

March 6, 2014

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

CHAIRMAN: Mark Strain
Diane Ebert
Stan Chrzanowski
Mike Rosen
Karen Homiak
Brian Doyle
Charlette Roman

ALSO PRESENT:

Mike Bosi, Planning and Zoning Director
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School District Representative

PROCEEDINGS

MR. BOSI: Chair, you have a live mike.

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, March 6 meeting of the Collier County Planning Commission. If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: And we're going to have roll call. I do see we have a new member today, so -- oh, I'm sorry. I didn't recognize Stan. He didn't have a Hawaiian shirt on.

Will the secretary please do the roll call.

COMMISSIONER CHRZANOWSKI: You know, I'm married. If I want grief, I can stay home. My wife is watching.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Good morning.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Good morning.

COMMISSIONER EBERT: Mr. Rosen?

COMMISSIONER ROSEN: Good morning.

COMMISSIONER EBERT: Ms. Ebert's 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: Okay, thank you.

Addenda to the agenda. I don't believe there is any.

Planning Commission absences. Our next meeting is March 20th. Originally there was not anything scheduled for that date, but we will most likely have a continuation or a carryover from today's meeting. So we -- well, we should plan on being here on March 20th. Does anybody know if they can't make the March 20th date?

(No response.)

CHAIRMAN STRAIN: Okay. We'll have a quorum then. Approval of the minutes. We received a trans -- electronic transmittal of the February 6 minutes. Is there any changes?

COMMISSIONER HOMIAK: Motion to approve.

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

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Ms. Ebert.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER ROSEN: Mr. Chairman, I have to abstain. I was not here for the last meeting.

CHAIRMAN STRAIN: Thank you, sir, 5-0 (sic) with one abstention, Mike Rosen.

BCC report and recaps.

MR. BOSI: At the prior Board of County Commissioners' meeting, the Winding Cypress DRI and

the Winding Cypress PUD was approved on the regular agenda, and on summary agenda the 7-Food Mart's commercial planned unit development was also approved by the Board of County Commissioners.

CHAIRMAN STRAIN: Thank you. The chairman's report, we have two things. First of all, for the members of the audience who are used to coming here and looking for speaker slips, there are none available. Doesn't mean anything. What it means is that we will do as we typically do. We will ask anybody that wants to speak to come up and speak today.

So don't worry about the speaker slips. You're all welcome to speak, and you'll just have to identify yourself when that point of the meeting gets around to it.

Also, for the members of this board, the meeting for the Immokalee big-box retailer, which some people assume is a Wal-Mart, our transmittal and hopefully maybe the PUD meeting will be on the 29th of April, and we're scheduled -- it's scheduled to go from 5 o'clock until 9 o'clock, and it will be in the auditorium of the school out there.

Between -- and I'm going to keep bringing it up to make sure everybody coordinates this. There's a lot of coordination needed. We have to have interpreters. The last meeting out there on this subject generated nearly 400 people. There will have to be provisions for transportation provided to get out there.

The reason we're combining transmittal and zoning into one is to alleviate the need for multiple meetings like this. We're going to go out there for this meeting and, hopefully, that will get us at least to see where this is going to go. But that's on April 29th, and it will be from five to nine.

The consent-agenda items. There are none on today's agenda, so we'll move right into advertised public hearings.

***The first item up is PL20130001132/CPSP2013-7. This is the 10-year water supply plan, potable water supply element. It's the adoption hearing. I did check and went back in record, and the last time this was heard on transmittal it was in front of us, the new board. And this is purely the adoption process of it.

Any disclosures on the part of the Planning Commission? And I had spoke with staff on the issue, and I think Kris is here to discuss it today. He's one of the people I did speak with.

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

CHAIRMAN STRAIN: Okay. Kris, I guess you're -- or, Mike, you've got it?

MR. BOSI: I'm going to defer to Kris. I just wanted to remind the audience and the Planning Commission that this, as the chair had indicated, the adoption hearing, the second portion of a two-stage process for how we go about and change the -- or amend the Growth Management Plan.

Policy 1.7 of the potable water sub-element text is being modified to reflect the updated date for the 10-year water supply plan. For the specifics of the Planning Commission, when we heard this, there was a couple different requests that the Planning Commission had attached with the recommendation to transmit to the Board of County Commissioners.

And Mr. Kris VanLengen from the public utilities division will be able to go over the changes as requested from the Planning Commission.

CHAIRMAN STRAIN: Okay. Kris.

MR. VanLENGEN: Good morning. Thank you. You can hear me?

CHAIRMAN STRAIN: Well, we can hear you, but the mike's not on, I don't think.

MR. VanLENGEN: Doesn't sound like it.

CHAIRMAN STRAIN: No. And I think Terri's going to want that on.

MR. VanLENGEN: Can you hear?

CHAIRMAN STRAIN: Okay.

MR. VanLENGEN: Okay. Thank you. Kris Van Lengen, principal planner with the planning and project management department.

I just wanted to update you on the changes that we made since the transmittal hearing -- and I think that's pretty much the sum of what my comments will be -- and then we'll entertain questions.

The transmittal hearing really follows the organization and -- the organization of the plan as formatted by the Water Management District guidance.

So we covered facility planning, and that's similar to the review you had during the AUIR process.

We describe current and planning processes for alternative water supplies, which is one of the most important things to the Water Management District and to the state in general, and that includes the use of brackish water through our LPRO process, it includes reclaimed water use and distribution, and it includes reclaimed water storage through our ASR program; that's aquifer storage and recovery. We also discussed conservation practices.

As -- I'm not sure if Mike mentioned it yet, but we -- we followed the transmittal with the -- sending it to DEO who distributes it among the reviewing agencies. We received no comments and no recommendations, which I think may be at least partly a benefit of our early consultation with them.

So I'm going to just quickly review four items that were brought up at the last meeting for clarification, and they resulted in large part in changes to the document, but I wouldn't call them substantial changes, but they're improvements, to be sure.

And, Mike, if you could help me orient that map, if you would. Thank you.

We did have some comments on the map itself, and it really involved the areas going out to the rural fringe and the eastern Estates, and I'll just point to it quickly.

CHAIRMAN STRAIN: Kris, yeah, apparently some of the members here are having a hard time picking up your voice on that. Use the walk-around speaker.

COMMISSIONER ROMAN: Also, I do not have the map on mine.

CHAIRMAN STRAIN: You've got to push the bottom button.

COMMISSIONER DOYLE: It looks like it's lit.

COMMISSIONER ROMAN: It's over here.

COMMISSIONER HOMIAK: It's not working.

COMMISSIONER ROMAN: It's working over here. Okay. It came on.

CHAIRMAN STRAIN: Oh, because we do try to keep the environmental side of things in the dark.

COMMISSIONER ROMAN: You're succeeding.

MR. VanLENGEN: Can you hear me now?

COMMISSIONER ROMAN: I can hear you, and I can see the map.

MR. VanLENGEN: Okay, great. Thank you. So those sections, 13 and 19, which are boxed right here, they look -- especially if you have a black-and-white version of that map, Figure 2-1, it looks as though those are part of the district. They are not part of the district. The reason they're boxed in like that is we're showing some area that was annexed into the district for purposes of future right-of-way acquisition in order to supply through transmission mains services to that area.

In addition, I would say we did truth out the -- that North Belle Meade rural fringe area and determine that those areas are correct in terms of the boundary. I think a question came up on the Estates, particularly those that are east of 951. There are several Estates areas there.

And I think that the answer there is that, if you recall with our AUIR conversation, we had served and unserved area concept, and those would be the unserved area, and they're not planned to be served anytime in the future. They were just simply drawn into the district back in 2002.

So because they're unserved, they are not subject to impact fees. And we don't have any plans to serve them in the next 10 years and, therefore, on the AUIR side, we don't include those in our population count and in our analysis.

CHAIRMAN STRAIN: I don't mean to interrupt you.

Mike, there's a couple of different buttons on there for -- the speakers up here aren't working. And I know Diane's having a hard time picking up his -- the one on the bottom might be one that operates -- there we go. Okay. Now we're better. You're a new guy; we understand. Now -- much better. Go ahead, Kris. Thank you.

MR. VanLENGEN: Do I have -- I have a live mike now.

COMMISSIONER EBERT: Perfect.

CHAIRMAN STRAIN: We're all -- now you're too loud, Kris.

MR. VanLENGEN: I'll back off.

COMMISSIONER ROMAN: That's so much better.

MR. VanLENGEN: We also -- the second comment was that we needed to explore the idea of

Florida Friendly and maybe strengthen those provisions, consider mandatory provisions.

With Florida Friendly, we've added a provision, and that's in your conservation section, 7-1 to 7-2, referencing the idea that we are going through what's called an LID, a low-impact development, manual development, and that's a staff initiative. It's interdisciplinary from several departments.

And that's being devised to essentially provide best-management practices for low income -- sorry -- low-impact development. That will include things like energy, conservation, water, surface-water management, and our basic interest is irrigation issues.

So with that, staff will also provide some incentive-based ideas to the board following the LID adoption, and those incentive-based provisions may be adopted into the LDC. We will also include some ideas for some mandatory provisions.

We have some mandatory provisions now, and I refer to you -- and it's a second additional bullet point that's added to 7-2, and that is our 2002 irrigation ordinance is going through the process right now of being amended and updated, and the really important point to that amendment would be to add IQ water or irrigation quality distribution water to the time of day, the days of the week, the rain sensor requirements, and those sorts of provisions.

It also goes a little farther than that and suggests that for any new development there would be some mandatory provisions in terms of the way irrigation works, and that's under development under discussion now. It's at the DSAC level. If anyone's interested, I'd be happy to send the current draft of that provision along to you.

We were asked to investigate standards of dead ends and cul-de-sacs, and that's really to improve system efficiency and improve water quality, reducing flushing and wasted water in that sense.

We have a proposal going through the DSAC, once again. They're a utility subcommittee. And that would require looping both internally and externally so -- external connection, unless it can be proven that external connections aren't going to work to adjoining developments, and then internal looping with a maximum number of units apply to cul-de-sacs.

Unlike the LDC, we don't look at it so much as a number of maximum feet. We look at it as a maximum unit count for our water-quality purposes.

So we'll be making those changes, or proposing those, and that's coming through the system now. Again, be happy to send that to you.

And in a similar way in -- under 7-3, we've mentioned the idea that we're always looking for site-specific ideas to improve our efficiency and delivery and use of water overall.

The example given there is that in Key Marco in 2013 the board agreed to provide flush water, and because of the nature of Key Marco, there's a fair amount of flush water because of the seasonal aspect of that area.

We now sell that water to the CDD in Key Marco who use it for irrigation. They store it in the pond, use it for irrigation, and it's a much more efficient use of resources.

The last item, which is not a change to the plan itself but just simply response to a question -- I know we were asked to compare level of service, our level of service compared to some of the private utilities and others, and where do we stand as far as that goes.

It's difficult because reporting on level of service can be confusing to the reporting entities, and so we're not sure that we have a consistent set of standards, and it's difficult to benchmark for that reason.

But you will note that in your materials the private utilities' level of service run between 100 and 110 gallons per capita per day. Ours is up around 170. I think one can make some generalizations that, in general, rural communities use less water domestically. That's in terms of both irrigation and internal use.

They have more self-supply wells in general compared to our district. And the -- again, as a general rule, suburban communities, like our district, like the cities, tend to use more water because they have larger yards and more irrigation requirements. So those are some generalities.

I know that Ave Maria would be, for example, much more like our district in terms of its design and constituency. And we see that they, from the ground up, have built a water reclamation process that's supplemented by permitted groundwater from the district.

So they have a different mix there for their irrigation, and so that may explain to some extent their

low number.

On the other side of the coin, let's talk about our district. Our level of service is pegged at 170, and that's in your Comprehensive Plan. That reflects a historic demand, but that historic demand goes back to the 2008 master plan.

We're undergoing a new master plan, so the good news is, just like almost every other jurisdiction we've talked to, our level of service is trending down. And you'll see, in another month or two months, results from that master plan and the new level of service number, which will be below 170, no doubt. And, really, that reflects the conservation and price sensitivity among our residents.

If we compare the City of Naples or City of Marco Island, it's a more difficult comparison. They peg their GMP level of service to different things. I know that the City of Naples, for example, states theirs is 300 gallons per capita per day. That's higher than they actually use. And they report in the last year they're down to 192. So still above ours. They're still trending down. They're working on the same things we're working on, and we're all moving in that same direction.

So that concludes my comments with respect to recommendations from the transmittal hearing. I'd be happy to entertain any questions you might have on the plan itself at this adoption stage.

CHAIRMAN STRAIN: Anybody have any questions? Mike?

COMMISSIONER ROSEN: Mr. Chairman? Thank you very much for your presentation. I always appreciate that. Thank you for coming.

I always like to use this opportunity to ask technical questions, if you don't mind. And I see that you have some of your staff members and some of your colleagues here with you that might help out.

You mention the ASR, which I'm vaguely familiar with that. But is that -- is that a program that the county has found successful?

MR. VanLENGEN: Boy, that's a long answer. We believe it will be successful. It's been successful in many other places.

COMMISSIONER ROSEN: It has?

MR. VanLENGEN: We started that program many years ago, but because of changes in federal regulations, we had to drill deeper. So our -- we have a group of ASR facilities, five 1MGD wells at Livingston Road. The first one was completed around 2008 when it was put on hold pending new regulations. We finally had to redrill that one. It's in cycle testing right now.

So, yes, I think everyone's in full agreement that it's going to work great, but it's a question of when we get it online, and that should be fairly soon.

COMMISSIONER ROSEN: Those cycle testings are pretty long, aren't they? A couple years worth?

MR. VanLENGEN: Well, I think -- I think we're looking at ASR No. 1 as putting it in production in 2015.

COMMISSIONER ROSEN: Okay.

MR. VanLENGEN: So, yeah.

COMMISSIONER ROSEN: All right. My last question. On the brackish water, you know, that a lot of utilities have to use now -- I guess it's mandated by South Florida, if I recall. And my key question is, is when you do the reverse osmosis, I believe, when you're getting the brackish water out -- is that correct?

MR. VanLENGEN: That's correct.

COMMISSIONER ROSEN: And you use deep-well injection to inject the brine back into the ground; is that correct?

MR. VanLENGEN: That's correct.

COMMISSIONER ROSEN: Is that deep-well injection still running 6, 8, \$9 million per well, somewhere around there?

MR. VanLENGEN: Then I will defer to my panel of experts, and I appreciate you mentioning that. Kirk Martin, our consultant and hydrogeologist.

MR. MARTIN: Hey, Mike. The -- I'd say the cost of injection wells got up to the seven, seven-and-a-half range during the peak of the economic market. As things fell -- started to fall back, you started to see injection wells costing in the four-and-a-half to five-and-a-half million. I'd say they're probably

coming up a little bit because there's a lot of competition. Few drillers doing it. So we're probably in the five to six right now; it would be my best guess.

COMMISSIONER ROSEN: There was just one driller many years ago when you and I were working on that, right?

MR. MARTIN: Yeah. We've got two now, and they're both very competent, but it's still just two drillers.

COMMISSIONER ROSEN: So -- but the thought, though, is that what's going back into the wells is still that brine, correct?

MR. MARTIN: Yes, sir.

COMMISSIONER ROSEN: And that's kind of a concentrated salt?

MR. MARTIN: It is. It's not quite seawater, but it's high enough in dissolved solids that it makes it, for the most part, uneconomical to try and extract more.

We've looked many times at doing a second pass of the concentrate through a higher pressure membrane to see if we can't extract a little more water, but typically the return on investment is not worth the trouble.

COMMISSIONER ROSEN: So it's an economic issue is what you're saying; it's not a mechanical issue?

MR. MARTIN: It's not. It can be done. And, again, with the brackish water we supply to your RO wellfields, we're getting, like, 75, 80 percent recovery of freshwater out of that. To go to a high-pressure membrane to pull out that concentrate, you'd probably get another 5 percent but at a much, much higher cost. It just doesn't make it worthwhile.

COMMISSIONER ROSEN: And that's -- is that similar to what they're doing -- and I probably have the wrong municipality -- is it Tampa or St. Pete that has a --

MR. MARTIN: The seawater?

COMMISSIONER ROSEN: The seawater, yeah.

MR. MARTIN: It's Tampa Bay Water that has the seawater. That's coming off Tampa Bay. They're actually pulling seawater.

COMMISSIONER ROSEN: Right.

MR. MARTIN: Of interest there -- and a lot of people talk about that, ultimately, we may be looking at seawater desal; however, the cost is still, you know, four to five times that of what your brackish water desal is costing.

And the main reason for that is groundwater comes out nice and clean. The membranes like clean water. When you're looking at a bay or surface-water environment, I'd say about half the cost of that treatment is just the pretreatment to get rid of the particulates and biota before it goes to the membranes.

So the cost of those facilities are very, very high. And so far in Florida we've been able to defer that, and I'd say -- I would suggest you probably won't see another big desal in Florida for another 10, if not more, years.

COMMISSIONER ROSEN: Unless somebody comes up with some type of technology that --

MR. MARTIN: Sure.

COMMISSIONER ROSEN: -- makes it more affordable.

MR. MARTIN: Right now between, you know, learning more about our freshwater supplies, managing them through things like ASR, and using brackish water supplies, we're finding, through all of the various water supply plants throughout the state, we're a lot better off than we were, say, 10 years ago.

COMMISSIONER ROSEN: Yeah. I asked the question -- I'm glad you're standing at the microphone. I asked the question before of Kris about ASR. Because again, we discussed ASRs 10, 15 years ago, if I recall, when we were doing that large project in the south end of the town.

MR. MARTIN: Yeah.

COMMISSIONER ROSEN: And I thought that ASRs, for lack of a better term, you know, was -- it was out there as far as pioneering, you know, the technological side, and I didn't know if anybody had ever done one that was successful, you know.

MR. MARTIN: Well, Collier County has. And just to give you a more specific to Kris' answer, you

have a potable water ASR system along Manatee Road. It was actually a real salvation to your system before you're able to get parallel distribution lines going down there.

So that facility became a major part of your ability to supply water down to the south. So it's a very successful program there.

The program Kris is talking about is for your irrigation-quality water. And as he said, it's still in the testing phase.

The good news about that -- let me just step back a minute. ASR was pretty much put on hold for about a five- to eight-year period because of some federal regulation changes that really put a monkey wrench into things.

Last September, September 2013, EPA just wrote a letter to DEP basically clarifying their position noting that ASR's a major important component to Florida Water Resource Management, that they understand some issues that have come about, but they're okay with it as long as we create institutional controls that mean that we control the water we inject. As long as we do that, EPA's okay with it. So I think you're going to see a much more robust and -- effort at ASR throughout the system.

Collier County is pursuing it. It's been pursuing it kind of in slow motion while these things have been worked out, but right now we've got a really good go-ahead from EPA, and I think you're going to see ASR come back really strongly.

COMMISSIONER ROSEN: Okay. Are you still with CDM?

MR. MARTIN: No, I left. I'm with my own firm now, Water Science.

COMMISSIONER ROSEN: Oh, great. Okay. Good to see you again.

MR. MARTIN: Thanks, Mike.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER CHRZANOWSKI: Yeah, just Kris. Kris, you said something about the new rules say you have to drill ASR wells deeper?

MR. VanLNGEN: Yes, it's -- and, Kirk, you might want to respond to this.

COMMISSIONER CHRZANOWSKI: Because I thought you were going into the boulder zone, no?

MR. VanLNGEN: No. That would be for deep-well injection.

COMMISSIONER CHRZANOWSKI: Okay. But --

MR. VanLNGEN: But for storage, it's somewhat deeper, but it's below the USDW drinking-water level, which was a little bit different than what we first -- our first design prior to 2008.

COMMISSIONER CHRZANOWSKI: Okay. No, I don't need -- I was just curious. Thanks.

CHAIRMAN STRAIN: Anybody else have any questions? Brian?

COMMISSIONER DOYLE: Yes. Nonpotable and potable are two separate water distribution plans, or is IQ the same as nonpotable?

MR. VanLNGEN: Well, I think it's fair to use those as synonyms, nonpotable water and IQ water. We use reuse water, which is really a 95 percent component of our water reclamation facilities, basically our sewer plants; 95 percent of what goes in comes back out and is -- after treatment to DEP standards can be used for irrigation purposes. That's often supplemented by different forms of water.

We use, to some extent, freshwater from potable wells at times when supplementation is needed. Also, there's a potential that we're looking at to use surface water as additional supplementation.

COMMISSIONER DOYLE: Which is a good idea. We're trying to use our retention pond, but it's never full enough to utilize, and we're on a long list, it seems, at a facility that uses a lot of irrigation water.

Have we ever thought of the newer technology that's been out there a while? Heck, I've seen solar desalination plants now, but that's probably farther off into the future.

MR. VanLNGEN: It may be. I'm not familiar with that.

COMMISSIONER DOYLE: Yeah. So nothing in here about nonpotable? It's just all in the same plant?

MR. VanLNGEN: There is language in there about the nonpotable --

COMMISSIONER DOYLE: Okay.

MR. VanLNGEN: -- distribution system, and you'll see the distribution system laid out in one of the figures --

COMMISSIONER DOYLE: Okay.

MR. VanLENGEN: -- and a description of how that design is progressing and our plans going into the next five and 10 years.

COMMISSIONER DOYLE: Okay, thanks.

CHAIRMAN STRAIN: Diane?

COMMISSIONER ROMAN: I had a question.

CHAIRMAN STRAIN: Well, Diane was next, and then we'll go to you, Charlette. Diane?

COMMISSIONER EBERT: I would just like to know, Kris, how much of the -- how much do you recycle on the water, the recycle -- what do you -- how much do you recycle on it?

MR. VanLENGEN: Well, again, I think if -- you're referring to reuse water?

COMMISSIONER EBERT: Yes.

MR. VanLENGEN: Yeah. And we reuse -- 95 percent of our influent goes back out --

COMMISSIONER EBERT: Okay.

MR. VanLENGEN: -- as reuse water. So it's a pretty high percentage.

COMMISSIONER EBERT: Which is very good, because Benjamin Netanyahu was on last night, and Israel, also, on their reclaim water does 95 percent, and they are great in doing this particular thing. So I was just wondering how Collier County was.

The other question I had for you is Orangetree; when is that coming on?

MR. VanLENGEN: Well, we have plans to integrate in 2014. We're here now.

COMMISSIONER EBERT: Yes.

MR. VanLENGEN: That effort is ongoing. And we believe that within the next month or two the Board of County Commissioners will see the first efforts at that integration process.

As you know, we're under a settlement agreement with them, and the attorneys are talking to attorneys, so staff doesn't necessarily know the exact details of the timing, but our plan is to not only operate Orangetree but to interconnect with our present system for full integration and reliable service.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes.

Kris, you mentioned earlier, I thought, earlier in your presentation about Florida Friendly landscaping --

MR. VanLENGEN: Yeah.

COMMISSIONER ROMAN: -- and that there was an adjunct document related to this item in the plan. What, specifically, does it address in relationship to that? I might have misunderstood when you were talking about it.

MR. VanLENGEN: Well, I think -- it's several layers. The first layer is a low-impact development manual that's being developed by staff at this time, and I think the schedule is roughly April to May when that gets finalized and then goes to stakeholder groups. But we'd be happy to share with you what we have at this point in time.

But the subject matter really ranges from water management on a -- and we're talking really about mostly the micro level, the household level, but also on a macro level of new development and things of that nature.

So it's really best-management practices for stormwater control and retention as opposed to discharge, water quality and quantity. They're getting into discussing green roofs and whether they even work here. They may; they may not.

Then we're talking about energy efficiency, and Florida Friendly has a big part in that when you talk about selection of tree cover and features of that sort. And then, of course, irrigation is certainly our big interest in that discussion.

COMMISSIONER ROMAN: Let me ask you this: From a perspective of, let's say, the medians in the road where we water them to keep them green and looking beautiful, especially this time of year, how do we evaluate the use of that water?

If it's reuse water when we're watering the medians, do we consider that just a throwaway, or do we

capture how much we're actually using in that regard?

MR. VanLENGEN: I think we do have estimates of that use, and I don't know how exact -- it may be metered. I'm not sure. Beth may know the answer to that. It's metered. Yeah, that activity is also metered. So we can capture how much we're using in medians.

And I may have a -- I may have an interesting item for you as far as that question goes. It really details the distribution of our IQ water by use.

That's really a rough categorization but as you see, the medians really are 8 percent of the total IQ water use. So it may not be as high as some people think, but it's significant.

And then, otherwise, it's split between golf course and residential and other municipal or county uses.

COMMISSIONER ROMAN: So in this document that you were talking about as far as new development and possibly incentives to be more water friendly, are -- does that include golf course developments since that is a large user?

MR. VanLENGEN: I -- you know, I do not know the answer to that, whether that group has included a special effort to address golf course uses, and I will get an answer to you on that. I don't know the answer to that.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: Anybody else? Kris, on the looping idea between projects, I'm assuming that your intention would only be to loop projects -- let's say, your ability would only be to loop projects that have lines accepted by the county or dedicated to the county or --

MR. VanLENGEN: That's correct.

CHAIRMAN STRAIN: Okay. So if you're -- and I know that in some instances, even though there's private streets, you still have county lines, right? I mean -- well, I know that is fact because I've done developments with that in place.

So let's assume that's a fact. Then the project that's coming up today -- could you put the second page of the staff report on -- or maybe third page with the aerial that shows the projects alongside the one that's coming up after this discussion today. Mike, please.

The property right now is zoned for 44 mobile home units and the -- today they're coming in for 44 residential units of a multifamily or townhouse. The road is planned to go down the center and loop towards the bottom nearby, down towards the creek.

Well, they've got a project on both sides, which I'm assuming the driveways or the roadways in there are not county roadways or driveways. But would there -- did you guys look at this to see if there was a potential to loop those projects with this one? Because this one didn't have any requirements from your office to provide any easement for potential looping of utilities.

MR. VanLENGEN: Yeah. I think our analysis really centered on the idea that some of the lines themselves are private. In other words, I believe the wastewater line going from -- going past that property to Collier Boulevard is actually a private line, so they would have to have some sort of treatment.

CHAIRMAN STRAIN: What about the water line?

MR. VanLENGEN: The water line is public, so it's under an easement, and it runs along the -- and I'm sorry I don't remember the name of the street.

CHAIRMAN STRAIN: Henderson Creek, yeah.

MR. VanLENGEN: Henderson Creek Street. So it runs along there, and that's where they would derive their water.

Now, internally, because it's 44 units, we didn't really look at the idea of looping, but we'd always encourage it.

CHAIRMAN STRAIN: Okay. Well, the reason I'm bringing it up is if that's one of the items that you're going to investigate on the properties, if it's of any value, is there a certain breakpoint this board should know so we should be looking for it when these projects come through?

MR. VanLENGEN: In terms of units?

CHAIRMAN STRAIN: Of size, yeah; capacity.

MR. VanLENGEN: Yeah. We're looking at -- right now our breakpoint is around 150 units.

CHAIRMAN STRAIN: Okay.

MR. VanLENGEN: Again, that's -- in DSAC we're talking about it, but I think that's probably going to be our standard.

CHAIRMAN STRAIN: Okay. Well, that's good to know. Thank you very much. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. If not, we will -- is there any public speakers on the 10-year water supply?

(No response.)

CHAIRMAN STRAIN: Okay. I think we -- this is an adoption hearing, so we just need a motion to recommend.

Is there anybody on the board that wants to recommend approval to the board, or denial, but I think it would be approval. Is there a motion?

COMMISSIONER HOMIAK: I'll recommend approval.

CHAIRMAN STRAIN: Motion made by Commissioner Homiak. Seconded by?

COMMISSIONER EBERT: I will second it.

CHAIRMAN STRAIN: By Ms. Ebert.

All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: The motion carries 6-0 (sic).

Thank you, Kris, and the members of the utility department that are here today, and those that aren't.

***And the next item up is our last agenda item for hearings. It's PUDZ-PL20130001163, the Dockside planned unit development on Collier Boulevard off of Henderson Creek Drive.

All those wishing to testify on behalf of this item, please stand up to be sworn in by the court report. If you intend to speak on this in any way at all, please stand up.

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

CHAIRMAN STRAIN: Okay. Disclosures from the Planning Commission? Anybody? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I've had email correspondence with Wayne Arnold.

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: I've had an email correspondence with Wayne Arnold.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Nothing.

CHAIRMAN STRAIN: I have had meetings and a lot of time -- a lot of meetings with Mr. Arnold, and talked to Mr. Yovanovich.

Go ahead, Ms. Homiak.

COMMISSIONER HOMIAK: I spoke to Mr. Arnold.

COMMISSIONER DOYLE: No contact.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Okay. Oh, and also I talked to the newspaper. They called me.

Okay. With that, Wayne, it's all yours.

MR. ARNOLD: Good morning. I'm Wayne Arnold with Grady Minor Engineering, and I'm here to present to you a rezoning application from -- for Dockside Residences.

Today I have Carl Kuehner, who's the property owner, with us; we have Rich Yovanovich, who's the

land-use attorney on the project; and Mike Delate from our office who's the project engineer.

The project itself is located on Henderson Creek Drive. You just saw it on the prior exhibit that Mr. Lengen (sic) addressed.

And this property is about six acres. It's zoned mobile home, and we're proposing to rezone it to a PUD. We're asking for 44 multifamily or townhome units as the maximum density.

Under the current mobile home zoning, it would support 44 mobile homes. The county allows us to do a conversion to PUD for another residential dwelling type at that same intensity level, and we've provided an analysis demonstrating that the intensity of the 44 mobile homes is comparable to the proposed 44 multifamily or townhome units.

The request, I think, is fairly straightforward. You can see the property on an aerial. We have condominiums that are constructed immediately to the west. We have the Holiday Manor Co-op Park to the north, and then to the east are -- I believe it's not an ownership rental. I think it's a rental mobile home park immediately to our east. Served by Henderson Creek Drive. It is a private road, as Mr. Strain mentioned, I believe, with Mr. Lengen (sic).

We own the southern 30 feet of the 60-foot easement which constitutes Henderson Creek Drive. The northern 30 feet are owned by the northern property owners. And all those property owners on the south side of Henderson Creek Drive own 30 feet of that 60-foot easement. So it's a private road.

The pavement's approximately 25 feet wide, at least in the area immediately adjacent to our property.

I'll put up the master plan. And I apologize. You should have received an email from my office yesterday afternoon with some changes to the PUD document, and I'll hand that out in a moment and walk through some of those changes for the record.

The master plan itself -- a change we made to the master plan really warranted the changes we made to the PUD document with respect to the recreation area that we've defined on the southern portion of the site. And I'll go into that just in a moment.

But you can see we largely have two residential tracts separated by a long cul-de-sac. And we have a tree preservation area, which is a little bit unique, probably. You're normally used to seeing preserve areas. In this case, there are only individual trees. There's no real canopy of vegetation.

So we did a tree survey, and we have to retain 25 percent of the native trees that exist on site. And that's what we intend to do in the tree preservation area.

So those will be individual native trees that either get retained in place, or we could potentially supplement and replant some of the other trees on site in that area.

And, then, of course, we have the small recreation area. And the history behind the recreation area -- when I originally submitted this, I had all the recreation uses accessory to the residential land uses. And as this kind of evolved, Mike asked us to better define where a community-wide recreation area could be so that everybody would know where that might be. So we defined that area on the master plan.

I think the impact of doing that really didn't -- I don't think was clear to us, because as it got pointed out very late, we didn't really have development standards now for the uses that would go in that recreation area. So we've had to modify our development table to add a recreation area, and we also added a reference now to tree preservation area indicating some of the open-space uses that would be permitted there and development standards.

I can hand out the revised PUD document if anybody needs it. I hope you received it from my office, but --

CHAIRMAN STRAIN: I think --

MR. ARNOLD: -- if you didn't print it, I brought copies for everybody.

CHAIRMAN STRAIN: Has anybody -- it just came through yesterday. It's got a -- red and blue lines on it. If you -- why don't you just pass a copy out to everybody here, and then we'll start with Page 1. It's only five or six pages. Then we'll walk through the changes that had to be made on each page to be consistent with the master plan.

MS. ASHTON-CICKO: Can someone put a copy on the visualizer?

CHAIRMAN STRAIN: That's what I just said we would do, yes.

MS. ASHTON-CICKO: Oh, I'm sorry. I didn't hear you.

CHAIRMAN STRAIN: No problem. Don't forget Tom. He's sitting over there kind of hiding.

MR. ARNOLD: I thought they were going to share.

CHAIRMAN STRAIN: Oh. Well, if you haven't got enough, maybe they -- you can -- I've got electronic, so --

MR. ARNOLD: We want to look at the Exhibit A, the PUD document, the residential development standards. We added a reference to the hearing examiner since that process was instituted, I believe, since we had submitted, so we added that reference.

And what we did, the recreation amenities that were -- seemed to be something other than an individual resident would have, we've stricken those from the accessory use section, and we have added those to a new section that is on Page 2 of 7 called recreation, and we added a series of principal uses that are the typical that you find for almost every residential project.

We added clubhouses with no restaurants, community administrative facilities, open-space uses, indoor and outdoor recreation areas, such as swimming pools, parks, playgrounds, things of that nature, and then any other use that --

CHAIRMAN STRAIN: Your pages are not keeping up with your voice. If we could just take in order, on Page 1 of 7, besides the strikethrough and accessory uses, they renumbered them. And then when you go to Page 2, the reference to the docks was clarified as an accessory use with a maximum number of nine --

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: -- stated. And then let's go from -- page on from there.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: We're on recreation then. That's all a new section.

MR. ARNOLD: Yes. The recreation section is all new. And so we added principal uses and accessory uses for that, and then we also -- at the bottom of the page, you'll see a reference to tree preservation area where we just described that that is the area where trees will be retained or supplemented. And then we indicated that any structures that are permitted in a tree preservation area, which could be things as simple as picnic tables and benches and, you know, more passive related things, but if there are structures, like a gazebo, they'll be subject to the development standards that we had for the recreation area established.

So I added on Page 3 -- if you can flip that, Mike, if you don't mind -- that the uses permitted would be also things such as open-space uses and other comparable use.

So if we go to the development standards table on Page 4 of 7, you can see that we added a column from your original version that is called recreation. And we didn't establish minimum lot area width or depth requirements for those. We didn't establish a rear-yard setback. We established a maximum height of 30 and 35 feet for any community clubhouse or structure that could be built, and we've established a PUD boundary setback of 15 feet, and footnoting that that did not apply to the PUD boundary along Henderson Creek for the docks or boat docking facilities that may be constructed there.

We also established a setback for front yard, which, I guess, could technically be the area adjacent to our residential tract, depending on how this finally gets developed, but we established that that would be equal to our buffer width requirement.

And we added a reference at Mr. Strain's request regarding the 35 feet setback from back of sidewalk for any garage that could be constructed there.

MS. ASHTON-CICKO: May I make a comment on Page 2?

CHAIRMAN STRAIN: Absolutely.

MS. ASHTON-CICKO: I think when you move the -- under recreation, Principal Uses Item 3, I think you need to add the parentheses, private, intended for use by the residents and their guests only, since this is a stand-alone principal use, similar to how you have it under No. 4.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Where would we add that? I'm sorry. Under --

MS. ASHTON-CICKO: The same last sentence you have under 4.

MR. ARNOLD: Yes.

MS. ASHTON-CICKO: To add under A3.

MR. ARNOLD: Under 3, okay.

MS. ASHTON-CICKO: I think that's the intent. I'm just requesting clarification.

MR. ARNOLD: Okay. I don't have a problem with that.

And the changes -- I apologize for the late changes. I know we don't like to do this. We also, then, made one other change to the master concept plan, which was to note that there could be a buffer per Land Development Code between the recreation area and the residential.

If it got constructed -- if it gets constructed with something like an active recreational area, like a pool or clubhouse or something, the county code requires you to have a 15-foot-wide buffer between any of those facilities in a residential tract.

So we will put a buffer in per code. Really don't know exactly what the recreational amenity may be here. For the neighbors next door, they have a small pool that's probably something that we would envision here, but we're uncertain at this time.

So those are the changes. I'd be happy to answer any questions regarding those changes or any questions you might have about the project.

CHAIRMAN STRAIN: Well, while we're on this sheet here, let's start with that. Does anybody have any questions over the standards?

(No response.)

CHAIRMAN STRAIN: Wayne, let's go to your development standard table.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: You have on the Footnote No. 4 -- and it references under the recreation that -- not applicable for docks and boating facilities adjacent to Henderson Creek Canal, although they're really accessory to the residential. So you may want to move that Asterisk No. 4 to the standards column, the far left column, so it applies to no matter where they apply as an accessory.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: And the reason -- and I know -- the thing I wanted to ask you, though, was your intention, then, to say that the setback required for docks from the extended property line does not apply here? Because that's a deviation.

MR. ARNOLD: No. I think if we would deviate from anything under the boat-dock requirements of the code, I mean, that would go through a boat-dock extension, perhaps. I just wanted to make sure that I wasn't applying a 15-foot setback for a boat dock from the shoreline.

CHAIRMAN STRAIN: Well, I -- I understand that. But I think the -- and what is it -- is it 15 or seven-and-a-half for the side setback on the docks to go from a property line to the first dock?

MR. SAWYER: Yeah. For the record, Mike Sawyer, project manager for the petition. It's 15 feet on a property this size.

CHAIRMAN STRAIN: Okay. Then I think we need to make that clear that what you're referring to does not -- because, I mean, that would be an extension of the PUD boundary as it goes -- that's where we measure from.

So I want to make sure there's no mix-up, should someone in the future read this when you come in with an application, so we probably need to hear some suggested language to clean that up a little bit.

MR. ARNOLD: You want to say from the southern shoreline or something to that effect so that it's not -- so that it doesn't mean east or west property line, that it would be -- truly I meant it for our adjacency to Henderson Creek so somebody couldn't say, well, you have to be at least 15 feet from the canal. And that's certainly not our intent for a boat-dock facility.

CHAIRMAN STRAIN: Yeah. And, Mike, any suggestions?

MR. SAWYER: Staff had the same concerns as far as the east and west property lines and the riparian lines going out into Henderson.

Potentially, I think, as long as we made it clear that the provisions for that portion of the development standards would only be applicable along or perpendicular to Henderson Creek would probably be adequate, or if we just simply added a note that it is -- that the required setbacks would still be required from east and west.

CHAIRMAN STRAIN: Well -- but I think you just said something that may work. It's not the

property lines that extend out into the creek. We extend them out as riparian lines.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: So what we ought to do is make a note that under Asterisk No. 4 that does not apply to the riparian lines.

MR. SAWYER: That would be a good solution.

CHAIRMAN STRAIN: Then it's clear, because those extended riparian lines, then, are your setback measurement, and you're not asking for, then, a deviation from that particular section of the code.

And that's the only -- after all the changes you made, that's the only question I have on these pages.

So I guess we can now move into any other questions that there are by anybody.

MR. ARNOLD: Mr. Strain, could I ask you just one clarification.

CHAIRMAN STRAIN: Go ahead.

MR. ARNOLD: On the Asterisk No. 4, where I have it next to the accessory structure, was your clarification to move it to just putting it under the standards above, all the way to the top?

CHAIRMAN STRAIN: Yes, under the standards table far left column where the title of what the line addresses.

MR. ARNOLD: Gotcha.

CHAIRMAN STRAIN: Okay. That way it covers it no matter what it's there for.

MR. ARNOLD: Okay. Great. Thank you.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER HOMIAK: Do you need Footnote No. 1? Since I don't see it anywhere.

MR. ARNOLD: Probably not, the way I've got it written. I have setbacks applicable to the principal structures and then sides I have zero. Yeah, I think you're right, we probably can eliminate Footnote 1.

COMMISSIONER HOMIAK: Okay.

MR. ARNOLD: I don't know a situation -- I can ask Mike Delate to look at it, too, but I don't think it's -- it would necessarily be applicable.

CHAIRMAN STRAIN: Okay. Any other questions? Charlette?

COMMISSIONER ROMAN: Yes. Could you tell me how you're going to address the mature oak trees in your tree preservation area.

MR. ARNOLD: Well, I'll try. I think the intent of that area is to leave it in its natural condition. I don't believe that we -- the area we've shown on our plan is really conceptual, because when we get down to it, we're going to have to go and inventory and flag all the mature trees that we'll be retaining. In our calculation, I think we determined that we needed to -- we had 77 total native trees on site. And I can ask Mike Delate to clarify, but I don't think it was our intent to go and re-grade portions closer to the creek. So I think they'll try to be retained in their existing condition.

COMMISSIONER ROMAN: Because, according to the environmental survey, there were 28 very mature oak trees, and that's what I was trying to see what you plan to do with those.

MR. ARNOLD: Well, I think to the extent they can be retained, we certainly intend to do so if they're in the area outside of our development tract, and if they're not, then I don't know the condition of what it takes to replant on site. But certainly that's why I added the language about supplemental, because I think that as we can take some of the natives off other portions of the site and supplement them as we may need to in our tree preservation area, we would.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. We'll go -- there is going to be some questions of access, so I believe that your attorney has communicated with the county attorney on the availability of Henderson Creek Drive for legal access to your project.

And, Heidi, do we need their counsel to describe what he's provided, or do you want to do that yourself?

MS. ASHTON-CICKO: I've reviewed the documentation that they've provided, and they do have legal access.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: And physical access through a private road.

CHAIRMAN STRAIN: Okay. I guess we'll go to staff report then.

MR. SAWYER: Again, for the record, Mike Sawyer, project manager for the petition.

You do have the staff report last revised 2/25/14. The petition is consistent with the Growth Management Plan. Staff has reviewed the application.

Additionally, we've also reviewed the latest changes to the PUD document that we've just discussed. Other than that, staff is recommending approval of the petition. If you have any questions, I'm here to help.

CHAIRMAN STRAIN: Okay. Anybody?

I've got a couple. First of all, you had a recommendation that would obviously change because of the changes to the document. So I think the document covers most of what you had considered in your recommendation; is that a fair assumption?

MR. SAWYER: Yeah. The recommendation was to, you know, help address potential incompatibility with a community center if it were more of a building, more of an active type of situation. I don't believe we necessarily need to have that any longer.

CHAIRMAN STRAIN: I think they -- well, with the standards they added by adding the recreation center, I think that covered quite a bit of it. That's what I -- it wasn't there before because they didn't have the recreation or the preservation area separately delineated. Now that they do, I think it fills in some of those blanks.

But I do have a question of Steve, who I guess is representing the environmental aspects of this tree preservation area today. I just want a clarification for the record.

Good morning.

MR. LENBERGER: Good morning.

CHAIRMAN STRAIN: You better say your name.

MR. LENBERGER: For the record, Stephen Lenberger, environmental specialist, natural resources department.

CHAIRMAN STRAIN: We have a tree preservation area on the site, and we're used to seeing preservation areas. And when we do, we know that it's after litigation and other things that have occurred in other projects. There are setback requirements that are basically built into our code.

On this particular one, they have the minimum preserve setback, and they have an NA across the board. And when that was questioned, it was because the preservation area that they're putting the trees in is not a preservation area as we normally address in our code. It's a tree preservation area, and the setbacks only apply to preservation areas where they are -- I guess conservation areas where they are platted by easement or some other means.

Are you -- is that how you're seeing this?

MR. LENBERGER: The tree preservation is not subject to the standards for preservation requirements for preserves.

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

MR. LENBERGER: And that's where your setbacks are and your other requirements.

CHAIRMAN STRAIN: Okay. Well, then that's consistent with their standards. I just wanted to make sure we're on the same page. Thank you, sir. It's the first time we've seen tree preservation areas that I can recall.

MR. LENBERGER: Well, there's no requirement to put tree preservation areas on a site plan, you know. It's totally up to how you want to handle this. I read the application. I didn't review it, but I did read it through, and I saw that there were a lot of oaks on the south end of the property. And, obviously, the petitioner is trying to address preservation of those trees. And, you know, that's a good thing, and the way they identified it on the plan actually works. But it's not required to be delineated on the plan.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Thank you.

Yes, sir.

COMMISSIONER CHRZANOWSKI: So in other words, they're just preserving the individual trees, the understory, the midstory, all that is subject to hand removal?

MR. LENBERGER: Well, it's an old homesite, so there is no other ground story or midstory. It's all been removed. So it's all either weedy vegetation or stuff that's not native, so --

COMMISSIONER CHRZANOWSKI: So they're not going to drive any heavy equipment through that area doing any kind of root disturbance or anything like that?

MR. LENBERGER: Well, the tree preservation -- there's tree preservation standard protection measures in the LDC. You can't drive within the drip line of trees, things of that nature. So there are protection measures during construction.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

CHAIRMAN STRAIN: Okay. Thank you.

Are there any other questions of staff or the applicant before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: Okay. Those members of the public wishing to speak, if you just -- you're going to have to come up to either microphone one at a time. We ask that you limit your discussion to five minutes. And please come up, raise your hand. One at a time, sir. You're more than welcome. You need to state your name for the record, and we're good to go.

MR. MOORE: My name is Edsel Moore. I'm a resident of Holiday Manor Resort Park.

CHAIRMAN STRAIN: Could you spell your last name for the court reporter.

MR. MOORE: Moore, M-o-o-r-e. Good old Irish name.

CHAIRMAN STRAIN: Thank you.

MR. MOORE: The previous speaker, Mr. Arnold, said that this is a private road, Henderson Creek Drive. I'm in -- I have a survey here that was done in 1996 that says it's Henderson Creek Road.

And there is a quitclaim deed that grants easements on each side of these. And the county says that they don't own this road, but I know they put it in in 1964, and they wanted an easement on each side.

Now, I have a sizable investment. I've been in this park for 18 years. I bought this place for \$47,000, and I've spent \$50,000 on upgrading it. So I have a real concern about liability here.

Who owns this road? I can find no documentation. The county disavows that they own it, but I know they put it in at some point in time; then they asked for the easements, and that was granted. And this was done when it was owned by Calvin Holdings.

So the question is, who owns the road? If Holiday Manor owns this road, then I'm concerned about the potential liability of all the construction that's going to take place. There are kids coming up and down that road going to school.

I don't know how long it's going to take to finalize this project, but it's going to take some time.

If we own this road, then I want to be indemnified for any liability if any kid is hurt. And like I said, there's a lot of school kids walking up and down through there.

And then who's going to repair the road if it's torn up? And I know there's going to be heavy construction equipment going in there. There's going to be some excavation and all this sort of thing.

So -- also, I understand there was a traffic survey done years ago. Well, that's years ago. The intersection has been changed up there. When Wal-Mart came in -- you used to be able to pull out and go either north or south on Collier Boulevard. Now you have to turn right, work your way through the traffic, heaven forbid, to get over to the left lane, go to the red light, and then turn left to go to Marco Island. That's a terrible inconvenience.

I understand the county has some kind of a policy they don't like to put red lights any farther than a half a mile apart, but if the conditions warrant that, why would we not use some common sense here?

But you're going to have another 88 cars -- most people have two cars. You're looking at 44 units. How is that little bit of land there going to hold another 88 cars? There has to be some kind of a traffic survey flow to determine if that intersection needs to be reworked to put a red light there.

The common sense would tell you that would be the thing to do since we're going to have this additional population.

Now, if we own this -- that is if Holiday Manor -- and I'm speaking for myself. I'm not representing the park or speaking for them. I want you to understand that. These are my concerns.

But if we own this road -- and I have yet to see any documentation that says Holiday Manor owns this road. Who does own it? You heard Mr. Arnold say it's a private road. Well, who owns it if it's a private road? And who gives them permission to have access to a private road?

I think these are legitimate questions, and somebody's going to have to answer these. And like I said, I speak for myself. I do not speak for the Holiday Manor park.

But I have seen -- I have not found any documentation that says who owns this roadway. The county just -- the county says they do not own it. Well, who does? We need to establish who owns this because of potential liability, and that's my major concern.

Also, if I'm a resident of Holiday Manor and we own the road, and these people destroy the integrity of that road, who's going to be responsible to repair it?

Thank you.

CHAIRMAN STRAIN: Sir, I've got a couple questions.

MR. MOORE: Yes.

CHAIRMAN STRAIN: After the public speakers are finished, we'll ask their attorney, who did the title work and researched the easements on the road, to describe to us if those easements are, in fact, in place. They're usually public easements. If it's a public easement, that's why the public gets to use it. Underlying ownership is usually the easement dedicator, if it's not been taken over by a municipality.

Now, I know your organization tried to quit claim a deed to the county many, many years ago, and you came before the County Commission asking them to -- or basically asking the county to maintain it because of the quitclaim deed. But what the record also shows, the county never accepted the quitclaim deed. And so there was some discrepancy on that.

So I'm not pretty sure that the -- I'm pretty sure the county doesn't own it. It's still under the easements that were provided by the adjoining properties.

But more to your question that you brought up originally with this project taking on a liability position -- Mike, would you put the aerial back on the -- that we first talked about?

And, sir, how long have you been living in Holiday Manor?

MR. MOORE: Eighteen years.

Now, let me say something else. I am aware in 2005 the Holiday Manor petitioned someone in the county to try to establish ownership. And I understand that the county made a designation it didn't meet today's standards. Well, that road was put in 50 years ago. And if the standards are changed, when were they changed and who changed them?

I'm sure that the same requirements -- I mean, the requirements are not the same now as they were 50 years ago. Everything changes. So that's another little snafu.

When were these standards changed? Why couldn't they be grandfathered in? That road has held up rather well. It's beginning to break a little bit on the sides, but it's been there for 50 years.

Now, if you're going to have a lot more traffic and heavy machinery coming in there, it's going to deteriorate further. Who's going to repair it?

CHAIRMAN STRAIN: That road was set up to be designed to accommodate the density that could go in those lots that you see on this aerial. This parcel always had 44 units allocated to it. It could have been mobile homes. And if it was, they wouldn't even be here today because they wouldn't need to come to a public meeting to put the mobile homes there. They'd just go out and do them.

MR. MOORE: I understand.

CHAIRMAN STRAIN: So that idea of impact wouldn't change. You just happen to be -- they happen to be caught in a public process because of the change of use. Now, the project --

MR. MOORE: The intersection has changed there, because the traffic flow, as I described, is not the same as it used to be.

CHAIRMAN STRAIN: No, that's a -- transportation will address that before the meeting's over.

To the east of this subject property, you have a series of projects, and even one to the west. Do you recall, since you've been there 18 years, of any of those projects having to provide any kind of

indemnification in regards to the use of that road? And has Holiday Manor itself provided such an indemnification since you're using part of the road that's owned by others?

MR. MOORE: I cannot address that. I don't know.

CHAIRMAN STRAIN: Okay.

MR. MOORE: I think it's important now to establish who owns it because of the potential liability.

CHAIRMAN STRAIN: And that's exactly why we'll have some further discussion on it before we're over today. Thank you.

MR. MOORE: Thank you, sir. Any other questions?

CHAIRMAN STRAIN: Okay. Next public speaker?

Sir? Come on up. Anybody that wants to speak, if -- sir.

MR. NEY: Yes. If you need my name, it will be fairly simple. My first name is John, J-o-h-n. Last name, Ney, N as in Nancy, e-y.

And I am the president of this little development, and Henderson Creek Village.

CHAIRMAN STRAIN: Is that the multi-family development to the west?

MR. NEY: Yes.

CHAIRMAN STRAIN: Okay. Thank you.

MR. NEY: It's 20 units, all in three buildings, as you can see, all one floor. It was built in 1982. It's been very well maintained. We're very proud of it.

Obviously, you could see where the line -- the property line is and where at least two of our buildings are and the swimming pool, we're very, very close to the edge of the property under consideration for development.

We had a meeting with Carl Kuehner, who came out, and it was with our board of directors -- two of the members are here and may want to say something else -- about a month ago, and it was amiable and it was informative.

But when the dust settled, I think we still have this concern about privacy when this gets developed.

What's on the conceptual model is a Type A, 10-foot landscape buffer. I have no idea what that is, but it doesn't sound like it would be very adequate.

Our concerns are privacy, privacy in the sense of visual, because most of that is open grassland across there at this point in time; privacy for noise, noise abatement; and certainly privacy to limit access. We are concerned that these backyards, at least 22 of them, will back up on our property edge. We imagine there will be pets, dogs, and there will certainly be children.

We think there's a liability concern if they can just come climbing through there. There's a nuisance concern as well.

But certainly the liability issue. We have a very nice swimming pool. I don't know that a swimming pool is going to be a reality in this new development. If it's not, it's going to draw kids like a magnet.

So what we're asking for is what you see on other developments, namely a concrete type of wall. I don't know the specs on it. I don't know the composites, but something that would both -- or allay our concerns on the visual, the noise abatement, and certainly the access ends.

We run 600 feet from Henderson Creek Drive to the creek side by side, and so that is our concern.

Essentially, we are in favor of the development or the zoning change because we believe it's an upgrade from yet another mobile home park. We have several just up the line. A couple of those are very well maintained; several are not.

So we're basically in favor of this thing, but we think it could be good for our property development, but it potentially could also be a problem. It could also hurt our property values if this issue is not addressed.

So I think that's the essence of my statement and our concern. There are other concerns, and we share the concern about the road as well. Who owns the dang thing, and what will happen?

CHAIRMAN STRAIN: Okay. Well, we'll be asking the applicant to address your concerns before this meeting's over.

MR. NEY: Okay. Thank you.

CHAIRMAN STRAIN: And, Mike, a couple questions of you. The next-door property that this gentleman is representing is an RMF6 zoning. What is the rear setback in RMF6? Can you look that up and

let us know, or do you know offhand?

MR. SAWYER: Chairman, I'm guessing it's 15 feet, but we'll check.

CHAIRMAN STRAIN: Yeah. If you could pull MUNI code up and check. Also, is there a required buffer in an RMF6 to the MH zoning that was on this property?

MR. SAWYER: Yeah. In this case, each of the parcels would -- or developments would need to have a 10-foot-wide Type A buffer, which is, again, 10 feet wide. The trees would be 30-foot on center, and there's no hedge requirement.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: It's looked at as very similar, obviously; multifamily to multifamily development.

CHAIRMAN STRAIN: And so the project -- the RMF6 project should have the Type A already installed?

MR. SAWYER: Should have, yes.

CHAIRMAN STRAIN: Okay. So if this project goes in, they, theoretically, would put a Type A in also, 10-foot wide.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: And the trees would be 30-feet on center. What buffer would require the hedge to go in in addition to the trees?

MR. SAWYER: That would be the buffer that's actually required to the east. Because we've got mobile home park next to this, adjacent to the multifamily. That is a Type B buffer, which is 15 feet wide and requires a 6-foot hedge. The trees are 25-foot on center instead of 30 feet.

CHAIRMAN STRAIN: And we, many times, have had requests to reduce Type B buffer to 10 feet but retain the vegetation; isn't that a fairly common --

MR. SAWYER: When you retain existing vegetation, you can use it to meet that standard.

CHAIRMAN STRAIN: No. If the 15-foot Type B buffer was required to have trees 25-foot on center with a hedge and someone wanted to reduce the Type B to 10 feet, they would still be able to do the trees 25-foot on center with the hedge, too.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: That's what I'm saying. We've had that come across this board numerous times. I'm just checking to make sure that's a possibility for this particular project to address the buffer concerns that we just heard.

MR. SAWYER: Yeah. As far as the buffer width, you know, we can certainly get the same material in a 10-foot as opposed to a 15-foot.

CHAIRMAN STRAIN: Okay. Mike?

MR. BOSI: Chair, I have the development standards table from MUNI code up. But the question was, what was the rear-yard setback for an RMF6?

CHAIRMAN STRAIN: Yes.

MR. BOSI: Twenty feet.

CHAIRMAN STRAIN: Okay. So the current project next door that is multifamily, kind of like this project's going to do, is 20 feet back. And this project was recommended -- was requesting to have a -- let's see -- a rear setback of 15 feet, but -- and depending on how they're platting -- and that may be 25 feet. So I'll ask the applicant that, when we're finished public speakers, to get a clarification on both the platting and the buffer type that are out there to address this gentleman's concerns.

Are there any other public speakers? Anybody else like to speak? Yes, sir. Come on up.

MR. JULIANO: Good morning. My name is John Juliano. It's spelled J-u-l-i-a-n-o.

I'm a resident of Holiday Manor Mobile Home Park. I've been there for 28 years. I'm also the managing partner for the M&E Travel Trailer Park that's located at 1082 Henderson Creek Drive. And we're about 600 feet east of the proposed project.

In 2005, I was president of Holiday Manor Mobile Home Park. I approached the county commissioners about the ownership of Henderson Creek Drive. At that time we had requested the county dig out the drainage ditch. We were informed at that point Henderson Creek Drive was a private road. The county did nothing for it.

The county commissioners listened but could do nothing. Joe Schmitt was here at the meeting. He spoke with me after that and said that if we wanted to set up a special taxing district to maintain the road, we could inquire about doing that.

Prior to coming to the meeting, I had checked with the county. They had no record as to whoever paved Henderson Creek Drive. We also inquired with one of the Cavin (phonetic) brothers that owned the property. He said he was not aware who paved the road. Big mystery.

As a managing partner for M&E Travel Trailer Park, we support the project. Our concern is damage to the surface by heavy equipment; will the contractor and/or the developer be held responsible for repairing the road? But we support the project.

CHAIRMAN STRAIN: Thank you, sir. We'll try to get some answers.

MR. JULIANO: Thank you.

CHAIRMAN STRAIN: Anybody else from the public wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. Why don't we start with John Podczerwinsky, our transportation fellow, and maybe he can at least fill us in on the intersection, how the maintenance to private roads, to the best of your knowledge, are handled, and then we will get into the easement and ownership of that road through -- we'll start with the applicant's attorney, and then we'll go to the applicant.

MR. PODCZERWINSKY: Yes, sir. Good morning. For the record, John Podczerwinsky, transportation planning department.

In brief, the -- let's start with the 951 roadway and the improvements that were done by the Wal-Mart project. Those were negotiated through Collier County at the time that Wal-Mart came in for their PUD. I believe it was called Artesa Pointe PUD. And those were through a public/private partnership. I believe it was through DCA at the time.

Those agreements, basically you got improvements for the road up to a six-lane condition with the signalization placed where it is, which is compliant with state requirements. I do want to make clear that that section of 951 is a state roadway. It is actually State Road 951 south of U.S. 41 all the way down to Marco Island.

So, in essence, the access management that's there is set by the state. It is installed by a private developer, not at the county's cost. So that is -- that's how we ended up in the condition that we're in.

If there is a desire to place a median opening or a signal -- I'm sorry. Did you want to get that?

CHAIRMAN STRAIN: You need to turn that off, if you don't mind, sir.

MR. PODCZERWINSKY: If there is a -- if there's a desire for a median opening or a signal at that location, it would have to go to the State of Florida first for permission. You folks would have to actually petition directly to the state and ask them if it would be allowed there.

It's most likely that the answer would be no. It does not meet access-management standards. The spacing would be too close together for the signal.

Let's address the next question about the private roadway. Did you want me to address that yet?

CHAIRMAN STRAIN: Yeah. First of all, there are private roadways in Collier County. How much authority does the county weigh in over how they're maintained, how they're repaired, or responsibilities for those roads?

MR. PODCZERWINSKY: Very little. Only at the time of the initial permitting through review in the Land Development Code permit requirements that we have will we take a look at the initial layout and construction of those roadways, whether or not they meet the current county standard, which would be minimum 60 feet wide is what the county standard is and --

CHAIRMAN STRAIN: That's for the right-of-way, though?

MR. PODCZERWINSKY: For the right-of-way. That usually includes -- and I say "usually" because it's not set in stone -- usually includes two 10-foot lanes, curbs, and drainage. Usually utility easements are part and parcel to that.

In some cases, the width of the rights-of-way -- the actual road right-of-way is allowed to be reduced in an effort for some of these private developers to have their utility easements go elsewhere outside the right-of-way. But in those cases, that's the typical standard for the roadway widths is to include those things.

We do not operate, accept, or maintain those roads typically unless they are 50 feet wide and unless they meet those minimum standards.

CHAIRMAN STRAIN: Has the county ever put a road in that doesn't meet those standards? Has it ever accepted a road that doesn't meet those standards?

MR. PODCZERWINSKY: In my time here, which has been about since 2006, middle of 2006, not to my knowledge.

CHAIRMAN STRAIN: Okay. Anybody have any questions of John before we go to the applicant's attorney?

COMMISSIONER ROMAN: Yes, I have a question.

Does this road not meet the county standards primarily because of the width; is that what I understand you to be saying?

MR. PODCZERWINSKY: Frankly, I haven't had an opportunity to investigate the roadway. The county standards also apply to the thickness of the asphalt, the material that's used, the age of the asphalt, the thickness and age and quality of the base that's under that, as well as the drainage requirements on the sides of the road.

My understanding is that Henderson Creek Drive, or Henderson Creek Road as it's been titled in a few cases, does not meet those minimum standards, and that was -- at my understanding, was the reason that we did not want to take on ownership or maintenance of this road.

CHAIRMAN STRAIN: Yeah. The drainage was a particular issue back in the minutes of their meetings that I have reviewed from the old days. So -- okay. Thank you.

Stan?

COMMISSIONER CHRZANOWSKI: Just a little comment for John. In my experience, there were some projects where the developer didn't want to build to county standards and he built a private road. And the owners later thought they could just quit claim the road.

And I've seen it happen in the past. You know, they don't want to do the maintenance. They quit claim the road to the county, and sometimes the county doesn't even know it, and you just can't do that.

CHAIRMAN STRAIN: Right. Well, until the county -- besides the quitclaim action, the county board has to publicly accept the road. And if they don't go through that accepting, all the quit claims in the world isn't going to delay -- you know, isn't going to move title into the county, and that's kind of what's happened here.

MR. PODCZERWINSKY: That's absolutely correct.

Our right-of-way permitting department actually is the group that goes out and does the initial inspection on that to make sure that the roadways actually meet county standard if it's something that's being turned over to us, and they make a determination on behalf of the road and bridge department that we will accept that, you know, that we would accept a roadway.

And in that case, once it does become accepted, then it needs to be budgeted, it needs to be programmed for regular maintenance in our road and bridge department.

CHAIRMAN STRAIN: Okay. Thank you, John.

I was wondering if -- Richard, would you mind -- I know that you reviewed the various properties, or someone in your firm or somewhere did regarding the easement. Could you clarify the ownership of that road and the access easements to the extent of your knowledge?

MR. YOVANOVICH: Sure. What we have done, as our firm did, when this property was acquired, we had a title company look at access basically from -- as you -- I think that's east.

CHAIRMAN STRAIN: That is.

MR. YOVANOVICH: -- east -- to the west to 951 Collier Boulevard.

We did not look at anything further east of this project because it truly didn't concern this project regarding access. So I cannot tell you who owns what land further east, but I can tell you from our property boundary to the west who owns what.

Each of these properties, both north and south, have reservations 30 feet in width from their -- in this case from their south property boundary north there's a 30-foot reservation all the way to 951. Likewise, we have a 30-foot reservation across our northerly 30 feet, as does this property and so on to the east.

So the underlying lands are owned by the respective properties subject to reservations for road right-of-way. I do not know who actually put the pavement in within that 60-foot right-of-way that exists, and I could tell you it meanders. It's not exact as to right on the center line of the road.

So regarding who owns it, it's the underlying property owners own the land subject to necessary easements for others to use that property. And we are, again, part of the -- just like they have the right, Holiday Manor and everybody else, to -- I guess it would be primarily Holiday Manor and anybody to the east has the right to use the road right-of-way that's on our property. They have the right to use that; likewise, we have the right to use the actual road right-of-way that is on their property.

CHAIRMAN STRAIN: In reviewing those easements, were they dedicated to the public?

MR. YOVANOVICH: Yeah, they're public reservations.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: And you -- on your title policy -- my understanding of the title policies I've reviewed is they pick up all legally recorded documents that affect the property, and they state on -- at least on an exceptions policy, and then you -- is that basically --

MR. YOVANOVICH: That's correct. We have title insurance provided that we have legal access to this property. That title insurance -- and I've talked to Heidi about this -- does not rely on the quitclaim deeds to the county. And there's actually a quitclaim deed that goes back to 1964 to the county.

So who knows what the county records were in 1964 regarding -- if there was ever an acceptance or not of that quitclaim deed back to 1964. But we're not relying upon that. There are underlying deeds that also provide those dedications to give us access.

CHAIRMAN STRAIN: Well, you answered a question I didn't ask, so let me finish my question. I appreciate the answer, though.

No, where I was going was that in any of the exceptions or the referenced documents on the title policy, did you find any that provide an indemnification to any of the other property owners back and forth?

MR. YOVANOVICH: Indemnification?

CHAIRMAN STRAIN: As the gentleman was insisting that --

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: Okay. There were no indemnifications for any other property owners that you could find?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. That's what I needed. Thank you.

Anybody else have any questions of Richard?

Wayne, do you have a --

MR. YOVANOVICH: Can I have a -- do you want an answer -- the one question that did come up and you didn't ask -- so I don't want to answer another question you didn't ask -- is --

CHAIRMAN STRAIN: No, you can answer them. I just -- it's rare for an attorney to volunteer information, so I thought that was a unique time that I could remind you of in the future.

MR. YOVANOVICH: The question came up about damage to the road during construction.

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: And if it were a public road, we'd get a right-of-way permit, which would require us to repair any damage to the road that's caused by construction, and we anticipate that that same standard, although it's not a public road, would apply to damage that occurs to the road -- the existing road. We would bring it back to the existing condition of the road if there's any damage done as a result of construction on our property.

COMMISSIONER CHRZANOWSKI: I assume you videotape the road before you start?

MR. YOVANOVICH: I'm sure we'll take appropriate precautions to make sure we can identify as to what that -- what it looked like before we start doing our work.

CHAIRMAN STRAIN: Okay. So you know when you volunteer things like that, we do stipulate.

MR. YOVANOVICH: Well, we expected that it was going to come up eventually.

CHAIRMAN STRAIN: Okay. Thank you.

Wayne, the concerns of the multifamily to the west, how are you -- before I can figure out how this may apply, how do you intend to handle the buffer/buffers, as platted tracts?

MR. ARNOLD: Well, they're usually placed in landscape easements, but I don't know yet. I mean

--

CHAIRMAN STRAIN: Well, there's a difference between an easement and a plat and what -- how it's platted on a tract. I'm worried about where your rear property lines are going to go, because that's going to dictate your setback. And what we found out we have in RMF6 is a 20-foot rear yard.

If you separately plat your buffers, then you're going to have 10 feet there, plus the 15 that's in your standards table, so you'd have a 25-foot setback. But if you're not going to separately plat and you intend to incorporate those landscape buffers into the -- well, then we don't have the setbacks that match up with the property next door as a minimum.

MR. ARNOLD: Can I show you --

CHAIRMAN STRAIN: Sure.

MR. ARNOLD: -- a portion of their condominium plat? That's the property next door. And it's hard to read, and I've got a blow-up of a --

CHAIRMAN STRAIN: Why don't you do it right-side up, if Mike could --

MR. ARNOLD: Oh, sorry.

That's the layout of the Henderson Creek Village to our west. And if you look at a blow-up of that, took a snapshot of it, you can see the dimension there. They have 15-foot building setbacks, which is why I established my PUD boundary setback of 15 feet that was comparable to theirs.

You know, back -- I'm not sure the data of which they were constructed, but our zoning code has obviously been modified numerous times since the date of their construction. But I wanted you to see, too, the pool is actually closer than 15 feet to their property line as it's shown on their condo plat, and I assume that to be accurate.

So that's why we felt -- you know, the code requires the 10-foot Type A buffer. And, Mr. Strain, I would think -- and Mike Delate's been doing the layout. But I believe it's been our intent that the property line, as it gets laid out, if -- assume this develops as a condominium similar to theirs, that would not be their rear yard; that would be their side yard.

But we have placed a 15-foot setback from our PUD boundary. So the closest I can get to the PUD boundary for any of my buildings is 15 feet on that west side.

CHAIRMAN STRAIN: Okay. Your type -- the buffer type, Type A, I notice you do have a Type B and you have a greater distance because of your water management on the east side to the mobile home parks. Do you have any problem with a Type B buffer at 10 feet along the west side?

MR. ARNOLD: Which -- the primary difference is a little bit tighter grouping of trees on the hedge.

CHAIRMAN STRAIN: And the hedge.

MR. ARNOLD: No. I think we could live with that. Yeah, I think that wouldn't be a problem to stipulate that we would do a Type B buffer in the 10-foot width.

COMMISSIONER CHRZANOWSKI: Wayne?

CHAIRMAN STRAIN: Anybody else? Stan.

COMMISSIONER CHRZANOWSKI: The west side looks like it's a water management either retention -- or detention or transmission swale. How wide is that swale?

MR. ARNOLD: Maybe I can ask Mike Delate to come up and address that. He's been doing the environmental resource permitting through the district, so --

MR. DELATE: For the record, Mike Delate with Grady Minor Engineers. Were you referring to the west side or the east side?

CHAIRMAN STRAIN: East side.

COMMISSIONER CHRZANOWSKI: No, I'm referring to the west side.

MR. DELATE: Okay.

COMMISSIONER CHRZANOWSKI: The drawing with the Water Management District permit that I'm looking at --

MR. DELATE: Oh, it's a Water Management permit.

CHAIRMAN STRAIN: Oh. Because the master plan, Stan, only has it on the east side. So there's another plan that you've got that shows it on the west, too.

COMMISSIONER CHRZANOWSKI: I always go into Water Management District website and see what they've --

MR. DELATE: Yeah. There's -- what you're looking at there is just simply a conveyance swale, a shallow one.

COMMISSIONER CHRZANOWSKI: How wide is it?

MR. DELATE: The bottom is only a few feet wide, because it's only handling the rear slope of the building.

COMMISSIONER CHRZANOWSKI: Because it looks like it takes up that entire setback.

MR. DELATE: No, it does not. There's a level planting area in there for planting.

COMMISSIONER CHRZANOWSKI: Okay.

MR. DELATE: Yeah. I mean --

CHAIRMAN STRAIN: That would be good. Put it on the overhead.

COMMISSIONER CHRZANOWSKI: Just so you see what I was looking at, why I had a question.

CHAIRMAN STRAIN: You need to kind of blow it up to that bottom area, if we could, Mike.

MR. DELATE: I think all you're seeing there, Stan, is basically the slope contours. So you have the top slope, toe slope, and then back up to a little berm and a planting area. So it's not very deep. It's just to handle the conveyance off the back of the building, the slope.

COMMISSIONER CHRZANOWSKI: Mike, can you move that -- slide it over to my right? There you go. Keep going. That -- how it made the bend at the end, that's what made me think that whole bottom was the wide part of the --

MR. DELATE: No. It's just basically to show the type of bank wrapping back around there, but it's not intended to be deep at all.

COMMISSIONER CHRZANOWSKI: Well, I'm not worried about deep. I'm worried about how wide.

MR. DELATE: The bottom of that, I believe -- I don't have the cross-section, but maybe it's a couple, three feet wide.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay. Thank you, Stan.

Wayne, I think that's all the questions that I have. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Is there any rebuttal needed?

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: I have a question. Because of the development to the west -- and there is a pool area there. Not knowing who's going to move in -- I think maybe the two property owners could get together or something and maybe put up a chain-link fence among the -- on that side among the -- in the setback with the landscaping.

I think it would be a good neighborly thing to do. An open pool -- I don't know. Is this pool open?

UNIDENTIFIED SPEAKER: No, it's fenced, but --

CHAIRMAN STRAIN: Sir, we can't have discussion from the audience. Thank you, though.

COMMISSIONER EBERT: Okay. It is fenced already?

MR. ARNOLD: I've only driven through the project one time, and I believe it had the typical security fencing around the pool area.

COMMISSIONER EBERT: Okay. All right. Thank you.

CHAIRMAN STRAIN: Well, it would have to have, yeah, the security fencing that's required by code, so -- okay.

Anybody else have any questions? Wayne, did you want any rebuttal time?

Public speakers -- we already had public speaking, so there won't be any more public speaking today. That's it?

MR. MOORE: You gave him a rebuttal.

CHAIRMAN STRAIN: Okay. That's it, Wayne?

MR. ARNOLD: That's it.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing and now open it up for discussion.

I've made some notes, in case you guys want to hear them, as the discussion went out, basically, if there was a motion to approve, I would suggest it would include stipulations that the new language that was passed out today would be included.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Number 2, that the -- add language to the residential accessory uses, as the county attorney suggested, by using the last line on No. 4 as the last line on No. 3.

Number 3, that Asterisk No. 4 under the footnotes to the standards tables is not applied to the riparian lines, and add No. 4 to the -- Asterisk No. 4 to the general boundary line under standards column.

Item No. 4, eliminate Footnote No. 1. Item No. 5, that it will be a Type B buffer at 10 feet wide along the west side. Right now it calls out for a type A.

And No. 6, they will repair any damage done as a result of the project's construction to Henderson Creek Drive. Now, how they document that is something they ought to be careful doing, but that will be their requirement.

And those are the only notes I have. Does anybody else have any?

COMMISSIONER DOYLE: Just one other thing. I know one of the residents had brought up the concern for safety standards as far as construction goes and the residents around Henderson Creek Drive, specifically to children, of something that could be monitored.

CHAIRMAN STRAIN: I think our code addresses all the safety standards. Is there anything in the code that isn't -- I mean, is there anything we -- I don't know of anything we could address beyond what the safety standards of our permits would require. Does anybody else?

MR. SAWYER: Again, for the record, Mike Sawyer.

As far as the review of the project, it will either come in as a standard Site Development Plan for a multifamily, or if the -- if it's developed as townhomes, it may also be done as fee-simple lots, which would be a combination of a plat and an SDP, in essence.

Both of those processes would require, you know, a full set of development plans as well as the plat in the case of the platting and site plan.

All of the ADA, all of the safety issues, fire, all of the reviews would all be done at that time. And we would include, obviously, landscaping, the environmental issues as well.

So from a safety standpoint, on the site plan that's how we take care of it. Beyond that, it would be handled with the building permits for the individual buildings themselves.

COMMISSIONER DOYLE: Thank you.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: My understanding is is that the project could be developed as multifamily, and they could be two-story units. And with that in mind, I'm still a little uncomfortable with that property line to the west with that community that described the buildings as single-story buildings.

And being only 15 feet from that property line, even with a Type B buffer only 10 feet, if you develop the project as apartments, that's, I think -- I'm uncomfortable with that boundary and how that's being addressed.

CHAIRMAN STRAIN: Mike, what is the -- either -- you're both Mike. That's right, too.

MR. SAWYER: We'll both respond, Mark.

CHAIRMAN STRAIN: That's good, so -- or you'll tag team. Since one of you pulled up the standards for RMF6, what is the height restriction in RMF6 or height limitation? How does it compare to what we're being asked today in regards to this project?

MR. SAWYER: For the record, that's the other Mike.

CHAIRMAN STRAIN: That's the other Mike, okay.

MR. BOSI: The current standard in RMF6 is distance -- or the maximum building height is 35 feet.

CHAIRMAN STRAIN: And the project today is asking for a maximum building height of 30 feet. So they're actually asking for less height than the project next door could attain.

I mean, Charlette, what you've got is two projects that could have -- I mean, of the same height, so I'm not sure how we -- I mean, consistency is in -- is what we try to strive for.

COMMISSIONER ROMAN: Yeah, I understand that. And part of the situation developed over time where the first project's been there for a long time, and the standards, you know, that they chose to develop at the time are different than what's today's standards.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: Absolutely. But I'm still a little uncomfortable with it for the neighbors over there, but I understand your point.

CHAIRMAN STRAIN: Okay. That was -- and they also don't have -- they don't have to go to two stories. In fact, they put in here that if they go to one story, they can reduce their between-building setbacks to 12 feet. And where that becomes an advantage of it picks up eight feet with each building. And as -- if you do that, you might pick up more ground floor units, so that may be an option that they intend to use and not go to the --

COMMISSIONER ROMAN: Yeah. It's just the point of uncertainty. You know, I kind of feel for the community there because they don't know.

CHAIRMAN STRAIN: Right.

Wayne?

MR. ARNOLD: If could just add, keep in mind we asked for the 15 feet for townhome. It's 20 feet for multifamily. So if this goes condo similar to theirs, I've actually increased my setback five feet over what they had provided.

On the setback table, if you look at setback from the PUD boundary, it's 15 for townhomes and 20 for multifamily.

CHAIRMAN STRAIN: Oh, so that -- you're right, because your rear-yard setback is called out at 15, but if the rear yard is up against the PUD boundary, you're going to be 20 feet, plus they've got 15. So you're really 35 feet.

MR. ARNOLD: No, I don't -- oh, 35 foot between --

CHAIRMAN STRAIN: Between structures --

MR. ARNOLD: Right.

CHAIRMAN STRAIN: -- plus their Type A buffer and your Type B, which will include a hedge now, a solid hedge. So you're going to have a hedge plus the two rows of trees, so --

COMMISSIONER ROMAN: And the western property could always improve their buffer if necessary as well.

CHAIRMAN STRAIN: Yes, they could.

Okay. With that, is there anybody that has any -- with that in mind, is there a motion for any way on this particular project?

COMMISSIONER ROSEN: Mr. Chairman, I propose a motion to approve RPUD-PL20130001163, Dockside Residents.

CHAIRMAN STRAIN: Is that including the stipulations?

COMMISSIONER ROSEN: Yes, that's including the stipulations that you had previously articulated.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: Motion made by Mr. Rosen, seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER DOYLE: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)

CHAIRMAN STRAIN: Motion carries 6-0 (sic).

Before we finish today, we received a detailed list of corrections on this project. We walked through them at the meeting. The standards that we've had to change are relatively minor in nature to the overall corrections.

Is there anybody here that sees a need to have this come back on a consent agenda?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Then it looks like it can be cleaned up here today.

COMMISSIONER CHRZANOWSKI: Yep.

CHAIRMAN STRAIN: With that, there's no motion for consent, so it doesn't need to come back on consent, and that will end today's hearing on this matter.

Thank you all for attending.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: Thank you. And let me see where we're at with the rest of today, which I think is old business. There is none. New business.

MR. BOSI: Chair?

CHAIRMAN STRAIN: Yes. There's a note here, Mrs. Chrzanowski, thank you very much for helping your husband dress this morning.

MR. BOSI: Chair, with the -- with -- no longer in need to continue this item or have consent on this item for the --

CHAIRMAN STRAIN: 20th.

MR. BOSI: -- 20th Planning Commission meeting, I don't believe we have any other --

CHAIRMAN STRAIN: Please take your discussion outside. We still have a meeting to finish up here. Go ahead.

MR. BOSI: Will we still plan on having a planning --

CHAIRMAN STRAIN: No. There's no need for the 20th meeting, but I don't know if you guys are going to surprise us with something in between now and then. But if you're not, then we're comfortable saying there's no meeting on the 20th of March.

So that does bring us back to the April 3rd. Is everybody going to be here on April 3rd?

COMMISSIONER CHRZANOWSKI: Yep.

CHAIRMAN STRAIN: Okay. Nodding of the head.

And, Stan, you had something?

COMMISSIONER CHRZANOWSKI: Yeah, one last thing. Hi, Honey, I'll be home soon.

CHAIRMAN STRAIN: Good.

COMMISSIONER HOMIAK: That takes care of what you said this morning.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: With what is coming up -- maybe Mike can answer this, Mike Bosi. With what's coming up with us going out to Immokalee, that was scheduled two days before our normal meeting, and I understand from what I'm getting is -- see, this is the 29th. So what is it, the 2nd, then, we have our meeting in May? And I understand that might be quite heavy with petitions and everything.

CHAIRMAN STRAIN: Actually, it's May 1st.

COMMISSIONER EBERT: May 1st.

MR. BOSI: May 1st.

COMMISSIONER EBERT: Is there -- is there a way we can -- I want to find out exactly what is planned, because if we're --

CHAIRMAN STRAIN: Well, you're going to get --

MR. BOSI: What I can do is coordinate with Ray, and we -- and I think what you're anticipating, what all the Planning Commission members should be well aware of -- or I will make aware of -- between that meeting on the 29th of April, the 1st of May, and subsequent meetings in May and also in June, you're going to be handling a number of traditional zoning actions but also a number of GMP amendments, one at adoption stages, one at transmittal stages. And because of that, there's going to be a number of -- I don't want to say peculiar --

COMMISSIONER EBERT: Heavy.

MR. BOSI: -- but some items that traditionally the Planning Commission doesn't receive on a regular basis. So what I can do, in coordination with Mr. Bellows, is provide a detailed schedule of what we anticipate to be heard on each those -- each of those meetings so you can have a much better advancement as to, you know, where your focus will be.

CHAIRMAN STRAIN: And then what might help, too, is if we do have a substantial amount to hear on the 1st of May, that packet, if we could get it earlier for those GMP amendments, that might be effective, too.

And since Corby and Michele and all the rest of them have that -- they get done so much earlier with all their packages, they could get them to us earlier. I'm sure that that would be convenient for them.

MR. BOSI: Well, we most certainly can -- I know we can make advance copies of the application and the subsequent support material. It's the staff reports that sometimes have a tendency to be at last minute. But we will make every effort to make sure that we can get these things in advance to you.

CHAIRMAN STRAIN: I know you will, and you always do, so thank you, Mike.

MR. BOSI: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Anybody else?

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: I'm sorry. I missed it. When is the meeting in Immokalee?

CHAIRMAN STRAIN: Twenty-ninth of April.

COMMISSIONER ROSEN: Thank you.

CHAIRMAN STRAIN: It will be at 5 o'clock in the afternoon, and the county does arrange transportation, so that will all come together, hopefully.

MR. BOSI: Yes. Comprehensive staff is in coordination with the facilities. I believe Mr. Weeks will be driving the bus, or at least running navigator for the Planning Commission.

CHAIRMAN STRAIN: And from the last time, I can assure you David is a very careful driver. Plan on leaving early enough, though.

With that, nothing -- anything else at all?

(No response.)

CHAIRMAN STRAIN: Is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: All in favor?

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

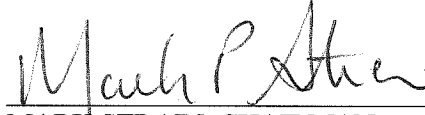
COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: We're out of here.

March 6, 2014

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 10:43 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 4-3-14, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
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