

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
June 5, 2014

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m. in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Mark Strain, Chairman
Stan Chrzanowski
Brian Doyle
Diane Ebert
Karen Homiak
Charlette Roman
Mike Rosen

ALSO PRESENT:

Heidi Ashton-Cicko, Assistant County Attorney
Mike Bosi, Planning and Zoning Dept. Director
Thomas Eastman, Real Property Director, Collier County School District

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, June 5th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay, will the secretary please do the roll call.

COMMISSIONER EBERT: Yes, good morning.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Present.

COMMISSIONER EBERT: Mr. Rosen?

COMMISSIONER ROSEN: Present.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda. We have a request to continue Item 9.E, which is the RMC Enclave to the June 19th meeting. Request is made by the applicant.

If there's no objection, is there a motion to approve?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Made by Charlette. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

So the RMC Enclave project, which is off Livingston Road, if anybody's here for that project, it has been continued to the June 19th meeting.

Planning Commission absences. The next meeting is June 19th. We have one item on the agenda and that's the Haldeman Creek boat dock extension. That is a very time-consuming controversial issue I noticed from how it all came about. So I expect it will be a very active Planning Commission meeting.

I will not be here. Ms. Homiak will be chairing that meeting.

COMMISSIONER ROMAN: And I will not be here.

CHAIRMAN STRAIN: And Mr. Rosen?

COMMISSIONER ROSEN: I'm going to have to recuse myself. If that's the only item on the agenda, I'm not showing up.

CHAIRMAN STRAIN: That will be the only item.

So that means out of seven, that leaves four. Three -- we still have a quorum, so we're good.

You going to be here, Stan?

COMMISSIONER CHRZANOWSKI: Couldn't you just continue RMC Enclave?

CHAIRMAN STRAIN: Yeah, but their intention is to continue again. Because they have some architectural input they're waiting on, they're not going to have it done. But in order to secure the advertising we've got to continue it separately each time. They're going to recontinue on the 19th to the July meeting.

So in the end you're still going to have just one item. It will be the Haldeman Creek boat extension. But it will be an intense item. So we've got to make sure there's a majority, or there's at least four members here.

And Brian, you're going to be here?

COMMISSIONER DOYLE: I'll be here.

CHAIRMAN STRAIN: Karen, you'll be here?

COMMISSIONER HOMIAK: Yep.

CHAIRMAN STRAIN: And Diane?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: And Stan?

COMMISSIONER CHRZANOWSKI: Yes, unfortunately I'll be here.

CHAIRMAN STRAIN: So the four of you will have that meeting. And it will be an interesting meeting. So sorry that it's ending up with so few for that meeting, but that's the way it's going to have to be.

Ray's not here. Do you know if -- well, he and I had talked about the July 3rd meeting. And we weren't sure whether we needed to have one on July 3rd. So it looks like we were going to July 17th. But I wanted to get Ray to confirm that. Do you know if that's a confirmation or not?

MR. BOSI: The last discussion that we had, there were no petitions that we had scheduled for that July 3rd meeting.

CHAIRMAN STRAIN: Okay. Is Ray in today?

MR. BOSI: Ray is out, unfortunately.

CHAIRMAN STRAIN: Okay. At this point then, if you don't know of any, Nancy, do you or any of the planners know of any -- do you know of anything?

MS. GUNDLACH: I do not know of any.

CHAIRMAN STRAIN: Okay. Well, let's just cancel the July 3rd meeting. And our next regular meeting will be July 17th. Is that okay with everybody?

COMMISSIONER CHRZANOWSKI: I'm sure that's okay with RMC Enclave too, right?

CHAIRMAN STRAIN: Yes.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Yeah, because that's the meeting -- that July 17th meeting was the one they were talking about continuing to after June 19th.

So if that's fine, let's look at the July 17th attendance. Does anybody know if they're not going to be here on July 17th?

(No response.)

CHAIRMAN STRAIN: Okay, we'll have a quorum on July 17th.

And with that in mind, we'll move on. We had two sets of minutes come in electronically. One was the April 29th meeting that was our GMPA meeting. Does anybody have any corrections to those minutes?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to approve?

COMMISSIONER EBERT: Make a motion to approve.

CHAIRMAN STRAIN: Made by Ms. Ebert.

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Seconded by Ms. Roman.

All in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The second set of meetings was the May 1st regular meeting. Anybody have any changes on those?

COMMISSIONER EBERT: Yes. Page 82, a correction to the lot size in Olde Florida, should be 40 feet rather than 35. They changed it at that meeting.

CHAIRMAN STRAIN: On Page 82?

COMMISSIONER EBERT: Um-hum.

CHAIRMAN STRAIN: I've got Page 82 in front of me. Do you know -- it says, Commissioner Ebert: Okay, I was looking at this, I was thinking something different because they have 328 acres on that side. As long as you're standing up there, I have a question. As far as I know you're changing the PUD to put 40 feet wide because you're right, I said to Anita, 28,000 (sic) square feet. My house is bigger than that and I don't have a big house.

Ms. Jenkins: And after conversation, I go back and talk to Pulte, the client. Their smallest product is 40 foot width, so that's where the 4,000 came from. So if they put their smallest product type in there, it would be 4,000 square feet.

Miss Ebert: Lot width is 40 feet.

Miss Jenkins: Yes.

So what are you saying, that's wrong?

COMMISSIONER EBERT: No. When they brought it back for the okay, they only showed 35 feet on the paper. And I had tried to correct it then and Rich didn't think so, and I said I would go through, look at the video and look at the minutes, and --

CHAIRMAN STRAIN: I was surprised. I had heard about this, but I didn't know the details until you just brought it up. So yeah, looks like you were right, it's supposed to be 40 feet.

Richard? He's here somewhere. You want to come up and talk about your Olde Florida?

MS. ASHTON-CICKO: Mr. Chairman, the language you're talking about is on the visualizer.

CHAIRMAN STRAIN: It's on mine too. Where did you get it from? Did you know about this ahead of time?

MS. ASHTON-CICKO: Well, I didn't know it was going to be discussed today, but the language was emailed to me.

CHAIRMAN STRAIN: Because if we knew about it ahead of time, we should have straightened it with the applicant instead of on a review of the minutes. But if the minutes are accurate, that's the first thing.

And then Richard, I don't know how this affects what you've -- Olde Florida at this point. I just can't remember without going back and pulling a lot of documentation.

MR. YOVANOVICH: I remember -- my recollection is that during the consent portion of the Planning Commission this issue came up and we talked -- about if I remember correctly, it was minimum square footage of a lot. And Ms. Ebert said, I thought there was going to be a certain minimum width to get to that whatever the square footage was. And Ms. Jenkins was in the audience and I think we talked about no, it was -- they have a product that's 35 feet in width that would arrive at -- I think it's 3,500. I don't have the document in front of me, so I'm trying to do it best I can from memory.

I know that this recently came up with an email from Kay to Anita. And frankly, I'm unprepared to discuss it today because I know Kay and Anita -- I think Kay and Anita are discussing this very topic.

CHAIRMAN STRAIN: Okay. I know Kay is probably watching the show, so at some point today before this meeting ends, I'd like to find a resolution to this. And Kay and anybody else that can do the research to see what the consent agenda discussion was, we need to clear it up, because I had -- my first time hearing it was just before the meeting started, Mike said there may be an issue with Olde Florida. And I said, what does it mean? And he said that it could cause it to be pulled off consent. I don't want to see that

happen. And it's going to mean summary with the Board of County Commissioners.

MR. YOVANOVICH: Well, my rec --

MS. ASHTON-CICKO: I don't think it would need to be pulled off consent. We can do an agenda note that's going to correct the table.

CHAIRMAN STRAIN: If it needs to be corrected.

MS. ASHTON-CICKO: If it needs to be corrected.

CHAIRMAN STRAIN: And what we find out is see what the discussion on the Planning Commission's consent was regarding this issue.

And so Mike, if someone could get that researched before the day is over, when we conclude our meeting today we'll come back and revisit.

MR. YOVANOVICH: So we're going to look at what you all discussed --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- correct?

CHAIRMAN STRAIN: Yes, at the consent of the CCPC hearing.

MR. YOVANOVICH: Because my recollection was the development standards table that was part of the PUD was what you all approved.

COMMISSIONER EBERT: No, that's when I asked you at the last one, Rich --

MR. YOVANOVICH: Right, I remember that.

COMMISSIONER EBERT: -- and you said I don't recall but I could be wrong. And I did -- that was one of the things I pointed out, where it said 35 feet, I said Anita said it would be 40.

That's all the difference is is five feet, but it does make a difference in the lot width. And it's in our minutes of what we discussed right here. So that's fine.

CHAIRMAN STRAIN: Well, I looked at the stipulations that we made at that time and it wasn't stipulated. So that's a problem. And I got the table in front of me right now and there's no markups on the table from that meeting.

COMMISSIONER EBERT: But I did bring it up and nobody could prove it because we didn't see the -- we didn't have the minutes yet.

CHAIRMAN STRAIN: Okay, well, let's --

MR. YOVANOVICH: If I can, what I remember was minimum lot -- I know what you're showing me on the minutes, but I remember we talked about minimum lot size going to X. I can't remember what X is. And X was in the table that you all approved with the 35 foot lot width versus 40 feet, correct?

COMMISSIONER EBERT: No.

MR. YOVANOVICH: Mr. Strain, do you have the development standards --

CHAIRMAN STRAIN: Yeah, I have it right in front of me.

And the development standards that -- I can't -- see, Diane, bringing something up at a meeting but not adding it as a stipulation at the end doesn't make it a stipulation, doesn't make it binding. We have to stipulate the things if all us buy into that. And I'm not saying we didn't. We need to do a little more research to see if we had.

COMMISSIONER EBERT: Okay, then we can go back and watch the second video, because I brought it up there.

CHAIRMAN STRAIN: Okay. And again, we need to -- the second video being the one involving the consent item for the Planning Commission. I can't recall it verbatim. I know we discussed it. We just need to see it. Between now and the time the day is over, the staff will take a look at it and hopefully get back with an email to Mike so he can tell us what the results are and we'll go with that. Okay?

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: So let's just end that for now and we'll move back into our minutes.

Based on -- Diane, you had no objection to what the minutes stated, you simply are trying to point out this discrepancy between what the minutes stated and what you believe are supposed to have been done in regards to changes to Olde Florida, right?

COMMISSIONER EBERT: What it was, Mark, is when they brought it back on consent and the standards table I notice still stayed at 35, and I brought it up then. And at that point nobody could remember

anything, and I said, okay, I will go back and look at the video, which is six hours and 52 minutes into the video. And so that was --

MR. YOVANOVICH: Approximately.

COMMISSIONER EBERT: So you'll find it between 6 hours and 52 minutes and 6 hours and 54 minutes.

But when they brought it back for consent it was supposed to be 40 foot wide and it was not changed then, and I said I will -- that's when I said I will look into this, because I would not have approved it at 35 feet.

CHAIRMAN STRAIN: Okay. And Diane, when I first heard this this morning, I thought well, how could that be, we wouldn't have -- who's done the research? And I've got to give you a lot of credit, you did great research. This is great. Because you've come up with exactly the right area that came up for that discussion.

The problem we have is we need to see if it was added as a stipulation to the -- because when you said that, she responded that their other products are on 40 foot wide lots. But we need to find out through staff's research if someone on this board indicated that had to be changed to be a 40 foot instead of 35. It was a discussion at this point in the email -- or in the minutes.

So anyway, based on everything you've said, though, the minutes are correct; are you on that?

COMMISSIONER EBERT: That's what I'm going by is what the minutes are. And when we normally approve something, it is with the stipulations, so --

CHAIRMAN STRAIN: I know, but we're here today just to approve the minutes. If the minutes are correct, is there a motion to approve the minutes?

COMMISSIONER EBERT: Yeah, I'll make a motion to approve the minutes.

CHAIRMAN STRAIN: Okay, is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Second by Brian.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Okay. Now, let's get into something maybe easier.

I'm trying to find it. There it is.

BCC report and recaps. Ray's not here so we'll skip that.

Chairman's report. We've had plenty of discussion this morning. So we'll move right into consent agenda item.

First item up for consent, or the only item up for consent, is 8.A. It's CUPL-20130001768, the Marco 41 Park.

We've all received the stipulations and the revisions. Does anybody have any concerns or questions about it?

(No response.)

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

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan, made by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

Next item up is the regularly advertised public hearings.

Now, the first one up is the Amerisite project that is on the east side of 951 across from Naples Lake, south of Lords Way, north of Rattlesnake Hammock and 951 or Collier Boulevard intersection.

This project's been continued multiple times to provide time for the applicant and the residents of Naples Lake to work out some differences they had. Hopefully we've got to that point, at least the majority of it, today.

There are three items involving this project: One is a GMP amendment, another is a rezone, and the last one is a conditional use to the rezone.

So I'm going to read all three. We'll discuss all three simultaneously but we'll vote on all three separately at the end of the discussion.

So the first item up is 9.A, B and C. 9.A is PL-20130002249/CPSS-2013-2.

The second item is the rezone, it's Item 9.B, RZ-PL20130001652.

And the third item is the conditional use which is 9.C. And that's CU-PL20130002241.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you intend to speak, just please stand up to be sworn in.

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures on the part of Planning Commission?

Stan?

COMMISSIONER CHRZANOWSKI: This is going to sound strange, but I talked to Bob but it's so long ago I can't remember what was said. And I think I might have talked to Rich about this, but again, long ago.

MR. MULHERE: And you're expecting me to remember?

CHAIRMAN STRAIN: Okay. Mike?

COMMISSIONER ROSEN: No, I don't believe I've spoken to anybody about this.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Just staff.

CHAIRMAN STRAIN: I have had many conversations with Bob Mulhere who represents the applicant. With the residents of Naples Lake I attended their numerous meetings there, at least two. A lot of discussions with staff. So there's been quite a few discussions on my part with a lot of different people.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Mulhere.

MR. MULHERE: It's so long ago.

COMMISSIONER HOMIAK: It was a while ago.

And I think that's it.

CHAIRMAN STRAIN: Okay, Brian?

COMMISSIONER DOYLE: No.

COMMISSIONER ROMAN: None that I can remember either.

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

MR. MULHERE: Thank you. Good morning. Bob Mulhere for the record here on behalf of the applicant. And with me this morning is Rich Yovanovich, the land use attorney.

This has been a long process and somewhat complicated. What we otherwise thought might be relatively simple. So that's fine. It -- I think as I go through my presentation I'll have some positive news to report to you.

And I think we should start out with just a brief discussion on the comprehensive plan amendment, since that would be the first thing that would have to occur before we would even be able to continue with the rezone and conditional use across the property.

So on the visualizer you see the subject site. And the northernmost piece is the subject piece that is the subject of the extension of the mixed use activity center boundary. We are doing a small-scale amendment on that 9.3 acre piece to include that within the activity center boundary, thus allowing the C-4 rezone.

I passed out to you some new comprehensive plan language that was agreed to with staff --

CHAIRMAN STRAIN: Bob?

MR. MULHERE: -- and the County Attorney's Office.

CHAIRMAN STRAIN: I don't mean to interrupt your presentation, but that's what I'm doing.

We just got this handed to us. It has a series of summations of everything that led up to today.

MR. MULHERE: I'm going to go over that too.

CHAIRMAN STRAIN: I know you probably are.

But Nancy, I believe you passed this out. Have you provided a copy to any of the --

MR. MULHERE: I did.

CHAIRMAN STRAIN: -- people living in Naples Lakes?

MR. MULHERE: I did.

CHAIRMAN STRAIN: Okay. So they're looking at the same thing that --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- we have in front of us?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Thank you, I just wanted to make sure that was the same. Thank you, Bob.

MR. MULHERE: So the issue was, as we had proposed this, staff had brought up an issue related to what they called commercial creep, which you may have read in the staff report, which was a concern that by extending the activity center to include this 9.3-acre site we would then make the site to the north or a portion of the site to the north eligible for the office and commercial infill provisions of the plan, allowing for an additional 12 acres of commercial. Not a right they have today.

And in response to that we proposed to add some language, because as you know now with the changes a few years ago in the statutes, small-scale map changes can also have text changes.

So we worked with staff and the County Attorney's Office to -- planning staff and the county attorney's office -- to come up with some language that was acceptable.

Our first version was a change to the office and infill provisions, but we worked with Heidi and Heidi felt it was more appropriate to put the language in the mixed use activity center, which is what we've done. And with an additional provision in the office and infill calling attention to that, that it's not available in all cases, that there are some exceptions.

And I can put that -- you have it in front of you, I can put it on the visualizer in case -- so that addresses the concern of the commercial creep. It does not extend to that property the right to request commercial zoning through the office and infill provisions. We haven't taken away their right to ask for a comprehensive plan amendment. They have that right, just like anyone else, just like we did. So they could come in and ask for an amendment to the plan, whether it was a small-scale amendment on 10 acres or less or a full-blown comprehensive plan amendment. So it's really no harm, no foul to them, they didn't have the right today, they don't have the right tomorrow. We haven't done anything to affect their property. And we've addressed the commercial creep issue.

With that, I'd like to then move on, as I assume that you will take these individually but that you'll listen to the issues one at a time and then --

CHAIRMAN STRAIN: That would probably be the most organized way to do it, yes.

MR. MULHERE: So I'd like to move on then to the rezoning, leaving the conditional use request to the last item to be discussed.

Nancy is handing out to you a final listing, and I'll put that on the visualizer as well. We'll have to sort of move through it a little bit.

And I'll just wait until you have copies of that.

CHAIRMAN STRAIN: These are attached to the second page back of the document you previously passed out.

MR. MULHERE: Oh, I did not -- I didn't know they were attached to the back of that. Let me just look.

CHAIRMAN STRAIN: I'd rather not have more paperwork.

MR. MULHERE: Yeah, let me just --

CHAIRMAN STRAIN: In fact, I'd rather not have any paperwork, but --

MR. MULHERE: No, that's the same. That's the same document. I'm sorry. I didn't know my -- I didn't know that was attached to the back. I apologize. I didn't make these copies.

CHAIRMAN STRAIN: But you have an efficient administrative assistant.

MR. MULHERE: Thank you, Stephanie.

So I just wanted to just give you a little bit of background before we get into the discussion of the specifics. I just wanted to say that I met with the folks from Naples Lakes Country Club who were very engaged in this process and they always are very engaged in the zoning that occurs around them. I've worked with them in the past too.

And I want to say that we've probably spent about six or seven hours in meetings alone and then a lot of time back and forth. They were always very cordial and always willing to listen, and we were able to up until this point in time address all of the issues except for one. I'm going to get to that one in a minute.

I'd like to just explain this document that you have before you.

I had prepared a list of permitted uses that would have been a part of the ordinance, but Heidi indicated no, you really can't do it that way, you have to list the prohibited uses.

So what you have before you, as you can see from the very top of the page, all C-4 uses are permitted except as prohibited or limited below.

In the first list we have, including the numbers from the C-4 district, are the prohibited uses. Most of these uses were negotiated with the folks from Naples Lakes Country Club that they had concerns about, and we agreed to eliminate them. There are 50, maybe more than 50, uses on that list of prohibited uses.

There is one use that is not on there that they wanted to have on there that we wanted to retain and that use was a gas station. That's number 60 in the C-4 list of uses. And it's not on that list because we had not agreed to prohibit that use.

As of this morning, and I don't know, about a half an hour ago or so, based on some additional new information that we got which is that there are now two gas stations already approved and working through the system right in this --

CHAIRMAN STRAIN: Not approved, they came in for pre-apps, and both of them are planning to go --

MR. MULHERE: Planning to go forward.

CHAIRMAN STRAIN: -- just a little bit south of here.

MR. MULHERE: So based on that, that reduced the likelihood of a third gas station occurring on this property.

The client has agreed to eliminate that use as well. So we have agreed to add that use to the prohibited uses, which is number 60, gasoline service stations.

CHAIRMAN STRAIN: Well, that -- based on a conversation I had just before the meeting started with the folks from Naples Lake, that may go a long way to expediting today's meeting.

MR. MULHERE: I want to also call to your attention number II, Roman numeral II, which is

restricted C-4 uses. And I'm going to put that on the visualizer, in case somebody at home wants to see it or watching TV at work.

There are five uses that were restricted. They were either restricted because some of the SIC codes were eliminated and leaving only a few, or most of them were restricted -- well, you can see the gas station is there, I'm sorry, that will be taken out. So there will be four uses that are restricted. So number 60 comes off of that list.

We had agreed to limit the gas station to a maximum of 12 pumps which Naples Lakes Country Club had offered as a settlement. They then rethought that and said no, we don't want gas stations at all. So we don't have to waste time talking about it, we've agreed to eliminate that use.

So the remaining uses are restricted. And for example, number 43, number 61 and number 112 are limited to a maximum of 20,000 square feet of gross leasable floor area. They were otherwise unrestricted in the C-4 district. And we've agreed to that.

Moving down the list, the maximum building height in C-4 is 75 feet. We've agreed to limit the height to 50 feet for all uses other than retail, which we agreed to limit to 35 feet, except for two uses which we wanted the 75 feet for. And those were assisted living facilities, group care facilities and hotel/motel. Now, those would be the two that we felt there was still a benefit for having that additional height.

Having said that, the staff recommendation, as you're probably aware, is for 56 feet. They called that a transitional height. I guess my position is for those two uses -- well, first of all, the C-4 district already provides for increased setback based on increased height. So that's 50 percent of the building height. So the higher you go the more your setback. So certainly that could be and should be considered transitional.

Secondarily, we do have -- from the north we have agreed to a 35-foot setback there. So we're still asking for the 75 feet as it relates to just those two uses.

Moving down to Item 4. As you can see there under number one, the setback from the northern property line shall be 35 feet.

Number two, we had some discussion about this -- by the way, this property is already platted, and the plat does already provide for a de facto 35-foot setback because it has a utility easement, a drainage easement and a landscape buffer. And when you total those up, it's 35 feet. So, I mean, to be honest, the 35-foot wasn't an issue.

But we have a platted 10-foot wide landscape buffer. So we don't want to change the plat and go to 15-foot wide, which is typically a Type B. But we have agreed, and Nancy has I think supported, that we would put the Type B landscape plantings in that 10-foot width, which we can do because we have plenty of room to do that. So we've agreed to that.

And number three, and this was based on discussions with Naples Lakes Country Club, under this list dealing with indoor air conditioned self-storage buildings, that we wouldn't locate them closer than 100 feet from the property line. Or if closer than 100 feet, they would not be visible from Collier Boulevard, excluding the office facility, which is not subject to that.

Now that is a de facto more than 300-foot separation from the Naples Lakes Country Club. Because you have the right-of-way, Collier Boulevard right-of-way, and you have the canal easement and then you'll have that 100-foot setback. So it's pretty substantial.

And even on their property there's either a golf course hole or the shopping center, so there's even more separation from actual residential units.

We've agreed to limit the use of amplified sound from 8:00 a.m. to 10:00 p.m.

We have a condition here on -- additional condition on the access to those indoor air conditioned self-storage buildings, that they would either be on the east side so they wouldn't be visible, the roll-up doors, from Collier Boulevard, or they would be designed so that they weren't visible because there was a building in front of them or something, just so that they're not visible from Collier Boulevard.

We have agreed to a unified design theme, which I think is important, because these parcels otherwise could have been developed independently. And while they can still be developed independently, there will be a requirement for a unified theme, including access, stormwater, signage and architectural design. And landscaping.

And the last item is this notice of proximity to the Florida Sports Park. Which, you know, we had

gotten this request from Corby, and I want to put on the visualizer the actual request.

The first paragraph I had eliminated and just used the second paragraph, because I kept reading it and I kept saying, this is not a residential project, so why do I have to have that first paragraph in there. Which as you can see in the first line says, shall provide to any potential resident a disclosure.

I've got to chalk one up to Corby, because this morning I asked him why that was the case and he said well, you can build an ALF. Aha. Okay.

So I guess if we were to build an ALF we would have to provide this notice. So we'll go ahead and put that additional paragraph in as a condition, which is notification that you're close to the sports park.

The last item on my presentation is the last of the three petitions is the conditional use which is required for the self-storage use. And so we have those conditions indicating where it can be located and how it has to be set back and designed. And of course it's still subject to the architectural design guidelines of Collier County.

So, you know, those kinds of uses are a far cry from what they used to be. And this one doesn't allow any outdoor storage, doesn't allow, you know, the access to be visible from Collier Boulevard, and has a significant setback from Collier Boulevard. So I think what you'll see most likely is that there'll be some commercial development in front of the self-storage, not to mention the fact that part of the property that's closer to Collier Boulevard is for valuable for some other use than it is for self-storage. So if we do build one, it will be done appropriately.

I'm happy to answer any questions that you have. I'm glad to report that we were able to I think resolve all of the issues with Naples Lakes Country Club, and I hope that they'll get up and speak that, you know, we're in good shape there.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission? Anybody? Karen?

COMMISSIONER HOMIAK: I just have a request here.

MR. MULHERE: Yes.

COMMISSIONER HOMIAK: For the restricted uses under number two, 112. Could you --

MR. MULHERE: That's the electronic store.

COMMISSIONER HOMIAK: Yes. But could you add to that a restriction of no adult oriented sales or rentals?

MR. MULHERE: Absolutely.

I wonder if that -- if I could just ask your indulgence, maybe there's a way to generally apply that to other uses. Because I think there are other uses. And just limiting it to this use --

COMMISSIONER HOMIAK: Right, I was going to --

MR. MULHERE: -- videotape and --

COMMISSIONER HOMIAK: Of the list before that where you're prohibiting those, 116 is missing and that would also apply to that one. So it's not listed either place, so I guess it's still considered C-4.

MR. MULHERE: What is that? Yeah, if it's not here, it would be permitted, so --

COMMISSIONER HOMIAK: Record and prerecorded tape stores.

MR. MULHERE: Yeah, we left it on there as a permitted use, but we're happy to --

COMMISSIONER HOMIAK: Right, so that would be the same? But if you want to put -- I was going to ask that too, maybe if you could just generally put that for the whole --

MR. MULHERE: I mean, I'll defer to Mr. Yovanovich, but I think we can find a way to generally restrict adult oriented businesses -- or prohibit adult -- sorry, prohibit.

COMMISSIONER HOMIAK: Right, sales and rentals.

MR. MULHERE: Yeah.

COMMISSIONER HOMIAK: Okay, thanks.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Good morning.

MR. MULHERE: Good morning.

COMMISSIONER EBERT: In reading this and everything, I'm just wondering if you didn't get a

copy of the Hacienda Lakes mixed use activity center, because it's almost verbatim as what this is here with the restrictions and the uses.

MR. MULHERE: I didn't. I didn't look at it. But I can tell you that Naples Lakes Country Club was also involved in negotiations as it related to that.

COMMISSIONER EBERT: Yeah. Because the motor transport, the storage, they got a hotel, ALF.

MR. MULHERE: Does allow service stations.

COMMISSIONER EBERT: Well, it does. But, I mean, it's almost comparable with that.

MR. MULHERE: I mean, to be honest, in the discussions their concern is that whatever gets built over there is an asset to the community and an asset to their community in particular. And, you know, our objective is the same. This I think allows for flexibility of development which is what the client was looking for.

And that's why we're going through the expense of this. Because honestly, the different zoning and you remember -- you know, the two southern properties are zoned C-5 but limited to C-4 uses but allow self-storage. I mean, there's a lot of conditions. And we wanted to really try to be clear about what's permitted so that when a potential buyer comes in, they understand exactly what they're permitted.

And of course my client, the owner of the property, has been in the business of self-storage before, so his intent may be to build an acre or two, you know, for self-storage.

COMMISSIONER EBERT: It's great for self-storage. You have enough homes in the area --

MR. MULHERE: 12,000 dwelling units over the next whatever. Somewhere like that number. So anyway, yes, you're correct.

COMMISSIONER EBERT: All right, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

MS. ASHTON-CICKO: Mr. Chair?

CHAIRMAN STRAIN: Yeah?

MS. ASHTON-CICKO: Maybe you're going there, but I just had a question on whether the height restriction is actual or zoned height.

MR. MULHERE: Those are zoned heights, yeah.

MS. ASHTON-CICKO: Okay, thank you.

CHAIRMAN STRAIN: The -- I have some questions from the submitted documents. And the first one is going to be on the draft resolution that was provided on the second page of that draft resolution. And it's on -- it's the 11th page in the packet from the staff.

MR. MULHERE: On --

CHAIRMAN STRAIN: It's on the rezone.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: Well, it's under the rezone, but it's actually having to do with the conditional use.

MR. MULHERE: Oh, I'm familiar with those.

CHAIRMAN STRAIN: Okay. What it says is on the top of the second page of the resolution, it says Exhibit A, being the same is hereby approved for a conditional use for, then it says a motor freight transport and warehouse, (4225), air conditioning and mini self-storage warehousing only within a general commercial C-4 zoning district.

I'm just thinking we could simplify that and stop any confusion by saying Exhibit A, B and same is hereby approved for a conditional use for 4225, air condition, self-storage warehousing only within the general commercial C-4 zoning.

MR. MULHERE: That's fine for us.

CHAIRMAN STRAIN: Well, I just think it simplifies that piece of it and doesn't provide for any opportunity for someone to misinterpret the types of self-storage you're talking about. Because you have committed to enclosed air conditioned --

MR. MULHERE: Because people see that motor freight transport, it's very disconcerting --

CHAIRMAN STRAIN: Yes.

MR. MULHERE: -- and it's hard to understand that that's limited now to air conditioned indoor self-storage.

COMMISSIONER HOMIAK: But the reason that is, is because in the C-4, in the Land Development Code that's what it's under.

CHAIRMAN STRAIN: Right.

MR. MULHERE: We can put further --

COMMISSIONER HOMIAK: And it's not supposed to be, because I don't think 4225, the heading in the SIC code book is general warehousing and storage. It doesn't mention motor freight.

CHAIRMAN STRAIN: Well, that's why --

COMMISSIONER HOMIAK: It really shouldn't be in -- that confused me when I first read it.

CHAIRMAN STRAIN: But let's just make sure it doesn't get into this by inadvertently having it in the resolution.

MR. MULHERE: So again, I just wanted to make sure. So your suggestion was to limited that to indoor self-storage and cite the SIC Code only.

CHAIRMAN STRAIN: Site the SIC Code 4225 and air conditioned self-storage warehousing only.

MR. MULHERE: Got it.

CHAIRMAN STRAIN: Now we get into your site plan, which we don't normally have in a straight zoning, but in this particular case you provided one. It's Page 89 in the staff report.

MR. MULHERE: Still in the rezone?

CHAIRMAN STRAIN: Yes, I'm still -- actually, this one is in 9.C, the CU.

And Mike or -- I'm sorry, Nancy, I didn't get time to crosscheck this against the standards for design -- our design standards for each zoning district, but in the top and the middle of the page that is titled Collier Boulevard Commercial CU Conceptual Site Plan, it says perimeter setbacks. Then it says, adjacent to Collier Boulevard 25 feet.

There's a 20-foot wide Type D landscape buffer, so the 25-foot works. But is that consistent with our Land Development Code? And if it is, why would we want to separately state it here?

MS. GUNDLACH: Because our Land Development Code requires that we state it on our conditional use site plan.

CHAIRMAN STRAIN: But is that consistent with the Land Development Code?

MS. GUNDLACH: Yes, it is.

MR. MULHERE: That is the C-4. That is.

CHAIRMAN STRAIN: Okay, then the next one says north, which is where the 20-foot utility easement is and the 15-foot wide Type B landscape buffer.

MR. MULHERE: That is what we want to change to 10.

CHAIRMAN STRAIN: To 10 feet.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So that plan has to say change.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: But it says on the north side, the perimeter setback is 15 feet plus one foot for each additional foot of height over 35 feet.

Well, you can't do that. So your minimum's going to be 30 feet plus one additional foot for everything over five feet, right? You've got a 20-foot UE and you've got a --

MR. MULHERE: Yeah, we've actually committed to a 35-foot setback on the north. So therefore I think, Mr. Chairman, your suggestion would be 35 plus one foot for every height over. So the most we would be is 37 and a half foot for that setback, because the height limitation is 75 feet.

CHAIRMAN STRAIN: 75 feet, right.

But that's why I don't think the 15-foot even needed to be referenced. You couldn't go below 30 feet.

MR. MULHERE: Except on the --

CHAIRMAN STRAIN: You've committed to 35 feet. So you couldn't go that -- so why don't we just say 35 feet plus one foot for additional --

MR. MULHERE: I'll do that. And that's only on the north. Because on the south that's also a side

yard. That would be the typical setback.

CHAIRMAN STRAIN: Right.

And on the east, now that's an interesting one. It says 15 feet plus one foot for additional -- same thing, over 35. But on the east you have 170-foot FP&L easement plus a 15-foot utility easement, plus a 15-foot buffer. So you're 200 feet back. So what were you planning to do there with this language?

MR. MULHERE: There's -- I mean, the utility easement exists, we more than meet that setback. It's just that that is the setback in C-4. So we would more than meet the set -- you know, obviously we would be way further than that.

CHAIRMAN STRAIN: And there's no way from staff's perspective they could build -- even if say FP&L gave them permission to utilize that easement, could they build into that easement?

MR. MULHERE: Yeah, we could build up to the easement.

CHAIRMAN STRAIN: That's what I thought. Okay.

MR. MULHERE: We do have, though, that 15-foot landscape buffer. So that -- and that was requested. I mean, when we went through the review, staff requested that we locate the buffers outside of the easements, which obviously makes sense.

CHAIRMAN STRAIN: Okay. Well, that one will work. Then we just need to correct that one we just talked about for the north side.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: And that's the only issues I had left after the multi-page sheet of corrections that you've provided already, so -- anybody else?

(No response.)

CHAIRMAN STRAIN: If not, Bob, if you don't have anything else, I'll just go to staff report, then, is that --

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Okay, Nancy?

MS. GUNDLACH: Good morning, Commissioners. For the record, I'm Nancy Gundlach, Principal Planner with Planning and Zoning.

And staff is recommending approval except for we do recommend a 56 foot height, that's a zoned height, for this petition. And the reason for that is it is transitional. And by that what we mean is if we state the heights along the corridor starting with Hammock Park Commercial Center, that has a zoned height of 50 feet. Good Turn just to the south of the petition has a zoned height of 45 feet. And to the north of the subject petition, we have the First Assembly Ministries and that has a 67-foot zoned height. And so that is how we arrived at the transitional height of 56 feet. And that is our recommendation, a 56-foot height.

CHAIRMAN STRAIN: Okay. Is that the end of staff -- Corby's got a staff report as well? Okay.

MR. SCHMIDT: Good morning, Commissioners. For the record, Corby Schmidt with the Comprehensive Planning Department.

CHAIRMAN STRAIN: Probably need to pull that mic just a little closer, Corby.

MR. SCHMIDT: Thank you.

The language that has been proposed in the mixed use activity center subdistrict that you saw in the first page of your hand-out that appears to be double underlined reading: The addition of the 9.3 acres to the northeast quadrant of the activity center shall not be the basis for adjacent parcels to be rezoned to commercial pursuant to the office and infill commercial subdistrict, we find that to be acceptable.

And then along with the additional language for notifying residential -- residences of the noise that may come from the Swamp Buggy racing, in the rezone portion of it, then our recommendation is for approval.

And I would also like to point out that on that same first page top sheet of the handout, only the double underlined language is being proposed in the top of the page.

On the same page you also saw in the first entry for the office and infill commercial subdistrict some single underlining language that is not being proposed and is not being supported. Just to get that on the record.

MS. ASHTON-CICKO: Yeah, that was not advertised.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: That's certainly fine by us.

CHAIRMAN STRAIN: Yeah, I don't think it hurts either way, so okay.

Is that it, Corby?

MR. SCHMIDT: It is.

CHAIRMAN STRAIN: Thank you.

Anybody have any questions of staff?

COMMISSIONER EBERT: Well, I do of Heidi. Heidi, I have a question for you.

On the double underlined, in other words, the property to the north cannot have the same zoning? In other words, we will stop the creep, what we call creep at this point so that Syntax who owns the next 9.4 acres cannot come in and ask for an infill; is that what we're doing?

MR. MULHERE: Yes.

MS. ASHTON-CICKO: Essentially the office and infill commercial subdistrict is a floating district. If you meet certain characteristics then that can apply to your site, okay?

So in this instance if the 9.3 acres is added to the activity center, then that site would qualify for the office and infill. So what we're saying here is just because we're expanding the district doesn't mean that they're now eligible for the office and infill. They're not currently eligible, and this expansion will not make them eligible. They may have another way of getting to a commercial product, but it's not going to be through the office and infill.

COMMISSIONER EBERT: How would they do that then?

MS. ASHTON-CICKO: I'm not sure if they would need a GMP amendment.

CHAIRMAN STRAIN: They'd come in for a GMP amendment and go through a process like today. Which I hope they would do compared to what could be built there if we leave it like it is. But that's up to the -- between the neighborhood and the owner to come up with something like that.

MR. MULHERE: And Commissioner Ebert, they have that right today. So we're not -- we don't want to take any rights away from them, that's not our business. They can always come in and ask for a Comp. Plan Amendment. What we're eliminating is creating a condition where they become eligible --

COMMISSIONER EBERT: Where they become eligible, because as soon as you put this in there they normally do become eligible.

And the next three lots happen to be 9.4 acres, so you could almost go all the way up to Lord's Way.

MR. MULHERE: Well, it would stop. The office and infill stops at the first one. So it would just be that first one to the north. However, however, this would eliminate even that from the office and infill provisions.

COMMISSIONER EBERT: All right, that's just what I would like to know, thank you.

CHAIRMAN STRAIN: Lord's Way is a road that will eventually be widened and there will probably be a light put in at Naples Lakes, making that an intersection.

And so if you don't put an infill commercial of same type there like a C-1 or a C-2 office use, most likely then it will go to some form of residential use that at that corner you've got to wonder what kind of residential use would be beneficial.

MR. MULHERE: Well, arguably, even if they went through office and infill, they'd only get the first 9.3 acres and it would stop there.

So if that piece, 25 acres, whatever it is, 27 acres, if that piece at the corner, north of us, there's three parcels, as you indicated, if that is appropriate for commercial zoning in the future they're going to have to go through a Comp. Plan Amendment anyway.

CHAIRMAN STRAIN: I know.

Bob, while you're up there, one question. When are you going to pay for the lane improvements?

MR. MULHERE: I believe that the applicant has an agreement with Mr. Casalanguida to pay for that as soon as he begins construction on the project. I believe that there's an agreement that he would pay --

CHAIRMAN STRAIN: Is that in writing? And is that --

MR. MULHERE: I don't know; I don't know about that.

CHAIRMAN STRAIN: Because according to the documents I read, it was supposed to have been

paid for by now. And I understand there was an agreement, but the agreement would probably -- if that delayed or deferred some payment format, I assume somebody must have approved it.

MR. MULHERE: I know he understands that he needs to make that payment prior to commencing construction or as part of construction, so I guess we -- we can certainly agree to talk to Nick Casalanguida and get that straightened out if we need to amend anything or change anything.

CHAIRMAN STRAIN: Well, if it was part of the original process where it was supposed to have been paid when the lane was completed, which it wasn't, it got deferred to some future date, why don't we put it back in here as a stipulation?

MR. MULHERE: It was approved as part of the 951 construction. That was where the agreement was created.

CHAIRMAN STRAIN: It's \$82,000. I looked it up on mass transportation to provide me with whether or not that was paid and I found out it wasn't.

MR. MULHERE: So what you would be suggesting is prior to the issuance of a building permit that that money be paid?

CHAIRMAN STRAIN: At some point it needs to be committed to. It hasn't -- you didn't meet the first commitment so let's make the second one potentially more positive.

MR. MULHERE: I know the -- I've spoken to be my client, you know, he's aware of it and intends to pay it. It's just that he was waiting until he could, you know, get through the process and get construction started.

CHAIRMAN STRAIN: Okay, so we'll stipulate something I'm -- if the Board so chooses before this meeting's over, and then we can see where it goes. If you object to it, you can take it to the Board and explain it there. Okay.

COMMISSIONER EBERT: I do have another question.

Do you already have commitments for this property?

MR. MULHERE: Other than the client's intent to develop a portion of it, we don't. We had a couple of commitments but they, because of the -- there were a couple of issues. One earlier commitment was for an ALF, but because they were able to actually go to a PUD that allows 8.6 floor area ratio instead of the only .45 floor area ratio allowed in straight zoning -- which I understand will be changed in the next Land Development Code cycle, or at least brought forward for change, I can't say the outcome -- but they left; they walked away from it. Because they were able to get that additional floor area ratio in a PUD.

So right now he doesn't have anything. But, I mean, obviously the market's very strong and we think that the opportunities are there for us now.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, with that, we'll go to public speakers. First we'll start with registered and then we'll ask for anybody that has -- who wants to speak.

Do we have any registered public speakers?

MR. BOSI: None have been turned in today.

CHAIRMAN STRAIN: Does anybody wish to speak on this matter? If so, please raise your hand and come on up and use the mic, identify yourself.

Come on up, sir.

MR. GEE: My name is David Gee. And on behalf of over the 700 residents of Naples Lakes, I've been asked to address you regarding the Amerisite Collier Boulevard commercial properties trio of zoning changes.

As a Naples Lakes board trustee and as chair of the Naples Lakes zoning sub-committee, we've had numerous meetings with Mr. Robert Mulhere over this issue and certainly appreciate Mark Strain's availability at several of our meetings.

However, we are lay people and are not familiar with all the various regulations and Collier County zoning requirements and its terminology. It therefore has taken us a long period of time and effort to understand this complex process and the possible effects and changes that it will have on our community. It

has taken us longer to digest all of this information and come to rational, non-emotional decisions.

Now, we originally had hoped to receive in writing a decision on Mr. Mulhere's request for a textural language change to expand the mixed use activity center boundaries so that it would now include his client's approximately 10 acres of property.

We had requested that documentation by the end of the month so that we could review it at our meeting of May 31st. Unfortunately we didn't receive it, so we wrote directly to Corby Schmidt, asking whether the county planning division had indeed changed from its initial position of opposition of this expansion, and we're now willing to accept Mr. Mulhere's textural amendment.

While we received a prompt reply, it did not fully indicate whether the planning division had changed from opposition to support, but did indicate that they were recommending additional conditions such as a Type B buffer, limitations on outdoor sound, a building setback of 35 feet and notification required regarding the Swamp Buggy park.

We received this email on June 2nd and met yet again on June 3rd where we contacted Mr. Mulhere, indicating that we could support the Amerisite zoning proposals, provided that he formally amend in writing and commit to the following: Approval by the county of the textural amendment; final acceptance of the agreed conditions and approval, including elimination of the gas station proposal and a lower height requirement for any motel/hotel structure; the agreed unified plan of development; the agreed restrictions of any storage buildings; the requirement limiting building height to a maximum of 50 feet except retail, which will be 35 and self-storage which will be limited to two stories; and a limitation on size of any box store; and that all the above be recorded within 120 days of approval in the public records of Collier County.

Because of the fact that we did not receive agreement of this in writing and earlier today we were told that we had no agreement but then we were told later in the day today that we do have an agreement.

The list that you received today, we saw -- or from Mr. Mulhere, we saw just earlier the same time you did. We believe that it contains at least one error, and that is number 34 where it indicated that they were permitted coin operated amusement devices. We believe that that had been previously agreed to be eliminated. And so we hope that if you are going to approve the zoning proposals and requests, that at least you add all the conditions that we have asked for.

And I want to add at least one other thing, that we have learned a great deal about zoning, probably more than we ever want. It has taken a great deal of meetings. I now have a folder about this thick for communications back and forth.

But we want to thank Mr. Mulhere for his willingness to negotiate, and I certainly want to thank this commission for your time and patience with us. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

COMMISSIONER ROMAN: I have a question, Mr. Chair.

CHAIRMAN STRAIN: Go ahead, Charlette.

COMMISSIONER ROMAN: Yes, you mentioned the height of 75 feet regarding hotels and motels. Did you have a position or is it okay with you concerning their request for the 75 feet for the group care facility?

MR. GEE: No, we had it -- in the packet of materials we had requested that to be limited to the other buildings at 50 feet. But I certainly think that we could support the county's proposal at 56 feet. But I personally think 75 feet is too high for that particular area and too distracting, especially when you take conditions of signage and other areas.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: But, sir, before the meeting started when I was talking with you and a group of people back there from your organization, you said that you'd be willing to accept that if you could get the gas station eliminated, and you're changing your position now.

MR. GEE: No, our position was that initially we would put 12 pumps in and do this and eliminate -- then it was changed to eliminate the gas station totally. We had supported the height requirement of the county, which was 56 feet, I believe that was proposed here. But we would go along if it was not permitted on that for an agreement. And we're not changing that.

So if this Commission wants to put in a hotel at 75 feet, we'll live with it.

CHAIRMAN STRAIN: You're not going to object to it then?

MR. GEE: No, sir.

CHAIRMAN STRAIN: Okay. Well, that's the clarification that's important, because that seemed to be the deal breaker issue and a compromise that I thought was a good one on your behalf to work out, so --

MR. GEE: And I will add, Mr. Strain, that that came from Naples Lakes.

CHAIRMAN STRAIN: Understand.

Okay. And I did check the original notes of our meeting that your board and Mr. Mulhere and I sat down. Number 34 was one of the eliminated uses. So that was a good catch. And I believe we'll be adding that to the list as well.

MR. GEE: Thank you for your time and patience again.

CHAIRMAN STRAIN: Thank you.

Is there anybody else from the audience that would like to speak on this issue?

(No response.)

CHAIRMAN STRAIN: Okay, Bob, do you want to do any concluding or final remarks? And I have a list of potential conditions that I'll read for the benefit of everybody at that point.

MR. MULHERE: I just wanted to say yes, you know, there was a lot of back and forth. I missed number 34. And that should be a -- we did agree to prohibit that use, so we don't have a problem with that.

CHAIRMAN STRAIN: Okay, does anybody else have any questions they'd like to ask of anybody at this time?

COMMISSIONER EBERT: Yes, I -- Nancy, on your height limit, because it is confusing because what did you -- you were talking about the other heights around the area, and you wanted it limited also.

MS. GUNDLACH: To 56 feet.

COMMISSIONER EBERT: Okay, so that's where the 56. So you have not agreed to the 75 feet?

MS. GUNDLACH: Correct.

COMMISSIONER EBERT: I knew I had heard that, thank you.

MR. MULHERE: Just wanted to make the record clear, we're only -- we're limiting it to 50 feet and actually 35 feet for retail. There's only two uses that we asked for the additional height, hotel/motel and ALF. Just wanted to make sure that was clear.

COMMISSIONER EBERT: Okay, Nancy, was yours limited or was that the final thing is 56 feet?

MS. GUNDLACH: 56 feet is the maximum height on that site.

CHAIRMAN STRAIN: That was for everything.

MS. GUNDLACH: For everything.

CHAIRMAN STRAIN: So they've gone beyond that and reduced from 56 to 35 for the retail. For everything else, from 56 to 50 with only two uses a little bit higher, which would be the hotels and group housing -- I mean, ACLF type, CCRCs.

MS. GUNDLACH: That's my understanding.

CHAIRMAN STRAIN: That's a pretty good way to go.

I'll read what I've written down for the Board's benefit. And at this point we'll close the public hearing and I'll read these and we can entertain a motion.

We'll accept the handout showing the new restrictions in the language, except that the new language added to the office infill commercial subdistrict will be deleted.

We're going to add gasoline stations and convenient stores with pumps to the prohibited uses, and remove gasoline stations from the restricted category.

We're going to allow a 75-foot height for the uses listed in the handout.

The applicant will pay for the existing turn lane before the approval of the first building permit on any of the parcels.

We're going to add restrictions for no adult oriented businesses.

We're going to modify the resolution language to clarify that it's use 4225 indoor air condition self-storage only.

We're going to modify the north setback language, as we discussed.

And we're going to add number 34 as prohibited use.

Does that seem consistent with what this board has gone over?

Bob, do you see anything there, or Richard?

MR. YOVANOVICH: I think --

CHAIRMAN STRAIN: You're rather silent for being the attorney on this project. This is unusual for you.

MR. YOVANOVICH: I know, and I hate to help here, but I'm going to.

I don't think you want to say adult oriented businesses. I think we were talking about videos and things like that. Because I think that there could be a loophole for you, or for us, not that we would ever do it, if you limit it to just adult orient businesses. It's a percentage of your area dedicated to those types of things. I think we have typically had language that prohibited the sale of adult videos, and I think that's the global change that Ms. Homiak really wanted.

COMMISSIONER ROMAN: We had that language in something before and I'm not sure how --

MR. YOVANOVICH: I just wanted to make sure it was broader than the way you stated it.

CHAIRMAN STRAIN: Well, there's a difference though between adult videos and other adult things that are sold on that new facility that opened up on north of Pine Ridge Road. And I know staff had a challenge with that trying to --

MR. YOVANOVICH: Then you need to put in adult oriented business and sale of -- our typical language for videos. You need to be a little bit broader to address Ms. Homiak's concern.

COMMISSIONER ROMAN: Yeah, I think we've had that language before.

CHAIRMAN STRAIN: Well, let's leave it this way. The intention -- I think staff understands the intention, let's just come back with some language on consent that meets the intention.

COMMISSIONER ROMAN: Because I think the intent is more than just videos. I think --

CHAIRMAN STRAIN: Well I agree, yeah.

COMMISSIONER HOMIAK: Yeah, the sales and rentals of anything.

MR. MULHERE: I'll come up with some language, I'll run it by staff and Rich and I'm sure we can broaden that so that if it's not our intent to have that use, we'll figure out a way to take care of it.

CHAIRMAN STRAIN: Okay. If there's nothing else, then is there a motion from this panel?

MS. ASHTON-CICKO: What's the motion on the height?

CHAIRMAN STRAIN: As laid out in the handout. And we need motions on three separate actions this morning.

COMMISSIONER HOMIAK: Those are included in each one?

CHAIRMAN STRAIN: No, they're not required in each one, they would be required in the rezone and the conditional use.

MR. MULHERE: Because the --

CHAIRMAN STRAIN: Those that apply to the conditional use would have to be in the conditional use, and those that apply to the rezone -- well, we'll got one for each. So I would suggest that the amended -- the stipulations would be utilized where they're needed to be for each particular motion.

MR. MULHERE: Yeah, because of the setback issues in the conditional uses.

CHAIRMAN STRAIN: Well, you've got setbacks in the conditional use, you've got all your paper and heights and everything --

MR. MULHERE: And that's all --

CHAIRMAN STRAIN: -- in the rezone. And then you've got your language in the office infill deletion in the new language designated in the GMP.

So I just think though with that listing of eight items they can be broken up and placed wherever they need to to meet those stipulations.

So with that --

COMMISSIONER ROSEN: Mr. Chair, did you have an order of which you'd like to take the motions in?

CHAIRMAN STRAIN: Well, the first motion we need is on PL-20130002249/CPSS-2013-2, and that is for the GMP portion of this particular application.

COMMISSIONER ROSEN: Mr. Chairman, I'll make a motion to approve that, based on the listed

conditions that you had articulated with what is applicable to this particular motion.

CHAIRMAN STRAIN: Excellent.

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: Thank you. Mr. Rosen, seconded by Ms. Homiak.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The next one was RZPL-20130001652, and that was for the rezoning of the parcels to the consistency of the C-4 district.

Is there a motion?

COMMISSIONER HOMIAK: I'll make a motion to approve that with all the stipulations.

CHAIRMAN STRAIN: With the appropriate stipulations?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: As read.

Is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Seconded by Brian.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

The last one up is CUPL-20130002241, and it's for the conditional use portion of this application. Is there a motion?

COMMISSIONER HOMIAK: I'll make a motion to approve with the appropriate stipulations.

CHAIRMAN STRAIN: As already read into the record?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay, is there a second?

COMMISSIONER ROSEN: Second.

CHAIRMAN STRAIN: Seconded by Mr. Rosen.

Discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER ROSEN: Aye.
COMMISSIONER CHRZANOWSKI: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 7-0.
Heidi?

MS. ASHTON-CICKO: Do you want to see the rezone back on consent?

CHAIRMAN STRAIN: Yeah, I don't --

MR. MULHERE: I anticipated that to be the case.

CHAIRMAN STRAIN: Yeah, I think that would be the case. I think I'd like to see the language too with this adult issue clarified. So yes, we'll need to see the rezone back on consent and the conditional use -- only items pertaining -- well, both of them. You're not going to go forward with just one amendment.

MR. MULHERE: We can bring both of those back.

CHAIRMAN STRAIN: Yeah, why don't you just bring them both --

COMMISSIONER ROMAN: Yeah, I'd say both.

CHAIRMAN STRAIN: Is that a -- is there a motion by the Board to bring both the rezone and the conditional use back on consent?

COMMISSIONER ROMAN: I'll make that motion, that we bring the rezone and the conditional use back on consent.

MR. MULHERE: And that would be --

CHAIRMAN STRAIN: Is there a second?

MR. MULHERE: The date would be two weeks, or your next meeting?

CHAIRMAN STRAIN: It would be the 19th. Or you could do it on the -- well, you're not going to get -- are you going to get before the Board before they go on vacation?

MR. MULHERE: July 7th is our Board hearing.

CHAIRMAN STRAIN: Okay. So in order to do that you'd have to be here on the 19th.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: So you'd have to get stuff to Nancy quickly.

MR. MULHERE: We will. We will.

CHAIRMAN STRAIN: Okay. So with that, it will be come back -- is there a second to the consent motion?

COMMISSIONER CHRZANOWSKI: I'll second it.

CHAIRMAN STRAIN: Okay, all in favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 7-0.

So you'll have consent on the 19th. There will only be four people here, but four of those people will have read -- are here today, so that works.

Okay, thank you very much. And that brings us to our next item up for today.

We're done with the Amerisite project, so all those who were here for that item, it's finished. Thank you.

COMMISSIONER ROSEN: Mr. Chairman?

MS. DESELEM: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: When we talked about the description for the adult items, we need to be very careful what we ask for in the future. We don't want to be too specific. Because we have to come up with --

CHAIRMAN STRAIN: You know, this came up before, and I can't remember how it resolved, Mike, but I'm glad that Bob pointed it out because we got to -- yeah.

Okay, next item up is PUDA --

MS. DESELEM: If I may, Mr. Chairman. Kay Deselem for the record.

I have some information for you on the item that you mentioned this morning on the minutes.

CHAIRMAN STRAIN: Oh, good, thank you.

MS. DESELEM: So what I have is a copy of the draft minutes. They're totally unapproved for the consent item. And I have that discussion, and I can put this on the visualizer for you.

CHAIRMAN STRAIN: Thank you. We'll switch gears and move into this before we go to the next hearing.

MS. DESELEM: Mike Bosi has marked where it starts.

Can you blow it up so it's legible, Nancy?

CHAIRMAN STRAIN: Yeah, it's just the middle starting in, right?

MS. DESELEM: And I'll be quiet for a minute and you can read through that and then you can go from there.

CHAIRMAN STRAIN: Okay. So it looks like based on that the consent was accepted as it was submitted.

What's the matter, Diane? Go ahead and say something. I mean, I don't know how we go back and change -- what's your concern?

MR. YOVANOVICH: Can I come up there?

CHAIRMAN STRAIN: Yeah, go ahead, Richard.

MR. YOVANOVICH: Can we please take -- let me call my client. I sent him an email earlier. My simple question to my client was can we live with 40 feet. I haven't gotten a response yet. I don't want to -- if we can just defer this discussion 'til after the next item or during a break, I can make a quick call. Because I don't want this to become more complicated than it may need to be.

THE COURT: And I agree with you. I'm not sure what the need for a difference is between 35 and 40 feet to begin with. And, I mean, I understand it was -- it's a discussion item that occurred at the original meeting, but I didn't find it modified. So it doesn't matter to me, whatever you guys want to work out.

MR. YOVANOVICH: With respect to Ms. Ebert, there seems to be some ambiguity and I'd like to see if it's really an issue or not an issue.

CHAIRMAN STRAIN: Okay, sounds good. After this next one we're going to take a break at 10:30. We aren't going to be done with the next one by 10:30. So during that break, after the break we'll come back and see if you've been able to contact your client.

***So with that, let's move into the next item up for today, and it's the PUDA-PL20140000342, the Naples Reserve Golf Club Residential Planned Unit Development RPUD.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. I'll start with Stan.

COMMISSIONER CHRZANOWSKI: Same thing, I think I talked to Bob Mulhere on this one.

CHAIRMAN STRAIN: Mike?

COMMISSIONER ROSEN: I believe a while back I spoke to Bob Mulhere as well.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: And I've -- you know, I've talked to I don't know how many people I've talked to. I know I've talked to Rich. Bob, you and I may have talked because we are constantly talking about things. And I know I've talked to staff. And I went to the site with both the Assistant County Attorney and Nancy and reviewed on-site and around that site various locations, the roads and everything else, the neighborhoods.

Karen?

COMMISSIONER HOMIAK: I haven't spoken to anybody since before the last time, but I don't know, I can't remember who it was. Either Rich or Bob, I don't know.

CHAIRMAN STRAIN: Well, that's close enough.

Go ahead, Brian?

COMMISSIONER DOYLE: No.

COMMISSIONER HOMIAK: One of those guys.

MR. YOVANOVICH: We look alike.

CHAIRMAN STRAIN: The only difference is Bob doesn't have gray hair.

MR. MULHERE: No, I don't have any gray hair. Well, there is some. There's a little bit.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: No disclosure.

CHAIRMAN STRAIN: Charlette?

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

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

MR. MULHERE: Thank you. So this a continuation of this item. The substantive issue here is the amendment to the PUD to increase the volume of off-site excavated materials to a maximum of one million 50 thousand cubic yards.

At the last meeting there were a number of conditions imposed by the Planning Commission that we have addressed. And you have a memo from staff, I think it's about a two-page memo. And then it has an attachment to it that shows where the changes were made. And some of the changes that deal specifically with the operational issues of the excavation are set forth in the excavation -- the commercial excavation permit.

And there was -- and that was provided to you too. And I have a reduced copy of the site plan that shows locations for those kinds of things, which -- and if we get to that, I'm going to defer to Emilio to talk specifically, because actually Emilio Robau -- I'm sorry, let me introduce who's here. I forgot.

With me is Emilio Robau, who is the civil engineer.

Don Mears, who's the applicant on behalf of Istar.

Norm Trabilcock, who is our traffic consul -- transportation consultant.

And the aforementioned Rich Yovanovich, who is our land use attorney.

COMMISSIONER ROSEN: Yeah, aforementioned.

MR. MULHERE: And if I didn't say it for the record, I'm Bob Mulhere.

So anyway, I thought it would be best in the interest of your time if we began by just going over the items that are contained in that staff memo and how we've addressed those, if you agree, Mr. Chairman.

CHAIRMAN STRAIN: Sure, that's fine.

MR. MULHERE: Okay. Item number one was to limit the hauling to a 10-mile radius. And we have provided for that within Exhibit F, which is the transportation developer commitments, and that is contained in those under item D, which is on Page 12 of 15 of the PUD document.

The rock crushing location should be provided to establish a minimum distance from the existing residential properties. This item to be addressed at a future time. But I would suggest -- I don't know if it's dealt with in the commercial excavation permit? It is, Emilio indicates. And I don't know if you have any questions or if you had a chance to look at that.

CHAIRMAN STRAIN: Well, the last meeting what we talked about addressing is where it would to be located. You were going to have a site plan attached to the construction excavation permit. But in the PUD we need a minimum distance from the southern property line. So I didn't see that. That's something that we'll be looking for before the meeting's over.

MR. MULHERE: Okay. And I'll defer to Emilio, he can let me know what that -- how that's designed and then we can come up with a minimum distance. And if that meets your expectations, we should be fine with that.

The hours of operation are limited to 8:00 a.m. to 5:00 p.m. with the excavation -- that's for trucking, and with the excavation hours limited to 7:00 to 5:00. And the blasting limited to 9:00 to 5:00 p.m. That's contained in the PUD document.

CHAIRMAN STRAIN: And what would be the limitation on the time frame for the rock crushing?

MR. MULHERE: We can -- I mean, I assume that the preference there would also be for 8:00 to 5:00 p.m. And we can certainly add that.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: We've established a completion date, as requested. That's item H. Two years.

The hauling is limited to Monday through Friday, if I didn't already say that as part of the hours. It is limited to Monday through Friday.

The -- there is a -- we will have a wheel wash item, and that is also provided for in your commercial excavation permit.

CHAIRMAN STRAIN: That needs to -- we need to have some standards for it though added to the PUD. You're going to have a wheel wash, but if you looked at the documentation I had sent you regarding some of the wheel wash requirements, for example, the use of a wheel wash system is mandatory for the project. The wheel wash must be installed with a minimum setback of 150 feet from the perimeter boundary, be located on the paved access connection, provide water quality treatment and recycling for the wheel wash water. Truck staging within the limits of the public right-of-way is prohibited. A mine is required to provide adequate space on-site or on privately adjacent lands owned by the mine operator or for which the operator has access rights to accommodate staging of mine trucks arriving at the site prior to the opening of the mine for active hauling operations.

Now, those are all the activities that are going to occur with your truckers lining up in the morning and going out, plus once you leave the wheel wash they need to have a paved surface out to the road system, otherwise you're defeating of the purpose of the wheel wash. So somehow those conditions have got to be weaved into this requirement.

MR. MULHERE: Let me just have Emilio talk to that issue, because I know he's looked at that as part of the excavation, commercial excavation.

MR. ROBAU: I understand what you're saying, it needs to be weaved into the actual PDA.

It's already shown on the excavation permit, all the items that you had actually mentioned which is going to go before the board for approval.

For the record, Emilio Robau, Robau and Associates, Professional Engineer. Sorry.

So I'm not quite sure how to marry them. Both of them need to get approved, and they're now married by virtue of being on the same hearing dates. And some of that detail is shown on these excavation permit documents, and I can go over that, if --

CHAIRMAN STRAIN: Well, your being acknowledgment at this meeting is fine. That means it's going to be in the permit, staff's aware of it, we're good.

MR. ROBAU: Yes. Actually, they've deemed it sufficient. Those items are shown on the excavation permit. We wanted to make sure that that was available to the Planning Commission if they needed to see it so that we made sure that we got what you needed done.

CHAIRMAN STRAIN: Well, while you're standing there, do you know the distance between the -- from the nearest to the rock crushing to residential properties?

MR. ROBAU: Yes. It's essentially off-site, not our own internal residential properties, because I felt that you wanted --

CHAIRMAN STRAIN: Right.

MR. ROBAU: -- to take the outside interest.

I've got -- right now it's 2,230 feet plus another approximately 250 feet, so it's almost 2,500 feet.

CHAIRMAN STRAIN: So if we said minimum distance of 2,000 feet, that would work for your --

MR. ROBAU: Oh, absolutely, no problem.

CHAIRMAN STRAIN: Okay, that works. Thank you.

MR. ROBAU: Yeah, and all those items are shown on this.

CHAIRMAN STRAIN: Which we don't have a copy of. But if it's there, that's fine. That will just --

MR. MULHERE: They should -- you were supposed to have a copy.

CHAIRMAN STRAIN: I never got it.

MR. MULHERE: So how did that happen that you didn't get one and everybody --

CHAIRMAN STRAIN: Well, I get everything electronically, so obviously if those were sent in, no one told me, so I didn't get it.

MR. MULHERE: I have a copy. Do you want to take a look at it?

CHAIRMAN STRAIN: Not now.

MR. ROBAU: Yeah, we also send them electronically. We wanted to make sure that you had it so we --

CHAIRMAN STRAIN: You sent it electronically?

MR. ROBAU: Yes, I sent it to staff. I'm sorry, I don't usually directly --

CHAIRMAN STRAIN: No, no, you don't have to. I was supposed to -- everything that -- everything in the package was supposed -- but I didn't have that piece of it, so no problem, I'm fine, thank you.

MR. MULHERE: There was -- number eight was a condition to widen Greenway Road to 24 feet and add striping, and then to overlay and re-stripe within 60 days of excavation completion, which that condition is set forth in the PUD.

And number nine is to modify and clarify the environmental preserve language. We did do that, and thank you. And I apologize again for not getting that to you earlier, but we did.

And number 10 is that there shall be no stacking on Greenway Road, which relates a little bit to some of the conditions that you spoke to regarding the wheel washing. We won't be stacking on Greenway, so everything will be internal. And that is also contained in the PUD.

CHAIRMAN STRAIN: I'd like to make a correction. I did receive those documents after all. They're attached after the neighborhood notification addresses. And once I got to those numerous pages, I thought the rest of my electronic document was just those, because that's usually what ends the electronic documents. I didn't look at the very last handful of pages.

MR. MULHERE: Did Stephanie send those?

CHAIRMAN STRAIN: I don't know who sent them, but I got them from staff, so everything's good.

MR. ROBAU: Just to add the specificity, our stacking area is about 2,230 feet.

CHAIRMAN STRAIN: Perfect. Thank you.

MR. MULHERE: So those were the issues addressed by the Planning Commission that we were to come back and make sure they we addressed property and that you could look at. We've done that.

I suspect there's maybe some additional discussion, and I'll defer to you and whoever is best on the team to respond, but we'll be prepared to respond.

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER ROSEN: Yeah, I've got a question.

I recall a conversation. Did we -- our Commission, we didn't go through all the detail on this, I don't think. And the item number one, just kind of a heads up, the 10-mile limit, the radius of exporting fill, I guess you want to export the fill, which you're in a better position of importing fill, that's for sure. But the 10 miles, I only question that as a marketing issue.

MR. MULHERE: Well, the reason that -- one of the reasons that we felt we were justifying this additional increase was that we knew from conversations with --

COMMISSIONER ROSEN: Well, wait a minute, Bob. Before you go on, I'm thinking the 10 miles is not big enough.

MR. MULHERE: I know. I know what you're saying.

CHAIRMAN STRAIN: Yeah, it was their idea.

COMMISSIONER ROSEN: It was?

MR. YOVANOVICH: As Mark was saying -- I mean, as what's his name?

MR. MULHERE: Bob.

MR. YOVANOVICH: As Bob was saying, we -- the whole reason for this request was to take trips off of the transportation system for people to haul in to Collier County. So we actually have made arrangements to dispose of the fill already. So that 10 mile radius is -- so we're in good shape for that.

COMMISSIONER ROSEN: Okay, I just don't want --

MR. YOVANOVICH: And I appreciate your looking out for us.

COMMISSIONER ROSEN: I just don't want you to harm yourself, because I have seen happen in the past before when these types of things are legislative, then your future buyers know that this is legislative and possibly those prices over the years start moving where you didn't anticipate.

MR. YOVANOVICH: I understand.

COMMISSIONER ROSEN: Thank you. Okay.

CHAIRMAN STRAIN: Go ahead. Okay, do you have any other questions, Mike?

COMMISSIONER ROSEN: No, that's it, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Let's start with one of the questions. You were going to supply a portion of this dirt to U.S. 41.

MR. MULHERE: 450,000 cubic yards.

CHAIRMAN STRAIN: Right. Did that actually happen?

MR. MULHERE: Not yet.

CHAIRMAN STRAIN: Is it under contract?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. So they've negotiated a price and everything's worked out.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. I just wanted to make sure because that was a portion of the project. Your number H on Page 12, off-site removal of fill shall be completed. And it talks about two years with an extension of one. But we need a no later date. The way this is, you could hold off on your excavation permit or delay it and you could go on for a long period of time. So no later than what?

MR. MULHERE: Well, you got the extension. so --

MR. YOVANOVICH: Mr. Strain, do you want to put in we're expecting -- why don't we just say three years from PUD approval, since they're both going to be on the same agenda, which we expect to be June 24th, or whatever date, whatever the next Commission --

CHAIRMAN STRAIN: That works. I just wanted to make sure there's something there to address that.

MR. YOVANOVICH: I understand.

MR. MULHERE: So it will say something like: In any case the excavation permit shall expire within three years of the date of approval of the PUD.

THE COURT: Right.

You added some new language in your PUD. Page 3, Tract P -- actually starts on Page 2, Tract P, permitted uses. And you have a series of accessory uses that -- and this is for your preserve area. It's underlined so I'm assuming it's new language.

MR. MULHERE: That was actually requested by the staff I believe to be added because for some reason it wasn't in there, and we added it at their request. That's to my knowledge.

CHAIRMAN STRAIN: Okay, I just wanted to make sure that -- because this started out to be for the commercial excavation.

MR. MULHERE: Sometimes you get little corrections that folks want.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: We're not slipping anything in there.

COMMISSIONER EBERT: This time.

CHAIRMAN STRAIN: Previously we had required, and it's on Page 12.E, it's on the same

document: At project build-out a secondary access point for residents shall be provided off Greenway Road.

But you've changed that. Now it says: A secondary access point shall be provided off Greenway Road prior to the export of excavation material.

MR. MULHERE: Right. The agreement was that Greenway would be used and therefore we wouldn't wait until project build-out, we'd commence that immediately.

CHAIRMAN STRAIN: What do you intend to use Greenway for?

MR. MULHERE: For hauling. And for any secondary -- and for any secondary trips, once we have residents living in the project. It will always be used as --

CHAIRMAN STRAIN: Any secondary trips. So you've got a nice new fancy entryway. Wide lanes --

MR. MULHERE: Yeah, I don't know how new it is.

CHAIRMAN STRAIN: Center divided. Well, I was there. We got pictures of it. And sidewalk and

--

MR. MULHERE: I heard.

CHAIRMAN STRAIN: -- everything else. It looks sharp.

MR. MULHERE: You couldn't hide.

CHAIRMAN STRAIN: Now it's .39 miles long. Greenway is 1.12 miles long.

Where do you intend to bring in your construction personnel to build this 1,100 unit project?

MR. MULHERE: Both. We would use both. But the likelihood of continuing to use the main entrance other than for light construction materials, you know, as we move forward and people are living -- people are living very close to that roadway right now within Reflection Lakes -- I think it's the Reflection Lakes PUD.

And at our neighborhood information meeting, those are the folks that showed up and those are the folks that were worried and objected to using that entryway for hauling. And, you know, because we had negotiated with staff to use Greenway, a commitment was made that we would not use that for haul.

CHAIRMAN STRAIN: Did you --

MR. MULHERE: We did tell them we would continue -- I'm sorry, I didn't mean to interrupt you. I just wanted --

CHAIRMAN STRAIN: That's all right, I thought you were done.

MR. MULHERE: No, we did tell them we would continue to use that for some construction traffic in that neighborhood information --

CHAIRMAN STRAIN: Did you place the notification signage for this project out on the property? Or who oversaw that?

MR. MULHERE: I oversaw it. The signage was placed by Sign Crafter.

CHAIRMAN STRAIN: Okay. Do you know where the signs are?

MR. MULHERE: There originally were a couple signs.

CHAIRMAN STRAIN: Right.

MR. MULHERE: And they were at all located at the entry to the project. Because, you know, the whole PUD is located so far to the north that if we put anything that .39 miles to the north, nobody would have seen it. So we located on U.S. 41.

CHAIRMAN STRAIN: But you located them, you just said, at the entry to the project.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Which is?

MR. MULHERE: Which is Naples Reserve Boulevard.

CHAIRMAN STRAIN: Naples Reserve Boulevard.

But you're now telling us you're going to use Greenway as an entry to the project and you put no signs at the entrance to Greenway so --

MR. MULHERE: There was a sign -- there was another sign located down closer to Greenway Boulevard.

CHAIRMAN STRAIN: There were two signs, but they are directly in front of Reflection Lakes, not in front of Greenway.

MR. MULHERE: Actually, there was three originally.

CHAIRMAN STRAIN: Okay. But they're in front of Reflection Lakes, not in front of Greenway. We have pictures. So the people on Greenway who are not an organized HOA but yet Reflection Lakes is so you notify one of them and their HOA gets an email blast out to every member, look what's happening. But the people on Greenway have no organization. There's 94, I counted 94 homes, three businesses. 300 homes in Reflection Lakes but two entrances, one directly on 41, one in the area that you're -- the .39 mile section. But Greenway has no similar exit. Greenway is limited to -- they have no HOA that I know of.

I don't know what your notifications -- I didn't track all of your notifications, but by putting the signage just on Naples Reserve it sure didn't help notify the people that live on Greenway to expect this.

MR. MULHERE: Well, there was another sign. I'm not saying it was right at Greenway, but as I recall there was another sign maybe midway down the property. Now, whether it was there when you went out there -- I haven't been out there, I didn't drive by there, but there was another sign erected also about midway down.

You know, those signs are a little bit hard to read when you're traveling 60 miles an hour or 55 miles an hour down there.

CHAIRMAN STRAIN: But your actions are changing, especially if you're going to use Greenway not just for hauling but also for all the construction traffic that that project -- even half the construction traffic. And I'm not sure any development is going to reasonably limit its -- let its construction people continue to use their main entrance when they have an access through a secondary access. Usually that ends up being the construction entrance.

Richard?

MR. YOVANOVICH: I'm just waiting for the question.

CHAIRMAN STRAIN: The question is I was back on E, was your intention to use Greenway for your construction entrance, and I think the action is yes.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: And Bob went into a dissertation about how the people in Naples Reserve were concerned -- or Reflection Lakes were concerned about using that .39 mile roadway for the construction traffic and everything.

MR. YOVANOVICH: No, the issue with Naples -- I'm sorry, with Reflection Lakes came up at the NIM for the purposes of doing what we're here primarily to discuss, which is the extra excavation material. And we told them at the NIM the hauling for the excess excavation material above the 450,000 cubic yards will occur off of Greenway.

CHAIRMAN STRAIN: Why did you do that? Why wouldn't you want it to go down the shortest route?

MR. YOVANOVICH: Because the concern from the neighbors were we are an existing established community. Bringing your trucks up and down Naples Reserve Boulevard near our homes would be not a comfortable experience for them. And in response to their concerns -- and we've already -- we're already approved to haul 450 (sic) cubic yards of material down Greenway Boulevard.

CHAIRMAN STRAIN: 450, good. That's only about --

MR. YOVANOVICH: 450,000 cubic yards, Mr. Strain. I'm trying so hard not to use square footage, which Mr. Mulhere did the last time --

CHAIRMAN STRAIN: Cubic yards is --

MR. YOVANOVICH: I had my number of yards wrong.

-- my 450,000 cubic yards down Greenway, it makes all the sense in the world to continue to use Greenway as the haul route for this material.

CHAIRMAN STRAIN: Okay, well, I have a solution to your dilemma.

MR. YOVANOVICH: And I'm sure that's not going to be a quick discussion.

CHAIRMAN STRAIN: No, we're going to discuss that solution at 10:45, so we'll come back from break at 10:45 and continue.

(Recess.)

MR. BOSI: Chair, you've got a live mic.

CHAIRMAN STRAIN: Thanks, Mike.

MR. BOSI: You're welcome.

CHAIRMAN STRAIN: During break Nancy had taken some pictures of the various locations around the Naples Reserve, locations of roadways and things like that. Nancy, did you give a copy of the pictures to Bob and/or Richard?

MS. GUNDLACH: Yes, I did.

MR. MULHERE: I've got a few exhibits I wanted to share too, so --

CHAIRMAN STRAIN: Okay. But I'd like, since the conversation is moving towards the use of Greenway, I think instead of waiting for Nancy to do this after we talk, it would be better to have her show it now.

MR. MULHERE: I'm sorry, I --

CHAIRMAN STRAIN: Nancy, if you could walk through these pictures that you took on Monday.

MS. GUNDLACH: Okay, the first photograph is -- hold on a sec. We have to zoom out a little bit. It shows all the points -- and each of you should have a copy of these to follow along. But you'll notice A, B, C and D are your points of ingress and egress along 41 back into the Naples Reserve site; A being the Greenway Boulevard intersection.

And here's a photo of it, the intersection of U.S. 41 and Greenway Boulevard.

And then as you drive down Greenway Boulevard, that road, Greenway Boulevard, there's a dump truck and gives you an idea. It's 20 feet wide currently. And you can -- you can catch on the side right here, those are the swales. And there's one over here on the other side as well.

And another photo of Greenway Boulevard.

And then moving along to -- further along, west along 41, this is a secondary entrance into Naples Reserve.

MR. MULHERE: No, that's not correct. There's no --

CHAIRMAN STRAIN: Reflection Lakes.

MS. GUNDLACH: I'm sorry, Reflection Lakes.

MR. MULHERE: No connection to Naples Reserve at all from that.

CHAIRMAN STRAIN: Well, not directly. Not to Naples Reserve Boulevard from that point.

MR. MULHERE: But there's no conn --

MR. YOVANOVICH: Bob, have him --

COMMISSIONER ROMAN: You might want to zoom out just a little bit, Nancy, so you can show the identification.

MS. GUNDLACH: There we go.

Okay, the third image is Naples Reserve Boulevard and the U.S. 41 intersection. The Naples Reserve Boulevard is an access point back into Naples Reserve and Reflection Lakes.

And this photograph shows off of Naples Reserve Boulevard the primary entrance into Reflection Lakes.

And this is a sidewalk along Naples Reserve Boulevard adjacent to Reflection Lakes.

And this photograph shows the outgoing or southbound lane from Naples Reserve to U.S. 41.

CHAIRMAN STRAIN: Okay, thank you, Nancy.

The reason I asked Nancy to show this a little bit ahead of when she would normally have done a staff report is simply to indicate that there are two ways into Naples Reserve. And by not utilizing both of them under some coordinated effort for this additional fill removal, it's going to put a burden on one neighborhood over another. And we rarely have an opportunity to balance things out. It just seems logical we should consider it in regards to this project.

And Richard, so I guess from your --

MR. YOVANOVICH: We started -- that's where we left off, correct?

CHAIRMAN STRAIN: What are you talking about?

MR. YOVANOVICH: We left off, we were just getting into a discussion --

CHAIRMAN STRAIN: Yes, yes.

MR. YOVANOVICH: -- I believe on access.

CHAIRMAN STRAIN: Right. So why wouldn't it work better for both neighborhoods, for each of them to absorb a little bit of the inconvenience of your commercial excavation by bringing the trucks in Greenway, which is no sidewalk and is narrow and is long, has 94, maybe 90 plus residential units that feed into it, and then have them go out Naples Reserve Boulevard because the outgoing lane is furthest from the residential units of Reflection Lakes, it's separated by a divider and there's a sidewalk on the inside lane that people use.

So the outgoing lane is probably the most protective one where they could go and it's a third of a mile compared to over a mile for the other one with a full truck.

MR. YOVANOVICH: Well, Mr. Strain, let's start with we're here to talk about 600,000 cubic yards, correct? That's the difference you're asking for.

CHAIRMAN STRAIN: Correct.

MR. YOVANOVICH: 450,000 cubic yards has already been approved to go up and down Greenway Road for those trucks. We are adding -- so that road is already anticipated to be rebuilt and widened to address safety concerns. And we spent a lot of time talking about that at the last meeting, on Greenway Road.

So that road is already prepared to be improved and be in better condition for the residents, the much smaller number of residents that live along Greenway as compared to a community of Reflection Lakes, let alone our own community. And I'll point something out in our own community as we talk about that in a moment.

So we already have a haul route that's been designed to accommodate 450,000 cubic yard removal. And that's going to take about a year or so to get that done for the FDOT road.

We're talking about adding another year to the process to make it a two-year with the ability if we're not quite done to come back and ask for another year for haul route to get the remaining or additional 600,000 cubic yards out.

So it made sense to us to continue to use a road that was already approved and anticipated to be a haul route for fill and leave the traffic where it was already expected to go for that haul route.

Plus the residents of Reflection Lakes attended the NIM and basically said we don't think it's appropriate to be bringing your trucks in and out and using this as a haul route for the removal of fill. And they came to the NIM, and we committed to them at the NIM that we would not use Naples Reserve Boulevard as our access point for the haul route.

And I'm fairly certain that if there becomes a commitment or a requirement from the Planning Commission that we now use that as the haul route for a portion of this, that the Commission chambers will be packed. They're not here today because we made a commitment to them at our NIM, and we can't change that commitment without probably going back and doing another NIM, and we're not interested in doing another NIM because we made a commitment.

So we have internal issues. And that's a road that's already been prepared and proposed to be a haul route for 450,000 cubic yards.

This is our site. And if you remember, you remember the PUD master plan, the entrance, we have one way into our site off of Naples Reserve Boulevard. That will be our main entrance; that will be our sales point so people will be coming in from there. And we have two preserves that kind of ring that entrance, so I don't have a way around the choke point or the center piece of our project to where now I'm going to be focusing my haul route and construction efforts and competing with my sales efforts for this community. So it makes no -- there's no practical alternative for us to bring our haul route through our central gate.

That together with the commitment we made to the people of Reflection Lakes, together with the fact that we're already using Greenway for 450,000 cubic yards and improving that road to a better road than is there today. That road is already used by agricultural entrance with big vehicles up and down that road. Not to the extent that we're going to use it, but it already has truck traffic up and down it.

We followed the county's notice requirements for our PUD amendment. We in addition met with the developer of the Habitat community to discuss what we were proposing to do. We provided written notice to people within 1,000 feet because this project is both under the 500-foot and the 1,000-foot requirement. So we went the, you know, conservative route and notified the full 1,000 feet.

And frankly, there's nobody here from Greenway objecting. And I don't think it's fair to say to us they're not here objecting because they didn't know about it. We think they did know about it. We provided the required notice and they had the opportunity to attend our NIM. They had the opportunity to be here.

And we did more than is required as far as the notice of requirement goes. We met with the major business interests, the nurseries out there, and some of the residences out there. And we think what we're proposing is a less impact to the overall community by going down Greenway, and we think the overall benefit where this all started from was reducing overall truck traffic on all the Collier County roads because you won't have to haul as far to bring fill that is right there that we can provide within that 10-mile radius.

So overall we think our proposal is a fair proposal, keeping in mind all of the benefits associated with this proposal.

CHAIRMAN STRAIN: Well, Rich, a couple things. You said that Greenway was designed to accommodate the 450,000 cubic yards. Maybe John can quantify that. Because I don't know that Greenway's been designed for that. In fact, you're going to be making improvements so it can be used for the additional --

MR. YOVANOVICH: No, what I said was it's been approved today as our haul route for 450,000 cubic yards. It's been approved for that.

CHAIRMAN STRAIN: I'm not disputing that point.

MR. YOVANOVICH: So what we're saying, since it's already been approved for 450,000 cubic yards for roughly a one-year period to take that material out, it makes sense to continue to use that as a haul route.

And we spent a lot of time at that last meeting talking about what was the cross-section going to be related to using Greenway for the entirety of the million plus cubic yards. We went through that discussion and came up with a cross-section to address that, didn't we?

CHAIRMAN STRAIN: I asked a simple question and you've taken a narrative to respond. But I don't see how Greenway's been designed to accommodate the hauling of 450,000 cubic yards. Greenway's been designed as a rural cross-section, which doesn't include, I would believe hauling of 450,000 cubic yards. That was your statement. Then afterwards you said it's been approved. We previously approved 450,000 yards.

We did. And that's not saying this Board can't go back and correct a mistake of the past since you're now over doubling the size of this.

MR. YOVANOVICH: Well --

CHAIRMAN STRAIN: Your argument that --

MR. YOVANOVICH: I can assure you that's not an option.

CHAIRMAN STRAIN: Richard, I've got the floor right now.

Your argument that you want to save the county hauling distance ought to be applicable to -- I agree with you, that's the best thing out of this whole idea. The hauling distance of using Greenway two-way is 2.24 miles. The hauling distance of taking in Greenway and out Naples Reserve is only 1.51 miles. So you've got a savings right there by changing the haul route for, what are we looking at, 240 trips, 140 each direction, times three years. That's a huge amount of material and a huge amount of hauling that's going to be saved -- you're going to save three-quarters of a mile on every truck by going in one way and out the other. And the heavy haul, which is the most dangerous, going out that way is the shortest. Why wouldn't we do that to save the neighborhood? And it is the furthest from that neighborhood.

MR. YOVANOVICH: Let's talk -- well, haul route, if we want to do the math, haul route, we're asking for a 10-mile radius to haul our fill. We're currently -- I'm told it's roughly 39 miles one way to bring fill in from the existing pits that can bring fill. We are reducing that haul route for those properties significantly more than what we're asking for regarding the continued use of Greenway Boulevard. And it's already been approved for 450,000 cubic yards for that use.

That's been approved and it's going to be doing that and it's going to be going to FDOT for an FDOT road that the community benefits from having that fill go there.

It was not a mistake to approve that road, that haul route, for the 450,000 cubic yards in the first place. So that's going to stay and that's not going to go anywhere.

What we're proposing I think is a fair overall solution for the overall reduction to trip impacts versus a 39-mile haul to a 10-mile radius haul for the right to continue to use Greenway Boulevard when we are going to improve it now to the cross-section we discussed at the last meeting. We do think that's fair, and we think it is unfair to impact the residents of Reflection Lakes when we had already made a commitment to them that we would not impact them with that haul. And we think it's unfair to us and not acceptable to us to take half or whatever number through our front entrance when we're trying to sell our project. We don't think that's fair.

CHAIRMAN STRAIN: And it's just equally unfair to expect that inconvenience to be put on a neighborhood to the east.

You said that the Reflection -- you made a commitment to Reflection Lakes. Well, isn't that nice, because that commitment might be convenient for your development, so that's why that commitment was made to that neighborhood. Because just as you said, they don't want to take any of these haul trucks out their road because obviously it will mess up their main entrance. I don't think that's a good reason to dump it on a neighborhood to the east.

You indicated that based on this map you only have one way in. Those were your words, one way in. But yet by the actions that we're looking at today, you're proposing a second way in; you're proposing Greenway be established as a permanent second way in as it was in the original. But that's not just one way in, you have two ways in.

MR. YOVANOVICH: Mr. Strain, that is our secondary entrance when we get done with the hauling of the materials out of the site and using it as our construction entrance. But our front door for marketing purposes and sales of this community, our only way in is off of Naples Reserve Boulevard. That secondary entrance is not an entrance for purposes of selling this community.

CHAIRMAN STRAIN: Right. And all the construction vehicles would be using that back entrance. And that neighborhood will have to suffer with that for a 1,200 unit build-out.

MR. YOVANOVICH: And that neighborhood has been provided the required notice, we've talked to that neighborhood. If you're referring to that neighborhood as the Habitat community, we've talked to that neighborhood regarding what we're proposing to do. We've complied with the county requirements.

That neighborhood isn't here yelling and screaming about what we're proposing to do. That neighborhood is far less homes, far less homes than the Reflection Lakes neighborhood. If you were simply count them up it's far less homes that's being impacted. And it's already agreed by the County Commission to impact it for 450,000 cubic yards. Why not allow us to continue on with our proposal and use that same haul route for a year longer?

CHAIRMAN STRAIN: From my perspective, Richard, it doesn't make practical sense. But this board will vote on it and we'll see where it goes.

Anybody else have any questions?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Go ahead, Ms. Ebert.

COMMISSIONER EBERT: This is a rarity, but I'm going to have to agree with Rich.

MR. YOVANOVICH: Could we make sure we have that --

COMMISSIONER EBERT: It will be in the minutes.

MR. YOVANOVICH: It will be in the minutes.

COMMISSIONER EBERT: When we originally did this, was this not back in 2010, 2011, something like that?

MR. YOVANOVICH: I've been on this for at least two PUD amendments, and I think it was approved before me.

COMMISSIONER EBERT: Well, I remember Phil Brougham was on the Board at the time. And we talked about that Greenway, and it was -- if we go back and look at the minutes from that, I think it said all construction, even for the homes going in there, was going to go on Greenway Boulevard. That's kind of what I remember, that all construction vehicles, whether it's building, whether -- you were going to take out haul at that time also. But everything they used Greenway that I can remember. I might be wrong, I did not look up the minutes from when this was originally approved.

MR. YOVANOVICH: Well, I know you're one for one today, so I can't --

CHAIRMAN STRAIN: Anybody else have any comments?

Mike?

COMMISSIONER ROSEN: Question. Did I hear all the conversation that -- maybe it's for John Podczerwinsky. Is Greenway going to be refurbished in the future, widened, did I hear that?

MR. YOVANOVICH: Yes.

COMMISSIONER ROSEN: John, could you explain what that's all about, please?

MR. PODCZERWINSKY: Good morning still. For the record, John Podczerwinsky, Transportation Planning.

Mike, yes, the widening that you're referring to though is being done by the applicant. It's just a surface widening in order to add shoulders, add a little more room for vehicles to be accommodated on that road, as well as pedestrians to have a bit of a safer zone for pedestrians to be out of the roadway.

COMMISSIONER ROSEN: And when is that supposed to be done? Is there a time table for that?

MR. YOVANOVICH: Up front.

MR. PODCZERWINSKY: Yes, exactly, up front.

COMMISSIONER ROSEN: Thank you.

COMMISSIONER CHRZANOWSKI: And with commercial excavations, don't you videotape the road that might be damaged to make sure that after the commercial excavation is done any damage done to the road by the excavation is repaired?

MR. PODCZERWINSKY: Would you like to answer?

MR. ROBAU: Yes, actually -- Emilio Robau, Robau and Associates, professional engineer.

Actually the videotapes were done not only for that purpose but just to look at the background traffic. We actually did a 7:00 a.m. till like 8:00 p.m. observation, got pictures of the road, et cetera.

I think it was on the last school day of the year. I actually saw the buses going into Habitat for Humanity and dropping that off, et cetera. They don't have any bus stops in that area on that side.

COMMISSIONER CHRZANOWSKI: Okay, but some of that is done to make sure of the -- that you document the condition of the road so that any hauling done during the commercial excavation ends up in the road being repaired.

MR. ROBAU: Yeah, it was dual purpose, and we did that. And there is a commitment to not only widen four feet generally on the east side but restore the road afterwards and overlay it at the end of all hauling.

CHAIRMAN STRAIN: John?

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: You just said something. They're going to add two feet to the shoulders.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: And you said that would help the pedestrians. Are you encouraging pedestrians to --

MR. PODCZERWINSKY: No, we're not encouraging pedestrians.

CHAIRMAN STRAIN: Okay. So how is the 12-foot wide lane which is a standard width, especially for the width of these haul trucks, going to help the pedestrians?

MR. PODCZERWINSKY: It's not that it's a 12 foot lane width. We're looking at 24 feet total width for asphalt.

CHAIRMAN STRAIN: Right.

MR. PODCZERWINSKY: Okay? We're going to work with -- the applicant's going to work with the right-of-way permitting department as to where exactly those lanes will be striped. We're anticipating two 10-foot lanes and then additional shoulder width that -- the most shoulder width that we can get out of that new roadway surface as we go along. It's either going to be three-foot on one side with a single foot on the other, or it may be two and two, depending on the layout of the road.

CHAIRMAN STRAIN: So you're saying the pedestrians should use that width?

MR. PODCZERWINSKY: If they need to use the shoulder, it would be the same common uses that a roadway shoulder would otherwise receive. But it's not designed for pedestrian use.

CHAIRMAN STRAIN: Is there sidewalks along Greenway?

MR. PODCZERWINSKY: No, there's not.

CHAIRMAN STRAIN: There are sidewalks along Naples Reserve on one side --

MR. PODCZERWINSKY: Correct.

CHAIRMAN STRAIN: -- by the pictures we showed today.

MR. PODCZERWINSKY: Yes, sir.

CHAIRMAN STRAIN: Okay, is it safer to be walking on a sidewalk than it is a shoulder?

MR. PODCZERWINSKY: Absolutely.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER ROMAN: But I think, Mr. Chair, we discussed this a little bit last meeting, and I share your concerns. We had originally talked about widening Greenway and putting sidewalks in and everything else like that, but it was prohibited, as I recall --

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: -- because of the terrain that's there. But we surface some of the similar concerns about pedestrians and the large trucks moving up and down Greenway.

MR. YOVANOVICH: And I thought -- honestly, I thought with the cross-section we basically agreed to at the last meeting when we discussed all those items, we had resolved the issue of the safety of using Greenway for the haul.

CHAIRMAN STRAIN: Well, I think we reluctantly realized there might not be much more practical application to make Greenway safer. And it wasn't until after I went out there and drove Naples Reserve after the last discussions and I saw the people walking on a sidewalk and realizing that a divided road and putting the outgoing trucks on the lane furthest from the residences would be least harmful in that community and it would cut the hauling distance down two-thirds. So it seemed like a very practical solution, Richard, so --

MR. YOVANOVICH: Can we be practical?

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: We did the video of who's using Greenway Boulevard -- I keep saying Boulevard -- Road. People are not walking or bicycling on Greenway Road. It just isn't happening.

So if we want to talk about practical, why are we going through this exercise of worrying about these phantom pedestrians and bicyclists that are not using Greenway? The buses who pick up school kids and the school kids who live in the Habitat community, they go into the Habitat community to pick up the kids.

So the -- all of these worries and practical who's going to be walking up and down Greenway doesn't exist. It's not a pedestrian road today.

COMMISSIONER ROMAN: Well, you might have to ask whether it's not because people don't want to use it or because the conditions are such on Greenway that they can't use it safely. And I think there's two sides to that.

MR. YOVANOVICH: And the after, and we talked about this, in the after, once we're done hauling, roughly two years from when this gets approved, we were going to put another layer of asphalt, if I remember, and we were going to re-stripe it. And at that time there was going to be discussions about striping it so you could create either, you know, a couple of feet or three or four feet, whatever the number was, for either a pedestrian walkway to encourage that or for bicyclists.

I know -- I live in the Pine Ridge community, and on our main road, Ridge is the only place that we actually created a little area that is shared by pedestrians and bicyclists. You'll have a similar situation in Greenway in the after that doesn't exist today. It will be better for them to use it. It will be wider and it will be better striped once we're done than it is today.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER ROSEN: Mr. Chair?

CHAIRMAN STRAIN: Go ahead, sir.

COMMISSIONER ROSEN: When you take a look at the aerial photo that staff provided of Greenway Boulevard, you know, you start to talk about practicality, and when you look at the run north to south and you get to U.S. 41, if there was a walker or bicyclist, where are they going? There's no destination at the end of Greenway. It's 41 that has no sidewalks. So, you know, it seems to me just from a practical

standpoint of view that I -- I would agree with the applicant that there's probably no bicycle pedestrian traffic, there's noplacement to go.

CHAIRMAN STRAIN: Everybody seems to be --

COMMISSIONER HOMIAK: You have to go by car to get somewhere. There's noplacement --

COMMISSIONER ROSEN: Yeah.

COMMISSIONER HOMIAK: It's too far away.

CHAIRMAN STRAIN: Everybody seems to be focusing on the pedestrian as the only issue here.

Loading out -- providing 240 trips on Greenway in addition to what we saw in the pictures that occurs constantly on Greenway, adding that to the fact that these people only have one exit and that's Greenway, all those homes up in there all funnel down to Greenway and have to go out on a very narrow entrance on 41. Yet the Reflection Lakes project and the Naples Reserve project have a double wide exit in two different locations for Reflection Lakes and one double wide exit on Naples Reserve with turn lanes and everything else.

So I don't -- I still -- I'm sorry, but the logic to move the hauling to the shorter distance under these conditions, I see no reason to ignore it and I will not ignore it at the final vote on today's meeting.

So Nancy, hearing no other questions, do you have anymore staff report you want to --

MS. GUNDLACH: Good morning, Commissioners.

Staff is recommending approval of the Naples Reserve petition, as it is consistent with the Land Development Code and the Growth Management Plan.

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

(No response.)

CHAIRMAN STRAIN: Are there anymore comments from the Planning Commission? You guys have anymore you want to discuss on this or are we -- Richard, do you have anything you want to --

MR. YOVANOVICH: I do. I just want to respond to one of the last comments you made, Mr. Strain, about the 240 two-way trips. It's not a --

CHAIRMAN STRAIN: 140 in and 140 out, I think that's what --

MR. YOVANOVICH: Right, but that's for the entirety of the million 50 cubic yards. Remember, there's already roughly half of that already approved. So it's not a full increase of the 240 -- 280. The 280 number is -- when you're saying approving 280, you're not approving 280, you're approving roughly half of that. Because already half of that amount of haul traffic is approved for that road.

CHAIRMAN STRAIN: The previous mistake provides that, okay, I understand.

COMMISSIONER ROMAN: Is there a possibility to look at going in Greenway and out Naples Reserve Boulevard let's say for the first year and then after the first year then move to, you know, when maybe you have sales going, beginning in Naples Reserve development, then going to both trips out Greenway? To disperse a little bit of the intensity of the truck hauling to one single roadway.

MR. YOVANOVICH: Realistically, no, there's not that ability. We're hoping to be open and selling in this coming season. So a year, I mean, that's six, seven months from now. So we're hoping to be open and selling here soon. So realistically.

Plus I can assure you that you're not going to experience it, but the Board will experience it when the Reflection Lakes people show up at the next meeting, public hearing, when all of a sudden they're going to have haul traffic. And we made a commitment that we can't agree to go back on that commitment.

CHAIRMAN STRAIN: Okay, Stan?

COMMISSIONER CHRZANOWSKI: How long is it going to take you to load a truck? Two minutes, three minutes? Two minutes? So you'll have a truck coming out there every two minutes at 41. Which gives cars a lot of time to get in between the trucks.

MR. YOVANOVICH: Right.

COMMISSIONER CHRZANOWSKI: So if you start stacking up a whole bunch of trucks, that's not going to do any good for you having all that delay. So I don't know, I can't see a problem with it, Mark.

CHAIRMAN STRAIN: That's fine. I didn't expect that you all would. So I do. That's what's nice, we can all vote differently.

Any further questions of the applicant or staff or anybody?

(No response.)

CHAIRMAN STRAIN: Okay, with that, we'll close the public hearing.

And before the motion, there are several notes I made. There's been a lot added to the PUD as a result of the last meeting. There are three things that we talked about today that the motion maker may want to add. This is assuming if it's an affirmative vote.

The minimum distance to the rock crushing will be 2,000 feet.

Rock crushing will be limited from 8:00 a.m. to 5:00 p.m.

And the excavation will occur -- will finalize no later than three years from the date of the PUD approval.

And I obviously will not add the things I would like to add because I don't think it will get the support.

So with that, is there a motion, with or without the stipulations?

MR. YOVANOVICH: Is the 2,000 feet from the south boundary line?

CHAIRMAN STRAIN: Yes.

COMMISSIONER EBERT: So Mark, we're changing number H where the off-site removal for two years, we're just making that three; is that correct?

CHAIRMAN STRAIN: No, we're saying no matter what, it's not going to be -- it won't be more than three years from PUD approval.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Is there a motion from the Planning Commission?

COMMISSIONER HOMIAK: I'll make a motion to approve PUDA-PL20140000342, with the stipulations that you just mentioned.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROSEN: Second.

CHAIRMAN STRAIN: Seconded by Mr. Rosen. Made by Ms. Homiak.

Discussion?

(No response.)

CHAIRMAN STRAIN: I am going to be voting no on the motion for the following reasons: Number one, I see no logical reason to diminish the -- to be able to reduce the length of the loading haul route by going from 1.12 miles down to .39 as I had suggested. So that leads me to find that the PUD findings number one, three, four, six, seven and eight have not been met, and rezone findings, one, two, six, seven, 12, 13, 14, 15 and 17 have not been met. And for those reasons, I am voting no on this motion.

Any further discussion?

(No response.)

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

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Six in favor. And same motion, one against.

So Richard, six to one, you got your project recommended for approval to the Board of County Commissioners.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: Thank you.

***Okay, with that, Rich, there was one other item brought up with the Olde Florida Golf Club. Did you get a resolution?

MR. YOVANOVICH: And that was -- the development standards were for the single-family detached, correct?

COMMISSIONER EBERT: Correct.

MR. YOVANOVICH: Single-family. I was able to talk to my client, and they are okay with the minimum lot width for single-family detached being 40 feet in width as opposed to the table that I believe that was presented at 35 feet in width.

So we're -- if that is the -- if that was the understanding of the Planning Commission when you approved the PUD, then it's fine with us to remove that ambiguity in deference to what was said on the record during the original consideration.

CHAIRMAN STRAIN: I think it's more of a question of staff. The issue, if this had -- if -- they were on consent, I believe. So would his statements allow them to remain on consent?

MR. BOSI: Yes, yes.

CHAIRMAN STRAIN: Then I guess that's -- as long as there's no objection from the Board. I certainly don't think we need another vote on it because I don't think that's consistent necessarily with the discussion, but I have no objection if that's the route they want to go to stay on consent.

So nobody else?

(No response.)

CHAIRMAN STRAIN: With that, is there any other old business?

(No response.)

CHAIRMAN STRAIN: New business?

(No response.)

CHAIRMAN STRAIN: Is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: By Ms. Ebert, seconded by Charlette.

All until favor, signify by saying aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER ROSEN: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Motion carries 7-0. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:19 a.m.

COLLIER COUNTY PLANNING COMMISSION

MARK STRAIN, Chairman

These minutes approved by the board on 7-17-14 as presented or as corrected .

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