay. Just put a time frame on it. I don't know how the church gets out. Because we're not giving them the cul-de-sac. We're not doing three.

CHAIRMAN STRAIN: Well, you're doing three now, but okay.

MR. YOVANOVICH: But I mean, we're not doing three on the east. I mean, people should -- they need to get in the room themselves. We've provided them the way out. It requires parcel owners one through eight and the church to work together. Because we have extended to them a -- extended a road to their boundary. If they don't want that, that's okay. That's their decision. But the cul-de-sac comes off as a required interconnection.

CHAIRMAN STRAIN: The -- we've spent hours on this so far, and we've gone through all the issues. There's going to be -- I think you have no doubt there's going to be a consent hearing on this which will be in two weeks on the 20th.

MR. YOVANOVICH: Oh, yeah, I figured that. I'm going to be here anyway for the other one.

CHAIRMAN STRAIN: Well, there's a couple options that we have. We can make a decision on this today based on the information we currently have, or we can make a decision on it on consent and combine both of them into the next hearing to wrap this one up. Because everything else is done. Basically you've had public input, you've done your presentation, staff, we've asked most our questions. The remaining issue involves the access ways.

In two weeks you might be able to pursue a solution with the neighbors or the representative of the neighbors next door, both the church and the parcels that are mixed into this.

And then regardless of how that comes out, if it's an acceptable way, then maybe this board can make a decision that helps you going forward to the Board of County Commissioners. If not, I don't know if it would be any different than it would today.

But it's a possibility you could come up better with having two more weeks to resolve it. We've got to come back and discuss this in two weeks anyway.

So it's up to you. If you want a continuance for two weeks in order to try to resolve this further once we finished everything else we have today, that might be a way for you to meet with these owners and try to work something out. Everybody knows it's under the gun right now. And when it gets back in here we can make a decision on how to move forward with it.

And I personally would provide some extra time maybe for the County Attorney's Office, look at some additional options, and myself as well.

MR. YOVANOVICH: Mr. Strain, we certainly can work -- what I'm concerned about is I don't want to come back in two weeks and have a whole hearing about everything else. I certainly don't mind continuing the issue sol-- continuing the item to talk solely about do we keep the two access points that are currently there and we do not provide the cul-de-sac in lieu of those two, or we do the cul-de-sac or something else. I just need to know that when I come away, when I come back, the worst thing that's going to happen is I keep the two orange.

CHAIRMAN STRAIN: Well, and I --

MR. YOVANOVICH: Is that fair?

CHAIRMAN STRAIN: That's fair in a sense that we haven't seen how the consent writeup is going

to be from your planners, so we do have to discuss that.

MR. YOVANOVICH: I know that, right. And I knew that.

CHAIRMAN STRAIN: We don't have -- we've exhausted the public input today. But if there's a new public meeting, the public is allowed to speak. So I would try to limit the discussion to this because the rest has already been settled, or at least been proposed to be settled.

So my intention would be if this board would agree that we're finished with the rest of the issues today to focus on this in two weeks and wrap up with a consent and wrap them into one meeting and be done in that meeting for all of it, if that works for other board members.

Stan?

COMMISSIONER CHRZANOWSKI: Yeah, how do we do that? By a --

COMMISSIONER EBERT: Continuance?

COMMISSIONER CHRZANOWSKI: -- motion?

CHAIRMAN STRAIN: Well, the applicant has to request a continuation. Or we can request it of the applicant, if they want to go along with it. If not, we can resolve it today.

MR. YOVANOVICH: Can I have two minutes?

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: Because, I mean, it's hard to try to get -- for me to talk from here.

CHAIRMAN STRAIN: That's fine. Go take a couple of minutes and we will adjourn for a few minutes and I'll call it back to order when they get back to us.

(Recess.)

(Commissioner Chrzanowski and Commissioner Doyle are absent from the boardroom.)

CHAIRMAN STRAIN: It's like herding cats. But Richard's back.

While you were gone, two board members decided they had enough of you and left, so we're down to five.

MR. YOVANOVICH: That's okay, I don't need them for a continuance, do I?

CHAIRMAN STRAIN: No, that's why we're here is to find out where you want to go.

MR. YOVANOVICH: Well, I do hope that -- we'll request a two-week continuance.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We'll hopefully do both the consent and the final hearing at the same time. I understand that you can't prohibit public speakers, but I would hope that to the extent we can, we can limit speaking to access.

CHAIRMAN STRAIN: And that's the intention, yes.

MR. YOVANOVICH: We will, in the meantime, knowing that the County Attorney prefers to keep the existing access points in place, we'll see what we can do. But we're a little bit hamstrung unless the parcel owners to the east and the church can work together on a solution to allow us to change what currently exists. I mean, there's going to need to be cooperation from other parties that I don't control between now and then, but we're willing to try.

CHAIRMAN STRAIN: Well, and I think the willingness to try would be a help. And I think the other parties know that if they don't provide some willingness to try, it will be a hindrance for them. So I think everybody needs to be -- at least make an attempt to figure out a solution to this. It's been going on for way too many years and it's time to get settled. So I'm asking you again as we did back six years ago to take another look at it and find a way to resolve it.

Diane?

COMMISSIONER EBERT: No, as long as we have some final words next week, that's --

MS. ASHTON-CICKO: And I'm not dictating where the access connections go, I'm just saying you can't landlock these parcels.

MR. YOVANOVICH: Well, and if I can, Florida law says you can't landlock parcels. It doesn't say that I have to give people access through my project. They have -- they do have legal rights to go establish where that access should be and then they can pay for it. Don't get it for free. So it could be that everybody goes through the church property to get access out to Livingston Road. It doesn't say that I have to provide the access.



So we have agreed to provide two access points in our PUD master plan, and we'll honor those. We'd like to change them for the cul-de-sac alternative. If we can't, we'll just live with what's there today.

CHAIRMAN STRAIN: Right. And the goal of this Planning Commission is not to make the situation worse than it already is. You did agree to provide two accesses. It's now part of the county ordinance that the two are there. They're there in the location that may serve the properties better than the ones proposed. The effort over the next two weeks is try to figure that out and either come back with a better proposal that seems to serve the properties better, with maybe hopefully the agreement of those representing those property owners, and we'll have to make a decision to recommend something to the board at that time.

So what I'd like to do now is we will continue this for two weeks on the 20th of -- that's two weeks from today is the 20th, I believe.

MR. YOVANOVICH: One other thing.

CHAIRMAN STRAIN: We're going to go through the stipulations too.

MR. YOVANOVICH: I just want to make sure we have consent --

CHAIRMAN STRAIN: Don't worry, I wouldn't you get past the stipulations, Richard. I know you like those.

So these are the stipulations --

MR. YOVANOVICH: I'm hoping you like everything we presented and you can use those already.

CHAIRMAN STRAIN: Oh, yeah, we're fine with that.

These stipulations are just for discussion now, not voting on, because we'll do the voting in two weeks.

The first one is the staff recommendations will be incorporated to the extent that they need to be modified pursuant to today's meeting after staff reviews them. There is some recommendations there recommending approval for the deviations, but likewise all the deviations aren't going to be used, so they just need to clean those up.

Number two, the change to the directional sign deviation -- I'm sorry, that one -- that one wasn't -- number two would be delete deviation 12 and incorporate it into the standards table.

Number three is the figure four is only for support of deviation, it's not to be an exhibit to the PUD.

Number five is remove the use definitions from the standards table. That's the two notations in blue that seemed to redefine something that was already in the Land Development Code.

Number six, the rear setback shall be from the LBEs, LMEs or Des. Now, LBE is landscape buffer easement, LME is lake maintenance easement, and the DEs are the drainage easement.

Reinsert footnote two as previously approved.

Add additional buffer labels to the master plan.

Add access points. We're going to discuss that in two weeks, so we won't even get into that one right now.

Deviation number one is only for the roads with preserves on both sides.

Deviation number four will be a breakpoint of 8.5 instead of the 7.

We're going to delete the lake breakpoint illustration number 3.

We're going to delete figure number 4.

Deviation number 9 will be modified to, quote, or a median ground sign and associated entrance feature, end quote.

And see revised figure number six.

We're going to remove figure number seven.

We're going to add language to recreational amenities to address the buffers at 15 feet with a wall at six feet high and 30 foot setback for structures along external property lines.

And internally the internal reduction of the Type B buffer from 15 to 10 feet will be allowed, but the wall will be added at six feet.

They'll be -- disclosures to buyers will be provided in the documents that the contract purchaser uses for sale or anybody uses for sale.

Add the County Attorney's sentence to Exhibit F.

Change back paragraph B under Exhibit F to the original language.

And a note that John Podczerwinsky made to me when we were talking during break, he said that the entrance signs in the right-of-way may not be permissible with structures if you don't purchase the right-of-way. So that's something you may want to clarify between now and two weeks. But in the meantime it's something that we'll put you on notice to be aware of. Because you had -- one of the deviations requested a sign and structure. Those structures may not be allowed in the right-of-way. So as long as that remains in the right-of-way to the county may be a problem, so that's another issue you need to read.

Now, Richard, any of those sound like something we had not settled on, or are you unsettled with any of those?

MR. YOVANOVICH: The one that just caught me offguard and maybe somebody else knew about it was having to buy the right-of-way in order to -- I thought we were able to do it through a right-of-way permit, the sign and --

CHAIRMAN STRAIN: I think you can do the sign, but I think -- John, maybe you can just -- I didn't know about it 'til just two minutes ago. While you were outside, we figured we'd find some other things to throw at you.

Go ahead, John.

MR. PODCZERWINSKY: Yes, sir. In almost all cases, there are very few exceptions, but in almost all cases structures are prohibited within the right-of-way. Signage is allowed as long as it doesn't block the sight distance triangle as spelled out in the Land Development Code. But the right-of-way ordinance does prohibit structures within the right-of-way.

CHAIRMAN STRAIN: Okay, in the right-of-way ordinance, is that part of Land Development Code or is it a separate standalone?

MR. PODCZERWINSKY: It's a separate standalone ordinance.

CHAIRMAN STRAIN: Whoever is in charge of potentially looking at changes to that or deviations to that ordinance, would you check to see, since this is an odd instance of a right-of-way?

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: It's a little piece that shouldn't have even been purchased if the land had been configured differently. So maybe it wouldn't even apply in this particular issue.

So between now and the consent, or the next hearing, could you solve that problem for us?

MR. PODCZERWINSKY: Absolutely. I'll be glad to take a look at it.

Ultimately, as I said, though, it's still right-of-way at this point.

CHAIRMAN STRAIN: Understand.

MR. PODCZERWINSKY: And unless the ownership of that sliver of right-of-way changes hands through a number of different processes, it could happen, then I think we still have to apply the right-of-way rules to get the right-of-way permit for it.

CHAIRMAN STRAIN: Okay, thank you.

And what I'd -- if everybody on the Planning Commission is satisfied, then I'd like to suggest a motion for a continuance to February 20th. And this will be the first regular hearing item up. And we'll do a continuance at the same time.

COMMISSIONER EBERT: I make a motion that we continue this 'til March (sic) 20th.

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: That's for --

COMMISSIONER ROMAN: For February?

COMMISSIONER EBERT: For February.

CHAIRMAN STRAIN: For February 20th.

COMMISSIONER ROMAN: Yeah. She said March.

CHAIRMAN STRAIN: February 20th.

MS. ASHTON-CICKO: You want an updated document that includes some of the things that you read off?

CHAIRMAN STRAIN: There has to be or we'll not have consent that day. That was the intention, that it's going to wrap consent into the same meeting.

COMMISSIONER EBERT: Okay, Mark, I have one quick question.

This map that is sitting in front of us, this 17 and a half acres, is that just the lots? That is not including the church?

MR. KERMANI: That's right.

CHAIRMAN STRAIN: Sir, you're going to have to come up and use the microphone.

What difference does it make?

MR. KERMANI: The highlighted yellow, it's two and a half acres, so seven times two and a half is 17 and a half acres.

COMMISSIONER EBERT: Okay, very good. And so the church property is not in that.

MR. KERMANI: The 15 acres is different.

COMMISSIONER EBERT: Okay. Only one other thing, Rich. Because I know you just love to hear from me.

You want a lot of homes on this property. Maybe you could just buy all this property and put a nice -- make this property very nice all combined. Just a suggestion, as long as you have two weeks.

MR. YOVANOVICH: Apparently you haven't looked at my bank accounts. I personally can't afford any of this.

CHAIRMAN STRAIN: Okay, is there anything else?

(No response.)

CHAIRMAN STRAIN: We'll call for the motion. All those in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0 for the continuance.

Thank you all, and I sure hope you work something out between now and then. It would be a benefit to everyone.

\*\*\*Okay, the last item up for today's meeting is Petition PUDZ-PL2012002779.

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

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission.

Mike?

COMMISSIONER ROSEN: Yes, I've had a conversation with Bruce Anderson regarding this.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: And I had a conversation with Mr. Ratterree on this.

CHAIRMAN STRAIN: And I've had a conversation with Kevin, with Bruce, with residents from Walden Oaks. I think that was the limitation there. I don't think there was anybody else in the meeting, but I did attend the meeting at Walden Oaks and this was discussed. And when I was working with staff at the county, one of those people there now is on the other side. I notice he's in the audience. Craig Hallas. Congratulations. I didn't know where you were landing, Craig. Congratulations, you guys got a good man there. He's missed already at the county. So that's my disclosure.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Anderson.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: Okay, with that, Bruce, it's all yours.

MR. ANDERSON: Thank you, Mr. Chairman. Good afternoon. My name is Bruce Anderson with the Roetzel and Andress Law Firm. Pleased to be here on behalf of G.L. Homes.

I'd like to introduce Kevin Ratterree who's the vice president of land development for G.L. Homes. And also with him today is Robert Duane, the land planner from Robert Duane and Associates, and Ted

Treesh, the transportation consultant from T.R. Transportation Consultants.

This is an application to rezone just over 132 acres to residential planned unit development to allow 512 dwelling units. This property is located between Pine Ridge Road and Vanderbilt Beach Road, and it's presently in use as an orange grove and a farm stand fronting on Airport Road.

The farm stand would be discontinued on or before 75 percent of the project is built out.

Speaking of built out, the surrounding area is built out. The other residential projects in the vicinity are higher densities than what are requested today. The Growth Management Plan allows up to five units per acre on this property, and the requested density is 3.86 units per acre.

The PUD will have two access points. The main entrance will be off of Livingston Road and a secondary entrance off of Airport Pulling Road.

County staff has withdrawn the request for an interconnection between this PUD and Manchester Square, which both my client and the homeowners association at Manchester Square did not support.

Mr. Ratterree from G.L. Homes has consulted and coordinated with the master homeowners association at Manchester Square and Walden Oaks to address their residents' concerns and questions. And although it's never easy to please everybody, neither of those homeowners associations are opposed to this PUD.

On Tuesday afternoon Mr. Ratterree and I had the opportunity to meet with Chairman Strain to go over some questions that he had on the PUD document and it resulted in some changes to that document. For the record, I will read through those, if that's what you'd like.

CHAIRMAN STRAIN: Well, we'll just start with the first page when you're ready to and just -- I mean, whatever the page the first changes are, we'll walk through them.

MR. ANDERSON: Okay. And Mr. Ratterree has copies, if anyone wants to read along, showing the strike-through and underlined from the document that you have.

CHAIRMAN STRAIN: If he's killed a bunch of trees for us, we should at least take the copies. And we should give a copy to the court reporter and the County Attorney as well as. And if you have an extra copy, there might be some members of the audience who would like them.

MR. ANDERSON: Okay. Starting with Page 1, paragraph 1.A.2, we're striking the lines in parentheses that state: Located outside the Livingston Road and Airport Pulling Road right-of-way. That will be struck.

Item number --

CHAIRMAN STRAIN: If the members of the panel have any questions, the only reason that was struck is because they can't put them there anyway, so that's not something you're going to be able to do to begin with.

MR. ANDERSON: Next item is an addition of 1.A.4, which is really moving it from permitted accessory uses on the next page.

1.B.2, we've struck the references to nature trails and boardwalks, in that there is nothing native vegetation left on the property.

Moving on to Page 2, under B, access-- permitted accessory uses, we have struck references to recreational facilities designed to serve the development. Because those aren't really applicable to somebody's individual home.

We've also struck number three, everything after utility facilities. Because that's an all-encompassing term that really includes all of those individual items probably anyway.

Number four, we have struck the word "of the project" and provided that the docks and piers are limited to the adjoining residential property. So an individual single-family home might have a pier or duplex, have their own pier on one of the lakes in the project.

You'll see that we've struck the old number four, water management facilities, because we moved that to the primary permitted uses.

And we have struck playgrounds and play fields, et cetera. That was number six. Because again, we're talking about what occurs on somebody's individual lot, and these are more generic to a community recreational center.

On the third page, we'll go all the way down to the bottom, B.2, we've struck the word appropriate

screening and instead inserted required screening, which will be what is required by the Land Development Code at that time.

In number three we've struck the reference to cocktail lounges because of a fear that it might be permitting a standalone bar which is -- that's open to the public which is not the intent at all.

The next changes are on Exhibit B, which should be Page 5. And on Exhibit B, on front yard setbacks, for single-family detached, zero lot line and two-family and duplex the front yard setbacks would be 15 feet instead of 18 feet.

And on side yard setbacks for principal and accessory structures, that would read zero or 10 feet. The original version that you had did not have the little symbol indicating that it was feet.

And if you'll drop to the bottom, floor area minimum, that would be increased from 1,000 square feet to 1,500 square feet.

Next page, number six, paragraph 3.C, we have added a sentence at the end there that says: In no instance shall the principal structure be located within 10 feet of the road right-of-way line.

And that comes into play for corner lots, principally.

And number six on that page, we have added a clarification that principal structures have to be separated by at least 10 feet.

CHAIRMAN STRAIN: One thing I'd like to mention, number five, I know we talked about it. It wasn't necessarily a change to number five, but I thought we talked about how you plat your lots and that you don't plat your lots inclusive of buffers and easements. And so I'd like somewhere in this document, and whenever you feel is appropriate, similar to the last presentation, that the plats will -- the LBEs and LMEs and DEs will be separately platted. Actually, not DEs, just LBEs and LMEs. I pulled examples. That's how you do it anyway from all your communities, so I don't think it's a problem for you.

That's important because that becomes an issue when you measure your setbacks on a property line, the property line's in the setback and you've got a five foot with a 15-foot buffer, you end up losing your buffer, so --

MR. REISCHL: Mr. Chairman, Fred Reischl.

You're saying instead of platting them as easements, you should plat them as tracts?

CHAIRMAN STRAIN: Yes.

COMMISSIONER HOMIAK: Could I just --

MR. ANDERSON: Well, a tract could also be an easement.

CHAIRMAN STRAIN: Right.

Did you have something, Karen?

COMMISSIONER HOMIAK: Just before you go too much further, back on Page 3, up at the top, number two, says table one. I think it should be Exhibit B.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: While we're on Page 3, Bruce, B.3, the cocktail lounge. Also, do you have any objection if we say commercial/retail establishments customarily associated with the principal use including?

Because right now you're using commercial retail including but you don't limit it. So anyway commercial retail, C-1 to C-3, someone might argue is allowed on that property and I don't believe that's the intent. Okay?

I see Kevin nodding his head yes, so --

COMMISSIONER EBERT: He's agreeable.

CHAIRMAN STRAIN: Why he's successful too.

COMMISSIONER EBERT: That's right.

MR. ANDERSON: And we can skip -- unless there are other questions on the intervening pages, we could go to Page 16.

CHAIRMAN STRAIN: Give me a minute to scroll down to that page, Bruce.

I would like some clarifications on the master plan that are before Page 16. Not you need to make any, I just want everybody to understand why it's reading the way it was for the same questions I asked you.

So if we go to the Exhibit C-1, you have a reference to Airport Pulling Road. And it says 15-foot

wide Type B buffer with wall and, it's a plus sign, a 15-foot open space. So that's a 30-foot wide strip? I see Kevin's head nodding yes, so --

MR. RATTERREE: For the record, Kevin Ratterree. R-A-T-T-E-R-R-E-E -- you would have never got it -- vice president with G.L. Homes.

Yes, that's a total 30-foot tract, 15-foot buffer tract plus 15-foot open space.

CHAIRMAN STRAIN: Okay. And over by Manchester Square, you cull out a 15 wide (sic) Type A or Type B buffer. And just out of curiosity, how is that decided on which one it is?

MR. REISCHL: Mr. Chairman, I researched that one. I check with Nancy Gundlach who did the landscape review. She said that was included, because at the time there were multi-family involved in the PUD and that would have required the B buffer. She said it doesn't make a difference now. If G.L. wants to upgrade to a B, they're free to do it, but the A is required.

CHAIRMAN STRAIN: Doesn't take anything away, doesn't hurt.

MR. REISCHL: Right.

CHAIRMAN STRAIN: So good. Okay.

And prior to -- and you were going to try to go to Page 16. So on Page 10, which is your Exhibit C.1.A., we need to have some corrections made to your sign locations, do we not?

MR. RATTERREE: Yes, I believe Mr. Anderson was going to the text changes and he was coming back for the exhibits, but we can jump in on the exhibits as we go.

CHAIRMAN STRAIN: Just for simplicity, let's try to keep it in order. I know Bruce likes to jump around; the attorneys get paid more that way. I think let's just try to keep it in order, if we could.

So on Page C.1.A, kind of like Manchester Square, your intention is to put those out on Livingston Road like Manchester has, and you're going to seek the approval of Florida Power & Light to do that, right?

MR. ANDERSON: (Nodding.)

MR. RATTERREE: Right.

MR. ANDERSON: Those changes are depicted here on the visualizer.

CHAIRMAN STRAIN: And let's -- and the next one is the road sections, C.2. And the only thing I had asked, and after confirmation with our transportation department, that they would rather not see the wearing courses and all the details about the type of asphalt and things put on there. And I notice you've got them x'd out here.

John, does that work better for you?

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

Yes, that does work best for us when we omit detail from the cross sections in the master PUD.

CHAIRMAN STRAIN: Okay, thank you.

Bruce, I didn't mean to take away your discussion, but you were going to skip too far and I didn't want you to move that fast.

So now we're on C.3. And C.3 didn't tell us what side of the line was what. I asked for that clarification. And in the -- one of the meetings you committed to the wall and the hedge. The hedge as being on the Walden Oaks, and Lone Oak, which is now Walden Oaks, and Willow Park side, which you added and it's now shown. And there's ample distance. Now instead of two feet it's three feet to make sure that gets in there. So that cleans that up good.

You're at Page 16. I know you're anxious, Bruce, I'm trying to get there.

16 is Exhibit E, okay.

MR. ANDERSON: You ready?

CHAIRMAN STRAIN: Yeah, I'm ready. I just though I'd make sure you didn't skip around.

MR. ANDERSON: Thank you, Mr. Chairman.

Top of Page 16, since there is no bottom, a sentence will be added, to make clear that the principal structures located adjacent to where we have the reduced buffer width are limited to one story in height.

And then the next change is on Page 18. Instead of simply referring to the citrus store, we've struck that and referred to it as the commercial use.

CHAIRMAN STRAIN: One question. I made a note and it may have been responded to.

If you go back to number four, 4.B -- oh, you made the correction, you just didn't -- you just skipped

it. You were going to go back to that one.

So if you turn to Page 15, the top of Page 15, C.1 is really changed to C.1.A.

MR. ANDERSON: Yes. Thank you.

CHAIRMAN STRAIN: I wish Richard was here to see this.

COMMISSIONER EBERT: I wish he were too.

CHAIRMAN STRAIN: Okay. So we left off on Page 18, right?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Thank you.

MR. ANDERSON: Now let's jump to Page 19. We've added a reference to where we talk about the height limitations and the foot candle brightness. The limitations will apply equally to Manchester Square PUD, as well as the Lone Oak PUD.

CHAIRMAN STRAIN: And back on Page 18, it's not a correction, but it's an explanation. We mentioned it. I'd rather make it clear. Because you've entered under the PUD monitoring, 5.A. You've got a new entity there that is not the petition, the applicant, the contract purchaser, the property owner, it's out of the blue.

Could you tell us how Naples Associates V, LLLP relates to this project?

MR. RATTERREE: Yes, sir. Again for the record, Kevin Ratterree.

G.L. Homes does all of our land acquisition in an entity known as G.L. Homes of Florida II Corporation.

At the time of closing on the property, that contract will be assigned to the development entity for this project, which will be the Naples Associates V entity that's listed.

As I understood it, the comment from the County Attorney's Office is they wanted to have the actual management entity name for the PUD to be in the monitoring provision, and that's why it reads Naples Associates V because that will be the actual monitoring entity and the developer for the PUD.

CHAIRMAN STRAIN: Okay, I just -- anybody else reading it may not realize the connection, so that for the record makes it clear. Thank you.

That takes us through your PUD, Bruce. Did you have anything else?

MR. ANDERSON: No. Thank you.

CHAIRMAN STRAIN: That was quick. How did you know all that? You came with all the right corrections.

MR. ANDERSON: I'm trainable.

CHAIRMAN STRAIN: Okay, with that we will -- any further questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Staff report?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl with Planning and Zoning.

I agree with all the changes after our meeting on Tuesday. And as stated on the record today, we find that the PUD is consistent with the Growth Management Plan, and if the deviations are approved, with the Land Development Code and we recommend approval.

CHAIRMAN STRAIN: Okay, anybody have any questions of staff?

Go ahead, Diane.

COMMISSIONER EBERT: No, not of staff.

CHAIRMAN STRAIN: Well, who do you --

COMMISSIONER EBERT: I just want to make a comment.

CHAIRMAN STRAIN: We've got to have public speakers yet too, so --

COMMISSIONER EBERT: Oh, all right, we'll have public speakers first.

CHAIRMAN STRAIN: Okay. But before we go to public speakers, I'm going through the staff report and there's a reference in there that on the west and north side of Manchester Square wall where they're not painted, G.L. Homes has agreed to paint, and Manchester Square entering into a maintenance agreement for that purpose.

When we met, since that is on the record, is that something you can accomplish by the time of the

Board of County Commissioners hearing?

MR. RATTERREE: For the record again, Kevin Ratterree.

Yes, sir.

CHAIRMAN STRAIN: Okay, we will make sure that's added.

MS. ASHTON-CICKO: Mr. Chair, I also have a letter/email from Naples Associates where they agree to be the managing entity, so I will give that to the clerk and make it part of the record.

CHAIRMAN STRAIN: Excellent, thank you.

I just want to check and make sure everything has been asked and answered. And it looks like it has.

That's it. Okay, I think we can go to public speakers now.

Ray, do we have any registered public speakers?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Any members of the public here wishing to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Okay, Bruce, do you want to -- do you have any rebuttal? Hey, I've got to give you the opportunity. Diane's got something to say too.

Diane, did you want to add something?

COMMISSIONER EBERT: Yes, I really do. And I wish Rich could have been here also.

I've dealt with G.L. Homes before. They have always been a good neighbor to wherever they go in. That's probably one reason today that they wanted a nice wall from Horton -- or from -- not from Horton. A nice wall from Toll Brothers, because G.L. is a good neighbor and gave them a wonderful wall along Logan Boulevard.

The other thing is in reading this, before I got all the information, Manchester Square was going to be a little obstinate in not providing this. That did not bother this person. And he also has agreed to do the maintenance on their back wall, which they have not painted. I mean, you can -- I just really want to compliment this developer and say if every developer in Collier County was like this particular one, we would never have a problem.

CHAIRMAN STRAIN: So does that mean you're going to vote for denial?

Bruce, I have four stipulations that I want to make sure that we're okay with.

The first one would be the main entrance from Livingston Road will have a manned gate house. I saw that in the NIM, so I'm assuming that's something you're going to do.

I see heads nodding yes.

Three, the agreement with Manchester Square for the wall maintenance will be created prior to the Board of County Commissioners meeting.

Four, the tracts for the landscape buffer easements and landscape maintenance easements will be separately platted -- will be separately shown on the plat.

And five, you're going to add under the recreational areas accessory uses that the language that they'll be used is customarily associated with the principal uses to the recreational/commercial/retail use, the language we talked about a few minutes ago.

So those are the four stipulations. I see you're in agreement with them?

MR. ANDERSON: For the record, yes.

CHAIRMAN STRAIN: Okay. Anybody else have anything that they want to contribute, ask?

(No response.)

CHAIRMAN STRAIN: With that, we'll close the public hearing and we'll entertain a motion. Anybody wish to make a --

COMMISSIONER EBERT: I will make the motion that we approve PUDZ-PL20130002779, Temple Citrus Grow RPUD.

CHAIRMAN STRAIN: With the stipulations?

COMMISSIONER EBERT: Absolutely.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Motion made and seconded.



Is there any discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you all. And somehow you got Diane on your side as strongly as you did, that's impressive.

MR. BELLOWS: Mr. Chairman?

COMMISSIONER HOMIAK: This was consent too?

CHAIRMAN STRAIN: That's what I wanted -- that's a good point. I keep forgetting that. It's that new --

COMMISSIONER HOMIAK: That new process.

CHAIRMAN STRAIN: All these years doing the same thing over and over. Change is terrible.

Is there a recommendation from this board that the -- well, only if we need to have consent. Do we need consent? Does anybody think we need it? I don't --

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: -- believe we do.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Staff, are you comfortable?

MR. REISCHL: We're comfortable.

CHAIRMAN STRAIN: I mean, with this printed out and the statements. And you can -- I mean, I can certainly give them a quick check too.

MR. REISCHL: Correct, I'm comfortable. It's the same thing we discussed at the meeting and on the record here.

CHAIRMAN STRAIN: Okay, so there will be no consent needed.

COMMISSIONER EBERT: So it saves them a trip back.

CHAIRMAN STRAIN: Yeah, that saves you a trip back.

Thank you very much. Appreciate all your help today.

All the patience of you people waiting, we appreciate that. I'm glad it worked out, because nobody had anything to worry about. So thank you.

Okay, the -- let me see where we're at. That's it. Old business, there isn't any. There's no new business listed.

Is there a motion to adjourn?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Seconded?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: By Diane.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Okay, motion -- we are out of here.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:26 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 3-6-2014 as presented  or as corrected .

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