

May 15, 2014

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 15, 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
Stan Chrzanowski
Mike Rosen
Diane Ebert
Karen Homiak
Charlette Roman
ABSENT: Brian Doyle

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Okay. Good morning, everyone. Welcome to the Thursday, May 15th meeting of the Collier County Planning Commission.

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

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Roll call by the secretary.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

MR. CHRZANOWSKI: Good morning.

COMMISSIONER EBERT: Mr. Rosen?

COMMISSIONER ROSEN: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle is absent.

Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Okay. Thank you.

Addenda to the agenda. Over the past month -- I don't know how much time -- I had participated in some meetings with some residents on 951 in a community called Naples Lakes, and Bob Mulhere was there as well. They were concerned about Agenda Items 9C, D, and E, which is the Amerisite rezoning.

They had requested last week to continue today's meeting for more time to work out differences with the applicant. The applicant has agreed, so I'd like to suggest to this board that we allow a continuance until a time certain on June 4th (sic), 9 o'clock in the morning, so they can try further to explore any kind of differences they have and come back with a resolution.

COMMISSIONER EBERT: Which one?

CHAIRMAN STRAIN: 9C, D, and E.

COMMISSIONER HOMIAK: I'll make that motion, but to continue it to June 5th.

CHAIRMAN STRAIN: Oh, is it June 5th? I'm sorry.

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Yeah, June 5th. I'm sorry. Thank you, Karen.

So the motion's made to continue Items 9C, D, and E to June 5th. Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 3-0 (sic).

So anybody here for the Amerisite project, which is across from Naples Lakes at 951, we've

continued that meeting until June 5th at 9 o'clock in the morning.

COMMISSIONER EBERT: That's been continued since April.

CHAIRMAN STRAIN: Well, I mean, when we can get a continue -- we can offer a continuance as a solution, those are good things.

Stan?

COMMISSIONER CHRZANOWSKI: What would happen if we didn't offer the continuance?

CHAIRMAN STRAIN: They would have to hear it today, and there would be -- we'd have to work out the differences between the residents and the applicant to the best of -- to the best of -- we can, like we normally -- it just would have taken -- I can tell you right now there's 92 or 95, something like that, uses in the districts, or actually in the C-4 there's 142 uses.

And the community has been going through each one of those uses with the applicant to work out the differences in each one. I'd rather see them do that and come back with a list that's effective rather than us have to go through 142 lines of discussion. So that's kind of why I thought it was a good thing.

Anyway, thank you all for that.

We will move on to the next item, which is Planning Commission absences. Our next meeting is May 19th at 5 o'clock in this -- 5:05, actually, in this room here. It will be on the LDC -- specifically the zoning issues regarding the LDC, and you have a list of those in the booklet that was provided.

If we get through those before 8 o'clock, we'll continue with the rest of the LDC amendments and do as many as we can that evening and try to wrap up around 8. That will be on May 19th.

Does anybody know if they cannot make it on May 19th?

COMMISSIONER ROMAN: I cannot make it on May 19th.

CHAIRMAN STRAIN: Okay. So that still leaves a quorum. We're good to go then.

If we don't finish everything on May 19th, which is a good likelihood, on the Thursday following, which I believe is the 22nd -- yes, the 22nd, that's a Thursday. We would resume meeting at 10 o'clock that morning at the location 609/610 at developmental services, and by then, we would be, hopefully, down to just zoning matters, just LDC -- language changes.

On May 22nd at 10 o'clock in the morning, does anybody know if they cannot make it that day, if needed?

(No response.)

CHAIRMAN STRAIN: Okay. Then we would potentially have a quorum then.

In our correspondence with the county staff, we received our electronic version of the minutes for April 17, 2014, if there's any changes.

If there's not, is there a motion to approve?

COMMISSIONER ROMAN: I had a correction on Page 5. It's just a minor typo where the word "connected" was in the minutes, and it should be "conducted."

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER HOMIAK: And then on Page 42, it has Mr. Rosen voting twice on that motion, and the --

COMMISSIONER ROSEN: I do that.

COMMISSIONER HOMIAK: -- the vote in favor needs to be removed because he voted in opposition to that.

CHAIRMAN STRAIN: Okay. So, apparently, then what -- two votes, one for and one against. The one against was the one that should be kept, and the one for is the one that should be removed. Okay.

COMMISSIONER ROMAN: Yeah.

CHAIRMAN STRAIN: Good catch. Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to approve those minutes?

COMMISSIONER ROMAN: So moved.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Made by Charlette, seconded by Karen.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Ray, do we have any recaps?

MR. BELLOWS: The Board of County Commissioners met last Tuesday, but there were no land-use items heard during that meeting.

CHAIRMAN STRAIN: Okay. Thank you. So with that, I don't have a chairman's report. We're moving along pretty smoothly, so we'll move right into the consent agenda item first, and the consent agenda item is PUDZ-PL201300001374. That's for the Golf Club of the Everglades RPUD on Vanderbilt Beach Road extension.

Does anybody have any comments about the corrections that were sent to us? Diane?

COMMISSIONER EBERT: Yes.

COMMISSIONER ROSEN: Before you go on, I have to make a disclosure.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROSEN: I believe the petitioner is Pulte on this one; is that correct?

CHAIRMAN STRAIN: I'd have to look. I don't --

COMMISSIONER EBERT: Yes. Rich is saying yes.

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROSEN: Yeah. If they are the petitioner, I have to recuse myself.

CHAIRMAN STRAIN: Okay. Are you going to fill out one of those --

COMMISSIONER ROSEN: I'll do that right now, yes.

CHAIRMAN STRAIN: Great. Thank you, sir.

COMMISSIONER EBERT: On the detached single-family home, they upped the square footage to 4,000 for the lot area, but they did not change the lot width on the new one.

CHAIRMAN STRAIN: Okay. Was the lot width something that was discussed at the last meeting?

COMMISSIONER EBERT: Yes, yes.

CHAIRMAN STRAIN: Did they agree to a different width?

COMMISSIONER EBERT: Forty feet, and the new thing says 35, the one that --

CHAIRMAN STRAIN: Well, it was 35, and you believe they agreed to 40?

COMMISSIONER EBERT: They did agree to 40 and to up it from 2,800 square foot to 4,000 square foot for minimum lot.

CHAIRMAN STRAIN: Okay. I didn't catch that.

COMMISSIONER HOMIAK: I didn't have that either. I didn't catch that.

CHAIRMAN STRAIN: Rich, since you're lucky enough to be here today --

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich. I think what we did agree to was the minimum lot size going to 4,000 square foot. I don't believe we changed the width or any -- or the -- I don't think we changed the dimensions as far as how to achieve the 4,000 square feet, but I think we just agreed to change it to 4,000 square feet.

I didn't bring my strikethrough and underline version from what I handed out --

COMMISSIONER EBERT: Yeah. I can go back. Rich, I will go back and listen to what --

CHAIRMAN STRAIN: You guys, don't talk at once. One at a time.

MR. YOVANOVICH: I don't think we did, Ms. Ebert. I know we did the 4,000 square feet, but I don't think we changed the lot width.

COMMISSIONER EBERT: Okay. I will go back and watch the tape.

MR. YOVANOVICH: I'll go look at the handout, because I gave my handout to Ms. Ashton.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Anybody else? Rich, before you leave, I have something.

On Exhibit C, master concept plan, Page 2 of 3, we had a requirement that all sidewalks would be separated by 2 feet from any curb. And on this -- that particular detail didn't get changed. The other one did; this one didn't. So I believe that's an error.

MR. YOVANOVICH: I believe, Mr. Strain, when we were having that discussion, it was my understanding we were talking about Vanderbilt Beach --

CHAIRMAN STRAIN: I'm sorry.

MR. YOVANOVICH: I'm sorry. I believe when we were having that discussion, we were talking about Vanderbilt Beach Road, having the separator.

CHAIRMAN STRAIN: Well, we were talking about the value of having a 2-foot separator for any sidewalks on streets because of safety for the public. It doesn't apply just for Vanderbilt Beach Road. It applies for any road.

MR. YOVANOVICH: I understand, but I thought the discussions dealt with Vanderbilt Beach Road because that was actually the road that was going to be more heavily traveled, Douglas has got very few residences on it, and we understood that to -- we understood the two feet to be applying to Vanderbilt Beach Road.

CHAIRMAN STRAIN: Well, the notes that I have says provide 2-foot minimum clear space alongside any sidewalk, and that would be internal. I can't see a safety difference between whether it's on Vanderbilt Beach Road, internal to your project, or on Douglas. That should be a standard unless there's certain circumstances that don't allow it.

In this particular case -- that location, you've got plenty of room in a shallow swale alongside. There's no reason two feet for a safety feature couldn't be added to that sidewalk, and that's how I intended the motion. Sorry that it didn't come across that way from your perspective, Rich, but that was the intent.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: I guess if this board wants to see it differently -- I don't know how you-all saw it, but --

COMMISSIONER HOMIAK: I saw it as on Vanderbilt.

CHAIRMAN STRAIN: You saw it on Vanderbilt. Well, that's what we started -- that's where we started talking about it, yeah.

COMMISSIONER HOMIAK: That's the only note I had.

COMMISSIONER EBERT: In the neighborhoods it's all --

MR. YOVANOVICH: I don't think we had an issue internally. I think internally we had talked about sidewalks and all that. I thought it was -- I think there were two cross-sections, if I'm correct, Mr. Strain.

CHAIRMAN STRAIN: There were.

MR. YOVANOVICH: There was one that dealt with Douglas, and there was one that dealt with Vanderbilt Beach Road. And that's where we had the little curb thing right up against the sidewalk. And, honestly, we thought the focus was Vanderbilt Beach Road, because that's where the primary traffic was going to be. And there was such little traffic on Douglas, we thought you were discussing Vanderbilt Beach Road.

CHAIRMAN STRAIN: Well, if you look at the cross-section for Douglas, it's obvious that you -- in fact, you've got the two feet, but you've got it on the inside of the cross-section instead of between the -- it shows you have the two feet there, so you can easily move the sidewalk over two feet without changing a single issue on this chart.

I'm just wondering -- Kay, do you have the -- can you put it on the overhead, Douglas Street. Could you zoom in on it a little bit.

COMMISSIONER ROMAN: My screen's not working here.

CHAIRMAN STRAIN: Push the lower button.

Now, see where -- if you look at Douglas on the bottom, where the curb and the sidewalk are put

together, you still -- you have two feet to the right of that sidewalk. All I'm suggesting is put the two feet to the left of the sidewalk.

MR. YOVANOVICH: And, Mr. Strain, unfortunately I don't have my engineer with me today. But I can tell you when we discussed the interim, the time period between the Planning Commission meeting and today, there is concern as we're going through the ERP process from our engineer about the impact it may have by sliding it over, so I -- you know, so I'm kind of in a tough place because we all understood it to be Vanderbilt Beach Road.

If we can do that without slowing down the process or creating a whole lot of problems through the ERP process, we'll try to move it over. But I'd hate for that to now become a requirement when I think most of us understood, really, that to be Vanderbilt Beach Road.

And we did specifically talk about the swale on Vanderbilt Beach Road, about moving it. I mean, we had that discussion when Mr. Evans was here, and you -- we showed it to you, and you said, yeah, you could move that. That's not a big deal. So that's kind of where I am. I hate to --

CHAIRMAN STRAIN: Well, because you mistakenly went to the agencies other than Collier County first and got their approval, it doesn't necessarily obligate this county to those mistaken approvals.

MR. YOVANOVICH: We're not approved Mr. Strain.

CHAIRMAN STRAIN: Safety features for the public is not to be set aside for the benefit of your ability to have or not have gotten a permit early from a state agency. So I don't care about your ERP. I care about the safety of the public in this regard.

MR. YOVANOVICH: Again, I'm not arguing with you. What I'm saying is to me the context of discussion was very clear that it was Vanderbilt Beach Road because we even got the plans out and talked about the swale on Vanderbilt Beach Road and could we come up with the two feet.

So I'm just saying that was the context that we understood the motion because Douglas is -- and I put up the aerial. Douglas has eight homes on it. And so I think the level of traffic and safety concerns for a very short roadway -- I mean, Douglas only goes up to our maintenance entrance. It's not the travel safety concerns that I think are the same on Vanderbilt Beach Road.

So the focus was on, we believe, the safety on Vanderbilt Beach Road. I'm not saying we're not willing to look at making changes to Douglas, but we didn't understand that to be in the context of the discussion and the motion that was brought.

And I don't -- I, frankly, wasn't prepared to get into this level of detailed discussion on consent agenda, so I'm kind of stuck. I don't have my engineer here.

CHAIRMAN STRAIN: Well, some engineer must have just told you you had an ERP problem, because you didn't know that until --

MR. YOVANOVICH: She's my -- that's Anita Jenkins, the planner. And we have our -- I'm telling you I asked was this discussed in the meantime, and the answer was, yes, it was discussed on Douglas.

CHAIRMAN STRAIN: John, do you have something? I notice you're walking up this way. Did you want to contribute?

MR. PODCZERWINSKY: Yes, sir. Good morning. John Podczerwinsky, transportation planning. One real brief comment about your comment with the two feet on one side of the sidewalk and simply moving it to the other side of the sidewalk and to separate the curb and the sidewalk.

The DOT specs actually require what I'll call a runoff area from the sidewalk, and it's in case you're specifically on a bicycle. If you were to run off the sidewalk, you need a safety zone before you hit the slope that takes you down into the swale.

I don't believe it's a minimum of two feet. I think it's one foot before you're allowed to get to the slope. But I would have to double-check the DOT standard on that. I just didn't want you to misquote and say that you could move the whole two feet and put the sidewalk right against the swale.

CHAIRMAN STRAIN: Well, looking at this particular swale, I can't see that depression being as sensitive as the one that they previously thought was a problem along Vanderbilt Beach Road, so I'm not sure -- because the one along Vanderbilt Beach Road has a much steeper slope to it.

All they'd have to do is change the slope slightly or where it says "varies," make it narrower on the bottom catch. And since it's such a short distance, it's not going to have a large volume. I can't see what the

fuss is.

MR. PODCZERWINSKY: Understood.

CHAIRMAN STRAIN: And I'm not willing to concede on consent that the intent was only for Vanderbilt Beach Road. The rest of the board may be able to, but I'm not going to.

MR. PODCZERWINSKY: Understood. This was -- my comment was just in regard to Douglas Street, Section BB.

CHAIRMAN STRAIN: I understand. Thank you very much.

COMMISSIONER CHRZANOWSKI: John?

MR. PODCZERWINSKY: Yes, sir.

COMMISSIONER CHRZANOWSKI: Is there any rule about -- if you have a sidewalk separated from the curb or against the curb, about the width of the sidewalk?

MR. PODCZERWINSKY: Not in particular that I've seen. FDOT's recommendation is what the county uses in our LDC, with 6-foot being the minimum for public --

COMMISSIONER CHRZANOWSKI: Whether you're at the curb or away from the curb?

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Well, now that's interesting, because aren't we connecting Vanderbilt Beach Road with a 5-foot sidewalk down at the Catholic church?

MR. PODCZERWINSKY: Honestly, I'm not sure what the width of that sidewalk is, if it's 5 or 6 feet.

CHAIRMAN STRAIN: Yes.

MR. PODCZERWINSKY: Public standard for public roadway for -- publicly constructed sidewalk would be 6 feet.

CHAIRMAN STRAIN: Would be 6 feet, okay.

Well, I'm -- I'm still -- I don't see anything that has convinced me that -- well, I know what my intention was when it was brought up and it was stipulated the last time, so I guess it's up to this board to decide if they want to approve this on consent as submitted or approve it with a stipulation that the separation distance of 2 feet applies to Douglas Street cross-section as well.

Stan?

COMMISSIONER CHRZANOWSKI: Can I make a motion?

CHAIRMAN STRAIN: Oh, sure.

COMMISSIONER CHRZANOWSKI: I'd like to move that we approve it with the stipulation that the 2 feet applies everywhere.

CHAIRMAN STRAIN: Okay. Thank you.

Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made and seconded.

Is there any discussion?

(No response.)

CHAIRMAN STRAIN: All in favor? Signify by saying aye --

MR. YOVANOVICH: Whoa, whoa. Give me a second.

What was the motion, Mr. Chrzanowski?

CHAIRMAN STRAIN: To provide --

COMMISSIONER CHRZANOWSKI: I want the 2 feet in there, the 2-foot separation.

MR. YOVANOVICH: Okay.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: (Abstains.)

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0. Thank you.

COMMISSIONER ROSEN: Is it six, Mark?

CHAIRMAN STRAIN: I'm sorry, 5-0; Mike abstained. Thank you, Mike.

***Okay. The next item up is onto our regular agenda. Item 9A, and this is -- this has been continued from the May 1st meeting, and it's going to be heard concurrently with Item 9B, which has likewise been continued from the May 1st meeting. I'll read those two first.

A is PL20120002909/CP-2013-3, the Buckley mixed-use subdistrict, and that is the GP, Growth Management Plan amendment portion of it. The second companion item is PUDZ-A-PL20120002906, and that is the -- again, the Buckley rezone to a CPUD.

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: Are there disclosures from the Planning Commission, starting with Stan?

COMMISSIONER CHRZANOWSKI: No disclosures on this one.

CHAIRMAN STRAIN: Okay. Mike?

COMMISSIONER ROSEN: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No, just the staff.

CHAIRMAN STRAIN: I met with Bruce and Fred, was it, on this one, or was it Tim? Tim.

Anyway, we met and we talked like we normally do and went over the issues.

Diane -- I mean, Karen?

COMMISSIONER HOMIAK: Nothing.

CHAIRMAN STRAIN: Charlette.

COMMISSIONER ROMAN: No, uh-uh.

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

MR. ANDERSON: Thank you, Mr. Chairman.

My name is Bruce Anderson from the Roetzel & Andress law firm here on behalf of the applicant.

I believe you have all of the changes in your agenda packet as was discussed at the last Planning Commission hearing. We worked with staff on those and believe that we've reached consensus at least with them.

I do have one correction to what was submitted. It's on Table 2, development standards, Footnote No. 7, and that correction is, instead of 40 feet actual height, it would be 45 feet actual height so that there is some room for architectural detail.

And I think Mr. Hancock has a clarification question regarding parking.

Tim?

CHAIRMAN STRAIN: Okay. That development standard Table 2 you said, right?

MR. ANDERSON: Yes, sir, Footnote 7.

CHAIRMAN STRAIN: Okay. So Footnote 7 would change to 45 feet. Okay, thank you.

MR. HANCOCK: Good morning. Tim Hancock with Stantec.

I want to mention also, you may recall at the end of the last hearing Mr. Weeks pointed out that under the GMP language that Item P had an incorrect verbiage. It was odd.

CHAIRMAN STRAIN: It was odd?

MR. HANCOCK: It was odd how it got there. But this is the actual Language P that was transmitted, that there shall be no vehicular connections to the property to the south. What was in your packet at the last hearing was incorrect only for Item P.

So this correction has been made, resubmitted to staff, reviewed, and I just want to make sure that this is the record copy, if you will, of what is being approved on the GMPA side.

With that being said, I'm going to tiptoe into an item, and if it starts to open a can of worms, I'll retreat just as quickly.

And it's this: One of the things we discussed is no underbuilding parking as a part of the PUD. And

when I envisioned that, what I envisioned is a sea of parking under the building and then everything elevating because you're using the entire first floor's parking.

What didn't occur to me at the time is whether or not individual access garages on the first floor -- if it were a multifamily building, for example, and there were three or four garages on the end of the building that were a part of the building, whether that would be prohibited by that language, and I believe it would be.

If that is not the intent of the language to prohibit that specific application, we would like to request that it be considered that we add that to the PUD that individually accessed integrated garages on the first floor would be permitted. If however, that, again, opens up a long, laborious discussion and we're not sure about it, we'll step away from it.

But it's one of those things that I think it was something trapped in -- potentially an unintended consequence of trying to state -- we weren't going to elevate the building 12 feet and put parking entirely underneath it; however, increasingly we are seeing multi-story, multifamily buildings with garages on the end cap, you know, but they're physically integrated into the building, and at times even on the front of the building.

So I wanted to ask consideration of that as an addition to the PUD at this point and offer that for your consideration.

CHAIRMAN STRAIN: Any comments?

COMMISSIONER EBERT: It would be residential only?

MR. HANCOCK: Yes, it would be residential only. Commercial, flat-out prohibition.

CHAIRMAN STRAIN: Michele, did you have something you wanted to contribute?

MS. MOSCA: Just one moment.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: Ms. Mosca's pointed out that it's in the Comp Plan language that no underbuilding parking is permitted, so I withdraw the request.

CHAIRMAN STRAIN: Well, you said you'd withdraw the request if there's a lot of discussion and concern about it, and just -- so now we know, it was just if Michele objected to it.

MR. HANCOCK: Well, yeah. I don't want to create a Comp Plan consistency issue at this stage, so I think I'll withdraw my request, and you win.

CHAIRMAN STRAIN: You know, with her that's giving in too easy, Tim.

MR. HANCOCK: I'm sorry. That's tagged onto a little bit of poking at each other we did this morning, so it's all in fun.

CHAIRMAN STRAIN: I understand. Okay. Does anybody have any other comments about -- now, this was a resubmittal of the corrected language from the last time. In particular, there were some concerns over the conditional uses, for example, that might be allowed, and now there's a list of restricted conditional uses and then a clarification and cleanup of the rest of it. And this would be -- the vote today would be both as regular vote and as consent.

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: I do have a question. Up on the visualizer, we have this list, and Item P is highlighted. I thought at the last meeting we discussed that -- and maybe we didn't come to a conclusion on it -- that it might be a good thing to have interconnection.

CHAIRMAN STRAIN: Yes, we did discuss it at the last meeting. I don't think there was -- it ended up as part of one of the stipulations only because, as we went on with conversation, two things became obvious; one that -- based on what staff had told us at the meeting, there wasn't necessarily a convenient way to connect. They didn't have a requirement in that particular project to the south to connect, and the Board of Commissioners has decided they didn't want to connect, so --

COMMISSIONER ROSEN: Oh.

CHAIRMAN STRAIN: -- that kind of brought a different perspective into it.

COMMISSIONER ROSEN: Got you. Thank you.

COMMISSIONER ROMAN: Was this something that John was going to look at as we continued this item? Because I thought that we were going to look further into this.

CHAIRMAN STRAIN: I don't know. Did John -- I looked at it. I pulled up the project to the south, and there is no requirement to interconnect to the south. So that would put it in the same perspective as other projects that we have.

COMMISSIONER ROMAN: I remember this getting a lot of discussion, and --

MR. PODCZERWINSKY: Yes, that's correct. It did get a lot of discussion. And, in fact, during -- I think it was during the break at that meeting Mr. Strain looked into it and checked that the library does not have a requirement to interconnect.

COMMISSIONER ROSEN: Mr. Chair?

And, you know, I do recall that conversation, the library didn't have a reason to interconnect, but I thought that the discussion was about the flow of traffic. I think there was one resident that issued a complaint, if I recall, sent a letter in and said they didn't like that because the traffic would all dump onto Orange Blossom.

But, in effect, it's going to dump onto Orange Blossom and Airport Road, you know, all at the same time. So I was under the impression that interconnections were a good thing.

CHAIRMAN STRAIN: Well, we could still suggest that in lieu of this item that's in front of us on Item P, that we take a second look at the interconnection as a possibility at that library site and point out to the board the value of it, and maybe that would offset the concerns that the one neighbor may have expressed or the neighborhood may have expressed down Orange Blossom.

COMMISSIONER ROMAN: See, that's what I thought we were going to do as we continued this was we were going to look at that in between this meeting and the last meeting.

CHAIRMAN STRAIN: Well, I did look at it, and there is no requirement for the -- see, normally what happens is in order to have an interconnection, both properties have to have the requirement. Now --

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: -- that's in the private sector. So generally government should follow the same rules as the private sector does. Usually it works in the opposite; government takes advantage of them being government.

In this particular case, I don't see where we have any more authority to demand it being on that property, because it's owned by the government, than if it was owned by a private party. So out of fairness, I was -- that's how I -- when I did the research, I found they didn't have a requirement. I didn't know how to impose it on them, because we couldn't impose it on anybody else.

COMMISSIONER ROSEN: Is it necessary to prohibit it?

CHAIRMAN STRAIN: You know, that -- that might be simply just drop P, don't mention it, so that the possibility of it could always be there and we wouldn't have to amend the PUD to have it modified in the future if it ever were to have come out that way.

MR. HANCOCK: We're acceptable with that direction if that's the commission's desire.

CHAIRMAN STRAIN: And what is -- could you scroll to the top of this page. Where's P found? That's in the GMP? This isn't the rezone?

MR. HANCOCK: No, sir. This is just in the GMP. I don't believe -- let me check. I don't recall that the PUD replicates that language.

CHAIRMAN STRAIN: I didn't see it in the rezone. But in the GMP, then, we would just recommend that on that particular one there be no -- we would drop Item P and no -- with references to no interconnect is allowed from the GMP language, which I don't know what that would hurt.

MR. HANCOCK: We're comfortable with that recommendation.

CHAIRMAN STRAIN: I think, Mike, that's a good idea, if everybody here's fine with that.

COMMISSIONER ROSEN: I just say that, Mr. Chairman, because in my daily driving around and you pull into a shopping area, you run through a two-foot strip of grass that prevents you from going from this one to that one, you have to go out onto the road, come back in and come back in again. It just kind of makes no sense to me.

So if we could prohibit it, then they could work it out, maybe, with the county in the future.

CHAIRMAN STRAIN: Great idea. I like it. I'll throw -- I'll add it to the list of items that we're going to stipulate.

MR. PODCZERWINSKY: My apologies for interjecting. If you would like to make that possible as part of the PUD, there would need to be an interconnection arrow shown between the two property lines. That would need to be shown on the master plan. If it doesn't appear on the master plan, we wouldn't be able to ask for it at any point in the future or allow it at some point in the future. They would require a PUD amendment at that time.

COMMISSIONER EBERT: Thank you.

COMMISSIONER ROMAN: That's good, John.

CHAIRMAN STRAIN: Thank you, John.

Okay. I made notes of it. When we stipulate, I'll read them off for everybody to decide on.

Okay. Is there any other questions or comments of what was submitted to us from the panel, the rest of them?

Tim, I have a question for you. In the rezone under your commercial permitted uses by right, you have one, two -- you have a series of permitted uses that are not allowed. C-1 you don't allow homeless shelters, soup kitchens, and residence dwelling units. C-2, we add gasoline stations and convenience stores with fuel pumps. C-3, you add marinas, automotive services, hospitals, and that's about it.

You -- how did you arrive at those to be exceptions to the -- to your rezone?

MR. HANCOCK: The majority of them were already contained in the existing PUD as commitments, and we carried them over into this document. So they did not originate with us.

CHAIRMAN STRAIN: Oh, so whoever did the original PUD?

MR. HANCOCK: Yes. The exceptions would be the convenience stores with fuel pumps. There was some language added. But the way in which you see it here is substantially the same the way it exists in the current PUD.

CHAIRMAN STRAIN: Okay. And my assumption is -- I don't mean -- they were negotiated out probably with the residents or somebody.

MR. HANCOCK: My assumptions also, and I did actually review the record of the hearing, and I think it all occurred prior to the document showing up, because it wasn't discussed specifically at the hearing but was in the document.

CHAIRMAN STRAIN: Okay. Well, Fred dodged a bullet here today, okay. I was heading somewhere with it, but I'll wait till we get to the another point. Anyway, it will still work. I'll just --

MR. HANCOCK: One point to carry over from what Mr. Podczerwinsky just brought up, and that is that on the PUD master plan, if we do wish to have the opportunity for interconnection, there is an arrow between the south end of the project on the master plan and the library parcel.

CHAIRMAN STRAIN: There is.

MR. HANCOCK: But it states "future pedestrian connection." That language would have to be modified on the master concept plan, and --

CHAIRMAN STRAIN: Why don't we just say "future connection" and drop the word "pedestrian"? David?

MR. WEEKS: Mr. Chairman, David Weeks from the comprehensive planning staff.

My suggestion would be if we label it as "future interconnection," that to me reads it will occur. It's not a maybe; it will occur. And given that the master plan currently shows an arrow and it states "future pedestrian interconnection," that tells me that's a commitment; that's going to happen.

The discussion today has been about a vehicular interconnection. I would further suggest maybe adding language that says "potential vehicular interconnection."

CHAIRMAN STRAIN: Could we say just "potential connection"?

MR. WEEKS: We could, but then that takes away the requirement for the pedestrian which, so far, seems to be an absolute commitment. So that makes both of them a "maybe," whereas right now I believe you have a "it will be done" for pedestrian.

CHAIRMAN STRAIN: So we'd want to see "potential vehicular connection" but "required pedestrian connection."

MR. WEEKS: That would be my suggestion.

CHAIRMAN STRAIN: Okay. How does that sound to the board?

COMMISSIONER ROSEN: That's fine.

MR. HANCOCK: If I may --

CHAIRMAN STRAIN: Go ahead.

MR. HANCOCK: -- Mr. Strain. The comment Mr. Weeks made with "absolute commitment" raises an issue for me, and that's this: If we show a pedestrian connection to the south, and at such we go to install the connection what we find out is that we're dumping a sidewalk into a drive aisle. And, for example, there's no other sidewalks in the area. So for people to use that connection, they'd be walking down a drive aisle around to the front of the building. It may not be safe in order to do so.

CHAIRMAN STRAIN: Well, look at "I" on the overhead that's in front of you. It just says "encouraged."

MR. HANCOCK: Correct. And that's why the "absolute commitment" of what Mr. Weeks said just raised my concern, because it is our intent to have a pedestrian connection to the library site, just like it is our intent to have it to the north. But if physically the creation of that pedestrian connection causes safety issues, we need to have the ability to not put people in harm's way by meeting a PUD requirement.

And so there needs to be some degree of flexibility that is the intent and that absent those safety concerns, it should happen, how we need to word that -- so I appreciate you bringing that up, David.

CHAIRMAN STRAIN: Well, maybe if we just change it, "Potential vehicle connection. Pedestrian connection encouraged." That covers them both, and it matches the language in the GMP. David, would that work?

MR. WEEKS: It would. I think a simpler way would be to say "potential future pedestrian and vehicular interconnections." Just use "potential" for both of them, and that way it's not a requirement. I'm talking about the PUD. It's not a requirement for either. It just simply leaves the door open and at the time of subsequent development order review, if the applicant can demonstrate that there's safety concerns or other reasons why the interconnection should not be provided, then that would be something that maybe staff would be convinced of --

CHAIRMAN STRAIN: Okay. "Potential vehicle and pedestrian connections."

MS. DESELEM: If I may.

CHAIRMAN STRAIN: Yes, ma'am.

MS. DESELEM: Kay Deselem, for the record.

In the PUD document on page 12, under general, No. 2, it addresses the pedestrian connection and states that it pretty much is mandatory.

CHAIRMAN STRAIN: Right, but Tim's point is if it's mandatory and it can't safely be done, why would we want to make it mandatory?

MS. DESELEM: Okay. Then we probably need to change the language in No. 2 as well.

COMMISSIONER ROMAN: My thought is, from a practical standpoint, people are going to be transiting between the library and what -- if that is a business center. So it's not a matter of, you know, if it's safe. It's a matter of can we make it safe so that people transiting will be safe.

Because I think the practicality of it is people are going to go back and forth between the library and the business center if there's businesses there that are attractive for those folks.

MR. HANCOCK: And we're certainly of the mind to encourage that. The problem comes in that if improvements have to be made on the library site in order to make it safe, we don't have the ability to do that, and there's no guarantee that we would have the opportunity.

So, you know, we're making the sausage here, and it's not pretty, but I think we need to have some ability to determine that if the connection results in an unsafe condition, that there needs to be an escape hatch, if you will, to avoid that from happening, or else we are back here amending our PUD to remove it.

CHAIRMAN STRAIN: Kay, what page was that you just read from?

MR. HANCOCK: Page 12 of 13 under Item 2 under general; is that it, Kay?

MS. DESELEM: That's correct.

MR. HANCOCK: It says, they shall be provided to adjacent properties. This is where you get --

CHAIRMAN STRAIN: Wait a minute. Number 2 -- all we've got to do is add to the last part of No. 2 where it says "subject to permission being provided by the adjacent property owners to allow these

connections and subject to safety concerns for the public."

MR. HANCOCK: And I'm fine with that.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Tim?

MR. HANCOCK: Yes.

COMMISSIONER EBERT: When you go to your library, park your car and get out of it, there's no sidewalk until you get up towards the library, so I don't really see, you know, this having to have a sidewalk there if they just go between the two. Because you get out of your car, you're just walking on asphalt anyway to get to the library.

MR. HANCOCK: Understood, yes. It's all those little unforeseen things that crop up later that -- like garages -- that we want to try and address if we can.

CHAIRMAN STRAIN: Okay. Well, that takes us back to the questions that we may have from the PUD.

COMMISSIONER ROMAN: How did we decide to label the master plan? What was our final designation there?

CHAIRMAN STRAIN: What I had written down was what David just said. It would be "potential vehicle and pedestrian interconnections."

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: If that works for everybody.

Tim, on Page 7 of the PUD, Footnote 3 to the Table 2, it says, no more than 50 percent of the commercial square footage may be constructed as multi-tenant buildings. What do you mean by that? I mean, I know what it says, but you can't -- you've got to sell to a big box then? That seems to be a requirement for about 100,000 square feet.

MR. HANCOCK: Yes, sir, and this resulted from a concern raised by long-range planning staff during the GMP review that this project would be in competition with other inline retail centers in the area that were not yet full. They were still -- they still had high degrees of vacancies.

It was never our intent for this to be a single shopping center across the frontage. We have not seen in the commercial marketplace that that's a demand at a mid-block location such as this; however, being able to aggregate a certain number of shops in a building would be advantageous.

So that was the intent, which was to not create a single shopping center, if you will, because then we'd be competing with existing vacancies but to require that at least half of the project, as built, would be in stand-alone buildings.

CHAIRMAN STRAIN: But I thought one of the big concerns about this being a location outside of activity centers, that big-box facilities, such as you're proposing here, shouldn't be here, that they should be in activity centers. And now staff -- now the same staff that said that is telling us that we want a big box here, and we're going to prohibit multi-tenant buildings to make sure we have a big box; is that -- I'm sure Michele meant something like that.

MS. MOSCA: For the record, Michele Mosca, comprehensive planning staff.

Actually, staff discussed the big box. It was never our intent to recommend big-box development at that location. If you can recall, we had suggested 15,000 square feet for the building footprint only. So this is something that evolved over time through the Planning Commission and board transmittal.

CHAIRMAN STRAIN: Okay. But you just said your intent was never to have big box there, but --

MS. MOSCA: That's correct.

CHAIRMAN STRAIN: -- in essence, by that footnote that Tim indicates is a requirement of your department, you're saying you've got to have big box there because if only 50 percent of the commercial square footage can be multi-tenant -- actually, it's less than 100,000. You've got 162 --

MS. MOSCA: Right. It's about 81,000.

CHAIRMAN STRAIN: So you need 81,000 square -- you'd have to have -- one tenant would have to take 81,000 square feet. You're forcing big box in there.

MS. MOSCA: No, that was not staff's recommendation. Again, that evolved from the Planning Commission recommendation and subsequently the board recommendation to allow 100,000 square feet.

That was never staff's intent.

CHAIRMAN STRAIN: No. The allowance for you to have one tenant occupy no greater than 100,000 square feet is not the same as restricting multi-tenant buildings to no more than 50 percent of the square footage. That's a different animal.

In one case we're saying you've got to have -- you can't go over 100,000 square feet with a big box if you decide to put one there. In this case we seem to be saying, no matter what, even if you decide not to put a big box in, you still can't take more than 81,000 square feet for multi-tenant buildings. That more or less forces a big box in.

I don't think we cared whether they had a big box up to 100,000 or cared if they did it less.

MS. MOSCA: Right. We had talked about a series of small buildings. I believe the applicant had stated there wasn't pad ready commercial buildings for that site. Again, we were looking at a much smaller footprint if that was approved by the Planning Commission. The Planning Commission approved the 100,000 square feet. Staff -- up to 100,000 square feet.

CHAIRMAN STRAIN: Right.

MS. MOSCA: We would suggest 25,000 or less. I mean, we can certainly revisit that if we want to go to the 25,000 or less.

CHAIRMAN STRAIN: Well, then you're not in favor of Footnote No. 3, then, based on what it sounds like you're saying.

MS. MOSCA: Again, I'd have to look at --

CHAIRMAN STRAIN: Well, take a look at it.

MS. MOSCA: That's the same language that's within the Comprehensive Plan, but that was based on staff's original review of the project. Again, this evolved over time, and now we have the allowance of up to 100,000 square feet. I mean, at this point if we're allowing 162,000 square feet, it can be multi-tenant buildings at all 162,000 square feet. That's still not staff's recommendation.

CHAIRMAN STRAIN: I know, but what -- I can't see why we're saying you've got to have at least one tenant take 81,000 square feet. I don't know why we would be saying that, and that's what 3 seems to say.

MR. WEEKS: David Weeks, again, for the record.

No, Commissioner, we're not saying -- by capping the amount of square footage for a multi-tenant building, we're not saying a single building must then occupy the balance of this square feet. It could be a series of smaller buildings. You could have -- I mean, if you have 81,000 -- I think it's 81,000, so say you could have eight buildings of a little over 8,000 square feet each.

CHAIRMAN STRAIN: Well, this says no more than 50 percent of the commercial square footage may be constructed as multi-tenant buildings, plural.

MR. WEEKS: Right.

CHAIRMAN STRAIN: So that means you can have these -- you can have a bunch of 15,000-square-foot buildings, multi-tenant, 5,000 each, but when you get to 81,000 square feet, collectively, for that group of buildings, you can't have any more multi-tenant buildings. The rest of the buildings have to be single tenant.

MR. WEEKS: Correct, at whatever size.

CHAIRMAN STRAIN: Okay. So -- okay. I that -- okay. Well, I understand what you're saying. Tim, is that how you foresaw this?

MR. HANCOCK: Yes, I did. We may have two or three buildings that are multi-tenant, but when you aggregate them together, they cannot exceed the 81,000 and change, and the rest would have to be an aggregation of single-tenant buildings. You may have four, you may have one, you know, whatever the case may be.

If no one is really married to the language and you want to strip it, I'm fine with that, too. It was an attempt to address an issue that was raised during the review process. And if it's not really important to anybody, we can remove it.

CHAIRMAN STRAIN: I'm just trying to figure out how it applies and, if it applies, what difference does it make? I mean, so if you could do 100,000 square feet as one tenant, why do we care if you -- the size

of the buildings you put in there. I'm not sure why government is regulating that at this location.

COMMISSIONER ROSEN: Good point, Mr. Chairman.

COMMISSIONER EBERT: Mark, I have a question.

Kay, did you not want this to be limited to 50,000 square rather than 100,000? Hundred thousand is activity center size?

MS. DESELEM: That was our recommendation, yes, ma'am.

COMMISSIONER EBERT: Yep, and that was blown off by the -- they wanted 100,000. They didn't want the limitation of 50-.

MS. DESELEM: That's correct.

COMMISSIONER EBERT: Okay. That's -- just checking.

CHAIRMAN STRAIN: I just -- I don't see what difference it makes. If they're going to put 162,000 feet of commercial in here, who cares how it's -- why are we in the market to determine how it's comprised? However you guys do it ought to be the way it should be done.

I would rather see that kind of restrictive language struck from both the GMP and the rezone, and I think it would be Item F in the GMP where it says no more than 50 percent of the commercial square footage may be constructed as multi-tenant. It was just on the screen. That's where I was reading from.

COMMISSIONER ROSEN: Mr. Chair, I would agree with that analogy that you just articulated. I think that we shouldn't dictate what the market is going to say can be there. I think that John Podczewinsky's also said that sometimes these large boxes sometimes generate less traffic, you know. So I don't see an issue.

CHAIRMAN STRAIN: I tend to agree with you, Mike.

Well, with that, anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Okay. I'd just as soon -- I'll make a stipulation to that effect when we get to it. If it flies, it flies, and we'll see where it goes.

Other than that, I don't have any other comments on the resubmittal. The corrections seem to be consistent with what we talked about. The conditional-use restrictions are there.

Did you have anything else you wanted to bring up, Tim?

MR. HANCOCK: No, sir.

CHAIRMAN STRAIN: Okay. Anybody from the Planning Commission? Any more of the applicant at this time?

If not, do we have any staff report or comments?

MS. MOSCA: For the record, again, Michele Mosca. There are no additional staff comments.

CHAIRMAN STRAIN: Okay. Any members of the public wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we will close the public hearing and entertain a motion from the Planning Commission.

Suggested stipulations, if the motion maker wants to consider them, Footnote No. 7 will change to 40 to 45 in actual height for Table 2. We will drop Item P which says no interconnect from both the GMP language and the rezone language. We will add an interconnection arrow on the master plan in the PUD. It will be "potential vehicle and pedestrian interconnections." That's how it will be labeled.

Change the language in the PUD as for that item to be where the -- where it's listed in the PUD at Page 12, we'll add to the end of the paragraph, "subject to safety concerns for the public." And then we will drop the requirement from both documents for the 50 percent multi-tenant requirement.

Those are the notes I've made. If anybody has anything else they'd like to add to it. If not, is there a motion?

COMMISSIONER ROMAN: I have a question just for clarification. On Page 12 you mentioned an item. Could you go over that again, please?

CHAIRMAN STRAIN: Sure. Let me turn to Page 12.

MR. HANCOCK: That would be Item 2 under general.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: It says -- do you want me to read it all to you?

COMMISSIONER ROMAN: No, I've got it. I just needed to know what item. I missed it when you said it.

CHAIRMAN STRAIN: Okay.

MR. HANCOCK: Mr. Chair, for clarification, should a motion be made, also on the master plan on the north side we have future pedestrian connection and converting "future" to "potential" would be consistent with the arrow on the south.

CHAIRMAN STRAIN: Subject to the same paragraph qualifying it for public safety concerns, that's the only exit from the potential?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. I have no problem with that.

I didn't think I specified which interconnection arrow, so we'll just -- all the arrows on the -- interconnection arrows on the master plan for the north and south.

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: Will this item have to come back on consent?

CHAIRMAN STRAIN: That's what I'm asking that we don't do that, because they -- today needs to be the consent and the -- we have five stipulations.

Is staff clear on the stipulations?

MS. DESELEM: Yes, sir.

CHAIRMAN STRAIN: Is the applicant clear on the stipulations?

MR. HANCOCK: Yes, sir.

CHAIRMAN STRAIN: Okay. So the consent was always to make sure there was no discrepancy between what we asked and what was produced in the final document. We provided a lot last meeting, and the intent was at this meeting to wrap them both into final and consent. With those five additional and all the others being addressed, the concern was can we make sure those five conditional are articulated properly to you-all. And if you all seem to be on the same page, then I think we're good.

Michele, is everything understandable from your perspective?

MS. MOSCA: Yes, Commissioner, it is.

CHAIRMAN STRAIN: Okay. So with that in mind, we have two items to which we're voting on today, and we need to take the GMP amendment first, which is the PL20120002909/CP-2013-3.

Does anybody want to make a motion for that one? And if the motion is affirmative, would you mind stating that it's made consistent with the stipulations read or not consistent with the stipulations read.

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: I would make a motion to approve PUDZ-A-PL20120002906.

CHAIRMAN STRAIN: We got to do the other one first.

COMMISSIONER ROSEN: Oh, I'm sorry.

CHAIRMAN STRAIN: The GMP's got to be first.

COMMISSIONER ROSEN: I got it, sorry. So my motion would be for PL20120002909/CP2013-3, Buckley mixed-use subdivision, with the provisos as you articulated previously.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan. Motion made by Mike.

Discussion? Did you have something, Diane?

COMMISSIONER EBERT: Yes. I'm not going to be able to support this Growth Management Plan amendment or the PUD, because the original subdistrict was approved with this investor for mixed-use residential with limited low intensity commercial uses.

It has gotten way out of whack as far as the sizes and everything. The proposed amendments intensify the overall development on the site by eliminating the scale and massing of the buildings, intensifying the retail uses, more than doubling the retail allowed.

These amendments result in activity-center type development and intensity on the site by allowing

almost 163,000 square feet of retail in an area surrounded by low intensity uses.

The proposed development is simply incompatible with the surrounding land uses and overall community vision for an area provided for in the Future Land Use Element of the county's Growth Management Plan.

CHAIRMAN STRAIN: Okay. Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: I'm certainly going to support the motion as it has been worked out as a better solution for the local neighborhood, and the compatibility requirements that the local neighborhood had asked for have been articulated into both the GMP and the rezone. So for those reasons, I see it as a better location, not as a less location than was previously approved.

With that in mind, all those wishing to vote in favor for this, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Motion carries 5-1.

Next item. Does anybody want to make a motion on the rezone? Since you started it, Mike, go ahead.

COMMISSIONER ROSEN: I shall. Let me make sure I have the right one.
PUDZ-A-PL20120002906, CP-201.

CHAIRMAN STRAIN: Just stop after the 2906.

COMMISSIONER ROSEN: Okay.

CHAIRMAN STRAIN: There you are.

COMMISSIONER ROSEN: Motion to approve with whatever stipulations that go with the motion that you articulated previously.

CHAIRMAN STRAIN: Thank you, sir. Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion?

COMMISSIONER ROMAN: I had one question. Earlier when we were talking about the interconnections, we were discussing a recommendation to the board. Is that now necessary since we've adjusted the language on the master plan or not?

CHAIRMAN STRAIN: No. They'll get it in the form of our recommendations on the overall concept.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay. Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER ROSEN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Motion carries 5-1.

Thank you all, Tim, your groups. Appreciate it.

MR. HANCOCK: Thank you.

CHAIRMAN STRAIN: ***Okay. That brings us to the next item up for today's regular agenda, Conditional Use PL20130001768, the Marco 41 Park at the intersection of 951 and U.S. 41.

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: Thank you. Disclosures on the part of the Planning Commission. Stan?

COMMISSIONER CHRZANOWSKI: Haven't talked to anybody.

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: I have not had any conversations with anybody.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: I've had discussions with Bruce and Fred, I believe.

Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Okay. Bruce, it's all yours.

MR. ANDERSON: Thank you, Mr. Chairman. My name is Bruce Anderson from the Roetzel and Andress law firm on behalf of CSC Properties.

I have with me today Mr. Rogers Hayden of CSC Properties and Fred Hood, senior planner with Davidson Engineering.

This is an almost 6-acre parcel located just east of the intersection of U.S. 41 and Collier Boulevard.

This property is in an activity center where the full array of commercial uses are allowed by the GMP.

This land is bordered on the north by the Falling Waters Beach Resort, on the west by property that is also zoned C-3, and developed with a CVS drugstore. And on the east it's bordered by C-5 zoned property that has been developed with a farm supply store. This property is already zoned C-3, and that zoning would remain unchanged.

This is a simple, straightforward conditional use request to allow buildings that are greater than 5- or 6,000 square feet to go up to 15,000 square feet for food stores, restaurants, and general retail stores.

These are uses, like I said, they're already permitted on the property, and this simply would allow us the flexibility to respond to market forces, which may require something larger than 5- or 6,000. And, again, it is capped at 15,000 square feet.

We're in agreement with all staff approval conditions. And based on a meeting with Chairman Strain, there are a few other changes to the request that I would walk you through.

One is to impose a minimum setback for dumpster enclosures. It would read dumpsters and dumpster enclosures shall not be placed within 100 feet of the perimeter boundary with Falling Waters.

Condition of Approval No. 4, to be slightly clarified; it would read amplified sound for approved land uses are limited to the areas fronting Tamiami Trail East between the hours of 8 a.m. and 10 p.m.

Amplified sounds shall not be permitted in structure side plain areas except for any speakers associated with the limited drive-through uses.

Any fast food drive-through establishment is limited to a maximum of one and, again, the location of the ordering window shall be no closer than 100 feet of the perimeter boundary with Falling Waters.

Also, there would be -- no drive-through establishment shall have more than three drive-through lanes, and all drive-through canopies must be architecturally integrated into the main building.

And the following uses would be expressly prohibited: Convenience stores with gas pumps only, gasoline service stations, homeless shelters, hospitals, marinas, residential dwelling units, and soup kitchens.

And we have some lighting language. It would read "all pole lighting will be flat-panel fixtures, and any lighting fixtures within 30 feet of the perimeter of the project will utilize full cutoff shields."

And, lastly, any lighting within 50 feet of a residential property line would be limited to 15 feet in height. And those are the only changes that we would propose.

And Mr. Hood and I are available to answer any questions that you might have.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission?
Bruce?

MR. ANDERSON: My client just wanted a clarification about ALF, but that's not a residential use.

CHAIRMAN STRAIN: Well, yeah. I think ALF's probably a good use, but -- it's quieter than some of the other things suggested. We talked about it -- and I had to step out for a minute -- minimum setback from Falling Waters. Did you offer up a minimum setback?

MR. ANDERSON: Yes. Minimum setback of 100 feet for dumpster and dumpster enclosures and also for any ordering window connected with a drive-through establishment, fast food.

CHAIRMAN STRAIN: And what was -- that was 100 as well?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROSEN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: Fast question.

Bruce, I didn't understand that last question about ALF's. Could you repeat that?

MR. ANDERSON: Oh. There would be a possibility of an assisted living facility there, and we wanted to make sure that it would not be prohibited by the prohibition on residential uses. And an ALF is not considered, really, residential use. It's more institutional.

COMMISSIONER ROSEN: Thank you.

CHAIRMAN STRAIN: Bruce, I had a question, and I think it probably might be more of staff. And, Nancy, you were in a meeting for the discussion, and we talked about this.

Page 2 of Exhibit B starts listing a series of requirements for buffering and native preservation and all the rest, similar to what we see in a PUD, but this isn't a PUD.

Rather than take the chance of having something here be inconsistent with the current or future LDC, do we need to have this in this document, and could we just fall back on the LDC for those items that are needed out of Page 2 of Exhibit B?

MS. GUNDLACH: We could certainly fall back on the LDC and the administrative code for the requirements.

CHAIRMAN STRAIN: Okay. So we can eliminate Page 2 of Exhibit B?

MS. GUNDLACH: Just for the record, Nancy Gundlach, principal planner with planning and zoning.

CHAIRMAN STRAIN: Is there any problem from your side, Bruce?

MR. ANDERSON: No, sir.

CHAIRMAN STRAIN: Fred had brought up an issue during the -- when you first came in this morning concerning an automotive services section. There were a few uses there listed under 7942, I think, that might need to be excepted from the readmission.

MR. ANDERSON: Well, we had not -- we had not offered up the automotive removal. That was -- we'd removed that entirely unless there were, you know, some objections from neighbors.

CHAIRMAN STRAIN: Right. From what I saw when Fred presented it, I didn't see a problem with it in the discussion, but I didn't know if anybody outside had any issues, so --

The issue of the wall, the wall is not complete, apparently, as of today, but the language in the old provision that provided the zoning for the property required the wall to be put in before building permits were issued.

And what is the -- what would happen with the -- what are you guys suggesting today in your process?

MR. ANDERSON: Well, we would prefer that it be concurrent. I mean, we're going to have people out there working on the site and, economically, that would make the most sense.

CHAIRMAN STRAIN: Okay. We'll see if there's any concerns from any members of the public. And if there isn't, then I don't have a problem with that.

MS. GUNDLACH: Commissioner?

CHAIRMAN STRAIN: Yes.

MS. GUNDLACH: I just want to offer something. It's on Page 2 of the master plan notes. It states that the wall will be completed at the time of Site Development Plan.

CHAIRMAN STRAIN: Right. That's different than the original -- that's what I was trying to get at. The original document for this project said, in addition to the otherwise applicable conditions above, until the required wall, landscaping, irrigation facilities are completed, no other building permits may be issued or approved for Phase 3 of the development, i.e., the subject petition.

And I'm trying to correlate that with what they're suggesting now. It seems different. One is they'll do it with the SDP. And I understand the reasoning. I'm not saying there's a problem with it. I just want to make sure that before we decide on that, we -- if there's any comments from the public we at least listen to those.

MR. ANDERSON: Again, we were striking that Page 2 entirely at your suggestion.

CHAIRMAN STRAIN: Right. It's Page 2, Exhibit B.

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Yes. I think that's a good move.

And I'm moving through the rest of the comments. Since you had articulated so many of them, it saved some time in having to rediscuss them here today.

That's all -- I think you've got everything, Bruce. And we'll wait to see what comments we have from anybody from the public that's going to speak on this.

COMMISSIONER ROMAN: I have a question of Bruce.

CHAIRMAN STRAIN: Yes, go ahead.

COMMISSIONER HOMIAK: Bruce, can you address the preserve area? I see that currently on the site it's 1.6 acres, but the requirement is 2.43. How are you addressing that additional requirement?

MR. HOOD: Frederick Hood, for the record, with Davidson Engineering.

Commissioner, that native preservation requirement is for the entire home center SDP, which this is a part of. There are, off site from these C-3 properties, additional preserve areas to the east. This 1.68 acres comprises a large chunk of that entire development for the preserve.

COMMISSIONER ROMAN: Okay. And that's to remain?

MR. HOOD: That's to remain, correct.

COMMISSIONER ROMAN: Now, can you tell me where you're having to -- if I understood correctly, where the preserve is not in place, you're doing a Type A buffer?

MR. HOOD: No. The preserve is actually all in place now. It's under conservation easement. That's done.

COMMISSIONER ROMAN: Okay. And that's to stay. And that's the area closest to the Falling Waters development?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Why don't you put the master plan up, because there might be some questions from that, and it would help explain what Charlette's asking about.

COMMISSIONER ROMAN: You need to zoom out.

CHAIRMAN STRAIN: The piece of this development that's in question today is just that within the black dotted line. Falling Waters would be towards the top of the page.

COMMISSIONER ROMAN: And that preserve is in place, and that's the conservation easement that's in place?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: If I understand you correctly.

MR. HOOD: Yes.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Fred, while that plan's up, could you roughly point to where on that plan the wall in question is built to?

MR. HOOD: Actually, I'll give you a better exhibit to show you where it's built to.

CHAIRMAN STRAIN: Great.

MR. HOOD: I'm showing you -- showing --

CHAIRMAN STRAIN: You'll have to talk from the -- yeah, make sure you use a mike. There's a walk-around mike somewhere around here.

MR. HOOD: Is that better?

CHAIRMAN STRAIN: You can zoom in on that if you need.

COMMISSIONER ROMAN: Yeah. It's a good thing I've got my paper with me.

CHAIRMAN STRAIN: Now, you've got to move it a little bit to the right on the screen, because we're not on your property, unless the wall's already built on your property. The other right.

MR. HOOD: Sorry. It's currently built there. It is supposed to be built --

COMMISSIONER ROMAN: If you could zoom out so we can see the whole thing here.

CHAIRMAN STRAIN: Okay.

MR. HOOD: There we go. So there's an approximate gap where the two red lines don't meet, and that section of the wall will have to be done before any construction or -- and concurrent with any construction we're doing on the C-3 parcels.

CHAIRMAN STRAIN: So that little tiny piece is the only piece missing.

MR. HOOD: That's approximate, yeah.

CHAIRMAN STRAIN: Do you know how many approximate feet? Take a guess.

MR. HOOD: About 15, 20 feet.

CHAIRMAN STRAIN: Ah.

MR. HOOD: It's not --

CHAIRMAN STRAIN: Well, that does shed a different light on the magnitude of the issue. I appreciate that.

MR. HOOD: No problem.

CHAIRMAN STRAIN: Okay. That little gap in the wall is the only piece that's missing, and that -- you're asking that allowed to have done when you've got people on the site who are already there instead of having that done separately.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Makes a lot more sense. Thank you.

Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Is there a staff report?

MS. GUNDLACH: Good morning, Commissioners. Staff is recommending approval of this petition, and it is subject to some conditions of approval. If you'd like for me to read through the list, I'd certainly be -- it would be my pleasure to.

CHAIRMAN STRAIN: Please do.

MS. GUNDLACH: Okay. There are six of them. And the first one is that this conditional approval does not constitute approval of a subdivision. The buildings may be placed on one 5.9-acre site under common ownership, or the property may be subdivided in accordance with the Land Development Code.

Number 2, no building for a use which would otherwise have been limited to 5,000 to 6,000 square feet or less shall be larger than 15,000 square feet.

Number 3, no adult oriented sales are permitted in this project.

And No. 4 has been slightly revised. That is the amplified sound. And it was restated by Bruce earlier, the limitations on the amplified sound.

Number 5, delivery hours shall be limited to the hours between 8 a.m. and 6 p.m.

And No. 6, the trip generation cap is 435 unadjusted two-way p.m. peak-hour trips.

CHAIRMAN STRAIN: Okay. Thank you.

Bruce, do you have any objections to the staff recommendations?

MR. ANDERSON: No, sir.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Bruce, could you restate the language for that amplified sound, please?

MR. ANDERSON: Sure. Amplified sound for approved land uses are limited to areas fronting Tamiami Trail East, (U.S. 41) between the hours of 8 a.m. to 10 p.m. Amplified sound shall not be permitted in structure side plain areas except for speakers associated with limited drive-through uses.

COMMISSIONER ROMAN: Thank you.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Okay. And the only caveat I'd like to suggest is the use of the sound will not break the side plain of the building. Well, that means if you have someone setting up speakers or something to do karaoke or whatever you're planning to do, or televisions, they won't go past the sides of the building.

Is that what your intention of that language was?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. I wanted to make sure.

Okay. And that's -- Nancy, any comments?

MS. GUNDLACH: Just that we did have a letter of objection that came in yesterday, and I just wanted to make sure that you all received a copy. If you have not, I can put this up on the visualizer.

CHAIRMAN STRAIN: Would you mind just reading it into the record. I didn't receive a copy.

MS. GUNDLACH: Okay.

COMMISSIONER HOMIAK: I was emailed.

CHAIRMAN STRAIN: I was detained yesterday, so I was not able to do the things I normally do.

COMMISSIONER ROMAN: Oh, yeah. Sorry.

MS. GUNDLACH: Did you wish for me to read it or just put it on the visualizer?

CHAIRMAN STRAIN: I'd just as soon you read rather than put it on the visualizer.

MS. GUNDLACH: Okay. It says, Dear Ms. Gundlach. I, Nancy Iula, am an owner of -- at Falling Waters Beach Water Resort, and I am against the development of the north side of U.S. 41 just east of Collier Boulevard.

I feel the proposal is inappropriate and at this time -- at this time, and the change of the property use should not be allowed.

Although I understand the importance of development, I believe that we need to be aware of our overdevelopment. Being overlooked are the already too many vacant commercial properties in the area. Before creating additional properties that can go out of business, we should examine and hopefully make use of the existing vacant sites, as they are visually unappealing.

My condo and I would be directly affected, as my building is located close to the proposed sites. The negative impact on me would include declined property value, traffic, noise, smells, pollution, and garbage that would be within 500 feet of my condo.

I am concerned that smoke from cooking and extra pollution could affect my family member that is asthmatic. My condo property value could decrease, and it could have a declined rental appeal being located so close to another business.

Additional traffic would be the cause for traffic, driving and walking safety concerns at this already large intersection.

Thank you for your consideration, Nancy Iula.

CHAIRMAN STRAIN: Okay. Thank you, Nancy.

Are there any questions of staff?

COMMISSIONER EBERT: Yes. I have a question for John. I didn't want him to sit here all day doing nothing.

CHAIRMAN STRAIN: That doesn't happen with John. He's always busy.

MR. PODCZERWINSKY: Good morning, Commissioner.

COMMISSIONER EBERT: Good morning, John.

I remember when Naples Reserve came two years ago, and we approved that, and -- but it was -- had to do with the road. They couldn't do anything. I understand -- and now you have a trip generation on this parcel. And I'm sitting here, and I'm going, wait a minute. You have started the interchange -- I mean the roadwork. Has that been started?

MR. PODCZERWINSKY: Yes, that has been. FDOT, I believe, has already let their bids. They're out on the site preparing. I haven't been down there recently to know what their progress is at the moment, but I do know that they're in process with construction at this point.

CHAIRMAN STRAIN: Well, I was down there yesterday or day before yesterday, and they've got a lot done, and the place looks completely different. It is a swath of land that they've cut out that's amazing. They've got the cranes working, they're putting the bridges in south of this, got a lot of work going on. I mean, it's amazing what's going on at that intersection right now.

MR. PODCZERWINSKY: And with regard to FDOT, have they started on the roadway widening project at this point?

CHAIRMAN STRAIN: Oh, yes. They've got it down quite a ways, and they're tearing it up. They're moving faster than the county. Oh, no.

COMMISSIONER EBERT: Will there still be a trip generation at 4:30 -- I think it was 4:35 or something? Let me see. On this? Yeah, 4:35 for two-way. Will there still be a limit?

MR. PODCZERWINSKY: Yes, yes. We would recommend a limit on the maximum number of trips that they could generate. Just --

COMMISSIONER EBERT: But nothing has been built yet, John. How do we know?

MR. PODCZERWINSKY: When you say nothing has been built yet, do you mean on this site?

COMMISSIONER EBERT: These buildings are not in place.

MR. PODCZERWINSKY: Correct.

COMMISSIONER EBERT: So how do we know what's going to be built there and what the trip generation is going to be?

MR. PODCZERWINSKY: In particular we don't, but that's why we institute the trip generation cap. It allows the applicant to develop the different land uses that he's applied for within his zoning, up to that cap but no greater than that cap. And the reason for that is that it limits the public's exposure to the potential trips that they could generate.

I know that there are different land uses, such as gas stations, that sort of thing, that can be very high trip generators yet still fit within certain zoning categories. When those come along, we like to make sure that the total trip generation that those sort of uses produce offsets the other uses that are within the site so we don't have too many trips being generated by one project.

COMMISSIONER EBERT: So this is an activity center.

MR. PODCZERWINSKY: Uh-huh.

COMMISSIONER EBERT: Do you take the activity centers by quadrant, like the northeast, the southeast, whatever? Do you do your trip generations that way or is it, it's going to be a six-lane road, so whatever you --

MR. PODCZERWINSKY: We actually do our trip generation related directly to the project that's at hand. So it would be the proposed land uses that they have. We look at the highest and best land uses that they process, and we have their traffic engineer analyze what the maximum trip generation for those highest and best uses could be.

COMMISSIONER EBERT: Okay.

MR. PODCZERWINSKY: We do compare that to the total capacity that's available on the adjacent roadway, so --

CHAIRMAN STRAIN: You do that for all projects. So every project that comes in here with a range of uses that -- TIS is generally down on the most intensive use. And so the number we see is always the highest that could theoretically come out of that project's development, so we're always covered with a cap.

COMMISSIONER EBERT: I'm doing this for a reason, Mark, yeah. Okay.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I just wanted -- just one of the things I wanted to know, because it is an activity center, and there's four corners there.

So thank you, John.

MR. PODCZERWINSKY: Absolutely.

CHAIRMAN STRAIN: John.

COMMISSIONER ROMAN: John.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: I had a question before you left. I didn't want you to go ahead. Could you put that cap of 435 in context for me? When you're looking at a highest and best use of a parcel that can be developed, what does that mean?

MR. PODCZERWINSKY: Well, I'd actually like to defer to the applicant's traffic engineer on what he's analyzed under that 435-trip cap. But, basically, what it would be -- at the square footages that are proposed, it would be the highest trip generator such as retail for each of those building pads that they're proposing consolidated together.

Now, if they had a particular trip generator that was higher than one of those, it would offset the square footage of that particular site, smaller --

CHAIRMAN STRAIN: And, Norm -- you're getting there, but Richard has the same -- Rich Yovanovich has the same problem, so -- he's directionally challenged.

MR. TREBILCOCK: It's geared toward staff. Could be, I guess.

MR. YOVANOVICH: But I'm not an engineer.

CHAIRMAN STRAIN: He's not an attorney, thank God.

MR. TREBILCOCK: He thinks he is. No.

Good morning. For the record, my name is Norm Trebilcock at Trebilcock Consulting Solutions, and I was the traffic engineer for -- the planner and engineer for the project.

What I'm showing you on the visualizer, that's actually the existing allowed zoning. And so what staff has done is capped us at the trip generation rate that's allowed for, say, the current zoning conditions out there on the property.

When we looked at potential uses, since we didn't have a specific user, we looked at, like, a shopping-center type use, and we're slightly higher with what we had, though in the end what we agreed to is just hold to the cap what currently is out there.

But that gives you kind of an array of uses that are currently allowed on the property there, so --

COMMISSIONER ROMAN: Can you, like, step me through the first line; that shows that if you would do a sit-down restaurant at 6,000 square foot --

MR. TREBILCOCK: Yes.

COMMISSIONER ROMAN: -- on the property --

MR. TREBILCOCK: Yes, exactly. You could have a high turnover sit-down restaurant. You could have a drive-in bank. You could have some medical office and then also a fast-food restaurant as well, so that would be the mix that you could fit on the property, and that would get you the 435 peak-hour trips, two-way trips on the property.

The other alternative we just looked at is just like kind of an overall shopping center use, and we identified that potential square footage in the neighborhood of 44,500 square feet to just give you an idea of the various uses and how it would match up.

COMMISSIONER ROMAN: Since I transit that intersection almost every day, I mean, I could see more trips being generated depending on what you put in that parcel and the attractiveness there, because that's an untapped market for sure.

MR. TREBILCOCK: Exactly. You're exactly right, and that's why staff wanted to look at kind of capping overall trips. Like John had said, you can put some different uses that may be more intensive and so on and have an overall cap on the property.

And when we go to develop, we would also need to do an appropriate link analysis to make sure that there's capacity out there at the time of design.

COMMISSIONER ROMAN: And when you look for the trips generated, are you looking at it over an area, like are you looking at within 10 miles, or how do you look at those trips?

MR. TREBILCOCK: Yeah. What we do is we'll look at the trip rate of the property, and then what it will do is it will radiate out. You know, right in front we're going to have 100 percent of our trips, and then as we move to the intersection, it will start to disperse and in some cases be absorbed by adjacent property.

So eventually what we do is we get out to a point where we're not creating an impact, you know -- or the level-of-service impact is below the thresholds.

COMMISSIONER ROMAN: How do you factor in Marco Island 10 miles away that certainly is going to that intersection more and more?

MR. TREBILCOCK: Well, that would be one area that we do -- would look at as well, so we'll do a percentage. A lot of times it will be empirical. We'll estimate and work with staff and determine what we feel the traffic is that's going to, say, gravitate towards Marco Island.

COMMISSIONER ROMAN: Or from Marco to there.

MR. TREBILCOCK: Or from Marco, exactly, both ways, and whether it comes, say, off of San Marco Road or from 41, right.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: And, Nancy, do you want to provide a staff report?

MS. GUNDLACH: Just that staff is recommending approval. Thank you.

CHAIRMAN STRAIN: If there's no other questions, we'll move to public speakers. Any members of the public wishing to speak on this item?

Sir, come on up and identify yourself for the record. And you'll need to be sworn in by the court reporter.

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

MR. JACOBSON: Good morning. Barry Jacobson. I live in a condo at 6840 Beach Resort Drive, No. 11, and I'm directly impacted by this construction, along with about 32 other condos that are right across from this wall, the existing wall.

And my issue is the way the wall was explained by this gentleman here, that he seems to think it's only 20 feet left, but there's approximately 20 condos between where the wall ended and where it has to continue on behind the storage unit, and that's, I think, over 100 feet.

And my second issue is that I don't know when you want to put that up. That's up to you, Commissioners. We are concerned with not only the noise but of food that goes into different stores there and restaurants. We have an issue with rodents. We're very concerned about that issue.

And how high are the buildings going to be? If they're going to be very high, we'd like to know, and we'd like to know how much it's going to impact us on our odor from the buildings, and from especially the food emporiums of whatever goes in there.

These are concerns we've had with the previous builder to the east of that site, and we've had a lot of problems with that, which have been corrected since. But we would like these addressed, and we'd like to know what's going to be done prior to construction. And if it's not, if it's going to be done during construction for financial reasons, we understand that, and I understand that.

But that letter points exactly on point to many things that a lot of us have discussed. Now, a lot more people would be here, but a lot of them left last month. So I'm kind of like one of the last war horses before I go away for a couple months.

But I'm a year-round resident, and I have a big problem with not knowing exactly what's happening here.

So I've learned a lot this morning, and I have to learn some more, because I take issue with what's going to go in there. This is going to impact our lifestyle.

And it's 422 units in the entire Falling Waters there. The last time we had a meeting, there were people from the other side, but they would only hear the noise because with the construction that's going on there and the way they're correcting the CVS right next to us on the corner, there's a traffic issue that's really dangerous.

Please drive it and see for yourself. When you come out of CVS and go onto Collier Boulevard, at the same time vehicles come off of Marco Road or make turns into 41, they come together like this, and they're jockeying for position if you're going to Falling Waters, CVS, or go straight ahead. Now, if they're

going to drop more traffic in there, you have to have a hell of a good plan.

And safety -- I was glad to hear about all the safety you're concerned about, because this is a major issue, and it's a big issue for us. My wife used to walk, until I stopped her, from us to the CVS. One of the gentleman said, who just left, that they didn't want to make a mistake and have a walkway that leads into a roadway. Well, in order to get to CVS, after you walk around the corner, that pavement stops, and we have to walk into that driveway where traffic's coming at you from both ways. It's a bad issue, and we would really like you to try and do something about this.

And, obviously, they're working diligently there, doing a hell of a job on the intersection, and they're making a lot of changes. But the way this was explained just now really put a cold chill down my back because it's not going to be good at all from what I've heard. Not for us or for the other 20 condos that are next to us.

So I'd like to hear something, and I'll be glad to come back and testify whenever, whatever. I'm used to testifying in court, so it doesn't upset me.

So any questions, I'll be glad to ask (sic) them -- answer them.

CHAIRMAN STRAIN: Just a comment, sir. The situation we've got -- up here.

MR. JACOBSON: Oh, I'm sorry.

CHAIRMAN STRAIN: The situation that this applicant has come forward with is -- and has more or less opened the meeting with a series of changes they're going to make to their document, were changes trying to address compatibility with your neighborhood specifically, even though at the time they were written we didn't have a lot of input from your neighborhood.

The traffic issue that you bring up as one of the most dire issues, they have agreed to limit the traffic with the changes they're asking to no greater than they previously had a right to do.

Now, a part of that is they took out some uses that they currently have a right to put in that would probably be more intrusive to your neighborhood now than if they were to leave them in.

By taking out, like, a Site gas station and some of the big gas stations that so many people are concerned about recently with all the bright lights and that's -- they're not going to have any of those there. They're not going to have convenience stores with gas stations.

Those are some really positive things that weren't there before today. And by the time this goes through the process with those exceptions, you'll end up making it a little bit, hopefully, more compatible, not less.

Now, as far as the height issue, we're going to ask them to address that before we finish today. And that's just something that -- your lighting requirements, the fact that dumpsters can't go closer than 100 feet, none of those restrictions were there before.

The sound issue, that wasn't there before.

MR. JACOBSON: Also the wall.

CHAIRMAN STRAIN: Well, the wall was -- is going to get completed one way or another.

MR. JACOBSON: The wall that -- we use the word "wall"; it's a very ominous statement. This wall's, like, to 10, 12 feet high, solid wall, right to the back of the storage area on Collier. We're talking about a big wall, and probably an expensive wall to the builders, but it has to be done, and --

CHAIRMAN STRAIN: Well, that's not coming off the plate. That is staying there. They've asked, from an economical point, which makes sense, when they have workers on the site, it would be better to finish the wall at that point than try to have them connected to --

MR. JACOBSON: I understand, and I agree. I do understand and agree. But I want this to be brought out that the wall is not only 20 or 30 feet to be completed. It's a hell of a lot longer.

CHAIRMAN STRAIN: Well, whatever the original requirement was for that wall to be in place, wherever it was supposed to go, they have to complete it there. So I can't tell you sitting here today that the original requirement was to go as far as you're indicating. But whatever it was, they have to complete it. And that original requirement still is intact.

MR. JACOBSON: Well, we understood it and, from the other neighbors, I understood also when we spoke that it's supposed to go to the end from where the condos start before they make their turn coming into our property, that's to go all the way over at the end, which would be in the beginning of our condo here, the

wall would continue this way and be opposite all the condos, that margin of protection and everything. That's the way we understood it.

CHAIRMAN STRAIN: Okay. Now, something else that's happened today that's going to benefit you in regards to that wall, the original master plan had buildings and activities much closer to your property than the new master plan. We are adopting -- if this is approved, there will be a new master plan as part of the record, and it's keeping everything further back from your property than where it was and the way they could do it today.

And that will affect where the wall -- you know, that would affect wall -- you know, that would affect everything and those -- hopefully those issues are better for you, not worse.

MR. JACOBSON: Would it be a problem that when you decide and when you complete the meeting, somebody send me a letter on where you stand with all of these issues?

CHAIRMAN STRAIN: Well, staff can -- Nancy, right there. Can -- at some point -- we're going to take a break here shortly. During the break, if you'll provide her with your name and address, she can give you all the information, and we are not the deciding vote of people on this matter. It goes -- we make a recommendation to the Board of County Commissioners.

MR. JACOBSON: Okay.

CHAIRMAN STRAIN: They will hear it. They go on vacation in July. I don't know if they'll hear it before their vacation or September, October when they get back.

MR. JACOBSON: That's all right. I won't be back till September anyway, so --

CHAIRMAN STRAIN: Okay. But during the break, get together with Nancy, and she'll get your information.

MS. GUNDLACH: This is tentatively scheduled for the June 24th BCC hearing.

CHAIRMAN STRAIN: Okay. So --

MR. JACOBSON: I can't make that, but --

CHAIRMAN STRAIN: Well, then your concerns by letter or email, that's one of the best ways to communicate because it gives people time to review your concerns ahead of time and be prepared for them instead of dropping them at a meeting. So if you can't be here, send a letter to Nancy.

COMMISSIONER EBERT: I have a question for the gentleman.

CHAIRMAN STRAIN: Yes. Go ahead.

COMMISSIONER EBERT: This wall that you're talking about, I have not visited the property. Is it just this parcel, or is it beyond there that a wall is needed, or is it just this one little section?

MR. JACOBSON: I don't know anything about "little section." The wall starts down by the back of the construction company on 41 and -- yeah, that's a good idea. If you would put that there, I could show them. On 41, and it extends all the way down and stops.

CHAIRMAN STRAIN: You'll have to use that mike if you're going to talk. There's a walk-around mike there.

MR. JACOBSON: Okay. Right here, this building here, this is me. Now, each one of these buildings have 16 units in them. This wall where it ends -- okay, this wall doesn't end here. This wall ends across from me back here, and this wall has got to go all the way to at least cover here, the way we understood it. So you're talking from here to approximately here. How this red line got in here, unless I am a little blind or --

CHAIRMAN STRAIN: No. Those are the property owner's lines. Where you're suggesting -- he cannot go, legally, past those red lines. That's not his property, so he can --

COMMISSIONER EBERT: That's why I was asking, Mark.

CHAIRMAN STRAIN: He can take it to the extent of the red lines, if that's what's required, but he can't go beyond there.

MR. JACOBSON: Okay. Because as far as I know, these other people in this building, these other 10 units, they expect it to go to here, which is behind the construction -- right here is the storage unit right here. This is some kind of preserve or reserve, I don't know what you call it, but it is.

CHAIRMAN STRAIN: Okay.

MR. JACOBSON: Is that clear?

COMMISSIONER EBERT: Yes. That's why I was asking if it -- because you're right, he can only do what is on his property, and he's not to go on other people's property for the wall.

MR. JACOBSON: Okay. Is there any way to correct that or change that?

CHAIRMAN STRAIN: Well, that's something that the staff can check and see if the records for the CVS pharmacy required the wall and whether or not they -- if they didn't put it in, why they didn't.

So we can -- the county can check on that and maybe, Nancy, you can follow up and see if that -- the conditional use or the PUD for the CVS pharmacy required it. If they didn't require it in their documents --

MR. JACOBSON: I understand.

CHAIRMAN STRAIN: -- then we're stuck. But if you take a look --

MR. JACOBSON: If you could check it out, I'd appreciate it.

CHAIRMAN STRAIN: And we're going to take a break as soon as we finish with you, and then during that break, if you could give Nancy your information, she can get back with you.

MR. JACOBSON: Absolutely, thank you.

CHAIRMAN STRAIN: Thank you, sir.

COMMISSIONER EBERT: One other quick one. I notice on Nancy's report it says the undeveloped parcel is the proposed ABC Liquor, so that might shed some light on it. They have not built, but --

MR. JACOBSON: They didn't go in there; the liquor store didn't go in. They backed out. That's the way I understand it, and they would have had completed all the way to the storage unit also. So that's the way I understood it. Now -- unless things have changed, which changes quite a bit.

Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

With that, we're going to take a break for 15 minutes. We'll come back at, what is it, 10:50. Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. Welcome back from break, everyone.

One of the things that makes break delightful occasionally is when Karah Lewis, who is our court reporter's daughter, sends her here with a bunch of fresh brownies. So thank you, Karah. We much appreciate it.

COMMISSIONER ROSEN: Wait. Where are they?

CHAIRMAN STRAIN: You didn't know?

COMMISSIONER ROMAN: I didn't get one either.

CHAIRMAN STRAIN: He's the new guy. We're not going to tell him.

COMMISSIONER ROMAN: Stan (sic), they did the same to me, so --

CHAIRMAN STRAIN: Okay. With that, we'll move back to public speakers. Is there any members of the public who wish to speak further on this particular issue? It's the U.S. 41/Marco 41 commercial.

(No response.)

CHAIRMAN STRAIN: Okay. Further questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Bruce, one of the items brought up -- and I'm going to read a list of things that you already have addressed, at least some of them. You're announcing -- your opening statement today addressed a lot of the issues.

One I didn't hear anything about was the height, and that was brought up by the gentleman that was here, spoke previously.

MR. ANDERSON: What we would propose, Mr. Chairman, is for those uses that we were seeking the increased building allowance size for, that those categories, those three categories that if we, in fact, do exceed the 5- or 6,000 square foot that is currently applicable, then in that instance we would limit the buildings to two stories not to exceed 35 feet.

CHAIRMAN STRAIN: You're not limited now for the straight zoning that you have, right?

MR. ANDERSON: That is correct. Well, 50 feet.

CHAIRMAN STRAIN: Well, I mean -- yeah, but you're not limited by the CU or the straight zoning -- or the straight zoning that you have because it's not under a CU or anything.

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. So any building that you would build that would be of greater square footage for the use that is being suggested for this conditional use would come under the new height restriction.

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. That seems fair. Anybody else?

(No response.)

CHAIRMAN STRAIN: And I think the rest of the issues that the gentleman had called about one way or another have been addressed.

As far as the wall goes, I believe -- and I want to make sure we're all on the same page. You're going to be completing the wall across the back of your property, period, one way or another?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. And staff will research the CVS pharmacy. And if CVS said that you guys were going to do it and they volunteered you to do that, well, we'll see what happens. But I'm sure staff can look into that and get back to the gentleman so we address his concern.

COMMISSIONER ROMAN: I have a question regarding the wall.

CHAIRMAN STRAIN: Yes.

COMMISSIONER ROMAN: And I had a couple questions for Nancy during the break. But I was wondering if we couldn't front load the completion of the wall, say, upon construction, so that the neighbors have that wall completed before construction begins on the actual property itself, so --

CHAIRMAN STRAIN: I think that was the issue they're asking for some relief from.

COMMISSIONER ROMAN: I mean not now but when it's developed, put the wall in, and then proceed with your development.

MR. HOOD: Frederick Hood, for the record, again.

Would language such as "prior to any building permit being approved" be acceptable? Because that's before construction or anything.

COMMISSIONER ROMAN: Yeah. To me, it would be. But I'd like to see the neighbors shielded from the actual construction and subsequent development there.

MR. HOOD: Okay. We can do that.

CHAIRMAN STRAIN: So before you get an approved building permit -- I mean, you could submit and have your review going out, but before the permit's issued, you'll have the wall finished.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. That sounds good.

Thanks, Charlette.

If there's nobody else, any questions, we'll close the public hearing. I have a series of comments that I've written down. And, by the way, I would strongly suggest that we ask this one to come back for consent because of the number of changes that were read to us, and we haven't had a chance to discuss them. But we can get that in the process quickly and for the June 5th meeting, I hope.

In order to do that, Nancy, when would you need the newly drafted -- the newly completed document with the changes?

MS. GUNDLACH: We're going to try to shoot for close of business tomorrow.

CHAIRMAN STRAIN: Okay. Does that work for you guys?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. That's important, because I'd like -- you'd be the first up on consent when you come back in June, and we could finish it that day then and not lose your schedule with the board.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Some of the highlights of the discussion -- and this is not all of them, but I want to make sure the panel here is aware of some of the things that were offered today.

One, that no outside amplified sound except from the front of buildings. That sound -- the use of

whatever is used to amplify the sound will not break the side plain of the building except for any potential drive-through speakers for the limited number of drive-throughs that are allowed, and all amplified sound be limited to 8 a.m. to 10 p.m.

Outside lighting is to be shielded and no taller than 15 feet from the locations that the applicant articulated in the beginning of the meeting.

There will be a rear wall and buffer along Falling Waters that will be completed before the building permit is issued on any of the proposed buildings in the -- this current location.

Building heights will be limited to two stories or 35 feet zoned and 45 feet actual for those uses utilized through the use of this conditional use. There will be only one drive-through allowed.

The dumpster locations will not be within 100 feet of Falling Waters.

There will be no gas station or convenience stores with gas pumps allowed, and there's a series of other exceptions that I think you read into the record in the beginning; those will all be put into your new draft.

Minimum setback for the order -- any ordering window for a drive-through or other facility will be 100 feet.

Page 2 of Exhibit B will be eliminated.

The approval -- if approval is recommended, it will be subject to staff recommendations as revised.

Traffic will be limited to the previous trips, and I think that's all.

Does that sound, generally, what -- we are on the same page?

MR. ANDERSON: Yes, yes. I just wanted to make sure. You said one drive-through. It's one drive-through restaurant, limited.

CHAIRMAN STRAIN: Glad for the clarification, yes.

COMMISSIONER ROSEN: Mr. Chair, didn't we also talk -- unless it was in the staff report -- about delivery times?

COMMISSIONER EBERT: Yes, we did. It's in the staff report.

CHAIRMAN STRAIN: Yes, it's a staff stipulation; that's why I didn't articulate it separately here.

COMMISSIONER ROSEN: Thank you.

CHAIRMAN STRAIN: Okay. Does anybody else have any ideas, comments, thoughts? If not, is there a motion for this particular action?

Go ahead, Diane.

COMMISSIONER EBERT: I make a motion we approve CU-PL20130001768, the Marco 41 Park, with the stipulations that were read from Mark today.

CHAIRMAN STRAIN: And this will be coming back on consent.

COMMISSIONER EBERT: Yes. It will be coming back on consent June 5th.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Karen beat you to it. Motion made by Diane.

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 ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir. Appreciate your time.
We have two more items to finish today.

***The next one being Item G, 9G on our agenda. It's PUD-A-2014 -- or 20140000342. It's the Naples Reserve Golf Club residential planned unit development. This is for an excavate -- commercial excavation permit and process.

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. Disclosures from the Planning Commission.

COMMISSIONER CHRYZANOWSKI: I had a brief but fascinating conversation with Bob Mulhere.

CHAIRMAN STRAIN: Okay. Mike?

COMMISSIONER ROSEN: No disclosures on this project.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: I had a meeting with Bob Mulhere, but mine wasn't fascinating.

MR. MULHERE: Thank you.

MR. YOVANOVICH: Was it brief?

CHAIRMAN STRAIN: No, it took a while.

Then I went with Nancy and drove up and down the street under the -- looked at the property that the applicant's involved with and took a close look at the road conditions and all the other aspects of the haul route.

Karen?

COMMISSIONER HOMIAK: Spoke to Mr. Mulhere.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: I spoke with Bob Mulhere, and I did a site visit.

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

MR. MULHERE: Thank you. For the record, my name is Bob Mulhere, Hole Montes, here on behalf of the applicant, SFI Naples, LLC.

Here with me this morning -- Don Mears is the applicant, and I also have -- Rich Yovanovich is our land-use attorney, and Emilio Robau is the civil engineer on the property, and Norm Trebilcock is our transportation consultant.

I think I can do a fairly brief introduction. This project has been approved for a while as a PUD -- and a couple years ago the PUD was amended to eliminate the golf course -- it's a residential PUD. To eliminate the golf course and basically revise the plan of the development to create a lake-centered development.

It is presently approved to allow for up to 420,000 square feet -- cubic yards of earth and material to be removed off site but limited to the U.S. 41 widening project.

The proposal before you today would increase the amount of earth and material that could be moved off site to a total of 1,050,000 square feet, an additional, basically, 650-, 630,000 square feet.

There is an excavation permit already approved for the already approved 420,000 square feet.

MR. YOVANOVICH: Cubic yards.

MR. MULHERE: Cubic yards. I keep saying square feet. I'm sorry.

CHAIRMAN STRAIN: That's on record now, square feet.

MR. MULHERE: You looked confused.

COMMISSIONER EBERT: Well --

MR. MULHERE: Ms. Ebert?

COMMISSIONER EBERT: I am, because in reading this it was -- I thought it was 40,000, 20 and
20.

MR. MULHERE: No.

COMMISSIONER EBERT: I didn't see 420.

MR. MULHERE: Yeah. There's an excavation permit in your packet.

COMMISSIONER EBERT: Yes, I know.

MR. MULHERE: And I'm going to -- I don't know what page it is in your packet. It's labeled Attachment D.

COMMISSIONER EBERT: Okay.

MR. MULHERE: The date is October 8, 2013. And if you look at No. 2, it says off-site --

COMMISSIONER EBERT: Got it.

MR. MULHERE: -- removal shall be limited to 420,000 cubic yards, subject to the standard conditions and so on and so forth.

I have to admit the way the PUD was -- and I didn't write that language. It was confusing. It could -- sort of -- it could have been read two ways.

COMMISSIONER EBERT: It was in the PUD, yeah. Okay, thank you.

MR. MULHERE: We have had conversations with a number of developments that are in close proximity to Naples Reserve. We believe there is significant demand for this fill within a relatively close geographic area; therefore, we've agreed to a diameter -- a limitation of a 10-mile radius from Naples Reserve within which we would deliver the product.

We also believe that we will be able to remove that material and deliver it. They'll complete the excavation in a reasonably quick period of time.

As you know, the roadway project is already ongoing, so that demand exists today. And there are a couple of other projects moving forward that have expressed the desire to use that material.

Without our being able to provide this material, those fill materials are coming from, for the most part, as far away as Alico Road, 30 miles away.

So this does have a benefit to the county at large in that that will reduce the truck traffic coming from those distances across the county roads. They'll be much closer.

We did have an NIM. I think it was on April 9th. Actually, let me confirm the date of that.

Yeah, April 9th, there were four members of the public there. The biggest concern was whether or not there would be utilization of the entry road to Naples Reserve which also provides entry to the residential development immediately to our south, Reflection Lakes. We do plan to be using Greenway Road for the excavation trips.

CHAIRMAN STRAIN: Could you put those two -- could you put a map on the overhead that shows us the location of those two roads in comparison to your project when you're speaking.

MR. MULHERE: You bet.

CHAIRMAN STRAIN: It might help us better follow what you're saying.

MR. MULHERE: Sure. So here's Naples Reserve, here's U.S. 41, here's Reflection Lakes right here, and here's the entry road which moves up in here and provides access to us, but also provides access to Reflection Lakes right here, and then Greenway over here.

As I said, the truck traffic will be utilizing Greenway, which I think brings us to the one remaining discussion item, at least from our perspective. There probably are some more from -- you-all may have some other questions, but -- and that relates to the cross-section and the improvements that we can make to Greenway.

I'd like to ask Norm Trebilcock to come up and provide you with a graphic exhibit and also a discussion as our transportation professional on what we propose to do to improve Greenway to create a safe condition both during the excavation period and then afterwards.

CHAIRMAN STRAIN: I just -- before you go into that --

MR. MULHERE: Sure.

CHAIRMAN STRAIN: I didn't think of this until you mentioned something a little while ago. You said the people in the development that's shown here to the south of Naples Reserve did not want the Naples Reserve entrance road to be used.

MR. MULHERE: Not for the truck traffic, and of course --

CHAIRMAN STRAIN: Right.

MR. MULHERE: -- we built that access. That's our primary access.

CHAIRMAN STRAIN: Right. You built that access, and it goes along, from what I can see here,

maybe -- not even two dozen -- a row of two dozen, maybe, apartments, or whatever those buildings are. And it's a -- isn't that a two-lane median separated road? I mean, it's a brand-new road.

COMMISSIONER ROMAN: Which one are we talking about? The one that goes by Reflection Lakes?

CHAIRMAN STRAIN: The one to the -- Bob, could you point to the --

MR. MULHERE: Sure.

CHAIRMAN STRAIN: Why don't you just point --

MR. MULHERE: It functions really as a project entrance right here.

CHAIRMAN STRAIN: There. You've got that road. And then show her Greenway.

MR. MULHERE: Well, Greenway is right here.

CHAIRMAN STRAIN: Right. So Greenway -- the length the trucks got to use on Greenway, which is built to rural standards, is three times the length that they could use to get to 41 if they simply went down the road they put in for their own development, which is to the south of Reflection Lakes, or actually to the west the way this -- in reality.

But I'm thinking, Bob, why did you guys not look at that road? Why are we all trying to turn a rural road into something it can't function as?

MR. MULHERE: I don't believe that we intended to use that roadway because the neighbors in Reflection Lakes objected. And also, that's our project entrance, and we'll be -- we'll be -- we'll actually be -- we are developing the project right now, so we kind of don't want to have the conflict of truck trips and sales activities and those kinds of things.

CHAIRMAN STRAIN: So you dump it on residents along Greenway that have no reason to expect what you're going to dump on them.

MR. MULHERE: Of course, there's far fewer, far fewer -- there's --

CHAIRMAN STRAIN: No. Regal Acres -- look at Regal Acres right now. That development alone has more houses dumping only onto that road than you have in those little strip of homes next to the entry to Naples Reserve, and Reflection Lakes has a main entrance on 41 they could use.

MR. MULHERE: No, I think they have a secondary access on 41. Their main entrance is right here.

CHAIRMAN STRAIN: So for them to get out to the road to make a right to get to work in the morning, they could go out and have direct access to 41, but the people on Greenway have got to sit in long lines of traffic as a result of your trucks. I'm just wondering why wouldn't it be closer than another shorter road, which seems to be a much shorter distance?

MR. MULHERE: I think we can address the concern of conflict of trucks and hours -- through hours of operation, through managing the hours of operation.

CHAIRMAN STRAIN: Now, there's sidewalks on the main entry road?

MR. MULHERE: I don't -- yes.

CHAIRMAN STRAIN: There are, okay. I'm -- now, you've really -- I wish, Nancy, we had gone and looked at that road while we were there, too.

COMMISSIONER ROMAN: I was on that road, and it was a divided road, as you suggested, that road. It's divided with the median. And it goes, though, along -- the houses in Reflection Lakes -- the road goes along the back end where their pools and lanais are as you drive in that road. So, you know, your point is --

MR. MULHERE: I can tell you, they were concerned about that because of the proximity.

CHAIRMAN STRAIN: Well, your trucks come in on Greenway and go out on Naples Reserve. Then they're on the outside lanes on Naples Reserve. Those people wouldn't have the issue.

I mean, that would also solve the problem for stacking people up on Greenway Road on a road that, with loaded trucks, is dangerous.

Rich is stretching. I can tell he's got something to say.

MR. YOVANOVICH: Mr. Strain, just from a practical standpoint, we have coordinated very closely with the residents of all areas. We've actually -- Mr. Mears has actually walked the streets for the people who front Greenway and has met with Habitat, and we've also worked with the Naples -- the residents in Reflection Lakes.

With that being our project entrance, there's no way, from a practical standpoint, we can maintain a residential community that we're trying to market and sell having that be the exit for these types of activities. It just, from a practical standpoint, will not work. From a --

CHAIRMAN STRAIN: How do you justify dumping that on a --

MR. YOVANOVICH: First of all, Greenway -- we have the right to use Greenway, and we're not --

CHAIRMAN STRAIN: You do, but not for --

MR. YOVANOVICH: Hang on a second.

CHAIRMAN STRAIN: -- excavation till you get approval.

MR. YOVANOVICH: Well, I've already -- correct, to expand the excavation. We already have the ability to use it for the 420,000 cubic yards for the project on U.S. 41.

We have -- we plan to improve the road that is Greenway from the current condition to a better road as a result of our project. So the community will be receiving a benefit. They'll get a better road than currently exists. We will address concerns that you raise regarding interfering with people going to work through hours of operation.

So it is a positive for the residents on Greenway and will not be a liability to the residents within Reflection Lakes and will not be a liability for this project.

The overall community benefit is, as Bob mentioned, you're going to be taking trucks off the -- over the overall county transportation network to bring fill to this area. So there's that benefit. The residents along Greenway, which there are not that many residents -- they're primarily businesses, agricultural businesses -- will get a better road than currently exists. So we believe that, overall, we're taking care of everybody in the area by what we're proposing.

CHAIRMAN STRAIN: Well, we're going to go through the process to hopefully determine that today, Richard, but I wish I had caught that issue ahead of time and had more discussion on it.

Diane, did you want to say something?

COMMISSIONER EBERT: Well, in the executive summary, Rich, which was written for the BCC, in there you did say that you were going to make Greenway better, that you were going to make it a 24-foot-wide road and improve -- you were going to put some walking thing on there, too, I think, some extra pavement or something, bituminous there, for the people that use that. So you were advancing that road.

MR. YOVANOVICH: Correct. We have a cross-section we could show you that we'll make it a better road than currently exists. I believe Mr. Mears wants to add some comments.

MR. MEARS: Good morning, Mr. Chairman, members of the board. My name's Donald Mears with iStar Land Company.

I mean, it's a good observation, Chairman. We looked at both ingress/egress points, and from a practical standpoint, and a density and the amount of people and how close those people live to this roadway, I think really swayed us to go back to Greenway. We looked at going through both roads at one time and having -- and splitting up a hauling operation.

You actually have people that are living in homes on Naples Reserve Boulevard -- their windows are backing up within about 20 feet of the edge of pavement -- compared to Greenway Road, which you've been out there and seen in a rural section where people own a 5-, 10-, 20-acre parcel of land and their homes are set back quite a distance from the roadway.

And there's only about five or six of them that really actually front that mile of roadway; whereas, you have, from a density standpoint, probably somewhere in the neighborhood of 70 to 80 homeowners that are right on Naples Reserve Boulevard within, basically, a small stone throw from the edge of pavement.

So from proximity standpoint, it made a lot more sense to try to use our ingress/egress point of hauling on Greenway. And that was -- and the obvious is that's our marketing window. That's our main window for our homeowners that are going to be moving in there at the end of the year.

And so you've got a conflict with traffic impact not only coming out of the secondary entry from Reflection Lakes but also our main entrance coming into the community of Naples Reserve.

So for those reasons we thought that it was a much -- a much smarter and less-impact choice to use Greenway for the hauling.

CHAIRMAN STRAIN: Well, hopefully by the time we get done today we'll see.

MR. MEARS: Okay. Thank you.

CHAIRMAN STRAIN: Thank you.

Did you guys finish your presentation?

MR. MULHERE: No.

CHAIRMAN STRAIN: I was going to say, you didn't say much.

MR. MULHERE: We wanted to show the -- we wanted to show the cross-section for Greenway that Norm has prepared.

CHAIRMAN STRAIN: Is that a cross-section of existing conditions or a proposed?

MR. MULHERE: Proposed.

MR. TREBILCOCK: Okay. For the record, my name is Norm Trebilcock of Trebilcock Consultant Solutions. I did the traffic study for the project.

What we have here in this exhibit that we're showing you are -- it shows you existing conditions. The existing paved surface, it's two 10-foot travel lanes, and what we're proposing to do is to widen the pavement by an additional four feet.

What would happen, though, due to the existing conditions of the roadway, in some cases we may need to do that widening to, say, one side versus the other. Ideally, we'd like to split it down the middle two and two, but that would be finalized with staff during the right-of-way permit process.

But for the hauling operations, I think it would make sense to have wider paved surface. In addition, the areas we slope down would be done tomorrow, the shoulder standard, in terms of having it more stabilized so that we have that available.

Ideally, you'd like to have a shoulder on a road, the rural section roadway like this, but there are constraints on the west side. There's a South Florida Water Management facility that was put in by Habitat for Humanity, which creates a constraint for us.

But in the end, what we're looking at is doing the widening initially, and then once the hauling operations is over, do a resurface of the complete roadway once we're out of there.

And the recommendation that I'd suggest here to consider is -- because this is a local street, is to ultimately stripe it back to two 10-foot travel lanes, which meets the Land Development Code criteria for a local street, and then you'd have kind of two feet of additional wider edge that would kind of protect the roadway itself, similar to what, say, valley gutter serves as a function just as a consideration, so that would potentially help you with the speed and stuff.

And I was also recommending, too, to have an audible striping similar to what's out on 41, the two-lane sections of 41. So if somebody is leaving the edge of, you know, the travel lane, that they're notified of it just because this is kind of a constrained condition here as a rural section.

But that's what those pictures show you is the initial where we would do the widening out, and then the ultimate shows you just the resurfacing as well once we've left there.

And, again, this is a second roadway for this community for Naples Reserve so that, again, is another kind of purpose of maybe doing this as well that I think benefits everybody, as Don had mentioned, too.

CHAIRMAN STRAIN: Norm, before you leave, first of all, you had a fellow that works down there named Jim, called me, and -- after I met with Bob Mulhere and explained to me you really need to see this. The idea of a pathway or sidewalk isn't going to work.

MR. TREBILCOCK: Right.

CHAIRMAN STRAIN: He was 100 percent right. In fact, it would create a more dangerous situation and liability for the county to even think of putting one in down here.

MR. TREBILCOCK: Exactly.

CHAIRMAN STRAIN: So unless you're going to bring solid RCP all the way from the north end to the south and install it, grade over it, allow for all the other issues, it doesn't make any sense to put the sidewalk in.

MR. TREBILCOCK: You're right.

CHAIRMAN STRAIN: So what you're proposing, then -- and you show it here. And your comment was you're going to -- you'd put it out to 24 foot wide now.

MR. TREBILCOCK: Yes.

CHAIRMAN STRAIN: You'd stripe it both in the center and audible on the sides.

MR. TREBILCOCK: No, right -- immediately what we'd do is we'd do a center line striping so we'd have additional width in the interim for the truck operations that we have going on for the hauling operations, but then when we do the ultimate overlay, I would recommend bringing it down to maybe two 10-foot travel lanes, and then you'd just have a little bit of an additional edge on the roadway.

CHAIRMAN STRAIN: Well, that's where I kind of want to go to. Right now it's 10 and 10.

MR. TREBILCOCK: Yes, exactly.

CHAIRMAN STRAIN: And there's virtually no shoulder.

MR. TREBILCOCK: Right.

CHAIRMAN STRAIN: So if you were to put 24 in, you have four extra. When you overlay it, you could overlay it to a point where you're moving it to one side and leaving as much of the extra on the other side so, theoretically, they could then stripe it and put some kind of bike lane or something like that in?

MR. TREBILCOCK: That is an option. The only kind of issue there is, if you're only -- if you're providing, say, a bike lane on one side, how do they get to the other direction, and then you're kind of pushing them to go in the opposite direction that they should go as a vehicle.

CHAIRMAN STRAIN: Okay. So the use of that road, other than a road, really, isn't too practical unless you're going to put the RCP in.

MR. TREBILCOCK: Correct, although the additional width is not a bad idea at all for folks.

CHAIRMAN STRAIN: It's not.

MR. TREBILCOCK: I think it's a good idea. It protects even the edge of your roadway because of the shoulder conditions. But, again, if we're trying to hold folks to a lower operating speed, if you give them too much pavement width, they feel too free to travel too quickly, so that's why I thought the striping might be a good idea and give you a little bit of edge there on the roadway.

CHAIRMAN STRAIN: So you re-stripe it in the future to resize it down to 10 feet and leave two feet on each side?

MR. TREBILCOCK: Correct, exactly. And so it does give you a little bit of a buffer edge, I think, which is helpful.

CHAIRMAN STRAIN: When you overlay, your crown's going to be in the center?

MR. TREBILCOCK: Correct, yep, ultimately.

CHAIRMAN STRAIN: Okay. The slope depth on here is somewhat misleading. But I mean, you're -- I mean, they're four or five feet deep in some areas.

MR. TREBILCOCK: You're right. I mean, these are -- again, that's why I'm identifying it as more of a desirable standard. There's -- like you said, there's constraints out there that cause it to be somewhat steep, and that's why you really need to work with -- or we need to work with the right-of-way staff to get the best possible improvement.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have any questions of Norm?

(No response.)

CHAIRMAN STRAIN: Thank you, Norm.

MR. TREBILCOCK: Yeah, you're welcome.

CHAIRMAN STRAIN: Oh, I'm sorry, Norm. Do you have a calculation on how many trucks per day exiting?

MR. TREBILCOCK: Yes. The gross total, I believe, was 28 would be exiting per day, 28 vehicles.

CHAIRMAN STRAIN: So you're going to have 28 trucks per day exiting and, of course, you have 28 or so coming back to fill.

MR. TREBILCOCK: Yeah, 56, exactly. And that's for the full million. The net new would be -- let me see. Let me make sure I get my numbers here. Yeah. The net new, that would be the 17, but 28 total for the whole yardage, because there was the -- previously looked at was the 400,000 for the road -- to help with the roadway project.

CHAIRMAN STRAIN: Right.

MR. TREBILCOCK: And then with -- but just -- if we just look at the net, it was 17 additional trips

per day one way.

CHAIRMAN STRAIN: So basically the trucks would come in, load up in the morning. Whatever number left would never exceed 28 per day?

MR. TREBILCOCK: Correct, correct, coming one way. It would be 56 two-way traffic.

CHAIRMAN STRAIN: I understand. But 28 per day is all the exiting trucks?

MR. TREBILCOCK: No, I'm sorry. I apologize. My bad.

CHAIRMAN STRAIN: I'm already doing the calculations, how are you going to get to a million yards doing this? But I like that.

MR. TREBILCOCK: So sorry. It's the peak hour. I apologize.

MR. YOVANOVICH: Thank you.

MR. TREBILCOCK: Rich, where are you, my engineer?

MR. YOVANOVICH: He's making me do math.

CHAIRMAN STRAIN: We've got a stipulation here.

MR. TREBILCOCK: No, I have to apologize. Yeah. No, on the calculations, the daily volume is larger than that.

COMMISSIONER EBERT: Two eighty.

MR. TREBILCOCK: Okay. Two eighty.

CHAIRMAN STRAIN: Is that one-way or two-way?

MR. TREBILCOCK: That is two-way. So it would be 140 in the peak -- I'm sorry, in one -- coming in.

CHAIRMAN STRAIN: So that's a little -- about 18 an hour on an -- well, eight-hour day.

MR. TREBILCOCK: We're going for -- yeah, 7 to 5 is the time frame I believe we'd use.

CHAIRMAN STRAIN: So these people go to work in the morning have got 18 trucks to wait till they get on 41 before they can leave?

MR. TREBILCOCK: In a peak-hour period.

CHAIRMAN STRAIN: I'm worried about the stacking.

MR. TREBILCOCK: Yes. No, I understand.

CHAIRMAN STRAIN: When they get down into Greenway --

MR. TREBILCOCK: I understand. I understand. The 18 an hour, which would be really equivalent to, like, a single vehicle queue is typically what you're looking at there.

CHAIRMAN STRAIN: So they have no other way out of their home --

MR. TREBILCOCK: It's a right-out movement.

CHAIRMAN STRAIN: -- to get to work except to wait for all these haul trucks that have come from your project sitting there at the end of Greenway to get on to U.S. 41?

MR. TREBILCOCK: Yes, but it's per hour, so basically what you're looking at is less than a single-vehicle queue. I mean, that's really what you're looking at in terms of what you're going to face. In, like, a two -- say a two-minute period, which would be actually high. I mean, a right turn lane would be -- you know, we'd approximately say a one-minute period of time to make that. But if we, say, go to a higher level, I'm talking a single vehicle they'd be behind.

COMMISSIONER ROSEN: It's not all simultaneous either.

MR. TREBILCOCK: Right, exactly. It gets dispersed over that period, especially this type of operation, you get a good dispersion, loading --

CHAIRMAN STRAIN: Well, except in the morning when they're stacked up ready and loaded to go out. But the other -- the concern is that Greenway onto 41 is a single lane.

MR. TREBILCOCK: Correct.

CHAIRMAN STRAIN: And so all the people that are -- in contrast to Reflection Lakes where they had trucks on Naples Reserve, they could just go out their other entrance on 41, make a right, then they don't have to wait for anybody, but these people on Greenway will be trapped till these trucks get onto 41 ahead of them if they're behind them. I mean, that's a fact. No other way about it.

COMMISSIONER ROSEN: Well, they're loaded one at a time, unless you have two sets of loaders, so I mean, they're not all going to come out all at one time.

CHAIRMAN STRAIN: Well, I can tell you -- the stockpiles they have up there, they've got hundreds of thousands of yards ready to go, so they're going to be moving fast. So, I mean, the trucks are going to hit the road fast.

COMMISSIONER CHRZANOWSKI: It still takes two minutes to load a truck at least, and that's 30 trucks an hour.

You said something about peak, 28 truck peak hour. Why would there be a peak? I mean, you're just loading them all day long, and they move at the same speed.

MR. TREBILCOCK: Right, Stan. I mean, what we're looking at, really, is our peak is -- really just occurs throughout the day, because it's an even flow. You're exactly right. And really what we typically look at is that either the a.m., the 7 to 9, or the p.m., the 4 to 6 p.m. time frame.

COMMISSIONER CHRZANOWSKI: So you've got 18 trucks an hour, three minutes between trucks. That's a long time.

MR. TREBILCOCK: Yeah. I mean, that's why, again, when we look at the peak -- when the cars are leaving, say, in the peak period for the residents, they're going to be faced with, at most, a single vehicle ahead of them. It's not -- they're not going to be stacked up 17 vehicles or anything.

CHAIRMAN STRAIN: So you can -- your limitation -- or you're going to have no more than 140 trucks per day exit that facility loaded?

MR. TREBILCOCK: Right. That's -- our average daily operation would be 140, correct, average.

CHAIRMAN STRAIN: Okay. Thank you. See where it all goes.

MR. MULHERE: I was just going to point out that within your package on Page -- Staff Report Page 11 is Exhibit F, which is the list of developer commitments, and there are a couple of other commitments that we've added at the request of staff that really don't have anything to do with the request but that, you know, update or address new conditions that staff wanted placed in there, for example, under utilities and engineering, Item B.

MS. GUNDLACH: Commissioners, Page 5 is the list of developer commitments.

CHAIRMAN STRAIN: Well, the list that he's referring to is Exhibit F. You're referring to Page 5. Exhibit F is actually Page 11.

MR. MULHERE: You're referring to the existing one, which is in the approved PUD. We're talking about the new one.

MS. GUNDLACH: Okay.

MR. MULHERE: Which I think is Page 11; at least on my document it is.

COMMISSIONER EBERT: Bob, it is funny, because on Page 11 of 14, down at the very bottom --

MR. MULHERE: Yes.

COMMISSIONER EBERT: -- see where I said --

MR. MUDD: Yes.

COMMISSIONER EBERT: -- 20,000? So it was 40-. It was on the original PUD that was done.

MR. MULHERE: It was written, in my view, in a confusing way, because you could read that two ways, and one way was more restrictive and the other way was less restrictive.

COMMISSIONER EBERT: No. What happened was between when this was -- the way I see it, when this was done, you had not gotten your excavation permit, and then they figured out what the --

MR. MULHERE: Right, that's correct.

COMMISSIONER EBERT: -- FDOT needed.

MR. MULHERE: Correct.

COMMISSIONER EBERT: So I think there's your difference between July and October.

MR. MULHERE: Yes.

COMMISSIONER EBERT: Thank you.

COMMISSIONER ROMAN: Bob, when we spoke on the phone --

MR. MUDD: Yes.

COMMISSIONER ROMAN: -- I had a question about the conflict with the numbers regarding preserves. Were you able to sort that out?

MR. MULHERE: You know -- and I just needed to confirm with Emilio -- just give me one second,

and I will.

MR. ROBAU: For the record, Emilio Robau. I'm the engineer of record for the entire project.

The preserves have not changed from the original approval of the PUD. The potential conflict that you're seeing -- and I'd have to go crunch the numbers. I'm usually pretty precise, but I suspect it has to do with future reservation for Benfield Road, and also there's an easement on the south side that may add up to the differential. But I have to look at it, because no one's actually posed this question to me.

COMMISSIONER ROMAN: Well, when Bob and I talked a few days ago, I raised it because there's a big difference between 63.7 acres and 41.1. And in the proposed new PUD language there's a strikethrough and an underline in that portion that reduces the preserve.

MR. MULHERE: Yes. So that -- the explanation there is that we haven't changed the conservation areas; that's the larger number, 63.7.

The 41.1 is a calculation of the required native preservation based on 25 percent of the existing native vegetation on site. So we're actually preserving more than the 41.1, and that's platted already in a conservation tract. I believe they are. Yeah, they are.

COMMISSIONER ROMAN: And then my question, why don't we just leave it at 63.7 then, rather than striking that through and adding the minimum of 41.1? I'm on Page 12 of 14.

MR. MULHERE: You could strike -- yeah, you could probably strike through "the minimum of 41 acres of native vegetation shall be retained" and just leave the first sentence in that says "preserve for the Naples Reserve RPUD have been platted previously and are depicted on Exhibit C," RPUD master plan. Just put the period there. That's the existing condition.

I just want -- before I restore that last part of the sentence, I'd want to confirm that that's exactly correct, what we have in the conservation tract. And I was going to do that, and I apologize.

COMMISSIONER ROMAN: Yeah, because that's what's on the original.

MR. MULHERE: Yep. I'm fairly certain that's the case, but I'd like to check it.

COMMISSIONER ROMAN: I don't know, Nancy, if I can show you at the break, if you're not quite following all this, because we had the conversation.

MS. ASHTON-CICKO: There seems to be a conflict, too, because on Page 1 it says the Tract P is 72.6 acres.

COMMISSIONER ROMAN: Yeah. The numbers were at a disconnect, and that's what Bob and I talked about.

MR. MULHERE: Preserve, 72.6, yes. I know we exceed the 25 percent. I'm not sure the exact number. Let me see if I can get that for you.

COMMISSIONER ROMAN: That would be something that I would like to keep.

CHAIRMAN STRAIN: And I think -- first of all, this isn't going to avoid consent. Second of all, we'd probably be wise talking about it today but not voting until consent, combine it into one meeting, because until I see what's going to get proposed after this whole day, including the cleanup of the environmental language and the issue of the roadway, I'd rather not vote on it until we can see it clear in print what the plans are to really do Greenway.

COMMISSIONER ROMAN: That's good. And staff may need some time to sort out the numbers as well.

CHAIRMAN STRAIN: Okay. Are we waiting for you to do something?

MR. MULHERE: I don't think we're going to be able to get that answer while we're waiting, but I will find out the answer to that.

CHAIRMAN STRAIN: Okay. So did you finish your presentation?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Any questions from the Planning Commission of the applicant?

(No response.)

CHAIRMAN STRAIN: I've got a few. How much fill has been removed to date?

MR. MULHERE: None.

CHAIRMAN STRAIN: None. I notice you've got a lot stockpiled. Have you -- from my discussions Tuesday, I understand that you did hit a shallow layer of rock or a thin layer of rock. So you are

doing some on-site blasting?

MR. MEARS: For the record, Don Mears, iStar Land.

Yes, Chairman, we are doing on-site blasting.

CHAIRMAN STRAIN: Are you doing any rock crushing?

MR. MEARS: Yes, we are producing base rock.

CHAIRMAN STRAIN: Okay. We have a -- I sent Bob some stipulations for blasting and rock crushing that were worked out on another project that had -- was about the same proximity to housing as you are. Did you have time to look at those with Bob?

MR. MEARS: I glanced at, I believe, some attachments that were conditions and regulations tied to mining operations.

CHAIRMAN STRAIN: Yes.

MR. MEARS: I did review those, yes, sir.

CHAIRMAN STRAIN: Okay. Some of those don't apply to you but some would, such as the limitations on blasting, the hours of blasting, the number of loads.

Between now and the next meeting, I'd like you to take a look at the ones that you could incorporate into your document, especially as they pertain to rock crushing and blasting, because you may keep your rock crusher far enough away from residential units there isn't a concern.

But in both the Jones Mine and the Lost Grove Mine we had to regulate it. And those are the stipulations that I sent you. It's from those two mines. I'm thinking that some of them might be suited for you. And if they are, you could put them in your document.

MR. MEARS: Absolutely.

CHAIRMAN STRAIN: That would make the neighborhood rest easier.

MR. MEARS: We'll do that.

CHAIRMAN STRAIN: That would be one way to resolve it. As long as we got them ahead of time, the rest of the board could benefit from those. I know nobody here's seen them.

MR. MEARS: Be more than happy to do that.

CHAIRMAN STRAIN: Okay. That's the only question I have on that issue. Let me see what else I've got.

The haul operation is supposed to cease near the end of 2016 or early 2017, so we would need to put a stipulated time limit for maximum duration. I don't -- I'm sure you wouldn't have a time. Maybe you could propose one when you come back.

MR. MEARS: We can do that as well. We have firm commitments from two or three people right now that are probably going to take all this material, so -- and it's going to be in a -- probably in a faster time frame, so I'd be more than happy to cap my time frame on that.

CHAIRMAN STRAIN: Well, the less duration you have the easier it's going to be, at least for some members of this board, to consider approval.

MR. MEARS: Okay. That's fine.

CHAIRMAN STRAIN: You might want to -- if you don't need that much time, it would be good not to use it.

MR. MEARS: Okay.

CHAIRMAN STRAIN: I've read the staff recommendation on the sidewalk, and I think maybe staff now has changed their mind on that recommendation regarding the sidewalk and pathway, because there doesn't seem to be a way to fit it in, or at least the liability for the county would be greater if we put one in. I'll ask staff to comment on that before we complete this discussion.

And I think I'm getting close to the end of my -- as far as the hours of operation for the trucking, we have three types of operations going on. Excavation, which we can set hours for operations for the excavation; blasting, which is already in those papers I sent you as a time frame; then hauling.

What do you perceive as the need for hauling setting the first truck in the morning on Greenway Road? That's the time of day that I believe would be most sensitive because that's when people will be trying to get to work in the morning; and the conflict of the trucks, I'd hate to see that be too inconvenient.

MR. MULHERE: We have proposed 7 a.m. to 5 p.m.

CHAIRMAN STRAIN: And most people don't leave their house by 7:00. I think most people get to work 8:00, 8:30, something like that. If you were loading up at 7:00, by the time you get the first truck on the road, do you need to start at 8:00?

MR. MULHERE: We can agree to an 8 o'clock start.

CHAIRMAN STRAIN: Okay. That might be real helpful for that road.

The number of trucks per day, the limitation would be, I believe, 140 based on what Norm has told us.

MR. MULHERE: Outgoing, yes.

CHAIRMAN STRAIN: Your hauling will be limited to Monday through Friday?

MR. MEARS: Yes.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: You would -- one of the things in those other mine operations I gave you were wheel washes. So that means you'd have to have a paved area up to the wheel wash so that when the trucks come out of the wheel wash they're not picking up more dirt going onto the local road.

MR. MULHERE: Yep.

CHAIRMAN STRAIN: All the issues about widening Greenway and then overlaying it and putting in the striping?

MR. MULHERE: Yep.

CHAIRMAN STRAIN: In fact, I think one of the neighbors suggested the striping, and that would be a real helpful thing for that road to have, especially with the traffic I saw on it Tuesday.

And once the excavation's complete, you're going to do a final overlay of the road and stripe it accordingly; you'll have a new pitch for the crown. Everything will be set up that way?

MR. MULHERE: Yep.

CHAIRMAN STRAIN: Okay. Well, those are most of the issues I have. Does anybody else have any others?

COMMISSIONER CHRZANOWSKI: Question. How many individual trucks are you going to have hauling? Because they usually show up -- do you have a gate? Are these guys going to sit up outside the gate on Greenway and line up in the morning?

MR. MULHERE: I don't know, Stan. Let me --

MR. ROBAU: Again, for the record, Emilio Robau.

Mr. Strain, we did consider -- I looked at all your comments that you sent back for the other mines. I've done two other mines. And, actually, we have an excavation permit that's currently being permitted that shows the stockpile and processing area, which can include just drawing as well as there's some rock crushing.

In the very northeast corner of the site, with -- I thought that was the most compatible place. That's just adjacent to agricultural uses, et cetera.

The stacking of the vehicles, they'll actually be let into the site, because we have our stockpile and the crushing area, et cetera, at the very northeast corner of the site. There's plenty of room, hundreds of feet, to get the vehicles off of Greenway Road and into the area where they'll be loaded and processed.

COMMISSIONER CHRZANOWSKI: So somebody shows up early and opens the gate and let's them in.

MR. ROBAU: Yes, exactly. That's the intent. We don't want any stacking on Greenway whatsoever.

In addition to that, we're also considering the wheel washes, et cetera. So I just wanted to add that for the record.

CHAIRMAN STRAIN: So could you provide us an exhibit at the next meeting for the -- how you're laying the site out for both the stockpiling and where the rock crusher is? Because that will probably solve a lot of problems in regards to that.

MR. ROBAU: Yeah, it will. We actually have the excavation permits pretty detailed. It's already been in the county. We wanted it to be a companion item for Board of County Commission approval so that these details could be worked out, we wouldn't have to come back and do any of this again --

CHAIRMAN STRAIN: That would be helpful for this board to see it.

MR. ROBAU: Yes. I think it pretty much addresses these.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Do you have a gate now?

CHAIRMAN STRAIN: Yes.

MR. MEARS: Yeah.

CHAIRMAN STRAIN: Yeah, it's on -- I drove through it yesterday -- Tuesday. They've got a lot of nice dirt out there, too. It's a nice site.

COMMISSIONER CHRZANOWSKI: And one thing to remember, the first drivers, the first driver in usually gets out quickly and then the next driver has to wait three minutes till he gets loaded, the next driver six minutes. So these guys show up real early sometimes, and they start waiting outside the gates.

MR. ROBAU: Yes. And, again, we'll be bringing them on site. Like I said, we've got hundreds of feet to stack them. We don't want them on the roadway.

COMMISSIONER CHRZANOWSKI: I know. But if you open your gate at six and they start showing up at five, you might still have a problem.

MR. MEARS: Yes, Commissioner, Don Mears again, for the record.

We're going to have -- make it crystal clear to whoever's going to be hauling what the rules and conditions are, and I think they'll abide by them. Oh, I'm sure they'll abide by them.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: I did have a response that I think will address the preserve issue. So actually we have 72.6 acres of preserve in the conservation tract. I think Emilio was correct, the reason that this 63.7 acres was struck through was that was originally calculated on including the right-of-way reservation. But since we had to make that right-of-way reservation, the environmental staff reduced the required amount of preserve excluding that right-of-way reservation to 41.1 acres.

So what I think we could say is that preserves for the Naples Reserve RPUD have been platted previously and are depicted on Exhibit C, our RPUD master plan, equaling 72.6 acres, exceeding the required minimum of 41.1 acres of native preserve.

COMMISSIONER ROMAN: Well, if he turns that around one more turn here --

COMMISSIONER EBERT: The other way.

MR. YOVANOVICH: Do you want me to do that?

MR. MULHERE: So you can see the preserve area.

MR. ROBAU: How many engineers does it take to --

COMMISSIONER EBERT: Change a lightbulb.

COMMISSIONER ROMAN: I saw that, and --

MR. MULHERE: So these are the preserves right here, and that's the 72.6 acres.

COMMISSIONER ROMAN: This is 72.6 acres that we're looking at right here?

MR. MULHERE: Correct.

COMMISSIONER ROMAN: And then what did you indicate, Bob? How did we get to the 41?

MR. MULHERE: The 41 would have been a calculation of what the native -- what we're required to preserve is 25 percent of the existing native vegetation on the site, so -- where's that aerial? What happened to my aerial?

COMMISSIONER ROMAN: So then what's correct --

MR. MULHERE: First --

COMMISSIONER ROMAN: The first page is correct where it says 72.6 for Tract P?

MR. MULHERE: Correct.

COMMISSIONER ROMAN: That's correct, and that will remain.

MR. MULHERE: Yes, and that will remain. So you see that, you know, there isn't a great deal of native vegetation on the site, so the number is low. That's why when you do 25 percent of the existing native vegetation, it calculates out to be 41.1 acres, but the actual preserve that's in the conservation tract and platted is the 72.6. So we exceed the requirement.

COMMISSIONER ROMAN: I understand. I just wanted to be sure --

MR. MULHERE: Yes.

COMMISSIONER ROMAN: -- that we were clear on what was being preserved, and that's -- as the first page, 1 of 14, Tract P, the preserve is 72.6.

MR. MULHERE: That is correct.

COMMISSIONER ROMAN: Okay. And then how did you propose to change the --

MR. MULHERE: Well, we could change that to be clear.

COMMISSIONER ROMAN: -- on the A and on environmental.

MR. MULHERE: Yes, to read -- I'm looking for that condition right now. Right here. It's the preserves for the Naples Preserve RPUD have been platted previously and are depicted on Exhibit C, RPUD master plan, and equal 72.6 acres, exceeding the required minimum of 41.1 acres of native vegetation.

COMMISSIONER ROMAN: Yeah, that's good with me.

CHAIRMAN STRAIN: Okay. Anybody else -- any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: Okay. We'll go to staff report.

MS. GUNDLACH: Good morning, Commissioners. Staff is recommending approval of this PUD amendment, as it's consistent with the Land Development Code and the Growth Management Plan. And we did have a condition of approval. Would you like me to share with you the original condition of approval? It sounds like it's going to be changing.

CHAIRMAN STRAIN: We have it in our packet. I just want to know if you still think that's the proper recommendation.

MS. GUNDLACH: I --

CHAIRMAN STRAIN: And the condition was to require a pathway. You and I were out there. Do you still think that's a good idea?

MS. GUNDLACH: I don't know that -- I was just going to say, I think that's transportation's call. I'd prefer to have them state the opinion.

CHAIRMAN STRAIN: Good morning, Reed.

MR. JARVI: Good morning. Reed Jarvi, transportation planning manager for Collier County.

We have talked about this at length through many of the sources that the county has, and our -- what they have proposed from a paved section to us is adequate; that's basically 24 feet.

We suggest two things -- or three things. One, that if you're putting a motion together that calls for a paved section, to talk about 24 feet of paved section, and let the details be worked out through the permitting process, how that goes, because, as they said, they may widen zero feet on one side and four feet on the other, another place might be two and two and vice versa, because the area does meander, we suspect.

We recommend that -- to stop at 24 feet. Always I recommend -- and we'll talk about this during the permitting process, that probably the use of black base is probably better than limerock, because when you get small, the limerock gets really hard to work, but that's a construction detail.

In relation to the pathway, we agree that having a separate sidewalk pathway off the road doesn't seem to make a lot of sense here. I mean, could it be done? Yes. But it causes lots of problems besides just cost. As many of you know, you know, it's not as -- if cost was no object, it's not as simple as filling in the ditch and putting a pipe. There's a lot of issues there; water quality issues, water management issues, how the connections are, other things, that it just doesn't seem like a great idea to us.

However, in relation to addressing pedestrian movements of some sort, it would be our recommendation that on that 24 feet, that we maintain a 20-foot of vehicular use, two 10-foot lanes, and offset to one side, more likely the west, and a 4-foot shoulder that is undesignated.

There is documentation at the federal level and state level that basically says having a shoulder is significant benefit to the reduction of crashes from pedestrians and vehicles, even an undesignated shoulder.

Now, in general, the literature talks about putting a shoulder on both sides of the road. It's not this situation. But our feeling is that having a shoulder at least of some sort that's wide enough that pedestrians could use if they so choose to use, or bicyclists, that that would be a better situation for the -- this particular application.

It doesn't change, really, what the applicant would do other than the paint would change different, but

that's our recommendation from the Growth Management Division.

CHAIRMAN STRAIN: And that would occur once everybody's done, the road's overlaid, restriped, and then you'd have a striping out for that 4-foot undesignated potential shoulder area?

MR. JARVI: Right now the discussion would be beginning and end, because it would tend to narrow the lanes, or it would be narrowed the lanes. The same lanes they have now, which tends to have a calming effect. You know, the trucks are an issue, but it has a calming effect. It gives the pedestrians, once again, who choose to walk on there -- because there is -- as you were out there, there's really no place to walk, because you're either ditch or road. That's your choice. And neither one of those is good answers.

CHAIRMAN STRAIN: But you just said something, beginning to end. What does that mean?

MR. JARVI: With the trucks and afterwards.

CHAIRMAN STRAIN: So you're saying before they start hauling, the road gets widened to 24 feet and then -- but 20 of that is your travel lane, and four feet of that is some form of shoulder on one side of the road.

MR. JARVI: Correct.

CHAIRMAN STRAIN: Undesignated.

MR. JARVI: Undesignated. It's not an ideal situation, but there's no -- this particular application doesn't have an ideal answer.

CHAIRMAN STRAIN: Well, it does, but nobody wants to do it.

MR. JARVI: Well, I think it causes -- there's all sorts of other issues.

CHAIRMAN STRAIN: Okay. I mean, I think that's something the applicant then needs to consider before they come back to us in June.

MR. JARVI: I mean, I -- once again, if it's an issue that you need to deal with and we need to have in the petition, we'll deal with that; otherwise, you could just say 24 feet, and let the permitting work it out.

CHAIRMAN STRAIN: Well, that may be a better way to approach it. I'd rather see people most experienced in the safety of travel lanes decide what the travel lanes should be than this board necessarily.

So if we just direct that there should be 24 feet of surface -- pavable surface that can be used for a roadway, then how that gets worked out with you guys is a whole different thing.

MR. JARVI: Yeah. We've discussed this briefly with Don two weeks ago, I guess it was, but not the specifics. These are -- you know, these are coming up as we get to this.

CHAIRMAN STRAIN: How much time would everybody need to -- well, as far as the Planning Commission goes, you only need from us direction for 24 feet.

MR. JARVI: That would be my recommendation.

CHAIRMAN STRAIN: Okay. Well, that's not --

MR. JARVI: Again, I can't tell you what to do.

CHAIRMAN STRAIN: Yeah. No, I like it. I think that's a better way. I'd rather see you guys take the liability for screwing it up than us.

MR. JARVI: Never mind. I'm not going to go there.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Reed?

MR. JARVI: Yes, ma'am.

COMMISSIONER EBERT: I have a question for you. With the widening of that section, how far up 41 to the east is it going to go? So, will it go as far as Benfield Road -- or Naples, excuse me -- Naples -- the widening of 41?

MR. YOVANOVICH: How far east?

COMMISSIONER EBERT: Yeah. How far east is it going?

MR. JARVI: It goes -- the six-laning currently goes from Collier Boulevard east, and it transitions at Greenway to four lanes or two lanes now.

COMMISSIONER EBERT: Transitions at Greenway?

MR. JARVI: Just after Greenway, actually. It goes through Greenway, going east.

MR. YOVANOVICH: As six.

MR. JARVI: As six, and then there will be another project that does a four-lane section for a short

period east of there. And then to -- I can't remember the name of the cross street. It's -- there's -- I don't remember the name, and then it's only going to go two lanes out to 92.

COMMISSIONER EBERT: Okay. But right now with what the FDOT -- with what Florida and the county and everybody is doing, it is going to go to Greenway Road --

MR. JARVI: Yes, ma'am.

COMMISSIONER EBERT: -- that's how wide --

MR. JARVI: Six lanes.

COMMISSIONER EBERT: So, I mean, you just might be dumping a lot of that dirt right out the door.

MR. JARVI: That was the intention with the previous one that -- the 420,000 yards was to go there, because that was a concern of both the DOT, county, and they had dirt to dump. So it was the right answer and an easy solution at that point in time.

COMMISSIONER EBERT: That's why I was asking.

Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER CHRZANOWSKI: I'm just curious, because I spend some time cycling. When you have your condition with the 4-foot lane on one side unmarked and there's two people approaching each other, is there a protocol as to whether the bike or the ped or both bikes stay to the right or the left?

MR. JARVI: I don't know that there's a written protocol.

COMMISSIONER CHRZANOWSKI: I've seen a lot of hesitation on Gulf Shore between bike -- and it seems to me that the peds should always go to the traffic side, because the ped can see the traffic coming, and the biker should go to the right, but people have the tendency to do it the other way. The peds -- there's no protocol?

MR. JARVI: Not to my knowledge. I mean, typically, in traffic you bear to the right. So if I was doing it, I'd bear to the right. Maybe --

COMMISSIONER CHRZANOWSKI: But peds like to bear to the right, because -- to get away from the traffic, and they force the biker, whose traffic is coming behind him, to the right. It's just -- I see that all the time, and I think it's dangerous, and there's no solution.

MR. JARVI: Bob was talking about Gulf Shore Boulevard, that they're doing side-by-side bike/ped lane. I have no knowledge of it, but what he told me is the ped lane is away from the travel lane.

COMMISSIONER CHRZANOWSKI: That's good. About time.

CHAIRMAN STRAIN: Anybody else have any questions of staff?

COMMISSIONER EBERT: Yeah, but it would be from Kris, utilities.

MR. VanLENGEN: Good morning, Commissioners, Kris VanLengen, principal planner, public utilities.

COMMISSIONER EBERT: Good morning, Kris.

I see there are four well sites out there that this petitioner is giving. Will you be using any of these? And -- any of these sites, do you see in the future, will you be -- because I do know that we just did Winding Cypress, and they have a pipe going -- I believe it's going to go across there, and so one of these is already going to be utilized?

MR. VanLENGEN: Well, I think the -- as I recall, the Winding Cypress easement that goes across that property is for the City of Marco Island.

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: Okay.

MR. VanLENGEN: So that's a different -- that's a different situation and a different condition.

We have four reserved sites here, and we have to determine, either by 2018 or the earlier of 2018 or the preliminary construction and plat, whether we will utilize them. So your question is will we, and it's a great question.

This is one of those items that's going to be under close consideration over the next couple of years as we develop a more regional approach to determining future uses.

At one time we had some thoughts about developing a southeast water treatment plant. That's fallen

off the 20-year projection because of the need.

We have adequate sources at this point for that period of time, but we'd really like to really look out farther in time. So it's appropriate for us to look out much further, approach it in a regional context, and look at all of the parameters that really go into determining selection, because it's not just proximity. It's a lot of things. It's aquifer health.

COMMISSIONER EBERT: Aquifer.

MR. VanLENGEN: The way aquifers are changing, and they're constantly changing, and it's a lot of things. So we'll be looking closely at that. And at this point we can't give you a firm answer.

COMMISSIONER EBERT: Okay. Well, it was -- I just thought it was, you know, very nice that they're doing this, and that you got in there to have these four wellsites put in.

MR. VanLENGEN: Yeah. And I believe that went back quite a few years and was sort of reformulated in 2012, and that language has stayed in there since then.

COMMISSIONER EBERT: Okay. Thank you, Kris.

MR. VanLENGEN: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Okay. Reed?

MR. JARVI: I just need to correct the record a little bit.

You asked about the 41 project. I'm not positive, but I -- this is what I remember now. Collier to Joseph is six lane. Joseph is the road between Naples Reserve Boulevard and Greenway. And then from Joseph to Greenway is four lanes, is what I think it is, and then transitions to two east of Greenway. I believe that's the way it is. Don't quote me 100 percent, but I think that's the way it is. Thank you.

CHAIRMAN STRAIN: Thanks, Reed.

Nancy, in order for you to have a package ready for this board for our next meeting for this project, when would you need the documentation from the applicant?

MS. GUNDLACH: I'd let everybody know before the CCPC hearing that I'd like to have everything by Friday, close of business, to the greatest of your ability, of course.

CHAIRMAN STRAIN: Well, I need the applicant to tell us what they can do.

MS. GUNDLACH: Okay.

CHAIRMAN STRAIN: I mean, I'm not sure -- I think if we got it on Monday, you could still live with it. I mean, just a re-review. It's not a complete fresh restart, so --

MR. MULHERE: We can make all the changes by Friday afternoon.

CHAIRMAN STRAIN: Okay, good.

That wraps up the discussion on this item.

Does anybody else have anything else they want to add to it? And I would suggest from this board, if you-all don't mind, we continue this for a vote on the -- to the June 4th (sic) meeting and finish it up at that time and do a consent and, you know, a final vote at that same meeting. Does that sound good?

COMMISSIONER EBERT: It does. I have one question for Mr. Yovanovich, though.

MR. YOVANOVICH: So close.

COMMISSIONER EBERT: No. You looked too relaxed.

I want to know between --

MR. YOVANOVICH: I'll look more tense next time.

COMMISSIONER EBERT: I know from the last meeting -- I just have a question for you. How many TDR credits have you obtained within that one-mile area? Have you made any progress on that since the last meeting?

MR. YOVANOVICH: We haven't had our final approval yet from the Board of County Commissioners on the Comp Plan amendment.

COMMISSIONER EBERT: No, I know, but you were talking with some people for TDR credits. I was just wondering if you had any.

MR. YOVANOVICH: Well, there's been no change in our --

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: -- acquisition strategy or position.
COMMISSIONER EBERT: Okay. It was just a question that I had, because I know there was some back and forth going on. I was hoping you had some good news.
CHAIRMAN STRAIN: Okay. Let's get back on track.
Do we have a recommendation to continue this to the June 4th meeting for both final and consent?
COMMISSIONER HOMIAK: I'll make a motion to --
CHAIRMAN STRAIN: Go ahead, Ray; I'm sorry.
MR. BELLOWS: June 5th.
CHAIRMAN STRAIN: June 5th. I'm sorry, June 5th meeting to final consent.
Karen?
COMMISSIONER HOMIAK: I'll make a motion to continue to June 5th.
CHAIRMAN STRAIN: Okay. Is there a second?
COMMISSIONER EBERT: Second.
COMMISSIONER CHRZANOWSKI: Second.
CHAIRMAN STRAIN: Second -- made by Karen, seconded by Diane.
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 ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 6-0.
MR. YOVANOVICH: We'll be first, correct?
CHAIRMAN STRAIN: No. There will be the other -- we have others already committed to first time-certain, 9 o'clock. Mr. Mulhere insisted he go ahead of this one when he knew I was continuing them both. So you're -- no, talk to Bob if you want to know what the agenda is.
MR. YOVANOVICH: Is it the ones they continued earlier today?
CHAIRMAN STRAIN: And continued from previously.
MR. YOVANOVICH: Yeah, that's okay; I'm with him on those two.
CHAIRMAN STRAIN: Okay, good. You'll be first but in a different --
MR. YOVANOVICH: Still be first.
CHAIRMAN STRAIN: Okay. And with that, we need to talk about lunch. We have one final item to consider today. It's more or less a cleanup item for a lot of the EAR language. I don't see it taking much time. How about the rest of you?
COMMISSIONER HOMIAK: I'd like to finish.
COMMISSIONER ROMAN: I'd like to finish as well.
CHAIRMAN STRAIN: Okay. The let's take a break, instead of lunch, come back and finish up.
We'll take a 15-minute break and resume at 12 --
COMMISSIONER CHRZANOWSKI: Could I get a definition of not a lot of time?
CHAIRMAN STRAIN: I don't see it taking more than 20 or 30 minutes to finish it up.
COMMISSIONER EBERT: And I already saw Corby coming forward, so --
CHAIRMAN STRAIN: Okay. We'll break to 12:15 and resume and finish up.
(A brief recess was had, and Commissioner Chrzanowski was absent for the remainder of the meeting.)
MR. BOSI: You have a live mike.
CHAIRMAN STRAIN: Okay. Welcome back from break, everyone.

***We have one final item to finish up. It's PL20130001109/CPSP-2013-6. It's the Evaluation and Appraisal Report, otherwise known as the EAR-based amendments.

As I said earlier, these are -- a lot of cleanup stuff in here. Corby's here to talk to us a little bit about it.

MR. SCHMIDT: Good afternoon, Commissioners. Corby Schmidt with the comprehensive Planning Section.

And it is, it's followup with batch amendments, two of the EAR-based amendments from 2011, and it includes a number of glitch fixes.

We've looked at the format and the structure of the documents and made them more uniform and consistent. And you can see from your Exhibit A that there's a number of repeated changes because we've found inconsistencies throughout the elements, small ones albeit, that you see in front of you now for amending.

There's none of any real consequence, the widespread substantial changes to point out to you; so if you simply have questions or you want to go through the document, I'd be happy to do so with you.

CHAIRMAN STRAIN: Okay. I know everybody read all these, and I didn't know -- instead of going through page by page -- because they all are cleanup documents -- I thought we'd just go in order to see if anybody -- any of us have any questions.

I can start out, if you want, with questions on the -- and it's on Page 15 of our packet. It's Policy 652 under natural resource, after -- let's see what section. Your pages aren't -- Page 2 of the document, I believe, or Page 3, I'm sorry; top of Page 3.

MR. SCHMIDT: Yes.

CHAIRMAN STRAIN: All it is is a reference to a new document. Previously it said Policy 6.5.2 talked about the basis of review for the ERP permitting applications for South Florida. Now there's a new document; State of Florida's ERP Applicants' Handbook, Volume 2013 or its successor.

I went to look for that, and I couldn't find it. Could you just send a link to us all as to where that's online.

MR. SCHMIDT: Yeah, it is. It's an online document only. I'll find it and do it.

CHAIRMAN STRAIN: If you don't mind. That's the only thing -- I understand why it's there. I just wanted to make sure I had a chance to read it.

On that same page, under Goal 8, or Objective 9.31 --

COMMISSIONER EBERT: What page are you on?

CHAIRMAN STRAIN: I'm on Page 3, Objective 9 point -- Objective 9.3, Policy 9.31. It said, hazardous waste collection day shall target residential households but also allow small businesses to participate to some extent. A lot of ambiguous terms there.

MR. SCHMIDT: Until you know what they mean by that, specifically -- and there are small items that typical office shares with household items; your televisions, your computers, your monitors, certain electronics, that they've also collected that are considered to be hazardous waste. So it's some of those shared items that are -- in that definition.

CHAIRMAN STRAIN: Okay. And the only reason I made a note is I didn't know what small was as far as businesses go, and to participate to some extent. I was wondering -- if you could just drop it after the word to "to participate." It doesn't -- is there a reason that it has to say "to some extent"? Because, again, I don't know what that means. It just seemed like it was more confusing language than not.

MR. SCHMIDT: It may be, but it does make reference -- or it does have that reference to the limited items from those office uses.

CHAIRMAN STRAIN: The rest of the policy?

MR. SCHMIDT: Yeah.

CHAIRMAN STRAIN: Okay. Well, that's the only questions I had after reading all those pages. Most of it's cleanup, so it didn't make a lot of sense to dwell on it any further from my part.

COMMISSIONER ROMAN: I have one comment, though.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: On the policy -- Goal 6, Policy 6.1.1 -- and it's in reference to the

Coastal High Hazard Area. I met with Caroline this week, and I asked her to provide maybe a map of the properties that were affected by this, and she has provided me this map, but it wasn't provided to all commissioners, so I asked that that could be provided to all the commissioners in advance of the Monday-night meeting.

MR. SCHMIDT: Okay. Yeah, that -- that mapping was seen during EAR-based amendments, and there was a comparison map that showed those properties as well as the new boundaries on the second map.

COMMISSIONER ROMAN: Yep. Well, I'm new to the commission, so --

MR. SCHMIDT: Understood, so another --

COMMISSIONER ROMAN: -- maybe the others have kept it, yeah.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Corby, this will be your easiest EAR cleanup probably ever.

MR. SCHMIDT: I appreciate that, because I know what's coming, and I agree.

CHAIRMAN STRAIN: Well, with that in mind, if you guys are satisfied, we've -- we can make a motion to recommend approval for this particular item, if anybody's willing, or we can --

COMMISSIONER EBERT: No. I will make a motion --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: -- that we approve these amendments.

CHAIRMAN STRAIN: Why don't -- are you going to make a recommendation to approve that?

COMMISSIONER EBERT: A motion to approve PL20130001109. Do you want me to read this?

CHAIRMAN STRAIN: That's fine. With a recommendation to the Board of County Commissioners for approval.

COMMISSIONER EBERT: Yes, with a recommendation to the Board of County Commissioners for approval.

CHAIRMAN STRAIN: Is there any discussion?

COMMISSIONER HOMIAK: You're going to recommend to transmit it.

CHAIRMAN STRAIN: Recommend approval for transmittal?

MR. SCHMIDT: Understood.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: I'll second it.

CHAIRMAN STRAIN: Seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you.

And there is no old or new business that I can see.

Diane?

COMMISSIONER EBERT: Yes, I did.

I asked Mike a question, and I just guess I want it on the record.

Mike, could someone in your department do the activity centers with how many square feet that we already have in them? I don't care if you do it by Commission Section 1, 2, 3, 4 or 5. What we have in these activity centers -- so we don't get all these strip malls -- can you, some way, figure out how many square feet of commercial we have? Is there any roundabout way of doing so?

CHAIRMAN STRAIN: Diane, that's a time-consuming job. You're talking -- we've got activity centers -- there's dozens of them all over the county.

COMMISSIONER EBERT: Eighteen.

CHAIRMAN STRAIN: That's going to --

MR. BOSI: It's going to take a considerable amount of work, yes.

CHAIRMAN STRAIN: Pull SDPs and PUDs and look at each one. What strip centers are you talking about? We've not approved any strip centers.

COMMISSIONER EBERT: We have activity centers.

CHAIRMAN STRAIN: Right.

COMMISSIONER EBERT: And I guess I just want to know, with these activity centers -- we have so many thousand square feet that haven't been built. We have -- in shopping centers that were done, we have a lot of vacancies. I mean, even the people out there are saying, well, town center, fill those up, you know, let's get on with some of the -- if we could get some way of knowing how many square foot that they've been -- and I'm just talking activity centers.

MR. BOSI: Well, one of the things, there's 19 activity centers, and they comprise approximately 3,000 acres. And in those 3,000 acres -- Mike Bosi, comprehensive planning director -- there will be an assortment of designated approved but not yet built, there's built, and then there's also designated, obviously, by the Future Land Use Map that maybe hasn't been -- have received a zoning. So there's a lot of different layers of allocation of that square foot from built to approved to potential related to the Future Land Use Elements.

We could make the effort. You'd have to provide us a little bit of time and consideration to do so.

CHAIRMAN STRAIN: But, Mike, you didn't update the commercial study, because we don't have enough personnel to do it. Why are -- Diane, you're asking for a lot. It's a time-consuming task here.

COMMISSIONER ROSEN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: Just to throw my thoughts into the mix, in my conversations with transportation over the years, not just this past couple of days, there's question and discussion as to whether or not activity centers really work and -- or are they causing more of a problem than a solution, because they're concentrating traffic on large intersections and causing some unbelievable backup. And then when you talk to transportation about the accident occurrence at these activity centers, it's much higher, you know, than other intersections that have strip shopping centers.

So the theory of activity centers, you know, needs some discussion one day. I'm not asking to be put on the agenda, but just my thoughts.

CHAIRMAN STRAIN: I don't disagree with you at all. I just was -- but what's being asked is they want a staff analysis of the built-out commercial in Collier County. That's a phenomenal task.

COMMISSIONER ROSEN: Well, and my thought about that --

COMMISSIONER EBERT: No, I didn't say available.

COMMISSIONER ROSEN: With all due respect, Diane, I thought about that. That seems to me to be market driven as well.

COMMISSIONER EBERT: But you can't let everything -- you know, to be honest with you, market driven can also mean blight. Just go over to Fort Lauderdale. I mean, there is strip malls that are just -- they're not good at all, and I don't want Collier County becoming all commercial.

COMMISSIONER ROSEN: You know what, I've heard that before. That's not a new, you know, thought process about us not being like the East Coast; however, I've got to say on that thought, that when the East Coast became extremely overcrowded and very popular with condominiums, the concrete canyons along A1A, Collins Avenue, nobody back in the '60s -- and I lived there then -- nobody really understood what was going to be happening with the immigration of people from the Northeast and the Midwest to South Florida. And, finally, the East Coast did come up with some growth-control issues and things like that. But when that happened, it's because nobody understood what the future could be.

I think that Collier County has done a great job, you know, in managing its growth. I don't think we're ever going to become like the East Coast is, and they didn't do it to themselves on purpose. It just

happened that way.

CHAIRMAN STRAIN: Anyway, I -- staff does have some documentation from years ago, the old commercial report. Why don't you send that to Diane as a starting point.

MR. BOSI: Okay.

CHAIRMAN STRAIN: Look at that. That's already on the records. It was discontinued because of the time it took to keep updating it, because it is so time-consuming. So let's get that dispersed, and Diane can have a copy of it.

MR. BOSI: And just to --

CHAIRMAN STRAIN: And that will --

MR. BOSI: Just to describe that effort, that we used to keep an inventory of the commercial industrial inventory available within the county on a regular basis, but as the recession grew and as the staff availability became less and less because of downsizing, we realized that that was probably a function that we needed to allow the private marketplace to keep a much tighter control upon.

So we haven't been as active in keeping that tally up, as the chair has said, so it would take a little bit more -- it would take a considerable more amount of effort. But I can start you off with the most recent one we had, and then we can carry on that conversation for however direction you would this -- and the rest of the Planning Commission would like.

COMMISSIONER EBERT: That's fine, just so we kind of get a little better look than -- other than the fact that we have 19 activity centers. What does that mean?

MR. BOSI: Three thousand acres of potential commercial and mixed-use development.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. With that, if there's nothing else, is there a motion to adjourn?

COMMISSIONER ROMAN: So moved.

COMMISSIONER HOMIAK: Motion to adjourn.

CHAIRMAN STRAIN: So moved and seconded.

Discussion?

(No response.)

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

COMMISSIONER ROSEN: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: We're out of here.

Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:30 p.m.

COLLIER COUNTY PLANNING COMMISSION

Karen J. Homiak
for MARK STRAIN, CHAIRMAN

May 15, 2014

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6/19/2014, as presented ✓ or as corrected _____.

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