

September 18, 2014

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 18, 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
Tom Eastman

ALSO PRESENT:

Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. And wow, we've got new mikes, and they're really in your face.

Welcome to the -- well, today's the 18th. Welcome to the September 18th meeting of the Collier County Planning Commission.

If everybody would please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Well -- and good morning to all the board members. I usually try to say good morning to you when you come in, but I was talking today.

COMMISSIONER EBERT: Good morning to you.

CHAIRMAN STRAIN: Good morning.

Will the secretary please do the roll call. And Mr. Rosen will not be here today or next week. He has an excused absence.

COMMISSIONER EBERT: Okay. Good morning.

Mr. Eastman is absent.

Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Present.

COMMISSIONER EBERT: Mr. Rosen's absent.

Ms. Ebert's here.

COMMISSIONER CHRZANOWSKI: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

CHAIRMAN STRAIN: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Addenda to the agenda. Does anybody have any changes?

(No response.)

CHAIRMAN STRAIN: Then that brings us to the Planning Commission absences. Next week on Friday we have the AUIR in this room at 9 o'clock. Does anybody here know if they're not going to make it next Friday?

COMMISSIONER DOYLE: I will not be here.

CHAIRMAN STRAIN: We're still good then. And that will probably be a lengthy meeting, at least the morning. May go in the afternoon depending on how much we get in to.

The meeting after that is October 2nd. It's our next regular meeting. Does anybody know if they're not going to make it to the October 2nd meeting?

COMMISSIONER CHRZANOWSKI: I won't be here?

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Then we're still good.

And based on the document that was passed out last meeting involving our schedule, and I think it indicated there may not be a meeting on the 16th of October. Some issues have come up; we will be having a meeting on the 16th of October. So that will happen now.

The minutes that we have from October 21st were sent to us all electronically. If you've all had a chance to review them, anybody want to make either a motion to correct or a motion to approve?

COMMISSIONER ROMAN: I'll move that we approve the minutes of August 21st.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Ms. Homiak.

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.

Ray, BCC report? That ought to be interesting.

MR. BELLOWS: There were no land use items at the last board meeting.

CHAIRMAN STRAIN: Oh, good, okay.

Chairman's report, there is none because most of the activities that I'm going to initiate today I'm going to do during the discussion of the elements that were -- the cases we have.

Consent agenda items, we have none from last time. One of the hopes from -- for the applicant -- from the applicant last time was that we could hear -- have consent on Ave Maria and the hearing today.

For the members of the public, consent is not an input hearing. It's just basically an acknowledgment by this board that when staff wrote our comments up they were accurately written. Sometimes when the comments are -- the remaining comments aren't massive in size, that can be done at the same time. We've been doing that customarily, so that's not a change to benefit anybody other than it's something that we've done for many, many projects. We'll see how it goes and how we get through Ave Maria and make the decision towards the end.

***First item up today is 9A. It's the advertised public hearings for Petition SRAAPL20132012. This is a continued item for the Ave Maria SRA town plan and SRA master plan. It was continued from the September 4 CCPC meeting.

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

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

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

COMMISSIONER CHRZANOWSKI: I haven't talked to anybody in the last two weeks.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: I spoke with Mr. Arnold.

CHAIRMAN STRAIN: And I've spoke with all kinds of people, including today's meeting, and I went out to Ave Maria for several hours on Monday, and it's been a busy couple of weeks, and discussions -- I just -- everybody that I spoke to before and emails I received I've tried to pass on.

The only emails I have not read or passed on were ones that may have come in after mid-afternoon yesterday. The county's system went down, and so the emails were not there. I went in this morning, and there were so many I just couldn't get them all done before I had to do other things to get here on time this morning.

So if you-all wrote me an email last night, I have not been able to read it.

With that, Karen?

COMMISSIONER HOMIAK: Nothing since last time other than emails.

COMMISSIONER DOYLE: Just recent email correspondence.

COMMISSIONER ROMAN: And just the email correspondence.

CHAIRMAN STRAIN: Okay.

COMMISSIONER CHRZANOWSKI: And, Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: I forgot about the emails, too, but --

CHAIRMAN STRAIN: Okay. With that we'll move into presentation by the applicant. And, Wayne, it's all yours.

MR. ARNOLD: Good morning. I'm Wayne Arnold, and I'm here representing the applicant. With us, Rich Yovanovich, the attorney, we have David Gensen and Dave Hurst from Barron Collier Companies. We have Norm Trebilcock, who's our traffic engineer, and Russ Weyer, who has been involved in the economic analysis. We'll be happy to answer any questions. This was continued, and you have a revised resolution with revised pages in this. I, too, have revised pages that I'm going to hand out to you, because we have been continually tweaking some of the language that has occurred since your packets went out to you. So if I could hand those out.

CHAIRMAN STRAIN: Because it's changed language and as we go through the pages you'll need to put them all -- I'm assuming you're planning to put them on the overhead as well --

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: -- so the public can see them. Thank you.

MR. ARNOLD: Just for housekeeping purposes, I think what -- I'll go through what's attached to your resolution. I think that's the -- reflective of the changes that occurred from our last meeting.

One item I would note and I think we need to clean up in the resolution -- and this really, I think, is the county attorney's, but we need to take out the references to the sidewalks and root barriers because those two items have been withdrawn from this application.

CHAIRMAN STRAIN: It's on Page 1 of the agenda item, Heidi.

MR. ARNOLD: It's Page 1 of the resolution, Heidi, and the title, and then I think there's a reference below, but you can clean that up.

CHAIRMAN STRAIN: Sixth line down that it starts at. It says "revise root barrier." Those items are off the table. They're not being discussed today, and they're not being approved today so -- or recommended for approval.

MS. ARNOLD: And I think the easiest thing, if it's okay with the chairman, would be just to go page by page and make sure that we're all comfortable with the language that had been revised.

CHAIRMAN STRAIN: Well, I think that's a good idea, Wayne, but I'd like to change the format a little bit since this is the second time around.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: I'd like to ask the Planning Commission, if we have questions as we go through each page, to ask the questions when we're on that page. That might keep us focused on those items. Heidi?

MS. ASHTON-CICKO: Are you looking at the revised resolution that was in the package? It was distributed last week.

CHAIRMAN STRAIN: Well, I received a package from staff, the first page of which says Agenda Item 9A. And it says attached is a -- the revised resolution, then it goes into a dissertation about the petition.

Now, the resolution itself follows that. So the first page is where the reference to root barriers and stuff -- Kay?

MS. DESELEM: Yes, if I may. For the record, Kay Deselem. We have revised the petition request for the board, but we did not have time to revise this.

CHAIRMAN STRAIN: Can you put it on the overhead to show us the revised one. Then I think --

MS. ASHTON-CICKO: Are you looking at the September 9th -- I mean, the September 10th revision? Because that's what I have.

CHAIRMAN STRAIN: Yes. Well, she has it -- she'll show it to you. No.

COMMISSIONER HOMIAK: My resolution doesn't have what you're saying. This page does.

MS. DESELEM: The resolution title is correct. What was incorrect was the cover sheet.

CHAIRMAN STRAIN: Correct. That's what I'm getting at.

MR. ARNOLD: I'm sorry, yeah. The cover sheet, I apologize.

CHAIRMAN STRAIN: Okay. So the cover sheet -- I just -- and the reason I wanted to make sure that was clear for the record is we were not considering those today, and I don't want the public to think we

were.

MS. DESELEM: Yes. We've corrected it for the board, so it wouldn't appear on their title at all.

CHAIRMAN STRAIN: Okay. And the elements that are being taken out say "revise root barrier requirements for sidewalks, buildings, and paved areas, revise the pedestrian network map to remove sidewalks and neighborhood general and university districts and to remove the 12-foot trails." Those items are being taken out of the resolution. They're not for consideration, and they won't be -- they won't go forward, and they won't have any recommendation from this body. So that means they're dead until they come back, so --

MR. ARNOLD: All right. I'm just going to go page by page. The first page that you have after the resolution is the Exhibit A, executive summary, and that is the page in which we had inserted the reference to the 600,000 square feet of light industrial warehousing. There was no change.

CHAIRMAN STRAIN: Could you put that on the overhead.

And, Wayne, the reason -- I mean, we have members of the public here who need to see what's still remaining and what's changing so when they discuss this we can get their input relative to what you're putting on the overhead.

MR. ARNOLD: This page was unchanged, but this is one of the modified pages that will be part of the town plan.

The next change was on Page 2 of the introduction. This, again, was the land use table with a reference. The change that was made from your last meeting, which is highlighted, there was a straight reference to the Development of Regional Impact that we've since deleted.

CHAIRMAN STRAIN: Any questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Wayne, I want to make a note that under the Table 1, the very first thing that says residential says 11,000 units. And the reason that's important is because that does not match the Financial Impact Analysis Model that has been submitted, revised four times, one recently up until yesterday, which certainly didn't provide ample time to study that document, and before the meeting's over I'll make a statement about that.

But I want you to be aware that is not the process that we believe should be followed. And when I say "we," I believe the members of staff that I spoke to, and it doesn't mirror the original application that showed the full 11,000 units.

So I'm not sure how you can justify a financial impact model that doesn't have the right numbers in it that matches the SRA, but that's -- that's probably a fight for another day.

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: I don't know if you need me to put these on the visualizer. There are a number of pages that's part of an impact assessment report in which we analyzed the water and sewer impacts for the light industrial component which are unchanged from the last meeting.

CHAIRMAN STRAIN: Yeah. They haven't changed since last meeting.

MR. ARNOLD: And those were Pages 3 through 12, inclusive of Page 12, under that impact assessment.

The next change would be to Exhibit B -- it was the town center -- and it simply is a change to the map reflecting the revised boundaries of the town centers. That, too, was unchanged from your last go-round.

The next page, Page 77, does have a change, and your packet that you received, in the area that I've highlighted, had a reference to the Del Webb community. We deleted the reference in this to Del Webb. It was -- I discussed this with Mr. Strain and thought it was more appropriate just to reference the location at Oil Well and Ave Maria Boulevard rather than to specifically call it Del Webb, so we deleted that reference.

CHAIRMAN STRAIN: And the reason I'd asked for that is because if you read that and the reference referred to the Del Webb community, that means, theoretically, someone may argue that there would be no buffer required except where the Del Webb community was, and that's not the situation that we had discussed last meeting.

On that same page, Wayne -- Ray, could you put that handout I provided you on the screen. Right side up though.

MS. DESELEM: This is my first time.

COMMISSIONER ROMAN: Could we please focus what's on the viewer.

MS. DESELEM: Yes.

CHAIRMAN STRAIN: And, Wayne, I had mentioned it to you because I was concerned about the language in the second change on that page where it says "floor area ratio," because you're asking for a floor area ratio of .4 FAR.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: You already have that. It's part of the LDC and it's part of the SRA language, and it's underneath the town section of this table of the SRA characteristics. Is that a wrong assumption, or do you believe you don't have it and you had to ask for it?

MR. ARNOLD: I think this was just simply -- it made the most sense to go ahead and put it in this section of the document only because that's where the other density designations for the business park uses are located. I don't think it would cause a problem to delete it.

CHAIRMAN STRAIN: Well, you know, every time you change something to people who don't have access to the code or can follow the difficulty of understanding what the SRAs and the RLSA programs are, it appears as though it's something you didn't have and you're asking for it. In this particular case, it looks like you have it.

And I'm -- I guess, Ray, what would staff think --

Rich, did you have a --

MR. YOVANOVICH: I just wanted to --

CHAIRMAN STRAIN: Go ahead. Use the mike.

MR. YOVANOVICH: I just wasn't sure where the table came from. Is that the LDC table?

CHAIRMAN STRAIN: It came from 4.08 of the RLSA standards in the SRA section of our code.

MR. YOVANOVICH: I understand that. I just want to make sure it wasn't also in our SRA document.

CHAIRMAN STRAIN: No.

MR. YOVANOVICH: And that's all; I was wanting to verify I was correct.

CHAIRMAN STRAIN: No. And I think because it's already part of the LDC standards, you already have that goal. I mean --

MR. BELLOWS: Yeah. For the record, Ray Bellows. The LDC has standards that all SRAs would be subject to. The SRA document doesn't necessarily have to repeat that to be -- for that provision to be effective.

CHAIRMAN STRAIN: Okay. And the reason that it's important is -- and it's for the -- based on the public's concerns that we heard last time, that is another item they already have the right to do. It isn't a new item. Even though it was put here as though it appeared to be new, it's not. And that's an important point, because this board has to look at things based on what's already been approved, based on what the code does allow and then what they're asking for. So this is one item that they don't need to change. It's already allowed.

Okay. Wayne, on that basis, I'd suggest there's no need to add that language unless you guys have a yearning to.

MR. YOVANOVICH: Well, my concern, Mr. Strain, is that -- and somebody took the page off. Not that page; the actual SRA page where we're adding. If you'll notice, there were other references to -- like, the floor area ratio for civic is a .6. That's also in the LDC. There's a reference of, you know, floor area ratio for commercial and retail. It's also in the LDC. I didn't want the fact that it's not also listed here to imply that we chose not to have it.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So I think that we need to either, you know, be consistent and never reference anything that's already in the LDC or reference everything, because I don't want the failure to refer it to mean we specifically excluded it.

And since we already had that right and we already had those uses already listed in the appendix, I just wanted consistency and to avoid an argument later that someone said, well, since you didn't list it and

you listed everything, you didn't mean to have it in this town center. So that's why I would ask that we leave that in.

CHAIRMAN STRAIN: Okay. And I wanted to make it explicitly clear to everybody that it's not needed for the reason being that you're not getting something additional by putting that there.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: It's a property right that was already provided. The zoning for that district was already determined in 2005, and this was part of it. And I did recognize that those others were there.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: But also, if you recall, in 2005, I voted no on the application, so that was all part of it.

MR. YOVANOVICH: I'm just looking for just consistent treatment to the LDC.

CHAIRMAN STRAIN: I understand, and that's fine. We're here to abide by the rules that have been approved, so --

MR. ARNOLD: Thank you. The next page is a new page. It's 96A in your packet, and that is Town Center 2, and we've changed the title, but it's now going to say northern boundary interface.

And we had proposed a buffer standard that was essentially 30 feet wide, 3-foot-high berm, 6-foot hedge wall combination that would get to 9 feet of 90 percent opacity within a year.

After talking amongst ourselves and others, we've come up with a newer standard that is in the packet I handed out to you. And this would reference a 50-foot-wide buffer with an 8-foot earthen berm, and this would be along our northern interface with what is the Del Webb community, but all of the Town Center 2B interface. And we would propose to construct it, including the tree plantings that are spaced on 30-foot centers and the other shrubs and ground covers that are expressed there as part of each phase of construction for the project.

And I think that this -- knowing that the code on -- or the SRA currently says there's no buffer required -- we heard from the residents that a buffer is necessary. We, too, agreed that it's necessary. And we started with a 30-foot buffer because our thought there was the code requires, for industrial to residential, a 20-foot-wide Type C buffer opacity standard that we've talked about. But in this particular case, we increased that to 30. Now we're increasing that to 50.

And the 8-foot-high earthen berm gets an immediate 100 percent opacity to eight feet, and then with our additional plantings, we think that that is a good buffer that makes a lot of sense for that interface area to the north.

We also, on that page, have standards for Oil Well Road, which -- if you're familiar with Oil Well entrance to Ave Maria -- I'll show you -- it's -- that's a snapshot of the frontage of the project along Oil Well. You can see that there are tree plantings. They were clusters of various palm trees at 100-foot centers. And what we're proposing to do is to supplement that with a continuous hedge, and that will act as the buffer from Oil Well Road to our Town Center 2B.

And we've also expressed in that table that you see a specific standard that says there will be no additional buffer required on Ave Maria Boulevard. I think that there's an average buffer that's probably 25 feet wide that's been planted and installed along Ave Maria Boulevard. So we don't believe an additional buffer is necessary to the Town Center 2B tract from that.

COMMISSIONER ROMAN: I have a question, Wayne. This town center northern boundary interface, am I correct in understanding that that's the interface to the community, to the single-family-home community?

MR. ARNOLD: It's along our entire northern boundary as well.

COMMISSIONER ROMAN: Is that a common property line, or is that separated by a road, or is that abutting property lines? That's what I'd like clarified.

MR. ARNOLD: Well, I think it's meant to apply to the Tract 2B designation that's on our SRA master plan. So let me grab a copy of the master plan for you; put that up.

CHAIRMAN STRAIN: Kind of got to flip it there.

MR. ARNOLD: The Town Center 2B designation that we're talking about is here, and the interface would be the entire northern boundary of that where it would abut, potentially, future residential.

COMMISSIONER ROMAN: And one other question. You mentioned that -- the code requirement, and you mentioned the Type C buffer. In your description in your third bullet there where you talk about the 8-foot berm and all of those details, when you talk about the trees, are you also including -- or would you include that they're staggered 30 feet on center, much like a Type C, or you're just saying 30 feet on center?

MR. ARNOLD: They will be two staggered rows of trees, which means they'll be alternating onto --

COMMISSIONER ROMAN: Could we -- could we add that in there?

MR. ARNOLD: As I read it, it says we'll have an 8-foot berm with two staggered --

COMMISSIONER ROMAN: Okay. Gotcha. Thank you.

MR. ARNOLD: -- rows of canopy trees. I mean, if it needs to be relocated -- but I think our intent was --

COMMISSIONER ROMAN: No, I got you. I missed it.

MR. ARNOLD: Okay. Thanks.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Wayne, let's -- let me ask you, if it's an 8-foot berm --

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: -- and the slope is 4-1, you've got 32 feet on one side and 32 feet on the other and it's 64, then you need a flat top to plant your material, right or wrong?

(No response.)

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Don't need a flat top.

MR. ARNOLD: No, we do not need a flat top, I'm told.

CHAIRMAN STRAIN: Okay. If the slope is 4-1 and it's 8-foot high, how wide does the berm have to be?

MR. GENSEN: Well, for the record, David Gensen with Barron Collier Companies.

The berm -- the SRA allows for different slopes on the berm. If it's 4-1, we're allowed to stabilize it with grasses; however, we can go down to 3-1 and even 2-1 if we're stabilizing it with other materials.

So the -- we have several areas within Ave Maria that we have plantings on the slopes of the berm; specifically, if you look at our utility plant out there, that berm is planted with palm trees as well as a hedge row, but it has a relatively minor top. It's no more than a foot wide.

CHAIRMAN STRAIN: So you're saying this berm will be similar to that berm that's around the utility plant?

MR. GENSEN: Well, the utility plant is -- that berm is a little bit higher.

CHAIRMAN STRAIN: How high is it?

MR. GENSEN: Approximately 14 feet.

CHAIRMAN STRAIN: And that is an effective berm? Does the community seem to not see the utility plant?

MR. GENSEN: Well, it's an effective berm for the fact that there is a large water storage tank that is close to 40 feet tall that we've been trying to minimize that, and it's also along our main road, Ave Maria Boulevard, as you're coming into town.

CHAIRMAN STRAIN: How wide is that berm, then, at the base?

MR. GENSEN: That berm at the base is approximately -- it's over a hundred feet.

CHAIRMAN STRAIN: Wide?

MR. GENSEN: Yes.

CHAIRMAN STRAIN: Okay. So that's how you got there. So your slope on that isn't really 2-1. It's probably 3-1 or 4-1.

MR. GENSEN: Yes, it's around 3-1.

CHAIRMAN STRAIN: Yeah. I know we can -- you could go with less slopes, but I wanted to understand what you were trying to do with this berm.

So you're looking at this berm to have a steeper slope, but the steeper slope that you have, the harder it is to plant with the big material. And the big material then depreciates in size because you're going down

the slope instead of sitting on top of it, so you end up with a shorter material, in essence, from a visual perspective.

And I'm trying to figure out what you're really providing to the community. So if you put an 8-foot berm with a 14-foot height, you're at 32 feet -- or 22 feet with the total of everything. But if you start planting on the side slopes, you're going to be dropping footage pretty rapidly at the 3-1 or even 2-1. I mean, even 4-1 would be dropping. You understand where I'm going?

MR. GENSEN: Sure.

CHAIRMAN STRAIN: This may not be as effective as it appears to be on paper.

So at some point during discussion and from public input, we may ask you to clarify this a bit so we get -- the public at least can expect what they see on paper.

MR. GENSEN: Sure.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER ROMAN: And the other question I had, as well, Mr. Chair, is we're talking about 14 foot in height. I mean, is that a 65-gallon tree? I mean, what's the size of that tree? And when we're talking about palms, are we talking wood or the total height of that palm?

CHAIRMAN STRAIN: Well, and that -- I believe Nancy Gundlach is here, who's our resident landscape architect person, so maybe she can respond to that question; Nancy, if you don't mind.

And also when you -- before you finish, Nancy, could you tell us the procedure in how we enforce these kind of rules if they are approved.

MS. GUNDLACH: Yes. The first question, how we measure palms. They could be measured clear trunk, gray wood.

COMMISSIONER ROMAN: But in this case just having it 14 feet in height just means the height of the entire thing?

MS. GUNDLACH: The overall height, yes.

CHAIRMAN STRAIN: So that includes the canopy --

COMMISSIONER ROMAN: Everything.

CHAIRMAN STRAIN: -- from the ground up.

MS. GUNDLACH: Yes.

CHAIRMAN STRAIN: And, Nancy, about -- in these particular rules and the types of the trees, the staggered rows, the heights, opacity, how do we enforce that?

MS. GUNDLACH: Within a year -- and this is within a year of planting?

CHAIRMAN STRAIN: Well, you tell me. What does the county do to verify that this is actually happening on the site? For the benefit of the people here that raised this issue.

MS. GUNDLACH: Okay. We do have inspectors. After the plant material is installed, they will inspect that it is, in fact, planted per the landscape plan that was approved. And if you find that a year later, you know, something isn't meeting that spec, if you call into code enforcement, we will send out investigators.

CHAIRMAN STRAIN: Okay. Nancy, further on down on Oil Well Road -- David?

MR. HURST: Yes, sir. David Hurst. I just wanted to add to that. Commercial plats, as this area would be, are also required to have a final acceptance, which is one year after the preliminary, which the landscape would go in. At that point there's another inspection, so there would be -- basically, there are two inspections. One to confirm that everything is, you know, satisfactory per the original plan.

CHAIRMAN STRAIN: Well, the reason I wanted it a bit clarified is I had gotten a report from one resident out there -- maybe two, but at least one -- that indicated some of the spacing of the street trees that were supposed to be 40 feet were much wider and past 40 feet. Did that area have final inspection by the county?

MR. HURST: I'd need to know which area it is.

CHAIRMAN STRAIN: I think David -- or David knows, yeah.

MR. GENSEN: David Gensen again. Yes, the area that was discussed with respect to the spacing of the trees is one of the newer developments. It's part of the Maple Ridge development, and that only has preliminary acceptance. We are aware that there are additional plantings that have to go in there, and that

will occur prior to final acceptance.

CHAIRMAN STRAIN: Good, okay. Well, at least that part of the system seems to be working. So thank you.

Thank you, Nancy.

COMMISSIONER ROMAN: I had one more follow-up for Nancy before she gets back there.

Is there a correlation between, like, 14 foot in height and the gallon size of the tree itself? I mean, is that a 65-gallon tree? What size is that?

MS. GUNDLACH: I can't tell you exactly what tree that would be, but I can tell you we do require Florida number one plant material, and with that there is a specific caliber size -- that's your trunk size -- and spread for your canopy, and that is typically associated also with the pot size.

COMMISSIONER ROMAN: But you don't know what size that pot it?

MS. GUNDLACH: Fourteen to 16, not off the top of my head.

COMMISSIONER ROMAN: Okay. Thank you.

COMMISSIONER CHRZANOWSKI: Nancy, how do you measure opacity, by instrument or by eye?

MS. GUNDLACH: I measure it by eye.

COMMISSIONER CHRZANOWSKI: So 90 percent could be 89 or 88 or 87 or 91 or -- 90 is a very accurate number. Maybe you should put "approximately"?

MS. GUNDLACH: You could.

COMMISSIONER CHRZANOWSKI: I'm an engineer. I'm not a landscape architect.

MS. GUNDLACH: We could also confer with code enforcement. I know that they do have opacity meters.

COMMISSIONER CHRZANOWSKI: Do they? How do they do that; do you know?

MS. GUNDLACH: It would be a good question to ask them.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

MS. GUNDLACH: Yeah.

CHAIRMAN STRAIN: I guess, Wayne, a question for you. Your second bullet says 90 percent opaque to 8-foot within one year. So your berm -- you're not going to be able to see through your berm is what you're trying to tell us?

MR. ARNOLD: Correct.

CHAIRMAN STRAIN: How did you think we could? I mean, that's going to be considered 100 percent? I mean --

MR. ARNOLD: I think we're going to be 100 percent at 8 feet at the time it's installed.

CHAIRMAN STRAIN: Right. And so let's -- I think that needs to reference the opacity of the material that's going to go on top of the hedge, at some point, before today's over. So --

The references on Oil Well Road and Ave Maria Boulevard to the width of the buffers. I'm -- when I was out there I did notice you had the buffers. They're set back even by a canal, so that was helpful, kind of like the situation we have on 951.

But I -- your existing plus-or-minus-wide buffer doesn't give us a lot of -- I mean, I'm sure an engineer might be on this panel and might think plus-or-minus might not work as clearly as, say, an average of 30 feet or something of that nature, because at plus-or-minus you could go down to zero and still -- down to one at least. Who knows what your plus-or-minus means?

So I'd like to see that -- those two references to plus-or-minus at least be tightened up to a 30-foot average or a 25-foot average. They are existing buffers, so that does help.

MR. ARNOLD: Would it be more helpful just to take the numbers out since they're referencing --

CHAIRMAN STRAIN: No, because without any number in there we have no idea what the buffer is that's out there, and you could modify that to any standard that you wanted to, and we'd have nothing to at least -- fall back on. At least by putting an average in we know something of a nominal size has to be there. Maybe existing 30 feet average, no less than, and then put a number in in which it doesn't get any skinnier than wherever you've got it now. I think -- you've got nice -- you've got nice hedges -- you've got nice landscaping out there. The community's gorgeous.

MR. ARNOLD: I think it would be more simple to simply reference the existing 30-foot-wide average width buffer or existing 25-foot average width buffer.

CHAIRMAN STRAIN: Well, because you can see it on the aerials, I don't have a problem with that, but we can -- we'll hear from the rest of the board and public as we get through the day.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: Okay. We can move on.

MR. ARNOLD: Anything else on that?

Page 98 was where we discussed street trees previously, and we had put in there an average of 40 foot with the maximum spacing of 65. We're proposing to modify that language again.

And down in the middle of the page, it's going to say -- we simply have a reference to street trees shall occur as indicated in Appendix F and that we've added a note that says street trees located outside the right-of-way shall not be counted as a residential landscape tree for an individual lot.

And you'll see the cross-sections that have been established a few pages back. But that's the change on that page. And I think the reference to the residential lot was added at -- I'm not sure if it was discussion with the chairman or internally that came from a resident, but the intent was not to get -- and double dip for those trees.

CHAIRMAN STRAIN: Actually, it came in a phone call from a resident, Mr. Klucik, I believe, and then a follow-up discussion with you. But now that you've referenced the exhibits, I guess it would be a good time to pick up Exhibits F1 and F2, and I think that's -- for the rest of the Planning Commission, I believe you received those. They're the ones that -- if you could put F1 on the -- we'll start with F1 and put it on the overhead.

MR. KLUCIK: Are these available -- copies available?

CHAIRMAN STRAIN: Sir, you can't ask questions from the audience. I understand. We're going to put them on the overhead. During the break, if you want to try to get copies from the applicant, you're more than welcome to ask if they have extra copies. We don't have any up here.

Okay. Did anybody have any specific questions about this first landscape exhibit? Because I certainly do.

And I think we need to focus first on the notes in the lower left-hand corner. Blow those -- bring those up so we can read them and the public can read them, and then we can start that discussion, because it's going to have to be reflective in the language that we're dealing with based on the changes.

The first one refers -- now that's different than the one I have. I'm a little bit puzzled on how to proceed with that.

MR. HURST: I think this may be one that we were emailing when the system went down.

CHAIRMAN STRAIN: Can you put the one that we -- okay. Let's start with the one that we have so we can -- do you have the one that we have, or do you not have a copy of that?

Our No. 1 says a minimum of one street tree per residential lot shall be required with the exception of corner lots which shall be required to contain one street tree per frontage.

MR. HURST: Yeah, I recall that one. This is David Hurst. I recall that one. And there were comments about trying to maintain the 40-foot -- approximate 40-foot spacing. So we were proposing to revise this language as indicated there, that we are trying to maintain 40 feet. There are obstacles in the field that prevent that, you know, and so we will need to vary from time to time. That's the intent of that note. If we need to wordsmith it, obviously we will do that.

CHAIRMAN STRAIN: Well, first of all, I don't like wandering away from the language of the SRA that says they will be a maximum of 40 feet. So I think we ought to start there by leaving that language in but then noting that there could be some exceptions based on the details you're showing on this plan, which means you'd be limited to those details if you want to accept different -- you want to go greater than 40 feet, and then a maximum would need to be discussed as to what the greatest would be.

And I concur with you that there are exceptions in the field, especially with the variety of products you have. Not everything is going to work out perfectly but, at the same time, we can't just let it go to any exceptions you want to introduce. That's why I wanted to stick to what was on -- shown on this graphic for that purpose.

So I think we should retain the requirement of maximum of 40 feet but with the exception -- exceptions as noted on this graphic, and then we need to carefully look at those exceptions.

I tried to relay that to you yesterday, but -- and I ended up having to talk to Wayne, you and I. I know we called -- we went back and forth three and four times; couldn't catch one another.

So what I was suggesting is going back to the -- taking No. 1, putting the previous language in it, which says, a minimum of one street tree per residential lot shall be required with the exception of corner lots, which shall be required to contain one street tree per frontage.

Then No. 2 on the previous one said a maximum spacing of 65, center to center, between trees shall be allowed. And I would suggest that that not be the case, we change No. 2 to read something to the effect that street trees shall be no greater than 40 feet center to center except only for conditions as shown above as exceptions to the maximum 40-foot spacing and, even with the exceptions, they can be no greater than 65 feet.

MR. HURST: Okay. My only concern with that is there are potentially other conflicts that aren't indicated here; driveways, utilities, infrastructure improvements. I'm trying to be as broad as I can to address anything that might pop up, because if we're basing it strictly on the exhibit and what's shown on that exhibit, I'm afraid that we run into another situation.

I'm just -- the intent is just to build in flexibility to avoid conflicts which have happened and continue to happen.

CHAIRMAN STRAIN: Okay. And I understand the intent, but you're also not limited to 40 feet. It's a maximum of 40 feet. So if you have a conflict, the opposite could apply. Say, well, you put them 20 feet on center then. Now, I know you don't like that.

MR. HURST: That's perfectly fine, actually. Some of the lots, which we took the dimensions off here, but the proposal to add them at a minimum of one tree per lot includes the 38-foot product, and the spacing between those trees would be less than 40 feet. And that's an entire neighborhood. So, you know, in that case, that would be a lot more trees than the 40-foot maximum spacing.

CHAIRMAN STRAIN: But see, right now as it is, you could design around with a product you choose to always retain the commitment at 40-foot spacing. It's the way you lay your product out and the way the product is chosen for the size lot you put it on. You could always, instead of a 30-foot lot and you need more spacing, sell a 35-foot lot to accommodate the commitment for the 40-foot tree spacing. And I understand that's a hardship and that's a problem, so I'm suggesting, in order to relieve you of some of that, at least tell us what your hardship exceptions are. And if they're reasonable, we can put those in in graphic form and refer to them.

By leaving it open that this is just some of them, there may be a lot more, we have no -- there's no control over that. You guys could come up with a series of designs that -- purposely. Not purposely to avoid the trees, but purposely make it impossible to put these trees at 40 feet by your own chosen design, then the whole -- who knows how much that eliminates. I don't like -- that's too much flexibility compared to what your previous commitment was, at least in my opinion.

MR. HURST: Okay. Well, I understand that, but just to make it clear, we establish the lots and the utilities and the infrastructure. The homeowner selects the lot and the orientation of the garage and driveway and all those things that create some of these issues that prevent us from getting to 40 feet, so that's -- it's not really -- it's not something that we're involved with.

We create a product and then they orient it when they buy the house and they select their loading and driveway orientation, that sort of thing. That actually creates more conflicts for us than if we were to lay every house out on every street exactly how we wanted it. Then I think you're correct, we could accurately meet 40 feet every time. So that's our -- that's my take on it, but we're happy to make changes.

CHAIRMAN STRAIN: But I think, from my perspective, I agree with your concerns. That's why -- I'm trying to find a way to provide that flexibility to address those. I'm not saying that's not possible. I'm just saying that to say that this graphic isn't the limitation of your exceptions, and there's more out there, doesn't give a lot of understanding as to what then becomes an exception.

I think driveways are a good example. I think your FP&L and telephone and Sprint boxes would be another, and I think your streetlights are another, and you show all those on here. I don't know what else you

could possibly have. But I think this would cover 95 or 98 percent of the times you'd run into it, and those few exceptions, maybe you could have to tell a homeowner when they want to put a driveway in a case that can't be planned for that that's impractical, and that may be the solution.

But right now I'm suggesting we stick with a graphic to at least try to show what your -- exceptions you're looking for.

In No. 2, again, I read some language as a possible substitution for No. 2. And No. 3, where it said sidewalks, control, street trees shall be set back from adjacent sidewalks a maximum of 12 feet, I think that's good, because where -- in the case you have a 20-foot maximum from the curb, if a sidewalk is up close to the curb, for example, you could have the tree farther from the sidewalk than what the intention was, and I think the shade tree was intended to shade the curb and, as I've heard, the roadways as well, which takes us to No. 4, back-of-curb controls, and then the language "where no sidewalk is present," then you go on "the maximum setback for street trees shall be measured from the adjacent back of curb and shall be 20 feet."

I'd suggest to drop the words "where no sidewalk is present." So you end up with two controls, back of curb no more than 20 feet, but regardless, you're still within 12 feet, always, of a sidewalk.

MR. HURST: Okay. Well, the reason why we proposed this language and this format was to not be held to 20 feet from back of curb if the sidewalk meandered and the intent was to shade a sidewalk as opposed to the road.

CHAIRMAN STRAIN: I understand.

MR. HURST: And the sidewalks can meander within 100-foot right-of-way substantially beyond 20 feet from the back of curb. Now, there's the alternative, obviously, of placing the tree on the inside between those areas, and that's possible and highly likely, but there's also the alternative of planting it on the outside of the sidewalk, and that was the intent of that 32 feet. It's the 12 feet from the sidewalk plus 20 from back of curb. That was -- that's the thought process anyway.

CHAIRMAN STRAIN: Right. And what this would do, though, is provide you with the ability to put the sidewalk 20 -- what's the width of your sidewalks, average, general width; do you know?

MR. HURST: It depends, six feet, five to six feet in a residential area. It's going to be eight to 12 on some of the main roads.

CHAIRMAN STRAIN: So your sidewalk could go 20 feet, and you've still got another 12 feet before you get to where you'd have to have the sidewalk could go from that 20-foot mark. You put the tree at 20 feet, and then your sidewalk could still go 12 feet on either side of that 20 feet. Do you see what I'm saying?

MR. HURST: I do.

CHAIRMAN STRAIN: So you've got some latitude to move the sidewalk around. And, honestly, meandering sidewalks are probably better looking than straight lineal sidewalks.

MR. HURST: Sure.

CHAIRMAN STRAIN: So I think that's a thing to encourage, but I don't want to lose the ability of that shade, because without that shade they're not walkable, especially out east where it gets pretty intense and heat.

MR. HURST: Understood. I think the -- if you go that route, then you're dictating that the tree goes between the back of the curb and the sidewalk as opposed to allowing it to go on the outside if --

CHAIRMAN STRAIN: When the sidewalks are moved that far away from the street, yes.

MR. HURST: Right. And that was -- that's the thought process. That's it.

CHAIRMAN STRAIN: Okay. Well, we'll see where that goes when we talk to members of the public, but that was some of the suggestions that I had seen.

If that happens, that means some of the details in the graphic have to change concerning where your maximum points are and things like that, so --

On the second graphic, which is your F2 page, that had quite a few changes needed to it, because this would be where you don't have platted lots, where you've got open space between your platted subdivisions; is that a fair statement?

MR. HURST: This would be open space. This would be commercial areas within the town neighborhood general and the neighborhood centers. It's just areas without residential driveways.

CHAIRMAN STRAIN: Okay. Well, even multifamily then, for that matter.

MR. HURST: It could apply to multi.

CHAIRMAN STRAIN: Backside of a multifamily product.

MR. HURST: Right.

CHAIRMAN STRAIN: In the notes -- well, I'm going to have to go back to the original one that you -- you had four notes in the first one you gave us that we have in front of us. The first one is required number of trees shall be calculated based on a 40-foot average spacing along the roadway. And I would suggest we just strike that because it's a maximum of 40 feet with the exceptions then that we referenced in F1.

Then you had a maximum spacing of -- you kicked the 40 feet up to 50 feet center to center between street trees. I haven't seen why that's warranted yet, but I'm trying to keep an open mind for the rest of the meeting.

And so that would mean you'd have to change some of the language in the No. 2 that's in front of us. I'm not sure it's the same as what's there. Number 3 talks about the sidewalk controls, and No. 4 talks about the back-of-curb controls, and the same strikethrough on the back-of-curb controls would apply to this page as we talked about on the first page.

That's generally my comments, and then what happens is if you get into the details on F1 and F2 where you show your spacing and your footnotes, all those would have to coordinate to whatever's decided on the footnotes as they come out at today's meeting.

MR. HURST: If I can go back to address the 50 foot.

CHAIRMAN STRAIN: Yes.

MR. HURST: The intent, again, is to be able to provide a little bit of flexibility in the field for unanticipated conflicts. It's not to -- the reason why we provided the required number of trees was to show that we are basing the tree requirement on 40 feet for the entire distance of the roadway, and if we end up having to group a couple of trees 30 feet apart and some 50 feet apart, it gives us basically 20 feet of play on either side of that. That was the intent, 20 feet of play and still maintaining the average 40 foot on center requirement, and that would allow us to avoid conflicts like light poles, switch gear, you know, various pump stations, for example, just various things that come up.

CHAIRMAN STRAIN: Well -- and that's not a bad point. So I guess we'd be looking at it in the same manner as an exception. The standard would still be 40 feet maximum but then with exceptions as noted in F2 and those areas that apply that way.

And I -- having had these same conflicts experienced when I was doing the business you're doing, I understand the problem you have, but I also understand the commitment you made and the partial selling of your community based on those commitments. So we probably -- we need to find a balance, and that's what I'm trying to get to.

MR. HURST: Correct. And just to be clear, the intent is not to deviate from the commitment. The intent is to, as we've gone through construction, identify areas where we need to provide a little bit more flexibility to accommodate in-field conditions. That's it.

CHAIRMAN STRAIN: Okay. Anybody else have any questions on these two exhibits?

(No response.)

CHAIRMAN STRAIN: Okay. Well, let's move on to wherever you want to go next, guys.

MR. ARNOLD: Okay. Well, the next change that I had, Mr. Strain, in picking up was on the Z lot product. The version you have in front of you, we had changed the accessory use size from 900 square feet to 650 square feet.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: The new language -- and it's in the packet that I handed out and it's reflected on the visualizer -- has a scaled size for that accessory structure. It would be 650 square feet for structures up to 4,000 square feet, and then for the residences (sic) larger than that it could go back to 900.

CHAIRMAN STRAIN: You mean lot sizes larger.

MR. ARNOLD: I'm sorry, lot sizes, yes, sir.

CHAIRMAN STRAIN: And that does mirror the other product styles that you have based on that footage, and that's -- so I noted that as well.

MR. ARNOLD: So that was a clarification that came out of further discussions after your packets were prepared.

CHAIRMAN STRAIN: Okay. Does anybody have any questions on that, on the zero lot line?

COMMISSIONER CHRZANOWSKI: Yeah. The one above on garages, garages may be two cars deep perpendicular to the street. What does that mean? Two cars wide or two cars deep?

MR. HURST: David Hurst again. That should be exactly -- I don't know that I have a good answer for you other than I think it matches everything else in the SRA, so I'm just going to verify that real quick.

CHAIRMAN STRAIN: That's not a good defense, David.

MR. HURST: Well, I'm looking at it right now, and on all the other lot types, that's what it -- that's what it says.

COMMISSIONER CHRZANOWSKI: Okay. To me, two cars deep means you pull a car in, and you pull another car in behind it.

CHAIRMAN STRAIN: That's why it says perpendicular.

COMMISSIONER CHRZANOWSKI: I don't care. You could do that if you wanted. I'm just curious.

MR. HURST: I would assume that's the -- I think that's the correct interpretation, but I did not craft that original language.

COMMISSIONER CHRZANOWSKI: Okay.

MR. HURST: I reserve the right to be wrong.

CHAIRMAN STRAIN: Okay. Anybody else?

MR. ARNOLD: Mr. Strain?

CHAIRMAN STRAIN: Yes, sir.

MR. ARNOLD: I think I have just a couple of other minor changes, one of which is the table of contents page. It needs to -- let me get my things reorganized here. Table of content page in your packet, at the far bottom, the new reference to the Exhibit F -- thank you, Kay -- is the street tree spacing exhibits that you just reviewed.

CHAIRMAN STRAIN: Can we change that to street tree spacing exceptions --

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: -- so that everybody knows that's for exceptions, not to dictate how the trees necessarily consistently get spaced.

MR. ARNOLD: Got it. Okay. One other change to the SRA master plan.

CHAIRMAN STRAIN: Well, before you leave the zero lot line --

MR. ARNOLD: Okay. I'm sorry.

CHAIRMAN STRAIN: -- can you put -- well, you don't need to put -- you are aware that -- well, let me read it to you. On January 7th of 2014, your firm requested an approval of a zero lot line product. And the reason this is pertinent is because after this last meeting, we found -- I found out through a resident who I think Mr. Zilich (sic) called me, and another resident mentioned it as well, that the product already appeared to be being built in Ave Maria.

And I said, no, it can't because they're asking for it, and you can't build something until it's permitted.

Well, that's -- we stumbled on this zero lot line zoning verification letter. Basically, it was asking for county's acknowledgment that the Z lot configuration and setbacks and other things were consistent with products already approved for Ave Maria.

And you received approval on that, which allowed you to pull a building permit on some Z lots that are going in out there.

So I guess the real question is, you already have permission to do this product. Why are you here today asking for that product?

MR. HURST: David Hurst. The zoning verification letter was specific to three lots that were actually a hundred feet deep, I believe. If you look at what we're asking for, it's a lot depth of 84 feet. This product would not -- we would not be able to build the neighborhood product at 84 feet given the current SRA standards.

What we were asking for was, given that those lots are already platted at hundred feet deep, is the

product that we're proposing consistent with an existing condition in the SRA that meets those lot dimensions.

CHAIRMAN STRAIN: So even though you didn't mention in the SRA request that you were -- it was particular to this lot, you basically said in your -- Dear Mr. Hurst -- I haven't seen your original application. I'm reading the response. In your application that was found sufficient on December 13, you have asked for staff to confirm the proposed Z lot residential development standards, as depicted in Exhibit A in your application, can be classified as single-family attached as provided in the Ave Maria SRA document.

Based upon my review -- and then Ray went into detail about three items: The minimum front yard setback, and the single-family attached was 20 feet and the Z lot was 20 feet; the minimum side yard setback was zero and five, the Z lot was zero and five; the minimum rear yard setback was 10 and five, and the Z lot was five foot for accessory structures.

Now, I noticed in the application that you've got in front of us today you're asking for a three-foot rear. So I guess that is a difference. Is that part of the reason why you're asking for this as a specifically new --

MR. HURST: That's part of it.

CHAIRMAN STRAIN: Okay.

MR. HURST: In addition, those lots are slightly oversized. They're not 38 feet wide, so we were able to accommodate the 5-foot setback; whereas, we would actually need a 10-foot on one side, zero foot on the other, or five and five for this particular product. So that was very specific to three lots in the model center row.

CHAIRMAN STRAIN: Okay. That's the -- that's what I needed to understand. Thank you. Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Well, let's move on then, Wayne.

MR. ARNOLD: Okay. I think the last change that we had -- and this is also reflected in your packet that I handed out. And Kay's going to have to help me with the orientation so we're correct.

This is the town plan. And, again, Area 2B -- there was a lot of discussion from the residents about the connection of Arthrex Drive into the community. And if you'll note, we simply pulled back the Arthrex road so that it doesn't connect to the residential parcel just to simply indicate that that was not an intended interconnection.

CHAIRMAN STRAIN: And you think that's effective?

MR. ARNOLD: Well, I think it's the most effective thing I can do with regard to the master plan as we discussed.

CHAIRMAN STRAIN: And you know that to come in and say to staff that we just want to -- we're going to connect that up to this road here, that isn't -- I mean, that could probably be resolved at administrative level, because it's not a new entrance. It's an internal road, and all your internal roads are conceptual in nature.

So I think your intention is right, but we need to put it in text that gets entered into the SRA document.

So at some point today that would be an item that's going to have to come up. If you don't want to do that, then that certainly means that wasn't your intention, and we might as well know that today before we go too far.

MR. ARNOLD: Well, I think, as we've said to the residents and as discussed last meeting, it is not Barron Collier -- the developer's intent to make that interconnection. If that interconnection wants to be made by Pulte/Del Webb, then so be it. They'll put their own gated controls in place so that it's not a through public road for, you know, incompatible traffic.

CHAIRMAN STRAIN: Well, then say that in text, and we'll review it and make a decision whether that should be stipulated as part of the text.

COMMISSIONER ROMAN: Yeah. I have a question while we have this diagram up.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: Wayne, we had discussion earlier about the Town Center 2B and the

northern boundary as covered with the buffers earlier. What's happening in that western corner of that 2B?

MR. ARNOLD: In this area?

COMMISSIONER ROMAN: Correct.

MR. ARNOLD: That is an area that's north of the Arthrex facility. I don't know that there's anything specifically planned for that parcel, but it is currently part of the Town Center 2B.

COMMISSIONER ROMAN: Well, it adjoins the neighborhood general, correct?

MR. ARNOLD: That is correct.

COMMISSIONER ROMAN: So I guess what I'm asking is, is there a buffer there now that's on that western portion of that 2B, or what's happening there?

MR. ARNOLD: As the SRA's currently written, there is no buffer requirement between the two. And, again, I think our commitment for the buffer is going to apply to the 2B interface with the neighborhood general.

COMMISSIONER ROMAN: So we could add that. We only address the northern boundary in the text, and can we add that as part of that?

MR. ARNOLD: I think that would be a good suggested change.

COMMISSIONER ROMAN: Thank you.

MR. ARNOLD: I think maybe for clarification, if I could go back to that, I'll read what the title -- right now, as we've proposed it, it says Town Center 2B northern boundary interface, and maybe what I should revise that to say is Town Center 2B northern boundary and neighborhood general interface.

COMMISSIONER ROMAN: That would work for me.

CHAIRMAN STRAIN: Yeah, that would get us there. Good.

Good catch.

Okay. Anybody else? Diane?

COMMISSIONER EBERT: I have one question. I did hear people speak about how you have done the utility area, how you've blocked that off. Is it possible to do that along the northern border of the industrial leading into the neighborhoods? Because they can already see what you have done to close off the utility area, and so they could actually see what it would be like for them now.

MR. ARNOLD: Can we think about that?

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: I think, yeah, that would be a good point to discuss further after we get public input.

Wayne, did you have anything else you wanted to --

MR. ARNOLD: No, sir. Those were the revisions and going through, I believe, all the pages that had changes on them.

CHAIRMAN STRAIN: Yep, I think we did. And I'm anxious to hear what the public's got to say. The -- one point I wanted to bring up for the benefit of the public that are here, because you've -- many of you have expressed this concern to me, and I indicated, at least to Mr. Zulick (sic) and maybe some others that I was going to bring this up today, that is the fact that the SRA process is the only process in Collier County involving changes or modifications to land use that doesn't necessarily require a neighborhood information meeting.

Your zoning actions do and your conditional uses do, but when the SRA process went through, it excepted out the requirement of a neighborhood information meeting, which is something that you as the public did not get to benefit from, and you found out by mail, which brought a lot of issues up after the fact, and I think it would have been far to the benefit of yourselves, as well as the applicant, to have known this before we got so far along.

Many things could have been worked out, compromises could have been discussed, and a lot of the angst that we've been going through on this commission, both in the last meeting and this one, to try to find out how to review this could have been discussed openly well, well, well beforehand.

So I would like to make a suggestion, and I would like the board to express support to the staff -- because the Planning Commission can direct LDC amendments. I would like the staff to pursue at the next available LDC cycle an amendment to the SRA process that institutes neighborhood information meetings for

changes or modifications inside an SRA comparable to those kind of changes that NIMs are used for in PUDs.

And the reason I'm careful in saying this is an SRA by right, unfortunately, in the RLSA section of the county, can go without any further approvals with the exception of the standards in the LDC.

Their zoning is already there. That was decided by an arbitration hearing several years ago. The county took the position "no," the arbitrator took the position "yes," as the applicant did, and the applicant won that round. So we're bound by those rules and laws that were set back at that time.

So the zoning for the entire overlay is already there. So the SRA merely comes in and says, we want to institute this area as a town, and here's how we're going to build this town. It's all pursuant to standards already in the code.

But where the NIM would be most useful to you-all is once the SRA is approved, from there on any changes that rise to the level of a substantial change like are required for a PUD, a neighborhood information will be required prior to that change coming forward.

Ray?

MR. BELLOWS: I just want to make sure I understand. We would do an LDC amendment for new SRAs as well as amendments to existing SRAs?

CHAIRMAN STRAIN: Well, we couldn't do new SRAs. For example, Big Cypress is coming forward.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: We couldn't do a NIM for that because there's no neighbors. It's all farmland.

MR. BELLOWS: Okay.

CHAIRMAN STRAIN: So I'm suggesting once an SRA is formed, any changes thereafter have to go through a neighborhood information process, and that protects the people living there. I don't think that was fully thought out when it was omitted --

MR. BELLOWS: No, I agree.

CHAIRMAN STRAIN: -- before the first reason that I responded to you, because I remember I was part of all that back then.

MR. BELLOWS: Yeah. No, that's a good suggestion. We'll get it on the agenda.

CHAIRMAN STRAIN: And does the rest of this panel feel that's okay?

COMMISSIONER EBERT: Absolutely, and I talked with --

COMMISSIONER HOMIAK: Yes.

COMMISSIONER DOYLE: Yes.

CHAIRMAN STRAIN: Okay. Charlette, you okay with that?

COMMISSIONER ROMAN: Absolutely.

COMMISSIONER EBERT: They agree.

MS. ASHTON-CICKO: Why don't we just take a vote?

CHAIRMAN STRAIN: Okay. Is there a motion to support the LDC amendment to look into the initiation of NIMs for a change to an SRA after it is formed?

COMMISSIONER EBERT: I make the motion.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Is there a second? 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.

So that is direction to staff, and that will happen.

Now, I've been working for government for about 12 months, maybe 15, and I can tell you one thing I've learned; it's slow. So don't lose your patience. It takes forever to get things done, but they finally seem to get done. And it's not through the fault of the staff or the administration. It's just the process that you have to go through to get there. And it's a good process because everybody is involved in it, so that's a good thing, but it just takes a while.

So with that in mind, we'll end that discussion, and we'll move into staff report on the new changes. Kay?

MS. DESELEM: Good morning. For the record, Kay Deselem. And I also have with me Nancy Gundlach who can address the changes for Exhibit F1 and 2.

Staff is in agreement with the proposed changes as they're written and have been amended today in the discussion. And if you need to speak with Nancy, she can be called to the podium and address any concerns you have or give you our opinion of what the proposed changes are.

CHAIRMAN STRAIN: Okay. Well, Nancy is based on the landscape information, right?

MS. DESELEM: Yeah, Exhibit F1 and 2.

CHAIRMAN STRAIN: Yeah. And, Nancy, if you want to add something, you're more than welcome to. I don't know if we have any specific questions we haven't already asked, so I think we're kind of covered. Maybe after we hear public comment, there may be more need to address the landscaping again. Okay?

MS. DESELEM: Okay.

CHAIRMAN STRAIN: Then, Kay, one question was brought up to me, and I want your clarification on it. When staff produce an executive summary and they make findings on the applicant's information, you approve it to get to this point with the exceptions noted in your recommendations at the last part of the executive summary; is that a fair statement?

MS. DESELEM: I assume you're talking about the staff report?

CHAIRMAN STRAIN: Yes.

MS. DESELEM: Yes.

CHAIRMAN STRAIN: Okay. So nothing's necessarily approved. It's subject to your recommendations unless there are none. Then you as staff may have approved it, but that means nothing to our board except for consideration.

MS. DESELEM: Yes, sir. That's totally correct. It's just a staff recommendation.

CHAIRMAN STRAIN: There's a lot of people here who haven't been through the process before, and that question came up. I just wanted to make sure it was clear.

MS. DESELEM: It's just one level of the process.

CHAIRMAN STRAIN: Okay. Thank you.

With that, Ray, we'll start with registered public speakers, then we'll open it up to anybody else that may want to speak. If you'll come up to either Mike when your name's called, first restate your name for the record, and then we'll hear your comments.

MR. BELLOWS: The first speaker is John McCann to be followed by Kay Cunningham.

CHAIRMAN STRAIN: Mr. McCann? And by the way, we'll be breaking around 12:00 -- or 10:30 for a 15-minute break.

MR. McCANN: May I hand these to you? I'll be referring during the --

CHAIRMAN STRAIN: Yes, sir. In fact, if you give them to me, we'll make sure we spread them out. Would you mind giving one to that lady right there who's typing away so fast.

MR. McCANN: John McCann. I'm a resident at Ave Maria. And I -- first I would like just to establish that I sent the panel a memo the day following the last meeting and requested it be part of the record. May I give a copy of that to the reporter so that she can include it in her transcript?

CHAIRMAN STRAIN: Well, if you've -- yes, you can. I mean, there's no -- we have no reason to

tell you no, but please go right ahead. We need to see a copy of it. Do you have enough copies for us as well?

MR. McCANN: I do. Well, I don't have six with me because I emailed it to all of you.

CHAIRMAN STRAIN: Okay. Well, if you emailed it, then that's fine. You can leave a copy with her. It will just be an additional part of the record, unless there's any objection from the Planning Commission on that.

MR. McCANN: And my comments will be brief because they're all clarifications of that particular document.

The first thing I'd like to address is the notion that the Arthrex Road, as I'll call it, ends before it gets to the golf course community. That's an Alice in Wonderland approach to facts, because a road has been built there. It was built by Collier on Collier land. It, in fact, connects with Anthem Boulevard, and it will, in fact, connect with Arthrex. So there is going to be a through road.

Now, the exhibit that I have on the screen shows on the right-hand side -- yes, the orange or -- I'm sorry, on the left-hand side. The green and red line is what originally was a construction road. And when Ave Maria first began, it was used rather extensively by residents because there was no shopping in town, and that was the way you got to Immokalee.

It was closed one morning, and at the next meeting at which a Collier representative was present, someone asked why. The answer was it was a security measure because there had been an armed robbery in town, and they wanted to reduce the number of exits to discourage people from thinking this was an easy place to get out of once you did something bad.

Now, to accomplish that the jewelry store is over here. I'm sorry. The center of town --

CHAIRMAN STRAIN: Well, sir, you've got to talk into the mike. I'm sorry. You can use the walk-around if you'd like.

MR. McCANN: The town center is here. So the escape route that they were concerned about went up here, all the way here, and down here. This is a right-hand turn. You'll have to go about zero miles an hour to get around it, and then you're out. That was a security measure.

Compare that to what's going on now. This yellow is Anthem Boulevard. The little purple dot is an area about 50 feet wide, which is still unpaved, and this is the road going down to Oil Well Road. It is a straight shot. To say it's not a single road defies belief.

But the average person looking to do bad things in the golf course community now knows that it takes about four minutes at high speed to get from there to Oil Well Road into the middle of traffic.

CHAIRMAN STRAIN: Sir, I might save you some time. That road isn't going to be open to the public if it's ever built. Currently, it's off the books. If it does go in, it will probably be stipulated it can be gated only. And as of -- I was out there Monday, and I couldn't get my four-wheel drive over the roadblock they put up.

MR. McCANN: Well, if you were out there Monday, sir, you probably realized that, A, it is used. It may not be a dedicated --

CHAIRMAN STRAIN: It was used, yeah.

MR. McCANN: -- public road. And as to the roadblock, to show the inventiveness of the average Commercial Driver, you probably notice that they created their own road around the road back.

CHAIRMAN STRAIN: No, I didn't.

MR. McCANN: You can drive right around the -- I have a Toshiba, which is a very low height vehicle. I was able to drive around it. It is a road. It may not be platted, but it is there, and it's accessible.

CHAIRMAN STRAIN: It will not be accessible after the process that this is going through, because it's going to be stipulated to the board. Now, unless the Board of County Commissioners opens that road up to the public, it won't be. That was already -- that was already suggested at today's meeting and offered up as a stipulation that's going to occur before the meeting's over.

MR. McCANN: The stipulation I heard, with all due deference, was that it would not be connected by Barron Collier to Anthem Boulevard.

CHAIRMAN STRAIN: They said it could be a gated -- it could be connected as a gated opening for Pulte.

MR. McCANN: I may be missing something. And if I may ask a question.

CHAIRMAN STRAIN: Sure.

MR. McCANN: If this goes through and the Arthrex road, as I call it, is paved to the end of the Arthrex road and the other unpaved road, which is entirely passible, stays there, what is it that is being proposed to prevent -- absolutely prevent traffic from using that road?

CHAIRMAN STRAIN: It would be a gated community. It will be a gate put up by the community that would be to the north. That's common throughout Collier County. There's -- we have a lot of gated communities, and they --

MR. McCANN: Well, unless the golf course community pays to put a gate up, they're exposed to this traffic because the road is there.

CHAIRMAN STRAIN: No. The road will not be there, sir. They're not putting a road in. That's going to be stipulated. The only way a road goes in, if it's a gated road. That's how we're going to stipulate it.

MR. McCANN: I think we're talking past each other.

CHAIRMAN STRAIN: Okay.

MR. McCANN: Is there a difference between a road that is usable and a road that is paved?

CHAIRMAN STRAIN: If you believe, after this is processed, that the road is usable, then you need to call code enforcement up and tell them, and that will take care of it. We can't -- we're not code enforcement, but I'm trying to explain to you that issue is being addressed today. I understand your concern, and it was because of your concern that that issue was being focused on, and we are addressing it.

MR. McCANN: So the solution is going to be the road stays as it is unless the residents of Del Webb want to pay to put a gate up at the other end?

CHAIRMAN STRAIN: No, sir.

MR. McCANN: I think that's what I just heard.

CHAIRMAN STRAIN: Okay. Well, before the day's over, we'll clarify.

MR. McCANN: Okay.

Moving to the memo that I sent to you, my first comment relates to the discussion of buffers. And I just wanted to call to your attention that in two areas I said that I was informed, and that was because I had no personal knowledge of the buffer situation at the northeast end of the property nor the buffer situation behind the existing town center.

If you look at Exhibit A, which was taken off the Internet, you will see that there's no more guesswork about the town center. They, indeed, are going to put houses back there. And the reason this facility, or this area, is being moved has nothing to do with anything other than the fact that Collier and Devco find it unpalatable to have it near their property. They'd rather have it near our property, and I do not see any public purpose being served by that other than Collier's bottom line.

Moving on to the tail end of this, I did say that the residents had invested \$84 million, and I should explain how I got to that number. I said -- with a combination of the property appraiser and the county clerk. I had been just keeping, for my own information, based on the property appraiser's website, how much houses were costing.

I realized that the property appraiser rounds up. So I went through the closings of the Collier clerk, and I may have missed one or two. But the number I came up with, even assuming I missed one or two, was 81,400,000. So I will change the 84- to 81,4-, just for the record.

Finally, I think there is some ability to argue that nobody relied on the SRA, or if they did it was not Collier's fault. But I'm here to tell you that I did personally. I went to the initial session that Collier and Tom Monahan had. They talked glowingly. After it I went down to what was then, I think, the county engineer's office, and asked them if I could look at the file to find out something about this new development.

I spoke to a nice gentleman who chatted back and forth and finally said, well, how about if I give you a map. So he brought me over to, I will call her the street-name lady, an employee who is in charge of making sure you don't have duplicate street names.

She gave me the map. It's in your pile. And you'll notice that up in the golf course area there's a curve, which is Plymouth Place, that's where I live, and a series of lines radiating out from the corner that we live on. Those were sight lines because I wanted to know where I was going to be, and that's why I moved to

that particular spot based on this document.

And the document is now being changed for no reason, as near as I can tell, other than Collier's bottom line. And I do not understand that there is either a public purpose or a community purpose or any other purpose other than that bottom-line change for this proposed amendment. And I don't understand why Collier's bottom line trumps the interest of people who have moved out there, paid a lot of money to live there, and are now being told too bad.

Now, I appreciate the obvious effort you've all gone through, talking about buffers and designing them, but that effort should be unnecessary. This is just a bad idea. It has nothing to do with anything other than Collier's wish to make money on our backs, and it's not an appropriate change. It's just a bad idea. It should not be approved. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. BELLOWS: Kay Cunningham.

MS. CUNNINGHAM: Good morning. I'd like to thank the commissioners. We -- this has been a really unique experience for me. I've never attended anything like this before. And as you know, I was here two weeks ago.

I think I have maybe two questions, if I could clarify them. In regards to a little bit of what John was talking about about the Anthem Road -- and I realize what you are trying to do, and I appreciate that. There is some question going around our community -- hopefully false information -- that it is not legal to gate that road. Do you know anything about that? Something about that it's actually some kind of a public access road and, therefore, it cannot be gated. And if you don't know the answer, who can we check with?

CHAIRMAN STRAIN: We have a rising star in our community -- in our -- over at developmental services called John Podczerwinsky, and he's dying to answer a question like that.

MR. YOVANOVICH: I can do it for him.

CHAIRMAN STRAIN: You can try, but nobody can do as good John at this question. So after you get done, let's let him speak on behalf of Collier County.

MR. YOVANOVICH: I just -- the concern, I think, is this is not a district road, and if it were a district road, as you know, it would be a public road that could not be gated. But since this is a private road, it can be gated. So I don't know that's really a John question, but I just wanted to let you know.

CHAIRMAN STRAIN: But let me correct your statement, though. District roads can be gated.

MR. YOVANOVICH: Okay. We can go there.

CHAIRMAN STRAIN: How many of your clients do you want to say they can't gate their district roads?

MR. YOVANOVICH: I'll rephrase that.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: Good morning.

CHAIRMAN STRAIN: Go ahead, John.

MR. PODCZERWINSKY: John Podczerwinsky, transportation planning.

No, all of the roads within Ave Maria are privately operated, privately owned, and privately maintained. The county does not have any governance over those.

CHAIRMAN STRAIN: So that means they can be gated?

MR. PODCZERWINSKY: Yes.

MS. CUNNINGHAM: So I can spread that around the community then?

MR. PODCZERWINSKY: Yes.

MS. CUNNINGHAM: Okay. Thank you.

CHAIRMAN STRAIN: Thanks, John.

MS. CUNNINGHAM: My other concern is based upon some information that I heard here about the proposed berm. As I understand it from the brief little public meeting that we had in Ave, we were told that the buildings that are in this proposed site can be up to four stories high. Is that a fact? And if so, an 8-foot berm with some little palm trees on it is not a very effective berm when four stories is approximately 48 feet tall.

CHAIRMAN STRAIN: And I don't remember the standards for that offhand. When we take a break, I'll try to look them up, and I'll just announce to everybody what that standard is. I believe -- I mean, it may be 40 or 50 feet. It's what they already have. So whatever the standard is now is what they have, and that's what would be applicable.

MS. CUNNINGHAM: Okay. Once again --

CHAIRMAN STRAIN: By the way, right now that same standard, there is no requirement for a berm or a hedge or a tree. So we're trying to find a way to make this a better situation than worse. So even though that berm may not be sufficient and will -- that may change before the day's over -- it's better -- anything is better than nothing at this point, so --

MS. CUNNINGHAM: Right. And that's what I'm suggesting. Is it possible that your recommendation could be for a higher berm, or is that not possible?

CHAIRMAN STRAIN: No, anything's possible.

MS. CUNNINGHAM: Because it's going to be so close to the neighborhood, it just seems like -- and as you probably saw when you were out there visiting, if you had an opportunity to go to our Oasis, that is going to be our entire view from our Oasis. Our exercise room faces that. And it just seems like an 8-foot berm versus 48 feet -- if we're talking about it, can we put in for something higher?

CHAIRMAN STRAIN: Thank you very much.

MS. CUNNINGHAM: And thank you so much. Again, I appreciate it.

CHAIRMAN STRAIN: Next speaker, Ray?

MR. BELLOWS: No other registered speakers.

CHAIRMAN STRAIN: We have a little bit of time before we take a break. Does anybody else wish to speak at this time? The lady in the first row -- ladies first -- then the two gentlemen. I know that's old-fashioned, but we're still going to do that.

MS. FIGUEROA: Thank you.

COMMISSIONER EBERT: We're old-fashioned.

MS. FIGUEROA: Yeah, I am old-fashioned.

CHAIRMAN STRAIN: State your name for the record first.

MS. FIGUEROA: Yes. My name is Erica Figueroa. I live at 6136 Victory Drive in Ave Maria. Thank you for the opportunity to comment on the petition regarding the Ave Maria master plan.

I was here in the morning at the September 4, 2014, meeting on this petition, and several of my Del Webb neighbors spoke.

Jeff Rogers presented a letter initially signed by about 60 residents, and now that this issue has become more widely publicized, substantially more people are concerned about the requested amendments to the town and the master plan.

We're feeling more than a little bit bamboozled. That's a technical term for being given the bum's rush through some complicated issues that have significant impacts to our community.

Gwen Moore provided a historical perspective on the Arthrex parking lot access from Oil Well that has turned into a road to Del Webb's Anthem Parkway. That alone threatens to bisect our community. And I know we've had extensive conversations today about that and a map re-draw.

Those promised gates are going up on individual neighborhood streets right now, but Anthem Parkway appears designated to become a major traffic artery with all the attendant environmental and safety issues.

And I know we've talked a little bit about, no, that's not a road, and from the prior speaker interface with Chairman Strain and we -- that is a hot button for us.

Del Webb residents helped pay for this roadway and should be given specific authority over its use.

We welcome high tech and manufacturing employment to Collier County, but our neighborhood should not become a highway between Maple Ridge or Coquina residents and Arthrex employment nor a university student or general public shortcut.

Karen Rayzor raised hardship and financial impacts that this amendment could have on our community. We did not choose a rural location for our homes to see the orange orchards and agricultural lands sprout three- or four-story mega-warehouses that blast lights at us from 50-foot poles 24/7.

We're told lots are selling for over \$60,000 with new phases projected to over 100,000. That's the lot only. This is definitely not affordable housing. There was a lot of discussion last meeting about affordable housing.

We've got an investment of in excess of \$500,000 or more, and that's certainly substantial, especially from people who can choose to live anywhere.

I've made some notes to my presentation, and so some of it is a little disjointed because the -- we appreciate visual and noise abatement through berms and extensive buffering, and we still hope to have a place at the table when these decisions are made. It would really be nice to have this open and free communication with the development company.

The vision of Ave Maria is a beautiful concept. Its beauty, however, will not be realized if that vision is bastardized. How can it be a town center when it's located on the very distant southern edge of the property?

We were happy to hear this morning that the verbiage about the removal in sidewalks and trails has been eliminated from this petition.

Now, opacity is extremely important to Del Webb residents. We want to be able to walk around. We want to be able to enjoy our retirement community as we saw it.

When my husband and I closed on our home, it was December 31 of 2013, a mere nine months ago. We looked at the community concept which was communicated using brochures, maps, and drawings. Another nine holes of golf added to an existing 18 at Panther Run Golf Course, an organic farm a short bike ride away, and a panther preserve within eyesight from our lanai.

We bought into that rural concept. We loved it. We were told that dirt road close to Arthrex was used only for golf course maintenance. We've personally seen the amount of traffic it had before Arthrex expansion -- that's what we're also told that there's a building going in behind the existing Arthrex building. That expansion closed it temporarily for construction.

And a recent notice on the Ave Maria television station stated that, that it was temporarily closed. So how can a road that doesn't exist be temporarily closed and publicly communicated on the public television channel that Ave Maria stewardship district puts in there? I don't understand.

Today we heard this issue addressed, but it sounds like Pulte and Del Webb residents will need to foot the bill if there's going to be a gate in there, not the proponents of this petition.

So we want to be good citizens in our area. We want to see progress happen. Change happens, you know. Now we must rely on this Planning Commission to help us protect and keep the rural environment as much as possible by not giving carte blanche approval for the requested changes to our community.

And I agree totally with Chairman Strain, democracy is a messy system, and we elect our representatives to do the people's business using good judgment and fairness. We know change does happen. We support fair and honest actions that benefit our area. We trust that your decision will take all of our comments into consideration.

Thank you for listening, and thank you for all your public service. We certainly appreciate it.

CHAIRMAN STRAIN: Thank you, ma'am.

And with that, we'll take 15-minute break and come back at 10:45 and resume with the public speakers and then go into discussion after that.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. If you'll please take your seats, we'll resume our meeting.

And we had left off with public speakers. There were two or three more people that wanted to speak. The gentleman here in the front -- fifth row back, if you'd like to come back, identify yourself for the record. Then after him will be the gentleman with the sport coat in the back, and then finally the fellow up front here who's got a small beard, not a large beard.

MR. GINSBERG: My name is Arthur Ginsberg. I live at 6172 Victory Drive, Del Webb section of Ave Maria. I want to thank you for letting us make these presentations.

And, my conclusion -- I'll do my conclusion first. We want to -- the board to reject the current proposal as it stands before us. And although I may be repeating some of the things that my neighborhoods

said, I hope you'll bear with me.

CHAIRMAN STRAIN: As long as you try to keep it succinct if it's redundant.

MR. GINSBERG: Yes.

CHAIRMAN STRAIN: Thank you.

MR. GINSBERG: I will. I want to present the facts as we see it and make requests.

I'm a retired engineer and also an adjunct professor. And when we face a serious problem in the industry, we do what's called a root-cause analysis. And what that is, you try to find the fundamental reason for a problem and then some of the contributing causes. So I'd like to do that today.

And the root cause of this problem is that the developers in one end of Ave Maria don't want all this commercial property in their area of this property, and so they're trying to shift it to another area of the property. This is a classic case, I say, of NIMBY, not in my back yard, which everybody's familiar with that.

And I'm going to go on to explain, you know, why I don't think this is fair.

CHAIRMAN STRAIN: We try to limit discussion to about five minutes, but I'll --

MR. GINSBERG: I'll speed it up.

CHAIRMAN STRAIN: We have some flexibility there, so that's all I'm asking.

MR. GINSBERG: Okay. What are the contributing factors? This is a major change to an existing plan, an existing plan that you, Mr. Chairman, approved and your predecessors on this panel approved --

CHAIRMAN STRAIN: No, sir. I was the only one that voted no on this plan.

MR. GINSBERG: You voted no?

CHAIRMAN STRAIN: Yes, 2005, if you look at the record --

MR. GINSBERG: Well, I hope I can change your mind this time.

CHAIRMAN STRAIN: I just wanted to make that clarification for you.

MR. GINSBERG: Yes, thank you very much. Well, I hope I can change your mind on this one.

Anyway, some of the contributing factors was that the proposal was done in haste, it was done in the middle of August, the key time when all the residents were away, the very little input from the public, lack of a detailed economic study, lack of a detailed transportation and safety study, and lack of attention to environmental and aesthetic considerations.

I already talked about the not in my back yard. And, again, I think that the plan that was developed, as everybody who lives in Ave Maria and has seen Ave Maria, is a great plan. And what they're trying to do is make a major change in the early stages of that plan. Only about 10 to 15 percent of the properties have been sold.

The -- done in haste -- and I won't test the motives of the people that did it, but they did it when no one was around. And as one of my mentors in the industry said to me, you could deal with the public now, or you could deal with them later, but eventually you're going to have to deal with them, even if it's not required by law. And, Mr. Chairman, you made a big point of that, and I appreciate that public input next time.

Now, economic study. What we have heard -- and a lot of this was anecdotal -- and sometimes there's a lot of truth to anecdotal -- is that one of the types of things they're considering for this Lot 2, whatever you want to call it, was a warehouse. And this kind of industry does not bring the most economic development to Ave Maria.

As we all know from the financial crisis -- we've heard this many times. What brings financial stability to a community is small businesses, the same type of small businesses that's in the original plan for Ave Maria, these town centers with the small businesses. People that live in the town can own them, they can work in them, they can frequent them, and that's the major source of economic development. It's not a warehouse that probably is fully automated and will not bring economic -- economics back to Ave Maria.

Next, transportation. I mean, I won't show you the map. But the main thing that these developers have said is they want to get a means of transportation from Naples to Ave Maria. Well, a couple of fallacies in that. Number one -- I'm going to try and get this figured out. Number one is that the roads that go from Naples to Ave Maria go through panther territory, environmentally protected area. It was not designed for economic, for trucking, et cetera. However, if you look at the signs in Ave Maria on the northern end -- and I'll show this sign here. This is -- this is coming from the Camp Keais entrance to Ave Maria and is specifically designated truck route, because this was anticipated to be the main entry of all commercial traffic

into Ave Maria.

And, in fact, if you consider the fact that there must be transportation from Fort Myers, the best routes are actually from Fort Myers north of Ave Maria to the Camp Keais entrance. And from the south you can take Immokalee Road across and up in the direction. So that's the -- that would be the optimum place.

Now, in terms of transportation, I want to mention -- and one of the chair people -- was big discussion about bicycle paths. Right on Oil Well Road, right in front of where this new proposed commercial development will be, is a bike path. And you can imagine if we had this big warehouse, or whatever it's going to be, trucks coming west going -- I'm sorry, going east and making a left turn into this new industrial complex across walking lanes and bicycle lanes. This is not really what we want.

Now, in terms of environmental consideration, that's a little tough because environmental and aesthetics can be subjective rather than objective; however, we do have one measure, and that's called density. And if you look at the original town plan, the density of people per unit area is optimum for this kind of development.

Also, commercial area per unit area of land was optimum. And by making this major change, they're shifting from an equally distributed distribution of density to a highly concentrated distribution of density in this 2B part of the plan.

And I mentioned about the protected areas with the panthers.

Now, they talked about the berms and protecting the sight view. Well, if there's a warehouse of four stories, you put an 8-foot berm or a 10-foot berm, you're not going to block that warehouse. And if you try to build a berm high enough, you're not -- it, obviously, doesn't make sense to build a berm 40 feet high. It's just not going to work. It's going to block drainage, et cetera.

Now, I just want to mention one thing. I'm an environmentalist, and we all are environmentalists, but we're privatists. We know that in order for a town to survive, just like a golf course or a ski resort, any kind of resorts, you're going to need some housing for golf courses, you're going to need some commercial development to keep a town going.

And we, in the Del Webb section, have already accepted Arthrex. And believe me, I didn't expect to see, from our Oasis club, the Arthrex facility staring me in the face. I expected to see the farmland that I -- you know, that I bought into. But we are willing to accept our share of the commercial development. We just don't want to get more than our share.

Anyway, so what we would like you to do is reject the current proposal or, at best, give it a delay of about a year. Let the community mature, let us have some input to you, and we'll have a great economic development of Ave Maria, and all the residents will be happy.

So that's my presentation. Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

The gentleman in the sport coat, if you'd like to come up, sir. Oh, I've just been told that's a suit. Okay. So the gentleman in the suit.

MR. KIRK: Good morning. For the record, my name is Bill Kirk. I am the vice president for legal affairs and general counsel of Ave Maria University.

I've resided in Ave Maria Town for the last two years with my wife and three children. I speak today on behalf of Ave Maria University.

Ave Maria University appreciates the opportunity to address the Collier County Planning Commission on this matter and wishes to express its gratitude to the commission and its staff for their faithful and dedicated public service.

Since its founding 10 years ago, through the generosity of Mr. Tom Monahan, Ave Maria University has been happy to partner with Ave Maria Development and the Barron Collier companies.

The Barron Collier Company is one of the largest benefactors to the university having donated the several hundred acres of land on which the university is located.

We appreciate the ongoing efforts of Ave Maria Development to market and grow and continue the development of the Town of Ave Maria in accordance with the Ave Maria Stewardship Receiving Area town land plan and SRA master plan.

With regard to the requested amendments to the SRA, Ave Maria University has no objection to and

supports the application for rescission of the Town of Ave Maria Development of Regional Impact. Further, AMU is gratified to learn that the request to revise the pedestrian network map to remove sidewalks and trails has been withdrawn.

With regard to the request to add single-family detached Z lots to the neighborhood general zone, the university also supports this request in light of our understanding that this less dense use of what is known as the Middlebrook development, which is already platted for more than 300 units will, upon approval of this request, be platted for only slightly more than 120 units.

With regard to the requests that 600,000 square feet of light industrial warehousing be added to the Town Center B -- 2B that 155 acres of neighborhood general be redesignated to Town Center 2B, the 90 acres of Town Center 2A be redesignated to neighborhood general, and that 52 acres of Town Center 3 be redesignated to neighborhood general, the university respectfully requests that the commission's decision reflect the university's hope and the plan as envisioned in the SRA that the development of each and every area within the SRA contribute to and honor Ave Maria's overall character with a town core and town center providing daily goods and services, culture, entertainment, and residential uses consistent with a university-centered town integrated with the natural beauty of the surrounding ecosystem.

Finally, the university's encouraged, by our understanding, that the petitioner will be proposing to construct a buffer to mitigate the issues already presented by the currently existing light industrial use, that is the Arthrex building, and would hope that if any additional similar uses are proposed for the area, that they would also either be appropriately buffered or be designed in such a way as to blend in to the adjacent residential uses.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, sir?

MR. FIGUEROA: My name is Ludwig Figueroa, and my wife already spoke previously. I have a Ph.D. in engineering. I'm registered as a professional engineer, and I've practiced civil engineering for over 30 years as a university professor, and I'm a fellow of the American Society of Civil Engineers.

I'd like to address some of the points that were presented to us today regarding the possible construction of a berm.

Most of our homes have been built on fill land. In fact, the mean elevation of my own home, of our home, is 24 feet. The surrounding ground, which is subjected to flooding, is at an elevation of 21 feet according to the National Flood Insurance Program.

So when the proposed berm is supposed to have a height of 8 feet on original ground, we're losing, already, 3 feet of that elevation with respect to our homes.

And I made a little sketch. We, as engineers, are always used to writing our diagrams either on a hardhat or on the back of an envelope, so I did this this morning here.

And I'd like to show you, the line of view -- if we are assuming that we're going to have three-story warehouses and the berm is eight feet in elevation, then if I'm standing close to the berm, obviously, I have a line of view that is higher with respect to a person that is standing away from it, and then the line of view with respect to the buildings would be much lower. Okay.

With respect to the elevation of this berm that is proposed as being eight feet, it is definitely insufficient, not only because of the mean elevation of the existing ground, but because of the line of view we will be subjected to.

Now, with respect to the configuration of the berm, if we elect a three-to-one slope -- and by the way, most of the soils that we have in Florida, in this part of Florida, are granular with a friction angle of about 30 to 35 degrees. That means if you drop some soil, it will stand at a slope of 30, 35 degrees, okay. So this relates, then, to the width of the berm.

If we have -- put my glasses on. If we have a two-to-one slope at a 14-foot-high berm, we would need, on each side, 28 feet of width, meaning that the total width would be 56 feet provided we don't -- that we don't have any crown at the top.

So the proposed 50-foot berm is also insufficient if we were to elect a 14-foot elevation in the berm. Now, with the proposed value of eight feet, if we have a three-to-one slope, three horizontal, one

vertical, that would give us a total width of about 48 feet. Again, that would match the width that is proposed. But in my previous discussion of about -- of why the 8-foot elevation is insufficient because of how the ground is and with respect to our elevation from our homes, this is simply not a feasible engineering proposal. Okay.

And I would agree with my colleagues that more review has to be given to the proposed changes to the Ave Maria plan.

And I thank you for your consideration.

CHAIRMAN STRAIN: Thank you, sir.

Okay. Is there anybody else that wishes to speak? Mr. Klucik.

I may have pronounced your last name wrong, but it was an attempt.

MR. KLUCIK: You got it right, sir.

CHAIRMAN STRAIN: Thank you.

MR. KLUCIK: All right. So I appreciate very much, Mr. Strain, you spent a lot of time talking with me, and I appreciate that.

I'm going to go ahead -- I don't have copies for everybody, but I would like to have a matrix that I did enter into the record, and I'll give you a few copies. I did send it to you.

CHAIRMAN STRAIN: It's most important you give one to that young lady next to you, and then one for the overhead, and then at least we can see it on the overhead versus not having a copy if you don't have enough.

MR. KLUCIK: So my name is Robert Klucik, and I live at 5142 Ave Maria Boulevard in Ave Maria. I spoke at the last meeting as well.

And I also do want to thank David Gensen from the petitioner who spent almost two hours talking with me, so I really appreciate that. I hope I'm not getting you in trouble with your boss for doing that, but -- no. Very, very helpful in fleshing things out.

I want to go specifically to my matrix. And, very briefly, I list what I see the proposed changes are. I know they've kind of evolved a little bit. What the developer's rationale is, and that was based on their public comments and then as well Mr. Gensen's discussion with me, what the rationale against that might be, and then a potential solution.

So across the board I would say that on any of these changes that one of the concerns is that the language -- at this point we really don't know how these changes would affect the existing neighborhoods, the existing trees, you know, the existing situation.

And so there's a concern there that, depending on how this is proposed and passed, you know, three of my trees in front of my house could die, and then all of a sudden they wouldn't be replaced, because under the revised code there would be no necessity to replace them.

Now, my thought is Ave Maria Development would replace them, or they would make sure they got replaced, you know, the people -- but we don't really -- we can't count on the fact that this is forever going to be, you know, under the current developer, and the rules that you passed, the SRA, should not be dependent on the idea that we all know we have a good developer.

CHAIRMAN STRAIN: But I -- and Nancy can correct me when she comes up a little later, but I believe a code-required tree is -- would have to be replaced if it dies, so they'll always be there.

MR. KLUCIK: Okay. So if a code-required tree is placed and then the code changes, then --

CHAIRMAN STRAIN: Well, that's a different element, and I'll let Nancy address that.

MR. KLUCIK: That's what I'm concerned about is that if you pass this, if the tree dies and under the new rule it wouldn't have to be replaced, then we would be out of luck, and it would change the character of, you know, that part of the community, and that is a big concern.

And that doesn't -- that happens to be one example. I'm concerned about that across the board. And it does appear as though, that -- you know, I think what I heard from the developer is that's not their intent, so it shouldn't -- that wouldn't seem that there would be objection to putting that into whatever the proposal is, that that be, you know, a requirement, not just a hope, that it wouldn't -- that it could never be applied retroactively.

The second item on the list, it goes to the town center. And I'm going to read from a letter that I sent

to you just a couple provisions of the RLSA, very short excerpts. The town center shall provide a wide range of uses, including daily goods and services, culture, and entertainment within walking distance, like the town core, which is where the oratory is.

Like the town core, the town center is the primary pedestrian zone designed at human scale to support the walking environment. It is the main street area of the town. This is the town center -- the town center that we're talking about, the industrial park that we're walling off because it's an eyesore and people don't want anything to do with it, and they're not even really going to have a path to walk there because there's going to be a big berm there, because everyone agrees that a berm is necessary.

Okay. So it's the main street area of the town. So this main street is being blocked off because everyone hates it. Okay.

Buildings shall be positioned near the right-of-way line, wide sidewalks shall be shaded by trees -- by street trees and architectural elements.

So now we've said it has to be 50 feet away, at least, with the berm, on and on. Okay.

Another excerpt from the RLSA. A defining context zone that is intended to provide a wide range of uses -- and this is a definition of a town center. The defining context zone intended to provide a wide range of uses, including daily goods and services, culture, entertainment, same thing.

CHAIRMAN STRAIN: Sir, you need to -- she's got to type as fast as you talk, and you are -- I know, I'm -- I appreciate you trying to get through quickly, because we do need to kind of make sure we get going --

MR. KLUCIK: Yes, I apologize, ma'am.

A defining context zone that is intended to provide a wide range of uses, including daily goods and services, culture, and entertainment and residential uses within a town. The town center is an extension of the town core; however, the intensity is less as the town center serves as a transition to surrounding neighborhoods.

Now, I bring those two things up to show that in two different sections of the RLSA we have a definition for town center. What we've come up with has nothing to do -- doesn't look anything like those two definitions. Those definitions aren't vague. They're not hard to envision, they're not hard -- they wouldn't -- they're not hard to regulate, and that's not what we have proposed here.

And I'm not even saying that I'm against the idea of having some industry in town, but the way they've proposed it, absolutely, it is not a town center. They're redefining the word, just like they're redefining street trees to be trees that are 32 feet away from the street, but that seems to be what's going on.

So my specific issue, then, is that that doesn't seem to fit, and I don't know how you -- how the planning staff could say, oh, yeah, that meets that standard. And I'm sure you have an explanation for it, but I can't see how you can say, oh, we approve this, because right here -- and I sent this to you, ma'am, Ms. Deselem -- I don't understand how what's being proposed meets this definition, and so I'd appreciate if that could be explained.

I also am concerned because the 600,000 square feet, it seems as though they could then go back and do what they already have done.

Currently Arthrex kind of borrowed space that was office space, so it borrowed office designation. So I would hope that if we're going to go through with this, that there -- that they be topped off. There can't be any more other than those 600,000 square feet.

Now, maybe that's exactly what is being proposed, but what if they run out, they use up all that 600,000 square feet, are they going to come back and say, hey, remember what we did when we first built Arthrex? We converted some of this other classification, and we said that it would be fine for the Arthrex project. So I would like to have a cap saying 600,000 square feet, and that's it.

I would also be concerned that everything else should serve that definition. It should provide daily goods, services, culture, and entertainment for the residents that live next door. I don't really see that that's what anyone has planned here. I think it's going to be a complex that serves the needs of the people in that complex, it's going to serve the needs of the people working there, and it's going to serve the needs of the industry there, maybe, you know, piggyback, you know, suppliers or services that the industrial and commercial uses are. I don't think that anyone can feel confident or even comfortable with the idea that

what's being proposed is a town center.

And part of the problem with that, then, is you've stolen, borrowed, whatever -- I don't want to be hyperbolic, but they've taken what was supposed to be goods and services that are supposed to be something that I can, you know, take my seven-year-old with -- you know, and bike over to and do some errands. Now that is almost all gone. So that's what they're doing here.

I would also suggest, specifically, if you look at the RLSA, in the letter that I sent dated the 4th of September -- and I sent it to every one of you and Ms. Deselem, I believe -- I just want to know how is this within walking distance of homes so residents can walk over to obtain daily goods and services? How is it a primary pedestrian zone as proposed? How has it designed its human scale as proposed? How is it supportive of a walking environment? And these are all things that are criteria that are supposed to be present in the town center.

How does it function as a main street for Ave Maria? How does it provide sidewalks shaded by street trees and shaded by architectural elements? How is it suitable for residential use? Town center is supposed to be a residential area as well. And how does it serve as a transition to the adjacent neighborhood? Well, it doesn't. We have to have a huge screening wall in order to have this.

I also was concerned -- and I asked this specific question, and I haven't received an answer -- under the RLSA -- I'm quoting from 4.08.07, Section K.1.B, the transportation impact assessment, in addition to considering the impacts of the highway system, shall also consider public transportation and bicycle and pedestrian issues to the extent applicable. And I haven't seen or had any discussion that the traffic -- that there was a traffic study that addressed bicycle and pedestrian issues.

As to the street tree issues, specifically, the 20 foot -- 20 feet maximum, I guess all I would say is that I certainly understand that they've created a problem for themselves, and that's really all that's happening here is they wrote the standards -- "they" being the petitioner -- wrote the SRA, got it passed, said these are the things that we're going to abide by, these are the standards that we're going to build by -- and it's beautiful and they did. And now they're say, well, gee, we want to do this other product, and we don't want to put a burden on anybody else, so we're going to -- we're going to change the rule so that we can sell product that we know causes problems.

In addition to that, I would say that I think -- and I also sent this -- a copy to the commissioners. A friend of a neighbor did a study in which they measured all the trees going down the main thoroughfare -- it's a divided street -- through the new neighborhood of Maple Ridge. It's called Roma Street. And they just took one side of the street, and they measured all along that one side of Roma Street, and they measured all the trees.

And out of the 17 tree distances between trees that they measured, four of them were within the standard -- excuse me -- five of them were within the standard, meaning that they were no greater than 40 feet, 12 of them were greater than 40 feet distance, and of those 12, eight were ridiculously greater than.

Now, they're already building -- when I talked to Mr. Gensen, he suggested that, well, that's what we did and, of course, the code enforcement is going to come by when we're all done and, you know, they'll let us know if there's anything that we need to fix to comply with the code, which is -- you know, that may be true, except they're building it out of compliance, and it's very obviously out of compliance.

There's no way they could have not known that they were out of compliance with these trees. And I only bring this up because it just shows you what they already have done. So this isn't what might they do; this is what they've done.

And one of the distances is over 80 feet, and it's not because there's a street. That's on a long neighborhood, and it was just so inconvenient because they decided to build houses where there's a bunch of garages, and they didn't feel like using the little square patch of grass for -- I mean, they have places where you could put trees in in all these locations where they haven't done it. So it tends to make me think it's expensive, and that's the problem.

And getting to that --

CHAIRMAN STRAIN: You need to start wrapping it up.

MR. KLUCIK: -- on this tree issue -- sure.

On the tree issue -- and I've spoken to you briefly about this, Mr. Strain -- I'm most concerned

because the cost is shifting. And maybe I'm wrong on this, but I see the cost shifting because these aren't actually street trees that are in the common right-of-way. These are now going to be trees that are in individual homeowners' property.

It seems as though the initial installation of the trees and the installation of the root barriers and the installation and maintenance of the irrigation and the water cost, the root barrier cost, the maintenance of that, the tree replacement, all of that now is all shifted to the homeowner; whereas, now it's a collective expense shared by whatever common, you know, group is actually responsible for that right-of-way. Now it all shifts to the individual homeowners.

And that -- no one has talked about that, and I think that's a very significant concern, because right now it seems like it's no big deal. But the whole reason the root barrier issue is important is because these trees can cause problems, so now they're shifting the problems onto the homeowners.

And I also would suggest that when we have this language about averages, I would hope that it would be an average that was within a short distance, because you could -- you know, it's the average of what? The average of, you know, miles and miles of streets or the average of, you know, a quarter of a mile or what?

So I would hope that we would put something in there so that it can't be this average that kind of shafts one street and another street. They can say, oh, well, we made this basically our marketing street where we have a ton of trees. The marketing street counts against, you know -- counts towards our average, and so, therefore, we can kind of shaft people in some of the sections.

So I do want to stress, if it wasn't people's impression from the last time I spoke, I want to underscore, again, Ave Maria Development is a great developer. I love the community. And the reason I'm here is because I -- you know, I'm concerned that I won't like it as much, and I think that's how most people feel. And I don't think there's any developer who would do it any better, but that doesn't mean that the people aren't going to be concerned sometimes when developers propose things.

Thank you, sir.

CHAIRMAN STRAIN: Thank you. Are there any other members of the public that wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. A couple of things. First of all, we're -- we're going to ask for rebuttal from the applicant. I do want to answer one question that the lady in the front row had asked, the stories. There would be four stories allowed for non-residential uses in the town centers so that -- at least to answer your question in regards to that.

Richard, do you want to take any time for rebuttal?

MR. YOVANOVICH: Well, just briefly, and then answer questions if the commission has them.

The last speaker, we're perfectly fine with the 600,000 square foot cap on the light industrial uses we're requesting. That was always our intent. And we started out with that; that was our purpose. So we're fine with the cap.

I think that a couple of speakers are confused that we're somehow going to convert this town center to 100 percent light industrial and, frankly, that's not going to happen. It's 155 acres. It's going to be light industrial with the other retail-type uses that are allowed in town centers, and residential is one of those uses that is also allowed in that town center along Oil Well Road.

I don't know if the -- I'll call them the regular engineer versus the Ph.D. engineer. Mr. Ginsberg is aware -- and I don't know if he was here last time, but --

CHAIRMAN STRAIN: Richard, what I've seen from most of the speakers, there's a lot of information that hasn't been readily available, but it was based on what was initially submitted back in 2005, and that -- most of that information still stands today. The traffic impact studies, the environmental studies, all that stuff was done in detail --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- and there's a very thorough record of that. I spent eight hours on this panel questioning the applicants back in 2005 on multitudes of documents and pieces of every one of those things. The community could have highly benefited from some -- I guess, a refresher course in what the SRA is versus what you are perceiving it to be, because there are a lot of things there that may not have been

clearly understood in reviewing the documents.

The RLSA program and the SRAs, as a result of that program, is probably one of the most difficult and complex programs ever invented by man to apply to land use, and, unfortunately, we have it here in Collier County. But that doesn't mean it isn't law and, as law, this panel has to consider it, so -- and abide by it.

So that's where we're coming from, and we'll do our best to try to get there today. And I'm sorry to interrupt you, but --

MR. YOVANOVICH: I was going to point out that we have done a transportation analysis. We had done an environmental analysis, and you beat me to the point, and I appreciate that, because to say that we haven't done those things is just not factually correct.

CHAIRMAN STRAIN: Well, I remember almost every minute of those days, so, yes.

MR. YOVANOVICH: And Oil Well -- and if you remember, town center -- I'll point to it, because -- this town center -- is this working?

This is the map that currently exists, the master plan. This town center was where Arthrex originally intended to go, as you recall, and then it moved and became the town center off of Oil Well Road, and Arthrex has been, obviously, a benefit, we believe, to Ave Maria, as well as all of Collier County. I mean, they are a good employer, and they bring high-wage jobs to Collier County, and they like Ave Maria, and they want to expand in Ave Maria, and we see that as a good thing. And it is not a hastily put together request to change that town center along Oil Well Road.

There is good access along Oil Well Road, and they didn't like the access along Camp Keais Road. That's why they moved to Oil Well Road, if you-all will remember.

So we have not put anything together hastily, we haven't done this in the summer to ram it down anybody's throats, and we have done the economic analysis, and we have done the transportation analysis.

Regarding the berm -- and I will caveat this, that I am not a professional engineer. I am just the land use lawyer, and I have consulted with a professional engineer and my -- not back of the envelope, but my legal pad description of the berm that we are proposing.

And I have been told that the 8-foot berm will be on top of fill that will bring us to the same level as the residences. The cross-hatches, they're professional engineer's handwriting, which is far neater than mine -- the eight feet berm is what we are proposing.

You asked us to look at, Mr. Chairman -- and I'm assuming your colleagues agreed about the -- obviously we had the opacity of 100 percent for eight feet. We would propose a six-foot hedge on top of the 8-foot berm that would reach the 90 percent opacity that you were talking about, and we had proposed, previously, the trees of 14 feet basically on top of that -- of the berm, which we got no credit for in the previous sight line envelope drawing.

So this is my attempt to show what the berm really would be. It would be measured from the same height, so we'd have that eight feet, we'd have the six-foot hedge on top of that, and we'd have the 14-foot trees, which if I did the math correctly, would be 22 feet of berm/planting combination that we would be proposing. And we'll make the revisions to the documents that were in front of you. So we're perfectly willing to do that.

I know Mr. McCann and others have spoken that we have this road. It's a gravel road that was built for purposes of installing utilities to the site. It is a utility easement. We've blocked off that road. We have language that we would propose. Do we have that, Wayne, that I can throw up there?

MR. ARNOLD: It's not printed. I can read it to you.

MR. YOVANOVICH: It's not printed, but let me read you the language that we would propose that would address the interconnection of the town center to the neighborhood general. And, basically, we would -- we would add to the page that deals with the buffer, 96A -- we would add the following language: It would say, access to the town center shall be from Oil Well Road and Ave Maria Boulevard.

Vehicular interconnection to the neighborhood general area shall be prohibited unless it is approved by the neighborhood general residential developer or residents of the residential community.

So if there's a turnover that occurs in these residential areas and the residents say, you know what, we regret that we don't have connection to the town center, and we would like interconnection to the town center,

they could then ask for that interconnection. But this clearly says the interconnection is prohibited unless the residential developer wants the interconnection to occur or the residents themselves want that interconnection to occur.

So I don't know how any clearer to say it. We've already blocked it off. It's a gravel interconnection that occurs to date. And we're not going to put the residents in a position of where interconnection will occur unless the developer of their community wants it or they want it. So that's the language we would propose on the interconnection issue.

So I think that those were the major issues that I heard. The sidewalks are off the table. The root barrier discussion is off the table. So I don't know that I really need to get into any of that.

I hope that from the -- from what we heard to be the major -- the major concerns that were raised, I hope those comments address the concerns, and we can get into any more specifics that you may. I'm not going to get into a rebuttal on some of the root cause issues and the contributing factor issues. We don't agree with their premises, and we'll just move on from there.

CHAIRMAN STRAIN: And I hate to shift gears. My intention is to finish the Ave Maria discussion before we go to lunch so those people don't -- that have come here don't have to wait through lunch for us to come back, but the second application up today is what I perceive to be a five- or 10-minute application.

And the gentleman that is here to discuss it has other appointments this afternoon, not -- and didn't realize at the time that was scheduled originally we'd be continuing a long process for Ave Maria to today.

So I'd like to ask that we try to handle that one real quick and then come right back to this since we're at a point where the public discussion and rebuttal is over, and we can come back with our questions. But before I do that, I want to ask, first of all, is that something that you wouldn't mind indulging on, Richard?

MR. YOVANOVICH: No. Mr. Chairman, we are happy -- as long as it's going to be as quick as I think it will be and you think it will, we're happy to take a five-minute break or however long to do that.

CHAIRMAN STRAIN: No. Let's take a pause from your issue and move into another, but I want to make sure from the Planning Commission members, does anybody see a problem with that?

(No response.)

CHAIRMAN STRAIN: ***Okay. Then we are going to shift horses in midstream, as they say, and move into Petition BOA-PL20140000516. It's a petition amending a development order for a -- basically an extension of an expiration date and buildout for six or seven years.

All those wishing to testify on behalf of these items, 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: Nothing to disclose.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Nothing.

CHAIRMAN STRAIN: Rarely does it ever happen, but I don't think I've had a discussion on this one unless -- except during -- or this morning when you and I talked about it.

MR. HOOD: Yep, that was it. I didn't think that we needed one.

COMMISSIONER HOMIAK: Nothing.

COMMISSIONER DOYLE: Nothing.

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Okay. Then, Fred, I think that I would suggest you do a very limited presentation, and we'll just get into it and see if there's any questions from the staff -- from the panel, I mean.

MR. HOOD: Sure thing. Good morning, Commissioners, Mr. Chairman. For the record, Frederick Hood with Davidson Engineering representing the applicants NRA98, LLC, and Sky Angel, LLC.

I'm here this morning to discuss the requested NLPC extension for the Toll Gate Development of Regional Impact in Collier County, a DRI situated northeast of the intersection of Collier Boulevard and Beck Boulevard and is substantially built out.

Simply, our request is to extend the buildout date for the DRI. This DRI's buildout date expired December 29, 2012, from a senate -- Florida Senate Bill 1752 extension.

We're here to request that the buildout date -- buildout window be extended to August 1, 2021.

The general background for the request rests on the economy surrounding the real estate market land development in Collier County and -- since the last development order time frame. The extension request would allow for the remainder of the vacant properties to be sold and/or developed, thereby contributing to the overall health of the local economy.

As review staff will point out, all of development commitments contained within the DRI have been substantially completed, and the applicants are not seeking any increased intensity in uses that would additionally impact the existing infrastructure that services Toll Gate.

With that, I'll answer any questions you have.

CHAIRMAN STRAIN: Any questions from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, Fred.

Is there a staff report? Oh, did you have a question?

COMMISSIONER EBERT: I just had one quick -- why did you let this run out?

MR. HOOD: What happened was the development at the time in 2012 wasn't substantial enough for the developers to sell property or to develop themselves, so they just let it run out. They came to us, you know, a couple years later --

COMMISSIONER EBERT: Okay.

MR. HOOD: -- and we just re-upped it.

CHAIRMAN STRAIN: Kay, is there a staff report?

MS. DESELEM: Yes, sir. Sorry for that noise. For the record, Kay Deselem, Collier County zoning staff.

You do have the staff report. It is last revised 8/13, and staff has included the Southwest Regional Planning Council's recommendation and noted that EOC from the state had no comments.

Staff is recommending approval of the extension as reflected in the attendant ordinance or resolution.

CHAIRMAN STRAIN: Any questions of staff?

(No response.)

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

(No response.)

CHAIRMAN STRAIN: Hearing none, we'll close the public hearing and entertain a motion.

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Motion made to approve. Seconded --

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Second by Diane.

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.

That took longer than it should have but, Fred, I think it shows an example of what we shouldn't be doing, and that is requiring this elevated process, and now you have to go before the Board of County Commissioners as well.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: It's a costly process for something as obvious as this. So thank you.

MR. HOOD: Thank you for taking the time.

CHAIRMAN STRAIN: Thank you. Appreciate it.

Richard, thank you for your indulgence, and we will move back --

MR. YOVANOVICH: I'm glad he took as long as he did.

CHAIRMAN STRAIN: Huh?

MR. YOVANOVICH: I'm glad he took as long as he did.

CHAIRMAN STRAIN: Well, you know -- too bad -- well, see, he did homework before he came here. There were no questions.

MR. YOVANOVICH: I meant that in response to there's no bathroom on this floor.

CHAIRMAN STRAIN: Okay. We left off with your rebuttal. Are there now questions of staff or the applicant or any comments from the Planning Commission? Stan?

COMMISSIONER CHRZANOWSKI: I just -- Rich?

MR. YOVANOVICH: Sir.

COMMISSIONER CHRZANOWSKI: The area where this is all going to happen you said is about 150 acres, right?

MR. YOVANOVICH: Well, the town center -- Wayne, do you have the most current -- where did it go? It was on the visualizer.

The Town Center 2B -- I don't remember the exact acreage total -- is -- we have -- I think we've moved 155 acres from other town centers over to that town center, so I've got to get you the exact math.

COMMISSIONER CHRZANOWSKI: So it's more than 150 acres?

MR. YOVANOVICH: It is, so, clearly, we're not going to have a business park that's going to be taking up the entirety of that center, is my point.

COMMISSIONER CHRZANOWSKI: Well, yeah. I was just curious for some sense of scale here. We're talking about 600,000 square feet of light industrial?

MR. YOVANOVICH: Total, in the entire community.

COMMISSIONER CHRZANOWSKI: Which is about, what, 15 acres of light industrial at one story?

MR. YOVANOVICH: Correct. And the totality of Town Center 2B is 211 acres.

COMMISSIONER CHRZANOWSKI: Okay. So 15 acres of that at one story, or at four-story you're talking less than four acres, which would be 2 percent of the area is actually going to be a building that has to be shielded because of its height.

MR. YOVANOVICH: I'll trust your math. I just don't --

COMMISSIONER CHRZANOWSKI: You know, I just want to get an idea of -- you know, it's not going to be the whole horizon that's going to be four-story buildings.

MR. YOVANOVICH: If they're four-story buildings, obviously, the amount of square feet or the footprint will be much smaller than if we spread it out at one story.

COMMISSIONER CHRZANOWSKI: Okay.

MR. YOVANOVICH: But, again, it's not going to be the entirety of the 211 acres.

CHAIRMAN STRAIN: Well -- but wait a minute. If -- just because it's four stories high doesn't mean the square footage is spread out -- can't be spread out, because that means you're stacking your stories. You didn't do it in Arthrex, did you?

MR. YOVANOVICH: I doubt it.

CHAIRMAN STRAIN: Okay. Well, I just want to make that slight correction.

MR. YOVANOVICH: I understand what you're saying. Whatever -- my point was the entirety of this town center is not going to be as -- I think people are trying to portray it as wall-to-wall industrial four stories tall.

CHAIRMAN STRAIN: It can't be. It's cost -- you couldn't do that cost effectively.

COMMISSIONER CHRZANOWSKI: But that's what I'm asking. You're not -- it's not a 600,000-square-foot footprint of a four-story building. It's 600,000 square foot of commercial area.

MR. YOVANOVICH: Correct.

COMMISSIONER CHRZANOWSKI: So if you build four stories, you're only a quarter of that footprint, which is not 15 acres. It's more like four acres out of 200. Is that where we're --

CHAIRMAN STRAIN: First of all, it's 600,000 square feet of light industrial. It's not of commercial or retail.

COMMISSIONER CHRZANOWSKI: Right.

CHAIRMAN STRAIN: So that's -- commercial and retail are the additional big box or other commodity uses, small businesses that they want to put in throughout the other town centers, including this town center.

MR. YOVANOVICH: Including this one, correct.

CHAIRMAN STRAIN: Right. To spread 600,000 square feet over 155 acres will be so cost prohibitive nobody -- I mean, for the developer, they couldn't do it. They couldn't pay for anything that way. So that isn't going to happen.

I think where you're heading is correct. They're going to use a small portion of that 155 acres to place the potential 600,000 of light industrial, some of which has already been eaten up by Arthrex by how much? How much has Arthrex got there?

MR. YOVANOVICH: About 200,000 square feet.

CHAIRMAN STRAIN: Yeah. So there's 400,000 left, which means if you mirror what they've done on Arthrex, you're looking at four more buildings. So that's what it boils down to.

MR. YOVANOVICH: Two more if you did mirror.

CHAIRMAN STRAIN: Pardon me?

MR. YOVANOVICH: If you mirror what Arthrex has done.

CHAIRMAN STRAIN: You said 200,000 for Arthrex, right? And you've 600,000, right?

MR. YOVANOVICH: Correct.

COMMISSIONER CHRZANOWSKI: So two more buildings, 400,000.

CHAIRMAN STRAIN: Oh, but I -- they've got two buildings each still. That's what -- you're talking both Arthrex buildings. It's 100,000 -- or combined are 200,000?

MR. YOVANOVICH: Yes. It counts towards the already 600-. We have 400,000 square feet left.

CHAIRMAN STRAIN: Right. But the Arthrex building that staying there isn't 200,000. It's the Arthrex plus the finishing building that's 200,000?

MR. GENSEN: Arthrex is 200,000.

CHAIRMAN STRAIN: Oh, is it really?

MR. GENSEN: Yes.

CHAIRMAN STRAIN: Well, the finishing building's another 60-, so you're -- you've already used up almost a quarter million -- over a quarter million square feet of the 600,000. So you're almost halfway there. So the remaining commercial/light industrial, I mean, that you're intending to put on that 155 acres will take just a little bit more than what Arthrex has already taken up.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Yeah, okay. Well, that's a significant way to understand it.

COMMISSIONER CHRZANOWSKI: Okay. That's what I was asking. Thanks.

CHAIRMAN STRAIN: Okay. Anybody else have questions?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: Rich, you already -- is there already a four-story building there?

MR. YOVANOVICH: Arthrex is two stories, so that's what's there today.

COMMISSIONER EBERT: Okay. And I did not go through -- I'll be honest, I did not go through all of this stuff, but what is the height limit on the buildings in that area?

MR. YOVANOVICH: Four stories.

CHAIRMAN STRAIN: It's done by stories there, Diane.

COMMISSIONER EBERT: It's done by stories rather than total height?

MR. YOVANOVICH: Yeah. Those -- Town Center 2 and 3, I believe, is on that page. They both can be -- they both allow for up to four stories.

COMMISSIONER EBERT: Okay. I did -- when I said I had spoke with Wayne, my main reason for calling him was to find out what the town center's original acreages were and the proposed acreage. And

what you did was you took -- there was 108 acres in 2A, and the proposed acreage will be 18.73 acres. You took quite a bit from there.

2B was 56 acres, and it's now going to be 211 acres. And then Town Center 3 was 94, and that's going to be 43 acres. So you're shrinking, also, Town Center 3; is that correct?

MR. YOVANOVICH: Yes, that's correct, and I think the revised master plan is now on your visualizer that will show how those two centers -- town centers have been reduced in size and that 155 acres I was talking about moved over to Oil Well Road.

COMMISSIONER EBERT: Okay. One other question I had, Rich. The one gentleman brought today the plans of this Coquina, this Maple Ridge, and -- which is already plotted. I thought that's what you were coming here today to change this around so you could do this.

MR. HURST: That's correct. We are coming here so we could do it. We're going through the application process. It's not entitled, and so that's what we're trying to do. This is -- it's part of the process.

COMMISSIONER EBERT: Okay. But you've already started building in here.

MR. HURST: No, ma'am.

COMMISSIONER EBERT: You have not started building in Maple Ridge?

MR. HURST: No. I think the gentleman was referring to the models for this particular product, which we went through the deviation for, the zoning verification letter. That's at the model center located off of Avila. This is not within Coquina or Middlebrook or, you know, however we want to call it --

COMMISSIONER EBERT: Okay. That clears that up.

One other thing is the Del Webb community. They did have an option of buying the other property, and they did not take up their option; is that correct?

MR. YOVANOVICH: That is correct.

COMMISSIONER EBERT: So then had Del Webb taken up their option, things would be a little different at this point; is that correct?

MR. YOVANOVICH: Perhaps.

COMMISSIONER EBERT: Okay. I just wanted to clarify that. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else have any questions? Go ahead, Charlette.

COMMISSIONER ROMAN: Yes. Over the break -- Nancy, if you would please answer a couple questions. Over the break I talked with Nancy regarding the berm and the landscape buffer.

In looking at the possibility that a light industrial building could be up to four stories tall, Nancy and I had a discussion regarding if you have a berm that's 8-foot high and you have a tree that's 14-foot tall, you know, what options do we have to ensure that we would have an actual effective screening for the residential community, knowing that some of the vegetation products and trees in general, if you put them in at 14 feet, it will take them 10 or 20 years before they're actually going to grow to a point where they'll offer any screening.

So we had this discussion, Nancy, and I was wondering if you could address my questions in terms of what you saw would be an effective height for, you know, trees that would actually be able to be overlapped and screen the actual industrial area if it's built at four stories.

MS. GUNDLACH: For the record, Nancy Gundlach, principal planner with the zoning and planning department.

And, yes, Commissioner Roman and I did discuss the berm and plantings; however, I thought that what was proposed would be effective, and what I had suggested is that perhaps we ask the agent to provide a sight-line study to show that it is -- that it would be effective.

CHAIRMAN STRAIN: Well, that might be something they can provide to the Board of County Commissioners, but they can't draw one up here today, I don't think, unless they have someone with that capability sitting here in the audience.

MS. GUNDLACH: Okay. And I just wanted to clarify one of the comments. I do think that -- I mean, there is a possibility that maybe at planting you might be able to see some of the building through, but I believe that within a couple of years it should be sufficient to screen the proposed buildings.

CHAIRMAN STRAIN: Aren't they agreeing to a 90 percent opacity?

MS. GUNDLACH: Correct.

COMMISSIONER CHRZANOWSKI: Within a year?

CHAIRMAN STRAIN: Within a year.

COMMISSIONER ROMAN: I think that's a hedge. I think that -- is it the hedge or is it entirety?

MS. GUNDLACH: It's the entire planting.

MR. YOVANOVICH: That's not what I said.

COMMISSIONER ROMAN: What did you say, Rich?

MR. YOVANOVICH: What I said -- we have obviously 100 percent opacity for the 8-foot berm. We would put the 6-foot hedge that would achieve the 90 percent opacity, which would bring you to 14 feet of 90-plus percent opacity, and then we have our planting of the trees as well.

COMMISSIONER ROMAN: At 14?

MR. YOVANOVICH: To break it up. That would be at 14 feet at planting.

COMMISSIONER ROMAN: Yeah. I thought you said --

MR. YOVANOVICH: I don't know where a standard has come up, and I don't know where it is applied that it is a requirement to make a structure invisible from (sic) people to see. That's never been the standard. What's in the SRA today would require zero buffer between the uses that are allowed in the town center and the immediately adjacent residential.

We are responding to comments from the public that they think a buffer should be there, and we've proposed a very extensive buffer way above what the LDC requires today in the urban area.

So I think a 50-foot-wide buffer -- which we'll probably have to go a little wider to achieve what we were just talking about -- is an extensive buffer. But, I mean, I hear people talking about that we somehow need to put a buffer in there that a four-story building can't be seen, because I don't know where that standard is anywhere in Collier County, and it certainly doesn't exist in the SRA document today.

COMMISSIONER ROMAN: But, Rich, as I look at this, right now you have a town center of a certain size that the community has bought into when they moved to Ave Maria, and they have chosen to live in that neighborhood general area of that community based upon what the initial plan was.

They also knew at that time, most probably, that there was no landscape buffer required for that size town center at that point.

But what you're asking for today is to expand that area, and that's why you've agreed to put a buffer, because you want to expand that industrial area, as I understand it.

And so many of the objections that I hear from the community is the fact that they moved in there to be in a residential neighborhood knowing what they had bought into, and you're asking to change that. And their concerns have been echoed at every meeting we've heard this.

And so I'm just trying to clarify that and provide a win-win for everyone here.

MR. YOVANOVICH: And that is why we're here in front of you with an extensive buffer that we're proposing between the community and the expanded town center; keeping in mind that I already have -- I lost my -- I already lost -- I've got 56 acres, is that what it is, at that town center right now that requires zero buffer, zero.

So in exchange for what we're asking for is to expand, yes, and we're willing to do a buffer that will benefit them -- and you caught, it needs to be around the curve -- for the existing town center that I would not have to buffer at all. So it's not like we're not willing to work with the community.

But if you're going to say I've got to have a standard that makes a potential four-story building invisible, I don't think I can meet that standard.

COMMISSIONER ROMAN: And I don't think you heard me say that.

MR. YOVANOVICH: Well, I wasn't sure, because the plantings, we're talking about a four-story building and being seen, and if I misunderstood that, I apologize, if -- but we are certainly willing to do a significant buffer to the community to -- whatever direction that is, because I'll get it wrong -- west and north of there.

COMMISSIONER ROMAN: I was just trying to clarify the trees, because trees are different, as you know.

MR. YOVANOVICH: Right.

COMMISSIONER ROMAN: And a 14-foot tree, they're not all created equal.

MR. YOVANOVICH: Correct.

COMMISSIONER ROMAN: And some take 10 or 20 years to get a few more feet on them. So I'm just trying to clarify that.

MR. YOVANOVICH: Well, then, I think I misunderstood your goal, and I apologize.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay. Are there any other questions of anybody, staff, applicant?

COMMISSIONER EBERT: Yes. One thing. I did speak with one of the gentlemen at the break.

MR. YOVANOVICH: Well, that's clearly not me or Wayne, so who was it?

COMMISSIONER EBERT: And we talked just a little bit about that maximum 40 feet. And if at times -- I also am familiar with the owner of Ave Maria, and she's very, very involved in the Botanical Gardens and Grey Oaks is -- boy, the landscaping there is top-notch. And so I said -- asked him if they would be willing to, at some -- at some time you said it wouldn't go beyond 40 but you'd even be willing -- you're not trying to do less trees. If you need to do them at 20, that you could also do in certain circumstances?

MR. HURST: I think, dimensionally, what we're trying to do is hold the 40-foot average in terms of number of trees, and there will be cases where we would be less than 40, and maybe it's 25, maybe it's 35. But in concept, yes. As far as an exact number, you know, I think that's a case-by-case basis.

COMMISSIONER EBERT: No. What I just had said to you is you're not trying to reduce the number of trees. It just has to be with spacing, and it could be, like you said, 20 feet, 30 feet, but it would not be more than 40?

MR. HURST: That's correct.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. Now, is there any other questions?

(No response.)

CHAIRMAN STRAIN: If there's not, then I have one remaining item I want to clarify, whether it's Richard or Wayne. The Arthrex building has some rather high lights in its rear parking lot. If it was in the front, it wouldn't be a problem. But in the rear lots where you're going to have parking lot lighting up against the potential berm that could go there, do you have a better height restriction you'd voluntarily offer in lieu of the size that I saw at Arthrex?

MR. ARNOLD: Well, Mr. Trebilcock, who's on our team, actually did the -- worked on the Arthrex building, and he tells me that those light fixtures are approximately 35 feet in height.

CHAIRMAN STRAIN: Oh, yeah.

MR. ARNOLD: And I believe that to be true. I don't know the exact height. I heard a reference earlier to 50, which I'm not aware of any parking lot lights that are typically that high in Collier County.

But I think we could agree to a standard of 25 feet in height as a limitation on future buildings, future lights, future parking lot lighting.

CHAIRMAN STRAIN: Well, that's better than 35.

MR. ARNOLD: If I might, I know that you were asking a question, but I think that that would be most appropriate add back to Page 96A where we've established the buffer standards, the height -- or the setback standards for this Town Center 2B, and I think --

CHAIRMAN STRAIN: Right. I think that would be, too, for rear parking lots. What you do along Oil Well Road is totally different than what can be seen from the rear parking lots, so --

At this point, then, I think what we'll do is, I want to -- there's six or seven issues that have come up involving other subissues, and I thought we'd take them as a board one at a time. My hope is that we can try to finish up both the hearing today and the consent later this afternoon.

And where I'm going with that is, I kind of asked the applicant to be prepared in case this board felt it was applicable after we've walked through these, that our clarifications and suggested language be reviewed after the break for lunch and after we have heard the last case today so that sometime in early to mid afternoon we would be able to review the proposed finalized language of anything that comes out of our recommendation.

And then -- so as we go through this, keep that in mind, and at the end I'll ask the board for --

whether we want to do that or not.

First item I think we want to manage is where we stand on the Z lots. The Z lot -- the Z lot product has been amended and modified based on previous discussions and also some discussions today. Is there anybody that doesn't feel comfortable with the Z lots at this point and that the amendments and the language that we've gotten through today is acceptable? I'm not asking for a vote yet, because we're going to do a final vote and everything, but I want to take it a step at a time.

(No response.)

CHAIRMAN STRAIN: The next item that I'd like to suggest is the Anthem Road language. That's been an issue of contention, and I want to make sure that we address it thoroughly. I believe the applicant has indicated that it will not only be blocked off, but they -- if Pulte or the homeowners, after the homeowners would take over from Pulte, decided to extend the road, it would be open to that -- that request as a gated entry. But other than that, it's going to be bermed across and be built out as part of the berm that buffers the commercial area -- the industrial area from the residential area.

So does that sound okay to everybody? The applicant will be working on this language in the next hour or two.

COMMISSIONER ROMAN: And didn't I understand that Rich was going to include also that statement so that it wouldn't be a road now, but he left the option open if the neighborhood wanted to change it in the future?

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: Yes. We had prohibited interconnection --

COMMISSIONER ROMAN: Right.

MR. YOVANOVICH: -- unless the neighbors wanted it. And you're right, the chairman's right, the berm's going to be there because it's along the northern boundary.

COMMISSIONER ROMAN: Right. But we keep that future possibility open.

MR. YOVANOVICH: Up to them, up to them.

COMMISSIONER ROMAN: Yes.

CHAIRMAN STRAIN: Okay. We cannot entertain any questions or comments from the audience at this time, so we're going to have to get through this.

Tree spacing. That was the next issue. We went into a lot of discussion on that. We reiterated the concerns and the amended -- some suggested amended language to the applicant.

David, is there anything you need clarification on in regards to what you think our intentions were and instructions were in regards to what we would like to see in that?

MR. HURST: I don't think so. We did craft some new language a few minutes ago, and Mike Bosi has it on his computer. I don't know if we could post it at whatever point's convenient, but to take a look at it, kind of run through that.

CHAIRMAN STRAIN: Well, I would suggest that we try to do it all at once at the end of today --

MR. HURST: Okay.

CHAIRMAN STRAIN: -- if that's okay, and that way you have time to get it printed out. The sooner you could get it to us for review, the better. Probably when you get this to us -- not probably. We will walk through it item by item on the screen so everybody knows where it's coming from. So that would be probably the better way to take it in context with the rest of it.

MR. HURST: Okay. Sounds good.

COMMISSIONER DOYLE: And in regards to that, Mr. Klucik, I believe, had pointed out that there's trees with no set standard being put in out there as well. I'm not sure what area in particular.

CHAIRMAN STRAIN: You mean they're not meeting the standards that we're talking about? That's not our -- we have nothing to do with that. That's a code enforcement issue. And Mr. Klucik or anybody else wants to call code enforcement, that's up to them. That's not this board's jurisdiction.

And, also, the applicant has already indicated they hadn't had final inspection on that which, based on the knowledge we now have, it would probably fail. So before final inspection, they'd probably have to get that squared away.

Let's talk about the light industrial footage they're asking for, and it's 600,000 square foot cap on light

industrial, and that would be the only light industrial allowed in the project. So the other potential light that could still, as we're sitting here today, go into the town centers anywhere on this project would now be eliminated, and all the light industrial -- well, it wouldn't be eliminated, but the light industrial would be 600,000, most of which appears to be going in the Town Center 2B that's being created along Oil Well Road.

So with that in mind, what's the feelings of this panel on that light industrial?

(No response.)

CHAIRMAN STRAIN: Anybody have any concerns as they write this up to clarify to make sure it's a maximum cap and how it's addressed?

COMMISSIONER EBERT: They only have 400- left, correct?

CHAIRMAN STRAIN: They've got 260- already used out of the 600-, so they've got about 340- left.

And that brings down -- that brings us to the berm. The berm is probably the key to even considering the 600,000. The current situation in Ave Maria is one that bothered me back in 2005. It didn't have the compatibility requirements that the community in the urban area's used to benefiting from, and that is berms and buffers and other things like that. It's a blending, which there's no definition of what blending is.

So I think from a perspective of getting the berm along the entire northern property line and the western piece that doesn't border the lake for that area along Oil Well Road is a huge benefit because it gives the community something they could not have gotten any other way. And I -- for that reason alone, I'm strongly supporting it. But the berm particulars have got to be worked out so they're beneficial.

We're looking at this point at an 8-foot berm, minimum 50 feet wide with a 6-foot flat top and a 6-foot hedge on top of the berm that will be 90 percent opacity within one year, and then 14-foot-high trees spaced at 30 foot on center intermixed with that hedge. That's the notes that I took.

Is everybody else on the same page on that?

(No response.)

CHAIRMAN STRAIN: Does anybody want to ask any considerations or changes, or are we content? We'll get the language back this afternoon.

COMMISSIONER EBERT: That's a C buffer, correct?

CHAIRMAN STRAIN: Well, it's as we just described it. I mean --

COMMISSIONER ROMAN: Yeah. They're staggered but -- and it's a minimum of 14 feet in height, so --

CHAIRMAN STRAIN: Right. Wayne?

MR. ARNOLD: Just clarification, ma'am, a Type C buffer by Collier County standard is 20 feet wide and requires 80 percent opacity to 6 feet in height, which can be a combination of a berm, wall, or fence.

CHAIRMAN STRAIN: So this is the first time I've ever seen you want to go less for somebody. Amazing.

COMMISSIONER EBERT: No. The more the better.

And we are also removing the second line in Town Center 2B, the 90 percent opaque at 8 feet within one year?

MR. ARNOLD: Yes, ma'am. What we have in the back of the room for -- you received correspondence from Sharon Upinour in my office. She has the SRA master document on our laptop. She's been editing this as we go. So I believe we have the ability to either plug in and show you on the visualizer, or I think our intent is to go to the County Attorney's Office and print the revised pages.

CHAIRMAN STRAIN: So print the revised pages, give them to us as early as you possibly can, even if you have to interrupt another case just so we have them, and we can take a break and read them, and then we can discuss them.

MR. ARNOLD: So is it your intent -- just so I understand the process you're not going to make a motion now. You're going to have a motion on the item and consent following --

CHAIRMAN STRAIN: No. We're going to have a motion on the item now.

MR. ARNOLD: Okay.

CHAIRMAN STRAIN: You're going to rewrite it based on a consent hearing. A consent hearing will occur this afternoon right after the last issue we have on the agenda for today.

MR. ARNOLD: Thank you.

COMMISSIONER ROMAN: Now, I have a question. Is the lighting --

CHAIRMAN STRAIN: That was my next one.

COMMISSIONER ROMAN: Oh, okay. So we're splitting that out. Because I was going to say, is it -- it's part of that, okay. I understand.

CHAIRMAN STRAIN: Well, what I was going to say is the parking lot lighting will be a maximum of 20-foot-high fixture and will be shielded consistent with the Collier County Land Development Code.

MR. YOVANOVICH: Twenty or twenty-five?

CHAIRMAN STRAIN: Twenty-five feet.

COMMISSIONER EBERT: Twenty-five.

CHAIRMAN STRAIN: Consistent with our LDC requirements for shielding.

COMMISSIONER ROMAN: And I have an LDC question regarding that question that came up earlier regarding the buffer, that there is a provision in the code that is has to be maintained in perpetuity, right? Is that -- can somebody confirm that?

MS. DESELEM: For the record, Kay Deselem. Nancy's coming up. I'll let her do it.

CHAIRMAN STRAIN: How do you like those new microphones? They kind of get in your face, don't they?

MS. GUNDLACH: Very quickly, yes.

COMMISSIONER ROMAN: Okay. So we don't have to add anything, okay.

CHAIRMAN STRAIN: Okay. That is the extent of the items for the motion. And based on that, there will be developed consent language that we will verify later today if the board separately approves that for verification.

Wayne?

MR. ARNOLD: Can I just add one qualification on the buffer language you're going to see? The County Attorney's Office has asked for us to put a title on this page because of the way it is a 96A. So we're going to call it "Enhanced Landscaping and Development Standards."

CHAIRMAN STRAIN: Right. And Heidi has mentioned that during break. I think that's fine. That works. Great.

MR. ARNOLD: And then we'll revise what we had titled "Town Center 2B Northern Boundary Interface," that language you saw this morning. It's going to say "Town Center 2B Northern Boundary and Neighborhood General Interface."

And then, as Mr. Yovanovich alluded to, our buffer width is going to increase from the 50 feet to 60 feet in order to achieve the 8-foot berm with a planting shelf on it.

CHAIRMAN STRAIN: Good.

MR. ARNOLD: And that will correspond to an increase in the minimum building setback from that interface to 70 feet, because of the going to 60 feet for the buffer width.

CHAIRMAN STRAIN: Well, the more you're talking, the better it's getting. You can keep talking.

MR. ARNOLD: Let me continue. No. I've noted the parking lot lighting --

MR. YOVANOVICH: Sit down.

MR. ARNOLD: -- and Rich read for you the vehicular interconnection restriction that we were proposing.

So I think we're well on our way. And after all of these discussions, I think we're literally changing three pages to what you have seen this morning.

CHAIRMAN STRAIN: Okay. Well, I'm going to be -- when we get the consent language, we'll make sure that it's consistent with everything we just said. And for the benefit of the public, we strive to keep that consistency. So I can assure you, if you don't want to wait around till mid to late afternoon, what you just heard is what will be on that paperwork one way or another.

So with that in mind, and with those stipulations, is there a motion from this Planning Commission on this action item?

COMMISSIONER CHRZANOWSKI: Yeah. I'll move to approve Petition SRA Amendment PL20132012 with the stipulations as previously written.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Made by Brian; motion made by Stan.

Discussion?

(No response.)

CHAIRMAN STRAIN: I am going to support the motion, but I want to make one thing very clear, and that is I am not weighing in on the validity or otherwise of the Financial Impact Analysis Model. It was delivered to us too late -- to this board too late to do an adequate review. It was amended four times over the last couple of weeks. It is omitting and does not correlate with the SRA requested densities so, to me, it can't be evaluated at this point.

Now, the code requires it be submitted. And we have learned in the past it's a document that is undefensible. It basically is randomly applied, and so it's of very little value in the end. But the mere fact the code required it to be submitted was what my goal was is to make sure it was submitted. I would challenge anybody to be able to read this thing and understand it.

But I didn't want the Board of County Commissioners to think, at least myself or any -- those of you who may want to agree had weighed in or validated that document, because that's a -- more of an exercise in accounting we have not had time to do.

With that, if there's no other discussion --

COMMISSIONER ROMAN: I just wanted to make the comment that while I'll be supporting this petition, key to me was the protections that were put in place for the community. Without those extra measures that the petitioner has been willing to do, I would not be supporting this.

So I want to make sure that the community takes a good look at them as well when they come back to us. Thank you.

COMMISSIONER EBERT: And I may -- like to make the comment, we did, today -- and I think one of the big things was you didn't have a NIM meeting. You will be having these from now on. That's huge.

CHAIRMAN STRAIN: Well, at least you'll have them from the time government finally gets it in place which, as I told you, it takes a process.

So with that in mind, I'll call for the vote.

All in favor of the motion, 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 second thing I'd like to ask is that this Planning Commission make a motion to accept the consent review this afternoon at the last -- after the last item is heard today.

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Made by Charlette. Seconded by --

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: -- Karen.

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.

With that in mind, we will take a break for 55 minutes and resume at 1 o'clock.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from lunch. If everybody will please take their seats.

Stan, did you decide to stay in the audience? Oh, you're coming up, good.

***Okay. Next item up on the Planning Commission's agenda is RZ-PL20130001752. It's the Breeze of Calusa. It's located on parcels just south of Calusa Avenue and west of Airport Road.

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 from the Planning Commission. Stan, we'll start with you.

COMMISSIONER CHRZANOWSKI: I haven't heard a thing from anybody about this at all.

COMMISSIONER EBERT: None.

CHAIRMAN STRAIN: And I haven't until I talked to Jeff at break, which --

MR. CURL: Thirty seconds ago.

CHAIRMAN STRAIN: I was surprised I haven't, but that's fine.

COMMISSIONER HOMIAK: Nothing.

COMMISSIONER DOYLE: Nothing.

COMMISSIONER ROMAN: I was just talking with a member of the public before this -- we reconvened.

CHAIRMAN STRAIN: With that, Jeff, it's all yours for presentation.

MR. CURL: Okay. Well, what I thought -- oh, for the record, Jeff Curl, Emerge Design agent for the petitioner, Green Palm Investments, and it's a rezone from a combination of C1/RMF6 to RMF6. We are in the Gateway Mixed Use Overlay, and we're looking for a rezone, essentially, to RMF6 straight residential.

The only reason I have any exhibits whatsoever -- and this was -- while I thought this was a fairly straightforward position -- petition was the fact that within the staff report what came up was since we are going multifamily in the zoning, I just wanted to assure members of the Planning Commission that we are going single-family, and I have some documents that the developer's committed to.

CHAIRMAN STRAIN: Jeff?

MR. CURL: Yes.

CHAIRMAN STRAIN: You're with what company?

MR. CURL: Emerge Design.

CHAIRMAN STRAIN: Okay. Well, the -- and then the -- I didn't know you were going to make the presentation, because the applicant's name was Sandra --

MR. CURL: SLB, right, Consultants.

CHAIRMAN STRAIN: Well, the affidavit is by Christopher Langen as president of Green Palm Investments, Inc., is for -- the authorizing SLB Consulting of Southwest Florida represent them here today.

MR. CURL: Okay. And I did the supporting -- some of the supporting documents for SLB.

MR. REISCHL: Yeah. Her husband is sick. Jeff is on the team, and he presented the NIM, so --

CHAIRMAN STRAIN: But that's a Heidi question.

MS. ASHTON-CICKO: Okay. So the affidavit of representation is --

CHAIRMAN STRAIN: Is for only SLB Consulting of Southwest Florida, LLC, that I can see on here, unless there's another one I don't know about.

Was there only one affidavit that you've gotten?

MR. REISCHL: Yes.

MS. ASHTON-CICKO: And is he an employee of SLB?

CHAIRMAN STRAIN: No, he's got a different company. I think he might have been a consultant to the project.

MS. ASHTON-CICKO: Is the applicant here?

CHAIRMAN STRAIN: Is the applicant here --

MR. CURL: No.

CHAIRMAN STRAIN: -- Christopher Langen?

MR. CURL: Mr. Langen, no, he's not.

MS. ASHTON-CICKO: Hmm.

CHAIRMAN STRAIN: "Hmm," did I hear you say? I don't like those "hmmms" like that, Heidi.

MR. CURL: Yeah, I apologize. We didn't have time to reaffirm an affidavit.

CHAIRMAN STRAIN: And I didn't know you were making the presentation till I saw you here because I saw you --

MR. CURL: Exactly.

CHAIRMAN STRAIN: -- listed as -- I know what you do for a living, but I saw Sandra's name there, so I assumed she'd be making the presentation like she did at the preapp, so --

MR. CURL: Like we've said, just something came up and, unfortunately, we don't have our affidavit ducks in a row.

MR. REISCHL: Is this something that could be corrected at the BCC?

CHAIRMAN STRAIN: I'm going to turn to Heidi, because we're going to be seeking commitments today, and I want to make sure that you're authorized to do that if -- depending on what comes out of the meeting, so that's why we have to make sure you're authorized.

MR. CURL: Okay. Well, I have other members. Michael Kulb, if he appears in those documents anywhere.

CHAIRMAN STRAIN: The only affidavit I have is written by Christopher Langen as president of Green Palm Investments, and it's -- as property owner, we further authorize SLB Consulting of Southwest Florida, LLC, to act as our/my representative in any matters regarding this petition, and that's it, and that's notarized.

MS. ASHTON-CICKO: Well, I guess there are two options. One is that we proceed and we get a letter from the owner that's going to have the application of representation for him as well as ratify anything that's done here today, okay.

MR. CURL: Perfect.

MS. ASHTON-CICKO: That's one option. And if he's not able to get that, then, you know, they'd have to come back and go through -- rehear and readvertise.

MR. CURL: Oh, I think we'll get Option 1 done for you, if the chair will indulge us.

CHAIRMAN STRAIN: Oh, yeah, I just want to work it out. I just want to make sure we --

MR. CURL: I really appreciate that. Well, we're already behind -- what I'll call behind the economic eightball on this one, so --

CHAIRMAN STRAIN: Okay. And if that's okay to proceed that way, we will proceed subject to a future ratification that will be stipulated by the time we finish today.

MR. CURL: Perfect. Okay.

MS. ASHTON-CICKO: I mean, depending on if you're going to have consent agenda for this one, it could be produced at the consent agenda. If not, it could just be produced before it gets scheduled for the board hearing.

CHAIRMAN STRAIN: Jeff, what is your -- or, Fred, do you know what the schedule is for BCC?

MR. REISCHL: October 28th.

CHAIRMAN STRAIN: Okay. And how critical is that time frame for you?

MR. CURL: Hyper, supernova, whatever type terms you would like to insert in there.

CHAIRMAN STRAIN: Okay. Well, we'll do our best, then, to try to wrap it up here today.

MR. CURL: I appreciate that.

MS. ASHTON-CICKO: And could you state your name and agency again?

MR. CURL: Yes. Jeff Curl. Last name spelled C-u-r-l. Firm is Emerge Design, E-m-e-r-g-e D-e-s-i-g-n, LLC. And I'm a registered landscape architect in the State of Florida.

CHAIRMAN STRAIN: I can attest to his good character. I know him personally.

MR. CURL: I appreciate that. I probably could have helped out on that last one.

All right. So anyway, as I was -- so do I have your permission, then, to go ahead and proceed with --

CHAIRMAN STRAIN: Go right ahead, Jeff.

MR. CURL: Perfect. Thank you. I appreciate that. So as opposed to multifamily, what we are looking at here in the -- what's on the overhead in the upper left-hand corner is our lot layout that echos our plan plat submittal that staff at the county has reviewed for stormwater, landscape, all other compo- -- lighting, all other components that, essentially, are part of that process, have been reviewed. Obviously, they've been unable to approve it subjective to the zoning change, which is why we're here today.

Lower left-hand corner, then, is another shot, then, looking in off Calusa. And actually what was helpful is that member of the public that just came up had a good point, and it was the reason for our alignment.

If you look at the driveway -- and I don't want to get into too much detail. I understand we're here for zoning. But if you look at the alignment of that drive, which is, essentially, a long run north/south, it aligns with the property line for the owner on the north side of Calusa.

Honestly, the impacts, we feel, are lessened from C1/RMF6 to RMF6. Prior to my conversation with you, Mark, about five minutes ago, I thought this was a no-brainer.

We were aware of the 25-foot buffer issue, which came up in some recent discussions with staff; however, that was -- that was a part of this '92 agreement that you just mentioned, which was an increase in the zoning, and by increase I mean increased in impacts to traffic, lighting, noise, et cetera, which dictated that 25-foot buffer.

Well, now we're talking again today about decreasing or removing that C1 commercial application; therefore, as far as staff was concerned -- I think we were, too -- with that removal then, that also removed that buffer.

Other than that, I'll defer to Fred. I don't want to put any words in his mouth.

CHAIRMAN STRAIN: No. It's your presentation. You need to -- whenever you're completed with your presentation, we'll ask questions and then go to staff report or vice versa.

MR. CURL: That's what I have to offer, sir. Like I said, we felt that the staff report was -- spoke for itself. And the only reason that I wanted to make a presentation at all was just to basically assure you guys we weren't doing a multifamily product, which would have been an increase in traffic, et cetera.

CHAIRMAN STRAIN: Okay.

MR. CURL: That's where we're at.

CHAIRMAN STRAIN: Well, let's go to Planning Commission questions. Does anybody have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay. Well, let's start with Page 13, which is the first page of the ordinance. And this is probably more of a Heidi point than anything else.

In the -- in the capitalized text in the beginning of the ordinance, it's on Page 1 of the ordinance, the sixth line from the bottom. It says, the project known as Calusa Avenue residential, but the application is in the name of Breeze of Calusa or something like that. Which is the name that should be there?

MR. REISCHL: That's a Fred question. Fred Reischl, planning and zoning.

Originally, this came in as Calusa Avenue residential. The addressing department said that it was overused that way, so it got changed to Breeze of Calusa. This is Scott Stone's original ordinance -- draft ordinance that was based on the original submittal.

CHAIRMAN STRAIN: So it's Scott Stone's fault?

MR. REISCHL: No, I'm not blaming Scott. I'm just --

CHAIRMAN STRAIN: I know, but I know Scott's listening, so I want to see him cringe a little bit.

MR. REISCHL: No. He will make the corrections prior to the BCC. We had talked about that yesterday.

CHAIRMAN STRAIN: Okay. Then you're going to pick up -- go ahead, Heidi. I'm sorry.

MS. ASHTON-CICKO: The ordinance he initialed didn't make it in the package, so this is the one that he's initialed that's on the overhead.

CHAIRMAN STRAIN: Okay. What about the first paragraph on the next page?

MR. REISCHL: Does it say Breeze?

MS. ASHTON-CICKO: Yeah.

CHAIRMAN STRAIN: Good. They both got changed. Excellent.

Jeff, the project is going to be 24 single-family homes?

MR. CURL: Twenty-three.

CHAIRMAN STRAIN: Twenty-three, but not to exceed -- well, okay, that's fine. Your narrative statement said 24; that's why I wanted to check.

MR. CURL: It did. And as part of that -- and that was actually on our -- let me put the neighborhood information graphic up for you.

CHAIRMAN STRAIN: It said 24 as well.

MR. CURL: On the lower right-hand corner, you'll see a Lot 24. That has since been removed to increase our stormwater capacity for the project; thus, we have 23 single-family lots.

COMMISSIONER ROMAN: Could we focus this, please?

MR. CURL: Oh, I'm all out of focus today, evidently.

COMMISSIONER ROMAN: That's all right. Fred will do it.

CHAIRMAN STRAIN: Okay. So we're down to 23.

MR. CURL: Yes.

MR. REISCHL: Is that better?

COMMISSIONER ROMAN: A little.

CHAIRMAN STRAIN: I don't see gates on that access point. Do you have gates there?

MR. CURL: We will have gates there, yes.

CHAIRMAN STRAIN: You have no problem with the stipulation saying it will be gated?

MR. CURL: No problem at all.

CHAIRMAN STRAIN: Okay. The property will be fenced along the east and west portion whether it's not currently fenced. Commercial currently has some wall, and the remaining is fenced --

MR. CURL: Right.

CHAIRMAN STRAIN: -- on the west against the residential, and we'll be working to connect to existing fence, so we do not have a fence against a fence. So one way or another this entire property will be ringed with walls or fences.

MR. CURL: There will be a perimeter, yes.

COMMISSIONER EBERT: Perimeter walls.

MR. CURL: Well, perimeter of some type, fence or walls; I'm not sure. And, obviously, the wall is off site. That's an eastern -- eastern side wall.

CHAIRMAN STRAIN: Your lot width in your NIM, I thought you indicated it was 35 to 40 feet. Do you recall that?

MR. CURL: I thought we went 35, 45. Yeah, 35, 45.

CHAIRMAN STRAIN: Okay. Because your plan that was provided to us says your lots are 50 feet wide. And that's on --

MR. CURL: Oh, I stand corrected, then. You're talking about the lot width. Yes, the lot width now is -- right.

CHAIRMAN STRAIN: The lot width now is what?

MR. CURL: Fifty and 60.

CHAIRMAN STRAIN: Okay. But at the neighborhood information meeting, you said it was smaller going bigger. It probably is a benefit, so that works.

Your front setback and your rear setback. Your front setback is 16 feet. Your rear setback is 10 feet.

Those are inconsistent with the -- how did you determine those were consistent with the GTMUD-R residential district, and how did you -- how were those consistent with the LDC?

MR. CURL: Not with the LDC. We took --

CHAIRMAN STRAIN: Well, GTMUD is your LDC, but yeah.

MR. CURL: Right, exactly. That's where we took the cue from. And I thought I recalled that just coming right off the RMF6 or the setback standards that were spelled out in that document. I don't think we deviated at all from those. But as you said, that was our LDC. That was our design queue.

CHAIRMAN STRAIN: I will try to pull them up here in a minute. I didn't -- unless I brought them with me.

Ray, do you have the Bayshore documents handy?

MR. BELLOWS: The LDC? Are you referring to the LDC language?

CHAIRMAN STRAIN: Yeah. The LDC for -- get MUD-R section.

MR. BELLOWS: I'll pull it up.

CHAIRMAN STRAIN: I just found my copy of it, so I'm trying to scroll down to find it.

MR. CURL: Actually, Mr. Chair --

CHAIRMAN STRAIN: Yes.

MR. CURL: I was just told that the front setback we're using is 10. If you -- if you look at the graphic that I just put up, the bump-outs that we have architecturally on the front of the homes here and here are within the 10-foot setback. Then beyond that we have a garage that essentially comes off that frontage. So our front is, indeed, a 10-foot setback.

COMMISSIONER ROMAN: Could you please move that so it's centered and I could see it. I'm having difficulty seeing and also seeing where you are pointing. If you could do that again, please.

MR. CURL: I'll wait for it to stop moving so that we don't have any --

COMMISSIONER ROMAN: Right.

MR. CURL: Okay. Actually, you know what? Let's do it this way. Okay. So these are as -- right here.

COMMISSIONER ROMAN: You're not pointing on the screen.

MR. CURL: How about now?

MR. BELLOWS: There we go.

COMMISSIONER ROMAN: Okay, now. Go for it.

MR. CURL: Perfect. All right. I'm in the center on this tan home. If you look at that, it's not necessarily an octagon, but that front element on the home pulled forward is at that 10-foot setback. Then the garage, essentially, is pushed back off that.

So if you look at these elements that are all pulled forward, they're all at the 10-foot setback.

CHAIRMAN STRAIN: Okay. If you're -- would these be considered a regular home? Your front yard is 10 feet, so you -- so you're okay with that. Your rear is supposed to be 15 feet.

That was -- I think, Fred, I asked you this question, but I'm -- maybe -- I thought I emailed it to you, but how do you get to what you're -- I'm trying to pull another one up.

On the sheet that I'm looking at, your rear is 10 feet. Were you planning on 10 feet or 15 feet?

MR. CURL: Ten.

CHAIRMAN STRAIN: Well, I'm trying to figure out how to get there.

MR. REISCHL: But that -- you're talking about principal structure versus accessory.

CHAIRMAN STRAIN: Well, I'm looking at the sheet that I have, and I'm not sure -- I'm not sure it differentiated, Fred, so give me a second to open it back up.

Yeah. Mine doesn't say -- the sheet I have in front of me, the one that we were provided with our package, it says, Revision 3, Calusa Ave. residential date 6/12/14, and it shows a front of 16, a side of 7.5, and a rear of 10. It doesn't say whether it's accessory or principal.

So what do we have for the rear lot then? It will have to be 15 for the principal.

MR. REISCHL: Principal structure, correct.

CHAIRMAN STRAIN: Okay. The documents that were provided to us don't differentiate. That was the concern that I had.

MR. CURL: Between principal and accessory?

CHAIRMAN STRAIN: We only got -- we didn't get the detail you're giving us today. We got a sketch that shows an outline, and on the outline on top, there was some dimensions for setbacks. The setbacks in those dimensions don't correspond to the district, which is a complicated district to begin with.

MR. REISCHL: Mr. Chairman, the reason I didn't provide that was because I didn't want to lock a plat into a rezone by having it at the public hearing. Jeff's free to do that, but I didn't want to lock in a plat that's under review.

CHAIRMAN STRAIN: And I'm not asking you to, but because the information was provided, I had to check it out.

MR. CURL: No, that's fine. But Fred's exactly right. I mean, a perfect example were the 24 homes that we started out with, you know, as we worked through the staff process. Conservation Collier was another one, off-site mitigation. We reduced it then to 23 homes. So Fred's right. If we don't -- if there's a way to not lock in these standards now, we'd love to do that. But we do continue to work with staff.

CHAIRMAN STRAIN: Okay. What it says is that you can go up to -- under your accessory uses. So I mean, we didn't -- in our package, your designs weren't provided. So we had no idea what the standards were applicable to other than what the -- we assumed it was either principal or not. But you can -- you have a 30 percent reduction allowed in your principal setback for your accessory, so that would take you down to 10 feet then. Well, actually --

MR. REISCHL: And this is all detailed on the plat.

CHAIRMAN STRAIN: Well -- okay.

MR. CURL: I know what you're getting at.

CHAIRMAN STRAIN: Yeah, okay. Well, then how do you --

MR. CURL: It's 33.3 percent.

CHAIRMAN STRAIN: Right. Now explain to me how you're going to --

MR. CURL: But who's counting? I'm not an engineer like in the last presentation.

CHAIRMAN STRAIN: Well, who's counting? If you can't fit that house on there and you want to know about it, by the time you come in and apply for it, because you missed it --

MR. CURL: Well, there might --

CHAIRMAN STRAIN: I thought you'd want to know ahead of time.

MR. CURL: -- and yet they were expecting a 30 percent -- I think it was a mathematical error, to me.

CHAIRMAN STRAIN: Okay.

MR. CURL: On the end that, to me, that would equate to what you just started with, which was 15 to 10, a third.

CHAIRMAN STRAIN: So you understand -- well, here's what it says; accessory buildings, excluding swimming pools and screen enclosures -- which I'm not sure how that factors in, because you show swimming pools -- may be located on up to 30 percent of the side or rear yards.

For the purpose of this provision, the yard shall be the area between the principal structure and the side or rear property line.

It doesn't say anything about -- because that 30 percent is excluding swimming pools and screen enclosures.

So let's see. Fred, how would we look at that?

MR. REISCHL: I don't have it in front of me, I'm sorry. But because it excludes swimming pools, you mean?

CHAIRMAN STRAIN: Well, here's what it -- under accessory uses to residential structures, an accessory structure located on the property and related to the primary residence, parenthetical, single-family detached only, for uses which include but are not limited to library, studio, workshop, playroom, screen enclosure, detached garage, swimming pool, or guesthouse; A, ownership of an existing structure shall not be transferred independently of the primary residence; B, accessory building, excluding swimming pools and screen enclosure, may be located on up to 30 percent of the side or rear yards.

For the purposes of this provision, the yard shall be the area between the principal structure and the

side yard property line.

MR. REISCHL: If it excludes the swimming pools, then it would default back to the LDC, which would be a 10-foot rear yard accessory for a pool.

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: Well, are you looking at the design standards under 4.02.16 of the Land Development Code? What are you looking at?

CHAIRMAN STRAIN: I'm looking under the Gateway Triangle design standards.

MR. CURL: The overlay.

CHAIRMAN STRAIN: The overlay. This is part of another -- like the --

MS. ASHTON-CICKO: You're correct, but the standards are under 4.02.16.

MR. CURL: And I think that's what Fred was just --

CHAIRMAN STRAIN: Well, if -- all I'm saying is if you're --

MS. ASHTON-CICKO: I just want to make sure that's where you're looking.

CHAIRMAN STRAIN: Fred, if you're comfortable with it --

MR. REISCHL: That it defaults to the non-Gateway LDC.

CHAIRMAN STRAIN: Then I'm fine. I just wanted to make sure, because the standards were on the document that we got, that we weren't going to be approving something that was inconsistent with the code --

MR. REISCHL: Okay. Understood.

CHAIRMAN STRAIN: -- without them pointing it out as a needed deviation or something like that. I didn't think it would be that complicated. And I think that may finally be the last thing I've got to say. I bet you're glad of that.

MR. CURL: Yes, I stopped sweating immediately.

CHAIRMAN STRAIN: On the Calusa Avenue, you're going -- entryway -- you've got residential on both sides of the entryway?

MR. CURL: Residential that we're proposing on the east side. There's an existing on the west.

CHAIRMAN STRAIN: Right.

MR. CURL: Yes.

CHAIRMAN STRAIN: How are you going to -- what are you going to put up against that existing

--

MR. CURL: Type B buffer, 6-foot wall, we've got 4-foot hedge, and our code -- 12- to 14-foot trees in there.

CHAIRMAN STRAIN: Okay, good. I'm fine then.

MR. CURL: Yes.

CHAIRMAN STRAIN: Thank you. That's the information I needed.

Does anybody else have any questions?

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER CHRZANOWSKI: If I understand the zoning map right, this site is mostly C1 and a little RMF6?

MR. CURL: I think it's the opposite. I think there's a little strip of C1, and then RMF -- no, you're right, Stan.

COMMISSIONER CHRZANOWSKI: Mostly C1 and a little RMF6, and you want it to end up all

--

MR. CURL: All RMF.

COMMISSIONER CHRZANOWSKI: All RMF6. So we're going a portion of the site. Why are we getting into so much detail for a simple straight rezone? Is there --

CHAIRMAN STRAIN: They put it in their package. If it's in the package and we approve it and it's wrong, then they get to do it, and we need to know if it's right or wrong. That's the only reason I'm asking. If it wasn't in the package, I wouldn't have asked.

COMMISSIONER CHRZANOWSKI: Okay.

MS. ASHTON-CICKO: Well, let me clarify that. If you're approving something and it's not consistent with what's in the Land Development Code, he doesn't get it, because you can't do deviations on a rezone.

CHAIRMAN STRAIN: Okay. Let me clarify something. If anything's put to us as a public record and it's in error, I'm going to question it until I get a resolution to it. So --

MR. CURL: And it's exactly, I believe, as you state, where if it's -- if it's not within the Gateway Mixed Use Overlay, then it defaults back to the LDC, like Heidi's saying.

CHAIRMAN STRAIN: That's fine. I'm not --

MR. CURL: Yeah, exactly. I think we're all on the same page.

CHAIRMAN STRAIN: I wanted that acknowledged so that we weren't --

MS. ASHTON-CICKO: That's not what I'm saying. I mean, I'm -- there's design standards specifically for the Bayshore -- for this overlay --

CHAIRMAN STRAIN: Right.

MS. ASHTON-CICKO: -- under 4.02.16. And I didn't review this project. I'm just going by recollection. But my recollection is that all the design standards default to this 4.02.16 section and not to the base.

MR. BELLOWS: And for the record --

MS. ASHTON-CICKO: But I don't -- I didn't look at the project, so I'd have to research it to be certain.

MR. BELLOWS: And I'd just like to point out -- for the record, Ray Bellows -- the petition before us today isn't approving a site plan or a plat. They will be subject to the LDC requirements.

And they may have included a document that has misleading information or incorrect information, but staff will not be reviewing that when the plats come in.

CHAIRMAN STRAIN: Okay. Well, to make my point real clear, if you give this board a document, I will be having to verify every single number and letter on that document. So if you give me another document that --

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: -- could add -- a question could be raised, I will be asking it. And I thought that was made clear for 13 years, and it will continue for as long as I'm on this board from me, so --

MR. BELLOWS: And we can make sure that incorrect document is not part of the record in this case.

CHAIRMAN STRAIN: If it's incorrect, yes.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: I'm just telling you, I'm going to have to question it. I didn't find it as readily available for clarification as Fred has indicated. If Fred's comfortable with it and you're comfortable with it and it comes through and gets reviewed that way, that's fine. I just want to make sure that if there was a problem, the applicant knew before he goes too far.

MR. BELLOWS: No, and we appreciate the comment.

CHAIRMAN STRAIN: Okay. Then that's all I've got at this point. The staff -- is there a staff report, Fred?

MR. REISCHL: No. With the corrections that were just stated, we recommend approval.

CHAIRMAN STRAIN: Okay. Is there any reason, Heidi, that because this is a straight rezone we can't stipulate? Because they've agreed to some things that a straight rezone would not require, and that is the number of units. They've said they have a maximum of 23 units, that they're going to provide a gated entry, and that their property will be fenced or walled around its entire circumference by either the existing or the ones installed by them. Is that --

MS. ASHTON-CICKO: Yes. You can add conditions which are required so that you can have the comfort level with the criteria that is set forth in the staff report that you're supposed to look at for rezones.

CHAIRMAN STRAIN: Okay, good.

Now, is there any member of the public that wishes to speak on this item?

MR. REISCHL: Rita Santos.

CHAIRMAN STRAIN: Come on up, ma'am.

MS. SANTOS: There's a school close by, next -- I mean, next to -- at the end of Calusa. And they didn't build any sidewalks on the side from Andrew, either side. There's very -- there's only two lights on the street.

At the time these people, the owners of these houses living there, be going out probably is the same time the children are going to school. And it's very dangerous for them because not only the children go, it's a mother, and if the mother has a baby, they're going like that. They're going through the street. And sometimes it's very -- they -- people coming from Airport Road or people coming from 41, they kind of make a shortcut through Andrew and go through to those streets, Cardonia or Calusa, and then they go through Andrew. And they don't go 25 miles. They go more than 25 miles.

And there's no bumper -- those bumper things that would slow them down. There's no sidewalks for the children. These -- the only sidewalk that it is in between the school and the properties, there's a sidewalk. And the children have to go all the way from Andrew all the way on that little sidewalk in between the school and the properties, and then go to school.

They do not go from Andrew to the school. They have to go all the way on the -- on that little -- the little sidewalk. And what I say is that the children are in dangers there.

Now, if it would be that they would go one way out instead of in the Calusa, the ones that are coming out through there and would find it easier to go on Andrew, it would be very dangerous. Now, if they would make only one way out and go through Airport Road, it would be easier. You see what I mean?

Now, also, we -- Airport Road, you cannot go either way. You have to come -- if you're going -- if you're going south -- if you're going north, you have -- there's a little piece of in-between road that you have to make the U-turn in order to go north. And mostly, when anybody's going north, they use Cardonia.

And if coming out -- and they're going to be zooming out if they're at the time. And at night -- and at night, like I tell you, if they're coming through Andrew to get onto Calusa, the people that are living -- that are going to be living there, it's very dark. No sidewalks. No bumpers. No nothing.

CHAIRMAN STRAIN: We have a member of our transportation department here, so he can address the sidewalks and the rest of it. But are you aware of what this property could have had built there? It was zoned partially commercial, which is usually a higher generator for traffic, and it would have been worse had it been built like that.

We can't tell them they can't build anything there. And generally, when somebody comes in with a plan that is less intense and it's not going to be as busy as a previous plan, that's looked favorably upon. So by putting houses there, especially the few number they're talking about putting, that's far less than what I believe could potentially be put there. So you're already quite better off.

But let's get our transportation fellow to address some of your issues.

MS. SANTOS: Well, why didn't they try to buy a piece to get easement to Airport Road? That way that would be easier for all these people that are coming in like that.

CHAIRMAN STRAIN: Well, first of all, we don't allow a lot of new interconnections to Airport Road. Second of all, when this property was zoned under the zoning reevaluation ordinance in 1992, those two lots on Calusa Ave. they're using as an entryway were specifically addressed and allowed to be used as an entryway. So that's been in the books since 1992. So they don't have to do anything else in that regard. And I don't even know if they were to purchase some way of getting to Airport Road, which would mean through some existing commercial property, which most commercial owners are not going to let them do that. I don't even think they'd get the cut on Airport Road to do it.

And our transportation fellow's here, and let's see if he can respond to your sidewalk issues and any other pieces of it that he heard that he may want to respond to.

MR. PODCZERWINSKY: John Podczerwinsky, transportation planning. It's very good to meet you.

I've brought along some contact information for both myself to handle some of your concerns, also, Laurie Beard with Collier gov -- or I'm sorry, Laurie Beard with our traffic calming staff, and Stacy Revay, who's our sidewalk person.

So if you'll take that information. If you'd like to get ahold of us outside of the meeting, we'll be glad

to address your concerns, and we'll do what we can to help you out, okay.

Are there any specific questions that the board wanted to direct to transportation staff?

CHAIRMAN STRAIN: Sidewalks.

MR. PODCZERWINSKY: Yes, sidewalks.

CHAIRMAN STRAIN: Her concern about sidewalks on Calusa Ave. How will this project's positioning or review impact the sidewalk issue?

MR. PODCZERWINSKY: It will be subject to the LDC requirements.

CHAIRMAN STRAIN: Which are?

MR. PODCZERWINSKY: The LDC requirements would require, I believe on Calusa Ave., a 5-foot-wide sidewalk, since it's a local street, along the frontage of their property. I'm not sure if that requirement would extend to create a connection over to the Airport Road sidewalk or not. I don't believe it does.

CHAIRMAN STRAIN: What time of review would that be reviewed?

MR. PODCZERWINSKY: That would be reviewed at the time that they submit their plat or SDP, if they were to come in with an SDP.

CHAIRMAN STRAIN: Okay. Thank you.

COMMISSIONER CHRZANOWSKI: John?

MR. PODCZERWINSKY: Yes.

COMMISSIONER CHRZANOWSKI: Is there room in the Calusa Avenue right-of-way with swales and all to put sidewalks?

MR. PODCZERWINSKY: That I'm not sure about. I believe that Stacy has looked at it, but I do not know exactly how much right-of-way is there and how much is occupied by drainage at this time. We don't get to that level of detail at the zoning stage.

COMMISSIONER CHRZANOWSKI: Okay, thanks.

MR. PODCZERWINSKY: Other questions?

CHAIRMAN STRAIN: Anybody have any -- I don't have any. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, John.

MR. PODCZERWINSKY: Ma'am, did I address all of your questions?

MS. SANTOS: Well, it's --

CHAIRMAN STRAIN: John, she's got to use the microphone if she's going to respond.

COMMISSIONER ROMAN: Have her come back up. She probably didn't --

MS. SANTOS: It's Andrew Drive (sic) that goes to the school, and they're going to be coming from Calusa and turning to -- on Andrew, and so that they can get out to 41. And that's where all the people -- all the children are coming, and there's no sidewalks there.

There are some sidewalks on Calusa up to Andrew. There's some sidewalks on Cardonia, the ones that are coming across, but there's no sidewalk on Andrew.

And the road is narrow, the people travel -- it says 25 miles per hour, but they don't travel -- I mean, it's just -- some people do, but some people just (indicating), like if they were on 41 or Airport.

CHAIRMAN STRAIN: Well, ma'am, I appreciate your comments, but the rezoning of this property can't take the responsibility for the sidewalks and all the adjoining streets. It's just not -- it's outside of our ability to make them do that.

So they will be reviewed for sidewalks when they come in for their platting or other reviews, but at this stage it's not a requirement, at this point. So there's nothing at this point we're going to be able to do about your issue.

MS. SANTOS: No lights at night? The people are going to -- the ones that are going to be living there are going to be coming through there.

CHAIRMAN STRAIN: It's not an issue subject to -- solely to this particular piece of property. If all the neighborhood wants to make the improvements, they can create a taxing district for themselves and do that, but it's not the responsibility of this property owner to have to do that for the entire neighborhood.

MS. SANTOS: Well, whatever, I mean --

CHAIRMAN STRAIN: They're not the ones speeding. They're not there right now.

MS. SANTOS: Their streets -- like the Bayshore, they paved it, and they -- I mean, they make sidewalks, they made sidewalks on the ones that are coming like that, but not at Andrew.

CHAIRMAN STRAIN: Well, that's -- the fellow that gave you the information, if you want to talk to them about when sidewalks will be scheduled for these streets, but it is not the responsibility of these property owners, so --

MS. SANTOS: I don't have any children that go to school there or anything, but I see in the morning and in the afternoon the mothers with the children, and they're coming and going to get the children. And so that's my -- I mean --

CHAIRMAN STRAIN: I understand -- no, I understand. We just -- our hands are limited by what the code allows us to do, and we're not going to be able to impose sidewalks for the neighborhood on this property.

MS. SANTOS: Okay.

CHAIRMAN STRAIN: Are there any other members of the public that wish to speak?

(No response.)

CHAIRMAN STRAIN: Okay. Jeff, do you have anything you want to say in closing, or are you done?

MR. CURL: The only other item -- for the record, Jeff Curl.

The only other item I would add is that as part of our engineering requirements, we will be putting a minimum of .2 foot candles at the intersection of our entry road and the right-of-way; thus, we'll have some light that will actually be to the sidewalk that we'll construct on our frontage on Calusa. It will actually add to the streetlighting on private property going into the right-of-way.

CHAIRMAN STRAIN: Thank you. Anybody else?

COMMISSIONER CHRZANOWSKI: Where's Tom Eastman when we really need him?

CHAIRMAN STRAIN: Yeah. For the schools?

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: There is a school at the end; that's a good point, yeah.

Okay. Well, that brings us to the end of the -- we'll close the public hearing. We'll entertain a motion. I would suggest the motion maker to consider that the -- we ought to maximum the single-family units to 24, which is what they had listed at the neighborhood information meeting; that they'll provide a gated entry to the property; and that the property will be fenced where there are no existing fences or walls.

Is there a -- anybody willing to make a motion?

COMMISSIONER HOMIAK: I'll make a motion.

MS. ASHTON-CICKO: I just want to make sure you're aware that under this district there's an R1 through an R4, so since they just listed R, I guess they're talking about all four.

CHAIRMAN STRAIN: Well, they -- part of the motion would be 24 single-family units, so --

MS. ASHTON-CICKO: Okay.

CHAIRMAN STRAIN: That's what they said they're going to put in. That's what's being recommended for approval.

MS. ASHTON-CICKO: Okay.

COMMISSIONER ROMAN: But didn't they say 23 during their presentation?

CHAIRMAN STRAIN: Well, they said 23, but in the NIM they said 24. I don't see any reason leaving it 24 if this doesn't hurt anything. I mean, if they had said 26 at the NIM, we probably would have put that in there. So I'm not -- it's up to you guys, but I don't know if 23 or 24 makes a difference. It's a lot less than what could have gone there.

COMMISSIONER HOMIAK: Doesn't matter. So maximum of 24 doesn't matter.

CHAIRMAN STRAIN: Maximum of 24 single-family units, a gated entry, and the property will be fenced where there are no existing fences or walls.

COMMISSIONER HOMIAK: Okay. I'll make a motion to approve RZ-PL20130001752, Breeze of Calusa rezone with the stipulations that you listed.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Second 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.

Thank you.

MR. CURL: Thank you. Appreciate it.

CHAIRMAN STRAIN: Thanks, Jeff. Oh, and you're going to get us that --

MR. CURL: Affidavit?

CHAIRMAN STRAIN: -- affidavit?

MR. CURL: Like you can't imagine. Probably hand-delivered.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: Does this come back for consent? A rezone doesn't come back.

CHAIRMAN STRAIN: No, no. This wouldn't -- we don't have to have this. Does anybody need this to come back for consent? I don't believe so, no. So there will be no consent on this one.

***Okay. Wayne, did you get printed copies of what you've got to go over with us?

MR. ARNOLD: Wayne Arnold. Yes, we do. Sharon Upinour is going to hand out a complete set. And what we did, we incorporated the changes that we handed out this morning with the further revisions made during the meeting and put those in an order that would be attached to the resolution. So all revised pages for the SRA document are in front of you.

And I guess I need to tell you that when it comes to the street tree exhibits, the last three pages on the handout that you're being given, we didn't have the ability to modify the auto CAD drawing, so what we've modified were the notes. We retyped the notes for Exhibits F1 and F2, and they're the last page in your package.

CHAIRMAN STRAIN: Okay. I'd like to take a 10-minute break to 1:51 to give the Planning Commission time to read through this, and then we'll resume at 10 -- at 1:51 and go into the details. Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everyone. We're back from our quick read. But actually it turned out to be less pages because of the number of changes we had. And I think the first change was on Page 1 of the town plan where it added the word describing Appendix F as street tree spacing exceptions; is that right?

MR. ARNOLD: Yes. And we've -- I think your version should have the highlighted changes in them that were made for your ease. And I think, as we had pointed out previously, Page 96A had the most changes, which is where we described the landscaping and development standards for the town center interface.

CHAIRMAN STRAIN: Anybody have any questions starting on Page 96A?

COMMISSIONER ROMAN: Looks good.

CHAIRMAN STRAIN: Well, I've got a few. I hate doing that to you every time. But let's start with the reference to the 8-foot-berm. It says measured from finish grade. Now, you showed us a diagram that showed some fill put on top of natural grade. How high -- what -- how high is finish grade? And a conservative amount above natural grade so we can -- finish grade not to exceed whatever, so that we know that you're talking about some kind of fill on top of natural grade out there.

MR. ARNOLD: Do you want to answer that, Dave?

MR. HURST: David Hurst. I would expect three to four feet. That's pretty standard.

CHAIRMAN STRAIN: So after the words "finish grade," can we put in a parenthetical "three to four feet above natural grade"?

MR. HURST: Sure.

CHAIRMAN STRAIN: Okay.

MR. HURST: Do you want natural or existing grade?

CHAIRMAN STRAIN: I'd rather say natural. I think that actually helps everybody. Finish, you pick any time and say it's finished as of today.

MR. ARNOLD: Just so I can follow, Mr. Strain, could you repeat where you inserted that?

CHAIRMAN STRAIN: Where it says 8-foot-high berm measured from finish grade, then I would put in a parenthetical "three to four feet above natural grade."

COMMISSIONER CHRZANOWSKI: A lot of that area was farm. That might not be natural grade. That might be existing grade. Be careful.

COMMISSIONER ROMAN: Rich had a diagram that he showed before of that picture of the berm.

CHAIRMAN STRAIN: Well, and that's -- Stan, if you're -- from an engineering perspective you think existing grade is easier to determine, I'm fine with that, but I think we ought to make sure it's understood. It's because it was pointed out as an issue that we're measuring from some point.

MR. ARNOLD: Would it be easier to say something to the effect "predevelopment grade" or something like that?

COMMISSIONER CHRZANOWSKI: Yeah, great.

MR. ARNOLD: Because we will have to bring in -- to create our standards for water management, et cetera; that's why there will be fill placed.

CHAIRMAN STRAIN: So "three to four feet above predevelopment grade."

COMMISSIONER CHRZANOWSKI: Yeah, good.

CHAIRMAN STRAIN: That's good. That works.

Then if you go down to the second bullet from the bottom where it says access to town center.

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: What's the name of that road; Anthem did I hear them call it?

MR. ARNOLD: Anthem.

CHAIRMAN STRAIN: Anthem. Well, why don't we just say that? Because the way this is written, you could put any number of roads in there, and we're only talking about Anthem Road.

MR. YOVANOVICH: The other side.

CHAIRMAN STRAIN: Pardon me? The other side, the north of the property line from the commercial.

MR. ARNOLD: Mr. Strain, I think that we wrote it this way because future developers that would be east of the current Del Webb community actually might want to interconnect with us. And if so, I think the language is probably -- as was mentioned on break, maybe the necessity to add some gated standards. But I think it's -- the intent would be that it's going to be the residential developer option that will bring forward an interconnection.

CHAIRMAN STRAIN: Right, which is more reason why I thought if we specify the road that seems to be the issue with the folks that spoke here today, then that allows what you're suggesting to whoever might buy it further east. Because the only road that seemed to be a bone of contention here today was Anthem Boulevard.

MR. YOVANOVICH: So instead of saying vehicular interconnection to the neighborhood general area, we're just going to say --

CHAIRMAN STRAIN: No. What I was -- let me -- I think I -- access to the town center shall be from Anthem Boulevard -- shall be from Oil Well Road to Ave Maria Boulevard. Vehicular interconnection to the neighborhood general area from Anthem Boulevard shall be prohibited unless it is gated and approved by the neighborhood general residential developer or a majority of residents of the residential community. Does that work for you?

COMMISSIONER EBERT: Yes.

MR. YOVANOVICH: Anthem what? Boulevard?

MR. ARNOLD: Parkway.

MR. YOVANOVICH: Parkway.

CHAIRMAN STRAIN: Parkway, is it?

MR. ARNOLD: Yes.

CHAIRMAN STRAIN: But I think that works to your concern better than just leaving it unaddressed as to what road we're talking about.

MR. YOVANOVICH: So vehicular interconnection to Anthem Parkway shall be prohibited unless approved by the residential developer or residents of the residential community.

CHAIRMAN STRAIN: I'd suggest you might want to, for your own protection, put in a majority of the residents.

MR. YOVANOVICH: Well, I would like to just -- I don't know what their property owners' association documents are going to say. I just --

CHAIRMAN STRAIN: Okay. Well, I mean, if you think that's a way to define it. I mean, 10 residents will get together, and they're plural. But that's fine. That's a different battle.

MR. YOVANOVICH: I don't know that they'll have the authority to make that connection.

CHAIRMAN STRAIN: Okay. Also you've got to mention the word "gated." Prohibited unless it is gated and approved.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Okay. And that's the only corrections I've found on that page.

You want to read it back so we're clear?

MR. YOVANOVICH: What I wrote was, access to the town center shall be from Oil Well Road and Ave Maria Boulevard. Vehicular interconnection to Anthem Parkway shall be prohibited unless it is gated and approved by the residential developer or residents of the residential community.

CHAIRMAN STRAIN: I think that makes it real clear. Yeah, I like it.

COMMISSIONER EBERT: Good.

CHAIRMAN STRAIN: Okay. The next page that we had any changes on different than what we talked about were actually exhibits or Appendix F1 and '2, which they couldn't change because they are CAD files, so they -- and my assumption is, then, the notes that are on the lower left-hand corner of F1 and F2 are those spelled out with the corresponding exhibit numbers on the last page of this handout; is that correct?

MR. ARNOLD: That is correct. We have retyped them in their entirety --

CHAIRMAN STRAIN: Okay.

MR. ARNOLD: -- with proposed language. And I'm going to let David Hurst, you know, answer any specific questions you have about it. But there will be a couple minor changes that need to be made to the graphic to have corresponding numbers that are used in the notes.

CHAIRMAN STRAIN: Right.

MR. ARNOLD: But I take it that -- I think David can point those out to you as an example, and we can assure that those are done.

CHAIRMAN STRAIN: Now, what this means is that you could meander your sidewalks, and if you did and you meandered them the maximum distance you could from the road, your street tree would then have to be between the sidewalk and the street, but at the 20-foot point, and then 12 feet from that would be your sidewalks. So that's the maximum worst-case scenario of distancing if you wanted to think of it as a worst-case scenario.

MR. HURST: That's my understanding.

CHAIRMAN STRAIN: And that's the way I think it reads, and that's good. That's where I think we were headed.

And the rest of it sounds good. I don't see a problem with it. Any of you?

(No response.)

CHAIRMAN STRAIN: I think it's a good outcome.

MR. HURST: Okay. Did you want me to point out where we'll need to change the exhibit or not

worry about that?

CHAIRMAN STRAIN: Well, the exhibit's got to match the language, and I'm not -- I mean, if it doesn't then you're in a lot of trouble. Why don't you point it out, David, then we'll just make sure we're on the same page.

MR. HURST: Okay. Hang on just a second.

MS. ASHTON-CICKO: Mr. Strain?

CHAIRMAN STRAIN: Yes, ma'am.

MS. ASHTON-CICKO: Are you still on the handwritten F1 and F2? Are you going to go one by one on the 1 through 4 and 1 through 3, or should I just make a comment?

CHAIRMAN STRAIN: Okay. Just make a comment, because the handwritten -- we don't have a handwritten one. We've only got a typed one.

MS. ASHTON-CICKO: Well, under back-of-curb controls, the minimum setback for street trees --

CHAIRMAN STRAIN: Nope. You don't have the right one.

MR. YOVANOVICH: Last page, Heidi.

CHAIRMAN STRAIN: Go to the last page of that -- did you give her a new packet?

MR. YOVANOVICH: You should have it. If not, I'll give her mine.

MS. ASHTON-CICKO: This is the last page that I have.

CHAIRMAN STRAIN: Well, there's no reference to a minimum on that page.

MR. YOVANOVICH: Yeah, she's got the right page.

CHAIRMAN STRAIN: Okay. I'm sorry.

MS. ASHTON-CICKO: Shouldn't it be minimum setback for street trees, not maximum?

CHAIRMAN STRAIN: No. We want them within a certain distance of the street.

MR. HURST: No more than 20 feet.

CHAIRMAN STRAIN: Right. That was the whole purpose, to keep them close to the street and also --

MS. ASHTON-CICKO: Close to the street.

CHAIRMAN STRAIN: -- close to the sidewalk, yeah.

MS. ASHTON-CICKO: Okay, all right.

CHAIRMAN STRAIN: Okay. David, you want to --

MR. HURST: Is this working? There we go. Sorry.

Obviously, the change to the notes will be reflected in the lower left-hand corner that we discussed. There are some references in the exhibit. Between the trees where we talk about the minimum spacing, there's a number one. That references Note 1, and so on.

So in particular, I think what we would change here would be the -- if I'm not mistaken, there is a call out for Note No. 2. Yeah, there's a call out for Note No. 2 in here that needs a change, and I had it earlier, and I apologize; I can't find it now. I don't have my glasses, so -- borrow Rich's.

MR. YOVANOVICH: If you want to use mine, just look at the bottom.

MR. HURST: Those may be too strong, Rich.

CHAIRMAN STRAIN: It's on the -- well, it's on the bottom of the page. The third and fourth tree over from the left, they reference 2. And then it's -- and as Karen just said, it's on the top row, the second and third tree over where it says "maximum spacing," and then separation varies.

MR. HURST: Correct. Okay.

CHAIRMAN STRAIN: Yeah. So that's a Footnote 2 there.

MR. HURST: Let's see.

COMMISSIONER CHRZANOWSKI: Ray, if there's disagreement between the notes and the drawings, which one governs?

MR. HURST: Actually, I think this one's correct, by the way.

COMMISSIONER CHRZANOWSKI: I'm just curious.

MR. YOVANOVICH: It's F2.

MR. HURST: I should have borrowed your glasses.

MR. BELLOWS: For the record, Ray Bellows.

Generally the text is what takes precedence.

COMMISSIONER CHRZANOWSKI: Okay. Thanks.

CHAIRMAN STRAIN: The other one, David, you might want to take a look at is the third tree over on the north side of the road where it says 12-foot max, and it's measuring from the -- looks like the sidewalk. That's right unless you're going the opposite -- I guess you can't show it that way, though. Okay, that will work. Because you're 12-foot max on both sides but allows you to go up to 32 feet for the sidewalk. So your sidewalk's not limited by the 12-foot max, the 20-foot --

MR. HURST: Yeah, I think it's still -- this one is still applicable.

CHAIRMAN STRAIN: Okay. I think it's this next one, F2.

MR. HURST: Basically, we did away with Note No. 4 and consolidated by consolidating Notes No. 1 and 2. So the reference to maximum setback -- I'm sorry -- maximum separation, 50-foot max, would actually change to 1. If you follow me right in the center. And then subsequently what was 3 would be 2; what was 4 would be 3.

CHAIRMAN STRAIN: Okay. Everybody on the same page?

COMMISSIONER EBERT: Block that out. Then comes that, and then comes that?

CHAIRMAN STRAIN: Well, but the numbers here, really the numbers on the next page, those footnotes have all been replaced.

COMMISSIONER EBERT: Yes. This page?

CHAIRMAN STRAIN: Okay. Does anybody else have anything else?

(No response.)

CHAIRMAN STRAIN: Well, I think this meets the intent of the consent -- or the motion for consent. Is there a motion to recommend approval of this for consent?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Okay. And 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: The motion carries.

I want to thank you all for working through this. It took two meetings, but I think we all learned a lesson that those NIMs may have been important. I think the issues you found out from the public you guys could have found out a lot earlier and had a lot of it worked out before it even got here.

So hopefully when that change to the LDC comes through, you'll be in favor of it and not against it.

MR. YOVANOVICH: NIM.

MR. ARNOLD: Thank you.

CHAIRMAN STRAIN: With that -- I don't think we have anything else.

There's no old business, no new business. And with that in mind, I guess we'll -- everybody can -- we'll come back here next Friday at 9 o'clock in the morning and try to get through the AUIR.

Is there a motion to adjourn?

COMMISSIONER ROMAN: So moved.

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Made by Charlette, seconded by Stan.

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: We're out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:10 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 10-16-14, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.