

September 4, 2014

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 4, 2014

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

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

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, September 4 meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Mr. Rosen is absent.

Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: Ms. Roman?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Mr. Rosen's absence is an excused absence. He contacted me ahead of time.

That gets us to addenda to the agenda. We have items on the agenda today. The first one is a continuation called the Vincentian PUD. The second two were continued from two weeks ago or four weeks ago, and they're going to need to be continued to October 2nd. And that is Items 9B and 9C. It's the Church of Latter Day Saints in Golden Gate Estates. It's a comprehensive plan amendment plus a conditional use.

Is there a motion to continue that to October 2nd?

COMMISSIONER ROMAN: So moved.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Motion made and seconded.

All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

Addenda to the agenda, that's that. And then Planning Commission absences. Everybody needs to know that we have an AUIR meeting on the 26th of the month. It's a Friday. It will be 9 o'clock in this room. That's a question. Ray, is it in this room, or are we going to move it to Development Services? Does anybody --

MR. BELLOWS: This room.

CHAIRMAN STRAIN: Oh, it's here. Okay.

COMMISSIONER ROMAN: What was the date and everything again?

CHAIRMAN STRAIN: It's Friday the 26th, 9 o'clock here. September 26th. And it's the Annual Update and Inventory Report, AUIR. It's done yearly. It's a prelude to the Collier County budget process. And so it will be the first time some of you have probably seen it, because it will be the first time for this new

planning commission.

You'll get it ahead of time hopefully, and basically it's the capital improvements that the county intends to do for the upcoming year.

And prior to that, we have our next regular meeting, which will be September 18th. Does anybody know if they're not going to make September 18th?

(No response.)

CHAIRMAN STRAIN: Okay. We'll have a quorum. And while we're on it, the 26th, even though some of you may have just heard that date, do any of you know if you can't make the 26th?

(No response.)

CHAIRMAN STRAIN: Okay. Looks like we're good on both dates. We have one set of minutes that were distributed to the Planning Commission electronically for the August 7th meeting. Is there any comments or concerns with those minutes? If not, is there a motion to approve?

COMMISSIONER ROMAN: I'll move to approve those minutes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Seconded by Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

The next item up is BCC recaps, which there will be none, I'm assuming, Ray?

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Chairman's report. We've got enough to do today, so we'll move right into -- and there's no consent items. We'll move right into the first advertised public hearing.

***This is a continued item for the August -- from the August 21st CCPC meeting. It's -- the item is PL20130001767/CP-2013-10, and it's the Vincentian mixed-use subdistrict in the urban mixed-use area on the corner of Southwest Boulevard and U.S. 41 Tamiami Trail East.

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

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission. Stan?

COMMISSIONER CHRZANOWSKI: None since the last time.

COMMISSIONER EBERT: No, just staff.

CHAIRMAN STRAIN: And since the last time, I've dealt with the staff on some conversations, but in particular I had a meeting with the applicant and representatives of the applicant, went over their new submission.

Karen?

COMMISSIONER HOMIAK: I met with Mr. Mulhere and Mr. Yovanovich and Mr. Shucart.

CHAIRMAN STRAIN: Brian.

COMMISSIONER DOYLE: Not since the last meeting.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Not since the last meeting.

COMMISSIONER EBERT: Although I did put a call in to Mr. Mulhere.

CHAIRMAN STRAIN: And he didn't return it.

COMMISSIONER EBERT: And he did not return it. He was out of town, they said.

MR. MULHERE: I was just treating you the way you usually treat me.

CHAIRMAN STRAIN: Oh. Boy, you're starting off on a good foot there, Bob. Are you representing the next application, too?

MR. MULHERE: No.

CHAIRMAN STRAIN: Oh, okay. Okay. You want to tell us what's transpired since the last time? I know we've all received your supplemental information. And I'm assuming staff is going to be able to comment on the supplemental information versus their first submission.

MR. MULHERE: Yeah, I think Corby has some comments to make. But also Paula has -- will hand out -- there's a couple of slight revisions from what you have, which I think are favorable revisions. There's a -- some of them reflect some of the information that Corby shared with me this morning, and so I'll just give her a moment to hand that out so then we can go over these.

While she's handing them out, just generally at the end of the last meeting, Mr. Chairman, you summarized the issues and, generally, it was agreed that, to the extent possible, the detail would come out of the GMP because you would see that at the adoption hearing with the simultaneously submitted and to be reviewed PUD, although we did discuss a lot of those issues. And I have some of those issues to discuss this morning, but I thought I'd start out with the changes to the GMP language.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: So what you have before you -- part of the discussion, or a significant amount of the discussion dealt with the allowable uses, which we started out with C1 through C5, and then we had reduced some of those as part of our discussion at the last meeting.

We further reduced those -- the intensity of those uses in what we handed out to you after the last meeting, and there will be some further minor changes to that at this meeting.

We now are limiting our uses to the C1 through C3 district both by right and conditional use with a few exceptions, and those exceptions include department stores, hotel, medical and dental laboratories, nursing and professional care facilities, indoor air-conditioned self-storage, and we've struck through car dealerships. So we've eliminated that use and would just retain the automotive rental and leasing.

Now, of those six uses, there are some --

CHAIRMAN STRAIN: Well, you didn't eliminate that, you just didn't need to list it separately because it's an allowed conditional use in the C3 zoning.

MR. MULHERE: Correct. That's what I said.

So of those uses, there are some changes. I don't know if you want to have Corby, while -- he's in the back there. I don't have his changes. There's some -- for example, nursing and professional care facilities, No. 4, the actual term is nursing and personal care facilities. It's listed incorrectly in the LDC, which is where we got the language from, but we would correct that.

I believe that medical and dental laboratories, at least several of those are now -- there was an amendment to the Land Development Code, and that has caused some of these changes.

But I don't want to steal Corby's thunder. Did you want to come up and discuss some of the changes that you had now? It's probably a good time.

MR. SCHMIDT: All right, thank you. Mr. Chairman, for the record, Corby Schmidt, principal planner with the comprehensive planning department.

And you see on the visualizer just a few of the changes. On the short list of six allowed uses, I've highlighted and either struck through and underlined those changes that staff had noticed, and I think in your handout, the applicant has also captured it as well. References to two of those medical and dental lab uses need not be there. Those LDC amendments referenced in Ordinance 14-433 already capture those.

Terminology difference in No. 4, the correct entry probably should be, or should be, nursing and personal instead of nurse -- I'm sorry -- and professional, and in No. 6, the phraseology need not be as full as it is because, as well, the LDC has provided for that listing for certain automotive uses.

A little bit higher on the page, excuse the handwriting, just for general formatting to be similar to the rest of the FLUE, mixed use is not a hyphenated term any longer, if it ever was, and the reference to the highway, the East Trail, US 41, even at the national level, the periods are no longer included, and we follow

through with that formatting as well.

Minor changes, but there you go.

CHAIRMAN STRAIN: Okay. David?

MR. MULHERE: Thank you.

MR. WEEKS: For the record, David Weeks of the comprehensive planning staff as well.

One more just minor housecleaning change to that. Item No. 3, Corby's already identified that two of those three SIC codes could be eliminated, and in doing so, the wording should be changed as well. Delete the words "medical and," so as to simply read "dental laboratories," and it would be limited to 8072.

CHAIRMAN STRAIN: Okay. Thank you.

MR. MULHERE: So -- and then moving down the document --

COMMISSIONER HOMIAK: Could you just -- could we go back for a second.

MR. MULHERE: Yes.

COMMISSIONER HOMIAK: On No. 5, the heading for 4225 or title of it is "general warehousing," and the SIC code's not --

MR. MULHERE: I know. It's very confusing when you word it, and it always gets people --

COMMISSIONER HOMIAK: That's the whole grouping --

MR. MULHERE: -- upset.

COMMISSIONER HOMIAK: -- four two grouping is "motor freight transportation," but the heading of 4225 is "general warehousing and storage."

MR. MULHERE: I am perfectly fine with changing that to that name as long as staff doesn't have a problem.

COMMISSIONER HOMIAK: And then hotel, there's a long listing of hotel -- the heading of that is hotel and motel.

MR. MULHERE: We're not expecting --

COMMISSIONER HOMIAK: Hotel only?

MR. MULHERE: Yeah.

COMMISSIONER HOMIAK: Because there's cabins and all kinds of things under that.

MR. MULHERE: We're not expecting any of those to be marketable. It would be more of a traditional hotel.

Let's see. Moving down the page. Under B, Item B, another item that was discussed was a conversion ratio as it related to the ALF and the hotel. We've provided for a conversion ratio of a reduction in our allowable commercial square footage both in the commercial-only option and in the mixed use option of 10,000 square feet, which is typically the amount of retail space that you would get on an acre of land. So we've provided for a reduction for every acre of ALF or hotel of 10,000 square feet in the allowable square footage in both of those, the commercial only and the mixed use allowances.

On the next page, we have -- we've struck through the trip -- the maximum trip generation allowance of 1,107 unadjusted total trips. The reason we struck through that was we would put that in the PUD which is where it really more appropriately belongs rather than in the GMP.

I think the rest of the changes -- there was one more change in Item No. -- well, new Item No. 4 just below the language I just discussed, which now reads, "a stand-alone automobile service station." It's a little bit better defined; retail sales in conjunction with a convenience store is prohibited, however, accessory fuel pumps in association with a grocery store of membership warehouse-type facility greater than 15,000 square feet.

The reason we put that in there, it was suggested that that made it clear that you couldn't have, you know, a convenience store or some other kind of small retail store with gas pumps, which would be, really, a free-standing -- a typical gas station today.

I think that sums up the changes that we've made that are different from what we had sent to you. And I do have some other items to discuss related to the PUD, but I just maybe thought, in case you had any comments or questions, we might stop here.

CHAIRMAN STRAIN: I know I have a member of the public who might be a bit uncomfortable waiting too long today, and Corby asked that we accommodate the gentleman. So I'd like to -- now that

you've got your presentation done and we have some things on the record, if the gentleman in the wheelchair would like to address the Planning Commission -- if you can give him the walk-around. Bob, could you provide him with the walk-around mike.

MR. DURKIN: Hello. Mike -- I'm on 4th Street and Trail Acres.

CHAIRMAN STRAIN: Can you state your name for the record, please.

MR. DURKIN: Mike Durkin.

CHAIRMAN STRAIN: Thank you. How do you spell that last name?

MR. DURKIN: D-u-r-k-i-n.

CHAIRMAN STRAIN: Thank you.

MR. DURKIN: I watched it last week or two weeks ago for the three-hour segment, and I listened to these guys talk about Treetops and the Hitching Post numerous times. Treetops doesn't touch this property. Trail Acres surrounds it. They never mentioned Trail Acres.

We're a small neighborhood of tradesmen and families. And while we're not an association for them to deal with, we are concerned about what goes here.

I believe PUD is a proposed urban development. These guys aren't proposing anything in particular. They're wanting to have the whole sky available to them because they bought a piece of property that they can't pedal now, but it's been that way for 30 years. Nobody else that's changed zoning has ever gotten anything through it.

While they talk about having apartment buildings and bowling alleys and movies, and even the Costco with the gas, that would destroy this family-class neighborhood. We're not the richest neighborhood in town, but we are a good family neighborhood that's quiet.

You go putting any of the big apartment buildings that are three- or four-stories tall in there, it will just ruin the neighborhood and give us a whole lot more congestion.

We have an entrance to Treviso Bay that's been up to, I believe, 1,200 units in there. And we're already, without a whole lot of units in there, having the people cruise the golf course to come out that entrance in order to avoid not having a light to get at at their entrance.

That's adding not only congestion to us, but fast congestion because these people are in a hurry because they took a long route out of their neighborhood, and they're cruising 40 miles an hour and better down a 25-mile-an-hour street even when kids are out waiting for the school bus, and the golfers going in there are doing the same thing, because they're late for their tee time.

So I know there's got to be something in there. I don't know what it is. But when you buy something with what it is, you should have it in your mind that you know what's going to fit there before you go and do it.

If you're a developer coming in and saying I want to put a hotel here, I want to put a nursing home here, I want to put 360 houses here, that's a proposal. These guys are looking for a pie in the sky. I want everything or, you know, so much stuff, but I'm not going to propose what's going to go there. So you guys are going to have to do this all over again if a developer comes in and says, I have an actual plan. These guys don't have a plan. They just have a dream.

Best and highest use is what's supposed to be zoned for a piece of property, and that's what we've got to get out of a developer that will give it the best, highest use for not only the county but for the neighborhood that touches it. We have to drive by it every day. They're going to have entrances on Southwest Boulevard, which will congest the light even more.

After 9 o'clock in the morning, you get two -- two cars through that light before it's changed to yellow and going to red. By the time you turn the corner onto 41, it's turning red. We don't have the facilities to accommodate a thousand more cars coming in and out of that place, you know, without that being changed. You know, we're going to congest Southwest Boulevard a whole lot more between the -- we've got about 300 houses in Trail Acres, 600 cars; 1,200 houses in Treviso Bay, two-car families. You've got 2,400 cars there. If we add a whole bunch more there, we're going to get -- be quite congested in that corner, so something has to be thought about before you do that.

You know, just because you buy something at a bank sale because it's cheap doesn't mean you get to have everything zoned for whatever somebody else may want so you can sell it and make a fortune. You

need to come in with a plan and say, this is what I want, this is what I want, this is what I want; not, I want everything, give it to me so I can make money. Okay.

CHAIRMAN STRAIN: Thank you.

I know Bob could respond, but I'll at least let you know that this is not a -- the reason they don't have a plan, they're not getting zoning here today. All they're doing is saying that this property could be -- they could ask for certain uses on this property based on today's action, but they wouldn't necessarily get them. In fact, I would suggest that quite a few of what they may ask for; if it's intense and is not put there with the right consideration for the neighborhood, they wouldn't get.

So this is not a zoning meeting. This is -- on this issue. This is a Growth Management Plan transmittal hearing. There are two more hearings before they can get approved to do anything. One of those other hearings will be for a PUD, which is the planned unit development. It's at that meeting that all the details and how it is compatible and how it lines up with your property -- and it might be that they're putting in a buffer that is somewhere between 75 and 100 feet wide, they're putting a lake in, they're putting certain uses along 41 and certain other less intense uses to the back.

You may find that what comes out of that plan is not as problematic once you see whether they're putting in more buffers or walls or everything else that's got to go in. None of that detail's on the table today. This is strictly providing them the ability to ask for it, not providing them the ability to demand it. And it's just the first step in three steps that they have to go through.

So you will see a plan, it will be detailed, and it will be provided by the applicant before they get approval for a PUD.

Bob, do you mind -- are you concurring with what I just said, or is there something in what I just said that is different than what you intend to do?

MR. MULHERE: No, I do concur. The only thing I would add that you wouldn't, obviously, say is that we do feel that we've spent a number of years looking at this property dealing with prospective buyers and understanding what the best options for this property are. But we haven't just done that in a vacuum. We've met with neighbors. We did have an NIM. There were people from Treetops at the NIM who shared their concerns with us -- Trail Acres, I'm sorry, and from the --

MR. DURKIN: You forgot us again.

MR. MULHERE: Yeah, I'm sorry. I keep saying that. I apologize. It's not intentional.

CHAIRMAN STRAIN: But at the last meeting you committed to meeting with the neighborhood at the time of the PUD plan, and that --

MR. MULHERE: Yes, correct.

CHAIRMAN STRAIN: You still intend to do that?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Okay. Because that's going to be most critical plan for your neighborhood to weigh in on, and that's the plan that will really spell it all out. That's the nuts and bolts of what today's meeting could lead to.

If they don't produce a plan that's compatible, it doesn't have to be approved. It could be turned down, or we could add stipulations to it that would be voted on by the Board of County Commissioners for more stringent controls than what they may propose, so --

MR. MULHERE: We actually have some items that we plan to talk about today that will come back to you as part of the PUD that this gentleman may, you know, want to hear.

CHAIRMAN STRAIN: Okay. Well, let's move back to your presentation, and then we'll go back to public speakers after we get done with staff's presentation on a normal routine.

Thank you, sir. Appreciate your time today.

MR. MULHERE: So there were a number of other issues discussed that were taken out of the GMP or that weren't in there but that were suggested that they need to be dealt with as part of the PUD. And we provided you with a separate sheet of items to be addressed in the PUD. I just wanted to go over these so that you had some sense of comfort that we heard what you said and that we do intend to address these when we come back with the PUD.

Obviously, the first item on the list -- and maybe I ought to put this on the visualizer so that others

can see it, because not everybody has this. That first item we've actually dealt with in the GMP amendment language.

There was discussion about limiting the size of any -- maximum size of any single building, and we propose to limit that to 65,000 square feet except for a department store, hotel, or ALF which could exceed that. Locational restrictions for more intensive commercial uses, most of the more intensive commercial uses have been eliminated, but we also have a 25-foot landscape buffer along US 41.

We would -- we would -- we had some discussions about having a greater setback for the buildings so that there wasn't -- so that there was a view shed, kind of, going down 41, although other buildings near by us are much closer to the road. We would agree to a 50-foot building setback on US 41.

And this one, I think, is significant. And we're agreeing to a 75-foot setback from adjacent residential for any commercial building. Right now it's 25 feet, so we're tripling that setback. I want to just show you that on an aerial.

CHAIRMAN STRAIN: Could you send that document to us electronically? Or send it to Kay so she can distribute it?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Because when you come back for the PUD, it would be good to have that as a reference.

MR. MULHERE: Yes. So Trail Acres is right here -- that time I got it right, and I'm going to get it right every other time from this point forward -- and over here is the Hitching Post.

We have a native preserve here that is -- at its narrowest it's 74 feet. There's also an additional 25 feet on top of that -- or 15 feet on top of that for the landscape buffer. So you have an 89-foot separation in here.

Over here we have a lake which is, at its narrowest, 123 feet. So we're going to have a significant separation from the adjacent residential. But we may reconfigure this lake, and if we do, in any case, we will agree, nonetheless, to a 75-foot setback, regardless of whether the lake's there or something else is there for the commercial buildings.

Another very important issue that was discussed, probably the single-most important issue that came up in our neighborhood information meeting and also in subsequent discussions with neighbors -- and we've met already with some of the other groups. The -- I think it's called the East Naples Foundation, and we've met with representatives of the Hitching Post, and we're going to continue to meet with our neighbors as well and also with the East Naples Civic Association.

That concern was related to the fact that there was a concern about affordable housing in this location. And although we're not asking for an affordable housing density bonus, and although we are committed by language we've put in the PUD that this will be market-rate housing, there's still concern.

And so we thought, perhaps we could include in the PUD some design elements that would ensure that this would be a very high-quality development. And so what we've come up with at this point is, in terms of site amenities, we would have a clubhouse with a resort-style pool, a fitness center, a tot lot or playground, dog park, a gated entry with either tennis courts or bocce ball courts, some other recreational facility like that.

And in terms of design and construction standards, it would be a minimum 10-foot ceiling height, slate or tile roof or the equivalent thereof, not asphalt shingle roofs. It would be masonry block construction, concrete block construction, but we would use concrete pavers at the landscaped gated entrance. And we would use hurricane impact glass versus the roll-up shutter type hurricane protection devices.

The other issue is -- the next issue there is a wall on the development side of the preserve. We had asked for a deviation from the requirement for a wall where we had the preserve, but in order to ensure that there's adequate protection and buffering, we thought we -- and the Land Development Code requires the wall to be installed typically pretty close to the property line but within the landscape buffer. You've got to have it in the middle and have landscaping on both sides. But that would sort of -- if you put a 6-foot wall along here, that would deprive those neighbors of the preserve, and they'd be seeing a wall, maybe some landscaping, but they wouldn't be seeing that existing native preserve here.

So what we would do is ask -- I think we may have to ask for a deviation. I'm not a hundred percent

sure. We'll talk with staff. But what we thought we would do is put a wall on the edge of the preserve here and -- so that that would give the same protection, perhaps some noise abatement benefit, but also allow them to have that landscape buffer as a natural visible amenity for them.

COMMISSIONER CHRZANOWSKI: Bob, doesn't that make maintenance of the preserve a little harder?

MR. MULHERE: I don't know. We would probably move it back far enough to make sure that we can get in for maintenance. But I think that's allowed. You're allowed -- you're allowed to do a structural barrier adjacent to a preserve. So I'm just not sure about how the code -- I have to look and see how the code requires the placement of a wall. That's where we may need the deviation is -- rather than putting it within the landscape buffer, to locate it on the development side of the preserve.

COMMISSIONER CHRZANOWSKI: I'm just thinking, if you had to get in to remove some exotics in the future, you'd have to travel hundreds of feet through a very narrow preserve.

MR. MULHERE: Well, there's -- we can get in here. There's a -- there is an easement right here that's not part of the preserve. It's a little hard to read.

COMMISSIONER CHRZANOWSKI: Yeah, the rear yards.

MR. MULHERE: Yeah.

COMMISSIONER CHRZANOWSKI: Okay.

MR. MULHERE: It's a 15-foot utility easement. And that's -- we didn't count that as part of the preserve.

COMMISSIONER CHRZANOWSKI: And that's on your property?

MR. MULHERE: Yes. We've also indicated that we would have -- and this came up in a discussion -- I'm not sure with exactly whom, but it came up, and it seemed like a good idea. I'm sure we would do it anyway, but we'd put it in there that there would be on-site property management.

There was a question about churches being allowed in the commercial area, the commercial zoning. There are a lot of, I guess, storefront churches seem to be popping up. And so I guess the question is whether churches would be allowed. And they're allowed presently, and we would assume that they would continue to be allowed. But in order to address the concern, we could -- we could not allow churches less than 10,000 square feet. We think that would reduce the likelihood of that being, you know, a storefront kind of a church. They're usually much smaller than that. They're kind of a temporary use while they raise money for a permanent church facility, and that's why you see a lot of them popping up, I think. At least that's the intent.

So that -- I think that summarizes the PUD-related additional changes that you'll see coming forward in three to four months.

CHAIRMAN STRAIN: Okay. Anybody have any questions of the applicant?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Diane.

MR. MULHERE: Yes, ma'am.

COMMISSIONER EBERT: A couple things. On here, Bob, you said you're going to preserve 15 percent of on-site vegetation; 15 percent of what?

MR. MULHERE: Fifteen percent of the existing native vegetation.

COMMISSIONER EBERT: What is the --

MR. MULHERE: Well, I don't have that calculation here. Perhaps we can get it for you. It has been done. It's on the PUD. Do you have a copy of the PUD?

COMMISSIONER EBERT: Well, we don't have the PUD, so I don't have any reference to that.

MR. MULHERE: I know, but --

COMMISSIONER EBERT: But all this property is, at this point, 100 percent with trees?

MR. MULHERE: No. Most of it is infested with exotic vegetation.

COMMISSIONER EBERT: I understand, but at this point it is still forested.

MR. MULHERE: Yeah. I guess most of it had -- there's some of it that's cleared, but it's a small amount.

COMMISSIONER EBERT: Okay. And you're talking about off site?

MR. MULHERE: We're talking about -- the issue is that the code requires only 15 percent for

commercial, so if you do all commercial, you're only required to preserve 15 percent of your native vegetation. And, actually, this wasn't even our idea. It actually came -- it was a recommendation of staff as it relates to the small amount of off-site.

What we're talking about is just a couple of -- maximum of a couple of acres that might be preserved off site. It's the difference between 15 percent of the existing on-site native vegetation and 25 percent of the --

COMMISSIONER EBERT: Twenty-five percent.

MR. MULHERE: And -- because if we did mixed use or we did residential, we are required to preserve 25 percent. The code allows us to do that off site. We qualify for offsite mitigation.

COMMISSIONER EBERT: Well, I did read the environmental part, and besides 50 to 100 percent of it in here is exotic vegetation.

MR. MULHERE: Yeah.

COMMISSIONER EBERT: And I'll ask you, I thought maybe you'd changed some things. You took out the Eiffel Tower and you brought it down from a C5 down to C3 but you -- and brought down the homes 1.7, let's say 2. Is -- this district is for three homes in a Coastal High Hazard Area. Are you going to tell me that this property is so special that you need 10? Is this going to -- is this going to be the norm? Is the next special property in this area going to come by and say, well, you gave it to Vincentian, so now we want 10 homes per acre? That's not what this is about.

MR. MULHERE: Well, I think if somebody has a unique piece of property, as we feel this is a unique piece of property, then they will have to come through the same process that we had to go through, which is a Comprehensive Plan amendment followed by a rezone.

COMMISSIONER EBERT: I think you can do this property very nicely without this special district.

MR. MULHERE: I understand. Our experience is that there's absolutely no market, zero market for what's allowed presently.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I'm fine with the questions asked last time and your responses this time, so I don't have any. We'll move to the staff report then. Does anybody want to do a staff report? Does any member of staff here want to respond? Or is Corby's previous discussion all that he's wanting to have at this point?

MR. WEEKS: Mr. Chairman, I'll just simply reiterate that -- well, this is new. I mean, the applicant has made reductions in use intensity and, from a compatibility standpoint, comprehensive planning staff thinks that's a move in the right direction, but we stand by our recommendation of denial for the reasons, most of which are still applicable to this revised application.

COMMISSIONER EBERT: David, may I ask you a question?

MR. WEEKS: Please do.

COMMISSIONER EBERT: Will 10 percent then become -- or 10 units per acre become the norm? I mean --

MR. WEEKS: That's --

COMMISSIONER EBERT: It's three at this point. And I can see them asking for a few more, but they're doing a very intense density in here. The same with commercial. I think it's just way too high for the area. And I noticed that they added storage. Bob just added storage up the street at Amerisite. I mean, I don't know how many hotels and all storage places can be in this vicinity.

And I think the homes bother me the most when -- if you look behind, that there are single-family homes there, and you -- he brought it down from 360 to 307. And I just -- this is just way too intense for this property.

CHAIRMAN STRAIN: What do you think is a good density for putting apartments in?

COMMISSIONER EBERT: Well, I just --

CHAIRMAN STRAIN: I mean, if it was a affordable housing, it could be done.

COMMISSIONER EBERT: If it were --

CHAIRMAN STRAIN: Okay. And you would be fine with that? I mean, I'm just wondering why,

because it's market rate, is it getting slighted when if it's affordable housing it gets a green light. It doesn't -- I mean, that part of our code doesn't make a lot of sense when we are trying to encourage market-rate housing where it can be had. What's wrong with that?

COMMISSIONER EBERT: I just think it's too much in this 30 acres.

CHAIRMAN STRAIN: But if you don't put in higher density for apartments, you won't have any. And the shortage in this county in apartments is phenomenal right now, because there's a lot of people who lost their homes and are trying to rent --

COMMISSIONER EBERT: Yes, and I understand that.

CHAIRMAN STRAIN: -- and they don't qualify for affordable housing, and there isn't a lot of market-rate apartments in the county.

COMMISSIONER EBERT: Mark, but you know stuff ahead of time that I don't. I haven't seen the PUD or anything, and I just feel that this is just too intense for this 30-acre piece of property.

COMMISSIONER HOMIAK: I'm going to have to -- I agree with you, because I think what these -- what they've listed as things that they'll show for -- in that PUD for what's going to be built there, they're referencing rentals, and it's the same from the web page from the Aster rentals on the corner of 951 and Lely Cultural Boulevard. And those are -- there are 11 buildings in there with 308 units of rental apartments.

MR. MULHERE: That's 17 units per the acre net density in the Aster, 17.

COMMISSIONER HOMIAK: Right, but you're -- 307's the same amount of units.

MR. MULHERE: Well, that was -- it's -- it is, but it's on 30 acres.

COMMISSIONER HOMIAK: Still, it's going to be quite a number of 57 tall foot (sic) buildings sitting right there amongst trailers and mobile homes and single-family homes right up against 41.

MR. MULHERE: I mean, our experience is that --

COMMISSIONER HOMIAK: I think it's --

MR. MULHERE: I mean, that comes from the design in the PUD. Our experience is that at a minimum, to get a quality market rate -- on that site, to get a quality market rate, either rental or fee-simple condominium, 10 units per acre is the minimum that will make that work in the marketplace.

Now, you know, that's why we've put in as much flexibility as possible to allow for a mixture of uses in which case the density would be reduced if we went commercial on part of the acreage or all commercial.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant?

COMMISSIONER CHRZANOWSKI: This land has been zoned PUD for how long?

MR. MULHERE: Since the '80s.

COMMISSIONER EBERT: Eighty-five.

COMMISSIONER CHRZANOWSKI: Thirty years. And through the heaviest growth we've had, nobody could do anything with this parcel for what reason? We don't know.

MR. MULHERE: And it was amended.

COMMISSIONER CHRZANOWSKI: I think it's time to change.

MR. MULHERE: It was amended at least once.

CHAIRMAN STRAIN: Okay. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Is there any members of the public that wish to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Ray, do we have any other public speakers registered?

MR. BELLOWS: Not on this item.

CHAIRMAN STRAIN: Okay. With that -- now, this is a transmittal hearing for a GMP. It's not the PUD and it's not the adoption hearing, which will be more detailed than the transmittal.

So we need a recommendation to go to the Board of County Commissioners on transmittal. Is there anybody wanting to make a recommendation? Well --

COMMISSIONER CHRZANOWSKI: I'll make a motion.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: I'll move that we forward this item, PL20130001767/CP-2013-10, to the Board of County Commissioners with a recommendation for approval

with all the stipulations that have been added at this meeting.

CHAIRMAN STRAIN: Is there a second? I'll second.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Would you mind raising your hands.

COMMISSIONER CHRZANOWSKI: (Raises hand.)

CHAIRMAN STRAIN: (Raises hand.)

COMMISSIONER DOYLE: (Raises hand.)

COMMISSIONER ROMAN: (Raises hand.)

CHAIRMAN STRAIN: Four in favor.

All those against?

COMMISSIONER EBERT: Aye.

COMMISSIONER HOMIAK: Aye.

CHAIRMAN STRAIN: Two against; two opposed. Motion carries 4-2.

Thank you.

Okay. 9B and C were continued to the October 2nd meeting, so that moves to the last two items on our agenda. They'll be discussed together and voted on separately.

***The first one is for -- both are for Ave Maria. The first one is the DRI. It's DRI ABN-PL20130002016, and the second one is Petition SRAA-PL20132012.

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

Anybody that thinks they're going to speak on this, please rise and get sworn in. It doesn't mean you have to. It just means you're thinking about it.

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

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

COMMISSIONER CHRZANOWSKI: Yeah. I've talked to Rich Yovanovich about this.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I talked with staff, I talked with Nicole Ryan, I talked with Nick Casalanguida. That's all I can think of.

CHAIRMAN STRAIN: And I had meetings with the applicant and his -- their attorney and planner. I've had meetings with staff of all kinds. I've also had numerous emails, 12 to 15, maybe more. Every one has been forwarded on to Kay; they were all forwarded on to you.

I have had conversations with the applicant's planning staff to get distributed to this panel a three-ring binder. Hopefully you received it. That was the entire 320-page town plan that wasn't in the original packet from staff and will be more than that in a few minutes.

Karen, your disclosures?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: Just the email communications.

COMMISSIONER ROMAN: Yes. I had conversations with staff and the emails. I appreciate you forwarding those as well.

CHAIRMAN STRAIN: Well, I always will, as soon as I get them.

That brings me to another discussion I want to have with this board before we go into it.

The town plan is a unique and most -- I don't think anybody on this panel, with the exception of myself, was on this panel when Ave Maria was originally voted on. So I'd be the only one.

And when I got the original resolution and realized there was only 36 pages there, and since none of

you would have been familiar with a new town concept of an SRA, I thought it would be imperative that you had the full 320 pages, especially since the resolution numerically referenced pages that you wouldn't be able to find anywhere else until we got that three-ring binder.

So that was distributed late, but at least it was a comprehensive document and you could see how the pages fit in. And the applicant did have a strikethrough version, which was real handy.

The second document, if you read the Page 184 of the staff report, there was a document reference that said a full FIAM, which is the Financial Impact Analysis, whatever that last word stands -- methodology --

MR. WEYER: Model.

CHAIRMAN STRAIN: -- Model. The FIAM was attached. Well, lo and behold it wasn't attached. And the key concept there is how that document reads and responds to the new square footages and the reductions and other things like affordable housing. But that document came in to me late last night after I requested it of the applicant yesterday afternoon. And I have forwarded on to Kay and asked her to distribute it to you-all, so you'll get it electronically.

I also got ahold of Michele Mosca, who reviewed the first FIAM for Ave Maria and the second one in 2012, I believe, and asked her to find the latest rendition from that period of time, whatever one it was, and forward that on to you for comparison. So you can see how those two documents compare.

Now, that all being said, at least from my perspective, I couldn't vote on this today in any circumstances because I don't have the documentation. I didn't get it till last night.

So my outcome of this meeting will -- if the applicant insists on being voted on today, I would have to vote no, or I'd have to vote for a continuance to the next meeting in September. And at least that part of -- I'm letting you know up front because I can't analyze something when I got it late last night, or whenever it came in last night, and I reviewed it this morning for a little bit.

So, with that being said, we can move right into the meeting. But, Richard, that's my perspective on it, and we'll see how it works out as the morning goes on.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: Can I ask a question?

CHAIRMAN STRAIN: Absolutely.

COMMISSIONER CHRZANOWSKI: It seems as though the rescission, rescinding, whatever, of the DRI, how does that relate to the other item? Can that be heard separately?

CHAIRMAN STRAIN: Well, I think that's a comment from staff. I don't know why it couldn't, as long as the --

COMMISSIONER CHRZANOWSKI: Get it out of the way.

MR. BELLOWS: Ray Bellows. The items are not tied together so -- other than for presentation purposes, they -- the DRI abandonment can be done without impacting the situation with the SRA amendment.

COMMISSIONER CHRZANOWSKI: And it seems really simple, I think, to me.

CHAIRMAN STRAIN: Well, you're right. It could be simple. We just -- there are questions, so we'll just have to get into it all.

With that in mind, Richard, do you want to start?

MR. YOVANOVICH: Mr. Chairman, if I may, Rich Yovanovich, for the record. With me are David Gensen and David Hurst with Barron Collier Companies; Wayne Arnold with Grady Minor & Associates; Norm Trebilcock with Trebilcock Consulting Solutions; and Russ Weyer with Real Estate Economic -- Eco -- whatever. Russ's company. Difficult for me to say.

Before we get started with the presentation, I would assume what we would do, Mr. Chairman, is hear the item, since there are obviously people here who would want to speak, we would continue it and come back with both the continued hearing for the vote as well as the consent agenda in two weeks like we did for the previous item in Vincentian. Is that what you're intending to happen?

CHAIRMAN STRAIN: Well, it's an intention but not a guarantee. Obviously, the reaction to today's meeting has to be accommodated for appropriately in the language that you reproduce for the next

meeting. And if it's complete enough and it looks like we don't need to have a second reading of it, that's fine. And we've done that off and on for different projects as requested. I can't guarantee it, but that's certainly an attempt we would make to accomplish.

MR. YOVANOVICH: I appreciate that. And I recognize that it may be more complicated than I'm saying, but I don't think it will be as far as the number of changes.

If I can, you're right, there are two petitions in front of you. The first petition, in my mind, is very simple. It's the rescission of the existing Ave Maria DRI development order. Ave Maria was obviously the first SRA and so far the only SRA that has gone all the way through that process.

When it initially went through the process, it was required to go through a Development of Regional Impact review.

The state adopted, in Section 163.3248, a process whereby other areas can adopt Rural Land Stewardship programs. Since we existed prior to that state statute, there was ambiguity as to whether or not our Collier County Rural Land Stewardship Program qualified as a Section 163.3248 Rural Land Stewardship Program. And the reason that's important is because under 163.3248 Rural Land Stewardship programs are exempt from a DRI review process.

So the legislature recently, within the last, I think it's two years, clarified in 163.3248 that Collier County's Rural Land Stewardship Program is, in fact, a state authorized Rural Land Stewardship Program. So it makes it absolutely clear that the Ave Maria development is exempt from a DRI review process.

So under Section 380.115, the developer has the option to either keep the DRI or rescind the DRI.

Now, there's a little bit of confusion, because neither Collier County nor the state has an actual application for rescission, so we used the only forms available, which was the abandonment form that exists both within the state and within the county's program, but we made it absolutely clear in the description of what we were doing, is that we were intending to rescind the DRI development order.

And what 380.115 says is, as long as we have mitigated for the impact of the development that has occurred up to the date that the rescission occurs -- and let's just say it's going to October 14th, I think, is the proposed BCC hearing date. As long as we mitigate for our regional impacts as of that date for whatever development exists on that date, the DRI shall be rescinded. It says "shall." It doesn't say "may," but it says "shall" under 380.115.

And if you've read -- and I'm sure you have. You've read all the materials that have been provided for that specific petition. We have provided required mitigation for all regional impacts for the amount of development up through the anticipated date of rescission of October 14, 2014.

So your -- that particular petition has a resolution attached to it, and the developer of Ave Maria has agreed to carry forward some of the DRI commitments, although not obligated to, because under the abandonment -- I'm sorry -- the rescission process a lot of these commitments would go away, we are willing to go forward with some of the commitments and, in fact, we probably have -- well, it's not probably -- there's no doubt that we have over-mitigated from a transportation standpoint for purposes of what's been developed to date. Because we entered into a Developer Contribution Agreement, and that Developer Contribution Agreement required the developer to do certain things in order to vest the entirety of the project, which meant ultimate buildout. And the developer has fully performed under that Developer Contribution Agreement, so they've mitigated above and beyond as far as road transportation or roadway issues goes under the -- under the statute.

We've also agreed to bring forward the school site commitment. Although we would not be required to do that, we have agreed. And Mr. Eastman has reviewed that, and there's a minor change to what is in your packet and in your resolution.

And I'm going to put -- you know, one of these days I'm going to actually remember how to use this right.

Kay, can you help me here?

The date of 2017 -- which just went away -- is changed to 2020. And this is the email we received from Tom. And then regarding the location, there's -- we can agree to another acceptable location regarding providing the school site.

So that is being carried forward in your resolution regarding the rescission, and we'll just need to

make those changes in that resolution. And we've provided staff with a copy of Tom's email but, unfortunately, it was provided too late for it to make it into the packet that was distributed to the Planning Commission.

So the first petition, I would agree with Mr. Chrzanowski, is fairly straightforward and fairly simple, which is the rescission of the DRI and your resolution, and I think accurately, with these changes, reflects the commitments that will go forward.

Now, I know some people have raised the issue regarding affordable housing, and we may as well get into that real quickly.

We -- if you look at the backup that we've provided to you regarding affordable housing, we reconstructed the state of housing that existed in 2004 when the Ave Maria DRI was originally approved, and we've looked at it today both at -- for ultimate buildout. And there is an adequate -- and there was in 2004 and there is today an adequate supply to meet any affordable housing demands generated by this project if we were still a DRI.

So -- and also, we have given a site to Habitat. And, frankly, every -- almost every unit that's been built in the town of Ave Maria to date would have qualified at the price points to meet the affordable housing thresholds that existed at the time and will exist as they stay today.

So we've met an obligation to provide affordable housing if we really had one. I think we over-mitigated, frankly, in 2004, but we met the obligation for what exists today, and there will be an adequate supply in the future.

So I wanted to address that, even though it's not to be considered as part of the DRI review or the SRA review since we're no longer a DRI, we have met the mitigation requirements for the DRI rescission.

Mr. Chairman, I don't know, based upon what you've said, if you want to take these items individually, because I think this one can be resolved today, and then the other one may have to come back. So I don't know if you want to deal with those separately, because they really are not related, then we can get into the greater detail of the SRA.

CHAIRMAN STRAIN: If we can finish this one up today, I'm fine. It's the FIAM, which is more relevant to the actions of the SRA, is what I was concerned about; however, I have quite a few questions involving the DRI. So there still might be a concern there by the time we get through this.

MR. YOVANOVICH: I don't know what's the better way -- to put it all together. And I'm prepared to keep going with everything or if you want -- whatever is easiest.

CHAIRMAN STRAIN: No. If you want to -- why don't we take the DRI first and try to address that separately.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And then we can vote on that and be done with it, and then move on. We'll have to hear the public twice then. But maybe that might be the best way to get rid of the DRI and see how we want to handle that, whether it's yea or nay. What do you think? Anybody have any concerns?

(No response.)

CHAIRMAN STRAIN: My only concern is that I don't know if the public understands necessarily the differences between the SRA and the DRI. And a lot of the testimony we may hear may be more relevant to the SRA than the DRI.

On that basis, before we vote, I think we ought to hear the public at one time after we discuss both items, and that way we've got their input for both items before we vote and not have to hear -- have everybody sit here twice and have to restate themselves two different times.

So everybody okay with that?

COMMISSIONER EBERT: Yeah. I have a quick question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I have a quick question. How many -- I think it's 11,000 units maximum, homes. How many are there right now in Ave Maria? How many homes are built?

CHAIRMAN STRAIN: The report says 552 are sold. So I don't know if that -- that doesn't probably include models and things like that, but it's in the first --

COMMISSIONER EBERT: 552?

CHAIRMAN STRAIN: Yeah. It's in the first paragraph of the report, or second.

COMMISSIONER EBERT: Thank you.

MR. YOVANOVICH: Ballpark is 700 exist, but 352 (sic) sold, I think, is the right number.

CHAIRMAN STRAIN: Okay. You're not getting the mike.

MR. YOVANOVICH: Oh, I'm sorry. Ballpark is there's 700 homes out there, but sold, I think, the number's closer to 352 (sic).

CHAIRMAN STRAIN: 552.

MR. YOVANOVICH: 552, I'm sorry.

CHAIRMAN STRAIN: I believe that was the number I remember from reading it.

Richard, are you done with your presentation --

MR. YOVANOVICH: Recission.

CHAIRMAN STRAIN: -- for the DRI? We'll ask questions on that first, then we'll get the presentation on the SRA. Then after we talk about both of those, get your input, get staff's comments so that the public has a full picture of what these two items are about, then we'll ask for staff comments -- I mean for public comments.

So anybody have any questions on the DRI portion? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. This development obviously have a regional impact. I mean, it's huge. Why would the state not require SRAs to get a DRI? Because the SRA rules are so --

MR. YOVANOVICH: Well, again, there are very -- there's a very detailed process to come up with the SRA rules and regulations. And from a policy standpoint, the legislature believes that rural land programs are a good thing. They provide for -- in our particular case it actually changes some transportation patterns and keeps traffic going to the east instead of the west where we clearly have had congested roads and other issues like that.

It provides employment opportunities, and that's specifically one of the things the town is supposed to do is provide not only for employment opportunities for residents that live there but for also nearby residents.

So from a policy standpoint, the state legislature has decided that this is not something that needs to go through a DRI review. Similarly, the state has determined that industrial is not a DRI reviewable category. That's a policy decision that the state made. So they obviously believe there are a lot of good things associated with Rural Land Stewardship Programs, preservation of agriculture, and important environmental lands.

So they believe, you know, from a policy standpoint that we should not have to go through a DRI review.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Yeah, let's start on Page 4 of the staff report, Rich. There's a question that says the types and amounts of impact -- well, first of all, it's under the header, the application form and intended materials all still reflect that the petition is seeking to abandon the DRI development order; however, the same information is applicable to both.

And one of the questions -- the types and amounts of impacts from a -- a project's existing and proposed development to any resources and existing and planned facilities. The types and amounts of impacts were addressed in the existing DRI/DO.

How is that relevant to the rescission? What is it you're trying to address in that question or that statement and your response? I couldn't figure out where you're -- what that -- what you were trying to tell us there.

MR. YOVANOVICH: Well, first of all, we're not trying to abandon the DRI. We're rescinding the DRI. And, again, we're stuck with a form that -- the only form that exists at the county level and at the state level is an abandonment form, so we answered the questions.

But the only thing that's relevant in this whole process is have we mitigated for the level of impact of the development that occurred to date, and we have.

CHAIRMAN STRAIN: And I understand that. That's why I couldn't figure out why you were getting into all this -- these issues.

MR. YOVANOVICH: It's one of those square peg/round hole, there's no application that applies for -- to rescission. And I don't know if you've seen the state's letter that came back that basically says you need to rescind.

CHAIRMAN STRAIN: Yes, I did.

MR. YOVANOVICH: And they have recognized -- when I called the gentleman, he goes, yeah, I know that's what your application says, you were rescinding, but you used the abandonment form. I said, well, give me your rescission form. And there was silence because we don't have a rescission form. So, you know, we're kind of stuck, you know.

CHAIRMAN STRAIN: Then on Page 5 of the -- Page 5 of 9, which I think is just a little bit past where we're at. The last paragraph, it says, it appears in researching the original DRI application for development approval and subsequent sufficiency responses, this project was allowed to use a higher internal capture rate for traffic based in part upon the affordable housing that is to be provided.

I asked John Podczerwinsky to research that issue because I don't see anything readily in front of me that showed that was part of the internal capture rate calculation. So I couldn't figure out why that statement was here. So I guess, John, can you tell us if you found anything in your research?

MR. PODCZERWINSKY: Good morning, Commissioner. John Podczerwinsky, transportation planning, for the record.

In my brief research, no, I haven't found anything specific to that. I can tell you from numerous experiences with the ITE trip generation calculations that they do not differentiate between affordable housing and standard, you know, market-rate housing.

CHAIRMAN STRAIN: Okay. So if you had market-rate housing selling at about 180- or 200,000 and the affordable housing range was somewhere between X to 200-plus, whether it was technically affordable housing under the guidelines of the SHIP funding program or something like that, it still is affordable even if it's market rate, but the market rates within the range.

MR. PODCZERWINSKY: Right.

CHAIRMAN STRAIN: So either way it would still apply for the capture rate regardless of what avenue it was allowed to be affordable, because either the market made it affordable or the way it was designated by state made it affordable.

I mean, that's -- so I'm not -- that's why I was surprised to read that statement. And I've heard a couple other people comment on that, and I couldn't figure out where the document was. And I was here on this board when they came through in 2005, and I don't remember that being an issue for capture rate. I know a capture rate was an issue, but that I don't remember being part of it, and I couldn't find it.

MR. PODCZERWINSKY: I haven't found evidence of it myself, no.

CHAIRMAN STRAIN: Okay. Thank you, John.

On Page 7 where we get into the commitments and issues that might need to be outstanding, No. 6 is to the extent which the developer has relied upon benefits granted to authorize developments of regional impact pursuant to Chapters 163, 403, and 380 which would not otherwise be available after rescission. The applicant's agent has stated that the developer of Ave Maria is not relying on benefits granted to the DRI's post rescission.

What does staff mean by that? Because 403 is the chapter on public utilities, and Ave Maria does have their own public utilities. So I do think they benefited from Chapter 403. And I noticed that was carried over in the resolution as well, but I'm not sure that's the right citation. So what was staff -- where was staff standing on this?

MS. DESELEM: For the record, Kay Deselem, principal planner with zoning.

This actually is taken from the abandonment application, and I put the question directly to Wayne Arnold, and I quoted -- I didn't quote, but I stated his response.

CHAIRMAN STRAIN: Oh, okay. Well, Wayne?

MS. DESELEM: Again, it's kind of a blur between the abandonment and the rescission.

CHAIRMAN STRAIN: Well, the word -- No. 6, the last word is referring to the word "rescission,"

that's why --

MS. DESELEM: Yeah, that's because I changed it.

CHAIRMAN STRAIN: Okay. So, Wayne, you did rely on Chapter 403, didn't you, because you've got two utilities out there at least, between the water and sewer and then the potable water? Rich?

MR. YOVANOVICH: Yeah. Again, this is the square peg/round hole analogy. We're answering questions that are not appropriate questions for rescission.

CHAIRMAN STRAIN: It's in the resolution, though.

MR. YOVANOVICH: Then it needs to be -- the reference to that needs to be deleted.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: But the bottom line is, the rescission just says, have we appropriately mitigated. And, obviously, we do have utilities to serve not only the local -- I mean what exists today, but the future. But, again -- I mean, this is the first one -- first rescission, so I'm not blaming staff for not having a form. I'm just saying that we need to put some of these questions in the right context because some of these questions don't apply.

CHAIRMAN STRAIN: Okay. But they are part of today's record; are they not?

MR. YOVANOVICH: They are -- well, they are in the staff report, and I think that the questions that are in the staff report, other than "have we mitigated for the level of impact," are not appropriate for today's discussion regarding rescission.

CHAIRMAN STRAIN: Kay, is this staff report, as we're reviewing it, going to go on to the Board of County Commissioners in the format we've got it here today?

MS. DESELEM: Yes, that is the intention, sir.

CHAIRMAN STRAIN: Okay. Have you ever known me not to ask questions about things that were in the staff report? So it's here, Richard, and it's --

MR. YOVANOVICH: I'm saying it shouldn't be.

CHAIRMAN STRAIN: I just need to get answers. The next one, for example, No. 7, the first sentence of the response says, although the DRI/DO will be rescinded, the SRA designation and the regulations contained in the SRA documents, period. That's kind of like an incomplete statement. Do you know how it was supposed to be finished off?

MR. YOVANOVICH: I don't think that was our real answer.

CHAIRMAN STRAIN: That's why I'm pointing it out. Do you know what your real answer is?

MR. YOVANOVICH: I'm going to have to go back and look at the form, the application.

CHAIRMAN STRAIN: Well, you can do it during one of the breaks as long as -- before we get this done today I'd like to see the real answer.

MR. YOVANOVICH: It should be in your backup for this item; our application is in the backup.

CHAIRMAN STRAIN: Okay. Well, I'm sure that you'll let me know where that is when you get time.

I have some questions about the backup item that was supplied after the signature page in the staff report, 9 of 9. And then the next page, which is Page 10, isn't listed as part of the staff report. It's an attached document from housing, human, and veterans services, and it discusses the abandonment issues involving affordable housing. And I had some questions on that.

And, Kay, are you the familiar agent on that one or -- I notice Kim is here and Elly's here. They're probably anxious to answer questions about it.

MS. DESELEM: We do have Kim Grant and Elly McKuen from housing here to address any questions you have regarding that.

CHAIRMAN STRAIN: Okay. And I do have some questions. Would one of you mind attempting to answer them.

Hi, Kim.

MS. GRANT: Good morning. Kim Grant, director of housing and human services, and Elly McKuen is our housing and grant coordinator. So between the two of us, we should be able to answer any questions you have on our report.

CHAIRMAN STRAIN: Okay. In the second paragraph -- actually, it's the big paragraph after the

first sentence, towards the end of it you have a sentence that says, therefore, we must advise that there is not enough analysis completed to determine if the need has been satisfied to release the requirement to construct 1,900 affordable housing units (1,700 owner occupied and 200 rental units) at the town's buildout.

How -- what did you do to do the analysis that would have been required to determine this? Because the applicant has testified that they believe they've met their requirements through the date required. Are you in dispute of theirs, or are you now in agreement after you heard them today, or where do we stand?

MS. GRANT: We're not in dispute that they've met the requirements and, in fact, very pleased about that.

CHAIRMAN STRAIN: Okay.

MS. GRANT: Our point here was that they used a different model, and that's the short answer to your question as to how we arrived at that statement.

CHAIRMAN STRAIN: By using different model, you mean between the different Regional Planning Councils?

MS. GRANT: Let's see.

CHAIRMAN STRAIN: You have the Northeast Florida Regional Planning Council model, and then you have the East Central Florida Regional Planning Council model, and then staff says, staff is not comfortable using methodology that is not accepted by the RPC. Aren't they both RPCs?

MS. GRANT: Well, let me ask Elly. Are they both accepted by the Regional Planning Council?

MS. McKUEN: No.

MS. GRANT: Only the East Central.

MS. McKUEN: Only the East Central.

MS. GRANT: Our understanding is only the East Central.

CHAIRMAN STRAIN: Is what?

MS. GRANT: Is acceptable under the RPC.

CHAIRMAN STRAIN: Well, they're both RPC. So why is one more acceptable than the other? They're both state regulatory agencies.

MS. McKUEN: Good morning. Elly McKuen.

CHAIRMAN STRAIN: You didn't want to get up there; I'm sorry.

MS. McKUEN: It's okay, it's okay.

The South Florida Regional Planning Commission, which oversees this particular region, uses -- and, Kay, help me out -- I think it's the Northeast Florida Regional Planning Council methodology?

MS. DESELEM: For the record, Kay Deselem.

My understanding is that the Southwest Regional Planning Council has their own formula that they used in 2004, and they do not recognize the East Central Florida methodology.

CHAIRMAN STRAIN: Okay. But this letter only refers to two RPCs, the Northeast Florida and the East Central Florida. So there's -- there was no determination as to why the East Central Florida methodology was used instead of the previously accepted Northeast Florida. So if you previously accepted Northeast Florida, and East Central is not right but yet Southwest Regional is the right one, they never used that to begin with.

MS. McKUEN: The Southwest Regional Planning Council uses the methodology from Northeast Regional Planning Council. I know it's confusing.

CHAIRMAN STRAIN: Okay. So they -- the Northeast is farther away than East Central?

MS. McKUEN: Logistically, yes.

CHAIRMAN STRAIN: Okay. So our planning council uses the furthest one away instead of the one closest to us? I'm just trying to understand your reasoning, because your letter seemed to be objecting to this commitment being removed. And, first of all, I think you've now acknowledged they've met the requirements for the commitment to be removed to date.

MS. McKUEN: Yes.

CHAIRMAN STRAIN: So I don't understand the basis for your objection other than the comments that you made concerning the methodology, and then you go into some statements that I also need to reconcile and understand where your basis is.

However, going through -- this is what this letter says. However, going through the study, staff has identified some comments/concerns regarding some of the information/conclusion in the study. The study you're referring to is?

MS. GRANT: The study presented by the applicant.

CHAIRMAN STRAIN: The rescission request --

MS. GRANT: Rescission request.

CHAIRMAN STRAIN: -- through the staff report? The staff report, you mean? Oh, the study by the economist --

MS. GRANT: By the potential developer.

CHAIRMAN STRAIN: Okay. The consultant identifies that 22 percent of the commercial development has been constructed to date. This leaves 78 percent of the commercial development to impact the county. There was no analysis and report to address the additional impact that the new industrial use will have on the community.

Are they required to? If the rescission drops -- has a drop-dead date of the date of that -- of this certain period and they've met that, where is the requirement to go beyond that? I'm just curious.

MS. GRANT: Well, I think that's a fair question. And the answer is there probably is not a requirement.

We understand the regulations and we understand that the determination has been made that the rescission request is consistent with the regulations. We stand as the advocates in our community for making sure that affordable housing items are considered and discussed. And so we offer these comments as items for consideration of the Planning Commission. And I think it's important that context to be stressed.

We are very pleased of the commensurate work done so far, and so we point out, for example, with the specific question you're raising, you know, with a great deal more of commercial development to be made, you know, in the future for it to be fulfilled, the -- it may not be as evident that there is sufficient affordable housing.

Now, that doesn't mean I can stand here and say that we're going to need 14 units or 500 units. We're raising it contextually and for consideration.

CHAIRMAN STRAIN: Okay. And this board has to look at things that are consistent with our Land Development Code, and we also try to strive for consistency.

MS. GRANT: Right.

CHAIRMAN STRAIN: And if we don't apply a formula to everybody else, I don't know how we can single out any one party to apply a formula to. To me, I think they'd have an argument there. But at the same time, what is the range of values that affordable housing covers, from 100 something to 200 something? Do you know the numbers?

MS. GRANT: Percentage of AMI or --

CHAIRMAN STRAIN: No, just sale value, market value.

MS. GRANT: Well, the --

CHAIRMAN STRAIN: Does a 500,000 house qualify as affordable housing? I think you're going to say no.

MS. GRANT: Most likely no.

CHAIRMAN STRAIN: But that means there's some range that does. Do you know generally what that range is?

MS. GRANT: Well, the reason I'm hesitating is there are a number of factors. First of all, there are ranges of affordable housing. There's very low income, there's low income --

CHAIRMAN STRAIN: Right.

MS. GRANT: -- there's moderate, there's workforce, and then you also take into consideration the number of family members.

But, roughly, a family of four in Collier County earning the area median income can probably afford, you know, no personal considerations involved, between a 2- -- maybe 2- to \$250,000 home. So most likely homes in the neighborhood of 500,000 are not going to be considered, quote, unquote, affordable housing.

CHAIRMAN STRAIN: Okay. And then I got a question of the applicant then. What is the range of

housing in Ave Maria? Because the last time I checked your housing prices were very moderate. And under the affordable housing definition used by Kim's department, that would still qualify as affordable housing, so it's not like you've taken away your affordable housing. Your price range, I think, keeps you in some of that area.

MR. YOVANOVICH: I think right now the current range is 180- to the low 300s. And like I said earlier, at the time we were offering these homes that have been currently bought, they fit within the affordable housing price points.

CHAIRMAN STRAIN: So the only difference between the affordable housing that you're going to continue with in the sense that it still qualifies because of the pricing is that it's not government regulated or subsidized. It's basically market rate affordable units, units that can be bought within a range that is considered still affordable in Collier County.

MR. YOVANOVICH: Correct. There will be units that, if you want to move into Ave Maria and you fit the guidelines for affordable housing, you will be able to buy those units.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And you won't be subject to a 15-year restrictive deed restriction saying you can't sell it without sharing the profits with Collier County.

CHAIRMAN STRAIN: I understand.

MR. YOVANOVICH: Frankly, it will probably be more of an incentive for people to move to the community if they want to live within the community.

CHAIRMAN STRAIN: Okay. Thank you.

Thank you, Kim, for your time. I appreciate your --

MS. GRANT: You're welcome. Thank you.

CHAIRMAN STRAIN: If we move on to the resolution, Page 4 of 6 of the resolution, it's Paragraph No. 6. Parenthetical 4 of that -- No. 4 of that No. 6 says, all developer contribution agreements between Collier County and Ave Maria, LLP -- actually, it's Ave Maria Development, LLLP. So someone needs to make that correction, because I pulled all your agreements up, and they're all three L's, not two. And has got -- this occurs a couple times in the resolution.

Number 8 is the one that has the reference to Chapter 403, which is a public utilities section of the statute, which I believe you're benefiting from by the fact you've got those public utilities. So that may not be applicable. We may want to strike that.

On the next page, which is 5 of the resolution, Section 6, No. 3, again, it's the -- LLP is another place where that shows up. And you list a series of documents there that are supposedly to continue on as part of that resolution. It includes the SRA and the amendments to the SRA. But as I discussed with you, Richard, when we met the other day, there were a series of documents, tri-party agreement and some interlocal agreements, that were not included here. And after we looked at them -- and they do reference a DRI, either the DRI by number or DRI by reference, how did -- from your perspective, how do you see those entering into the picture?

MR. YOVANOVICH: We expect to amend the DCA, the interlocal agreement -- and all necessary interlocal agreements to delete the references to the DRI and have them clearly apply to the new development that we're requesting through the SRA, namely the 600,000 square feet of light industrial. So we are proposing to make those necessary revisions.

So -- and maybe you need to say -- instead of "all DCA," maybe you need to say "all applicable agreements."

CHAIRMAN STRAIN: Well, I think so, because basically Section 6 is addressing the things that will comply after rescission, and those agreements are still intact, from what I understand.

MR. YOVANOVICH: Right. And we need to make sure that they move forward, because they were part of the original development. The only reason they would be amended is because there's no longer going to be a DRI, and I think we were trying to make sure that we didn't somehow inadvertently void an agreement because it did refer to the original DRI. So I think we need to change "DCA" to probably "all applicable agreements."

CHAIRMAN STRAIN: If we move on to further in the staff report -- and I'm -- it's into your

application, and it's the -- I can't tell. You've got three of four, and then after three of four there's a page titled "Ave Maria DRI explanation for abandonment." And you get into Ave Maria land uses. And I noticed this in the land use section of the new town plan on the SRA side.

There are a couple sites that don't fit, and I'm just wondering where they would be on a graph like this, because you added the light industrial warehousing you're proposing at 600,000 square feet to this chart, but you didn't -- I can't see where the EMS site that is going to be reapplied as a result of the rescission or the police site -- one was three acres, another was something else.

Where would those normally -- where would those show up in your land use now that you're going to re-allow -- go forward with those commitments?

MR. YOVANOVICH: Wayne is whispering loudly enough for me to hear that it would probably go under the civic category, but I'm --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We are bringing forward those commitments as they're currently written in the DRI, so they'll be located as they always were intended to be located under those commitments.

CHAIRMAN STRAIN: That's fine. I just wanted to know if that chart should have contained them. And if they're under civic, that works.

MR. YOVANOVICH: Okay. And, Mr. Strain, are you in the staff report?

CHAIRMAN STRAIN: I'm in the document I received from staff. You can call it what you want, but it's -- I've got all kinds of documents in here that were supplied to us. There were actually 47 pages.

MR. YOVANOVICH: Okay. Thank you. I just couldn't find it as easily as you were referring to it.

CHAIRMAN STRAIN: There's another item in here, your Ave Maria Affordable Housing Analysis, and in the background it talks about -- starts out, the town of Ave Maria (project). Then it says, the project encompasses 10,805 acres. I thought it was 5,027 or something like that. Do you know what --

MR. YOVANOVICH: That's the special district acreage, and I think it says of which -- and maybe 4,995 is not the right number. It should be 502 -- 5,030 is the actual town.

CHAIRMAN STRAIN: Right. But your project, being the town of Ave Maria, does not encompass 10,000 acres, does it? Your SRA is only approved for 5,027.

MR. YOVANOVICH: Correct, that's correct. But don't forget there are SSAs that were created for purposes of getting the credits, and I'm assuming that probably some of that acreage deals with that, and the special district that was established obviously goes beyond the boundaries of the actual SRA.

COMMISSIONER EBERT: Okay. That's the land around it --

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: -- that they still have, and so they'll -- okay.

CHAIRMAN STRAIN: And then the last question I have before we take a break and then come back for --

MR. YOVANOVICH: I'm sorry. Mr. Strain, I missed what you said.

CHAIRMAN STRAIN: The last question I have before we take a break.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Page 7 of the affordable housing report, before the conclusions it says, the town of Ave Maria currently has 485 units of affordable housing on site, which is 68 units over the 417 units that should be on site at this time.

Does -- are you saying that the 485 meet the affordable housing criteria that our housing department imposes with the sales restrictions and all those other things?

MR. YOVANOVICH: No. Price points, price points.

CHAIRMAN STRAIN: Okay. So out of 552, 485 hit the price points of affordable housing?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: 500 -- wow.

MR. YOVANOVICH: Yeah, and what I -- yeah. And honestly, Mr. Strain, I don't disagree with Kim that people need to look at what affordable housing issues may or may not be out there, and I understand the county is doing that, but it needs to be a global fix that applies to everybody, as you pointed out. And one of the problems you have is that deed restriction.

CHAIRMAN STRAIN: Is what?

MR. YOVANOVICH: The deed restriction that's being required --

CHAIRMAN STRAIN: The way they can resell.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: And can I say one other thing since we're in that? And I'm biting my tongue, but I've got to say, we did analyze the 600,000 square feet of light industrial being added to this in our analysis. So it is not an accurate statement that we didn't consider that in Mr. Weyer's report. Referring to that -- when you were going through --

CHAIRMAN STRAIN: His report, you mean the FIAM that was sent to me?

MR. YOVANOVICH: No, no. The affordable housing analysis looked at it as if we were adding the 600,000 square feet. Because I wanted people to understand that even if we were a DRI, with the new 600,000 square feet, we were meeting the required demand.

CHAIRMAN STRAIN: I understood.

Okay. I think it's beneficial for Terri's benefit, and that's our court reporter who has to type as fast as I talk -- and I've had a couple cups of coffee this morning, so I'm sorry -- we'll take a 15-minute break and come back at -- well, let's make it 10:40; come back at 10:40 and resume, and we'll move right into the SRA. Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. If everybody will please resume your seats, and we'll move forward with the rest of the meeting.

Well, first of all, we left off on the discussion on the DRI, and I -- we were going to move into the SRA, but before we do I want to make sure there's no questions from the commission on the -- anymore on the DRI.

(No response.)

CHAIRMAN STRAIN: And I didn't know if staff had any comments on the DRI portion of it.

MS. DESELEM: For the record, Kay Deselem. Just to reiterate, staff is recommending approval with the stipulations found in the staff report to keep the requirements for those three issues that are enumerated in there.

CHAIRMAN STRAIN: Okay. Thank you, Kay.

And for the public's benefit, it's usually best if we ask the public to comment after we have all the presentations and our discussion. The reason for that is a lot of items can be resolved and be clarified through our discussion. So before you speak, you may hear something addressed that doesn't need to be addressed anymore because it's either been taken off the table or it's been corrected. So we'll still proceed under that process, but I wanted you all to know I haven't forgotten about you. We've just got to get there. And, unfortunately, the SRA that -- those of you that live there, it's the only one in the county. It's complicated, and it's the first time we've had one, so it takes a while to get through the process, and we have a lot of pages to go through yet.

So with that, Richard, we'll move into the SRA document, and I'll let you start with your presentation.

MR. YOVANOVICH: All right. I'm just going to give a general overview of what we're trying to do within the SRA, and then I'll have Mr. Arnold come up and give a more detailed discussion regarding the proposed revisions to the SRA.

And, as the chairman pointed out, this was the first SRA to be approved within Collier County, and I'm sure the state as well.

So we are -- like most large projects, times change, and adjustments are made to developments, especially a development this large that is going to be developed over a number of years.

So we're going through the process now, originally for four proposed changes to the SRA. But due to recently learned-about procedural concerns about the timing of the requested deviations pertaining to the root barriers and the sidewalks, we will table those two deviations for now. There may need to be a change to the Land Development Code regarding the timing of when you can ask for those deviations.

So we will not be discussing nor are we requesting in this -- at this current time any deviations

related to the root barriers or the sidewalks. And that was the request, from the sidewalks on low-speed streets to go to one sidewalk on -- on the side of the road.

So the pedestrian plan that's in your packet -- and Wayne will take you page by page to show you what you're not considering anymore and what you still are considering -- that will stay the same. So there's not any proposed changes or requested deviations pertaining to sidewalks or trails. And I know that was concerns raised by a lot of the emails.

We are going forward with our request to add 600,000 square feet of light industrial to the project and reconfigure the town centers and going forward with our request to add the zero lot line or, as we call them, Z lot development to this project. And zero lot line development is customary throughout Collier County, and we think it makes sense to have that as a development option out in Ave Maria.

Now, regarding -- what I've put on the visualizer is an aerial of the Town of Ave Maria as it's developed to the date of this aerial, which is -- it's not that old.

What we're showing is the current locations of the town centers and the neighborhood general and the university and, basically, this is the master plan.

CHAIRMAN STRAIN: Can you put that right side up. It's real hard to read sideways.

MR. YOVANOVICH: See, this is why --

CHAIRMAN STRAIN: I know you're directionally challenged, as we've heard before, but --

MR. YOVANOVICH: For the record, I asked for assistance, and I was told I did it correctly.

MS. DESELEM: My fault; not his.

MR. YOVANOVICH: It didn't look right to me but again, you know, I'm directionally challenged. I wasn't sure.

So back to where I was. This is basically the master plan overlaid on an aerial of what exists today on the current master plan. And this is Town Center 2B, 2A, Town Center 3, and those are what's being proposed to change in this application to reduce the size; 2A, 3, and add it to 2B, which fronts along Oil Well Road and would be adjacent to the already existing town center with the initial developer of Arthrex in that area.

Now, I think there may or may not be some confusion regarding light industrial uses or business park uses. Those uses are already allowed in the SRA. The square footage and how it's being accounted for is through reducing office square footage to account for the light industrial uses.

So what we are proposing to do, basically, is have an opportunity to have a nice business park, light industrial uses, similar to what already exists out there, which is -- I would like -- I believe everybody could say that Arthrex has been an excellent company within Collier County. And if they don't expand there, we would like to attract other businesses like Arthrex, but we want to have a nice commerce park/business park in this area similar to what's in Creekside, which I think is a very nice development for nice business uses.

So that's the proposed plan and what we're trying to accomplish by moving those -- making that center -- town center larger. The net affect really is a decrease in neighborhood general by 13 acres, because we're moving roughly 155 acres, I think -- or 142 acres, I'm sorry, over from existing town centers over to this town center and taking out 13 acres of neighborhood general to make that town center roughly 155 acres.

Wayne will take you through the details. I know there was a question raised regarding buffer, and we would buffer that north end of that town center from proposed future development, and we'll show you a proposed buffer and setback that we would agree to do.

But I think it's important to note that we're a rather long distance away from existing homes where we're proposing to make this change, and we do think overall it will be an asset to not only the Town of Ave Maria but an asset to Collier County to have an opportunity to attract nice businesses that will pay nice salaries for not only the residents of the Town of Ave Maria to seek employment -- which was one of the goals of the overall SRA program, or Rural Land Stewardship Program -- but also provide opportunities for nearby residents to have employment opportunities as well.

So we are -- off the table, root barriers and sidewalks not part of what's being considered today. Remaining on the table is expanding this town center as well as the zero lot line development. They go through this process.

CHAIRMAN STRAIN: For the benefit of the public, so that we understand what things are off the

table, when you said root barriers and sidewalks, you're asking for changes to pathways, sidewalks, and trails and spacing of landscaping trees.

MR. YOVANOVICH: Spacing of landscaping trees I don't think is prohibited or a deviation from -- the root barriers clearly is, but we're not aware of anything in the LDC, subject to the chairman correcting me, that specifically addresses spacing of trees, so -- and we would like to explain to you why we would like to change the spacing.

CHAIRMAN STRAIN: Well, I understand that, but I want to make sure -- so when the public speaks they know what issues are still on the table, because right now -- so you said sidewalks, pathways, and trails are off -- and root barriers are off the discussion today?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. So that map that shows as a change to the pathways with all the notations --

MR. YOVANOVICH: We'll take you to the page.

CHAIRMAN STRAIN: -- that page is gone. And I know you have 36 reference pages and/or exhibits, and we're going to have to walk through every one of those pages to make sure what things are going forward or being denied, or however it comes up.

MR. YOVANOVICH: Correct. And we're going to take you through that. So you'll see there'll be very few pages left.

CHAIRMAN STRAIN: Well, actually, we're going to go through 320 pages, but that will be part of the 320.

MR. YOVANOVICH: I look forward to it.

CHAIRMAN STRAIN: I know.

COMMISSIONER EBERT: Don't you just love his grin?

MR. YOVANOVICH: I will now let Mr. Arnold take the podium.

MR. ARNOLD: Good morning. I'm Wayne Arnold, professional planner with Grady Minor & Associates.

And what I thought I would do is just tell you a little bit of how we got here and mention to you that we started the process some time ago. And as you're aware, Mr. Chairman and staff, the Land Development Code does not require neighborhood informational meetings for SRA amendments.

So we were -- we held an informal neighborhood information meeting, I think it was August 21st, with many of the residents who are here today and others who attended out at Ave Maria to discuss some of these changes. And, clearly, the pedestrian exhibits and making change to those were of concern, and we also discussed the importance of adding the light industrial reference to the square footage and also trying to explain better why the relocation of the Town Center 2B area to be expanded on Oil Well Road made sense from what we think is good land planning.

CHAIRMAN STRAIN: Wayne, I just have -- I don't mean -- I'm sorry to interrupt, but one clarification on the NIM that you held.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: Was it with a county staff member present?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Okay. Was it recorded?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Was it transcribed?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Okay. So the only opportunity we have to know what happened at that meeting is what you're going to tell us and what the public's going to tell us; is that a fair statement?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Okay. Thank you.

MR. ARNOLD: But I would say that, you know, going forward in the future, I think Barron Collier Companies has said that we'll commit to holding a neighborhood informational meeting.

CHAIRMAN STRAIN: Good. Then when you change the -- when your suggested changes to the

LDC/SRA section comes in, you're going to include that as one of the changes you'd recommend.

MR. ARNOLD: What's that? I'm sorry.

CHAIRMAN STRAIN: That a NIM would be held.

MR. ARNOLD: Oh, that a NIM would be held for those.

COMMISSIONER EBERT: Wayne, I do have a question for you, just so the people here know that they are the only ones that don't have to have a NIM meeting, because you are the only SRA. So these are the only people that live out there that you don't have to have a meeting for them.

CHAIRMAN STRAIN: But they've just agreed to -- no, I'm sorry. It's the middle of his presentation, so I only wanted to get a clarification on how this NIM was a NIM when it turns out it really wasn't, but it was a voluntary meeting.

MR. ARNOLD: Voluntarily informal.

CHAIRMAN STRAIN: That's good.

MR. ARNOLD: And I would say it was a productive discussion. We heard some good comments. We heard some concerns and where we can try to address those. For instance, you mentioned some buffering. I'll get into that shortly.

But I think, all in all, moving the pedestrian discussion down the road and coming back and dealing with that in a more comprehensive way makes some sense, and I think that we'll be back before you hopefully in the next few months to discuss that in more detail.

But as Rich said, you know, we've gone through this, and we created a strikethrough and underline document. And I've got mine segregated like you did in your staff reports to deal with it page by page. So you're only seeing the pages that were amended. As Mr. Strain mentioned, the entire book, with the revised pages, was delivered to you last week. And I know that's a lot of heavy reading to try to digest 300-plus pages. But I guess it does try to put that in the context of what we're amending.

And this has been amended a few times in the past. So this isn't the first go-round on trying to refine this document. And as Rich said, you know, moving forward in a project of this size and scope, it's probably going to be anticipated that we will have revisions through the town plan for, you know, several times to come.

But I think that's just the nature of anything. I mean, this isn't a planned unit development as you normally would see. The SRA kind of takes the place of that. It is the development document. I think -- you know, hindsight being 20/20, I don't think there's anybody in this room that would maybe put quite as much detail into some of these exhibits as we have. There's a lot of detail, and it doesn't give the developer a lot of flexibility, which is one of the things a zero lot line product was not -- was not contemplated in the original incarnation of this plan, but it is a product type that you see commonly, and it is a product type that is desirable by certain buyers. So we're coming back through this process to add that, for instance.

But having said that, I thought it might be easy if we just simply walk through page by page those changes, and I'll explain them or tell you that they're no longer relevant because of the withdrawal of the root barrier and pedestrian plan discussion.

CHAIRMAN STRAIN: You mean, you're going to start with the Page 1 and tell us what page to jump to, or you just want to go to -- because we all have gotten the 320-page book with the strikethrough on it.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: So if we went through that, and we turned to Page 1 or Page 8 or whatever the numbers are that you reference in the resolution and struck those or made a note on those pages that are no longer part of that, that would help probably show us in context what areas you're talking about. Does that work for you?

MR. ARNOLD: Well, for instance, Page 1, executive summary, is the place I would start. And middle of the page we added the reference where it talks about the square footages and intensities of other uses. We've added a reference to 600,000 of light industrial/warehousing. Are you all on that page?

CHAIRMAN STRAIN: Yep. And I think, Wayne, to make this a little organized, let's first let you walk through the 36 pages, tell us which ones that have been taken off the table. We can delete those, then we can go back to the beginning of the document and start asking our questions that we may have of you in

regards to what's left on the table.

MR. ARNOLD: Okay. Fair enough.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: All right. Next page, Page 2, had a revision. It, too, is Table 1, Ave Maria Land Use. We added the reference for light industrial warehousing and the intensity of 600,000 square feet.

CHAIRMAN STRAIN: Can you put that on the overhead, because that's not what your -- I don't have that in the strikethrough that was sent by your office.

COMMISSIONER ROMAN: I have it on mine.

MR. ARNOLD: This is what I have as my Page 2.

COMMISSIONER ROMAN: Yeah, that's what I have.

CHAIRMAN STRAIN: Oh, I'm sorry. You're on Page -- well, it's not Page 2 of the executive summary. That's the problem. You're on Page --

COMMISSIONER ROMAN: It's Page 2 that's still a part of the executive summary.

CHAIRMAN STRAIN: You're on Page 2 of the introduction. They renumbered the pages. There's a Page 2 of the executive summary, and there's a Page 2 of the introduction.

COMMISSIONER ROMAN: Mine's the same.

CHAIRMAN STRAIN: No. You're not reading from the book. You're reading from the staff report.

COMMISSIONER ROMAN: I'm in the big thick package, I think.

MR. YOVANOVICH: You're correct, Mr. Strain. It's Page 2 of the introduction in the big book.

CHAIRMAN STRAIN: Introduction. Right, not the executive summary. It's Page 2 of the introduction.

COMMISSIONER ROMAN: Mark, it's labeled "Executive Summary," but on the page it says "introduction." That's the disconnect.

CHAIRMAN STRAIN: Right. Okay. I just want to make sure we're on the same page.

COMMISSIONER ROMAN: We are.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: And on that page, Mr. Strain, there is a stray reference to the development of regional impact in the last sentence of the Paragraph No. 8. I'll put that back up there so we're -- it was not omitted as it should have been, so that should be a reference to be stricken.

Next change is to Page 3 of the impact assessment report. And it's going to be -- it's going to be revisions where we added the 600,000 square feet of light industrial, and we analyzed the impact on potable water, wastewater. And that changed Pages 1 -- or, I'm sorry. It changed Page 3, 6, 8, and 12 where the impact of a 600,000 square feet was analyzed on the public facilities.

Everybody okay with that? I don't know that we need to discuss those in detail. Obviously there's ample capacity to provide for the proposed industrial and warehousing.

COMMISSIONER ROMAN: And, Wayne, on Page 12 it's just the underlined portion, right, that you added?

MR. ARNOLD: That is correct.

COMMISSIONER ROMAN: Okay.

MR. ARNOLD: My next change is under the town plan table of contents. It referenced an Appendix F, sidewalk protection. That will be eliminated. The next page --

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: Are you in the big packet that your office delivered?

MR. ARNOLD: No, I'm not. I can be. I just -- that's not the document I'm working from.

The next change in my book was to the town plan itself where we've redesignated the areas from Town Centers 1, 2, 3. And we can go over this in more detail.

CHAIRMAN STRAIN: That's Page 6 of the town plan?

MR. ARNOLD: Yes, correct.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: You're talking about the table, right, Wayne?

CHAIRMAN STRAIN: That's the master plan he's referring to.

MR. ARNOLD: Master plan.

CHAIRMAN STRAIN: Yeah. You know, for the benefit of the public, the stuff we just talked about was all involving the water/sewer facilities and how they intertwine, for the most part. If you've got the pages handy, it would be good to show them on the overhead so everybody knows what we're talking about. Not -- from here forward.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: This one needs to be reoriented so they can see the table.

MR. ARNOLD: Oh, I'm sorry. The best way to do that -- I'm sorry. That's going to put it, you know, the other direction, but you can see the expanded Town Center 2B area to the right side of the page.

Thank you for pointing to that, Kay.

And that was part of the relocation that Rich discussed and had on the other aerial photograph. And, of course, this, we think, makes a lot of sense. There's some synergy built there with the Arthrex facility, and they have a future expansion plan. We believe that the infrastructure is in place and can be in place. It makes a lot of sense from a location standpoint. It's on an arterial roadway that is designed to have high capacity. It's also visible for businesses who want to be more visible. The other area up along Camp Keais Road, we don't know a schedule for improvements of Camp Keais Road. Bringing people all the way -- if their origin is the Naples area or I-75 and they're coming here for goods and services or production, for us it makes a lot of sense not to bring them either through the town or past the entry over to Camp Keais Road and then northbound to have another larger area that would be designated for Town Center 2B.

And as Rich mentioned previously, the town centers right now do allow the business park and light industrial land uses. They are permitted. We think it makes sense to have this area that could become a true commerce park and not have them fragmented in three larger areas but have them in one larger area.

And I think the question of buffering came up, and I don't know when is the most appropriate time to deal with that if you want to ask questions.

CHAIRMAN STRAIN: Well, I'd rather we went through the relevant issues we're going to be discussing and then come back through because, I mean, I'm sure we're going to have a lot of questions, then go around each topic.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: I know you're referring to your -- the buffer that we talked about in regards to the industrial.

MR. ARNOLD: Correct. And that came up at our meeting with the folks out at Ave Maria, what kind of buffering is provided. Well, in actuality, the town center, as it's currently written, says there shall be no buffer. And it's written in that way because, you know, as part of the town, it's kind of a transition from the town core out. And we have, as the Del Webb residents that are here know, their housing type is much more of the suburban model.

There's also units that are in closer proximity to downtown. There's newer units that are oriented toward families in the northern part of the community.

So it really does have all housing types contemplated, and the buffering between these types of uses wasn't expressed. It doesn't mean there wouldn't be a buffer. And in this case, we're willing to talk about providing an adequate buffer on the Town Center 2B area, especially, because the Del Webb community would be the closest in proximity.

And I would point out -- maybe I'll go back to the aerial that Rich had -- the area that's in proximity to the Town Center 2B area -- you can see all this part of the community that's Del Webb, most of the residences are not built in close proximity to the proposed area.

And if you look east of their community on the current master plan that was designated for future residential and golf, we're redesignating a portion of that for Town Center 2B. And the area that's being redesignated and the area currently north of there is owned by Barron Collier Companies. It's not owned by Pulte or Del Webb. There's part of a potential takedown schedule that they, as they expand, they have options, but today the property is owned by Barron Collier.

Shall we move on, and then we'll come back?

CHAIRMAN STRAIN: Yes. Again, I'd like to try to get through what relevant parts we're going to be discussing. Then we'll go back and discuss them. I want to get the pieces out of here that we don't need.

MR. ARNOLD: The next change that I have in my binder is on Page 19 of the university district. This change will be eliminated because it addresses the sidewalk and root barrier discussion.

Same, Page 20, next where it references the landscaping and root barrier.

Jumping then to Page 35 of the town core. And just for those -- just to show you an example of what I went through, these were the references that had been stricken to the root barriers and sidewalk protection standards throughout the document. Most of the changes and the pages you have are related to that. But that's typical of what I'm reading from.

Page 39 of the town core landscaping. Again, that page will be eliminated from change because it references root barriers.

Town Center 1, Page 71 of your document. Again, that will be a deleted amendment because it also references the sidewalk protection standards.

Page 75 of the Town Center 1 landscaping will be eliminated because of the sidewalk protection references.

Under Town Centers 2 and 3, Page 76, there's no text that was amended on that other than the graphic that's on the page that shows the location of the town centers. It was modified to reflect the changes that we are proposing to make to the town plan.

On Page 77 of the Town Centers 2 and 3, we added, under the appropriate reference for the density of the warehousing, light industrial, and Town Centers 2 and 3, a floor area ratio of .45, and that's shown as underlined text.

Under Town Centers 2 and 3, the streetscape/landscape, Page 93, 94, and 96 need to be revised to eliminate the references to the root barriers and the sidewalk protection.

CHAIRMAN STRAIN: Well, the revision will be they're not going to be struck through.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: All right.

MR. ARNOLD: Sorry. Which means they won't be a part of the actual revised resolution.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: Okay. The -- Page 97 of the town plan under neighborhood general, the graphic, again, revised to reflect the change to the Town Center 3 area.

Under neighborhood general, Page 98, this page referenced two things.

CHAIRMAN STRAIN: Could you put that one on the overhead.

MR. ARNOLD: Yep.

CHAIRMAN STRAIN: Because that's a little different than the others you've discussed.

MR. ARNOLD: Yeah. And I apologize, that's from my markup version when we discussed this change. But part of what we were proposing to do in the -- that was also depicted on the root barrier exhibits was to reflect -- the spacing right now says an average of 40 feet. We're trying to amend that to say an average of 65 feet for these street trees, simply because the 40 feet average doesn't work. If you have larger lots, you end up with conflicts of utilities. The 65-foot average spacing seemed to be the right number. It doesn't mean that we can't have less, but the average spacing would be a maximum of 65 feet, which is what we're proposing there.

The next change, on Page 99 of neighborhood general, this, again, reflects the sidewalk and root barrier protection, so those changes would be eliminated from this proposal.

Neighborhood general Page 100. This is the land use table. And, middle of the page, it's hard to make out, but we've added the reference for zero lot line, product type, the Z lot that's been referred to with appropriate development standards. And, again, we think this complements the other range of land uses that we have for residential dwelling types in the community.

Again, I think most of you -- the larger scale projects that come before you on a regular basis include zero lot line as a pretty common development option. This one's a little bit more unique because it's designed to fit a more specific type of product, and that's shown on the next page, which we've renumbered Page 119A.

And, again, I apologize for the markup. But these are further development standards, and there's a graphic depicting what the Z lot configuration would be on a lot to lot basis.

And I've highlighted on there -- Mr. Strain, when you and I discussed this, I marked up my document. You'd questioned the 7-foot-high privacy fence that's expressed on the exhibit.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: We like the seven feet because of the privacy factor for the smaller lots. If it's an issue for the Planning Commission, we'll live with six. We prefer seven. But that was something that we discussed.

There's also a reference -- you can see my reference to 650 as a strikethrough from the 900. There are accessory uses that are permitted, and in the other categories, you would find they're at 650 square feet, so we're making that consistent with the other development types.

CHAIRMAN STRAIN: And I'll get into the other issue of the seven and six foot and some others -- I'll wait till we get back and go through questions. I'd rather clear up what we're looking at for changes today first.

MR. ARNOLD: The next page is 119B. Again, there's a reference to the 7-foot-high privacy fence that I had circled and questioned the 6.

And then something that's come up more recently on another zero lot line product that's going through the review process at the county. There's a provision in the Land Development Code that doesn't allow windows to be on the zero lot line side, but where you have separation between those, it doesn't make sense not to be able to have light come in, natural light on that side. So I think we need to add a reference that windows may be permitted on the zero lot line side. And I don't know the exact language we need to come up with, but that's the concept.

CHAIRMAN STRAIN: I think you'll add it to that page like you're suggesting when we get to that point.

MR. ARNOLD: Yeah. I wasn't exactly sure where we might add it, but that seemed like the most appropriate place to try to at least have it for discussion.

Next page under neighborhood general that's changing is Page 127. This, again, references the sidewalk and root barriers. So those revisions will be withdrawn. Likewise, on Page 128, the references to the root barrier will be eliminated.

Page 134 of neighborhood general, again, there are references to the Appendix F and the root barrier protection. Those changes are withdrawn.

Page 135 is a carryforward of the same section, and the references there to root barriers will be revised or eliminated.

Page 152 under community general, under the transportation network, this is where there's a reference to the potential pedestrian network plan or map as it's expressed. We had inserted that language to reference the revisions to that pedestrian pathways map. Those changes are no longer being proposed today, so this reference would be eliminated as well.

The next revision was the pedestrian map that's being withdrawn from discussion today, so that would be eliminated as an amendment.

Under community general on Page 172, again, there were references to the root barrier protection and sidewalks, and that will be eliminated. Likewise on Page 173.

CHAIRMAN STRAIN: And Appendix F, which is a separate document, that's being eliminated, right?

MR. ARNOLD: That's correct. That's the next page in my book; actually, the last page in my book.

CHAIRMAN STRAIN: Well, you actually sent a supplement out. That's why it's not -- after the book went out, there was a supplement issued.

MR. ARNOLD: There was a -- we were wordsmithing with Ms. Gundlach and Heidi, and the version that didn't reflect the latest wordsmithing was not included in the packet that was provided to you. It was a minor modification, but this is no longer on the table, so we'll come back another day.

CHAIRMAN STRAIN: Okay. Wayne, it's obvious, based on the amount of questions we're going to be getting into, we are not going to finish before lunch today. And for the benefit of those members of the

public that don't wish to stay here this afternoon, we can move forward with some public comments early on.

Honestly, you'd probably benefit from hearing the entire presentation and discussions by this panel that will happen later, but if some of you have to leave and need to -- would like to talk before you go, before lunch right now, we can take -- we have about 45 minutes, and I'll be glad -- this board will be glad to listen to your concerns now, and then we'll resume after lunch with where we're heading on the rest of the discussion.

So with that in mind, I'm going to ask that the zoning director call your name for those that are registered to vote. And if you want to speak now, just come on up to the podium. If you don't, just wave, and we'll indicate you're going to come back this afternoon if you'd like.

When we get done with the registered speakers, I'll ask for any of those people who would like to speak who may not be registered. We still want to hear from you. So one way or another, you'll have an opportunity now, and for those that stay, you'll have an opportunity this afternoon.

So, Ray, could you call our first registered speaker.

MR. BELLOWS: Michael Dafias (phonetic).

MR. DAFIAS: Waive until after.

CHAIRMAN STRAIN: He's going to waive for later.

MR. BELLOWS: Dorothy Chena (phonetic)?

MS. DESELEM: I apologize if we're murdering names, but they're kind of hard to read.

CHAIRMAN STRAIN: Is Dorothy here?

(No response.)

CHAIRMAN STRAIN: She may have already left. Okay.

MR. BELLOWS: John McCann.

MR. McCANN: I will waive, thank you.

CHAIRMAN STRAIN: Okay. Next?

MR. BELLOWS: Jeff Rogers?

CHAIRMAN STRAIN: Mr. Rogers, you want to speak now or come back? You're more than welcome to.

MR. ROGERS: Is this the right --

CHAIRMAN STRAIN: Yes. Either Mike's fine. Just please state your name again for the record, and then we'll be glad to hear from you.

MR. ROGERS: All right. Jeff Rogers. I live at 5803 Plymouth Place in Ave Maria, which is in the Del Webb section of our nice community.

I certainly appreciate the opportunity to provide a few brief comments as a followup to the email that I submitted along with a number of other Del Webb residents last week.

It's kind of a moving target which, to be honest, is a bit frustrating. It sounds like a number of issues are now off the table temporarily. And a concern I have is, given that this is an SRA, I don't like to see things done in a piecemeal fashion. So that would be a concern. Those of us who live in Del Webb have a long ways to go, so I don't want this to be broken up in little pieces that force us to come back.

So I may touch briefly on some issues, but I will try to condense those portions that I were (sic) going to address relating to the pedestrian issue.

I assume the email that we submitted is part of the record of this meeting.

CHAIRMAN STRAIN: If you emailed it to me or the Planning Commission, it is part of the record.

MR. ROGERS: Good. Now, as evidenced by the turnout this morning as well as the meeting -- the informal meeting that Wayne referenced, there's a lot of concerns by the community with respect to these proposed amendments to the SRA. And I think there's a number of people here that can attest to that.

We believe that if the SRA amendments are implemented, it would jeopardize the unique character of our Ave Maria community, which is the key reason most of us chose to live there in the first place.

I know my wife and I spent a lot of time looking around the area, and the only area that kind of captured our hearts is a place where we wanted to spend the rest of our lives was Ave Maria. And so it makes us nervous when the developer is proposing what we consider are significant changes.

My role is simply to kind of set the stage for some other commentators that will be following me,

whether now or later this afternoon, and it sounds like, given the time frame, we may have to come back and provide additional comments based on how this is going to roll out in terms of the approval.

CHAIRMAN STRAIN: Well, honestly, if -- we generally -- public speakers are allowed one time, and I'd prefer if you're going to come back this afternoon --

MR. ROGERS: No.

CHAIRMAN STRAIN: -- to defer most of your discussion until later this afternoon.

MR. ROGERS: What I was suggesting is, depending upon how this is outlined for approval, we may have to come back six weeks from now --

CHAIRMAN STRAIN: Oh.

MR. ROGERS: -- three months from now.

CHAIRMAN STRAIN: That would be the Board of Commissioners, yes, sir.

MR. ROGERS: As an overriding issue, we believe more time is needed to secure the necessary community input regarding the proposed SRA changes so we can offer the ultimate decision-makers the full perspective on the proposed SRA amendments and how they might impact our community.

If adopted, these changes would give the Ave Maria developers essentially a blank check as to key elements of our community.

Certainly, one of those changes, which is now off the table, at least temporarily, would be eliminating sidewalks on one side of the street, but having heard, it sounds like that's simply temporarily delayed. And so I think a hallmark of our community is its pedestrian-friendly environment.

And, frankly, that was one of the visions of the development. I mean, the way the community is situated, the streets get narrow toward the town center, which is to encourage a pedestrian-friendly environment.

And so we're hesitant to hear about potential changes down the road, and I just wanted to touch on that briefly. So we would be concerned about any alteration of this kind of pedestrian-friendly commitment and any of the sidewalk and pathway and trail system diminution, if you will.

We believe the proposed SRA amendments could have a profoundly negative impact on the character and charm of Ave Maria. While we are opposed, generally, to this relocation of the light industrial and the commercial space from the Camp Keais location to Oil Well Road, assuming they're approved -- and we don't want to necessarily concede that -- and there's already talk about landscape buffering, which was a key issue at our informal session with the developers, last -- a couple weeks ago -- there needs to be clear conditions that this commission would recommend in terms of the landscape buffers and berms that would be necessary to shield the Del Webb section of the community, the residential section, from the light and aesthetics of a commercial development.

We have no quarrel with Arthrex. Arthrex is a good neighbor. They've done a very nice job. But if you stand at the Oasis, which is kind of the center of the Del Webb community, you have just an unimpeded view at the backside of Arthrex. And so that's a particular concern. If there's more commercial light industrial development, the residential section doesn't want to be looking at the backside of an industrial area.

So we would hope that could be effectively addressed, whether through agreements of the developer or through conditions that this body would impose.

Another issue that really hasn't been touched on but is of particular concern of those of us who live in Del Webb relates to Anthem Parkway becoming a major thoroughfare through the community. Anthem bisects the Del Webb community and is, essentially, used as just a local for Del Webb residents, but there's some discussion, potentially, that that ultimately could become an ingress and egress point to Ave Maria.

And we're an over-55 community, a lot of people on bikes, a lot of people walking; we have some people that are disabled. And crossing the street to utilize the Oasis where people now go well too fast in the various times of the day -- because there is still a point where you can get out, and I know I'm up very early in the morning running with my dog, and there's people between five and six in the morning that are shooting down Anthem now at 50 to 55 miles an hour and exiting the back entrance through Arthrex. So we have a real concern about making sure that doesn't become a throughway.

We do share a vision with the developers of Ave Maria becoming a highly successful development. To that end, we want future Ave Maria development to respect Collier County requirements, facilitate

effective communication between the residents and developers, and allow much more community input into land use decisions and respect the special character of the Ave Maria community.

And we are disappointed, frankly, in the timing of this. Many residents within Ave Maria are up north. And it's just curious that a lot of this is coming up before those people have had a chance to provide their necessary input.

So one of the things that we would ask is that whether, as a requirement -- which it's currently not in the SRA, but -- either the developer agrees or this commission, essentially, requires these NIMs -- I think that what -- is it neighborhood informational meeting -- be a requirement so that we aren't kind of caught at the last minute trying to get together some comments.

And then, as I said, it's been frustrating even today to sit here; it's a moving target. We weren't aware of any of these changes, so a lot of our prepared comments were going to address things that are now pulled off the table temporarily.

With that, I'll let others speak. Thank you.

CHAIRMAN STRAIN: Thank you. And just so you know, this commission and the applicant wasn't aware of most of these changes until yesterday afternoon when there was a concern over the way the process was being administrated, and that's what caused the changes.

MR. ROGERS: Thank you.

CHAIRMAN STRAIN: And, yes, they're off the table, but they'll have to come back in with a series of public hearings to get them re-accomplished. And it's at that time we can look at other -- well, see, once the LDC -- this section of the Land Development Code is opened up, it will allow us to look at some of the other changes like the NIM that you have proposed.

MR. ROGERS: Thank you.

CHAIRMAN STRAIN: So all this is for the good really, so --

Next speaker, Ray?

MR. BELLOWS: Karen Rayzor.

MS. RAYZOR: I would like to speak. Thank you.

For the record, I am Karen Rayzor. I am a resident and homeowner in Del Webb community of Ave Maria. My husband is distributing notes for -- concerning my comments.

Good morning, Chairman, ladies and gentlemen of the Planning Commission, I thank you for your time, for your public service to the citizens of Collier County, and your consideration. Additionally, I thank you for sending the notice dated the 15th of August 2014 describing the changes proposed to amend the Ave Maria stewardship receiving area and the invitation to be heard at this meeting.

Had that letter not been sent, the residents of Ave Maria may not have been aware of the proposed changes, as Ave Maria development did not schedule a neighborhood information meeting until the 21st of August, likely in response to the outcry by the residents.

This was in spite of a recommendation in a letter by Principal Planner Kay Deselem. I hope I'm pronouncing your last name correctly. The letter dated 11 March 2014 to inform Ave Maria residents of the proposed changes through neighborhood information meetings. And I believe in that letter there was a long list of requirements that you, Chairman Strain, just went through a few minutes ago.

So needless to say, as my neighbor previously stated, Jeff Rogers previously stated, we were caught offguard. And as it has been stated many times, the SRA is a document of about 384 pages; not that I've read every single page, but it is an instant cure for insomnia, should you ever need it.

That aside -- that aside, the Ave Maria SRA, within the Rural Land Stewardship area, as well as the Future Land Use Element as approved in 2005, the proposed resolution does not reflect the intent and stipulations set forth in the F-L-U-E, the FLUE, regarding the addition of light industrial warehousing.

I direct your attention specifically to an email from Rob Klucik sent to Jim Flanagan, Tim Nance, and Mark Strain on August 29, 2014. And he attached a searchable PDF file of the current approved SRA with pages highlighted, because the petition appears to violate SRA requirements contained on those pages. There are 22 pages that he notes violations of the current SRA.

Additionally, it was brought to my attention this morning that Maple Ridge, which is being developed by CC Devco -- CC Devco, I believe, according to Mr. Arnold of -- director of planning at Grady

Minor, indicated at the meeting on August 21st that CC Devco requested that the light industrial be moved from the area by Camp Keais Road to the area by Oil Well Road adjacent to Arthrex.

This morning I learned that Barron Collier is one of the developers of Maple Ridge jointly being developed with CC Devco. Barron Collier is also the developer of Ave Maria, which just makes me wonder, is there a conflict of interest that that change was made. Just putting that out there.

Additionally, the sweeping changes that have been proposed in light of the major impact that this proposal will have to the residents of Ave Maria, we request a continuance of no less than three months to sufficiently explore and analyze the ramifications of the proposed changes on the Town of Ave Maria and the residents and to include in conversation the approximately 40 percent of the Del Webb residents who are not here in the summer and who will be returning in October for season.

So I appreciate your thoughtful attention and your -- to the future of Ave Maria and all of your very probing questions so far.

Thank you very much.

CHAIRMAN STRAIN: Thank you. Next --

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: Since neither of the speakers have mentioned the rescission of the DRI, I would like to make sure that they understand what it means and that they do or do not have an objection to it if they get up and speak.

CHAIRMAN STRAIN: Okay.

MR. BELLOWS: Kay Cunningham.

MS. CUNNINGHAM: Good morning. For the record, I'm Kay Cunningham. My husband and I reside at 5819 Plymouth Place in Ave Maria, and we are also Del Webb residents.

Thank you for the invitation to attend our meeting today -- to attend your meeting today. I wanted to personally address the possible or proposed relocation of town centers from within the area of Ave Maria to now this large complex that is being proposed out on Oil Well Road.

Most of us, when we were considering moving to Ave Maria, were sold on the small-town concept, the uniqueness -- that was even addressed here this morning. The uniqueness of this area.

We were told that it was going to be a family-friendly area. It was going to be pedestrian friendly, golf-cart friendly, bicycle friendly. And when we looked at the town plan at the time, there were various little town centers sprinkled throughout the different neighborhoods making it this pedestrian- or bike- or golf-cart friendly so that we could take our whatever mode of transportation and go to these little neighborhood centers and maybe pick up a dress, pick up a Subway sandwich, pick up something by going to these little neighborhood centers. Instead, what is being proposed is that, from one of those proposed town centers, we're taking 90 acres, and from another one we're taking 52 acres. We're going to add another 13 acres to that, and we're going to stick it out on Oil Well Road; kind of defeats the purpose of these little neighborhood town centers.

We first learned about this, as my predecessor said, at this meeting that was called. And we have been given several reasons for moving these town centers out to Oil Well Road. And for some reason it almost seems like the reasons change depending on what audience they are talking to.

The first reason we were given, as Karen stated, was that CC Devco or Maple Ridge no longer wanted a town center by them so it was being moved 90 acres. We're now going to be put out on Oil Well Road.

The second reason was that by putting it on Oil Well Road, it is closer to I-75, and it has access by a four-lane highway.

I contend that the I-75 and Immokalee exit is 20 miles from the Ave Maria entrance. I don't think another 2 or 3 miles to the Camp Keais area is going to matter to anybody, and that's providing they live at I-75 and Immokalee. If they live somewhere else in Naples, it's an even farther drive.

The point about it being a four-lane road access, again, Oil Well is not completely four-lane road from Immokalee to the Ave Maria entrance, but Ave Maria Boulevard is four-lane almost all the way to town center.

We had heard that they were having difficulty getting businesses to come into Ave Maria; however, we have heard from a primary source that Subway has been trying to negotiate with Ave Maria Development to bring a Subway into one of these small town centers, but they have not been able to come to agreement, for whatever reason.

But because Subway is interested in bringing a business in, obviously they are willing to take their business into the community rather than out on Oil Well Road, because that portion on Oil Well Road had never even been spoken of.

We understand the 6,000 acres that are being -- I'm sorry -- 6,000 (sic) square feet that are being requested for light industrial for the expansion of Arthrex; however, that is only 12 acres of the proposed 155 acres out there on Oil Well Road.

We were also told that it would provide businesses for the residents of Ave Maria, that we might have an auto body. That was one that was brought up; we might have an auto repair shop. Perhaps retail businesses of different types.

Our contention is, wouldn't it have been better to leave those little town centers throughout Ave Maria where we could walk to them or bike to them rather than now we have to get into our car to go out onto Oil Well Road to go to them.

Last one that we just received in a letter, an explanation letter from Ave Maria Development, was that -- here's another reason -- Collier County currently lacks business parks, and we are responding to this need. Increasing the town center to establish a commerce park along the recently widened Oil Well Road makes sense for existing and future businesses which will provide more convenient access for them.

They almost appear like they are more concerned about ease of access for the businesses, not for Ave Maria, which is the reason for their existence to begin with.

It was brought up today about the buffering; the buffering, should this go through, that they weren't required to have buffering because buffering had never been considered for the little town centers. Well, no, I wouldn't think that you would need buffering when it's part of your neighborhood. But if you're going to put in 155 acres of light industrial and commerce, certainly that changes the whole complexion.

I would just like to say that when my husband and I first considered moving to Ave Maria, as most people, we drove for what seemed forever. I don't know if you have been out to Ave Maria to appreciate how beautiful it is, but we seemed to drive forever. As a matter of fact, somebody told me once, you must have to pack a lunch to go into Naples. And all of a sudden we got to the Ave Maria entrance, and it was almost like an oasis in a desert. We had arrived at this beautiful entrance, drove in. My husband even said to me, you know, this looks like Disney World. Everything is perfect. It's neat. It's tidy. It's pristine.

Now, with this proposed 150 acres of commercial at our entrance, it is no longer going to look like an oasis in a desert. It will look like many developments in Naples. We've just lost our uniqueness, which was the whole purpose in being.

There are many, many, many Del Webb residents who do not want this, and I don't think they deserve it either.

Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker, Ray?

MR. BELLOWS: Gwen Moore?

MS. MOORE: Rob Klucik --

CHAIRMAN STRAIN: No, you'll have to come to the mike.

MS. MOORE: Rob Klucik gave me these updates.

CHAIRMAN STRAIN: Just give them to me; that will be fine then. I thought you were going to start to talk, and you've got to wait till you get to the mike. Thank you. I'll sort them out.

MS. MOORE: I'm part of the Ave Maria tag team. My name is Gwen Moore. I reside at 5843 Plymouth Place in Del Webb, the Del Webb community.

English is my first language, so I don't understand RLSA, LCD, SRA, DCA, LLP, et cetera. I rely on you guys to be able to put all these in context and make it work.

Basically, we believe that the proposed SRA changes the character of Ave Maria as it was originally planned. We believe that the RLSA describes and should stay the master plan for Ave Maria and our

communities, and we don't think that the proposed changes in the current SRA or the proposed SRA are in line with the philosophy for how Ave Maria was to be developed.

I have a map.

CHAIRMAN STRAIN: Kay, could you put that map on the overhead for her, please.

MS. MOORE: Thank you. On this map where I have circled is the area that I want to talk about. Town Center 2B never existed in the original plan. We were approached by Barron Collier to be -- to give them some help getting a second entrance for Arthrex and, as a good neighbor, we -- about a dozen of us came and we spoke before the County Commissioners, and we asked for a road to be eliminated from our plan, which is currently the mining road. It's at -- it's at the other end of the lake that you see. Go to the bottom of the lake. That was where our Del Webb community was supposed to be having another entrance, not an Ave Maria entrance.

When we advocated that entrance for Arthrex so that they would have two places for their employees to go in and out of, because they're a 24-hour shift, the idea of having it be Town Center 2B, we didn't understand that. We didn't know we were giving up a Del Webb entrance, and we didn't know that we were actually creating an entrance to Ave Maria.

And as a result, on the new SRA plan, which talks about access to the Arthrex and the light industrial area, extends that road, that access road, all the way to Del Webb community, Anthem Boulevard, which is not a main road. I've heard it called a spine road and different things, but it doesn't -- it doesn't belong in Del Webb, and here's why. Del Webb is a senior citizen -- well, a 55-plus community. We are active, and -- we are very active, and there isn't a Del Webb community that I know of that is split in two. We are a gated community, and we're advertised as a gated community. Even the marketing materials that you'll find for Ave Maria indicate how the communities are and that there are gated communities.

Extending this road -- and what I'm asking is that you take that road reference off -- the connection to Anthem Boulevard off, because extending that access eliminates drivers from going down Ave Maria Boulevard and gives them a two-and-a-half mile shortcut to Ave Maria, so that makes our Anthem Boulevard the main road for Ave Maria and not Ave Maria Boulevard.

I didn't see that it was really addressed in the SRA, but the map shows that that's what the intent is, and that's why I'd like it removed if possible.

We're really concerned about safety issues, which was addressed earlier, and crime control for seniors. We are an older group, and we just -- we don't do it well for ourselves, and we rely on the gates to do that.

We're asking that you please help us reserve Ave's natural resources, our hometown master plan, and the marketing value that they provide. And we don't think that the SRA provides the justifications and alternatives that should be associated with making these changes.

Thank you.

CHAIRMAN STRAIN: Thank you, ma'am.

Next speaker, Ray?

MR. BELLOWS: The last speaker is Katie Lynch -- or Kathi Lynch.

MS. LYNCH: Good morning. My name's Kathi Lynch, and I recently relocated to this area, and I'm building a home in Del Webb, Naples, at 6105 Victory.

My comment might be somewhat naive because I'm late to the party, and all of the information that has gone before this morning might have addressed it. But my comment is why would the Planning Commission consider an action that would be potentially a benefit to one section of the community to the detriment of another part of the community? That being Del Webb currently in development for 200 active adult homes.

And my knowledge is Arthrex -- and the homes that would be built out would be in the direct line of sight. Right now Arthrex doesn't have a buffer, and I believe some of the homes that are currently being built are having difficulty with the lighting because there isn't any buffer there. So it was my understanding that if light industrial were to come, it would be in the same vein as had been approved for Arthrex.

So I thank you for this morning. Thank you.

CHAIRMAN STRAIN: Thank you, ma'am.

That's the last registered speaker. Is there anybody else that would like to address us at this time? Yes, ma'am. And we are going to be coming back after lunch to go through a lot more detail, a lot more detail than you saw this morning. But, ma'am, if you want to come up and use one of the mikes, and after she finishes, I'll call the next speaker.

MS. CHESNA: Thank you, sir, for this opportunity, and I commend -- I would like to take the time to commend the Ave Maria community for their advocacy for walkable communities.

CHAIRMAN STRAIN: You'll need to give us your name.

MS. CHESNA: Hi, yes. And good morning. My name is Deborah Chesna, and I --

CHAIRMAN STRAIN: Can you spell that last name. I'm sorry to keep --

MS. CHESNA: Chesna, C-h-e-s-n-a.

CHAIRMAN STRAIN: Thank you.

MS. CHESNA: I work for the Florida Department of Health here in Collier County. I am the Healthy Communities planning consultant advocating for infrastructure conducive to healthy living.

Our main focus is Collier County, but the Florida Surgeon General and the Florida Department of Transportation's focus is Florida as a whole, where 65 percent of adults in Florida are at an unhealthy weight, and the trend is rising.

As community planners, we can change this. It is our responsibility to consider the community along with the surrounding communities when we design our roadways and villages. It is our responsibility as planners to provide opportunities in our design to reach destinations for optimal connectivity.

Our responsibility lies in promoting a healthy community by planning for and to implementing a connected system of walkways and pathways which will provide alternate modes of transportation while also encouraging recreation, physical activity, and exposure to the natural environment. And I'm sorry, I know that this is off the table for now, but I was hoping since I was here that I could just address --

CHAIRMAN STRAIN: Oh, absolutely, yeah. Go right ahead.

MS. CHESNA: Thank you. This type of design is imperative in the prevention of obesity and chronic diseases. Obesity-related chronic diseases will cost our nation 35 billion over the next 15 years if we don't start choosing better design. And if that isn't enough, one out of three children are overweight or obese. This is a profound statement. But, again, we as adults and decision-makers can make -- can do something about that. We can create this network of activity based on walkways and bikeways for the community to be able to choose alternative modes of transportation to reach their destinations instead of getting into the car every single trip.

It is estimated that one-third of our trips are within three miles of our homes. The millennia and the ager -- the aging have it right. They are looking for walkable communities.

In addition, Collier is a resort destination. With this in mind, we have to provide them with these active opportunities for when they look -- when they go on vacation so that they want to come back again.

The mobility afforded the individual is the basic -- is basic to the success of the county's land use and transportation system. There are numerous economic benefits to this transportation network. Surrounding businesses know that the benefits of slower speeds, furniture zones, and walkup accessibility is successful to their business.

Realtors know the direct correlation in the value of the home with the surrounding pathway system that reaches destinations. It is not just about the developer in the initial processes of the development that need to be taken into consideration, but it is about the end result and whether the community is going to be --

CHAIRMAN STRAIN: You need to slow down a little bit. She's trying to type as fast as you're talking.

MS. CHESNA: Oh, I'm sorry.

CHAIRMAN STRAIN: You were doing good there for a while, but then you get like me, you start talking too fast. And you've got to be careful, because she's trying to type real fast.

MS. CHESNA: Sorry. It is not just about the developer in the initial processes of the development that need to be taken into consideration, but it's about the end result and to whether the community is going to be deemed a livable -- a healthy, livable, and lively community.

Collier County road systems are already established, but there are certainly ways to establish walkup

communities as desirable destinations and exploring different areas of the county without getting into your car. There are numerous best practices and viable solutions that our nations, cities, and counties have used to create a healthier and desirable environment that keeps the community active and alive.

Walking and bicycling should be appealing modes of transportation, which means that infrastructure must be in place to make these modes convenient and enjoyable.

The Florida Department of Health and Healthy Communities recommends moving forward and always including in their design a network of pathways and sidewalks that reach destinations and create connectivity in all developments, new and old, for the health and the welfare of current community residents, future generations, and visitors that we welcome into our community.

All modes of transportation utilize sidewalks, pathways, bike lanes, and trails to reach destinations.

Thank you for your consideration in this matter, and thank you for what you do in the community.

CHAIRMAN STRAIN: Did you say you work for Collier County?

MS. CHESNA: The Florida Department of Health is a state agency, but it's a county service, yes, so I do work for Collier County.

CHAIRMAN STRAIN: You know, we have -- we review PUDs and land actions constantly. It would be refreshing to have your department show up more to comment on some of the proposals we have -- that we see beyond this one. This one started out in one way, and it's changing. The others start out in a changed way and don't change in the right way. So it might be nice to have your input in future meetings.

MS. CHESNA: I would love to be there. Is there a way I can get a schedule?

CHAIRMAN STRAIN: If you contact me through Collier County Government, MarkStrain@Colliergov.net, I'll make sure you'll get in the system where you can somehow be contacted.

MS. CHESNA: I appreciate that, Mr. Chairman. Thank you, everyone.

CHAIRMAN STRAIN: Thank you.

And there was a gentleman in the back that wanted to speak. Sir, come on up. Got your cell phone off, I hope.

MR. BLACKLY: Yeah, sorry about that. I get two calls a year; both of them were today.

Hi. My name is Willis Blackly. I live in Ave Maria, 5748 Plymouth Place.

I'd like to speak concerning mainly the warehouse area that's being discussed here. You know, Ave Maria's a planned community, so originally five, six years ago when they started putting the package together, deciding homes going here and different types of parcels all around the community, they had a reason for planning these communities certain ways. Now they're wanting to change what they originally planned, for whatever reason. We're objecting to that reason.

The areas that they're eliminating from commercial and moving over to Oil Well originally over on the Camp Keais Parkway, that's probably a great area to put it because there's high tension lines running through the area over there; does not affect commercial, so to speak, having high tension lines. If you're building a home, you don't want your home under a high tension line.

So they're moving stuff to an area that is really best suited for residential. To put commercial buildings in a residential area does not make sense. The area where -- the proposed area for commercial, there are homes already in that area. People who previously bought could see what everything looked like around them. They understood what was going to be there in the future.

Now we're changing, or proposing to change, what it's going to be. So a person that bought a home a year ago thinking he'd have residential homes all around him all of a sudden is going to have 150 acres of commercial buildings.

It's not the right thing to do. You know, originally the plans were put together for a reason. They need to live with the reasons they put them together.

The area where commercial is set to go now has little to no residential in that area. So people buying over there would see the rest of the commercial before they bought, and they could make a decision that this is where they wanted to be.

So I think that it would be a good idea to stay with the original plan; that way you could see what you're getting, know what you're getting.

And the long of the short, not only is it an aesthetic deal, but it's a value deal. People that have

commercial property adjacent to residential property, the residents are going to have a less property value.

And so we in Del Webb could see what we were supposed to get originally. Now they're changing the plan, and it's going to be entirely different. And a lot of us really object to that.

Thank you very much.

CHAIRMAN STRAIN: Thank you, sir. Appreciate it.

Is there anybody else before lunch that wants to speak? Yes, sir.

MR. RUPPRECHT: My name is Donald Rupprecht, R-u-p-p-r-e-c-h-t. I'm on the board of the Naples Pathway Coalition, and I'm here to speak on their behalf. It's a not-for-profit organization with the mission of promoting safety and enhancement of bike cycling, running, and walking throughout Collier County.

Our concern -- and I don't -- I admit I do not understand the impact of rescission of DRI and all these different terms that you're using, but our concern is the preservation of the original plan to have adequate sidewalks, bike paths, et cetera, throughout the community.

And there's a large and growing cycling community here in Collier County. It's a positive factor for the county in terms of people moving to this area, visiting this area, and we want to continue to promote that. And anything that would lessen the growth of the attractiveness of the county for cyclists we would oppose.

So to the extent that rescission of DRI or modifications of the other document you're speaking of lessens the enhancement of cycling and running and walking throughout the community, we would oppose.

And we want to thank you for your consideration and look forward to further discussions on this matter. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

COMMISSIONER CHRZANOWSKI: I'm just curious about something. Do you recommend that bikers stay on the street and pedestrians stay on the sidewalk?

MR. RUPPRECHT: It's an interesting question that you raise. And, in fact, we are currently conducting an extensive study about how to improve safety for both pedestrians and cyclists throughout the county.

There is a school of thought that all cyclists should be on the road and that the roads and the drivers and the motorists should accommodate their presence and that bike pathways or bike lanes on the roads are not to be considered as restrictive pathways for bicycles but only as an area for them to ride in when it is clear that they can ride there without any burdens or interference, but they have the right and the duty to get out of that bike lane and to, as we say, take the lane, take the road for safety reasons.

So in trying to answer your question, we are considering coming back to the county and the city with specific proposals with respect to your question on how to improve the safety for cyclists and pedestrians in the area. And there is a lot of information out there in the public throughout the United States suggesting that cyclists, whether they're recreational with fat tires or more serious cyclists who do it for exercise, they should all be on the roads and the roads should be built to accommodate their presence.

COMMISSIONER CHRZANOWSKI: So you would think that high speed, like greater than 20-mile an hour, cyclists should definitely probably stay off the sidewalk?

MR. RUPPRECHT: Absolutely.

COMMISSIONER CHRZANOWSKI: Good. Thanks.

CHAIRMAN STRAIN: Thank you, sir.

With that, we're going to take a one-hour lunch break and come back at 1 o'clock. Now, we will probably be here for a long time this afternoon going over a lot of questions we have from this panel and then the staff report and others.

And then this meeting will be, at least the SRA, the part that most of you have addressed -- in fact, all of you have addressed and the one that really affects you the most, that will be continued -- a decision on that will be continued, and we'll be rehearing it in approximately two weeks from today. Well, it will be two weeks from today unless a date changes for some reason.

So -- make you aware of that. It's going to be -- that part of it's not going to be decided on today. We will continue it till the next meeting.

So with that in mind, we'll take a break and come back at 1 o'clock.

(A luncheon recess was had.)

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

And we left off talking with the public's participation in the first part of the applicant's review of the SRA amendments.

We'll continue with the presentation by the applicant. We had gone through the parts of the changes that no longer were relevant due to some other things that have changed. And, Wayne, I didn't know if you wanted to continue with your presentation or where you wanted to go at this point.

MR. YOVANOVICH: Mr. Strain, I thought you wanted to go back through the pages that are --

CHAIRMAN STRAIN: I do, but I didn't know if he -- after he finished walking through the pages and simply showing us what wasn't going to be talked about today, I had the public speak for those people that wanted the convenience before lunch, and I didn't know if he wanted to finish the presentation or do any more than he has already done, so I'm giving him that opportunity.

MR. YOVANOVICH: We didn't get into any details.

CHAIRMAN STRAIN: No, you don't have to. We can ask you questions. But I just wanted to make sure you didn't think I was trying to not let you finish the presentation.

MR. ARNOLD: Not at all. For the record, I'm Wayne Arnold.

And there is one additional change that was not picked up in our going through this. And Mr. Yovanovich pointed it out that on Appendix C, which begins on Page 216 in the end of your document, there's a reference in one of the footnotes for affordable housing only that probably should be deleted if the affordable housing commitment is being removed from the Development of Regional Impact.

COMMISSIONER EBERT: This is the town plan?

MR. ARNOLD: Yeah. It's under Town Plan Appendix C. It's almost at the end of your book, if you look in the binder that you were provided.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: Do you see the asterisk on the bottom, X, double asterisk? That asterisk he's saying needs to be struck.

COMMISSIONER EBERT: Oh.

MR. ARNOLD: But, otherwise, I'm happy to go through any additional detail or answer questions on the document. I think we've laid out the proposed changes, we've heard some of the public input, and I'll be happy to talk about, you know, the --

CHAIRMAN STRAIN: Okay. Well, who would like to ask any -- go ahead, Karen.

COMMISSIONER HOMIAK: I just had a couple other things that I saw in this plan that you didn't mention. In Appendix C on 219 it was an underlined double asterisk that would -- that's a change to the maximum height of the cell tower being at 200 feet.

MR. ARNOLD: I believe that is --

COMMISSIONER HOMIAK: It's underlined under radio --

MR. ARNOLD: I think that was a prior change, Ms. Homiak, that was dealt with under the town centers. There's -- if you go back to the town center designation, there's specific language that refers to the cellular tower that was permitted there.

COMMISSIONER HOMIAK: This is not a change here.

MR. ARNOLD: That is not a new change.

MS. ASHTON-CICKO: Excuse me, Mr. Chairman. Are you done with public speakers, because there is one more in the audience?

CHAIRMAN STRAIN: No, we're not done with them, but we heard as many of those that couldn't be here this afternoon --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: -- to speak before lunch. The rest will have to wait until we finish our questions, then we'll go back to the public speakers.

MS. ASHTON-CICKO: Okay, thank you.

COMMISSIONER HOMIAK: And then on Page 129, is that -- that's not a new change.

MR. ARNOLD: You said Page 129?

COMMISSIONER HOMIAK: One twenty-nine, the setbacks for signs. That's a --

MR. ARNOLD: No. That was a prior -- that was one of the prior amendments.

COMMISSIONER HOMIAK: Okay.

MR. ARNOLD: It was a little bit complex inheriting the documents. Some changes had been accepted, some hadn't. So I appreciate you pointing that out.

COMMISSIONER HOMIAK: Okay. Thanks.

CHAIRMAN STRAIN: Anything else, Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER CHRZANOWSKI: I'm just -- this is just curiosity. An awful lot of what you did the first time was about taking out the stuff about root barriers.

MR. ARNOLD: Yes.

COMMISSIONER CHRZANOWSKI: Why was it put in and why was it taken out?

MR. ARNOLD: Well, the language has been in there regarding root barrier protection, and the county Land Development Code has language about root barrier protection. They're not exactly the same. We were proposing to change it even differently than the Land Development Code. There's a reference in the Land Development Code, however, in the SRA section that says that you can't deviate from the landscape section of the code unless you do it as -- prior to your first development order approval.

And since there have been multiple development orders approved, we don't qualify to ask for a deviation from a landscaping component of the code.

So we will have to engage in a Land Development Code amendment that would allow an SRA to amend or deviate from standard landscape practices.

We think what we have offered -- it was supported by staff. It was just -- procedurally, we found out this -- very late yesterday afternoon that -- I think the County Attorney's Office concurred that that's not something we could take on without a Land Development Code change.

COMMISSIONER CHRZANOWSKI: Yeah. When the root barriers were first considered, it was to stop the roots from growing under sidewalks.

MR. ARNOLD: Correct.

COMMISSIONER CHRZANOWSKI: And there was a school of thought that said if you do that, the tree is weaker on that side and it's going to fall over in storms. And I don't know that that -- I really don't know how that was ever worked out.

This has nothing to do with any of that. You just don't like your present wording and you want to change it.

MR. ARNOLD: Well, the reality is that almost every street, because they have street tree commitments, get root barriers, and it's almost continuous. There's no interruption because of the spacing of the trees. So root barriers are very expensive to install. And so we don't believe that they're necessary to be designed and implemented as they were originally envisioned.

What we're proposing is more consistent with the way Land Development Code currently treats it; however, it, too, is a little different. And what we were proposing was essentially to create the root barrier for about 15 feet from the center of the tree, and that would provide enough protection from the roots so the sidewalk and the other utilities wouldn't be disrupted because of the tree growth.

COMMISSIONER CHRZANOWSKI: How are the trees doing out there?

MR. ARNOLD: I think they're doing fine.

COMMISSIONER CHRZANOWSKI: Okay. Because the water table was a little lower than was thought, and I was wondering if that had any effect. But apparently not. Good.

CHAIRMAN STRAIN: Anybody else? Diane?

COMMISSIONER EBERT: No, but root barriers are important.

CHAIRMAN STRAIN: Well, that's all -- they're going to bring that back, potentially. But right now, for today, we don't have to get into it too much.

I have a few questions. One of the ladies talked about the fact that all these small neighborhood commercial centers are being moved to one big large center on the south side off Oil Well Road, and you've

got four or five different kinds of centers. You've got the town core, you've got Town Center 1, you've got Town Center 2, and you've got Town Center 3, and then you've got the neighborhood general centers.

The only centers that I know that are moving are the town -- parts of Town Centers 2 and 3; is that correct?

MR. ARNOLD: That is correct. And I think that, you know, it's easy to -- there are so many designations, and this is such a complex document. I think it's easy to maybe using the term "town center." It's a pretty common term that a lot of us know. But the way this was set out, the town centers were going to be large areas. I mean, we talk in terms of we're moving 50 acres from one area. I mean, that's not a small amount of commercial in anybody's mind, I don't think.

So, I mean, these were large centers. These were going to be the hub of commerce. Employment. They were meant to be big and large, and we think that there's the synergy of where Arthrex is currently located and the improvements that have been completed on Oil Well, the utilities that are in place. It makes a lot of sense for us to consolidate those areas for that purpose.

But having said that, the town centers also allow residential. It's truly a mixed use district. So it allows light industrial, business park uses, commercial, residential.

CHAIRMAN STRAIN: Okay. But just so I can -- that lady, in case she is watching or ever watches it rerun, the town centers that she was referring to seem to be the little neighborhood centers, and you guys aren't touching those; is that correct?

MR. ARNOLD: That's correct.

CHAIRMAN STRAIN: Okay. We're off on that one.

MR. ARNOLD: If I can find it, Mr. Strain, I'll put it up on the visualizer for anybody's benefit --

CHAIRMAN STRAIN: There's a map in there that shows where they're all located, and they're all located in exactly the location she was describing. And I think there's a general mix-up in some of your terminologies because the public out there has not had time to chew this.

For example, your town center that was on Camp Keais Road, originally when Ave Maria had come through, it was the largest town center in the PUD. Do you guys know how many acres it was originally, that one big one way back in 2005 on Camp Keais Road?

MR. ARNOLD: I don't off the top of my head, but we'll check and see if I can get an answer for you.

CHAIRMAN STRAIN: Well, the reason is, I'd like to see how that compares to the big one you're putting on Oil Well Road. I don't think there's a lot of difference. You just moved it from a two-lane road to a six-lane road. And from that perspective, that isn't a lot of -- that in itself isn't unusual for a PUD.

But the other thing that I think is misleading is people hear you talk about industrial parks or industrial uses. You're not asking for any new uses from what I can tell. You're living with all the uses you have, which have always been industrial. In fact, you can put industrial right now in those areas right along the homes up on Town Center 2 and 3 where they're located if you wanted to.

MR. ARNOLD: That is correct, and I think that was part of what I had hoped we would get into as some of the discussion evolved, and that is the town centers all have residential surrounding them currently. They were all envisioned to be -- I mean, this really was meant to be a community of different sizes. And I think in this particular case, the town center designation is still being retained up there; it's just being reduced in size.

CHAIRMAN STRAIN: Right. And the difference, though, is you've -- in this particular case you're not living with the square footage of commercial retail like you previously had. In fact, if you read the descriptions of Town Centers 2 and 3, the real fluffy descriptions, it seems like you're walking through a park and all these beautiful trees and everything's convenient for the pedestrian.

And an industrial area will not be like that. I doubt if Arthrex's building is like that. I've driven by it, but I haven't stepped up to it yet.

And I think therein lies a little difference in the problem where I'm heading. You had indicated yesterday -- and I heard you say it again today, or Richard did, so you're both equally liable for it -- that Creekside was an example of what you had in mind. And yesterday you told me that Creekside -- the buffer you have at Creekside is what you expected -- you're getting away with a buffer there without a wall. Why

shouldn't you have one at Ave Maria?

Well, Ray, can you put that aerial on that's on the cover of the first of my exhibits? That one right there.

This morning at, I don't know, 4 o'clock, I went ahead and took a Google picture of what that area is that you're talking about. And see that road going down the middle? That's the south side of Creekside's road. North of that is your industrial. You go across a golf course hole, and then you finally get to the residential.

So, I mean, you've got a big buffer. In fact, the language at Creekside says that buffer that's by that drainage ditch south of the road, it's to be 90 percent opacity.

So you've got a lot of provisions there that protect Pelican Marsh to the south. Now, since you used Creekside for an example, how does that compare to what you're planning to do at Ave Maria?

MR. ARNOLD: I think I would qualify what we were discussing was whether or not a solid wall would need to be provided as part of any buffer.

CHAIRMAN STRAIN: No. But you can put 200 feet across it, and we won't -- then it might be something not to have to consider. Is that what you're suggesting instead of a wall?

MR. ARNOLD: No, sir.

CHAIRMAN STRAIN: Okay. Well, then how does that plan here relate to what you're trying to do at Ave Maria with regards to an industrial park or a business park?

MR. ARNOLD: It doesn't at all, Mr. Strain. The reference yesterday was merely to the fact that you have an industrial component with light industrial adjacent to a residential PUD, which it is, and there is no solid wall. It's a chain.

CHAIRMAN STRAIN: No, but it's -- and there's a good reason. No solid wall because you've got 200 feet. Are you willing -- would you put a golf course hole up instead in residential along the Arthrex building or that industrial park you're putting in, or would you look at some standards for an industrial park?

MR. ARNOLD: I think we're willing to talk about buffering and setbacks.

CHAIRMAN STRAIN: Well, buffering -- okay. And then you used Creekside. So why don't you, between now and the next time you come back, look at the Creekside standards, because they have setbacks from Immokalee Road which, in your case, would be Oil Well Road, and all kind of buffers and setback requirements in Creekside that makes that a nice-looking business park. And I'm glad you used that as an example.

MR. ARNOLD: It's a good business park.

CHAIRMAN STRAIN: It's a good business park in Collier County. It fits well.

So I'm suggesting to come back and isolate where you want to put the industrial in this big chunk of land to the south, because your 600,000 isn't going to take up 69 acres. You're going to use some of it for commercial and retail.

So why don't you pick an area, define it as a business park, and put some standards there that the world can live with instead of just random hit and miss anywhere, because that's not how your new-town concept is set up, Wayne.

MR. ARNOLD: Well, I think we can look at that, Mr. Strain. One of the other thoughts we had was just simply making a buffer commitment for any nonresidential use that would be in Town Center 2B.

CHAIRMAN STRAIN: Well, there's a buffer commitment along the north, but you also look at your Creekside. You've got lighting, you've got noise, you've got aesthetics, you've got buffers along the main corridors that people are going to be driving in and out.

Look at the sections of the Creekside document and see which ones of those you could live with and apply or make work for Ave Maria. I think that the people today expressed concerns over that area and --

MR. ARNOLD: We heard them.

CHAIRMAN STRAIN: -- I think it would go a long ways to making it a better area, not a worse, because right now, many of the people out there may not realize it, but your standards for that area have zero setbacks, zero buffers, zero everything, which -- so anything you do there is going to be an improvement in that regard. And the reason I think this panel can ask for something like that is because you're asking to increase it by 600,000 square feet.

MR. ARNOLD: I mean, fair enough. I think it's fair that we look at those standards comprehensively. I think we're certainly willing to do it.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: Can I go back one moment, not to belabor the point.

CHAIRMAN STRAIN: Sure.

MR. ARNOLD: These were, I think, the small neighborhood nodes that had been referenced previously.

CHAIRMAN STRAIN: Yes.

MR. ARNOLD: And those were meant to be small retail type service opportunities internal to some of the more residential communities. This wasn't intended to be the large-scale retail that town centers were meant to be.

CHAIRMAN STRAIN: And none of these areas are ones you're taking apart and moving.

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: Okay. So that still stays intact to the plan.

Can you explain the nuances with this entrance that Arthrex has put in that people are apparently using to go up through the Del Webb project and how that's really not going to be that way, or is it going to be that way, or what's your intentions there?

MR. ARNOLD: I don't know the history -- all of the history related to that. Although I know that when we had our meeting out at Ave Maria, that was certainly a question. And I think the answer that the Barron Collier representatives and we gave was simply, it's not really our doing. We're not going to make a connection through Anthem. That's really going to be a Del Webb decision whether or not a connection is made.

CHAIRMAN STRAIN: Isn't a connection already there, from what they said? Cars are coming up through there and --

MR. ARNOLD: I don't think it's an improved connection per se. I'll let David Genson from Barron Collier answer that for you.

MR. GENSON: For the record, David Genson with Barron Collier Companies.

There is a connection up there, Mark, but it's just a -- it was used as a construction access. It's not a paved road by any means. People have been using that because it's not been blocked off as a back door, if you will, to get into either the Del Webb community or the Ave Maria community as a whole, so --

CHAIRMAN STRAIN: Is it something that you guys need for construction, or would it -- I mean, because it's -- as long as it's open and it's not a county or road built to what apparently our standards, there's as much liability in that for you as the developer as there is for Del Webb and everybody else who travels it.

MR. GENSON: We agree, and we're going to take the precautions to block that access so that we don't have that liability.

The construction of Arthrex Commerce Drive was done in support of Arthrex and their expansions. So that was only in our plans to provide that access up to their property. That was it.

CHAIRMAN STRAIN: Is there something -- I mean, that -- I've read all the letters that came in -- or emails, and quite a few of them had referenced that entrance. Is there something between now and two weeks you could look at for language to address that entrance?

MR. GENSON: Yes, we can look at that.

CHAIRMAN STRAIN: Okay. That would be helpful, and I think that would cure another issue that we've got there.

And I'm just going to walk through the other stuff now, David. I'm sure you probably don't want to -- that's something that Wayne just likes to do, I think.

MR. GENSON: That's all right.

CHAIRMAN STRAIN: You're more than welcome to, though, but I think -- did you have something?

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Oh, okay. I didn't mean -- I asked you first, go ahead.

COMMISSIONER EBERT: Oh, no, no, no. I'll let you finish.

Wayne, this portion that you want to take from the original plan, which is 2B, and what community is -- is that the Del Webb community that you're cutting off part of the golf course and all this right along here?

MR. ARNOLD: The one on the right side is the existing town plan, and you can see the Town Center 2 designation. Immediately north of that is the Del Webb community where I think most of the residents that have been here today reside.

Areas to the east are not currently platted or planned specifically for any residential use. They're owned by the Barron Collier Partnership, and so those areas to the north are uncommitted as well. You can see the Oasis Club that they refer to.

COMMISSIONER EBERT: Can you point that out?

MR. ARNOLD: That's their amenity center, if you will, for the Del Webb community. It's a nice large community center, active area for them. That would be, to me, the area in closest proximity to anything that's currently planned that I know of on that side.

COMMISSIONER ROMAN: Wayne, just so I'm following your diagram correctly, what is the significance of the orange lines and the --

MR. ARNOLD: The orange lines were identifying the various land use categories that appear on the SRA master plan, the color plan. It was hard to pick up to show them, because if you study that, you're going to find that the town plan that's before you doesn't look exactly like what has been built. That plan was like many of the PUD master plans you see. They're conceptual. This plan is going to take 20 years to evolve into the city it's designed to be.

And when they laid this out in the early 2000s that this -- how this would look. But as you can compare it on an aerial, it doesn't look exactly like that.

COMMISSIONER ROMAN: What is the difference in the size with the area referred to as town center that's adjacent to Oil Well Road from the master plan to the proposal that you have there at the bottom?

MR. ARNOLD: A little over 150 acres.

COMMISSIONER ROMAN: Increase?

MR. ARNOLD: Yes.

COMMISSIONER ROMAN: Okay.

COMMISSIONER EBERT: I have another question.

So this, where you're taking -- are you taking part of the golf course out?

MR. ARNOLD: There is no golf course there. I mean, on the proposed master plan that was laid out to be future residential golf and --

COMMISSIONER EBERT: Oh. So there is no golf course where you --

MR. ARNOLD: No, ma'am.

COMMISSIONER EBERT: Okay. Because in the original -- you know, in the one afterwards, I'm thinking, wow, you're cutting off all this, so --

MR. ARNOLD: Yeah. And none of that exists in reality; none of that has been planned or built.

COMMISSIONER EBERT: Built yet.

MR. ARNOLD: I mean, it's not even planned. Those conceptual exhibits that you see that are the town plan you have in front of you, I mean, those were established as a conceptual future development plan, and that's why we're here trying to modify that plan so we can implement the Town Center 2 area there.

COMMISSIONER EBERT: Okay.

COMMISSIONER HOMIAK: Anybody? Mark, I'm sure you have another question.

CHAIRMAN STRAIN: Me? Oh, yeah.

Wayne, the economic assessment report that is part of the overall package, why was that not updated?

MR. ARNOLD: I think the easy answer is we addressed the insertion of the 600,000 square feet and amended that rather than go back and remodel everything. I know that --

CHAIRMAN STRAIN: Well, you didn't remodel everything. You produced a whole new FIAM.

MR. ARNOLD: Right.

CHAIRMAN STRAIN: Okay. So why wouldn't you update the economic assessment report then?

MR. ARNOLD: I think, in working with staff, we thought that it was only essential to address the 600,000 square feet addition of the industrial warehousing land.

CHAIRMAN STRAIN: Well, I've got a question.

Ray, could you put the one that says September 3rd of 2014 on the overhead. I received this last night from Russ.

MR. WEYER: And, Mr. Strain, Chairman Strain, Russ Weyer for the record. I can answer that. I haven't had a chance to update the actual part of the report, because I did get it to you last night. And when I pulled it, the last column was the one that was out of whack, so I haven't had a chance to update the report itself, which I will have for you in the next couple of days.

CHAIRMAN STRAIN: Okay. So -- but, Russ, this is what you sent me last night. Your capital net impact after five years is a negative million four. After 10 years, a negative million three, seven. Buildout, it's negative six, eight. Then you go down, PV of capital impacts for schools is various -- positive and then it turns negative, or is that negative from the get-go? I can't -- it looks like it's two years -- after 20 years it starts turning negative.

Now, that's what I got from you last night.

Ray, could you put the other one on the overhead?

Remember those numbers, they're mostly negative, or they're small. Net capital impact, from the previous version of the FIAM, you're looking at 10 million and 3 million, 10 million total, and then down at the bottom at the school it's all positive. These are big swings that you're talking about in the way your numbers have come out, Russ, and I only was able to pull up and do the two summary pages. This is actually called a results page on the old FIAM and a summary page on the new one.

Now, your pages are different, your tabs are different, and that document has completely radically changed, which is problematic because every time you go to use the thing, it seems to change. It's not a good document, but at least it gives you a knowledge that everything was included in the analysis. And if it was, these changes are huge. And can you explain?

MR. WEYER: At the moment, Mr. Strain, I can't. I'll have to compare the two of them to see why.

CHAIRMAN STRAIN: Okay.

MR. WEYER: And so I will have that answer for you.

CHAIRMAN STRAIN: Okay. By the next meeting? Because --

MR. WEYER: I'll have it before the next meeting.

CHAIRMAN STRAIN: -- if these swings could happen with this change after 10 years, which should have produced a series of most likely a pattern of development and income and financial, I'm real concerned about what that's projecting out, not necessarily part of what we have to decide today, but it certainly produces a concern over how much more positive that 600,000 is if it's not making it better. It looks like it's worse.

MR. WEYER: We'll make sure they are -- first of all, make sure they're apples and apples. That's the key.

CHAIRMAN STRAIN: Okay. Well, that's why I copied these two pages. That's very -- that document doesn't have the same tabs you're using today now.

MR. WEYER: But both of them do have the 600,000 square feet in them.

CHAIRMAN STRAIN: Well, the original document from five years ago --

MR. WEYER: Well, not five years ago, that's correct.

CHAIRMAN STRAIN: Right. So that's what I'm saying. I'm trying to figure out what cost we have. See, when you took out the affordable housing and you put in the industrial, you're going to be an attractor for workers now. Not necessarily all of them are going to be housed within the project.

MR. WEYER: That is correct.

CHAIRMAN STRAIN: So I was looking into that document to see how you've addressed the additional traffic that's going to go on the road system, and then where was it coming from, how much of it was internal, because your internal capture rate, some people had thought, was based on the housing and -- the working housing. I was looking for those kind of things. I haven't had time to find those yet, but that's what I'll be looking at. So if you do some revisions, send them to me as soon as you can.

MR. WEYER: Absolutely, sir.

CHAIRMAN STRAIN: I'd appreciate it.

MR. WEYER: Absolutely.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: Big swings.

CHAIRMAN STRAIN: Wayne, I guess let's just start with the 320-page document, but we won't go through all 320 pages. I've -- during lunch break I went ahead and tried to remove everything that related to the things we're not discussing today, so we're down to what remains, and I will move through those --

COMMISSIONER EBERT: Tell us which page.

CHAIRMAN STRAIN: I'm going to go there right now.

COMMISSIONER EBERT: I know you are.

CHAIRMAN STRAIN: Okay. Let's go to -- on your Town Centers 2 and 3, it's on Page 80 of the town plan, I'm only -- this particular point is just something I wanted to point out to you as to why I'm asking you to look at the business park setbacks. If you notice, other retail and non-residential uses, light industrial, for example, fabrication, retail showrooms, and distribution, your front setback is zero feet, your minimum side setback is zero, your rear setback is zero, and your height is four.

So those are the concerns that I'm looking at when you are getting 600,000 square feet of industrial, so that's the type of standards we need to consider changing for that industrial area.

Page 98 is where you were going to leave in the spacing of the trees to go from 40 to 65 feet. And the language goes further to say, located anywhere along the lot frontage, or trees may be planted behind the sidewalk and within the adjacent lot as long as the tree does not exceed 20 feet from the back of curb.

My concern there is we've gone in a different direction with trees as far as how we're looking at them and the shade they provide to the walking public. I understand that your concern is they don't fall where you want them to. Do you have an example of that? I mean, can you show us what the problem is that is so -- that is necessary to take that much of a distance change?

MR. ARNOLD: Well, I think part of it was related to the root barrier discussion that we had had with staff back and forth over the course of the review of this project. And many of the street trees were actually built between back of curb and sidewalk.

We were talking about moving them to the opposite side of the sidewalk in some cases so that they still provided the shade for the side-walkers.

CHAIRMAN STRAIN: The back of curb to sidewalk is a detail that's not only in the Land Development Code but also in your SRA. So if you're going to change something like that, you're going to have to look at your details, too. And I don't remember you recall seeing a change in any of the details.

MR. ARNOLD: No.

CHAIRMAN STRAIN: Okay. But why is the 65-foot spacing necessary?

MR. ARNOLD: Some of the lots are going to be larger, some are going to be smaller. And the 65 feet on average would allow us to deal with potential underground utility impacts. A lot of those come down common lot lines, and you tie in. So the spacing, the maximum average would be 65 feet.

CHAIRMAN STRAIN: Well, why don't you just put a tree in the middle of every lot, and then where you have 40 feet and you've got two trees in one lot, what's wrong with that? A little bit more landscaping won't hurt, or is that problematic?

MR. ARNOLD: One tree per lot; is that the --

CHAIRMAN STRAIN: No. I'm saying, if you've got smaller lots and you want to -- and you want to go to 65-foot spacing, why don't you just put them at least every lot? And then where you've got a lot bigger than 40 feet, put two on that lot. I mean, it's a big lot. Why wouldn't you want to do more? Is that the problem? I'm trying to understand the problem, and I'm not catching it, apparently, because minimum landscaping -- well, we require trees on lots, so I'm just wondering how --

MR. ARNOLD: I'm going to let David Hurst from Barron Collier Companies address that. He's been handling a lot of the root barrier discussions with staff.

CHAIRMAN STRAIN: So you're the problem.

MR. HURST: I am. For the record, David Hurst, Barron Collier Companies.

The street tree placement, if you look at the cross-sections in Ave Maria, there's a lot of flexibility in there between the back of curb and sidewalk. And what we ended up with in a lot of cases in some of the narrower right-of-ways is we would have a three- or four-foot strip between the back of sidewalk -- or the sidewalk and back of curb. And when you plant a tree in there, not only is it a root barrier issue, but it's also a clear-zone issue for vehicles. So that was why we wanted to move it back.

CHAIRMAN STRAIN: Okay.

MR. HURST: Okay.

CHAIRMAN STRAIN: Now, that part -- that makes sense. Okay.

MR. HURST: Okay. As far as the spacing between the trees, you know, essentially what we were trying to target was one tree per lot and allow the flexibility to not have them placed exactly 40 feet apart or exactly 60 feet apart, but they could be grouped together, you know. They could be moved around the lot to avoid driveways, because we'll draw up the plan and have a landscaper draw up a plan that will, you know, show the trees, and then the builder will come in and they'll put the driveway exactly where we didn't want them to, and then we have to move hydrants, and we've got trees that have to be moved and that sort of thing. So it was kind of -- the idea was just to allow some flexibility for those trees to move somewhere along the lot.

CHAIRMAN STRAIN: Well -- but, see, generally when we put a maximum like that, it doesn't become flexible. It becomes every 65 feet there's a tree, so you eliminate half the trees. And that, I don't think, is a good idea.

MR. HURST: Yeah. I don't think that -- well, I know that wasn't our intent.

CHAIRMAN STRAIN: If there's a way that you could reword it to provide some flexibility, but to say that they're going to be spaced at 65 on center means every tree will be 65 feet on center, and you've wiped out nearly half -- you know, nearly half of your trees.

MR. HURST: Yeah. And actually, I did think that language was there. But average 40; 65 maximum.

CHAIRMAN STRAIN: Well, now it says average of 65 feet. You crossed out the word "forty."

MR. HURST: Maximum average of 65 feet, correct?

CHAIRMAN STRAIN: The street trees shall occur at a maximum spacing on average of 65 feet. Not 40; 65.

MR. HURST: That's a maximum average, and I think what we're saying now is -- well, what we're trying to say --

CHAIRMAN STRAIN: You go to 75 and 55. How does that help us? Right?

MR. HURST: No, no, no. That's not what I was saying. I think what we're trying to do here is say, particularly at this point, we'll do a minimum of 40 and a maximum of 65. An average of 40, I guess, is what we're trying -- yeah, an average of 40 with allowing some flexibility in there for a maximum of 65.

CHAIRMAN STRAIN: Could you provide a graphic by the next meeting?

MR. HURST: Sure.

CHAIRMAN STRAIN: Show us the kind of complications you're getting into. And then if that seems to work out, we can -- that will help us understand what kind of flexibility you're looking for.

MR. HURST: Okay.

CHAIRMAN STRAIN: That would be helpful.

COMMISSIONER CHRZANOWSKI: I don't think mathematically a minimum of 40, a maximum of 65, and an average of 40 is going to work.

MR. HURST: Well, I don't think it would be --

COMMISSIONER CHRZANOWSKI: Okay.

MR. HURST: -- a minimum of 40, but we'd try and target an average --

COMMISSIONER CHRZANOWSKI: Average of 40, maximum of 65? Good.

MR. HURST: I think that's how we would do it.

COMMISSIONER CHRZANOWSKI: Sorry, Dave.

MR. HURST: Yeah, I was going two different directions here.

CHAIRMAN STRAIN: Leave it to Stan. He's the engineer, so -- thank you.

MR. HURST: Thank you.

CHAIRMAN STRAIN: On your zero lot line, you're going to add the window issue somewhere, and we're dropping the residential accessory unit to 650. But you asked about the 7-foot fence.

Wayne, if the -- I believe six foot is the maximum in the LDC. And if you need 7, I'm not saying it's the wrong thing to ask for, but we're -- okay. What do you have, Richard? He's smiling, so -- he smiles only when he thinks he's got me somehow, so --

MR. ARNOLD: I'm going to let Mr. Yovanovich put up an exhibit from the document.

MR. YOVANOVICH: I've got a 50/50 chance. Yes, this is existing language, Mr. Strain, from the plan.

CHAIRMAN STRAIN: Yeah.

MR. YOVANOVICH: And it's dealing with the small single-family homes, and if you'll notice that that already provides for the 7-foot privacy wall on the --

CHAIRMAN STRAIN: Oh, Richard, you know what I'm going to say now, don't you? You want to hear what I'm going to say?

MR. YOVANOVICH: I do. I want to hear you say it out loud.

CHAIRMAN STRAIN: Oh, okay. An attorney that comes here quite frequently says that every time something new's pointed out or he makes a correction, he says, I reserve the right to get smarter, and so do I.

MR. YOVANOVICH: But, Mr. Strain, what I'm saying is, it's already been an accepted standard in the -- for this development. What is wrong with carrying forward that standard? Your concern was not with the height of the privacy wall. It was with asking whether or not we needed to ask for a deviation, I think.

CHAIRMAN STRAIN: Correct. And I think what we'll do between now and next meeting, I'll get with the county attorney and make sure that, because it's here before, if there's an issue or not I'll find out, and we'll get back with you.

MR. YOVANOVICH: And, again, if it's a problem, we'll go down to the six feet, but I'm just saying that it's already been an accepted standard. That's all I was trying to point out.

CHAIRMAN STRAIN: I'm just crossing T's and dotting I's, Rich.

COMMISSIONER EBERT: Minimum front yard?

CHAIRMAN STRAIN: That's 23 feet.

COMMISSIONER EBERT: No, it's 20.

CHAIRMAN STRAIN: No. Look at the footnote under the table. If you go back to the development standards table, there's a footnote that says all areas within --

COMMISSIONER EBERT: They changed it.

COMMISSIONER ROMAN: And what page are you on?

CHAIRMAN STRAIN: Well, that -- we're talking zero lot line on Page 1 -- hang on a second -- Page 119A. But there is a development standards table that answers Diane's question. Diane was questioning the 20-foot setback. Well, the development standards table on Page 100 says the following: A 23-foot setback shall be maintained from the back of sidewalk to front-loaded garages throughout the neighborhood general district, so that would include zero lot line.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. So that covers it all. And that's --

COMMISSIONER EBERT: Why is this here, Mark? Mark, I'm on Page 119. It says 20-foot right here.

CHAIRMAN STRAIN: Right. In each one of these it will say whatever they're -- go to the table on Page 100. Okay. If you notice the front on all of them, they're not 23 feet because it's covered by that general statement there.

COMMISSIONER EBERT: Okay. Because that's our standard is 23.

CHAIRMAN STRAIN: Right. Does that work?

COMMISSIONER EBERT: It does.

CHAIRMAN STRAIN: Good.

We can turn to the staff report now, unless anybody else has any questions from the new town plan.

And there's not much here. Does anybody have any questions from the staff report?

(No response.)

CHAIRMAN STRAIN: Kay, Page 3, the last sentence of the paragraph that's on the top says, these light industrial and warehouse uses are already permitted in the SRA, but this square footage is newly being added. Then if you look at the first sentence of the next row it says, the proposed amendment changes the approved uses and it increases the approved use intensity. It's not adding approved uses; they're just increasing the square footage, right?

MS. DESELEM: That's correct, except for the zero lot line units. That's the only use that's actually changing.

CHAIRMAN STRAIN: Okay. When it referred to light industrial up above, I was worried that we were carrying it over.

Page 5 of the staff report it talks about a transfer of ownership for permanent count stations within 90 days. That hasn't been done yet, so at some point we need to know how that's being addressed before the next meeting, and I'm sure John's back there listening, so we'll get that figured out.

And that's the only questions I had from the staff report. Does anybody else have any others?

COMMISSIONER EBERT: I'm sure -- John, will you have that internal next time when we come back, internal capture?

MR. PODCZERWINSKY: I'm sorry. Could you refresh for my memory what you were looking for with the internal capture specifically?

COMMISSIONER EBERT: The internal capture rate as to how much with the people that live in the community and how much stays in the community.

MR. PODCZERWINSKY: Currently? Yeah, we don't study that currently. We only have what came on the original traffic study that was given to us years ago.

COMMISSIONER EBERT: Okay. Could you bring those figures next time you come back?

MR. PODCZERWINSKY: Those figures are actually in the current traffic study that Norm has turned in, and he's -- and, additionally, there's another figure that's applied that's lesser than that to the additional 600,000 square feet.

Norm, would you like to detail?

MR. TREBILCOCK: Sure, yes.

Hi, for the record, Norm Trebilcock. I prepared the traffic study for the project. And so the current internal capture rate in the community is in the 60 percent range overall for the community, all the existing uses, across the board.

COMMISSIONER EBERT: Okay. And will that change with the new addition of the 600,000 square feet?

MR. TREBILCOCK: Well, actually, from a traffic standpoint, what we did in our analysis is conservatively used a lesser internal capture rate for it so we show and demonstrate a higher impact on the external road network to be conservative, but -- so that's what we used. We used 35 percent for the proposed additional square footage, again, just as a conservative approach, thinking that, you know, there may be some more internal uses going out there from surrounding areas, so -- but the overall for the community is 60 percent plus.

COMMISSIONER EBERT: Okay. Thank you.

MR. TREBILCOCK: You're welcome.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I had three or four items I read in some of the emails I want to make sure we answer. Zero lot line homes are on narrower lots than already exist. I didn't find any indication of your lot widths on that development standards table. Basically it's how much square footage is allowed per lot.

So I'm not sure how that question came up or how it was derived. Do you guys have any hint? Because I think you can make the lot widths anything you want based on the square footages that are allowed. So I don't know if a zero lot line would necessarily mean it's going to be narrower than any other.

MR. ARNOLD: I agree, Mr. Strain. And our exhibit demonstrates a 38-foot minimum, I believe, is

what that says for the Z lot.

CHAIRMAN STRAIN: Okay. I'm trying to make sure that the questions I've gotten in the emails from the residents, that we at least address them. Most -- some of them -- a lot of them had to do with the pathways and stuff.

There was a concern that they were getting new uses in industrial. You're not. It's basically the same industrial uses being rearranged, and you're just increasing the square footage. One lady or gentleman was concerned that the DRI provided an architectural review board, and by rescinding it, that goes away. That's not true. The DRI doesn't have anything to do with that.

And one -- I had one person, and maybe it was the same lady that talked today. She wanted to extend the process time for the residents to be more involved. Did you guys want to extend your process for a month or two or three, or did you have any inclinations in that regard?

MR. ARNOLD: No. I mean, we're comfortable with the process and the hearing schedule that we've established, and I can assure you it was in no way intended to try to avoid dealing with residents who were here seasonally. It's just the nature of the game. You don't know if one of these is going to take six months through the process or a year, and this just happens to be the hearing schedule we're on.

MS. DESELEM: If I may. For the record, Kay Deselem. It's unlikely that they'll be able to keep their 10/14 board date due to the continuance today, because that would make it extremely tight to try to get the information to the board.

CHAIRMAN STRAIN: I think Richard wants to respond to that.

MR. YOVANOVICH: I don't understand that since we would be having a --

CHAIRMAN STRAIN: Consent.

MR. YOVANOVICH: -- consent hearing anyway. So if you combine the consent with the changes, which clearly are not that large. I mean, we're talking about a buffer standard, and we've deleted a whole lot of what we're asking for. But, really, the buffer standard and an exhibit showing you why the spacing of the trees is important is all I really got from modifications to the document.

CHAIRMAN STRAIN: Well, you've got to go back and take out the strikethroughs.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Get us a new one there. We've got to have time. We may have new questions with the review of the FIAM. We've got to address the business park aspects of your industrial use request. Not just buffers. But you've got to look at that whole package that's in Creekside, like I asked.

MR. YOVANOVICH: I understand, but that's related to setbacks and buffers.

CHAIRMAN STRAIN: Setbacks and buffers. And then the tree spacing is another issue, and I believe those are the only things left on the table.

MR. YOVANOVICH: Yeah. I didn't think that that's something that would be so difficult to address that we would not have the ability to do both the consent and -- and I'm just saying, let's assume --

CHAIRMAN STRAIN: No, I don't have a problem with it as long as we don't get there in two weeks and find out that you guys have -- there's just a whole -- we're overwhelmed with problems.

MR. YOVANOVICH: I understand that, but I'm trying to understand it from a timing standpoint. If we were going to have a consent hearing anyway --

CHAIRMAN STRAIN: Well, I think we can be done in two weeks to move it forward, but that's -- I don't know how that works with staff.

MS. DESELEM: Ray and I were just checking the schedules for the board due dates, and the first review for the board is due to be loaded into the county system on the same date as the CCPC continuance hearing.

CHAIRMAN STRAIN: Well, we'll finish up in the morning. You can load it up in the afternoon.

COMMISSIONER EBERT: Can I ask a question? Rich, why are you in such a hurry?

MR. YOVANOVICH: Because we have plans to move forward with some of the development.

COMMISSIONER EBERT: And I understand that. But in reading through this, I also see that there's a lot of questions that you haven't -- when you -- with the different people, with traffic, with pathways -- and I understand pathways is off the table now, but you never completed it.

MR. YOVANOVICH: That's not true. We completed it. They didn't like our answer.

COMMISSIONER EBERT: Well -- so it's not completed.

MR. YOVANOVICH: No. Just because I don't agree with staff doesn't mean it's incomplete. We're allowed to respectfully disagree with your staff, and we do on the sidewalk issue and the pathway or the trail issue. That's off the table right now. That's the only item in here that I recall your staff is recommending denial on. Your staff is recommending approval on the relocation of the town center. Your staff is recommending approval on the increase of 600,000 square feet for industrial uses. Your staff has reviewed all the traffic impacts.

We are responding to comments from the community about buffer and setback, which we will do. But the only thing that you're defining as incomplete is a staff recommendation of denial on changes to the pathway. Other than that, your staff was fully on board with what we're requesting.

COMMISSIONER EBERT: But still, the GMP portion was not still -- was not quite complete. And that -- you know, we pay the staff good money. It is -- it's very important for you to understand -- because you no longer work for the county. And so -- and I know you know the process -- and when you worked here -- was important. It's that they're not quite done, and they would --

MR. YOVANOVICH: That's not true. They don't agree. They are done. There is nothing in that staff report that is an incomplete conclusion. They've made their recommendation to you regarding each of our --

COMMISSIONER EBERT: And so you're going forward anyway?

CHAIRMAN STRAIN: Well, why don't you ask Kay. Is your report complete?

MS. DESELEM: To the best of my knowledge, our report is complete.

And Rich is right, many times we don't always agree, and the applicant's entitled to go to hearing and have a board like yours and Board of County Commissioners make the ultimate decision. And the staff report reflects that we do not support their sidewalks, and so then it takes a burden off of us and puts it on you and the board.

CHAIRMAN STRAIN: But right now, the only things remaining are the 600,000, the relocation of the town center, the tree spacing, and the zero lot line, which is basically the four main items. Staff's in agreement on those or disagreement on those?

MS. DESELEM: We are in agreement on those.

CHAIRMAN STRAIN: With the applicant?

MS. DESELEM: Yes.

COMMISSIONER ROMAN: I have a question, Kay. I seem to recall -- and forgive me for not remembering the subject, but there's been a lot of material regarding this -- an email that was sent out to us regarding something that you did not have enough time to review and would not be a part of this document. There was an email. I don't remember the subject. Maybe you do, Mr. Chairman. But I remember Kay telling us that it would not be reviewed for this meeting.

Do you have it, Diane?

MR. YOVANOVICH: I do, I do. It was regarding a change in the architectural review.

CHAIRMAN STRAIN: Oh, that one. Yeah, I'm sorry. That was never scheduled, and they were trying to add it on, and it just couldn't get done.

COMMISSIONER ROMAN: Okay. Thank you.

CHAIRMAN STRAIN: Then, Kay, let's go back to the timing. Originally the Planning Commission was supposed to hear it today and, theoretically, if we had finished it today, it would have come back on consent in two weeks. Under that premise, it was still going to go to the board in October. What's changed that situation?

MS. DESELEM: Normally when we go to consent we have a pretty finalized document, and everything else can be loaded. And if there's any other changes, they're usually very minor in nature. But at this point, until we get through with the hearing on the 18th, we don't know what we have.

CHAIRMAN STRAIN: Okay. If a document is produced for the 18th and there's very few, if any, changes from us or the public in regards to the reaction to the document, does that make it any easier for you?

MS. DESELEM: Yes, and I can go to my boss's boss's boss and ask for dispensation to, perhaps, have a few extra days, and he's pretty reasonable about things like that, and I can try to do that in order to try

to accommodate them, but I just want him to know, if there's a lot of issues that come up and get left hanging, we might have an issue with a board date. I'll do everything I can to keep it.

CHAIRMAN STRAIN: If we have an opportunity to get some good standards put in the industrial area because of this change and we -- I mean, the relocation from one area of the project to another on another frontage of another road, especially when it's six lanes, but if it's properly buffered and it's got the setbacks, that's an advantage, not a disadvantage, based on the way the language reads now, because there's nothing required right now. The zero lot line homes are typical in any development. I mean, that's just -- that seems like a non-issue.

I think there's going to be a disagreement, or maybe we'll see how they address the tree spacing, but the way it's written right now doesn't appear to be too acceptable. But that's the extent of what they should be submitting. And with the pages that come back to us for changes without all the root barrier on them, which was on every single practical page that they had applied for so far, is going to cut the page numbers down by a half or two-thirds.

MS. DESELEM: That's a good point. And, you know, we'll consider that.

CHAIRMAN STRAIN: Okay.

MS. DESELEM: It's a possibility, but I did want to mention that there was also the possibility that it couldn't go forward.

CHAIRMAN STRAIN: Well -- and I mention, too, that's there's no guarantee that we're going to do consent the same day. So I guess that puts the onus on the applicant to work real hard to make sure it's all coordinated well. Sometimes that brings out the better in people.

But if there's any -- now we've -- is there any other questions of the applicant before we go?

Is there a staff report on this SRA, Kay, other than what we've already talked about?

MS. DESELEM: At this point we've gone through most of the issues that were raised in the staff report. It is a document dated, last revised, 8/13 that has been discussed both by Rich and with questions from the Planning Commission.

We are recommending that this be approved as noted up to this date with the issues that are being moved, to something else being removed in that the sidewalks and the root barriers will not be discussed and aren't addressed as they were here, but we're removing that.

CHAIRMAN STRAIN: Okay. Thank you.

Anybody else have questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. We'll move to public speakers. Ray, are there any registered public speakers to start with? And then we'll go to nonregistered.

MR. BELLOWS: Just the two from earlier this morning where they weren't here then. John McCann?

CHAIRMAN STRAIN: Sir, if you want to come up and use the microphone.

MR. McCANN: If I could just hand up to you photographs I took yesterday that I want to refer to later.

CHAIRMAN STRAIN: You just have one copy?

MR. McCANN: Six.

CHAIRMAN STRAIN: Okay, okay. You guys get to share, because I've got to give this one to Terri.

MR. McCANN: Good afternoon, and thank you for giving us the time to comment. My name is John McCann. I've lived at Del Webb since 2008. And I would like to speak in opposition to the industrial park, which is the only topic I'd like to speak to. I have three points.

In the first place, there's no justification in my mind for this application. There are existing industrial areas in Ave Maria which are owned by developer and which are sited exactly where developer decided to put them when the SRA was adopted. But developer has decided he can make more money if he created an additional industrial park and put it in the golf community, and at a later date he's come back and ask that just a little bit more be added back to the other two parks which have been kept in place. They are still -- they're going to remain there.

So it's possible that at another date you may be faced with an application based on the fact that this little piece we left over really isn't adequate. We'd like to enlarge it.

Now, although the county staff requested in March, as I understand it, when most residents were still there that there be a neighborhood information meeting, developer refused to do that, notwithstanding the fact that we hear this morning that they really would like to keep people informed.

After the notice of meeting was mailed, which is with all deference to the, I'm sure, legal propriety of that notice, it really is opaque, and the neighborhood -- the master office was bombarded with questions about what's this all about? We don't understand it. That was when they set up on very short notice this so-called informational meeting, which many people couldn't attend, myself included.

Finally, on Labor Day weekend I received a copy of a form letter from developer. It says nothing about this area having been designated as residential, only that "Collier County currently lacks business parks, and we are responding to that need." I find it rather incredible that, given the Collier Land Holdings, these are the only 155 acres they could pick to respond to that need.

This is a case, I would submit, not of need but of greed. The industrial parks will generate more revenue than -- three will generate more revenue than two, but developer's desire to maximize profits cannot be the driving force behind this project.

Second point, the industrial park just doesn't belong in a residential community. The land in question was described to the County Commissioners and to residents who purchased as being part of a residential golf course community.

When I purchased, I'm sure it's true of every person in that golf course community, the notion that the nine holes of golf and the homes that were on this area were conceptual is rather ridiculous. If somebody had told us that is the concept, we'd be living somewhere else. So I think it's terribly inappropriate at this late date to say, it was really all just kind of an idea and we'd like to change it.

Now, putting aside whether developer's vague assurances are worth much, the fact is that the land in question is not future residential. Since the beginning it's been designated as residential. Indeed, I'm told that the Pulte officer in charge of the golf community said at a meeting last week that the area behind our amenity center, that is precisely the area north of Arthrex that's being talked about as vacant land, is going to be the next area in which it develops after it finishes the existing lots.

So this is a very present problem. It's not something that maybe is going to happen some day in the future.

Now, I would notice that, notwithstanding the SRA designation, developer seems to have convinced the staff and has liked to convince you that, really, this is just empty farmland, and they can do with it what they want. In fact, they seem to think this proceeding is just a formality, although neither this board nor the County Commission has approved this request.

Developer's AveMaria.com website describes what it calls the Arthrex Commerce Park. It states, and I quote, the first phase of the park is located on 57 acres and will eventually encompass 200 acres to accommodate future growth. Current zoning allows for a wide variety of office retail and clean industrial uses. The parks, with many parcels for a subdivision, can accommodate a wide range of businesses. That seems to me to be a bit presumptuous in what this board is going to do, but I leave it to you to decide that.

This application is merely an attempt to rush through a summertime approval when few residents are here and before it's even more obvious to everyone that an industrial park then will get plopped down in a residential community.

One final point -- well, actually, next to final. Developer's Labor Day letter says that increasing the town center to establish the industrial park, quote, makes sense for existing and future businesses which provide more convenient access to them. It says nothing about the residential at all.

Developer has carefully avoided any mention of the traffic impact of the convenient access being promised to clients of the industrial park.

They've attached their application, as you noted before, not the whole SRA, but only pages they want to change. A page they didn't attach is Page 153 which states, and I quote, the roadway layout for Ave Maria is designed to encourage commercial vehicle traffic through the commercial areas only. Care was taken in locating neighborhood commercial uses in appropriate areas to minimize disruptions to the residential

neighborhoods, and that is exactly the fact.

Present areas are located on Ave Maria Boulevard, direct shot from Oil Well, and on Camp Keais, which is on the outer boundary of the property.

When the Arthrex factory was built, what seemed to be an Arthrex driveway was paved, but then a new, very wide right-of-way was quietly cleared on adjacent land titled to Barron Collier Properties, and a two-lane compacted gravel road was constructed from Arthrex to Anthem Parkway. Anthem being the main road going through the golf community.

The gravel road has been used extensively by commercial vehicles looking for the shortest and most fuel-efficient road from Oil Well to town and beyond, at least until developer temporarily blocked it so that work on the second Arthrex building wouldn't be disturbed.

When the piles of dirt are removed, the proposed industrial park will feed directly into that road, increasing traffic, contrary to what the SRA mandates. And I would note in that regard, and hardly agree with counsel's comment at the beginning, that the -- one of the purposes of this whole development was to encourage traffic to move eastward. When you're in that industrial development, eastward is either out to Oil Well, around to Camp Keais up, or directly through the golf community on this new road.

If there's any question about developer's intended use of the right-of-way, I would like to share the photo I just gave to you. You'll notice in the photo -- I've got to steal one. The white line in the left corner of the photo, left lower corner, is the outside curb of a divider in what I will call the Arthrex road.

Up above that there is a little white circle, which is perfectly obviously the outside curb for a proposed median for what is going to be a four-lane road. And you can see down at the left side the existing road.

More interesting, on the right-hand side of the photo, you notice there are two curved -- curb ways, which appear to be entrances to the commerce park which hasn't been approved yet. There seems to be a very high confidence level on developer's part on this project.

Now, in addition to denying the application, the planning board should require that the new right-of-way leading to the golf community either be closed or permanently gated, because if traffic is going eastward, as we're told this developer was supposed to do, eastward is directly through the golf community.

Now, I went out yesterday to take this picture and, oddly enough, piles of dirt notwithstanding, a large pickup truck came barreling past me through the golf community and on towards the town. This is not a conceptual problem. It's a real problem.

Now, the fourth point, which I would not have thought was necessary, I think relates to what has been a certain amount of hiding the ball on this project. It obviously started sometime before March, because that's when the staff was notified. If they were interested in community input, they could have asked for it. They didn't. In fact, they rejected it.

Now, this morning I learn for the first time that one of the reasons for this was that Devco insisted it happen if they were going to take over what used to be the Middlebrook affordable housing project and turn it into market housing. That, apparently, was touched on at this meeting that was held, which I couldn't attend, and understandably so.

Most of the people at that meeting were people from what I call downtown, the Hampton and Maple Ridge areas. That was a matter of great interest to them. When it came time to talk to the Del Webb people, no one talked about the fact that we're doing this because Devco wants it. And, basically, you know, if they want it, we're going to have to get the land from somewhere else.

This morning I learned from somebody, possibly incorrectly but I can be corrected, that this particular Devco project is a joint venture between Barron Collier and Devco. So what this boils down to is Barron Collier, to persuade Devco to take over this Middlebrook land and develop it, agreed with them that they would take some of their industrial property and move it somewhere else, and the somewhere else happened to be in the golf course community right where, as you properly pointed out, on the original conceptual plan there was supposed to be homes and nine holes of golf, which presumably are gone.

Now, as for the buffer, I'm sure you have standards, but I would recommend to you a visit to the backside of the Arthrex building if you want to see what buffers look like. It's a 197,000-square-foot building, and on the rear side, which we see every single day, there are five palm trees planted on one end and

five palm trees planted on the other end, and in between is a concrete wall. That's not what any of us bargained for. If we had to pick our skyline, that would not have been it.

And I -- I just have no confidence that this so-called buffer is going to mean anything, especially if homes start being constructed down there.

So I would respectfully request that you deny the application, and whether or not you deny it, you stop that throughway that goes from Oil Well Road into the golf community.

Thank you.

CHAIRMAN STRAIN: Thank you. Is there another registered speaker, Ray?

MR. BELLOWS: The last speaker is Michael J. Duponis (phonetic).

UNIDENTIFIED SPEAKER: He's not here.

CHAIRMAN STRAIN: Okay. Anybody in the public that would like to speak on this item? Were you sworn in, sir.

MR. KLUCIK: No, I was not.

CHAIRMAN STRAIN: Okay. Could you raise your right hand and -- oh, two of you. Okay. (The speakers were duly sworn and indicated in the affirmative.)

MS. OSWALD: My name is Deborah Oswald. I live at 6184 Victory Drive in the Del Webb community out at Ave Maria. And I did not plan on speaking today, but I did want to kind of do a rebuttal to some of the things that I've heard since our prior speakers went ahead.

And if I could have the map put up, the before and after, that would be very helpful.

MS. DESELEM: These two?

MS. OSWALD: Yes.

COMMISSIONER ROMAN: I think one is upside down, Kay.

CHAIRMAN STRAIN: The one on the right is the before.

MR. BELLOWS: Right. It's not just Rich.

CHAIRMAN STRAIN: Yeah, the one on the right is the before, and the one on the left is after.

COMMISSIONER ROMAN: And, Kay, can you zoom out just a little bit so we can see both on the -- zoom out.

CHAIRMAN STRAIN: That's good.

MS. OSWALD: So what I would like to point out --

CHAIRMAN STRAIN: Ma'am, you'll have to use the walk-around mike. Once you go away from those mikes, everybody watching can't hear you.

MS. OSWALD: Can you hear me now?

CHAIRMAN STRAIN: No, it's not on yet. We'll get there.

MS. OSWALD: How's that?

CHAIRMAN STRAIN: That's better.

MS. OSWALD: Okay, great. What I would like to point out is that anyone who lives in Ave Maria to this date, when they purchased, if they were interested in seeing a map of the community, this is the worst-case map that they saw. Slow down?

CHAIRMAN STRAIN: Yeah. She's trying to type as fast as you talk.

MS. OSWALD: Okay. So this is the map that they would have seen, the worst case. We first were introduced to the community in the middle of 2012, so there may have been even a better map before then, but this was the map we saw. So anyone who has purchased anywhere in Ave Maria purchased on this map.

It was said earlier that there have been 552 homes sold in Ave Maria. I know that there are 282 that have been sold in Del Webb, so that means over 50 percent of the homes sold are in the Del Webb communities.

Del Webb is located here. This would be, for instance, where the people from Plymouth talked this morning. Also down here, this is Victory, and that's where I live. There's also another community Bellera, which was not originally Del Webb but is now part of Del Webb.

So we are located all in this area. And in the maps that we saw, yes, there was an extension of our current 18-hole golf course to a 27-hole golf course down here.

Now, at the same time, there was this other area up here, this other commercial industrial area;

however, there are really no homes located up in that area. The homes that we're talking about with the CC Devco -- and you can correct me if I'm wrong because I'm not that familiar with their development, but they would be right in this area. So they're closer, but they're not right up there.

And also it was pointed out earlier today that the average price of a home in Ave Maria is 180- to 320,000. And I can assure you from personal experience that a majority of the homes on Plymouth and certainly Victory are running around \$450,000.

And now there is an extension of Victory out to this section here, and I know from personal experience, because we are buying a bigger better one -- they now allow two stories, and our new home is going to be about 550,000.

So what they're doing is at the request of CC Devco and Barron Collier, they're moving an industrial area that is sort of close to their new development down here to an area that's already development and has the more expensive homes, and this is certainly going to impact the value of our property. It's going to impact the willingness of other people to move into our area.

And the one other -- I did also want to make a comment with the Anthem Parkway. The original plans for Anthem Parkway is that it was going to connect down here someplace. It has now been moved over to the Arthrex. And not only is it used to by construction traffic, but UPS uses it, FedEx uses it, and what I call the infamous midnight dumpster divers who come through and check all the construction dumpsters every night to see what they can steal from it. And I know that. I live on the south side of Victory. I have a great view of that. I'm out on the lanai usually from, like, 10 to midnight, and I can see them come through constantly.

Are there any questions about --

CHAIRMAN STRAIN: Yes. You had said earlier that they were going to have your golf -- I think you said my golf course in that area. We were told in a previous -- this morning that that area was owned by Barron Collier. So how did that -- how did it -- how was it construed to be your golf course?

MS. OSWALD: Because it was shown -- and this is my understanding -- that right now Del Webb is committed to be a 2,000 home community, and they have an existing 18-hole golf course. And there is a possibility of Del Webb extending it to a 4,000-home community, in which they then would build an additional nine holes onto the golf course.

And I don't have any of it here. I don't know if -- many of the people from my community are gone, but the map that we received from Del Webb when we purchased had that down there with the proposed homes and the proposed golf course.

In fact, I do have one. It cuts it off. Maybe we can put this on.

COMMISSIONER ROMAN: And can you point to the area on that map, too.

MS. OSWALD: Sure. Okay. So this is the area where it was, and this was the addition to Del Webb, and the next nine holes of the golf course were extending into this area from Arthrex over to Ave Maria Boulevard.

CHAIRMAN STRAIN: Well -- but, apparently -- well, I guess we can check the records ourselves when we leave here today, but the -- Barron Collier, we were told, still owns that property, so Del Webb never purchased it.

MS. OSWALD: That is correct.

CHAIRMAN STRAIN: So Del Webb was telling you something they couldn't do.

MS. OSWALD: Well, they were telling us what their options were. They're committed to the 2,000 with the option to go to 4,000.

CHAIRMAN STRAIN: Okay. You knew it was an option as well?

MS. OSWALD: Yes.

CHAIRMAN STRAIN: Thank you. I was worried it was a commitment that you had relied upon, but I understand now.

MS. OSWALD: No.

CHAIRMAN STRAIN: Thank you. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Thank you, ma'am.

Sir? You can use either mike. It's up to you.

MR. KLUCIK: Thank you. My name is Robert Klucik, for the record, and I live in Ave Maria. I live in Hamilton Village right along Ave Maria Boulevard right as you just approach the center of town. And I've lived there since 2007. I was one of the first homebuyers and residents.

I've known about it and followed the project since 2003 when they first announced -- Ave Maria College first announced ideas about moving to Naples. And followed it closely ever since. And I was one of the first folks, as I said, to move to the area.

I located my own law practice in downtown, downtown Ave Maria, right on the circle. I have a small law practice in which real estate is part of that practice. So I'm very familiar with a lot of the peculiarities and, you know, particularities about Ave Maria. And there's a lot of layers of everything there that are very interesting and very hard to sort through, but I think I've sorted through them. I do want to hand you some of what I'm going to read.

CHAIRMAN STRAIN: Is that the letter that you sent out? Because we got copies of that by a lady that brought it up in an envelope and asked us to pass it out on your behalf.

MR. KLUCIK: Okay, great.

CHAIRMAN STRAIN: Were you here this morning?

MR. KLUCIK: No.

CHAIRMAN STRAIN: Well, let me clarify some things so maybe it will help --

MR. KLUCIK: No, I watched, I watched, so I'm very familiar with what happened.

CHAIRMAN STRAIN: You know what was withdrawn as far as the issues go?

MR. KLUCIK: Yes, I realize what has happened and what has been taken off the table, et cetera.

So what I want to talk about initially is -- well, I also want to just say that I have a lot of family who lives there. My parents have moved there. My brother-in-laws have moved there. And, you know, I'm kind of the guy that people come to when these issues come up. They say, Rob, Rob, what can we do? So I hear about all of these issues.

And to be honest with you, my position has always been, there is no better developer that we could have, and you need to -- you know, you need to trust them because they're really good at this. That's always my default position.

So I come very reluctantly to speak out so boldly but, nevertheless, you see that I am speaking out rather boldly. This is the first time that I have felt that the priorities -- and they're justifiable priorities, and their interests are very different from the residents and homeowners at this point on these particular issues, and that's why I'm speaking out and trying to raise what I think are the concerns.

I will reiterate because it's actually -- it's very frustrating that we would have anyone from Ave Maria Development come up here and represent that they want to keep us informed as residents, especially given the March letter that was sent in which you very, very specifically said, hey, why don't you have a NIM. And I don't really understand why you wouldn't have one, and then when you had one, you didn't really have a NIM, but you had a last-minute --

CHAIRMAN STRAIN: You'll have to direct your discussion to us.

MR. KLUCIK: Right, right. They, I say. I used the wrong pronoun.

So in any event, the idea -- the representations at this point are very -- they lack credibility that they want to keep us informed. And I think that -- the fact that we didn't see the proposal that -- the strikethrough document or the new document, the new SRA as it would be after their changes that they're petitioning for, the fact that you didn't even see it -- from what I understand, you didn't even get it until yesterday. The public has not had a chance to understand any of this. So the fact that we're going to have two weeks and we're all going to make a decision on this, or you're going to make a recommendation on this, I strongly urge against that, because the public doesn't understand what's happening, especially in light of now, today, the very last-minute, oh, we're deleting that, we're deleting this. These are the only things on the table right now.

So you don't have people that have any idea what's happening in their neighborhood. And these are not minor changes. These are huge changes.

The SRA does not talk about some small details that really don't matter. The SRA is pervasively filled over and over again with fairyland language. I mean -- sorry to spit -- with fairy language about how

wonderful, bucolic, parklike, you know, paradise that it will be. That is throughout. You would have to have -- I'm dying to see the language in the proposed document because, to me, you would have to alter all of those bucolic scenes that are in the code. They're not sales brochures. Unfortunately, the code itself has adopted the sales brochure language.

And I don't think most of this -- you know, the zero lot lines, I think, is the one thing that, after talking with you, Mr. Strain, I realize that's not an issue where, you know, there's much to say about it.

But on the other issues, and maybe the root barriers -- I don't know anything about root barriers. But on all the other issues, I think that it violates the very spirit of all of the planning documents. The Land Development Code, it's not just a spirit. These are priorities of the county, these are goals of the county, and these are actually requirements that the county has in the FLUE and the RLSA, and the SRA tried to make sure that it adopted those, and it makes those things reality in Ave Maria.

I did want to ask one question, which I don't think has really been answered, and perhaps now's not the time to give an answer, but you mentioned repeatedly in the last few -- in the last half hour, there was discussion about the -- not the town centers, but the neighborhood centers, which theoretically there could be in Hamilton Village we'll say, where I live, there could be some sort of commercial -- very light commercial activity.

CHAIRMAN STRAIN: That's correct, yes.

MR. KLUCIK: Now, no one has ever seen any proposals for any of that. I suppose maybe they just proposed a community center, an amenity center for Maple Ridge that might be -- theoretically fall into that, but I don't know. So I don't really see that any of that is happening, but that's just a question that's out there. So that's very confusing.

I certainly know what a town center is, and I'm actually going to be very specific about that. I'm going to be reading from Paragraph 11, if you'd like to follow along. The proposed relocation of the town center acreage appears to violate the design criteria that are in the RLSA, 4.08.07, and the Subsection is J.2.A.VII.

The proposed use, what the petitioner's asking for, it lacks a progressive transition from industrial zone incrementally down to residential zone, and it lacks a plan to otherwise substantially buffer the sudden transition from industrial to residential.

We have now a commitment to talk about it. That's what we have right now from AMD. We have a commitment to talk about a potential buffer.

CHAIRMAN STRAIN: This board's got a requirement to bring something back --

MR. KLUCIK: Right, right, but I'm just saying they'll never --

CHAIRMAN STRAIN: It will be brought back, or they'll have to risk a denial based on that item alone.

MR. KLUCIK: Right. And I would suggest that it would be unfair and actually absolutely against what your ideals are and your goals are as a Planning Commission to make an assessment, to make a recommendation in two weeks given the lack of time and the fact that they haven't put that forward. We have no idea what that commitment will be. We might not know what that commitment is until the meeting, so we will have no ability to give any analysis at all to you and, you know, and our government about what our concerns are and whether or not the concerns we have have been met.

And it isn't just concerns that we have. All of the points that I'm making -- and I want to point that out -- all the points that I'm making are based on the documents that are the Land Development Code. I'm not making any points about, I don't like this. I know all about that. There are a lot of things I like and don't like. And, again, I counsel my clients and my friends and my neighbors to be careful; you know, keep everything in the right lane, and that's what I'm trying to do today.

So back to my point about the town center. This change, first of all, it has a huge impact on the entire community, given that it will be located -- it's an industrial park. Let's not kid around with other names. That's what this is. It's a light industrial park, but it's an industrial park, and all you have to do is look at the Arthrex building, and it's clear that that's what it is.

So that is -- first of all, it changes the characteristic of the town right at the very entrance. What was supposed to be a golf course and a residential community has now been re-slotted as a light industrial park

with rather large buildings, with huge buildings, actually, with large faces, without any buffering because, oh, that's right, there's no buffering required, except there is buffering required. And I'll get to that point. I'll make that point and show you why there is buffering required.

So what's supposed to be a naturally beautiful park-like community will now have this industrial park. The current SRA requires smaller areas. So these town centers -- that's why I wanted to talk about the neighborhood centers. The town centers, not the neighborhood centers, the town centers -- and this is according to the RLSA, I believe, and then the SRA adopted that principle -- it requires smaller areas for commercial and light industrial use that are interspersed throughout the community, and they're supposed to be not buffers, but they're supposed to be natural transitions so that they blend in.

And I defy any of you to say that you think that Arthrex blends in or the use that's proposed blends in with the golf course residential community next door. It does not. And that is -- the RLSA says a town center, quote, a defining context zone that is intended to provide a wide range of uses, including daily goods and services.

I don't think they're proposing a daily goods and services park. Although, you could build daily goods and services there. There might be some of that. But that's obviously not their focus.

Culture and entertainment. I would be really surprised if culture and entertainment are built right there in that new area that they're proposing. And residential uses within a town.

It's an extension of the town core. And the town core has a nice bank building. It has shops with condos above. It has a large church, which perhaps you've all -- you know, are familiar with. It is not an industrial area. It's a commercial area, but it's rather lovely. What they're proposing is not an extension of the town center -- excuse me -- of the town core.

And it says that it would be an extension of the town core; however, the intensity is less. That is the town center, what we're talking about, it's supposed to serve -- it must, actually, serve as a transition to surrounding neighborhoods. I really, again, defy anyone to credibly claim that that would somehow serve that function.

And that brings up two issues, that this really isn't -- they're not actually asking for more town center. They're asking for something totally different, because it really won't meet the definition of town center, and it also is not -- it doesn't serve a residential community in any way as the RLSA requires.

Subsection J.2.A.X requires that a town shall include a minimum of three context zones, town core, town center, and neighborhood general, each of which shall blend into the other -- shall blend into the other without the requirement of buffers. There are -- there's no blending in in what's been proposed, none. This is in your face, huge industrial, light industrial area, sudden stepdown. Sudden stepdown to very wonderful, lovely, parklike neighborhood, golf course residential.

So I would say right there we have a violation -- that's a violation of the RLSA. It does not -- what's proposed does not comport with the RLSA.

CHAIRMAN STRAIN: Mr. Klusik, I'd like, if you could, to try -- to wrap it up in a few more minutes.

MR. KLUCIK: Okay. Well, you had explained to me that as long as I was saying something that was novel or helpful, that -- and I think I am. It's certainly not helpful to the petitioners, but you had -- you did assure me that I wouldn't need to request a specific amount of time.

CHAIRMAN STRAIN: You've beat on the one issue most of the time you've discussed. If you have new issues, we're more than willing to hear it.

MR. KLUCIK: Right. Okay. Sure.

CHAIRMAN STRAIN: So let's move to those, if we could.

MR. KLUCIK: Got it. As to the street trees -- oh, I'll go back, I'm sorry, to the RLSA Item K.1.B. The transportation impact assessment -- and I might be wrong. Maybe the transportation study or the impact assessment that exists for this proposal, for this petition, does cover this.

But this is what the RLSA requires. The transportation impact assessment, in addition to considering the impacts on the highway system, shall also consider public transportation and bicycle and pedestrian issues to the extent possible -- or excuse me, to the extent applicable. And I don't think that that's happened, and I don't think that you should be making any decisions until we see how that impacts even -- even just for this

town center consideration, because that is also supposed to be a bucolic walker's paradise. The town center is supposed to be just as lovely and pedestrian friendly and charming as every other place.

And if you want to, you know, look at that you can go to my Paragraph 14 in which I -- it's almost embarrassing how sickly sweet the SRA, the land code, describes the pastoral nature -- you know, natural setting of Ave Maria and all the amazing, you know --

CHAIRMAN STRAIN: Well, I think that all of us had -- we finally did get the full document. And, by the way, we got the document on Friday, or Saturday morning of last week. What we didn't get till yesterday was the financial impact analysis model that addressed some of the issues you have here in regards to the traffic impacts and things like that.

Having just received that last night, that's one reason we're not making a decision today because we

--

MR. KLUCIK: Right. And we -- I checked the public website. None of that has been available.

CHAIRMAN STRAIN: Well, if you'd leave your -- Kay's got your email that you previously sent us

--

MR. KLUCIK: Right.

CHAIRMAN STRAIN: -- we can get you a copy of that so you can take a look at it as well.

MR. KLUCIK: Great. To the tree issue, the petitioner's requesting a greater than 50 percent reduction in the trees. I know you've already covered that. That's great. It seems as though you're committed to pressing the issue that it would be a 40-foot on average with the idea that there can be exceptions, in which the maximum distance would be 65 feet; is that correct?

CHAIRMAN STRAIN: Well, we're not committed to anything. We're waiting to see what they're going to come back to support their argument, and that's the benefit they should be allotted.

MR. KLUCIK: Great. And I wanted to point out that in addition, what I don't think was discussed is that also says -- the proposed language would make it so that the only requirement for trees would be when it's fronted on lots. So along the road where there's no lot, there would be no requirement for trees. There would be zero trees required. Again, that does not comport with the FLUE and the RLSA requirements that this be pedestrian friendly and facilitate the pedestrian traffic. That actually takes it backward a step.

I also, regarding the trees, it seems as though the real argument is that it's more expensive to continue to do what they've committed to do and what the code requires them to do, and it -- I hope that that's not how the decision is made.

I also would like to emphasize my hope that the new document that's adopted would require NIMs in the future, and I know that that was discussed, but I definitely endorse that idea.

There is another provision in the RLSA H.2.1 that the SRA must contain, quote, all proposed variations -- and this would also pertain to amendments to the SRA, because any amendments have to also follow what the original SRA requirements were. So when you propose an SRA, this is what you have to do. I'll propose variations or deviations from the requirements of the LDC have to be present, including justification and alternatives proposed. And I haven't seen the justifications other than this is what we'd like to do and we disagree with the staff, and I haven't seen alternatives in which they propose more creative ways to maybe comply or ways that are less sweeping and that afford them carte blanche in the future on all of these issues.

That's also one of the key points is that this is not a small change. The very character of the town has been established, and they established it when they wrote -- the petitioner wrote the SRA language and presented it. They established the character of this town. And am I being over the top? No. This is their language in the SRA now.

The rich agricultural heritage, environmental beauty, and rural character of Eastern Collier County influenced the character of Ave Maria. Pedestrian and bicycle movement is facilitated and encouraged through the design of a variety of paths and trails throughout the campus and town.

Pedestrian accessibility is encouraged through a chain of trails, continuous sidewalks, and jogging paths. And this goes on and on. And it doesn't just talk about residential areas and it doesn't just talk about the university areas and it doesn't just talk about the parks. That is all supposed to be present in these town centers. These town centers were not designed and have not been represented, and the RLSA does not

envision, that they be large light industrial complexes.

CHAIRMAN STRAIN: I think you need to get to -- we need to wrap it up here.

MR. KLUCIK: Yes. And thank you for your work on this as a -- our Planning Commission, and thank you for making yourself very available to us. And I've been very impressed with the assistance when I've contacted the county, the cooperative nature of everybody that I've dealt with. So thank you.

CHAIRMAN STRAIN: Well, if you've got an accounting background and you could look at the FIAM when you receive it, any help you could help us with understanding that document, we'd more than welcome it, so -- and we're going to be meeting on that in two weeks, so --

MR. KLUCIK: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. BELLOWS: And if you have additional information you want to share with the staff, just let us know or forward it to us.

MR. KLUCIK: Thank you.

CHAIRMAN STRAIN: Anybody else from the public wish to speak? Sir, you've already had an opportunity.

MR. McCANN: Might I have one minute on something that you said, sir?

CHAIRMAN STRAIN: One minute. Let's go.

MR. McCANN: Thirty seconds, actually. Two small items.

Everybody talks about light industry. When I visited Ms. Deselem, I said to her, that's all they're allowed is light industry? Her answer was, oh, no, they've refused to amend Exhibit C. They can do anything in that exhibit. I defy you to conclude that everything in that exhibit is a light industry practice, point one.

Second point, next 15 seconds. I understand counsel's desire to get this thing done, and I submit to you that this is not a narrow textbook exercise of putting square pegs in square holes and that sort of thing. This affects an entire community and its future.

And I strongly urge the planning board to tell petitioner that, A, you're going to postpone this for at least a month so that more people come back who are intimately and personally affected by this and, B, before they come back they have to have a disclosure document sent to the residents so people understand exactly what's going on and how it's affecting their lives.

CHAIRMAN STRAIN: Thank you, sir.

Sir, come on up.

MR. HENDERSON: Hello. My name is Daniel Henderson. I live at Ave Maria on Annunciation Boulevard. It's actually in the town core.

I had my hand up. I was sworn in earlier. But I think in the back you just didn't see me, so I didn't get my chance to speak.

I have been following this conversation. And one of the things that I find to be most important to me in understanding issues is what is actually put in writing. And I had the communication that I received from you-all that said that there was going to be -- pardon me. I'm from Texas. I always say that.

Anyway -- that there was going to be at this meeting, and there was very little information given about the specifics as to what was being proposed. I have a copy of information I received at the end of August from the Ave Maria Development, LLLP, which talks about what was going on.

They mentioned that four changes were going to be made. One was to relocate 142 acres, as you talked about. The second one was to create a specific land use designation for light manufacturing in the Ave Maria SRA.

Number 3 was to modify the current requirement for pedestrian walkways on low volume traffic roads and trail system, and No. 4 was to add new single-family attached Z lot. This is what they said the changes were going to be.

I just want to point out there's no mention in there whatsoever of trees. Other things that were actually -- as I learned over the course of the day that are being discussed were not really mentioned in the way it was discussed in here.

For example, they didn't really say they were going to be changing the pedestrian land map and trail

system in the specific ways which I think I heard about it today. I could be wrong, but I certainly didn't see it in here.

CHAIRMAN STRAIN: It got withdrawn. They're not doing that now, at least at this time. It could come back --

MR. HENDERSON: But this was the communication that we received at the time.

CHAIRMAN STRAIN: No. I'm just telling you --

MR. HENDERSON: No, I understand that was withdrawn. I actually came here to talk about sidewalks. I'm not going to talk about that. But I did want to make clear that I agree that if we're going to have a discussion, we need to have the communication so that we really know in the neighborhood what's going on because, otherwise, this is all we have. And it's not adequate disclosure for us to understand what was really being proposed.

And if they're going to come in with a new proposal in two weeks, we need to have time, and it needs to be in writing so that we know what's really being proposed; otherwise, we're just discussing things at the last minute, and I don't know how many times I can take off a day at work to come over here and listen and say, oh, okay, we changed it again. So they need to take the time to do it right and have disclosure, and it needs to be in writing so that we understand it.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. I appreciate it.

Okay. And I think that's the last speaker that we have. And with that, we'll move on to the Planning Commission. Anybody else have any questions or comments to anybody here?

(No response.)

CHAIRMAN STRAIN: Okay. Richard, we're not going to make a decision here today, as you know. So I think you need to request a continuance.

MR. YOVANOVICH: Can I make some comments --

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: -- based upon --

CHAIRMAN STRAIN: Go right ahead.

MR. YOVANOVICH: -- the public's comments, obviously.

CHAIRMAN STRAIN: You can have rebuttal. Yeah, that's fine. You have rebuttal.

MR. YOVANOVICH: A couple things I'm going to address, not everything, but Mr. Klusik, if I'm saying his name correctly, was trying to point to what the LDC says regarding the town, and particularly town centers. And some of the stuff that he highlighted for you I want to reiterate, because I want to say that we're exactly -- we're doing exactly what the LDC says. It says it shall include -- this is a town. It shall include a minimum of three context zones; town core, town center, and neighborhood general, each of which shall blend into the other without the requirements of buffers.

That's the current SRA master plan. As you'll see, each of the required three context zones exist without a requirement of a buffer. And you'll notice that you have three town centers with neighborhood general immediately adjacent to it. Those are large town centers. They're not small little neighborhood centers immediately adjacent to neighborhood centers -- I'm sorry, to neighborhood general.

The list of potential uses on every one of those town centers has been in the SRA document from day one. And if they've read those documents, they all know what could go on there without any buffers between a town center and an immediately adjacent residential development.

We are -- so, one, the existing master plan -- and I would submit to you, the proposed master plan still has the three context centers -- yeah, context zones -- without a buffer, totally consistent with the town criteria; however, we are proposing to make it better for Town Center 3 by including buffers and setbacks in response to comments we're getting from people about, you know, they want to make sure there's an adequate buffer between existing residential, which hasn't yet been developed but, anyway, that's what they would like to see happen.

The LDC specifically says under town centers what uses will be in a town center. It says commercial, retail, office, civic, institutional, light industrial, and manufacturing. Town centers are supposed to have light industrial and manufacturing within them, and that's what we're proposing to do. We've always

proposed having light industrial in the town centers. We're just simply trying to take some of two other town centers, put it in a place where we can have a decent, nice business park.

It's not going to be industrial like you find off Radio Road or Airport Road. It's going to be a nice business park light industrial center, similar to what you would find at Creekside. I think we can all agree that those are nice uses within Creekside, and it's a nice type of development.

And that's exactly what the RLSA provisions say in the Land Development Code. So we're 100 percent consistent with the Land Development Code with our request and with our uses.

The woman who spoke about Del Webb to just -- you know, they don't have an option on that property, they haven't had an option since sometime in 2013 so, obviously, the ability to go forward with the proposed town center on Oil Well Road is certainly within the property owner's rights.

I don't know if everybody knows that originally Arthrex was a landowner that was going to develop within -- I want to make sure I got this right. Where's Camp Keais Road? Right here. Oh, you moved on me. Kay's north is -- this was originally where Arthrex was going to be, on Camp Keais Road.

CHAIRMAN STRAIN: That's right. They did own a parcel up there.

MR. YOVANOVICH: And they said, you know what guys? This doesn't really work for us. It's not the right type of access for what we need. We want to move to Oil Well Road. So we moved to Oil Well Road in response to that town center not being an appropriate location for the light industrial uses we were trying to attract out to Ave Maria.

I would submit to you that it is poor planning to say once you come up with your first plan, you've got to live with it forever, because things change, and you find out that maybe what you thought was the right location for the commerce park or the light industrial it will be is not the appropriate location, as evidenced by the fact that Arthrex was the reason we moved to Oil Well Road in the first place, and they've been successful, and they want to stay where they are, and we have the ability to accommodate that.

Now, to take the position that Barron Collier, who's owned this land and has invested north of a hundred million -- over a hundred million dollars in the town of Ave Maria, to say that they're so shortsighted that they want to make a quick buck by moving this industrial park to Oil Well Road is simply not accurate. It's not consistent with the corporate culture of Barron Collier Companies. They do first-class development, and Ave Maria will be a first-class development, as it is today and it will be in the future, even with having that nice business commerce park on Oil Well Road, which will, frankly, reduce the amount of traffic through the community, because right now people would probably go down Ave Maria Boulevard up to Town Center 2 instead of Camp Keais Road if they were actually looking for a big business park.

This proposal makes sense. It can be made better, and it will be made better through the buffering and the setbacks that we'll come back and propose. We've got standards we can share with you today. But based upon what the chairman has said, go look at Creekside and see what else you can do -- we had talked about doing a 30-foot-wide buffer with a, basically, 10-foot-tall berm wall combination with landscaping on both sides with a setback of equal -- you know, one-foot setback per one foot of height. That's what we were prepared to propose today. We'll go back and see how that compares to Creekside and see if we can make that better, but we didn't come here empty-handed and try to ram anything down anybody's throat.

We are going forward and taking the community's comments and the Planning Commission's comments into account, and we'll do the right thing. We will make this a good, successful town and a good and successful business park. They can be consistent. And, in fact, it is what the RLSA says.

Now, someone made the comment about going eastward. I know the chairman remembers this, and probably most of you remember this; when I'm talking about going eastward, we were talking about how everything basically east of 951 was traveling west into, you know, the urban area, if you will, for jobs, for everything else -- for entertainment, for everything else.

What we were talking about with the towns was to be able to provide opportunities for people who live, basically, east of 951, these town opportunities for jobs, entertainment, and the like to change traffic patterns because the roads were getting crowded in the urban area. That's what my comment was about, not going east from Ave Maria onto Camp Keais Road.

We -- your staff has recommended approval. I know you're not taking a vote today, but your staff has looked at this from a planning perspective, and they agree that moving the light industrial where we're

proposing to move it makes good planning sense. We'll make it better between now and two weeks from now with the buffering standards that we'll bring back to you, and we can give them to you probably pretty quickly for your staff to look at, and we'll be happy to send copies to whoever wants them here.

And I do want to point out, though, that economic assessment has been with your staff, Russ, since March -- May of this year. We're still in 2014. It's been in the files. Staff has had access to it. Anybody who wanted to come review the files could have seen everything that we're proposing. You got it in electronic format, I agree, yesterday, so that you can look at that. But the document itself, the full model, has been available for the public to look at and has been reviewed, as far as I know, by your staff. In the meantime, obviously, you're going to do some further review, and we'll address that in two weeks.

With that, I think that we will ask -- or agree to a continuance for two weeks to come back and address the limited items that we've been asked to address. And I just want to make sure we check them off, Mr. Chairman, so I don't miss anything. I understand it's the buffer for the town center and setbacks; we'll come back with a proposal regarding that.

We've taken off the table the changes to the pathway plan. We've taken the root barriers off. I haven't heard any real negative comments toward zero lot line, so I don't think we have to address anything there. My understanding is it's really the town centers and the proposed buffer and setbacks related to the town center.

CHAIRMAN STRAIN: Town center -- how you're proposing to locate/set up that town center in relationship to the Creekside project that you used as an example, because there are no standards for Ave Maria, which is unfortunate.

MR. YOVANOVICH: Right, and we'll come back --

CHAIRMAN STRAIN: The other piece of it that we need to see is the tree-spacing argument that you believe you have. We'd like to look at that.

MR. YOVANOVICH: Those are the two things that I remember we need to address.

CHAIRMAN STRAIN: And new discussion will be had on the FIAM to the extent that it's needed

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MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- because we haven't had that long enough to review. So I would suggest we prepare for a lengthy day to get through some of that as well to the --

MR. YOVANOVICH: On the FIAM.

CHAIRMAN STRAIN: Yeah, on the FIAM. So it will be the 18th, I think you're coming back, then, is what you're suggesting.

MR. YOVANOVICH: Is that right? I don't know what day number -- today's the 4th?

CHAIRMAN STRAIN: Well, it's fourteen days away, and today's the 4th. So four plus 14 --

MR. YOVANOVICH: I don't have my watch with the calendar on, sorry.

CHAIRMAN STRAIN: With that in mind, then, is there a motion for a continuance to the 18th of September for the items?

MR. YOVANOVICH: I thought we were going to vote on the rescission today, since -- the DRI, since that was a non --

CHAIRMAN STRAIN: I don't have a problem with that. There were no speakers concerned with the DRI, and the DRI really is a nonissue, at least from what I can tell. What limited items that were going to be not completed or being moved into a resolution, that will take care of those. I'm not sure what value the DRI has. I don't have a problem with getting it done. Does anybody else?

COMMISSIONER ROMAN: I'd kind of like to handle them both together at our next meeting.

CHAIRMAN STRAIN: What's the -- what do the rest of you feel, Brian?

COMMISSIONER DOYLE: Well, we can vote on the DRI today.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: Yeah, I think we can vote on it.

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: Today.

CHAIRMAN STRAIN: You?

COMMISSIONER EBERT: (Nods head.)

CHAIRMAN STRAIN: Okay. I don't have a problem. We'll just get it done today then.

There are a couple of things that have to be done with the motion. Number one, we'd have to modify the school agreement per Tom Eastman's email, and we've got to -- they've got to amend the interlocal and tri-party agreements that were not part of the resolution reference.

MR. YOVANOVICH: I think we were going to revise the resolution to say all applicable agreements, and we'll catch all the L's in the LLLP.

CHAIRMAN STRAIN: Okay. And those two things need to be done, and that should be part of the motion. Does anybody want to make a motion on the DRI?

COMMISSIONER CHRZANOWSKI: I will. I move that DRI ABN-PL20130002016, a resolution to the Collier County Board of County Commissioners pursuant to Section 380.115(1)(b) Florida Statutes, approving the application for rescission of Town of Ave Maria DRI, be approved.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Discussion?

(No response.)

CHAIRMAN STRAIN: Is the motion maker and second consistent with the two changes that need to be made?

COMMISSIONER CHRZANOWSKI: Yes.

COMMISSIONER EBERT: And Heidi has those down.

CHAIRMAN STRAIN: Okay. And you're okay with that, Brian?

COMMISSIONER DOYLE: I'm okay with that, yes.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

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

And now let's go to the continuance. It's for Petition SRAA-PL20132012. Does anybody want to make a motion to continue that item to September 18th?

COMMISSIONER EBERT: I'll make a motion.

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Motion made by Diane, seconded by Charlette.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 6-0.

And we're done for today. There's no old business, no new business. Is there a motion to adjourn?

COMMISSIONER EBERT: I make a motion to adjourn.

CHAIRMAN STRAIN: Is there a second?
COMMISSIONER HOMIAK: Second.
COMMISSIONER DOYLE: Second.
COMMISSIONER CHRZANOWSKI: Second.
CHAIRMAN STRAIN: Diane.
All in favor?
COMMISSIONER CHRZANOWSKI: Aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER DOYLE: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: We're out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:48 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 10-2-14, as presented or as corrected _____.

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