

August 7, 2014

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
August 7, 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 (Absent)
Diane Ebert
Karen Homiak
Charlette Roman
Mike Rosen (Absent)

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, August 7th meeting of the Collier County Planning Commission.

You know, I've just noticed the agenda said we'll meet at 8:30 a.m. We haven't done that in a long, long time. So somehow that got missed previously. Maybe we can make that correction. I'm sure Judy's grinning, wondering what happened.

With that, if everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Roll call by the secretary. Before you start, there are two excused absences, Mike Rosen and Brian.

So with that, go ahead, Diane.

COMMISSIONER EBERT: Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: MR. Chrzanowski?

COMMISSIONER CHRZANOWSKI: I'm here. And my agenda says 9:00 a.m.

CHAIRMAN STRAIN: Really? Mine says 8:30.

COMMISSIONER ROMAN: Mine says 8:30.

COMMISSIONER EBERT: Mr. Rosen is absent. Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle is absent.

And Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: ***Okay, addenda to the agenda. If anyone is here for items 9.A and 9.B, there's been a request by the applicant to continue those. And generally we grant those requests. So I'll ask the Planning Commission if they have any objections.

(No response.)

CHAIRMAN STRAIN: If not, is there a motion to continue 9.A and 9.B? 9.A and 9.B were the Latter Day Saints -- Church of Jesus Christ of Latter Day Saints in Golden Gate Estates.

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Bruce?

MR. ANDERSON: To October 2nd.

CHAIRMAN STRAIN: Now I didn't do a time specific, only because I want to make sure from the County Attorney's Office that time frame is acceptable. October 2nd is more than five weeks away. Is there a problem with the time frame? I didn't know if for readvertisement purposes or things like that.

MS. ASHTON-CICKO: For which item?

CHAIRMAN STRAIN: The first two, 9.A and 9.B, Growth Management Plan small-scale amendment and a conditional use, Church of Latter Day Saints.

MS. ASHTON-CICKO: Yeah, I think it will need to be recontinued, or readvertised, if it's over five weeks.

CHAIRMAN STRAIN: And that's -- I got to thinking about that, Bruce. If we continue it to a point in time a month from now and then continue it again, that might be a better way to work the process than to have to readvertise because we didn't continue it twice.

MR. ANDERSON: Okay, that would be fine. I want to make sure the civic association understands what we're doing, because I told them October 2nd.

CHAIRMAN STRAIN: I know. Ultimately I think that's where we'll end up. But we just ran into this with another case, and they ran out of the five-week time frame if we went straight to the full continuance. And we had to continue it twice. I think Wayne was involved in that one. It might have been the Enclave or something like that.

So with that in mind, our next meeting would be -- we'd want to probably take within the five -- well, that's August, so we'd probably want to look at the 17th of September. That would give us six weeks. We're

--

MR. ANDERSON: 17th or 18th?

CHAIRMAN STRAIN: -- going to have to look at --

COMMISSIONER HOMIAK: 18th.

MR. BELLOWS: 18th.

CHAIRMAN STRAIN: Of September?

COMMISSIONER HOMIAK: Yeah.

CHAIRMAN STRAIN: I'm sorry, you're right. But I think we probably can't go that far, because that would be six weeks. So we're probably going to have to look at the 4th of September and then continue it on the 4th to the 2nd of October.

Does that work for everybody? Heidi? You're studying it, is that --

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. So with that, I think we'll start with a motion to continue to September 3rd. Is there such a motion from the Planning Commission?

COMMISSIONER ROMAN: So moved.

COMMISSIONER HOMIAK: September 4th.

CHAIRMAN STRAIN: September 4th. I'm sorry, September 4th. Well, the calendar I'm looking at has got one digit off. I'm trying to --

COMMISSIONER ROMAN: We have that date straight now?

CHAIRMAN STRAIN: Yeah, September 4th.

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Okay, is there a second?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: With that, is there a call for the vote? All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you, Bruce. So the intent will be to recontinue it on the 4th of September to the 2nd or whatever day in October that happens to be, so -- so if anybody's here for Church of Latter Day Saints, that will not be heard today.

Planning Commission absences for August 21st. Does anybody know if they're not going to be here?

(No response.)

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

We were distributed electronically the minutes for July 17th, 2014. Does anybody have any comments about those, changes or corrections?

COMMISSIONER ROMAN: Yes, I have two minor items. On Page 20 of 21, the second paragraph from the bottom, correct pot ash to pop ash, a P instead of a T.

And on Page 26 of 41, the fifth paragraph from the bottom of the page, add a P before reserve to make it preserve.

CHAIRMAN STRAIN: Thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion with those corrections?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Second?

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Second by Diane.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Ray, I doubt if you have any BCC report and recaps?

MR. BELLOWS: That's correct, they have not met since our last Planning Commission meeting.

CHAIRMAN STRAIN: ***Okay. And I don't have a chairman's report for today, so we'll just move on to the first consent agenda item. It's PUDZ-PL20120001981, and it's the RMC-Enclave MPUD. It's a consent only discussion from our previous meeting.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. And I think it's just Wayne, because you're going to have to answer some questions.

(Speakers were duly sworn.)

CHAIRMAN STRAIN: Wayne, I had mentioned to you a couple of items that I had questioned. And I think we resolved one on the phone. The other one is a community-wide recreation facility changes you made to Page 2, number five.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: The only item I wanted to make sure I understood is what would be the setback against another single-family lot if you were to put those community-wide recreation facilities in.

MR. ARNOLD: Well, I think we should probably -- in talking to you, your concern was as expressed, and I think we could rectify that by simply referencing a minimum 30-foot setback shall be required for the structure from any residential tract or the northern perimeter. I think we could address it in the prior sentence as well.

CHAIRMAN STRAIN: As long as the intention is and the language gets changed to reflect that there's a 30-foot setback from the northern perimeter of the PUD or from any other single-family residential lot, that's fine. I think that meets the intent. And I'm sure the staff --

MR. ARNOLD: I think that's what we'll just say, something to that effect, from a minimum 30-foot setback for the structural shall be required from the northern PUD perimeter or single-family residential lot.

CHAIRMAN STRAIN: That works, thank you.

And that was the only issue I had left to discuss on that one.

Does anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Is there a motion to approve this item on consent?

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

CHAIRMAN STRAIN: Subject to the correction?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Okay, motion made and seconded.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you, Wayne.

***Items 9.A and 9.B, which I'll read them off, because they have been continued, but 9.A is PL-20110002626/CPSS-2012-1. That has been continued to September 4th.

Item 9.B, CU-PL20110002615 has also been continued to September 4th. Both are regarding the Church of Latter Day Saints in Golden Gate Estates.

***That leaves us one item up for today's agenda. It's a continued item from our last meeting. It's PUDZ-PL20130000682. It's the Willow Run 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: Okay, Wayne, it's all yours -- oh, disclosures on the part of the planning commission. I'm sorry. Stan?

COMMISSIONER CHRZANOWSKI: Yeah, I've talked to everybody. I talked to Bonnesses, I've talked to the Collier Soil and Water Conservation District. And staff, bunch of staff members. Long phone call with Nick.

CHAIRMAN STRAIN: Okay, Diane?

COMMISSIONER EBERT: I spoke with Mr. Arnold this last time.

CHAIRMAN STRAIN: And I have spoke with probably all the same people Stan has talked to, as well as members of The Conservancy and the applicant. Although there seems to be two applicants, because one plays against the other. So I actually had to talk with both representatives of both sides of this, both the seller and the buyer.

Okay, Karen?

COMMISSIONER HOMIAK: Nothing since last time, just emails.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yes, I had contact with Maureen Bonness, Nicole Johnson from The Conservancy and Nancy Payton.

CHAIRMAN STRAIN: Okay, thank you.

With that --

COMMISSIONER EBERT: I forgot Nicole.

CHAIRMAN STRAIN: With that, Wayne, I'll turn it over to you.

MR. ARNOLD: Good morning. I'm Wayne Arnold for the record and here representing the Bonness family with regard to the Willow Run RPUD.

This was continued from your last hearing, and we've brought forth a document that has -- in a strike-through underlined format that was distributed to you that reflects the edits made between the version in your original packet. The largest group of those edits were related to discussions that we had with staff and Mr. Strain with regard to restructuring how we dealt with what were accessory uses. So we've now restructured to have general permitted uses that you'll find on Page 1 of 21. And we have made provisions for setbacks for those structures, as well as other development standards.

I'm happy to answer questions you may have regarding those. I don't plan to go through each and every one of those, but the bulk of the edits in this document were based on that.

CHAIRMAN STRAIN: Okay. And I know there's one big elephant in the room out there and that's the Benfield corridor discussion. So what I'd like to do is hold that off 'til the last part of our discussion today and focus on any other changes to the restructured PUD you sent us.

Nick Casalanguida was supposed to -- or he's trying to get here today to discuss the Benfield corridor directly, because he's been apparently the staff member most involved with it. And he had to fly in from a

really difficult meeting he had with the lobsters down in Key West. So he's not here yet but he's trying desperately. So we will try to accommodate his presence here today.

MR. ARNOLD: That's fine.

The other thing I would say, so the bulk of those edits were related through Page 1 through 5 were restructuring the accessory into these general permitted uses with development standards.

Mr. Strain, one of the things that didn't get in your packet that you had made a request of us the last time, and it's taken both the owner and the prospective purchaser some time to get their hands around your request to have our landscape buffer easements and lake maintenance easements platted as separate tracts rather than on individual lots. And we've come to the conclusion that with appropriate revisions to the development standards that we can do that without an issue for their sales and marketing of the future residential units in the project.

And that will make changes to our development standards table versus the version you have. Because we need to make some provisions for where it would say lake maintenance easement, for instance, I think is in your version. It's going to say lake maintenance easement -- or landscape maintenance easement or lake maintenance tract or bulkhead. And we've added a reference to bulkheads in there.

Because the lake nature of this, there very likely will be some areas where they want to bulkhead the shoreline and bring units out to the water so you have that on-the-water experience. So I've made those changes and I've got highlighted for you, if you don't have those in your packet.

The yellow reflects the modifications that were made from the version you have to what we're proposing today.

CHAIRMAN STRAIN: Can you blow that up just a little bit? These screens are a little darker than usual.

Okay, then you're going to add an acronym down below with a definition to --

MR. ARNOLD: Right.

CHAIRMAN STRAIN: -- fill in for the LMT?

MR. ARNOLD: On the next page I'll show you. It's hard to see. At the top of the page we reference the LMT. And then in the highlighted and yellow below is a footnote reference to the principal and accessory structures would be allowed to go to zero setback where we are adjacent to a lake maintenance easement or landscape buffer tract. And I think that reflects consistency with what you hope to have, Mr. Strain.

I know, Bruce, you have some additional clarification on the potential use of that. You want to maybe come up and address that?

CHAIRMAN STRAIN: Bruce and I had talked just prior to the meeting about the language, and the intent was never to prevent the language -- the issues of that that the language is trying to deal with. It was simply to make sure that the tracts were separately platted.

MR. ANDERSON: We would want to add to go along with what Mr. Arnold just spoke about the following: Nothing in this PUD shall diminish the riparian rights or prohibit a property owner from use of the buffer or lake maintenance easements/tracts for recreational purposes, including but not limited to docks, fishing, walking, et cetera, which are not inconsistent with the purposes of the easement. Where a bulkhead is constructed, no intervening easement or maintenance tract shall be required by this PUD.

CHAIRMAN STRAIN: And I reviewed that language with you. I didn't see a problem with it. We have historically not had an issue with those issues, but I know that your applicant has not done as many projects on this coast as they may have in other locations. If it makes them feel comfortable, it doesn't take anything away from the way we normally have proceeded anyway, so I don't see any harm in your language.

Does staff have any? Ray is shaking his head no.

MR. BELLOWS: I don't have an objection, it just seems redundant to what code would allow it in anyways.

CHAIRMAN STRAIN: I know. And I think we've all struggled with this particular PUD, because it's the first time that this particular applicant -- one of the particular applicants; actually both of them, I think -- have attempted to do a PUD right from the scratch here, so that's caused a lot of different perspectives to way to look at it. And I think we're just trying to make sure that nothing's misinterpreted.

So I don't think it hurts anything, Ray. And if it provides a level of comfort we need to make this a

better use the way it's being proposed, I'm all for it.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: Thank you, Bruce.

Anybody have any questions on that issue?

(No response.)

MR. ARNOLD: Thanks. With that, I would go back to -- I'm just going to go through the document and highlight where we've made the revisions.

And on Page 14 of 21, Exhibit E, it's relating to the deviations. The Planning Commission, as part of your motion for the continuance, asked us to incorporate staff's recommendations into the document as appropriate. And several of their recommendations dealt with the deviation request. So we have added language that one, addressed the canopy tree regarding the sidewalks.

The emergency vehicle turnaround language was added, as requested.

Clarified the landscape buffer language on item number four regarding our boundary adjacent to San Marino and/or the FP&L easement.

We have clarified that we have to document how many model homes would be there, since we've asked for deviation on the number.

And on Item 10, Page 15 of 21, that was a sign deviation. We had requested 80 feet. And I think this was my error. I was under the misunderstanding of how the sign code was applied. So I spoke with Kay Deselem and Diane Compagnone, your sign code person at the county, and clarified that I don't necessarily get the 80 feet. And what we would qualify for is 64 square feet, as I've noted. And we can live with that. And staff seemed comfortable with that. So that was the change that we had made there.

On our developer commitments that begin on Page 17, this is where we largely get into the transportation issue relating to Benfield Road.

CHAIRMAN STRAIN: I'd like to hold off on that until Nick gets here, if that's okay with you, Wayne.

MR. ARNOLD: Correct. One of the items that doesn't address that specifically was on Page 19 of 21. Item C talked about our interconnections. And Mr. Mulhere was here last meeting and suggested that we needed to coordinate with the property owner immediately south of us, which we offered clarified language to them regarding the connection to our -- we call it the neck. It's where the bridge access to the property would be.

And I need to make one change over the version you have. Where it says on Page 20 of 21, it references that it's going to be -- the pro rata is based on units. We would like to revise that to say it will be based on the number of p.m. peak hour trips.

And I received an email from Mr. Mulhere yesterday. I don't think Bob is here. But he indicated that they were in agreement with that, and we're certainly comfortable with it as well.

CHAIRMAN STRAIN: Just out of curiosity, where that is written up and it says connected to the -- the pro rata share by number of units connected to the driveway, and you're now changing that to by the number of peak hour trips --

MR. ARNOLD: Right.

CHAIRMAN STRAIN: -- connected to the driveway.

MR. ARNOLD: Could it be accessing the driveway?

CHAIRMAN STRAIN: Well, my question to you is I'm assuming this has something to do with potentially Hacienda Lakes and the fact that they're adjacent to you in one area and up front they're going to come in with a -- I understand they're coming in with a PUD for the land to the south of somewhere up in that area with some more land.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: That's a big project. And if you have one connection to a piece of land that's going to allow interconnections to the bigger pieces of land, so rather to -- in order to avoid an argument down the road, how did you determine -- how are you going to determine what is a connection for the peak hour peak trips? I mean, you'd basically be looking at anybody that could access through an interconnection through the projects; is that right?

MR. ARNOLD: Well, you can see in what we call the neck of the property that accesses Collier Boulevard we show potential interconnections north and south, one to San Marino, and I think the property to our south is in, is it, Lido Isles I think is the PUD name that they're proposing. And that's who we've had dialogue with.

One of the changes that we have made after further discussion with folks to the south, we deleted the interconnection that was on our southeast corner. I referenced some easements that were in place last time, and there was a note that required us not to have a landscape buffer, but we had deleted that interconnection.

And what we're discussing is truly the interconnection opportunity with what is Lido Isles and/or San Marino to the north.

CHAIRMAN STRAIN: Okay. So you're -- but I understand that since Bob Mulhere represents Hacienda, their concern was to have some kind of access to that shared connection. So you're saying you're not going to have that now?

MR. ARNOLD: I don't believe -- Mr. Mulhere was not, to my knowledge, here representing Hacienda. That was not their intent to have an interconnection to us.

CHAIRMAN STRAIN: Oh, I thought that was the driving force.

MR. ARNOLD: No, he was here with regard to the Lido Isles project. They would have to build a very expensive bridge on their own in very short proximity to us, and it makes more sense for them to share our bridge and share the cost of a new bridge than to build their own to service that small number.

CHAIRMAN STRAIN: And Kay, the Lido Isles, is that one immediately to the south of it, is that how it works?

MS. DESELEM: That's my understanding, yes, sir.

CHAIRMAN STRAIN: And that will be interconnected probably to the overall Hacienda Lakes project?

MS. DESELEM: I don't know exactly how it interconnects to the rest of Hacienda. I believe there's a tract that currently separates it where the restaurant is.

CHAIRMAN STRAIN: Right.

MS. DESELEM: So, you know, depending upon what happens in the future. I know that tract -- or I understand that tract is for sale, but I don't know that it's under contract or anything.

CHAIRMAN STRAIN: Okay. Well, then how would the shared access from Lido Isles and the other get to the point of this project's entry? They don't then, they don't have a way to get there, do they?

MS. DESELEM: At this point I don't think the overall Hacienda does have any connection, roadway connection to this.

CHAIRMAN STRAIN: Yeah, I remember, I just specifically remember when this project came before us last time there was an email sent around, and I know that Bruce has got a copy of it, because I sent it to him, that basically said that Hacienda may show up and have some concerns over the project if they weren't given some kind of access to this connection.

So -- and I'm not advocating for them or against them, I just want to make sure that whatever language you use is clear enough so there's not a disagreement or a fight down the road that we hadn't addressed.

MR. ARNOLD: I think we're fine, Mr. Strain. And I think there's a little bit of confusion, because this single player that's been involved in both Hacienda and this Lido Isles is David Torres. The Lido Isles project is separate and apart from Hacienda Lakes. It's a venture of his own doing, not the Hacienda Lakes folks, so it's not connected to Hacienda Lakes in that regard.

And secondarily, Hacienda has never contemplated an access directly north into the Willow Run property as part of their DRI or PUD.

CHAIRMAN STRAIN: Okay. Well --

MR. ARNOLD: And they have obviously multiple access points with Lord's Way and Rattlesnake-Hammock Road out to Collier Boulevard.

CHAIRMAN STRAIN: Just as long as you guys are comfortable with it, that's fine. If there was an opportunity to clean it up or if it needed to be, I wanted to point it out.

MR. ARNOLD: Thanks.

COMMISSIONER EBERT: So you are doing nothing to the south? You're not doing anything for this little project which --

MR. ARNOLD: The Lido Isles project is located immediately south of our entrance road in this location. Which is where we've shown the potential access. And this is what the language is hoping to address.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Well, the potential access that's shown here to the south wouldn't actually connect to Lido Isles, it would connect to that project -- is it Lido Isles? So Crackling Jacks is going to be Lido Isles; is that what it boils down to?

MS. DESELEM: Crackling Jacks, as I recall, separates Lido Isles from Hacienda Lakes. That's the spot that they don't connect. But yeah, Lido Isles is the one that's directly south of their entranceway, the neck of their project.

CHAIRMAN STRAIN: Would that restaurant then be eliminated if Lido Isles gets approved?

MS. DESELEM: I don't know.

CHAIRMAN STRAIN: Okay, because in the over --

MS. DESELEM: My understanding is it probably is.

CHAIRMAN STRAIN: -- the aerial that was just shown they showed a yellow and an orange outline, and I was just trying to understand.

MR. ARNOLD: I don't think the Lido Isles is inclusive of the entire notch. It separates them from Hacienda.

CHAIRMAN STRAIN: Okay. Did you have --

MR. ARNOLD: With that I -- if you go down on Page 20 to item C, we had added item B with regard to the wildlife protection at Ms. Roman's requested. And after some dialogue with The Conservancy and others, I know that we've now offered item C, which I'll read into the record. And I think The Conservancy would like some slight revision to this language. And I'll let them address that when you take their public comment.

But we've added language that addresses barriers with regard to gopher tortoises where there might be a road adjacent to their preserve.

So the language that we're offering would say, and I'll read it slowly enough, and I've got it already written into the document I have, but it says: If permits are obtained for new residential development or roads adjacent to the preserve's tortoise occupied habitat, tortoise appropriate fencing or barriers will be installed between the preserve and the road/development in that location prior to construction.

And it's -- from what I understand, it would be fairly standard practice anyway. We have no objection to adding that language. And I think The Conservancy's offered change is just going to be some further clarification to that.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: All right? That's on Page 20.

I don't want to get too much into the -- my last item affects the master plan. And it results as part of the Benfield Road discussion. We have eliminated any corridor reference on the property, and that would reflect a revision to the master concept plan. So I've highlighted so you can see that I've eliminated it.

CHAIRMAN STRAIN: Well, I know that there's been a lot of discussion back and forth, so we'll get into how that fits or doesn't fit into text language and the rest of it as soon as Nick gets here, if that's okay.

MR. ARNOLD: Those are my page-by-page revisions in going through. So I'm happy to answer any questions you have. Or if you don't have any questions and you want to hear the public, that's certainly up to you. But that's the bulk of my presentation.

CHAIRMAN STRAIN: Okay. Well, there are some cleanup questions that I need to go over, but I want to make sure the Planning Commission has had opportunity to ask theirs.

Anybody? Stan?

COMMISSIONER CHRZANOWSKI: Just when I sat down there was this revised list of developer commitments?

MR. ARNOLD: Yes.

COMMISSIONER CHRZANOWSKI: Is this the latest copy?

MR. ARNOLD: I think that version you have is the latest edits that Bruce Anderson handed out to you that is largely for the Benfield Road discussion.

COMMISSIONER CHRZANOWSKI: Well, the word intentionally is spelled wrong, but other than that.

MR. ARNOLD: Mr. Anderson's spellcheck apparently wasn't working.

COMMISSIONER CHRZANOWSKI: He intentionally spelled that wrong.

CHAIRMAN STRAIN: Did you want to look at any other -- or do you have any questions on any other portions of the application at this point, Stan?

COMMISSIONER CHRZANOWSKI: I'm just curious about one thing. On the commitments, the last item B, I guess 9.B, lighting must comply with the International Dark Skies standards.

MR. ARNOLD: Yes.

COMMISSIONER CHRZANOWSKI: Is there a standard?

MR. ARNOLD: I believe there is. There's a whole organization that's Dark Sky Organization and they publish certain --

COMMISSIONER CHRZANOWSKI: We used to have a lot of discussions about that because the police like everything well lit and the Dark Skies people -- if you were near the coast the turtle people don't like it well lit. But there was always a lot of discussion as to whether anybody could be held responsible or be held to those standards. I'm just -- you know, if that's the way it is, that's the way it is. That's great.

MR. ARNOLD: Well, I think this was really related to the fact that it's part of the Benfield Road discussion, and that it needs to be low lighting for the wildlife. And we want it low lit for any residences that would have otherwise a four-lane road potentially running through the area.

COMMISSIONER CHRZANOWSKI: Okay, because the roads are going to be better lit than that.

MR. ARNOLD: Well, they are. Rattlesnake Hammock is a very good example. I mean, those are lit to arterial roadway standards, and for now at least on a very low volume road there probably doesn't require that level of lighting.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Okay, back on the text of the PUD. Before we get into any more of the transportation, does anybody have any questions on that portion of the PUD resubmittal?

MS. ASHTON-CICKO: Mr. Strain, I'd just like a copy of what they read into the record. Because I haven't seen any of it.

CHAIRMAN STRAIN: Okay, which thing that they read into the record? Because they've done a couple. Since everything started this morning?

MS. ASHTON-CICKO: Yes. Because I haven't got a copy.

CHAIRMAN STRAIN: Well, I'm sure before we get the meeting over with we'll make sure that happens.

MS. ASHTON-CICKO: I would prefer to read it before you vote on it.

MR. ARNOLD: And I would clarify, Heidi had given us separate comments on the document, many of which related to Benfield Road, so I'm not going to go there. But she had made mention on our development table, and I didn't change it because I hadn't had a chance to talk to her about it, but we added the minimum water body setback. And Heidi had a question whether that was lake or canal. And I don't know that it makes a difference from my perspective if I say water body or specify lake or canal. Because I don't I guess really know. It's most likely lake but I guess I would hate to preclude canal.

And then she also questioned under my townhome development standards where we have a setback side yard of zero or five feet, and she added reference to 20 feet. But I think that's a more appropriate reference to the distance between structures, which I do have as 20 feet. So I think I'm covered with those two changes. But I just wanted to acknowledge, I didn't modify the document per her at least comment.

MS. ASHTON-CICKO: As to that, I just wanted to know what water body meant. So if he's saying it's canal and lake, then that's fine. I just wanted to know what it meant.

CHAIRMAN STRAIN: The only canal that seems to appear on the property is where they about the 951 canal up front. I mean, I don't know how that affects that, but --

MR. ARNOLD: It probably doesn't, but --

CHAIRMAN STRAIN: I do have some -- I mean, I have some minor clarifications that we need to talk about, just so that it's understood.

So I was going to get into that development standards table for a couple of issues when we get to it.

Does anybody else have any questions they'd like to ask now?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: If we turn to Page 1 of the PUD, towards the bottom where you have your A and B for feet for external boundaries for different type of lights, the sentence preceding that says: All non-pole lighting shall be limited to flat panel fixtures.

What does that mean? What's a non -- how do you have a 15-foot high light if it's not on a pole?

MR. ARNOLD: It could be on a building.

CHAIRMAN STRAIN: Okay. So if you have a light on a building, a decorative sconce or something, how would that be a flat panel fixture? I'm just trying to figure out what you're trying to do, only so -- I can't see how a non-pole lighting fits A and B.

MR. ARNOLD: Let me think about that. Okay?

CHAIRMAN STRAIN: Yeah, that's fine. I mean, I've never seen this kind of language before, so I want to make sure we understand it. I haven't seen it so --

On the next page if we go to number two and towards the bottom it says setbacks, PUD boundary, 10 feet. Then you have language that has exceptions. Are you asking for a deviation to the LDC? Or wouldn't we just let it fall, setbacks would be 10 feet, and then how you have to place your landscaping and the other issues that are under number two would be relevant to how the LDC addresses them, right? Or are you trying to change the landscape buffer configuration or something?

MR. ARNOLD: No, I don't think so. Mr. Sawyer and Kay Deselem kind of asked the similar question before the meeting started, should we add some additional language that references it. It's per LDC. Because I think in some occasions if you have a wall placed near or on your property line there's a landscape requirement as well.

CHAIRMAN STRAIN: Right. But I thought if you just say setbacks and PUD boundary for those items in number two are 10 feet then however the rest of that fits pursuant to the LDC is covered. And if you don't think it's pursuant to the LDC, then you need to apply for a deviation so you are covered. And I just want to make sure that you get it right in regards to what you need either way you look at it.

MR. ARNOLD: Let me think about that, if I can, and we'll clean that up.

CHAIRMAN STRAIN: Before I go any further -- oh, Nick's shown up. Well, we can start our meeting now.

And, you know, if you take a look at him, he's in a suit. So that means he did the Superman thing on the flight from where the lobsters were to this meeting room. So congratulations, it worked.

Anyway, back to the LDC, Wayne. If you could check that out, I'd rather not try to put exceptions unless we cull them out. And if they're not needed to be, you guys would be covered by the standard language in the LDC anyway.

MR. ARNOLD: Kay just reminded me that one of the other comments she had that I didn't address with you was on Page 1 back under the PUD boundary setback where it starts with 100 feet for any building, that paragraph that was added. It says in the second to the last sentence: Boundary 15-foot wide landscape buffer with six-foot high wall shall be provided.

I think the clarifying reference to the type of buffer should be added, and I'm told that that should be a Type B buffer. Because Type B buffers include apparently a wall.

CHAIRMAN STRAIN: With this being August and our next meeting in a couple of weeks, you have time to clean all this up for a consent hearing?

MR. ARNOLD: I think we have all this on the computer that we can clarify today, assuming there aren't huge significant changes to the Benfield discussion.

CHAIRMAN STRAIN: Okay. I mean, I understand you can clean it, but how would we get -- there's going to be probably enough changes with the rewrite of the transportation and the environmental and all that that it might be nice for us just to clean it up on consent.

Is that something -- I don't remember if we talked about it last time or not. Is consent a problem for you guys?

MR. ARNOLD: I think it is, according to -- I'll let Kay address it. But apparently the timing of their staff report versus -- or their executive summary for the Board packet for the September 23rd meeting we're scheduled for.

MS. DESELEM: I'll double check the calendar, but I think that would jeopardize their already scheduled board date.

CHAIRMAN STRAIN: Okay. Well, then we'll do our best to accommodate it so that doesn't happen. I was just -- if we did have the opportunity because of some of the discussions we're now having, it might be nice to have that clean version in. But we'll make it work either way.

MR. ARNOLD: Well, from -- with the County Attorney's Office's indulgence, I think we would be prepared to download all the revisions, print the document in their office and show you the revised language, if that would be an option for us.

CHAIRMAN STRAIN: As it goes on we'll see. And I think we'll certainly try to make that happen.

MR. ARNOLD: As I've shown you on the visualizer, except for the last couple of minor edits that you just noted with regard to whatever we're going to do with the fences and walls and the lighting, those obviously aren't reflected in the version I have, but those are fairly simple edits.

CHAIRMAN STRAIN: Yeah, but I'm not done yet.

I mean, if we had gotten this other issue resolved, it would have made it easier. But since it wasn't resolved 'til the message I got at 6:30 this morning, some of these questions I just need to get clarification on. I'm not sure they're going to need any additional writing, but I'm going to have to go and ask -- get into some of those.

For example, this one with the LDC. If we turn to Page 2 where we were at, item number two, you have a parenthetical at the end of the dwelling units' references for principal structures. And basically it spells out the development standards.

Do you feel you need that there, since you already have it in the development standards table? And that's where people are going to look for your development standards is that table, not necessarily under the principal use dwelling units.

MR. ARNOLD: I think we do. On the variable? That's the clarifying language about the variable dwelling units?

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: We've added that. And I know that -- I don't think we talked to County Attorney's Office specifically on this item, but the other couple of projects where we've added variable lot lines, and I know others have, we added that clarification. Because a true zero lot line has to have one of its walls at the zero setback.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: And the variable language allows us to essentially have a modified version of that. And that's why we've added the clarifying language. And I think it's probably good to have it there in the event they develop that product type, at least it gives guidance to everybody in the permitting process.

CHAIRMAN STRAIN: Okay. Well, while we're on it then, there's been a different type of interpretation that's come up recently at developmental services, and that's regarding what is considered cluster development. Now, I'm not an advocate of this, but because it exists, you may want to put a deviation in your PUD so you haven't got to come in with a PDI in the future. So that on your zero lot line product you can have windows on the zero line. Because most of the PUDs weren't -- in the past I hadn't known them to be cluster development. But there's a section in the LDC that requires if you're considered cluster development you cannot have windows on the zero lot line side of the building. And that's now causing a lot of people to have to come back through the system for PDIs.

So I'd suggest that you add a deviation to address that, if it's not too late. And I can't remember the section, and Ray or Kay may be able to get it for you so you can --

MR. ARNOLD: I think this just came up, Mr. Strain, in a pre-application meeting at, I believe it was, Mercado. And I actually just wrote that deviation for them yesterday.

CHAIRMAN STRAIN: And I gave that information to -- you weren't there, but another guy was there who he said he'd pass it on to you. So you go that?

MR. ARNOLD: Correct, I did.

CHAIRMAN STRAIN: Can you get that added to this?

MR. ARNOLD: We can have it emailed to Mr. Hollahand and I'm sure we can read that directly into the record.

CHAIRMAN STRAIN: Good. That will save you coming back in for a PDI down the road.

Under the Page 5 you have a paragraph in the bottom that says Growth Management Plan. It talks about density blending conditions and limitations for properties straddling the urban residential fringe subdistrict and rural fringe mixed use district sending lands.

Now, I know that an issue has come up regarding the density going into the sending lands based on the limited development agreement that currently exists for the sending lands. Does this in any way reflect that area? Because at some point in this document we need to enter some language that says that the density that you want to move into the sending lands will be subject to modification of that LDA document, that limited development agreement document, that was I think supplied by The Conservancy. And I know Bruce is aware of it. I'm sure you must be.

MR. ARNOLD: Yeah, I've heard of that. I was under the impression it wasn't something that needed to be addressed in the PUD.

CHAIRMAN STRAIN: Well, I don't know how we could put --

MR. ARNOLD: Because it's a separate agreement. And what this goes back to, for the other Planning Commission members who may not be aware, that some of the units have been severed in the portion of the rural fringe mixed use district of this property. And in the agreement where the units were severed it has language that references that you only get one unit per 40 acres.

There is a -- I guess the easiest way to say it, there is a difference of language in the Growth Management Plan that actually would allow you to do density blending even if you severed the units. And that's why I think it's separately correcting the separate agreement that is the TDR agreement, not the comp. plan or the PUD that would need to address that.

CHAIRMAN STRAIN: Well, as long as from a comprehensive staff's perspective that approving this density in that area before that agreement's amended isn't something this board technically could do, then I don't have a problem with having it done afterwards. But I want to make sure that we don't run into a conflict by trying to do something outside that agreement. And that's the purpose of the question.

MR. ARNOLD: Okay.

COMMISSIONER EBERT: Mark? I called Mr. Weeks yesterday also, because this density blending, the way it is in here is very confusing. And you're right, once you sever, I thought you could not use density blending. And this is very confusing the way it was written in the report.

CHAIRMAN STRAIN: Well, Mike, is someone able to address the concern I've just raised so we can get it settled and go on?

MR. BOSI: Mike Bosi, Planning Director.

Within the TDR program, to establish the severance of the TDRs a limitation of development rights agreement is entered between the county and the property owner. And in that limitation of development right agreement it says that the uses allowed for the land for the sending lands are those that are prescribed by the LDC. And it cites the section.

Within that section has a few list of uses. It does not include the density blending provision. Within 205.02 of our LDC we have a density blending provision. And that says when you have a project that has property within the urbanized area but also has property within the sending land, that if the environmental quality of the area to be preserved in the urbanized area has a higher environmental quality than the sending area, then you can exchange with where the preservation is going to be, meaning that you can preserve the most environmentally sensitive property.

And that's the whole premise of what the rural fringe mixed use district was about, was trying to identify and preserve the highest quality environmentally sensitive properties out there.

And in this density provision, it allows for the recognition that it's really -- we're that upper -- that

upper easternmost residential jaunt out, that's a cleared -- that's a cleared portion of the prior excavation. No vegetation on it.

And what they're proposing is to put residential development there and preserve some of the native habitat in the urbanized area. And that's what our LDC allows for. We just never added that provision to the list of permitted uses within the sending land residential development that is taking advantage. It satisfies the criteria that's established for the density blending provision, and that criteria ultimately results in the highest environmental quality properties being preserved.

So what would need to be done, and it really doesn't need to be done at the PUD level, but the agreement would need to be modified to add the density blending provision for residential development that satisfies those criteria. And that could be done -- it's done through the Board -- through a public hearing process. The Board would have to sign off on it and we would have to take it forward, but we would explain the circumstances as to why this modification. And it would be proposed only for that parcel of land that encompasses where that residential land development would be allocated.

COMMISSIONER EBERT: Mike, I have one quick question.

There's a line that kind of just takes that land forward. Is that the straddling line right there between the two districts?

COMMISSIONER ROMAN: Could you use the visualizer, Mike, so we see where you're pointing, please?

MR. BOSI: Ms. Ebert, yes, you are correct. This bottom line here that goes all the way up, that is the edge of the urban residential fringe district and the sending district. So this cleared portion that was part of the old excavation is where the proposing residential development (sic) preserving more of the sending land here. So it's the urbanized area that has native vegetation on it. So that's the exchange.

And ultimately that's the overall purpose of the rural fringe mixed use district was to identify those lands with the higher environmentally sensitive qualities.

And this is a unique project. Not very many projects straddle both the urban residential fringe and the sending lands.

Hacienda Lakes is another example of it. And the same issue is something they would have to address as well.

But that's the long and short of it. It would not need to be adjusted in the PUD. And it's for their own protection of the future buyer, because when they try to gain title on those individual lots, if there's a limitation, the development right agreement that prohibits residential development, there could be some title issues. So it's in the developer's best interest to modify this agreement before they would go forward with any sort of marketing of these parcels.

CHAIRMAN STRAIN: Okay. So bottom line is even if this Commission agrees to the proposed layout of the project, some of which is over that line, that portion of it can't be effective until there's a public process to modify agreement by the parties of the agreement, which currently happen to be the landowner in the county, which successors and assigns could be the purchaser in the county. But they'd be subject to that agreement being modified.

MR. BOSI: That agreement is in perpetuity to -- modified, so yes, correct.

CHAIRMAN STRAIN: Okay. Well, then that clears up that issue. Thank you.

Wayne, the next set of comments I have are on Page 6 which is your development standards table. And again it's just clarifications.

All the way the down to your accessory structures. You have minimum side yard setback under accessory structures, and you've got five feet under zero lot line and zero feet under multi-family and zero feet under variable lot line for single-family. That's for your side setbacks.

But then you go down to minimum distance between structures and you have zero and 10 for all of them.

Now, you have a footnote five where you can reduce it for garages, but a 10-foot minimum separation is maintained.

How do you get to the zero down below if you have -- if you can't have zero? Your minimum is 10 feet between structures, is that not right, for accessory, or are you trying to say no?

MR. ARNOLD: Well, I think you're correct in the clarification that it makes provisions for attached garages to go to zero. But I think in the scenario where you're platting individual lots as you would for a townhome, for instance, I think we have to acknowledge that townhomes are going to have a zero setback where you have the common wall.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: And so really the controlling setback, if you will, there probably isn't going to be one for something like a townhome. The separation between buildings will be kind of the controlling factor of how far those groupings of buildings are apart. A townhome complex can have any number of units attached to one another. So there may not be a true side setback. It will be shown on a site plan with a distance separating the two buildings, if you will.

CHAIRMAN STRAIN: Well, and I know you've got that provision under the principal structures, because you added it under townhouses and it existed under multi-family. But then it seems by the accessory structure language you're accepting those calculations of minimum distances between structures. Is that an accurate assumption?

MR. ARNOLD: I think so, yeah. That's how I read it.

CHAIRMAN STRAIN: Okay. But based on what you just said, if you were a townhome your garage would line up basically with the townhome. But in this case you could actually have the garages kick out from each building within the setback area between the principal structures, but the garages themselves could end up being attached.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: So if you have a four-unit townhouse building you've got two center units, two end units, the end units could have a garage that's pushed out, and the building next to it, which could have a separation of half the sum of the building heights which, say, is 35 feet, then you could have another garage from that one come in closer to the garage from the first building so you'd end up having zero -- between the garages you'd have a solid building then. Is that what your intention was?

MR. ARNOLD: No, I don't think that's our intention. But I think that -- I'm not sure how I'd clarify it otherwise. If you have some language or let me think about how we might further clarify that.

CHAIRMAN STRAIN: Well, I haven't seen language like this before, so I want to make sure we all understand it. And I don't recall where we've provided that before. Because if you have a solid continuous building, you're going to have a myriad of other issues to deal with. For example, how you get around the back side for maintenance and things like that. You're going to have utility lines, water lines, irrigation lines.

I'm not sure that's what you intend. But maybe before the meeting's over today you can come back with an idea on that? Because there's going to be a lengthy discussion on transportation. So maybe while that's going on you could take a look at that.

MR. ARNOLD: It may not be so lengthy.

CHAIRMAN STRAIN: Well, I hope not. But I think that's what most people are here for.

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

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: Wayne, I was wondering if the minimum preserve setback is really appropriate when that area -- of 10 feet when that area is going to be subject to prescribed burns.

MR. ARNOLD: Well, it's really a reflection of the Land Development Code allowing accessory structures to be constructed within 10 feet of a preserve. And we typically just carry over the same language so nobody thinks that we've somehow gotten a deviation from the typical LDC requirement.

Yeah, I mean, I understand in this particular case that we may have prescribed burns, but I don't know the proximity of where that would be in relation to some of those homes at this point. But that's why it's handled that way.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: If we go to the -- back to the development standards table, the footnotes on Page 7. Let me see if this one still applies. No, it doesn't. So we can move on.

I have some questions on Exhibit E which is Page 14 of your deviations. On number three you're looking to extend the limitation on cul-de-sacs to a maximum length of from 1,000 feet to 3,500 feet. Then

you added the language about the 1,500 feet for a turnaround. And I guess this was because of the staff's recommendation?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: So I wanted to ask staff, was that intended to be every 1,500 feet or just one between zero and 3,500? Because you're about 500 off.

MS. DESELEM: It was meant to be one.

CHAIRMAN STRAIN: One, okay. Then you may want to just clarify that so it's not interpreted.

And at the same time, the reason cul-de-sacs and lengths are problematic to begin with is stagnation of water and the flushing mechanisms needed. And I don't know how those flushing mechanisms work. So I'm wondering, do we need those at a certain interval or do you put one at the end of 3,500 feet and that works?

MR. ARNOLD: If -- we had this conversation with your county utilities division.

CHAIRMAN STRAIN: Oh, good.

MR. ARNOLD: And if you go to Page 17 of 21 under the developer commitments, the first item is utilities. We added item B at some point during the process, I think it was in the version that came to you. But it says: During the plat process the water and sewer district is going to review and approve utilities line associated with any cul-de-sac that serves in excess of 149 units.

CHAIRMAN STRAIN: Okay. And that would take care of this issue.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Okay, that's fine.

On number four, the -- I looked at the justification for number four, and basically it's a no landscape buffer along the western residential tract adjacent to the FP&L easement and a 10-foot wide Type B buffer along the northern PUD boundary adjacent to the San Marino PUD.

The justification that you all submitted for that deviation was that because there were preservation easements already existing in those areas where you're asking for this to be released from. So all I'm suggesting is that we add to the paragraph that applies where there is a minimum 25-foot wide preservation easement existing. Otherwise your justification doesn't make any sense.

MR. ARNOLD: Well, part of the conversation we had last meeting was regarding the adjacency to San Marino. Because we abut them not only in the neck of the project as we go out to Collier Boulevard but an area that right now is preserve and was at one point going to be a golf course and we asked for the deviation number four to apply in two locations. On the master plan it's noted adjacent to FP&L and then also further noted in the northern area near San Marino, and that's all vegetated. And it's my understanding it's extensive wetlands.

Kay had an exhibit at your last meeting showing that they have some intent to bring forward residential development. We'd like the certainty to know that a 10-foot buffer is adequate for us. And that's why we've expressed it, no buffer to FP&L but a 10-foot along our common boundary there with San Marino in that location.

And I apologize if the justification didn't get rewritten. But that is a narrow development tract and we need every flexibility we can to make sure that we can squeeze the road, the sidewalk, the utilities and the development lots there. Because we're going to be reclaiming portions of that lake bank.

CHAIRMAN STRAIN: Kay, without -- if they hadn't asked for this 10-foot wide B buffer along the northern PUD boundary adjacent to the San Marino PUD, what would have been their required buffer?

MS. DESELEM: I'm going to confer with Mike Sawyer and ask him to respond to that, if I may. He's our buffering expert.

CHAIRMAN STRAIN: That he is.

MR. SAWYER: For the record, Mike Sawyer, Project Manager.

I apologize, I'm not as familiar as I should be with the PUD. I didn't review it for landscaping.

If the question is what the buffer requirement is when you've got projects that are adjacent to each other and you've got a preserve on one side, the project that you're talking about that is adjacent to a preserve area generally will have a Type A buffer, which is just simply a 10-foot wide buffer, trees 30 feet apart.

CHAIRMAN STRAIN: So a Type B buffer is more intense than a Type A buffer from its plantings,

but it's a little bit wider, generally; is that right?

MR. SAWYER: Right. That's --

CHAIRMAN STRAIN: So they want a Type B which would give more plantings in a narrower area, which would probably be better than what they would have been required to do if they hadn't asked for this.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: So they've instituted a larger, more intense use on their -- okay.

MR. SAWYER: Please keep in mind, I didn't review --

CHAIRMAN STRAIN: If they want to add more themselves, that's okay too.

No, that's fine, Mike, I just wanted to make sure it was clear. Thank you.

On number eight, development standards for signs within residential districts. It talks about in the last sentence per street frontage setback a minimum of five feet from the property line along CR 951 only.

Just out of curiosity, there is a large canal on 951 in this location. So just where does the 951 property line go, on the eastern side of the canal or on the western side?

MR. ARNOLD: Western side.

CHAIRMAN STRAIN: So your five-foot -- okay, how does that work then? So you've got a five-foot setback from the property line along 951, but you're not thinking of putting a landscape easement -- or a landscape or any kind of buffer in the five feet on the west side of the canal, are you?

MR. ARNOLD: We will have a landscape buffer west of the canal. The clarifying language on the 951 was simply to indicate that the real estate signs aren't going to be internal to the project.

CHAIRMAN STRAIN: But they're going to be on the west side of the canal. Kind of like the Swamp Buggy days.

MR. ARNOLD: No, they would be on the east side of the canal. I'm sorry, I was directionally challenged.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: That happens.

CHAIRMAN STRAIN: Then that's fine. If that's where it's going, I don't have an issue with it.

On number nine, this says in the last sentence: The deviation does not apply to property adjacent to Collier Boulevard.

But I think that's resolved by the fact it's all east of the canal anyway, right?

MR. ARNOLD: It is. And this was meant to be internal entrance signs that you would find to -- likely there will be multiple subdivisions within this community so you'll have separately named enclaves of units, and this was meant to address those situations.

CHAIRMAN STRAIN: Okay, I'm moving through hopefully what is the end.

Exhibit F, under the utilities section, the first sentence: Prior to its last phase of development, the owner shall identify and provide an interconnection stub-out to either Hacienda Lakes or San Marino PUD.

I'm just curious, why is it or? Wouldn't it be both?

MR. ARNOLD: I don't think they or we know yet exactly where our development tracts are going to be in relationship to them. But I think as what has been typical where we're having utilities that will be adjacent to another community, they've asked us to provide stub-outs, whether the interconnection ever gets made or not, but you provide a stub-out for the future connection.

CHAIRMAN STRAIN: But this would require you -- I mean, you know you're going to have a project to the south and so you'd put a stub-out there, supposedly.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: And the project to the north is in for a PUD amendment to make it a -- I guess a residential or whatever kind of community they're putting in there. And you could actually have a stub-out then to the north. And the benefit to that is you got looping the systems on both sides for better pressure. So why wouldn't we want to make it -- or why wouldn't the utility department want to make it both instead of or?

I mean, do you have an objection to that? I mean, it would be beneficial to you all from a water source point of view.

Chris is -- I know he's just wanting to come up and answer this question.

COMMISSIONER EBERT: You could see him sitting back there.

MS. DESELEM: Chomping at the bit.

MR. VanLENGEN: Good morning, Chris VanLengen, Principal Planner with your Public Utilities Division.

We have looked at it several times, and I think the configuration of this particular property is what led our principal project manager to the conclusion that this particular development needed to interconnect in one direction or the other. If San Marino goes in, for example, and they don't have an interconnection to an adjacent property, they have sufficient frontage to have dual connections to a major transmission line. So it's an either/or situation that made sense to our engineering department. And I probably can't explain it as well as they could, but they've looked at this several times. So they're good with that.

CHAIRMAN STRAIN: So the requirement of the interconnection then can't be to the benefit of the properties to the south or the north, it's purely to the benefit of Willow Run. Because the same application to San Marino to the north applies to Hacienda to the south.

MR. VanLENGEN: That's correct.

CHAIRMAN STRAIN: Okay. Because they could do their own looping system with multiple connections on 951. So really you're asking for the interconnection to the benefit of Willow Run.

MR. VanLENGEN: Absolutely.

CHAIRMAN STRAIN: Okay. And if Willow Run wanted to, to assure multiple sources of incoming water, do you have a prohibition against -- for them stubbing out to San Marino?

MR. VanLENGEN: No, I think it would be an overall benefit to that community as well.

CHAIRMAN STRAIN: Okay. So maybe we should write that language to accept -- imply they can do both if they so choose.

MR. VanLENGEN: Instead of or, maybe either/or?

CHAIRMAN STRAIN: Yeah.

MR. VanLENGEN: That would be good. Thank you.

CHAIRMAN STRAIN: Okay. And my questions next all get into Benfield corridor, and so that's where I'm going to stop.

While we move into -- does anybody else have any questions outside the Benfield corridor issue?

(No response.)

CHAIRMAN STRAIN: Okay, so with that I guess we'll get into the Benfield corridor.

Wayne, did you want to open up the discussion on that --

MR. ARNOLD: Sure.

CHAIRMAN STRAIN: -- before we get into discussions from staff and the public on the matter? I mean, the public might have other comments on the PUD as well, but --

MR. ARNOLD: The PUD document that was provided to you has been further modified with regard to the Benfield Road corridor. And Mr. Anderson handed out language to you this morning, I think he put it at each of your seats, that reflects I think fairly closely what -- there had been discussion with the transportation staff and us with regard to revised language.

And in essence what the revised language describes results in a corridor that looks like that. Transitioning from south to north from Hacienda, playing the angle that we had shown originally, narrowing to 150-foot wide corridor for a majority of the project, and then at about the location where Hacienda Lakes northern border stops with ours, it goes back to 300 feet wide as a maximum.

And there's a whole bunch of other clarifying language in there with regard to water management and things, but I'll let maybe Bruce come up and handle that discussion. But that kind of frames where we were. And I don't know if Mr. Casalanguida has -- I know he's been away, and I don't know that he has reviewed it or approved it. But that's in essence what we have suggested as a revision.

CHAIRMAN STRAIN: He doesn't take any time off, so I can assure you when he was down wherever he was for the last couple of days enjoying the results of our climate change, he was doing his business too.

So with that I guess we need to get as much explanation from staff as we can on this matter and then

we'll have our discussion at that point.

So Bruce, did you want to start out?

MR. ANDERSON: Mr. Chairman, I have confirmed with Mr. Casalanguida that the language that you have before you has been agreed to by my clients Kitson and also the Bonness family and Collier County Transportation staff.

And I just want to make clear that this aerial photograph that is displayed here is merely conceptual in nature to depict what we're talking about in there, but it's not to be made a part of the PUD or anything, just to help all of us understand what we're --

CHAIRMAN STRAIN: Now, this question may be better coming from one of the staff members, but what are those dotted lines? What are they there for, since that doesn't appear to be where the alignment currently is even being thought of.

MR. ARNOLD: This exhibit was created from an exhibit that had been passed around. And I think the underlying line work came from the county staff that extracted some of the corridor alternatives from the Benfield Road corridor study that had previously been conducted. And then this was just a simple modification to show how this related to those.

CHAIRMAN STRAIN: Okay, thank you.

Now we're going to have a lot of questions from the public, from what I understand, and I know from our last meeting a lot of the members on this board were concerned about the corridor. So Nick, do you want to, since you made the effort to get here today, and we very much appreciate it. Oh, pause for a minute, we have a side bar going on.

Nick and Heidi, we're pretty close to a break. Do you want to take a break now for 15 minutes so you can confer on the issues? Because I know you just walked in.

MR. CASALANGUIDA: Sure.

CHAIRMAN STRAIN: And we'd rather have you crystal clear on what the issues are.

Okay, with that let's take a break 'til what, 10:25? Will that get us there? Yeah.

(Recess.)

CHAIRMAN STRAIN: Everybody please take their seats.

MR. CASALANGUIDA: Your Honor.

CHAIRMAN STRAIN: Mr. Casalanguida. I'm not sure, you may have to spell your name for the court reporter, because it's been so long since we've seen you. You're kind of like one of those people that we all talk about, we never see anymore.

But the most important item of the day is can you tell us if global warming or the BP oil spill has affected the --

MR. CASALANGUIDA: The lobsters in Key West are still healthy, and we limited it out by 3:00 in the afternoon yesterday, so we did well.

CHAIRMAN STRAIN: So if there's a devastation of lobster population, it's because of what you did.

MR. CASALANGUIDA: This is true. All free diving.

CHAIRMAN STRAIN: Well, I'm glad you had a successful time. Thanks for coming back today.

MR. CASALANGUIDA: I haven't been sworn in. I was late, so I don't know if that's --

(Speaker was duly sworn.)

CHAIRMAN STRAIN: And I'm sorry, I probably -- did I miss that in the beginning?

CHAIRMAN STRAIN REPORTER: No.

CHAIRMAN STRAIN: Oh, I didn't, okay. Because I notice a few people stood up.

Thank you, Nick.

MR. CASALANGUIDA: I'll give you a little bit of background, if I could, and we can answer some questions, if that's okay.

CHAIRMAN STRAIN: Sure.

MR. CASALANGUIDA: Okay. What you have in front of you is the long-range transportation needs plan, which it shows Benfield Road in a couple locations. And it's hard to see because the cursor won't go, but it's the black line that's here to the east. This the Rattlesnake-Hammock Road, and it takes you

forward, crosses up to I-75, connects over to 951 and then takes you forward back up into Golden Gate.

So your long-range transportation plan, even before Hacienda was developed, showed a need for an additional facility parallel to 951. This --

CHAIRMAN STRAIN: The ultimate goal for that, though, you could actually take this new parallel and get all the way to Immokalee Road by going through Wilson up through the Estates.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: Okay, thank you.

MR. CASALANGUIDA: So what you have here is the study itself and the area in question. Obviously Golden Gate Boulevard's at the top of your screen where it comes down by the lake through here.

This section here right now is being permitted as a two-lane road by Florida Rock or Vulcan Industries; they've changed their name a few times. But they're working on that right now.

This connection here to the east has already been agreed to and is partially built by City Gate.

And the county just acquired this parcel at the last board meeting before the recess.

Hacienda Lakes came in with their DRI. They've built this already and have started to build a portion of this going up to the edge of Willow Run through here.

So the missing piece is in this area. When we did the study, the challenge was we didn't who would own that parcel over there and what they would do with it and how to cross. Now that the county owns it the challenge to the south is how we impact those property owners. And then that socioeconomic impact compared to the environmental impact to the east. So that has to be refined now.

And that's why within this project we looked at putting in two options: One to the west and one to the east. And at least securing that going forward.

The next phase would be at the AUIR this fall when we come in front of this commission as well as the Board, is to tell the Board we're ready to take this into an alignment study and finalize it once and for all, because we have enough people that are developing that I think they want surety in terms of where we're going.

So that takes us into this project. And I'm going to give you one more reason why we need this to kind of give you a feel it.

This is a Power Point we put together that's going to be really for your AUIR but it's applicable for this project, because it shows over here is I-75 that comes in, Davis, this is Collier Boulevard, Rattlesnake-Hammock and then Collier to the south. The Willow Run PUD is here and this is Hacienda.

Those are the two critical intersections that are defined. So what we had our transportation folks do is put together a unit count of all the different projects that are within the area. And you can see each quadrant's been looked out with the amount of dwelling units that are there, projected, approved, some adopted, some partially built. There is a ton of projects within this area.

So within your AUIR what we do is do a five-year snapshot and we put in some of the projects in terms of concurrency that have been platted.

The amount of dwelling units and commercial that's there doesn't even really begin to tell you what happens to the east with the landfill. That landfill is permitted to go 75 more years. And I would imagine within 75 years we'll be built out. We have a population of 330 right now, expected to go somewhere to a million.

We knew when we did this Benfield study that you're not going to send all of the county's trash down 951, and that there would be definitely problems at these locations.

So the table that's at the bottom gives you a feel for what's going on. This is your service volume in the first row, what the roads will carry under the present condition. So Collier Boulevard at 3,600 from I-75 to Davis in this location. Collier Boulevard from Davis to Rattlesnake-Hammock will carry about 3,000 cars in peak direction. And to the south 3,200.

When you put in your background traffic, is what we measure, these are actual numbers, and then your current trip bank. These are projects that are platted, not zoned or vested, only platted, that come through the system. And some of them at one-seventh if they're zoned or vested. So it gives you remaining capacity. You're still in the black.

But once you put in 100 percent of all these projects that showed up earlier, you're negative 1,245

trips from Collier Boulevard from Rattlesnake-Hammock to Davis in this location. And you're negative on Rattlesnake-Hammock and you're negative over here.

Now the state is doing a study right now, a PD&E, because they know the interchange won't work as it's designed. So if we know now as all these projects develop and build out that you're going to be in a negative, it drives the fact that you need a parallel facility.

Now if we use forecasting going back about five years, some people might say it's 15, 20, 25 years before you'll need to build that road. If you use forecasting based on what you're seeing right now for growth, it pushes it up sooner.

I can't tell you that -- you know, when we'll need it but I can tell you for sure we will need it. It's a matter of time.

And our comp. plan drives us to work with the developers as they come in through these zoning actions and at least put in the measures to protect those corridors.

More importantly, as I mentioned to Heidi this morning, is the language that's in the PUD that makes each buyer aware. Because the challenge we have going forward when we do a lot of these projects, that the buyers don't know that there's a project coming. And so they move in, then they want the road stopped and they say we were never told.

So this provides them notice, it basically says the development and the county have an agreement already to acquire that right-of-way, notwithstanding the environmental folks that are here that are concerned about us getting our permits. And I recognize that's a challenge.

I want to get out of this and go back to the diagram, if we could.

Now, in this location as we go forward to permit, I can't tell you now, and I've been asked and suggested we should go to the east. Going through these studies in the last 10 years, you don't want to make that call until you've looked at everything. You've got people here and environmentally sensitive land here. And then we compare cost and how the road functions as well too.

How you cross I-75 in this location is going to be a key factor as well. So I'll suggest there will be a lot of discussion today about which one you think is better. And I can tell you that it's moot until we go through all the real studies. Because they will look at everything, and then the input will come in at that point in time.

And with that, I'll answer any questions that you have.

CHAIRMAN STRAIN: Okay, I'll let you guys start. Stan? If you don't have any, that's fine, but last time you had some, so --

COMMISSIONER CHRZANOWSKI: Yeah, I don't have any questions. I have -- well, I'm curious, your 1,245 trips over, what level of service are you shooting for?

MR. CASALANGUIDA: Level of service E and F. Our standard is pretty low for what we consider capacity. On a six-lane road, we take it to the very end. It's not A, B, C or D.

COMMISSIONER CHRZANOWSKI: Your corridors you had defined. One thing I noticed was the lake had been expanded. Your corridor went through the lake. I talked to Reed. The lake had been expanded up to a pop ash slough that concerned the -- yeah, right there.

MR. CASALANGUIDA: Right there.

COMMISSIONER CHRZANOWSKI: That pop ash slough is right next to the edge of the excavated lake. And we were concerned about you going through that slough. And I had wanted you to go around the slough to the east.

MR. CASALANGUIDA: And your comments are appropriate when we do the final alignment. I think those are the things that the engineers will look at. They'll want those comments, what do you know that's there. But I can't do that today.

COMMISSIONER CHRZANOWSKI: Why not?

MR. CASALANGUIDA: Because I don't have all the information. I'd be predetermining something before I looked at everything else. They'll look at habitat, they'll --

COMMISSIONER CHRZANOWSKI: I don't understand that. I don't understand why you can't just move the corridor a little to the east around that slough.

MR. CASALANGUIDA: Well, the corridor you can. But the final alignment is a design function.

COMMISSIONER CHRZANOWSKI: Right.

MR. CASALANGUIDA: Literally I will look at everything when we do that design. But I can't move it today. Someone else would be saying well, you moved it to the east, didn't you take into account it might affect my residential property, or --

COMMISSIONER CHRZANOWSKI: You've already moved it. Because the corridor you had was going through the lake. So you've moved it to get away from the lake. There's no reason you can't move it just a little further.

MR. CASALANGUIDA: I couldn't now. I don't have a decision. If I said to you I think that's a great idea, the designers will come back later and evaluate the whole thing all over again. They'll look at everything. There's no way to lock it down when you have just a corridor study without going through a design.

COMMISSIONER CHRZANOWSKI: I don't understand that, but --

MR. CASALANGUIDA: Okay.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yeah, I have a couple questions.

First of all, I accept the fact that we will need a parallel facility to move traffic.

MR. CASALANGUIDA: Thank you.

COMMISSIONER ROMAN: But on the other side of this issue, it seems to me that when the study was done several years ago, and I did manage to get a copy of the study in order to read it prior to this meeting, all of the agencies, particularly the environmental agencies, were strongly -- voiced strong opposition to the location of the Benfield/Wilson corridor.

MR. CASALANGUIDA: Sure.

COMMISSIONER ROMAN: And the location of this road is going through what the county has determined to be some of the most sensitive environmental lands that we've designated as sending lands.

Now, is it not possible, with all that opposition, to find another location, possibly the FPL easement, to run a north-south road without, you know, impacting negatively all of the sending lands or a large portion of the sending lands that we've determined to be important habitat that we want to preserve?

MR. CASALANGUIDA: Well, Commissioner Roman, I'll zoom back out and I'll try and answer some of your questions.

This is 41, and this is the state forest through here. This is obviously going to be the biggest challenging area through here. Here this has been reserved and this has been built and it's going to be built all the way through there. This is two to 300 feet away from an already existing development that's before you today. And then these two alignments right here are along residential property really next to the sensitive land you're talking about. So we're staying out of it.

Now, you mentioned the FP&L corridor. That's way down here. I don't know, and we'll look at it, when we did the original study how you meander something over without seriously, you know, taking away from the capacity of this road, increasing cost.

I think our goal was to stay just west of the sensitive land and just east of the residential development hugging that boundary. Everything else in the corridor, all of this is being permitted right now. This is developed. This is developed. This is county owned between two developed pieces.

So I think our goal was to hear what the environmentalists had to say and say we want to stay as far west from that and along the urban boundary, which is one mile east. So we're hugging that.

We can look at that FP&L corridor, but I can tell you when we did the original scan that didn't show up as one that was feasible to build. But we can look at it again.

COMMISSIONER ROMAN: Well, I travel Collier Boulevard almost every day. I live on Marco Island, so I even go further south. And that road is already, even off season, at capacity from a driver's perspective.

MR. CASALANGUIDA: I know.

COMMISSIONER ROMAN: So one of my thoughts is is that you can build as many roads as you want to build and it will still be full, because then there'll just be more cars traveling on those roads.

But in this case, I mean, it came up to our attention because of the Willow Run PUD. But Willow

Run is a very special place. It has some sensitive areas like the pop ash slough, you know, red-cockaded woodpecker habitat. I mean, a gopher tortoise receiving site from the tortoises that were impacted negatively at other development sites. And it seems like even with those voiced concerns by many of the agencies when this first was done, the road was still planned right along Willow Run, right through that slough. And I'm saying that there has to be some way where we have some kind of consensus on how best to address the issue, both the need for the corridor for a road and the second part of that is to protect what we said we wanted to protect when we designated many of these areas sending lands. And it seems it's going right through the middle of it here.

MR. CASALANGUIDA: Well, Commissioner Roman, I can tell you the challenge you face as well as I do every day is PUDs like this come forward all the time. Hacienda came forward when it was here. And so unless you can put a facility in to service them, we shouldn't be approving these projects. And that's the challenge.

I'll stay within the one-mile boundary. You know, one of the original alignments, I-75 is -- Everglades is over here. One of the alignments took us down through here and down. We took that off the bat because the environmentalists said no way, not at all possible, stay as far west as you can. Don't cross I-75 until you get, you know, right along the Beck Boulevard area.

But this is all developed with single-family homes right through here. This is a PUD. I can't go farther west without really getting into these projects. And, I mean, we'll look at that FP&L corridor, but I'm hugging the urban boundary with this road.

COMMISSIONER ROMAN: But the one part about it, Nick, is that it's not just the environmentalists.

MR. CASALANGUIDA: Sure.

COMMISSIONER ROMAN: The county designated these lands the sending lands because they had determined that these lands were important to the county, to our quality of life and to the environment.

So I'm just asking that you take a look at it. I understand the challenges that are surrounding this issue. But the FPL corridor is already there.

MR. CASALANGUIDA: We will -- I'll make a promise to you that when we do the environment study for this when we go through the next phase, we'll make a recommendation to the Planning Commission and let you know what we find. I'm happy to do that. I think it would be informative and you guys will get a chance to see what kind of level of detail we do when we go through an alignment study.

COMMISSIONER ROMAN: But one of the situations with Willow Run in specific that came up was this planned -- the dotted line, I should say, on the map when it was first presented basically split the preserve that they have and would make an island piece of land that would not provide the, you know, protection that the preserve needs to operate effectively.

MR. CASALANGUIDA: Well, here's the interesting part. We had said okay, you picked the western most alignment right along the lakes. Then you keep the preserve to the east tied in with the state forest and preserve areas to the east. But then the developer says, well we don't want the road right next to our property, we want you to go further east. And as Commissioner Chrzanowski pointed out he feels we should go further east based on his analysis, so you get a lot of back and forth and then you finally pick on the least of all evils.

We're not required to do a corridor study to the Planning Commission, but I think it would be good to come back and maybe do a presentation for you when we do the next phase, and you get feel for what we go through in terms of analysis. Because it's educational in terms of why when you get a PUD and we're saying reserve this alignment, this is why. You might get some good information, because it's pretty detailed.

So very good, I appreciate your comments, ma'am.

CHAIRMAN STRAIN: Anybody else have any questions --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- of Nick?

Go ahead, Diane.

COMMISSIONER EBERT: Yes, good morning, Nick.

MR. CASALANGUIDA: Good morning, ma'am.

COMMISSIONER EBERT: Did you win the lottery for the county?

MR. CASALANGUIDA: Did I win the lottery? No, ma'am.

COMMISSIONER EBERT: I have to say that I don't like Benfield Road at all. The mitigation that you're going to have to pay for this and -- is one heck of a lot of money. 951 is not that bad yet. I'm like Stan, a little bit more to the east. I don't even know if the state will even give you permits. Do you know if you can even get them?

MR. CASALANGUIDA: Ma'am, they said that about Hacienda, but Hacienda got their permits. And it's about mitigation and it's about the least impacting the habitat as much as you can and they will force you to do the mitigation for the project.

COMMISSIONER EBERT: Did you not get enough from Hacienda? Did you realize that Hacienda went up further north?

MR. CASALANGUIDA: I did.

COMMISSIONER EBERT: I understand that you kind of stopped down further south.

MR. CASALANGUIDA: We did. And Mr. Torres met with me and he's going to do an amendment at some point in time and he said he has no problem doing the same thing he did down here, which is reserving the right-of-way over the northern portion of Hacienda as well too. So I had that discussion with Mr. Torres.

COMMISSIONER EBERT: Okay. Looking at -- and I understand where you want to take Wilson, take it down from Immokalee, it's for mainly the people that live Randall, in that area out east.

There is another north-south corridor which is Santa Barbara/Logan which was six-laned. That is great. Nobody uses it at this point. If you just kind of widen it to the last part to Immokalee Road, that would be another north-south corridor, and that's what, from 951 that's less than two miles?

MR. CASALANGUIDA: Let me give you a comparative feel. There's 330,000 people here right now and we get about a 20 percent increase in season. So call it 390. We're scheduled at some point to go roughly shy of a million. If all the roads we have right now, and some of them are almost at capacity, so let's say 400,000 right now, you have to replicate, double it to get to a million. Do you think the network grows that much? It does not. When you populate Collier County to roughly under a million people, you will not have enough facilities to accommodate those people as the plan shows today.

Your long-range transportation plan by federal guidelines only looks at 25 years. That's why we did a build-out analysis, but nobody wanted to talk about that.

So you do not have enough facilities planned right now to accommodate your population. I don't know when it will happen. The idea is it's irritative planning, every five years you look at the LRTP. The county looks at the AUIR every one year and a five-year snapshot for it. The LRTP is 25 years.

The idea being that you've got enough vision with 25 years out that you keep making adjustments, depending on what development patterns are, because they're never static. Right now Collier/Immokalee is experiencing the most of it. So you take that into account and you make adjustments. That will be one of the discussions we have at the AUIR this year.

COMMISSIONER EBERT: Well, that's good. Because you're right, I live on Immokalee and Collier, and it's already dead. I mean, it's bad right now, and these PUDs have already been approved and it's not working out.

MR. CASALANGUIDA: That's the challenge when they come in front of you. They're asking for more units. And right now at the rate we're going, with the impact fees we get and the general fund revenue we get, you can't match the impacts to the revenue. I can't do it.

COMMISSIONER EBERT: So growth is not paying for growth at this point.

MR. CASALANGUIDA: No, ma'am, it is not.

COMMISSIONER EBERT: So the impact fees would have to go up more is what you're saying?

MR. CASALANGUIDA: The impact fees are a function of your cost. The impact fees will probably go up 20 to 30 percent are recommended to the Board this fall, because our costs are going up 20 to 30 percent. I was getting close to 25 million in general fund. I get now 12. Gas tax has not increased, believe it or not, in five years. Every time the miles per gallon goes up in electric cars, they drive more and we get even or less. So that's not a funding source that works anymore.

The Board borrowed 225 million in gas tax bonds in 2002. They will not be repaid until 2023 or 2025. So in the next 10 years we'll see a significant shortfall in transportation funding.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: Let's go back to some broad statement you made. In the beginning of your defense of this corridor you said that without it we should not be approving these projects. Now, the projects are found to be consistent with our GMP.

MR. CASALANGUIDA: Five years.

CHAIRMAN STRAIN: They're found to be compatible with all the surrounding areas. The analyses that were provided from staff indicates that this project could have asked for more units than they actually have asked for.

We have been hamstrung in the past by only being able to assure compatibility, ensure that concurrency was there, ensure we're consistent with what we've done in the past. There isn't an opportunity to say no without a de facto moratorium. Because if you say no and it was allowed by all the consistencies we're told apply we could be sued for a number of reasons.

I know there's a window of opportunity, I think you indicated five years. But your statement that we should not be approving these projects just isn't really accurate. We're -- in some framework we don't have a choice because of their consistency, their compatibility and their concurrency. So tell me how you thought we couldn't be.

Because if the Board has an opportunity to say they don't want to put this road in because we're no longer going to approve any project with added density to 951, I'd like to hear the basis for that. Because that would be a valuable thing to know.

MR. CASALANGUIDA: Well, I'll tell you. So for the education of the audience, and so you're familiar with this, concurrency is at development impact. It's plat or plan. So it's do you have enough trips at that snapshot in time when you come in for a plat. Consistency is five years.

With a forecast of the road growth in five years, is there enough capacity on the road to meet the demand of that road with the new development that you put on there. Board policy has been to put on one-seventh of projects in with background traffic adding it on. That's going back prior to when I started 10 years ago. Not 100 percent.

But it also says its compatibility with GMP and the transportation element. So one, you don't have to prove as many units. We could say that's incompatible with the long-range plan and what the roads show out there. So your density question would come into play.

And probably could you deny it based on that? You know, I'd have to have a discussion with the County Attorney's Office, but I think the Board would be -- you know, if there was an inconsistency with the long-range transportation plan and funding with these roads and the developer didn't come forward and help out to do these roads, because our history, Mr. Strain, as you know, I've been here 10 years, most developers at the time they'll come in and request zoning know this and will work with the county and say I'll provide you a lake, I'll provide you the dirt, I'll provide you the right-of-way or I'll help build an intersection, and recognizing the Board has got some flexibility on supporting their project.

CHAIRMAN STRAIN: Well, I understand that, Nick. But until the Board was to change the policies in this county to provide the incentive to not build, we're doing just the opposite. We keep encouraging building.

And I'm not saying that's bad or good. I'm just saying it's really hard then to expect someone to say no, we're not going to allow this project when everything we're getting is consistent, compatible and concurrent. And yeah, we could slow it down for a little bit of time, but you've still got that five-year window. And this road would never be in in five years. If you were doing all you could right now, it wouldn't happen. And that's what I'm more concerned about.

By the way, I've been here 40 years, not 10. So I'm a lot older than --

MR. CASALANGUIDA: Ten years we've worked together.

CHAIRMAN STRAIN: Okay, I just wanted -- I didn't want you us think I just started seeing this for

the first time.

MR. CASALANGUIDA: One thing to note is that you get one shot a year to go to the Board and kind of set these policies with the AUIR and CIE.

If you go back five years ago, there was a lot of requests. We'll accept any development, we want to get construction going again. The growth rate was at negative or flat. Now it's the opposite effect. We've had all the PUDs come in. Plats are at record highs. As a matter of fact, this year we're going to do close to 3,000 residential building permits and we're on track to go to maybe 4,000 next year.

So at that rate your growth rate is much higher. So I think we will have a discussion with the Board, and even this Planning Commission about the AUIR and CIE and at this rate what will happen if we don't change the funding and the planning and everything else that we're doing.

CHAIRMAN STRAIN: Okay. And I don't see this request -- well, first of all, I share the concerns that Charlette had. I've read all the documentation The Conservancy was nice enough to supply us with, and in the summary that they did. And I was much appreciative of that, because it gives you a snapshot of what every agency in the world thinks about that corridor but Collier County. And none of them like it. And the vehemence is strong.

So from my perspective you can try all you want, but I will be am -- well, yes, some people can sell, what is it, refrigerators to Eskimos. So if you pull this one off with the agencies, I will be shocked, because I would never want to attempt it, from what I can see.

But be that as it may, I don't see this list of developer commitments being something that gives you the corridor. It just acknowledges that if you even have a twinkling of acceptance you have a right then to come back in and ask for it.

So from that perspective, I don't think we're losing anything by letting you go try. But at some point down the road the justification for the monetary outlay will be so phenomenal the taxpayers are going to jump in and say something. Because all these wetlands are just going to be just a breaker to get those purchased and worked around.

Then we get into the issue that I'm real sensitive to, and you know this, taking people's homes for a corridor just to accommodate development. Because that's in essence what we're doing.

So your 3.A to me is abhorrent. I would not suggest we ever do that. I carefully brought up arials and tracted your 3.A and looked at what it would do to homes in that area and properties it would take, where 3.B doesn't. Now, I know that may conflict with the environmental community, because 3.B is more eastward and more sensitive areas.

But even if this were to go forward, I would hope we would never want to do 3.A as a community, because we tried it once with Vanderbilt Beach extension, and I think that is still wrong, but it's still being pursued. I would hope we don't do it again.

But anyway, that's my thoughts on it. I don't see this locking you into a corridor, I just see it saying that if you are able to go over all these hurdles and you finally get there, then this isn't going to stand in your way.

MR. CASALANGUIDA: Yes, sir.

CHAIRMAN STRAIN: On number six, I had written up a lot of concerns about number six on Page 2 and I just read the marked up language.

The only thing I'd like to suggest there is that if the owner is going to request that the county maintain the RPUD lands to the east that the request is timed. Meaning within so many days of whatever viable action that is needed triggered by your issue being real.

And then the last thing is, on the last item, it would be 9.A, the last couple of sentences on the very last page, it refers to the discharge into the Willow Run RPUD surface water management system. It's not allowed from any right-of-way outside of the RPUD.

I'm not sure that's practical since the road could straddle the line, based on the latest iteration, which is this. And your road collection catch basins are based on humps and sumps in the road that are required because of sloping. So I'm not sure if that really is something you want to leave as simple as it's stated. But it's just an argument -- or just a suggestion to you in that language.

And that's the only comments I have at this point subject to the discussion we're going to hear from

the community that wants to speak.

But one other item that's going to have to come up today, there are some submittals that have been made on the fly today. The language has to be vetted by the County Attorney's Office technically before we should vote on it. Heidi has expressed to me the need to have some time with it. So whenever we've finished everything else today and we're done, I'm going to suggest we probably take an early lunch break if need be or whenever it happens and during that period of time Heidi will take her time to go through the issues she has to so when we reconvene we can get into it.

Yes, ma'am?

MS. ASHTON-CICKO: Actually, I was able on the break to get the language from Mr. Anderson, and so I've provided my changes to him.

CHAIRMAN STRAIN: Oh, so you're comfortable now.

MS. ASHTON-CICKO: I have them. I'm going to read them into the record. Yeah.

CHAIRMAN STRAIN: Okay. Well, that's great. Then that makes it even better. So we don't -- hopefully we'll be able to wrap this up and not have to take a lunch break and we'll see where it goes, though. Go ahead, Diane, looks like you had a question.

COMMISSIONER EBERT: Well, I do have a question.

If -- you're right, I'd prefer alternative 3.B. I just really don't like to see this touched. But I remember City Gate and the expense for relocating the cockaded woodpecker. And I'm going, you'd have to -- this county would have to do that. I mean, it would have to be your expense, right?

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER EBERT: I mean, the taxpayers.

MR. CASALANGUIDA: Well, you look at this parcel here that's got environmentally sensitive land. This is the landfill right now. The county bought that for \$5 million. There was an offer to buy it for 22 million at one point in time. This gentleman or the bank sold it to us at liquidation value. So we got what I'd call a heck of a deal. Recognizing anybody that would develop it was between industrial property, a recycling center and a landfill.

So this allows the county -- now, if you look at the yellow alignment, even though it jumps to the west, we've looked at one that can do this. So the utility people would recapture all this property for the expanse of the landfill and continue it going forward. So that's an opportunity for them to recapture those costs.

So yeah, you will have to mitigate. It's not impossible and it is expensive and I wish it wasn't so expensive. But what I will tell you is you can't make that decision today because you just don't know the what the answer is until --

COMMISSIONER EBERT: Well, it's true.

MR. CASALANGUIDA: -- you go through the process. And right now your dollars don't match the expenses as you build roads to the east, I can tell you that for sure.

CHAIRMAN STRAIN: Okay, does anybody else have any other questions before we go to public speakers? Or actually, we'll go to staff report and then public speakers.

MR. CASALANGUIDA: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Kay?

MS. DESELEM: I don't recall whether we gave the staff presentation last time or not.

CHAIRMAN STRAIN: I don't either.

MS. DESELEM: I believe we did.

CHAIRMAN STRAIN: I think you did too.

MS. DESELEM: I do have one clarification I'd like to make, though. On Page 7 of 21 of the PUD documents that was originally submitted for today's hearing, the introduction that begins minimum lot area for any unit type, at the last part of that it says during an application for a building permit.

For staff's purposes, that's too late in the process. We need to have the applicant identify the type of unit they're building on the zoning data sheet as part of the Site Development Plan or the plat. So I would ask that you make that change.

CHAIRMAN STRAIN: Okay. Is there any objections from the applicant?

MR. ARNOLD: Wayne Arnold.

No, we have no objection to replacing at the time of building permit with something that references at the time of plat or Site Development Plan.

CHAIRMAN STRAIN: Okay. Thank you, Kay. Anything else?

MS. DESELEM: You had made mention earlier about when the preserve setback about -- or the deviation number four if there was a 25-foot wide preserve adjacent to it. Was that included in anything or was that just discussed?

CHAIRMAN STRAIN: When an applicant provides a justification to the deviation and the justification states it's because of an existing preserve, I want to make sure that the only way that deviation then applies, if in fact there is an existing preserve, and that's not what -- that language in the deviation wasn't complete in that regard. They have since modified their justification in the deviation and have explained that with Michael Sawyer's help, so I don't have an issue now at this point because of the added language.

MS. DESELEM: Okay, thank you for that clarification.

CHAIRMAN STRAIN: Before this meeting is over with today and we get into final discussion, I'm going to be asking you to take a look at your recommendations again and see which ones have been resolved and which ones haven't been. So if you get a chance to take a look at those before we're done, I'd appreciate it.

MS. DESELEM: Okay, thank you, I will do so.

CHAIRMAN STRAIN: Okay, with that we'll move -- oh, are there any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Well, let's move to public speakers and we'll start with those that are registered to speak and then whoever isn't will still have an opportunity to speak. We'll just call you up separately.

Go ahead, Ray.

MR. BELLOWS: The first speaker, Amber Crooks.

MS. CROOKS: Good morning. I'm Amber Crooks from The Conservancy of Southwest Florida. Is it okay if I use the visualizer as part of my presentation?

CHAIRMAN STRAIN: Absolutely.

MS. CROOKS: There are two issues that The Conservancy would like to address today as part of your PUD discussion. The first issue is a followup regarding the identification and commitment of a corridor for a future Benfield Road alignment within the already existing preserve at Willow Run, which is protected by a conservation easement dedicated to the board of trustee of the International Improvement Trust Fund and which also contains FWC gopher tortoise mitigation bank, as you've already identified earlier.

At your last meeting The Conservancy had objected to the designation of a right-of-way corridor for the Benfield extension through the Willow Run preserve for numerous environmental reasons: The preserve's protection through a conservation easement, its current use as a tortoise relocation site, the fact that it contains red cockaded woodpecker nests and habitat, presence of other protected species and wetlands, all of which will be impacted by a future road.

This is sensitive land. There are similarly sensitive lands to the east as well.

During your subsequent discussion at the last meeting regarding these environmental concerns and right-of-way incompatibility, a question was raised regarding the environmental review of this proposed alignment. There may have been an assumption that the alignment had been approved by the county, with -- then the environmental concerns had been sufficiently addressed. However, comment letters from various agencies including the Federal Fish and Wildlife Service, State DEP and the Water Management District, which we provided to you several weeks ago, as you mentioned, determined this was not the case. In fact, these agencies all indicated that they would not support a road within the proposed Benfield alignments, and that given those options they supported the no build alternative.

And it's pretty extreme to have that unified front by the agencies who almost never say no. So that is sending a strong message. And we agree.

Pursuit of a road in this alignment is not only unwise but likely not permissible. In fact, some of the

projects in the North Belle Meade section are having some permitting issues with the U.S. Fish & Wildlife Service related to their project, as well as the road.

Since the last Planning Commission meeting the applicant and county staff have been working on some sort of compromised language which would provide less than alternative on a map -- we do not want it to see it on the map -- but would still off a way to be transferred if and only if all necessary permits are granted by the agencies. Though based on the comment letters we believe such permits will never be issued. And it's because we believe the road is not permissible that we would not oppose the applicant's proposed language, specifically number 2.B.4 of the developer commitment section, and provides right-of-way only after permits have been issued. I believe that is the current language that you have before you.

And we do appreciate the discussion that you have had about this road as a sort of a separate aside from the Willow Run PUD. And I do think it is important that you continue this discussion to see if this road is feasible from an environmental perspective and what kind of considerations you as a board can make back to the county.

The second issue I would like to discuss is in regards to the gopher tortoise. We are in good shape but I did want to -- with that language that was mentioned earlier. But I did have a suggestion, and I did want to kind of discuss it a little bit.

As you're aware there are portions of the existing preserve that are currently populated with gopher tortoises as part of the tortoise relocation bank. And I'll just go ahead and show you on the map where that is.

This crosshatch here --

CHAIRMAN STRAIN: You need to speak --

MS. CROOKS: This crosshatch here is depicting the gopher tortoise area.

As you're aware, there is residential or other forms of development proposed immediately adjacent to the preserve occupied by tortoises or containing tortoise habitat. Our concern was that under Exhibit F, developer commitment section 3.B, there were insufficient protections needed to assure appropriate separation of tortoises from development, especially roads.

For example, the prior draft commitments to post lower speed limits, to post signs and to make buyers aware that tortoises occur on the project are all good ideas; however were not sufficient to truly protect the tortoise. The Conservancy believes that fencing as proposed in the new language, which I also will make available to Heidi so she can include that in her summary, we believe that that fencing is essential. And I'll go ahead and show you what we mean by gopher tortoise fencing.

I hope that you can see, here's an example of gopher tortoise appropriate fencing. The fencing is about two feet tall. Here's an example from The Conservancy where we actually have some roadways around the preserve. And a gopher tortoise burrow is shown here.

But the important part about the gopher tortoise fencing is that is dug under about two feet below the ground. And also that the mesh size of the actual openings is small enough to discourage gopher tortoise juveniles from getting into the roadway. It's about one inch.

Fencing is an effective mechanism to keep the tortoise in the preserve and out of the roads. And I can tell you that this type of fencing is very important. I have seen from going to work at The Conservancy over the past seven years, gopher tortoises had been crossing the road prior to installation of the fencing to get to the turf grass of the homes across the street. And they can actually move a pretty good clip across the road. So if you're not paying attention, there is a danger there.

As well, I have seen on slow paced roads like Shell Island Road, actually a road kill, tiny, tiny tortoise baby. So having the fencing in the right locations and of the right size and installed properly is very critical.

As you had heard earlier, we had requested and the applicant had agreed to added language in the developer commitment environmental section stating that tortoise appropriate fencing will be installed in those areas where roads or development are adjacent to tortoise habitat.

And I just -- I have another thing that I'll put on the visualizer to show just a small change.

Essentially what Wayne had described earlier is right on. We had only one added word suggestion, which is to include tortoise appropriate for before the word fencing and also before the word barrier. Just to be ensuring that whether it's a fence or a barrier that it is tortoise appropriate.

And as indicated on this email, we did run this past Maureen and she didn't have any issues with that, Maureen Bonness. So I'm hoping you will also find that this language is appropriate to include.

Just one last note. We recognize that the Florida Fish and Wildlife Commission is the agency that approved this site as a tortoise relocation bank, and that the question had been raised about the need for the county to include such a stipulation to avoid duplication.

The FWC did not require fencing as part of the bank, likely we think because there was no development proposed at the time for the adjacent areas.

Additionally, we have reviewed the FWC regulations and do not believe that it would be required by FWC in the future as part of the mitigation bank requirements. And also there are no hard and fast rules that were to require it as part of the development. Therefore, it is not only appropriate but absolutely essential that the county clearly place such a commitment in the PUD document.

We thank the applicant for adding this list to their list of commitments and hope that you'll accept these positive changes in regards to gopher tortoise protection. Thank you for your consideration on these two aspects.

CHAIRMAN STRAIN: Thank you.

Okay, next public speaker, Ray?

MR. BELLOWS: No others have -- oh, no excuse me, we have one more, Mr. Vasey.

MR. VASEY: Some orientation there. For the record, I'm Dennis P. Vasey, Chairman, Collier Soil and Water Conservation District.

We own 17 parcels, and that's represented on that chart just south of Interstate 75. A boundary of Benfield Road and the north one-half of section 01, Township 50, Range 26.

We acquired two TDRs on these parcels and have currently satisfied the county requirements for management of those TDRs.

Now, these parcels are a part of a mitigation for Malibu Lakes. And as such, any change in their actual use would require Corps of Engineers permission, which would require mitigation somewhere in the functional watershed.

Benfield Road, as you might not know, is a privately owned road by a landowner in Collier County. And that road has been the subject of two lawsuits. I've been a party to both lawsuits. The area to the north of our parcel is zoned by FDOT. We were sued for access or right-of-way. And you see the trail off to the right of the map. That's a landowner in one of the holding areas, inholding areas, who is trying to move trash from the highway into his inholding. And of course he filed a lawsuit and that lawsuit was denied.

So I would only say that there are some issues with regard to land ownership. The land on the west of our parcels is owned by DEP. The land on the east of our parcels is owned by the DEP and managed by the Division of Forestry.

And the reason we chose the parcels where we did is because of their wetland characteristics. But more important, South Florida Water Management District, Big Cypress Basin and DEP and the Corps of Engineers wanted us to locate this in lieu fee mitigation area adjacent to public lands so that they could be expanded for habitat and other use.

Our hope was always that we could achieve through some type of use of this area an underpass under I-75 for bear and for panther travel. Because without that travel, the mitigation credits north of I-75 don't exist. They do however east of I-75.

Finally, I'd like to thank you for your consideration, and if you have any questions, I'll be here. I'm also going to provide the Corps of Engineers MOA the general management plan, which gives this illustration and others with regard to the parcels and the ownership.

And there is one final one, the ownership of the TDRs, which the county has valued and they're owned by Collier Soil and Water Conservation District at a rate of \$50,000. So there are some little small issues to be dealt with.

Questions?

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Duke, could you show me on this map you've got in front of us, just with

your finger or pencil or something, where 3.A and 3.B lie in relationship to this property?

MR. VASEY: Well, it's a little bit tough, but this is the Benfield Road corridor right here.

CHAIRMAN STRAIN: You need to use the mic. And I'm sorry, I see your land but I don't know where it lies and why it's even part of our discussion. So I need that clarification.

MR. VASEY: This is Benfield Road.

CHAIRMAN STRAIN: Well, is that 3.A or 3.B?

MR. VASEY: It's 3.A.

CHAIRMAN STRAIN: Okay. So 3.B goes on the other side of your lots?

MR. VASEY: Yes, it does.

CHAIRMAN STRAIN: Does 3.A or 3.B require any taking of your lots?

MR. VASEY: Again, I'd have to see the development plan to tell you exact -- there's no footprint, really.

CHAIRMAN STRAIN: Okay. And I'll have to ask that of Nick.

And if they needed your lots, are you a willing seller?

MR. VASEY: We would prefer to have the same quality of wetlands up in the functional watershed more toward Winchester Head or in that area of Horse Bend Strand, somewhere in that area.

The county already owns about 23 parcels up in that area. So the exchange of wetland characteristics would be better for the restoration of the historic flow way, which is known as the North Belle Meade restoration area. It formerly was known as Horse Bend conservation area, Horse Bend Strand conservation area. Transfer of property for similar wetland use I believe would be accepted by the Corps of Engineers as a suitable transfer.

CHAIRMAN STRAIN: Thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, are there any other public speakers? Anybody wish to speak? Nancy? Nancy typically waits to be the last. And so I figured that's what she was doing today.

MS. PAYTON: Yes, because for years I was always called first. So when I have an option, I come last. Plus I didn't sign up.

Nancy Payton, representing the Florida Wildlife Federation.

We're here in opposition to the Wilson/Benfield corridor. We submitted a detailed letter to you. I hope you saw it.

CHAIRMAN STRAIN: I saw it and read it, yes, ma'am.

MS. PAYTON: Thank you. Yes, read it is the important thing.

And I'll briefly go over some of our concerns.

I also referenced in the letter the efficient transportation decision-making process, which is a state process. If you're going to be using federal monies, it's a good thing to go through. And there are 34 different categories that the different agencies check off on a box of one to five. Five is dispute, four is substantial problems. And of the 34 categories, 17 were dispute or substantial. And even the Collier MPO checked off some of those four boxes substantial. So there's a wide range of concerns beyond just environmental that are associated with this road.

It's true, the agencies do have a no build position. I also included the Florida Fish and Wildlife Conservation Commission analysis, which was not in The Conservancy's initial package. And they did detailed evaluation of the impacts to wetlands and wildlife habitat along the corridor, and you can get a little hint from that the tremendous amount of impacts to wetlands and wildlife habitat. And some of these impacts are to lands that currently have easements on them for mitigation. So you have to think about double or triple mitigation and where does that happen.

The Federal Highway administration's comment through the efficient transportation --

COMMISSIONER CHRZANOWSKI: I'm sorry, I was just -- I started laughing to myself because I was wondering, when you mitigate on one parcel and then you use that mitigation for building something, does it -- I guess you double mitigate because you've already --

MS. PAYTON: At least, yes.

CHAIRMAN STRAIN: Three times, or whatever.

MS. PAYTON: It compounds the problem. And remember, this is already estimated at \$17 million a mile without any mitigation for wetlands or wildlife impacts. So ka-ching, ka-ching, ka-ching. And it's a locally funded road. I think we have to put that into perspective.

Piecemeal planning, that is one of the issues that's going on in North Belle Meade regarding the Wilson Boulevard extension. And that is in federal litigation over that road. And there's ongoing discussions about whether that road will happen or where it will.

I talked about the high cost of mitigation.

Our concern also is going to be for Willow Run. Because if this is part of the Willow Run PUD, their approval, then that's going to carry through and be a burden to them through the permitting process. And you can be assured that we are going to make it an issue in the permitting process.

And that is a concern that I think we should have about this county having developers front that issue of the availability or the viability of this road kind of hiding behind developers to do that first cut through the agencies.

We did have discussions with Hacienda Lakes. I thought we had a very good compromise and resolution that it's included as part of their road system. But what I heard today makes me think, I hope there wasn't a bait and switch on us with Hacienda Lakes. And we'll follow up on that with regard to the road alignment with Hacienda Lakes and if necessary the permitting agencies.

Locally funded.

It's not just sending areas that this is going through in South Belle Meade, it's an NRPA. And a natural resource protection area is one of the highest degrees of conservation protection that the county has. And the reason why it's a natural resource protection area is because there was litigation against the county in the late 1990's, because the county was not adequately protecting its environmentally sensitive lands. Therefore, you have to look at the history of how that became an NRPA. And that was part of a settlement of an action, administrative challenge that was brought by then DCA and the Federation and Collier Audubon. So there's layers upon layers about the protection and the history of the protection in South Belle Meade.

This is an aside, but it deals -- we're opposed to it. No language is the best language for the Federation when it comes to referencing this corridor. But I did feel compelled to talk about the lights. There's a reference to Dark Skies lights on the roadway. And if there's a roadway that is plowing through conservation land, I question whether you want lights on it at all. And if there should be lights, I think that should be left to the wildlife agencies as to whether that's permitted. Maybe they want bright lights to keep wildlife away, but that issue of lighting up the road, if it should ever make it through beyond my lifetime through those lands, it should be a reference to the wildlife agencies making that determination.

We heard that this is to help alleviate the development along 951, and particularly Willow Run was mentioned. But this road isn't even connected to Willow Run, or at least not easily connected. So you have a justification for the road to alleviate traffic on 951 but yet this road isn't even connected to the Willow Run, which would compound the problems, of course.

So in summary, we are opposed to any reference of the roadway in the PUD document, either on a map or in text. We will continue to pursue this. We think that it's a road that's not permissible, it's not financially feasible to fund locally, and we urge you to be an adult and see that this road is merely a wish and a prayer.

The other issue that we've had discussions with Bruce Anderson is about a wildlife coexistence plan. And this was somewhat prompted by Commissioner Roman's concerns about smoke and interaction with wildlife. And what other projects have been doing is developing a wildlife coexistence plan. And this is an awareness and safety program. It is part of the HOA document so that every person moving in there realizes what it's like to live next to a state forest and preserve land. And you're going to have to be dealing with alligators and black bears and panthers and coyotes and hogs and gopher tortoises and bobcats and raccoons and opossums and possibly other wildlife that's going to come visit because they live in the preserve.

And some of those issues are smoke, where there's going to be burning and no feeding wildlife, bear proof containers, feed pets indoors, don't store food outside, cats indoors, motion lights. If you're having fencing they want to vegetate the fencing but that is a no-no because it allows wildlife to come over it.

The type of landscaping is important because you don't want to be attracting deer which in turn attracts panthers and possibly other predators. It's open areas.

There are lots of things to be concerned about when people live so close to nature. And we're pleased that the developer is willing to work with us and has seem inclined to put it in the HOA documents. And I hope you would support us in requiring that, because it's going to be needed because more and more encounters are happening with wildlife and humans. So those conclude my comments.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Nancy, I have one. You mentioned some good points about the opposition, basically the direction that the agencies unilaterally seem to think what's the right one and what's the no build.

MS. PAYTON: Yes.

CHAIRMAN STRAIN: And everybody's concerned about the impacts because this corridor would go through all kinds of sensitive lands. And you even said that the check box form had a lot of quantity of concerns and that even MPO had some. Okay.

Based on all that, what do you think the likelihood of this corridor is of ever being a reality?

MS. PAYTON: Zero.

CHAIRMAN STRAIN: Okay. How effective do you think the agencies are together to stop something like this?

MS. PAYTON: I think they'll be effective and we'll help them be effective.

CHAIRMAN STRAIN: Okay. So you and even maybe The Conservancy and others would actually join in on that effort.

MS. PAYTON: We're already engaged through legal action on several different levels in North Belle Meade.

CHAIRMAN STRAIN: Okay. That's what I just wanted to clarify, thank you.

MS. PAYTON: And remember the Hussy settlement was --

CHAIRMAN STRAIN: Oh, I remember, yeah. Good job.

MS. PAYTON: And this road and right-of-way and such were part that -- and if anybody would like Judge Pivacek's ruling, I'd be happy to share it with you.

CHAIRMAN STRAIN: I have read it a couple times.

MS. PAYTON: Pretty interesting, isn't it?

CHAIRMAN STRAIN: Yes, thank you.

MS. PAYTON: Thank you.

CHAIRMAN STRAIN: Okay, is there any other people -- anybody else that would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay, I don't know if it's Wayne or Bruce or who would like to have an opportunity for any closing statements. And certainly, Nick, because of the discussion and the intensity of Benfield corridor, I'm going to offer you the same opportunity as well.

Go ahead, Wayne.

MR. ARNOLD: For the record, Wayne Arnold.

I don't think we have a rebuttal to any of the public comments. But we're certainly comfortable inserting the language that The Conservancy requested to say tortoise appropriate barrier in the additional language we added to reference the tortoise fencing.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: And I'm not sure how you want to handle this, Mr. Strain. There have been dialogue back and forth and several other changes, and it's my understanding that we're going to try to, when we break for lunch, convene and get all the changes together in one document so that we can review this and try to be done today instead of having a separate consent hearing.

CHAIRMAN STRAIN: Yes. And what I was going to suggest is if you could have the document emailed to somebody or in this building that has a printer and can print the corrections and have enough hard copies to distribute to us or at least give me an electronic copy or hard copy would be fine for me too, then we

can in the last half hour we'll take -- we will take an hour lunch and we break and give you 30 minutes, if that works for you, or less to get the document down here in some form and have it printed. Then have it sitting here in the Planning Commission's seat so that any of us that want to come back early from lunch and review that document, we have the opportunity to have it here for review.

That's one of the suggestions, if that seems to be something that can happen. First of all, is that something you could do?

MR. ARNOLD: Yes, sir, we're prepared to do that.

CHAIRMAN STRAIN: Would the Planning Commissioners mind interrupting an hour lunch by whatever time they need to come back a little early to take a look at the document? We'd only be looking at the changes that --

COMMISSIONER EBERT: No problem.

MR. ARNOLD: We're trying to edit this as we go. And I think there are a couple of outstanding issues that we haven't addressed. And the development table is one. And I'm not exactly sure how to address that, but I don't think it's a difficult thing to address. I'm just -- if you and I --

CHAIRMAN STRAIN: Well, anything that's got to be cleaned up after this rewrite would be minor in nature, so it would be easy enough to do that on the fly. We just don't want to do so much on the fly.

MR. ARNOLD: Gotcha.

And the document that I had highlighted this morning is incorporated, almost everything. We have that electronically. Heidi's been provided with that. So the edits from that version should be fairly simple.

CHAIRMAN STRAIN: Okay. If you make them a different color than the previous colors of the versions, it would help highlight what was changed today, since we have multiple versions of versions.

MR. ARNOLD: I'll rely on somebody else to make sure that happens.

CHAIRMAN STRAIN: And you're hoping Sharon's watching the show so she's doing it, okay.

COMMISSIONER ROMAN: I have one thing, Wayne, to maybe take a look at so that I can have you think about it. And if you have any questions, that you can discuss it on the break.

Under the environmental section three, 3.B where we've talked about many of the protections for the gopher tortoise receiving area. I think Nancy brings up a good point on the wildlife coexistence plan. And I'm wondering if you could take a look at -- if you look at the second paragraph, the second line, we already have it in there, we just haven't used those terms, and it might be a cleaner language, information about the preserves wildlife coexistence plan, as opposed to what we have there, protected wildlife and management practices. I think it's a similar thought there, but take a look at it and see what you think.

MR. ARNOLD: We will. We'll discuss that.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay, anything else, Wayne?

MR. ARNOLD: I don't think so.

Bruce, anything --

CHAIRMAN STRAIN: You're not hitting the mic there, buddy.

MR. ARNOLD: I'm sorry, I was checking with Mr. Anderson, see if he needed to get anything on the record.

CHAIRMAN STRAIN: He had fallen asleep so you woke him up.

MR. ARNOLD: If he has anything to say, I'll cede to him.

CHAIRMAN STRAIN: Thank you.

MR. CASALANGUIDA: Commissioner Strain, based on your comments, I spoke to the applicant. On the 9.A, where it says the PUD boundary in the last sentence, we talked about the water management. They're going to change that to the north and south limits. So that will correct that issue.

CHAIRMAN STRAIN: Okay.

MR. CASALANGUIDA: And then just for everybody's reference, Nancy and I get along great personally. I think the world of her, and we speak on panels together and we talk about the pros and cons of construction and impact. So it's not adversarial at all. I mean, it's a relationship where I understand what she's passionate about. And I have an obligation at least to give the facts to somebody when we're dealing with road projects.

In my opinion, this road would be difficult to permit. I think what will happen is it will sit for a while and different pieces will get constructed, like the City Gate portion and part of the Mellon piece to the west of the landfill will happen. And then 951 will continue to get congested. It's like that tipping point back and forth.

At the point that you've got level of service F on 951, the pressure will drive this to go to Benfield at some point in time. I think you've come to the point in Collier County where sensitive lands, you know, we're about 80 percent preserve has met development. And you're in that friction point that's very difficult for everybody. I think it's difficult for the county to meet the needs in infrastructure, I think it's difficult for the folks that preserve property or care about it to acquiesce to that last line. And I think there's going to be a lot of compromise over the next 15 to 25 years with those people that deal with that in the county. It's not going to happen in one day.

Do I think it will get permitted? I think it will. I think it will be expensive and I think it will take a while. I think the traffic will drive it at some point in time. Probably past my tenure. I won't say in my lifetime, hopefully. I'll hopefully live a long life. But we'll see. And we'll work together with the agencies to address their concerns every step of the way. Thank you.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: I have a quick question for you, Nick.

MR. CASALANGUIDA: Yes, ma'am.

COMMISSIONER EBERT: I noticed when you originally showed all the different developments that are going on in this area, you showed Willow Run at like 684 units.

MR. CASALANGUIDA: Yeah.

COMMISSIONER EBERT: You can reduce that about 100, because they're only going to go to 5 -- I mean, 100 units helps when you can reduce it that much.

I'd prefer still that you don't touch this tortoise area, that you do the B portion of it.

MR. CASALANGUIDA: Well, I made a promise, when we do the alignment study, we'll come back to this Commission, because I really think it's a good opportunity for you to see what we go through. We listen to the agencies, we meet with them, we talk about everything that happens, and it's not a hasty decision or discussion, so we're happy to come back.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Thank you.

And Kay, before we break, what of your recommendations have not been addressed or modified to a point where they're still not needed or are needed? Can you tell me?

MS. DESELEM: Hang on just a second, let me get to that.

MR. CASALANGUIDA: And if I could, Mr. Anderson asked me just to clarify something else. On the permitting question, it's going to be -- Bruce, it is -- you've got the one with the notes on it, Heidi.

MS. ASHTON-CICKO: Can I read in --

MR. CASALANGUIDA: Yeah, if you could read it in?

MS. ASHTON-CICKO: -- any changes that I have?

Under Item 4, which is under the transportation, the first sentence would be deleted and it would read: Developer shall convey the lands to the county by quitclaim deed within 120 days of the county's written request to owner or its successors and assigns, but no sooner than the permitting agency's issuance of note of intent to issue applicable federal and state permits.

And then number six, the first sentence would remain the same, but after owner, its successors or assigns, it would have "by" and then whatever the time period's going to be, comma, provided Collier County is given a maintenance easement by owner at no cost to county.

And then the changes that I had to The Conservancy's requested language is some inserts of a few words. If county -- I did county permits -- are obtained for a new residential development and/or roads adjacent to the preserve's tortoise occupied habitat, then tortoise appropriate fencing or tortoise appropriate barriers will be installed by developer or its successors and assigns between the preserve and the road and/or development in that location prior to construction of the new residential development and/or road.

And then I had some other proposed language which I didn't discuss with Bruce, but it was after The

Conservancy speaker. I'd also recommend adding tortoise appropriate fencing is two feet above ground and two feet below ground with a mesh size of approximately one inch.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: I have some concern about how we're changing number four. And, I mean, just hearing it for the first time read out loud, we had -- you know, I read this PUD draft and as number four read it was provided all necessary permits, easements, modifications before the developer shall convey the land.

So this new language that you just read out loud, I need to make sure I take a close look at it.

CHAIRMAN STRAIN: That's why we're going to take a lunch break. And we'll have whatever amount of time you want to spend during your the lunch break to see if that works.

COMMISSIONER ROMAN: I just -- I don't know why we're changing it, but we're changing it.

CHAIRMAN STRAIN: Well, the way it's written, developer, you wouldn't transfer the property 'til after it was permitted. It means the developers would have to permit it and obtain -- even that's not the developer's job, that's something that would have to go -- the corridor work if it ever got to be a realty. I think that's probably what spurred that change.

COMMISSIONER ROMAN: Yeah, I didn't read it that way initially, but we just need to take a look at it.

CHAIRMAN STRAIN: Right. And we'll get the right language and have it before we come back. Is that -- and that was still what we agreed to. So as long as Wayne can get that to us, we'll be in good shape.

MR. ARNOLD: I need to note on the record that we have not agreed to the language Heidi just read about adding the two feet above and two feet below the measurements for the gopher tortoise barriers or fences.

MS. ASHTON-CICKO: It was only a definition of the fencing. The barrier is not defined.

MR. ANDERSON: Okay. We haven't agreed to that.

CHAIRMAN STRAIN: Well, think about it. It would be interesting to get this far and have a gopher tortoise stop it. But anyway, it would be the only issue that we ended up fighting over, so just think about it and take a look at it, and if you have an alternative, bring it back.

MR. ANDERSON: That was from The Conservancy?

COMMISSIONER ROMAN: No.

MS. ASHTON-CICKO: I had said I hadn't brought that language by you. I said before I mentioned it that I hadn't run the language --

MR. ANDERSON: Okay.

MS. ASHTON-CICKO: -- by you but that it came up when The Conservancy speaker (sic), so I --

MR. ANDERSON: Because The Conservancy did sign off on that language without that. And we intend to hold them to it.

COMMISSIONER ROMAN: That might have just been an example. But you can sort that out. That might have just been an example.

COMMISSIONER EBERT: Bruce, from what I understand with Amber, that tortoises also can dig, so that's -- is that true?

CHAIRMAN STRAIN: No, that's okay. Yes, they can dig.

COMMISSIONER EBERT: To go down the two feet, that was more protection, that's all.

CHAIRMAN STRAIN: Okay, thank you. I'm sure we'll have a livelier discussion on this.

Kay, can you answer the question that we asked about 15 minutes ago?

MS. DESELEM: Yes, sir. For the record, Kay Deselem.

Looking through your recommended stipulations, numbers one through four address deviation and stipulations for those deviations. That has been taken care of in the current PUD document.

And number five is the discussion about the convenience signal. We're standing by that recommendation.

And the number six is for the stub-out for the utilities. That's been addressed in the PUD document.

And 7, 8 and 9 address the transportation issues. And staff is comfortable with what's been proposed today and what Nick is in agreement with.

CHAIRMAN STRAIN: Okay. So out of all of your recommendations, they've all been addressed in one way or another, except number five which is the convenience signal. And I don't believe there was any objection from that on the part of the applicant? Or is there -- well, see where we go with that one. I thought it was already in the PUD but I didn't mark it up. I'll --

MR. ANDERSON: No, that was a staff recommendation that we cannot agree to. There's no such thing as a convenience signal. I'm not sure exactly what that means.

And maintenance of the traffic signal is an obligation of the county. It should not become a burden on the homeowners that buy in Willow Run. That's -- you know, county has the obligation to maintain all the traffic signals in the community. And whether they pay for it with gas tax money or ad valorem taxes, it should not be the responsibility of the individual homeowners association, which is where it would wind up.

CHAIRMAN STRAIN: Okay. Well, let's find out from the county as to why that was added and the justification for it.

So who from the county would like to address that issue?

MR. CASALANGUIDA: I can bring it up. At least I've talked about it with our staff and team.

If it's a public road then the county typically has no problem taking it over. No different than a turn lane or a bridge, I should say, that someone permits individually from a development. We don't maintain and own those bridges. When they fail, they're replaced by the development community.

The signals run about \$28,000 a year between electricity and maintenance. If it's to a private development one of the discussions that's come up is why should the rest of the citizens pay for the convenience of a signal for a private road. That's a policy maybe decision that could had here or at the Board level. But you're asking basically every other taxpayer to pay for that traffic signal when there's no public road benefit from it.

CHAIRMAN STRAIN: Well, I was involved in traffic signals for projects that I worked on in the past and I know they're very difficult to get installed. They require a series of warrants of the which some include actual accidents, among other things. Spacing, all kinds of criteria.

How does this community even qualify for that? They wouldn't have had any warrants yet. So what you're saying is when the warrants are created that would justify the signal, like would it have in any other community. In this particular case they would still pay for the signal.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: But then they'd also pay for maintenance of it in perpetuity.

MR. CASALANGUIDA: That's right.

CHAIRMAN STRAIN: But why wouldn't we do that for every other community that has a signal in front of their operation?

MR. CASALANGUIDA: You should.

CHAIRMAN STRAIN: You're not picking up in the mic.

MR. CASALANGUIDA: You should. And one example would be like an Island Walk. That signal only serves Island Walk. It's not a public road, it's fully gated.

CHAIRMAN STRAIN: Are they paying for the maintenance of that?

MR. CASALANGUIDA: They're not.

CHAIRMAN STRAIN: Okay, do you have a policy written in the transportation element or somewhere that allows that to happen?

MR. CASALANGUIDA: Do not.

CHAIRMAN STRAIN: But yet we're not going to be consistent with the way we did it in the past without any indication from the Board as a change in policy directed to this board or staff that I am aware of.

MR. CASALANGUIDA: You make a good point. I think -- our team put it in there, and that probably should be a board policy decision. And maybe this is a discussion we have that we suggest it with this at the Board level and to make it a policy going forward. And if they don't, they don't.

CHAIRMAN STRAIN: And I think that would be a better -- we're not here to set that kind of policy, especially when it's inconsistent. So I would think you're better off discussing that with the Board.

MR. CASALANGUIDA: I agree with you.

CHAIRMAN STRAIN: Okay. With that, I think we have all the input we need for Wayne's people

to finish the document and get it back to someone here for printing as quick as possible and then leave copies of it for us, the court reporter, the County Attorney and staff. So you're going to need five, six, seven, eight, nine, at least nine plus anybody else in the audience. I would get about 20 copies, if you could. And then we are going to take a lunch break for an hour, 'til 12:45, with the expectation that no later than by 12:15 there would be copies of this document available in this room for those of us that want to come back early and read it.

And Wayne, just by a nod of your head yes or no, does that work -- do you think you can meet that time table?

MR. ARNOLD: It's going to be close.

Wayne Arnold. It's possible. We've been making edits to the document. But I just don't know in terms of reproduction and all, exactly how that takes place. We might need more than 30 minutes to make that happen.

CHAIRMAN STRAIN: Well, then we'll have to -- if we get back here early from lu -- if we get back here from lunch, try to reconvene by 12:45, if others -- if we need a little more time, we'll just have to delay the reconvening of the meeting a little bit.

So we'll try to get back here no later than 12:45 from lunch and earlier, if that document is ready, and we'll try to get the document here by 12:15.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: So with that, we'll take an hour break, hour and two minutes, 'til 12:45. (Luncheon recess.)

CHAIRMAN STRAIN: Okay, everybody, let's try to recommence our meeting.

Summer, Terry, everybody. We have to get back at it.

Okay, during the lunch hour the exhibit or the PUD language was retyped and went for printing, didn't come out in color but it's slightly shaded. And so in order to make sure we catch everything, we're going to walk through the changes page-by-page. So it will be on the record and then everybody can be aware of how the pages got changed. And hopefully we'll see where it goes from there.

So Wayne, why don't you start. We'll start with Page 1 and work our way through it.

MR. ARNOLD: Wayne Arnold.

And I would just like to say that Nick was kind enough to install our thumb drive on this computer, so you can also see the highlighted changes that didn't get highlighted on your printed version on the screen. If you'd like --

CHAIRMAN STRAIN: That's great.

MR. ARNOLD: -- we'll just plan on walking through page-by-page and I'll identify the modification we made.

Page 1 of 21, middle of the page under PUD boundary setback, we inserted the phrase Type B with regard to the landscape buffer.

CHAIRMAN STRAIN: You take out the two words landscape and leave just one.

MR. ARNOLD: Yes, correct.

And you'd asked the question about the non-pole lighting. I think the sentence actually should have been pole lighting would have the shield, not non-pole.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: So the word non was removed in that phrase.

CHAIRMAN STRAIN: Have you got a mouse there in front of you?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: See the little sign on the bottom with the x on it? Click on that little x.

COMMISSIONER ROMAN: You got it.

CHAIRMAN STRAIN: There you go. It's fading away, now that you used the mouse. It was covering up some of your writing.

MR. ARNOLD: Sorry.

Next change occurs on Page 4 of 21.

COMMISSIONER ROMAN: I have a question.

MR. ARNOLD: Okay.

COMMISSIONER ROMAN: On Page 2, just for clarification, there was some discussion earlier about that the setbacks should be per the LDC. And I didn't know if you were going to --

MR. ARNOLD: Oh, I'm sorry, thank you for mentioning that. We discuss that and I had also spoke with Mike Sawyer. And he says that currently the LDC makes provisions for fences or walls to be on a property line unless they're adjacent to a right-of-way.

I think we felt we wanted to make sure that we weren't subject to something that changed in the LDC. Because we know we have places where we want the wall to be zero setback, so we'd like to be redundant in this case but make sure that it's provided that we can be zero setback.

Thank you, I forgot to mention that change.

CHAIRMAN STRAIN: Okay. And as we move through this, if anybody has any questions, objections or anything, we'll just have to jump in. And that includes staff and Heidi as well, so -- I don't want to have to go back to the beginning again. So we'll all keep going together.

MR. ARNOLD: On Page 4 of your document, and I don't know that it was your specific direction, but in regard to the conversation that we had relative to the TDR severance, we added a phrase that says, you know, in addition -- it would say in the sending area prior to residential development in said areas the limited development agreement that affects the land shall be modified to reflect the density blending otherwise allowed by this PUD. Something to that effect. Just to clarify that we're going to have to modify that document.

I don't know if it's your pleasure to include it. I think I heard staff say it wasn't necessary, but we're happy to include something to that effect.

CHAIRMAN STRAIN: That's fine. Pursuant to the discussion, after it was explained that even if we acknowledge the density it couldn't happen without an amendment to that document, I didn't have a concern after that. But this doesn't hurt anything either, so it doesn't matter to me. Okay, so we'll leave it in.

MR. ARNOLD: Next change is on the very next page and it's the development table. And I'll go through it in tabs because it doesn't fit on the screen entirely.

But the first part that's in red is what I talked about in the record this morning, and we inserted language about a lake maintenance easement and lake maintenance tract or bulkhead in regard to the setback for the water body.

And then Mr. Strain, you had asked questions, and I'm still not quite sure I captured what you were talking about, but below here where we've highlighted in yellow on the screen and it appears under the minimum side yard setback for accessory structures, it says currently five feet. And then it has a footnote five reference and that refers you back to some garages.

I think it might be more simple for the two-family and zero lot line to simply say the setback for accessory is same as principal structure and delete footnote five entirely. I think that might be --

CHAIRMAN STRAIN: Heidi?

MR. ARNOLD: -- part of the confusion.

I took a look --

CHAIRMAN STRAIN: Whatever works better.

MR. ARNOLD: -- while we were on break to the Brandon PUD and Hacienda Lakes PUD and others, and I think the footnote five was the confusing part here, hopefully.

COMMISSIONER EBERT: So you removed that?

MR. ARNOLD: We removed it. Because the same as principal structure would allow us to have a zero foot setback. So we don't need to have some specific provision about a garage being able to be attached.

CHAIRMAN STRAIN: Okay. And then I'm not saying change anything, I'm just questioning. Where it says minimum side yard setback, let's go all the way over to the variable lot line. You've got zero feet. So that means zero feet in the side yard. But you still then would have to have 10 feet between structures.

MR. ARNOLD: Yes. If you look down a couple more rows --

CHAIRMAN STRAIN: Well, I did, and there's where I was going. It says zero/10. So you could pick zero.

MR. ARNOLD: Well, yeah, I mean, you could have two common zero lot lines that would share a common wall. But I think the intent here is that where the next structure or group of structures you'd be separated by 10 feet.

CHAIRMAN STRAIN: Kay, now would staff read that as it always will be if it's a separate structure it would be 10 feet apart?

MS. DESELEM: Yes, that's my understanding, sir.

CHAIRMAN STRAIN: Okay, then we're fine.

MR. ARNOLD: And then the next page are largely the footnotes, and we made a couple of changes there. Scroll the page over for others.

Here we added the insertion of a site development permit or plat in lieu of the building permit that Kay had recommended in the first sentence at the top.

And then number five is deleted, which we'll have to clean that up in terms of the numbering sequence and whatnot. But number eight was the inserted landscape buffer and lake maintenance easement discussion that we had. And then Bruce read to you additional language that said: Nothing in this RPUD shall diminish the riparian rights nor prohibit a property owner from use of buffer or lake maintenance easements/tracks for recreational purposes including but not limited to docks, fishing, walking, et cetera, which are not inconsistent with the purpose of the tracts/easement.

And then another sentence says: Where a bulkhead is constructed, no intervening easement or maintenance tract shall be required by this RPUD.

CHAIRMAN STRAIN: Couple things. Not inconsistent. Isn't that a double negative? So wouldn't it be not consistent? Or which are inconsistent. So I think one or the other has to be changed.

MS. ASHTON-CICKO: I think the language that they use tracks how the law of easements, the common law how it references the use of easements. Because it always says you can use it in a way that's not inconsistent with the easement, so that must be why they put that language in that way.

CHAIRMAN STRAIN: Okay. But from a perspective of us enforcing it, a double negative doesn't mean it's a positive then.

COMMISSIONER CHRZANOWSKI: I don't see the difference. If you were to say uses which are consistent or uses which are not inconsistent, what's the difference?

CHAIRMAN STRAIN: Well, just --

COMMISSIONER CHRZANOWSKI: Why don't we just say consistent? I'm an engineer, I'm not an English major. I don't know, I give up.

MR. ANDERSON: It's easier to argue that something is not inconsistent than argue that it is.

CHAIRMAN STRAIN: How consistent is that statement? If the County Attorney's comfortable with it, I am, I'm fine.

The last part about the bulkhead, you know, if you do bulkheads along a lake wouldn't you expect that your HOA would have -- had it listed as a limited common element or some kind of common element that would be basically maintained by the HOA, or you're going to put that on the back of the individual property owner? Because the way you have it here, you couldn't add an easement for maintenance, couldn't you?

MR. ARNOLD: Well, I think there's -- it doesn't mean we can't. The language says we're not required to. Because --

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: -- it's my understanding through Water Management District permitting that where you have bulkheaded items that not always do you have to have a lake maintenance easement, because you can provide other means of ingress to access the water side of the bulkhead for maintenance purposes.

CHAIRMAN STRAIN: Right. Okay, that's fine. Let's move on.

MS. DESELEM: Before we go to the next page, if I may?

CHAIRMAN STRAIN: Yes.

MS. DESELEM: Kay Deselem.

In the top part where they've got site development permit or plat, it should be Site Development Plan, not permit.

MR. ARNOLD: We will make the change from permit to plan.

As I noted earlier, the master plan had been revised in your packet to delete the Benfield Road corridor alignment on our exhibit. So I'm just scrolling through page-by-page, just to make sure I catch everything.

The next page that I reflect was on Page 13 of 21. Clarifying your comment, Mr. Strain, that it was a singular emergency vehicle turnaround, approximately 1,500 feet.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Next page, 14, we added the deviation that you had suggested, and this may need some wordsmithing. But the way I read this provision of the LDC with regard --

MS. ASHTON-CICKO: Sorry to interrupt. But under number three, instead of singular, could you just put one emergency vehicle turnaround?

MR. ARNOLD: Going back to Page 13, number three, to just say one?

MS. ASHTON-CICKO: Yeah.

MR. ARNOLD: Okay.

MS. ASHTON-CICKO: Thank you.

CHAIRMAN STRAIN: And Wayne, on number 11, I think you got it right except for the last line where it says the principal building that is on the zero lot line, take the word not out of it. Because really -- and you don't want the "and doors." You're only asking to allow windows on the zero lot line segment of the building. So if you have a house on a zero lot line, as long as you're 10 feet separate from the building next door, which is what your minimum is, you meet fire code and you can have a window there. Not doors, though. You can't -- doors you can't -- you can't step out someone's door -- you can't open a door and step on someone's property. So the --

MR. ARNOLD: Well, here's the dilemma I have. The way I read that provision in the code, it only applies to that portion of the building that is on the zero lot line.

So this came up for another project at Mercado that's coming up where they're going to have the attachment is really a shared courtyard wall and potentially a screen enclosure. The homes themselves are going to be more than 10 feet apart. And they obviously access out of their patio door onto their lanai. And I'm not sure it's truly applicable in their situation. We're asking for it out of I think some caution.

And I think here too, I don't think we see a situation where the home that's on the zero -- maybe the clarification, Mr. Strain, is to simply add where the adjacent building is a minimum 10 feet, you know.

CHAIRMAN STRAIN: No, the section of the code that I provided you at that other meeting only pertains to zero lot line products. So if you were to do your variable lot line, you were six inches in from the zero, you wouldn't be a zero lot line product. But if you do a zero lot line, that wall that's on that zero lot line has recently been interpreted to not allow any windows because of that section of the code that applies to cluster development. And the argument is that cluster development is now part of a PUD, which I'm not necessarily in agreement with but that's how it reads. That's how it's been reviewed lately.

MR. ARNOLD: You're saying if I take the word not --

CHAIRMAN STRAIN: And you take the word "and doors" off and the word "not" off, then you could have windows on the walls that are on a zero lot line product that sit on the zero lot line. It just saves you the trouble of coming back in for another change to your PUD.

MR. ARNOLD: Okay. I think that will be fine. So I will strike "and doors", and I will, the last sentence --

CHAIRMAN STRAIN: Strike the word "not". Okay.

MR. ARNOLD: I'll strike the word "not".

COMMISSIONER ROMAN: Is that number -- I just want to make sure that I'm following it, because the page numbers are different from the original one that we were given.

CHAIRMAN STRAIN: It's on Page 15 of the original one and it's a new number 11 that's being added after the 10 on Page 15.

COMMISSIONER ROMAN: Okay, I've got that.

And just, did we cover on number four that question that you had, Mr. Chairman, on the 25-foot wide preservation area?

CHAIRMAN STRAIN: Yes, because they've agreed to put a B buffer there that was 10-foot wide, which is better than what the code requires currently. So we're okay.

COMMISSIONER ROMAN: Okay, I just wanted to make sure.

CHAIRMAN STRAIN: Thank you.

MR. ARNOLD: Next is going to be on Page 16 of the revised document that's in front of you. It's on Page 17.

CHAIRMAN STRAIN: Well, actually, 16's got the change where --

MR. ARNOLD: I was going to say, do you want to look through the Benfield Road discussion --

CHAIRMAN STRAIN: Well, before you go there, number A, the interconnection stub-out to either Hacienda Lakes -- oh, you put the word either ahead of Hacienda in this case.

MR. ARNOLD: As I understood Mr. VanLengen, he was okay with the either.

CHAIRMAN STRAIN: Okay, good. Instead of "and". That works. Okay, thank you.

MR. ARNOLD: Then transportation number two, we prefer not to use the word convenience. I think Mr. Casalanguida relented on that, and that will be a separate policy discussion at the Board level.

CHAIRMAN STRAIN: Correct.

MR. ARNOLD: So we left 2.A as it was proposed to you earlier. And then B starts the Benfield Road discussion of which is similar to what Mr. Anderson handed out to you this morning.

So you'll see your first changes to that on Page 17. And item number four that talked about the developer shall convey lands to the county by quitclaim deed within 120 days of the county's written request to owner or its successors and assigns. The new phrase added was: But no sooner than the permitting agency's notice to intent to mis --

COMMISSIONER CHRZANOWSKI: Misuse.

MR. ARNOLD: Misuse, yeah, I think --

COMMISSIONER CHRZANOWSKI: No, issue.

MR. ARNOLD: Issue. Sorry, issue applicable --

MR. ANDERSON: Freudian slip.

MR. ARNOLD: -- federal and state permits. So we will strike the M from the --

COMMISSIONER CHRZANOWSKI: Sorry, Wayne.

MS. ASHTON-CICKO: And actually, the first word developer should be owner, its successors or assigns.

COMMISSIONER ROMAN: I'd like to see if we couldn't try to incorporate the original intent of number four on our first document. I know that Mr. Chairman had brought up the fact that we put the onus on the developer. But I'm wondering if we can't leave the first sentence in and somehow put the county there so that it's clear that it's not the developer that's getting the permits, but at the same time that the county is required to get all the permits before they proceed.

CHAIRMAN STRAIN: And nick can address that, but I don't think we can get the permits and the plats and all that unless we own the property. And we can't own the property -- by this it's a circular -- there's going to be a circular argument.

COMMISSIONER ROMAN: Yeah, but we can get the property by imminent domain.

CHAIRMAN STRAIN: But we wouldn't want to do that until we knew that we needed it.

MR. CASALANGUIDA: It's a catch-22. The agencies will not issue the permit because we don't own the property. But they will issue a notice of intent, which is equivalent. You have to do all the work. It's the same amount of work to get the permit. It's on the desk waiting for them. And what they'll say is when you own the property, we'll give you your final permit. And so the notice of intent will go out and say we intend to issue the permit once you own the property. When I get that notice, I would go to the developer and say I've got my note of intent, I'd like to purchase the property now.

It delays me, but it's the happy median between us being able to go through the process, which is exactly the same as getting the permit. You just won't physically get handed a permit without that right-of-way.

COMMISSIONER ROMAN: I'm not sure I agree with that. But dependent on if the rest of the board members feel that that's an appropriate change, then I'll go with it.

CHAIRMAN STRAIN: Well, I mean, there's -- at the end of this discussion I was going to discuss the reality of this whole corridor idea prior to us voting on it. And then putting it in the perspective that I'm thinking of putting it in, you may feel more comfortable with it then.

COMMISSIONER ROMAN: Okay, I'll wait and see.

COMMISSIONER EBERT: I'll wait 'til your planning decision.

CHAIRMAN STRAIN: I've kept notes.

MR. ARNOLD: Let me reread what I think I heard Heidi say.

Number four would be modified, clean up and delete a comma, as Kay pointed out to me. But it would now say the owner or successors and assigns shall convey lands to the county, et cetera, as written. And then we will strike the misspelling and it will say issue in front of applicable federal/state permits.

The next change was made to number six below. And it's going to be -- we put 60 days, and I think that -- Heidi, I think that's something that you didn't -- we left it blank, but we said 60 on number six, so I think that's subject to your concurrence, if that's an appropriate time frame.

MS. ASHTON-CICKO: I mean, that's acceptable to me.

CHAIRMAN STRAIN: Yeah, it doesn't -- as long as some date was in there so it's not open-ended and never settled. That's all I was trying to get to.

MR. ARNOLD: Okay. Next page, number nine. This was with regard to some of the discharge. And there was discussion that it was kind of impractical for us to say that only that portion. And I think that it's outside the north-south. And that means that if it's to straddle the property line, that we're obviously going to allow them to take the water from the east side of the road to the west side of the road, if that's what needs to occur. I don't know if that clarifies it exactly as necessary, but --

CHAIRMAN STRAIN: Well, the only thing that does is it restricts the county to design the road humps and sumps, and the slopes that have to coordinate with those to all fit within the north and south property lines. And your catch basins would then have to deadfall pretty close to those north and south property lines.

So as long as I don't see transportation or anybody objecting to that, I guess that's fine with me. It's just a design issue they have to be aware of when they put that road in.

MR. ARNOLD: Well, and I --

CHAIRMAN STRAIN: If they put that road in, I should say.

MR. ARNOLD: If they put the road in.

But, I mean, our concern was, you know, we become the recipient of four miles of road, and that wasn't I don't think anybody's intent.

CHAIRMAN STRAIN: I understand. Okay.

MR. ARNOLD: Next page, 19, item B. This is where it changes and I think we need to do a little bit of cleanup here. But this was to the environmental section. And we were going to add another bullet.

We talked to Nancy Payton before she left. And her idea was in reference to a wildlife coexistence plan that was mentioned, to make it a bullet underneath the one that says periodic prescribed burns will result in smoke in the vicinity, to also just have a bullet for wildlife coexistence plan.

And then we added a reference to the project homeowners association documents will contain similar disclosures in accordance with project permits.

And then we also added the language regarding the tortoise appropriate barriers to the other sentence as requested by The Conservancy staff.

COMMISSIONER CHRZANOWSKI: And you're going to spell coexistence correctly.

MR. ARNOLD: I don't know how to spell it, so somebody please -- is it an E? N-C-E?

COMMISSIONER CHRZANOWSKI: E-X-I-S-T-E-N-C-E.

COMMISSIONER ROMAN: And I appreciate your work and cooperation on this with everyone. I think we've gotten there.

MR. ARNOLD: It's a unique place.

CHAIRMAN STRAIN: The only question I have is on that paragraph that was added about the barriers where it says -- the last full line says: Between the preserves and the private road inter-development in that location.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: You mean between the tortoise preserves? Because there's a lot of preserves out there, and I think some on the south side may not be up against the tortoise preserve. So I think we're only looking for the fences in the areas that are designated as tortoise preserve, right?

COMMISSIONER ROMAN: And I think it was written, as I understood it, the preserves tortoise occupied habitat.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: Yeah. And there's where -- yeah, exactly.

MS. ASHTON-CICKO: And then the additional language at the end of the new residential development and/or roads was left off.

MR. ARNOLD: Where's that, Heidi? I'm sorry.

MS. ASHTON-CICKO: At the end. And you say of the new residential development and/or roads.

CHAIRMAN STRAIN: Added to the sentence after the period.

MS. ASHTON-CICKO: At the end.

MR. ARNOLD: Okay, I'm not --

MS. ASHTON-CICKO: That would be relabeled C. That's what I had read into the record earlier.

MR. ARNOLD: Oh, under item C, I'm sorry.

MS. ASHTON-CICKO: Well, this sentence and item C are the same. So you can cross off the unhighlighted C and relabel this one C.

MR. ARNOLD: Okay.

MS. ASHTON-CICKO: But it should be adjacent to the preserves tortoise occupied habitat. And then have the -- you want me to bring it over and show you?

MR. ARNOLD: Yes, that would -- I'd like that, just to make sure.

CHAIRMAN STRAIN: I'm not following it either.

MR. ARNOLD: I just want to make sure I follow --

COMMISSIONER ROMAN: It's just we've written two versions of C. And one's labeled C and one's not.

MR. ARNOLD: Let me reread that, just so it's clear. We'll strike the existing C that's there and the new C will be largely what's highlighted with the following edits.

It's going to say, start with the word "the" to be inserted in front of "if". So it will say if the county.

MS. ASHTON-CICKO: No, not there.

MR. ARNOLD: Where were you suggesting D?

MS. ASHTON-CICKO: Before the word preserve.

MR. ARNOLD: Oh, I'm sorry, I misunderstood. Okay. So it's going to say: If county permits are obtained for new residential and/or private roads adjacent to the preserves' tortoise occupied habitat, then tortoise appropriate fencing or tortoise appropriate barriers will be installed by developer or successors and assigns between the tortoise preserves and the private road and/or development in that location prior to construction -- and this was Heidi's insert, it will say -- of the new residential development and/or roads.

Everybody okay with that?

And I think it was important, one of the changes we did make was to use the phrase private to distinguish this from some obligation that would be Benfield Road at some future date. Just if I didn't say that, we did insert that.

Anything else on that one?

COMMISSIONER ROMAN: No.

MR. ARNOLD: Okay. I think that's it.

CHAIRMAN STRAIN: Okay. Yes, Summer?

MS. ARAQUE: I just had a quick I guess question or clarification. Because it says prior to construction. And sometimes you've got your construction fencing that might protect the gopher tortoise and then you've got permanent fencing. So I just kind of wanted to bring that up to see if --

CHAIRMAN STRAIN: What?

MS. ARAQUE: You had any comment on this.

CHAIRMAN STRAIN: Can you be more --

MS. ARAQUE: In regards to the gopher tortoise, most likely you would probably not put the fencing that you saw up there during construction. That would be something that you would put after construction.

COMMISSIONER ROMAN: I think here is what this says is prior to construction.

MS. ARAQUE: Right. So you would usually put a different type of fencing in, something that would not be permanent.

So I wanted to bring that up for discussion in looking at this in reality in looking how this is executed.

COMMISSIONER ROMAN: Would you be referring to a silt fence? Is that what you're thinking of? Because in this case this would be to protect the gopher tortoises from actually transit in that area that's the construction and the road if the road goes in adjacent to the preserve.

MS. ARAQUE: Right. You usually put in some type of temporary gopher tortoise fencing that could be some type of silt fence or similar material. The technology and the thoughts on that change every year. But it is still dug into the ground, but usually that's not permanent, that's something that's temporary.

So I just wanted to bring that up and let you know.

CHAIRMAN STRAIN: Well, I don't think this prohibits them from doing that.

MS. ARAQUE: Actually, Maureen would probably be best to talk about that --

COMMISSIONER ROMAN: Yeah, exactly.

MS. ARAQUE: -- because she knows about that.

MS. BONNESS: This issue was actually discussed by myself and Nicole at The Conservancy. Maureen Bonness, for the record.

And we discussed the issue of having temporary fencing during some phases, whatever. And we came to the agreement that no, we intend to put the permanent fencing in before any construction starts. There's no temporary fence. Those tortoises are already there, they already need protection, there's no reason for any vehicles to be going over that line. So we have every intention of putting the permanent fence in before any construction happens. There's no temporary.

CHAIRMAN STRAIN: Okay. Well, the language works the way it is.

MS. ARAQUE: That answers my question. Thank you.

CHAIRMAN STRAIN: Pardon me?

MS. ASHTON-CICKO: -- we insert the word permanent?

CHAIRMAN STRAIN: I don't think you need to. Let it go either way. If they wanted to put an interim fence in there, so what, as long as it's protected. I think that's the goal.

MR. ARNOLD: Could we go back to the same item that was -- that's highlighted? And we just added Heidi's language that referenced and concluded with and/or roads. Could I also continue to use the word private roads there? I think it will just be consistent with the other references to ensure that we're not dealing with something else.

COMMISSIONER ROMAN: Yeah, that makes sense.

MR. ARNOLD: Okay, thank you.

CHAIRMAN STRAIN: Now, does that get us through?

MR. ARNOLD: Those were the notes I had. I went page-by-page through my notes and we added it to the document.

CHAIRMAN STRAIN: I just did too. And I agree, I think we're there. But let's just start over for the fun of it.

This has been a challenge. So I don't know if there's any other comments from any members of the public who may wish to speak, you're more than welcome to and the followup. If not, Amber, come on up.

MS. CROOKS: Yes, just real quickly. Amber Crooks from The Conservancy of Southwest Florida.

Two quick items. I was just discussing if the addition of the word tortoise before preserves, as was suggested, if that would limit the application of this fencing only to the mitigation area. Perhaps there are tortoises that would be along a roadway that are outside of that recipient mitigation area. So that would be a consideration.

CHAIRMAN STRAIN: Well, okay, but at the other hand, if there aren't tortoises outside the mitigation area, with the amount of preserves this project has they would be putting fencing around the entire road system up against all those preserves.

MS. CROOKS: Right, we only are concerned about the fencing where there are tortoises existing. I'm just curious if there are tortoises perhaps outside of the recipient site that would also need the fencing.

CHAIRMAN STRAIN: Well, maybe it's between the preserves where tortoises exist and the private road inner development.

MS. CROOKS: Okay.

CHAIRMAN STRAIN: Because they've got to do a tortoise survey anyway, so that would cover it then.

MS. CROOKS: That sounds good to me. Thank you.

CHAIRMAN STRAIN: I think that clears it all up.

MS. CROOKS: The other thing that if I have an opportunity to just add a few thoughts on is about the Benfield Road language at four, item 4.

And we understand that the notice of intent is typically that last step for many of the permitting agencies. But not all of the agencies have a notice of intent process. I don't believe the Federal Army Corps has such a process.

So what I would suggest, if you're intending to say no sooner than permitting agency's notice of intent to issue applicable state permits, and then also perhaps add in a verbiage, no sooner than permitting by federal agencies, or something to capture that. Because I do not believe -- and maybe they can weigh in if I'm incorrect here.

CHAIRMAN STRAIN: Well, the only -- I thought that the Corps does require notice of intent. I believe I've seen them in previous projects. I used to get a lot of permits and I can't say for sure, but I thought that Corps did issue notice of intent. Because that gave an opportunity for challenge.

MR. CASALANGUIDA: They do.

CHAIRMAN STRAIN: That's what I thought.

MR. CASALANGUIDA: It's not your physical permit. Basically says it's sitting here, there are a couple of things, we're ready to issue it but, you know, you -- sometimes they'll issue a stipulated permit as well too. But they don't like to do that. They'd rather say a notice of intent to issue, you still need to kind of sign off on a few things.

CHAIRMAN STRAIN: That's what my experience has been that they do issue it.

MS. CROOKS: Thank you for enlightening me.

That was potentially an issue that I identified, so I still thank you for the opportunity to bring it up. The other question I had is our understanding is also that the permits can be granted to the county even without owning the right-of-way, you know, with the use of them and authority.

So our level of comfort with that prior language, we did have a level of comfort with it, and I would just mention that our level of comfort's less so. While I have an opportunity to weigh in on the record.

CHAIRMAN STRAIN: But Amber, you wouldn't want to institute eminent domain proceedings on property that you weren't going to use and had a surety of using it through the notice of intent process. So I don't see how that would factor in. Because why would you go through that horrendous effort if you don't have a notice of intent to build there anyway? And that's kind of what I think this says.

MR. CASALANGUIDA: I can help maybe a little bit, Amber.

The eminent domain you file with the court, yes, you put a deposit down. You're trying to avoid all this here. This is what we're getting out of is not to have a litigation experience with the owner. It is to say there's a voluntary agreement if the road is successfully permitted that will acquire the right-of-way with a dollar sign in advance. The only way you can get a permit with eminent domain is if you've got an adversarial relationship with the buyer that they don't want to sell. You actually petition the court, put the money down in court and then go through the process and they'll issue you the permit. You actually take title but you settle the financial dispute later. Heidi, if I characterized that properly.

MS. ASHTON-CICKO: Yeah, pretty much.

MR. CASALANGUIDA: Okay.

MS. CROOKS: Thank you for that.

My last question is, should this language be the language that's selected, what would occur then if permitting agencies provide the notice of intent and do then provide also the permit but is challenged, would this still be appropriate language? Just some food for thought, and I do appreciate the information.

CHAIRMAN STRAIN: And I don't know if anybody else wants to jump in. But I thought the notice of intent with the agencies was to find out if there are any challenges. And if there were, I didn't believe work could progress until the challenge was resolved or the appeal process was reviewed. But I could be inaccurate on that, so --

COMMISSIONER EBERT: You notice he's running a marathon today.

MR. CASALANGUIDA: It's okay.

It's publicly noticed, these permits, so an agency could challenge that permit. The Corps or the District could say we've heard your information, we're going to deny that challenge. They'll issue the permit, and then they can appeal that permit outside of the process, both through the agency and in the court system as well too. So it doesn't stop them from going through that process if they want to.

CHAIRMAN STRAIN: But they -- I don't think that was her question. I think the question was if you get a notice of intent, can you go ahead and immediately start to build.

MR. CASALANGUIDA: No.

CHAIRMAN STRAIN: Right, that's what I getting at. There's a period of time in which the notice of intent's got to wear thin, and then when it finishes, then the options are there.

MR. CASALANGUIDA: Right.

CHAIRMAN STRAIN: At least that's my understanding.

Anything else?

(No response.)

CHAIRMAN STRAIN: Okay, staff have any comments?

Kay looks like she's got something.

MS. DESELEM: No, sir, I do not have any comments.

CHAIRMAN STRAIN: Oh, you looked like you were ready to jump on something there.

COMMISSIONER ROMAN: Mr. Chair, weren't you going to suggest some language for number four?

CHAIRMAN STRAIN: Yes, I was going to suggest a bunch of things. I wanted to make sure everything had their input first.

COMMISSIONER ROMAN: Okay, all right.

CHAIRMAN STRAIN: First of all, if there is a motion on this, it's going to acknowledge that none of the staff recommendations need to be included because they already are. And the one that isn't is really a policy decision of the Board, so that's off the table.

We've -- oh, the access, the shared access issue about allowing peak hours in lieu of units, did we get that in here?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: I don't remember going over it, but we probably did.

MR. ARNOLD: I spoke of it this morning and I didn't highlight that change when I went back through the --

CHAIRMAN STRAIN: Could you show us where it is, so we all acknowledge that.

MR. ARNOLD: Yes. It's under developer commitment.

CHAIRMAN STRAIN: Here it is, it's on Page 18, item C.

MR. ARNOLD: Oh, there it is.

CHAIRMAN STRAIN: And it's been changed to pro rata share number of p.m. peak hour trips connected to the driveway. Okay. I hadn't seen that 'til just now. I wanted to make sure it was in there, it was in my notes.

Okay. So the only things we'd have to consider in the motion if it's for a recommendation of approval would be subject to the changes as read on the record over the past -- since we got back from lunch and the document that was passed out.

It would not include staff recommendation. And then my reasons for the consideration of the Benfield corridor language. And there basically are five items that I think help set the framework for this.

First of all, if you look at it in the fact that the two corridors split at this location, the probably of 3.B is probably greater than 3.A, and that is a level of comfort, because it takes it out of Willow Run for the most part, if that happens. And that would be a likely scenario because there's no homes to the east.

The fact that this whole indication of this corridor is taken off the Willow Run master plan is an important item of compromise. That was one of the biggest points of concern in your original discussion.

The language that we're now talking about is all under a what-if condition. And the road, as Nancy has said, is really a wish and a prayer and subject to many challenges. And it only applies if they get past those challenges. So for someone to ask for this, should the condition arise where it's a possibility in the future, barring all these obstacle, I'm not sure there's a reason we should say there's no right to ask. And I think that's all this does is put this whole issue of this corridor in a posture that you have a right to ask, slim chance you'll get it but you have a right to ask.

And the MPO, which is the policy directors of the county and this board has already accepted the potential for the corridor. And I don't think this applies any greater thresholds or any greater emphasis on that potential unless they have the reality of the corridor. So from that perspective at this point I think the language is a good working compromise to get where we needed to be. And I think everybody's gone a long way to get there.

So those are my reasons for support. I hope that helps in your consideration, Charlette.

COMMISSIONER ROMAN: Yeah, I'm still looking at the number four in a change of language from what was presented to us before our meeting today. I'm not sure if changing the word "the" to "all" in front of permitting agencies makes that easier for me to support. Just I'm looking at making the threshold here important and long-lasting for the future if in case that corridor comes through.

CHAIRMAN STRAIN: Well, and I think the threshold is almost -- I mean, Nancy actually said it best, it's a wish and a prayer and they would join in all the challenges.

If Nick can overcome those thresholds, that's going to be surprising. But if he wants to try and it turns out to be to the benefit of all the agencies in their review and the court system, which we've declared that it would have to go through that process, well then I think they've met all the thresholds to get there and why would we want to stop it?

So that's my reasoning, and I thought I'd express that to you all and hope it might get this project resolved for today.

Anybody else have anything else they'd like to add?

COMMISSIONER CHRZANOWSKI: Yeah.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: I don't like the corridor going through Willow Run, but the developer has agreed to it. And if I vote against this, the developer is not going to get his project. I don't see where I have a choice. I have to vote in favor of this PUD that's going through, even though I don't like that corridor. Because it's a separate issue, has nothing to do with this. Am I right?

CHAIRMAN STRAIN: The corridor is a separate issue, but the practicality of it ever going through Willow Run I think is very slim. It's like --

COMMISSIONER CHRZANOWSKI: Oh, yeah, but there's still that small possibility.

CHAIRMAN STRAIN: In between now and the time that happens --

COMMISSIONER CHRZANOWSKI: And the fact that I don't like it, I still -- he's agreed to it. Look, he's smiling.

CHAIRMAN STRAIN: He'll probably supply the dirt to put the road in. And the asphalt.

COMMISSIONER CHRZANOWSKI: So that's why I'm going to vote in favor of it, even if I don't like it.

CHAIRMAN STRAIN: Okay, anybody else have any comment?

Wayne?

MR. ARNOLD: Just one thing. Mr. Anderson's working between Heidi and Nick with one minor modification to the Benfield language. So before you I guess close the hearing I think Bruce wanted to at

least read and draft into the record.

CHAIRMAN STRAIN: You want to snatch victory from the --

MR. ARNOLD: Let's hope not.

MR. ANDERSON: No, this relates to the discussion about the notice of intent and when the conveyance must occur. And we wanted to add to paragraph number eight wording to the effect that if the county abandons the project or the road is not within Willow Run, that the county must convey the property back to the developer and the developer would need to reimburse the county for the damages.

MS. ASHTON-CICKO: Well, it's not for damages, it's for all costs. We're paying fair market value and we might have to condemn some of the easements and so forth to acquire the property, so --

CHAIRMAN STRAIN: Okay, wait a minute now. So you're saying if the county goes through this whole hassle to put this corridor in, then if they change their mind after going through that, you want the property back?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: And you want it back -- so we've paid for it, we've got the property from you. You're going to reimburse us for the money? You're going to give the money back to the taxpayers then?

MR. ANDERSON: Yeah. Yeah.

CHAIRMAN STRAIN: You want us to write all that in in this PUD amendment, because you're that sure it's going to happen?

MR. ANDERSON: No.

CHAIRMAN STRAIN: Bruce, okay, we need to step back and figure out how to put all that together for you.

MR. ANDERSON: We'll leave it alone.

CHAIRMAN STRAIN: Okay. I honestly don't think Nick's going to go buy a road with the cost this is going to take unless he's absolutely sure he's going to put it in.

COMMISSIONER ROMAN: So I have a question, Mr. Chairman.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: So by removing -- you know, from the last time we started this hearing, our last meeting to this meeting, and in the master plan we've removed the dotted line from our master plan. So that also gives an extra layer as before where we had the dotted line through. Does that make any difference whatsoever? You know, where we had them on our previous master plans to the ones we have now.

CHAIRMAN STRAIN: No, because the language that we're using now would -- in the master plan that we showed where the -- there was no indications of the road; in fact, it showed a dotted line going up the border on the bottom? That's the master plan that we're supposed to be adopting today.

And Bruce, Wayne, that's the one that previously was on the overhead.

COMMISSIONER ROMAN: It's not on there.

CHAIRMAN STRAIN: You've got to switch electronic -- that's the master plan that we're --

MR. ARNOLD: The highlight --

CHAIRMAN STRAIN: Drops out that road section.

MR. ARNOLD: -- is a notation that -- I removed it. And that's where it previously had been shown as an alignment.

COMMISSIONER ROMAN: Right.

MR. ARNOLD: So what we've shown now are the alignment south in Hacienda Lakes, because we reference that we'll be essentially connecting with that corridor through the project, and then we have the restrictions in terms of the widths that are now in the revised language.

But we felt it better for everybody, there was a third note and the alignment shown. The note and the alignment were taken off the master plan.

CHAIRMAN STRAIN: And that just leaves the text that's there now instead of something on the master plan. Does that --

COMMISSIONER ROMAN: It clarifies it, thank you.

CHAIRMAN STRAIN: Thank you.
Anything else from anybody?

(No response.)

CHAIRMAN STRAIN: Subject to all this discussion, is there a motion on this particular project?

COMMISSIONER EBERT: I will make a motion to approve PUDZ-PL20130000682, Willow Run
PUD.

CHAIRMAN STRAIN: Is there a second to the motion?

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

COMMISSIONER ROMAN: Mr. Chair?

CHAIRMAN STRAIN: Yes, ma'am?

COMMISSIONER ROMAN: I'd like to make a recommendation to see if the board would consider sending forward to the Board of County Commissioners a recommendation on this Wilson/Benfield corridor, possibly to reiterate again that the agencies have all gone on the record not to support this corridor and to suggest that they ask staff to look at other alternatives and look at additional options for this Benfield corridor.

CHAIRMAN STRAIN: Okay, is there --

COMMISSIONER ROMAN: Just as a recommendation.

CHAIRMAN STRAIN: Is there a second to the motion?

COMMISSIONER CHRZANOWSKI: I'll second it.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: I will not be supporting the motion because the action in front of us today was a discussion on Willow Run. An in-depth discussion on Benfield corridor from its origination to its final termination is what we ought to be looking at comprehensively, if we're going to make that kind of recommendation. So I will not include -- I will not be part of that recommendation.

Anybody else?

(No response.)

CHAIRMAN STRAIN: If not, calling for the motion, all those in favor of the recommendation, signify by saying aye.

COMMISSIONER ROMAN: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: All those opposed same sign.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Aye.

Motion carries 3-2.

Okay, then that takes us to our old business and new business, which we have none. So is there a motion to adjourn?

COMMISSIONER CHRZANOWSKI: Wait, wait, wait.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: I got a letter from Bill Safrin, Naples National Golf Club, asking me to oppose the proposed RaceTrac Gas Station near Naples Bay Resort. Anybody else get a letter like that?

CHAIRMAN STRAIN: Yeah, but it's not something we're -- it's not in our purview.

COMMISSIONER CHRZANOWSKI: We've never looked at that, right?

CHAIRMAN STRAIN: No, it's nothing we would look at. It goes straight to the Board.

COMMISSIONER CHRZANOWSKI: Okay, I was just wondering if I missed something.

CHAIRMAN STRAIN: No, you didn't, sir. It goes straight to the Board. It's an application for an automobile station waiver. So the Board will hear it this fall sometime if it even gets that far.

COMMISSIONER CHRZANOWSKI: Thank you.

COMMISSIONER HOMIAK: Do we need to say that this is not coming back on consent?

CHAIRMAN STRAIN: That would be fine. I think that was the intent.

But just to be clear, does anybody want to acknowledge, make a motion this is not going to be coming back on consent, the one we just heard?

COMMISSIONER ROMAN: I thought we did just consent.

CHAIRMAN STRAIN: Karen's made the -- yeah. Karen's made the motion. Seconded by?

COMMISSIONER CHRZANOWSKI: I'll second it.

CHAIRMAN STRAIN: Stan.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Motion to adjourn?

COMMISSIONER CHRZANOWSKI: Move to adjourn.

COMMISSIONER HOMIAK: So moved.

CHAIRMAN STRAIN: So moved by Karen, second by Stan.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

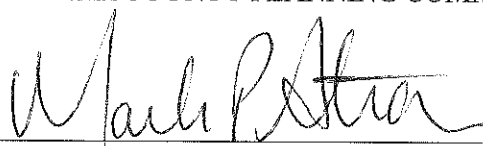
CHAIRMAN STRAIN: We're out of here.

Thank you all.

August 7, 2014

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 1:35 p.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, Chairman

These minutes approved by the board on 9-4-14 as presented or as corrected .

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