

April 2, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida
April 2, 2015

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

Mark Strain, Chairman
Stan Chrzanowski (Absent)
Brian Doyle (Absent)
Diane Ebert
Karen Homiak
Charlette Roman

ALSO PRESENT:

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

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, April 2nd meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Roll call by the secretary.

COMMISSIONER EBERT: Yes, good morning.

Mr. Eastman is absent.

Mr. Chrzanowski is absent.

Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle is absent.

And Ms. Rowan?

COMMISSIONER ROMAN: Here.

CHAIRMAN STRAIN: Thank you. Mr. Chrzanowski contacted staff, he has an excused absence. I can't remember if Brian notified us at the last meeting --

COMMISSIONER HOMIAK: He did.

CHAIRMAN STRAIN: -- he'd be out today. If that's the case, then his would be excused too.

COMMISSIONER HOMIAK: He did.

CHAIRMAN STRAIN: Okay. And we have one vacancy that's yet to be appointed.

Addenda to the agenda. Ray do you know of any changes that you might have?

MR. BELLOWS: I have no changes.

CHAIRMAN STRAIN: Okay. And I don't have any. The rest of the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Looks like we're good.

***Planning Commission absences. Our next meeting is April 16th. Right now we have one item on the agenda. There's a chance it may get continued. If it is, we'll notify everybody or it may be rescheduled for another date.

But right now, who cannot be here on the 16th? Anybody?

COMMISSIONER ROMAN: I will not be here on the 16th.

CHAIRMAN STRAIN: Okay, three of us. Looks like we are then. So that means we just need to make sure Brian or Stan are here. And we can sure follow up on that afterwards.

***Approval of the minutes. There were none provided, so we don't go through that today.

***Ray, do you have a BCC report and recaps?

MR. BELLOWS: Yes. On the March 24th Board of County Commissioners meeting, they heard the PUD amendment for Cocohatchee Bay. It's the residential PUD. The motion to approve that amendment failed by a vote of 3-2 and therefore was not passed.

CHAIRMAN STRAIN: Okay. Thank you. Anything else on that -- that's the only one that was on that day?

MR. BELLOWS: That was the only one.

CHAIRMAN STRAIN: Thank you.

***There is no chairman's report.

We'll move right into the items today. And for the benefit of the audience, we have five items scheduled. The first two are what's called consent. They're just a review of something we already heard to make sure it got translated right into the written document. That won't take too long.

The first item up would be a project called Avalon. We'll hear that immediately following consent. After Avalon we have one other project that has two items. It's the San Marino project. That will be heard concurrent; both will be heard together. That will be following Avalon.

***So with that in mind, we'll move into our consent agenda item. We'll hear them both and vote on them separate -- well, yeah, there is some corrections, so let's hear them both and vote on them separately.

First one is PL-20130001767/CP2013-10. The companion PUD is PUDZ-PL20130001726.

With that, I know, Bob, you've got some things you want to add. Since this isn't the hearing on it, I'm not going to -- I don't think we need to swear in. So we'll just see where we need to go with this.

MR. MULHERE: Thank you, Mr. Chairman.

For the record, Bob Mulhere, here representing the applicant; Christopher Shucart is also here; R2 is the land use attorney; and Paula works with me at Hole Montes, Paula McMichael, and she's distributing a highlighted version of the changes both to the Comp. Plan and the zoning document, the PUD.

CHAIRMAN STRAIN: Is this different than what was sent to us by staff?

MR. MULHERE: No, sir.

CHAIRMAN STRAIN: So you --

MR. MULHERE: At least I don't think it is.

CHAIRMAN STRAIN: -- just decided to kill a bunch of trees and send us more documentation.

MR. MULHERE: I don't know, if we came and we didn't have it, somebody would say we don't have it. So we try to be prepared.

I did want to mention that we met with the East Naples Civic Association last night, last evening, and they did vote unanimously to write a letter in support of the petition to the Board of County Commissioners. So I just wanted to get that on the record.

I guess I'd start with the Comp. Plan. That's a three-page document, it's not stapled, that we handed you. The changes are highlighted in yellow. They are really grammatical I think in nature.

CHAIRMAN STRAIN: Well, Bob, I think we've all received the highlighted changes. During consent we basically voice any concerns or questions we have about staff's write-up. I don't think you need to represent in that regard.

So let me ask the Planning Commission on both items, do we have -- does anybody have any changes that they see weren't addressed or need to be addressed in the GMP?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER HOMIAK: On the first page of the ordinance, you still have the floor area ratio for the hotels.

MR. MULHERE: Yeah, I don't control the ordinance. We did mention that several times to staff that that needed to come out, and I'm surprised it's not out, so --

CHAIRMAN STRAIN: Heidi?

MS. ASHTON-CICKO: It will be changed for the Board. I think he left it in to just match the title for this --

CHAIRMAN STRAIN: The advertised.

MS. ASHTON-CICKO: -- CCPC meeting. But it will be changed for the BCC.

COMMISSIONER HOMIAK: So for both the PUD and the GMP?

MS. ASHTON-CICKO: Correct.

COMMISSIONER HOMIAK: Okay, thank you.

CHAIRMAN STRAIN: Anything else on the GMP side?

(No response.)

CHAIRMAN STRAIN: Okay, how about the PUD action? Does anybody have any changes or corrections that were needed on that one?

(No response.)

CHAIRMAN STRAIN: I have -- Bob, on -- I have two suggestions that's on Page 5 of our version.

MR. MULHERE: Okay.

CHAIRMAN STRAIN: And it's tract L and tract P. Tract L is the lake and tract P is the preserve area. You have minimum width language for both of those in another section of this code, which is fine. I'm suggesting we would duplicate it in tract L and duplicate it under tract P. Because when you come in for an SDP most likely staff's going to open up that PUD and look to these two tracts for where most of the

limitations will be, not the listing of developer conditions.

MR. MULHERE: Makes sense.

CHAIRMAN STRAIN: Okay. So just mimic the language there and I think that would cover us.

I would like to show the Planning Commission, not that we need to change anything with regard to this, but I just wanted to show you what the project has evolved to.

Bob, could you take this and put it on the overhead?

After our last meeting, the applicant came in with a pre-app, it's called, to show one of the proposed site plans that were being thought of for the property. And it's a -- it's going all residential, less units than what has been suggested.

But that would be how the property would lay out if it went to either zero lot line or townhome style, whatever they've configured here.

I want everybody to see it, because it looked -- I mean, the end result is not as intense as what has been requested and previously processed through the transmittal process.

MR. MULHERE: And you see it clearly matches with the master plan.

CHAIRMAN STRAIN: Right. And you can see the lake width was retained and all the preserves were. So it's a good way of looking at what our approvals can produce, so -- okay, with the exception of the two changes to tract L and tract P, does anybody have any other concerns or questions on consent?

(No response.)

CHAIRMAN STRAIN: If not, I'd like to get a separate motion on each one of the actions for consent. I'll be glad to read them out, then someone can make a motion. The first one is our GMP, it's PL-20130001767/CP2013-10. Does anybody have a motion?

COMMISSIONER HOMIAK: Make a motion to approve.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Charlette.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

The second consent item was the PUD. It's PUDZ-PL20130001726, and this one had two suggested changes that the applicant's going to include. Does anybody want to make a motion on that one?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion made by Karen. Seconded by?

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: By Charlette.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

Bob, thank you.

MR. MULHERE: Appreciate your help, thank you.

CHAIRMAN STRAIN: I think we're going to see you again here today, aren't we?

MR. MULHERE: (Shakes head negatively.)

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: No?

***Okay, next item up is 9.A. It is PUDZ-PL20140001179. That's for the Avalon of Naples RPUD. It's at the intersection of Davis Boulevard and County Barn Road.

All those wishing to testify on behalf of this item, please rise for the court reporter to be sworn in. If you're going to talk about this or you want to address this matter, please rise to be sworn in.

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Thank you.

Disclosures by the Planning Commission? Charlette, we'll start with you.

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Anderson.

CHAIRMAN STRAIN: Okay, and I too had a meeting with Mr. Anderson, Patrick Vanasse, I've had numerous emails and contacts regarding -- from a couple of citizens, two or three. All of those have been forwarded on to staff.

So with that, we'll move to Diane.

COMMISSIONER EBERT: Nothing.

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

MR. ANDERSON: Good morning, Mr. Chairman, Commissioners. My name is Bruce Anderson from the law firm of Cheffy-Passidomo, and I'm here representing the applicant on the Avalon of Naples, PUD.

I have with me today Mr. Craig Perry of Collier Davis LLC, which is the applicant. And the other project team members that are present today are Chris Wright, President of RWA Engineering; Patrick Vanasse, Planning Director of RWA Engineering; Ted Treesh of TR Transportation Consultants, and Bethany Brosious from Passarella & Associates, the environmental consultant on the project.

This property is located at the southeast corner of Davis Boulevard and County Barn Road. It's just under 23 acres. The request is for 82 single-family or up to 160 multi-family units.

Let me emphasize that this is an all residential project. There is no commercial, there is no mixed use, there is no affordable housing. This will be a gated community.

The project layout is shown in the PUD master plan. It's on the overhead, and it's centered around a large lake with homes around the perimeter of the lake. The access will be on Davis Boulevard. The zoned building heights are limited to two stories, not to exceed 35 feet. And I particularly want to note and emphasize that this is not the same developer that was involved on a prior mixed use proposal for this property.

As a matter of fact, the property is now under contract to Neal Communities, a decades old highly respected home builder that originated in the Sarasota/Bradenton area. They are currently building the new community known as Canopy off of Immokalee Road, just east of Collier Boulevard.

We are in agreement with the staff approval conditions, with one clarification that is at the bottom of Page 15 of the staff report.

CHAIRMAN STRAIN: Did you say you're in agreement with that?

MR. ANDERSON: No, we are seeking clarification on that, that it would be five feet measured from the right-of-way line. And remember, the right-of-way line is more -- it's greater than the pavement.

CHAIRMAN STRAIN: Okay. Well, we'll certainly have staff to comment on that when we get to it.

MR. ANDERSON: Sure. And then we have one -- couple of typographical corrections and two clarifications to the development standards table, which is on Page 5 and 6 of the PUD document. And it relates to front and rear yards. And also one with regard to corner lots.

I've highlighted these changes. The first change is to the minimum front yard, footnote number

three. We would be deleting the phrase "the driveway" and insert "a vehicle access." And this was requested by Chairman Strain.

On the minimum rear yard, in its footnote number six on Page 6, we would add the words "and landscape buffer easement."

And lastly, it is the minimum rear yard for the recreation area for both principal and accessory structures, that it would be measured from the landscape maintenance easement, the landscape buffer easement or the bulkhead.

And I believe I have covered all the small changes that I wanted to bring to your attention. And I or other members of the project team will make ourselves available to answer your questions now or later.

CHAIRMAN STRAIN: Okay. Does any members of the Planning Commission have any questions at this time?

COMMISSIONER HOMIAK: Um.

CHAIRMAN STRAIN: Karen?

COMMISSIONER HOMIAK: Deviation number three.

CHAIRMAN STRAIN: You've got to lean closer.

Deviation number three, right?

COMMISSIONER HOMIAK: Yeah, the --

MR. ANDERSON: I'm going to ask Mr. Vanasse to --

MR. VANASSE: For the record, Patrick Vanasse with RWA.

COMMISSIONER HOMIAK: The 90 days, as you have it in the PUD, is limited to 90 days per year.

MR. VANASSE: Yes.

COMMISSIONER HOMIAK: But you have November 1st to April 30th.

MR. VANASSE: The intent is during season to have a banner sign on the wall indicating that we're open for sales and model homes are open. Obviously that's the peak of season. That's when we think the greatest benefit occurs from that sign. Staff is recommending a limitation to that. We still prefer the 90 days.

COMMISSIONER HOMIAK: Are those the right dates?

CHAIRMAN STRAIN: The reason -- before we go too far, she's reading from the PUD, and I'm reading from the deviation three that's in the staff report where the justifications/analyses go, which I'm just now finding out are different.

So first let me ask staff, you did your analysis based on what I assume is in your staff report, because that's the document we get as the first review. So how did we get a change in the PUD that's inconsistent with what's in your staff report? Because I was trying to follow what you were saying and I can't.

COMMISSIONER HOMIAK: Well, it's -- that's two months out of one year and four months out of the next year together, and it's not 90 days, it's only three months. So just put the sign up and take it down or month-to-month?

CHAIRMAN STRAIN: Well, Mike, we've got other questions. While we're asking other questions, would you take a look at this and we need an answer before we finish with this action, because somehow the deviations in the PUD are different than those that you analyzed on the staff report.

MR. SAWYER: Yeah, at this point -- for the record, Mike Sawyer, Project Manager for the petition. I'll have to research that, quite honestly.

CHAIRMAN STRAIN: Is that something you can do today while we're in session?

MR. SAWYER: Most definitely.

CHAIRMAN STRAIN: Okay, we need to get an answer. So I'll leave that to you.

When an applicant submits a PUD and it gets to us in our staff report, how does it get to us? Does it go through you or does it come from the applicant directly to the staff person who creates the -- compiles the staff report and sends them out to us; do you know?

MR. SAWYER: The way the process works is that the applicant submits the documentation; in other words, their version of the proposed PUD. Staff reviews that and then the County Attorney basically takes on, you know, actually writing that as part of the ordinance itself.

So ultimately the version that we would use would be the version in the ordinance.

CHAIRMAN STRAIN: Okay. That doesn't answer my question though.

MR. SAWYER: Sorry.

CHAIRMAN STRAIN: I know Judy assembles the documents. She gets the staff report from you. I'm assuming it goes to either a hard copy or electronic. I get mine electronically from her.

Then I at one time understood that the applicant comes in with a disk or hard copies of most of the rest of the package. I'm trying to figure out how we would have gotten a PUD that's written different than the staff report that analyzed it. So just for future reference, I need to understand where the breakdown may have been, because --

MS. ASHTON-CICKO: I guess I'm not following you. If I could comment?

CHAIRMAN STRAIN: Go ahead. You need to bring the mic closer to you.

MS. ASHTON-CICKO: The deviation number three, the staff analysis is on Page 8 of the staff report. And that is identical to the deviation in Exhibit E.

Where the difference appears to be is the staff recommendation. So instead of the 90 days, they're recommending 28 days with a three-year limitation from the date of the first unit.

CHAIRMAN STRAIN: Would you turn to Page 8 of the staff report? Will the applicant put Page 8 of the staff report on the overhead for me, if you could, or would the staff member do it.

Then Mike, I'm going to ask you to put Exhibit E -- now, we're looking at deviation number three. Deviation number three in Page 8 of the staff report, the last line says: The temporary banner sign shall be limited to a minimum of 90 days during season, defined as January 1st to March 31st, per calendar year.

Deviation number three is Exhibit E of the PUD that we were supplied, or that Karen has, says: A temporary banner sign shall be limited to a maximum 90 days during season defined as November 1st to April 30th per calendar year.

That's what generated her question, which is why I couldn't figure out why she was asking the question because I had a different version. And I'm now trying to find out how the differences occurred. Because if staff hasn't read the PUD that we have in front of us, I'd like to know that.

And that's -- Mike, I'll give you a little bit of time to let that sink in, if you'd mind taking a look.

In the meantime, we can go on with other questions and come back to this one so we don't have -- do you have any other questions, Karen?

COMMISSIONER HOMIAK: No.

CHAIRMAN STRAIN: That was a good question.

Does anybody else have any other questions?

MR. VANASSE: If I may clarify?

CHAIRMAN STRAIN: Yeah.

MR. VANASSE: One is the exhibit that is part of the PUD. The other one is the deviations with the rationale for the deviation, the justification. There's a discrepancy in my packet also. It might have been an oversight on our part where the dates don't match.

The intent was from November to April. I know it's more than 90 days. I believe we wanted that to have some flexibility. So I know we have an influx of folks right before the holidays, so the intent was maybe the sign could go up before the holidays, be taken down and then there be some flexibility as to when during the season they can put that banner sign back up.

CHAIRMAN STRAIN: And Patrick, I understand where this occurs; I understand the different locations. And I understood reading it that way. And so you just kind of reiterated what started us on this track.

I want to make sure that staff has analyzed this under its contents that we're reviewing, not necessarily what they did the first time versus the second time. It may have a different bearing or impact on how they recommend things, and it's going to be important to us.

So with that, we'll move into some other discussions while we wait to come back to this one.

In your deviation number four it says: It seeks relief from LDC Section 5.06.02(B)(5) which requires on-premise directional signs to be set back a minimum of 10 feet from the edge of roadway to allow a setback of five feet edge of roadway drive aisle.

And the key word here is on-premise. What do you foresee or what does Ray as a zoning director

see as on-premises? I mean, everything within the PUD boundary?

MR. BELLOWS: For the record, Ray Bellows with Zoning Services section.

An on-premise sign can have dual meanings if it's a large PUD with multiple development tracts under different develop-- builders, homebuilders. You can have a project entry sign for that one tract that would be on-premise for that particular project. But if it's a single developer within a PUD, then it's on-premises within the PUD boundary.

CHAIRMAN STRAIN: Could you put the master plan back up?

So based on that master plan they could put signs five feet off of Davis and five feet off of County Barn Road; is that correct?

MR. BELLOWS: That appears to be -- that's possible.

CHAIRMAN STRAIN: Okay. Was that the intent?

MR. VANASSE: No, the intent is completely internal to the PUD.

CHAIRMAN STRAIN: Okay. Well, then the deviation needs to be written in a manner that gets us to where the intent was and to what staff probably reviewed it as versus what the intention could be if it was interpreted differently down the road. And that has happened before, so --

MR. VANASSE: And we're fine with clarifying that and putting it internal to the PUD.

CHAIRMAN STRAIN: If we move on down to deviation number six, deviation six seeks relief from LDC Section 4.05.01(A), which requires every building to use -- end use to provide off-street parking to allow limited on-street parking associated with a small-scale recreation area and overflow guest parking.

Again, that seems to indicate you can put vehicles parking in the right-of-way. And after -- when we met and I questioned that, you produced the plan that's attached. But I'd like to suggest that deviation number six ought to be referenced as limited to the formation or the -- to be in conformance with that detail that you provided so this doesn't open the door for on-street parking beyond what you expected.

MR. VANASSE: Understood, and no objection.

COMMISSIONER EBERT: Excuse me, I didn't see that detail. Because that was one of my issues.

CHAIRMAN STRAIN: Could you put that on the overhead, if you don't mind.

COMMISSIONER EBERT: Because that was my question too.

CHAIRMAN STRAIN: Well, you should have asked.

COMMISSIONER EBERT: Well, you were speaking. But it's right here.

CHAIRMAN STRAIN: I always let ladies go first. I'm surrounded by you all today, so -- I don't remember what page it's on, but I know it's in the packet.

MR. VANASSE: Justifications.

CHAIRMAN STRAIN: Yes, justifications. You might want to zoom out a little bit. Mike, can you help him zoom out?

Okay, so this is the intention. You're not really parking within the lanes, you're just using part of the roadway to put in a few spaces next to the rec area.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay. So we'll just reference that as the exhibit subject to deviation number six.

MR. VANASSE: Yep.

CHAIRMAN STRAIN: Okay, Diane, did you have anything else you wanted to ask?

COMMISSIONER EBERT: Yes. Deviation number two, the walls. Where do you plan on putting these walls? Is it going to be around the whole area?

MR. VANASSE: The intent is to have walls along Davis and County Barn Road.

COMMISSIONER EBERT: But not between the schools.

MR. VANASSE: We have some preserves and buffers in that area.

COMMISSIONER EBERT: I understand, but the kids can go through those.

MR. VANASSE: The intent was not to put a wall there. There's going to be significant preserve. And along the church area there's an existing fence that we would maintain.

COMMISSIONER EBERT: So between the school, because I know there's schools in the area, you just -- it's just going to be open preserve area?

MR. VANASSE: Preserve. I believe they may have a fence on their side.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: No. If that's what you want to do, that's up to you, but it kind of --

MR. VANASSE: One of our team members told us that the school does indeed have a fence.

COMMISSIONER EBERT: The school does have a fence? So then it really will kind of be fenced all the way around this gated community?

MR. VANASSE: Correct.

COMMISSIONER EBERT: Okay, thank you.

CHAIRMAN STRAIN: Did you have anything else you wanted to ask at this time?

COMMISSIONER EBERT: No, as we go through it I will.

CHAIRMAN STRAIN: Okay. Well, if I miss anything, I'll let you jump in, how's that?

During the NIM, I believe it was, I'm talking -- I'm on the development standards table now, Exhibit B, which is Page 5 of the PUD. There was a discussion about setback from Davis Boulevard. And I remember I brought it up to you all. Did you have time to look at that? I think you had said 100 feet?

MR. VANASSE: Yes, I did look at that. It was part of our compatibility narrative.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: I do have an exhibit. We said that the nearest units from Davis would be at least 100 feet. We went back, we double checked that. I've got an exhibit that the units will be further than 100 feet from Davis, from the closest travel lane on Davis.

CHAIRMAN STRAIN: Okay. Because we'll need to take a look at that for additional language of the PUD.

On this plan you've got in front of us, now that you've answered that question, what's that "R" by the entry? Are you going to stick a unit there?

MR. VANASSE: No, we -- when we first developed the PUD we were looking at possibly putting some passive open space, maybe a little recreational area. And we weren't sure exactly what it was going to be. And we did not want to define it as preserve because we knew we might need it for water management or other purposes, so it's been identified as residential at this point. With our current site planning and development intent, that would be passive open space and water management.

CHAIRMAN STRAIN: Okay. So you wouldn't be able to put a residential unit there with the agreed to setback you just provided to us either, which is one of the reasons I wanted to find that out.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: On your amenities in here, you're planning just a pool and a cabana for these 160 units?

MR. VANASSE: With the discussions that are ongoing with Neal, I don't think they define exactly what that amenity package will be. There will be a pool and there's going to be a structure with some kind of community facility, be it a gym or meeting rooms or some kind of possible tables for recreation. We haven't defined that yet.

COMMISSIONER EBERT: Okay. Because I was just reading the NIM minutes and it said that there would be no clubhouse, no tennis, it would just be pools and cabana envisioned. So that's a question I have there.

COMMISSIONER ROMAN: Is that a change? Is that a change from what you expressed in the --

MR. VANASSE: Well, when the question was asked at the NIM, I think people were asking about the intensity or the size and the importance of that clubhouse or recreation area. And I think what we were trying to convey is that it wasn't going to be a very large clubhouse that you see in some much larger communities, that it would be something to scale with this community and would be accessory to the pool.

COMMISSIONER ROMAN: Because when I read the NIM notes, I didn't capture that, that there'd be any clubhouse at all. But maybe I misread it.

COMMISSIONER EBERT: No, you're right. I did not -- it was not in -- there would be no clubhouse.

COMMISSIONER ROMAN: It just said a pool with cabanas as I recall.

COMMISSIONER EBERT: That's right.

CHAIRMAN STRAIN: Do you intend to put a clubhouse on this project?

MR. VANASSE: It all depends what we -- how we define clubhouse. But the intent is to have limited accessory uses to the pool, just some community space at this point.

CHAIRMAN STRAIN: Well, community space is a more broader term. So you intend to have some community space on this project?

MR. VANASSE: Yes.

COMMISSIONER ROMAN: Do we have a location for that on the site plan?

MR. VANASSE: Yes, we do. It's the "RA".

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: If we go to page -- well, hold on a second, my pages are different than yours.

Page 10 of the PUD, under the transportation element, A says: Payment in lieu for sidewalks and bike lanes for County Barn Road frontage shall be required. Amount shall be determined by utilizing DOT's 2015 transportation cost, as amended. Payment shall be required prior to county approval of the first development order.

I'd like to suggest some added language: That the payment will only be required to the extent not already covered by impact fee payments. It's my firm belief that impact fees already include sidewalks, and this methodology we've used historically for adding sidewalks in is an additional cost. When they're already paid for once is not quite fair. So I'll let -- that's something then that would give you the opportunity to show they're covered in the impact fees. If they are, you wouldn't have to additionally provide for them.

MR. ANDERSON: That change would be fine, yes, sir.

CHAIRMAN STRAIN: I didn't think you'd object. Very rarely do we suggest something to help you.

MR. ANDERSON: I just wanted it to be on the record.

CHAIRMAN STRAIN: I just wanted to be fair, and what's good for one is good for all, so --

With that, it's the last questions I have at this time. I'll have more as we go forward, because I do have some other questions. But I'll wait to see and hear members from the public and others.

With that, is there a staff report?

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: You're welcome, sir.

MR. SAWYER: Yes. Again, for the record, Mike Sawyer, Project Manager for the petition.

You do have the staff report last updated 3/16/15 of this year. I did go back through and look at the various reviews that took place. I am unfortunately at somewhat of a disadvantage. I was not the reviewer of the project, that was Kay Deselem in our office.

CHAIRMAN STRAIN: That's right.

MR. SAWYER: I'm not making apologies for that, but --

CHAIRMAN STRAIN: No, but thank you for pointing that out. That's correct. A lot of these cases we're going to be hearing have been shifted from Kay now that she's left to Mike and Nancy and Fred, so --

MR. SAWYER: Basically I'm sure she would have been much more able to answer the questions than I would have, but I have gotten up to speed as best as possible.

I did look at the various reviews and the backup documentation that we got for the petition, both on the application side as well as what was reviewed by staff.

Deviation three was looked at as the applicant requesting 90 days. I believe the sign sizes have remained the same, as well as the calendar dates that were provided.

The staff report, if it appears to be in error as far as the 28 days, as far as our staff analysis and recommendations, basically what we're saying on the 28 days is that we're recommending approval of this deviation subject to the following stipulation: 28 days. So that might possibly be where the confusion is occurring.

However, I can tell you that we reviewed it based on the applicant's 90-day request.

CHAIRMAN STRAIN: Right. And what I think the question is that started this, and the

justification that Karen was reading, the dates that they wanted to put the sign up were from November to April. I think the intention was that originally they could pick any 90-day period within that time frame, which is either the end of the season or the beginning of season or 45 days from each beginning and end or mix it up.

Staff came back and said well, instead of 90 days in a time frame, you were recommending 28 days in a time frame; is that correct?

MR. SAWYER: That is correct.

CHAIRMAN STRAIN: The time frame that you were recommending, which one of those time frames -- or do you care which one of those time frames it was?

MR. SAWYER: With all due honesty, staff does not care when those 28 days do occur. It's by calendar year.

CHAIRMAN STRAIN: Okay. And then you made a note it's going to be only located on Davis Boulevard with a 10-foot setback.

Now, I think the reason I want to correlate that with the question I had about the other deviation which they're asking for on-premise signs to be set back five feet from the edge of roadway or drive aisle.

Would the sign -- would the issue in three -- because they didn't get into the setback. They got into the size, the time period and the amount of days. You wanted to change three to reflected not only that but something they didn't ask for which was a reference to a setback.

Is the setback reference that you're bringing up different than the LDC? And does it need to be brought in on three or should it be brought in on four?

MR. SAWYER: That's a good point. The 10-foot setback is the requirement of code. So that is the minimum code standard. And the five-foot is generally certainly allowed within -- internally to a project. I believe that the reason that we put the 10-foot in there was just for clarification. It is not necessary, quite honestly.

CHAIRMAN STRAIN: Let's just not mix it up with things that are already in the code.

MR. SAWYER: I would agree.

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON-CICKO: It's been the long-standing policy that signage is no closer than 10 feet to the road right-of-way.

CHAIRMAN STRAIN: That's fine. It's already in the code, right?

MS. ASHTON-CICKO: Okay. Well, I understand they're asking for five, so --

CHAIRMAN STRAIN: No, they're only asking -- on this sign, deviation three, they're not asking for anything different than the code. Or are they asking for something different than the code in regards to the setback?

MS. ASHTON-CICKO: Well, the drive aisle is -- you know.

CHAIRMAN STRAIN: That's a different deviation. We're still on three. On three it's 32 square feet in size, 90 days from November to April, basically. But there's no mention of a change to the setbacks. So on number three the setback would be the minimum, whatever the code is, which we now believe is 10 feet; is that correct?

MR. SAWYER: That would be correct.

CHAIRMAN STRAIN: Okay. So we don't need to reference that again in the staff recommendation, because it's already there.

MR. SAWYER: Exactly.

CHAIRMAN STRAIN: Now, the issue that I think Heidi was alluding to was the one that we talked about earlier, deviation four, referring to what on-premise means. And we're going to clarify that language to mean it's internal to the site; is that correct? And didn't mean on-premise meaning five feet off of Davis Boulevard.

MR. SAWYER: Correct. Anything that would be considered on-premise would be internal to the development itself. And this is actually a common deviation that we've approved previously on a number of different PUDs.

CHAIRMAN STRAIN: Right. And until I saw their master plan and the way they laid things out, I

didn't realize this could have been interpreted a little differently. So I just want to make sure it's not the perimeter PUD boundaries this refers to, it's the internal right-of-way boundaries.

MR. SAWYER: Correct. That is the way staff reviewed it, that is the way staff would apply it to any development order that came in.

CHAIRMAN STRAIN: Okay. That gets us past the deviations.

Anything else in your staff report, Mike?

MR. SAWYER: No. Staff does recognize that the changes to the development standards are consistent with staff's understanding as well, so we're agreeing to those as well.

CHAIRMAN STRAIN: Okay. Anybody on the Planning Commission have any questions of staff? (No response.)

CHAIRMAN STRAIN: Okay, with that, we'll start with the registered public speakers and then we'll ask anybody else that wants to speak is more than welcome to.

Ray, do you have any registered public speakers? Or Mike?

MR. SAWYER: Chairman, it looks like we've got four speakers.

CHAIRMAN STRAIN: When your name is called, please come up to one of the microphones and state your name for the record and we'll be glad to listen to what you have to say.

MR. SAWYER: First speaker would be Evan Steingart. I apologize if I mispronounced it.

MR. STEINGART: Close.

Good morning. My name is Evan Steingart. I am a resident of Glen Eagle and Napoli. I just want to say, this project hit my radar screen about five years ago. It started off as 288 units, housing units, 80,000 square feet of retail space.

I think the Planning Commission has done a remarkable job, as well as the County Commissioners, in distilling this project, this zoning down to 82 units. I think that is the correct amount for this piece of property. And I don't think the residents would be against that.

I think where we have an issue is the developer is asking for double that density. I don't believe that's acceptable. I think the Commission came to the decision two years ago to zone this for 82 units because of the impact any more units than that would have on the community, whether it's on traffic on County Barn, traffic on Davis, the schools, they felt 82 was the right number.

We've seen in the past year a steady procession of developers coming up here and asking that existing zoning be overturned because it's in their best interest, it's profit. More units, more profit.

It's not in our best interest, the residents of this community, to give them a doubling of the zoning. I think the biggest issue that most of us have is traffic. This was the worst year I can remember in Collier County in traffic. And the way this development will impact the traffic on Davis, I'd like to hear more about that. I haven't heard anything about that.

We do know that County Barn is not being expanded, it's being widened. But it's not going to be able to handle any additional capacity. Davis is pretty much at full capacity. And I want to hear the entrance and the exit strategy for traffic into this development.

But in summary, I can tell you that the residents will not support 160 units in this development. I think 82, which was previously decided upon, is the smart density and that's what we are willing to support. Thank you very much.

CHAIRMAN STRAIN: Before you walk away, couple things. I wish -- I know I talked to you years ago. I wish you had expressed your concerns to me before today's meeting, because I would have liked to have done some research on the background. It's been five years or more? I can't -- we see so many cases. I remember this one didn't fair well the last time it came through, but I can't remember the particulars.

The 82 units -- and I wanted to make sure you understood the difference in regards to the traffic. The 82 units is single-family. I understand, and we'll get our traffic engineer to comment on it, are the equivalent to a certain number of multi-family, if you want to call it that. What they're proposing is 82 single-family units or 160 multi-family. And I think it has something to do with the transportation impact. Because single-family homes generate more people to live in them and have cars because they have more garage parking areas than multi-family. So from a traffic perspective, I think that will address that.

Now, as far as compatibility between the type of units, I think they're both going to be limited to two

stories. We'll double check that. But a two-story house may not appear much different from a distance than a two-story multi-family.

We'll get into all that, and I appreciate you bringing it up. I wish I had had time now to go back. I ignored the previous record because all that was gone, it never materialized, so I didn't -- I thought it would be less necessary to bring it all up. But you bring up some good points, so thank you.

MR. STEINGART: Thank you, appreciate it.

CHAIRMAN STRAIN: Next speaker, please?

MR. SAWYER: Next speaker is Edward Newman.

MR. NEWMAN: Good morning. Thank you for the opportunity to speak, Mr. Chairman.

I'm the president for the master association for Falling Waters Davis. I represent 786 individual units. Along with me but not speaking today are a dozen or so residents, and many of which are members of the governing boards of the subassociations who have a great interest in this project.

First let me say that we're not in absolute opposition to the project, provided that the entrance/exit strategy for the project is adapted such that there would be an exit on County Barn so people wishing to turn west on Davis Boulevard could exit County Barn, turn left at Davis Boulevard and not use one of the more dangerous U-turn sections between Countryside and us and further congest that. We had a fatality there year before last or last year, memory's good 'ol senior memory, but it's recent.

The congestion in there during peak season, especially in the afternoon, is impossible. You can hardly get out of that unit safely.

We met, and I think -- we have roughly 1,500 cars that enter and exit Falling Waters on a daily basis in season. That's a lot of cars.

We have just met with the State of Florida because of the redevelopment of Davis Boulevard. We expressed our concerns there with them, and they are very amenable to doing something with that U-turn section in front of -- between Countryside and Falling Waters.

So right now as I understand it, I'm not very knowledgeable about the entire project, but as I understand it, the developers are planning to have the only entrance here on the master plan, the exit, the exit right there and then go down to the first U-turn section, which would be in front of -- between Falling Waters and Countryside so there could be U-turns there.

They could indeed go down to Santa Barbara where U-turns are allowed. But you and I know that they're going to take the first opportunity. I would, anyway.

So I think just us in prudence (sic) for the developer, because hopefully the State of Florida will see the wisdom, or at least our recommendation, to eliminate the U-turn section and develop something there that's safer. They should plan ahead and put an exit over on County Barn.

With that, if the proposal was changed, I don't think we'd have any objections. I'm not an expert on residential density and/or anything else when it comes to development. I am somewhat of an expert on driving, only because I have to do it.

CHAIRMAN STRAIN: Especially down here.

MR. NEWMAN: Especially down here.

That's really my comments. We would not be -- again, just to sum up, we would be in support of the project, provided that there was an exit/entrance over on County Barn which would eliminate the additional U-turn issues in front of our development. Thank you.

CHAIRMAN STRAIN: And before this day's over, our transportation people and probably theirs will be addressing those issues, so we'll hopefully get some answers for you.

MR. NEWMAN: Good. Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

Next speaker, Ray?

MR. SAWYER: Next speaker is Marlene Sherman.

MS. SHERMAN: Good morning. My name is Marlene Sherman, and I live in Countryside, and I'm representing myself today.

I mirror the remarks of my Falling Water community, that we definitely approve of the project. Density is not a concern of ours, but it is a concern for traffic in front of Countryside and Glen Eagle, the

U-turn.

Right now we have Seacrest School and we have Unity Church, and both of them have no left turn access on Davis, they must make a right and make a U-turn in front of between Falling Water and Countryside.

So we don't want to add another 82, you know, 164 cars making U-turns.

I did attend the neighborhood meeting for this project, and I did voice the fact that -- I asked them about an access onto County Barn where there is a traffic light at County Barn and Davis. And I understand they're going to improve the lighting, traffic lights there. And also the left turn lane, I think they're going to widen that area.

And I brought that up, but I was told the developer had no plans to -- I suggested just a member only access gate and -- onto County Barn and they said they had no plans to do that.

I have since talked to Mark Clark, who's the access management for Florida Department of Transportation, and received communication from him on -- just recently, March 30th. He said at this time the developer had not submitted a driveway permit to Florida Department of Transportation, so the department currently has no plans for access to or from this site onto SR 84. But he said that, during our conversation, the developer for the property did meet with the Florida Department of Transportation and a conceptual format during a pre-application meeting to discuss access onto SR 84. And at that time on that meeting, the developer did discuss a right turn in and a -- it would have to be a right turn lane on Davis coming east, and a right turn out. And a left in access across the median. I think at this time Terracina Grand's facility is putting a bridge and an access onto SR 84. And as I understand, there would be a limited break in the median so that traffic can come down eastward and cross a median and go across to the Terracina Grand nursing facility. At that time that they will also have a westbound left turn into this possible development that was discussed.

So I'm in agreement with that. But I do not personally support this project without having them have an access onto County Barn Road, which would eliminate the traffic. Thank you.

CHAIRMAN STRAIN: Thank you. Appreciate it.

Ray, the next public speaker? Or Mike?

MR. SAWYER: The last speaker is Tom Pecorelli.

MR. PECORELLI: Good morning. My name is Tom Pecorelli. I live in Glen Eagle. I have been working with the county, the state, Department of Transportation, trying to overcome the dilemma that we have exiting out of Glen Eagle at this time.

Without seeing a plan on what is going to happen with the DOT and the way the light signals are going to work, I can tell you that putting more traffic onto County Barn would only hamper the problems that we have now.

We have 1,234 homes in Glen Eagle, plus we have the Terracina Grand community coming and going. We have emergency equipment coming and going out of Terracina Grand. The traffic and the congestion on that corner has already seen enough.

I know they're widening the roadway on County Barn, but it's not any extra lanes. We have a hard time going east coming out of Glen Eagle when people on County Barn are trying to go west. There's no turn signal, people are coming and going. I don't know what the DOT's doing about it. They keep telling me it's on hold until the beautification program will be completed between Santa Barbara and Glen Eagle Boulevard. And at that time there's remilling of Davis Boulevard and then they tell me there will be a traffic signal to handle the traffic as it is now. I think anything additional on County Barn would be detrimental to our community in exiting our community. Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Do we have any other registered public speakers, Mike?

MR. SAWYER: No other speakers.

CHAIRMAN STRAIN: Okay. Does anybody in the public wish to talk on this item at this time?
(No response.)

CHAIRMAN STRAIN: Okay, with that, we will need some traffic input.

COMMISSIONER EBERT: Should we give him a hard time?

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER EBERT: Should we give John a hard time?

CHAIRMAN STRAIN: I'm not going to get John first. I wanted to have the applicant's traffic engineer come up and talk to the greatest extent of their knowledge regarding the light, potential light, at County Barn Road and traffic configuration there. After this presentation or discussion, John Podczerwinsky with Collier County will come up and we have some more information that we can get from John.

MR. TREESH: Good morning. Ted Treesh with TR Transportation Consultants. We prepared the transportation analysis for this application.

Just addressing a couple of the comments. John would probably be better to answer the signal-related issues at County Barn, since that's a county-related project, and I don't have any direct knowledge of that subject.

But in terms of capacity, both Davis and County Barn in our analysis are shown to have sufficient capacity to accommodate this project at the build-out year that we looked at. And that's based on the county's AUIR report and the volumes that are annually updated in that report.

With respect the access onto Davis, as you've heard, Davis is maintained by the Florida Department of Transportation, so we are subject to their rules and regulations in terms of how we access that roadway. So we have to basically confer to those regulations.

We would like a full median opening at that location to be able to turn left in and left out, but we simply cannot have that based on the regulations that FDOT currently has in place and their access management standards that they've adopted by state statute for Davis Boulevard.

We have met -- as you read the email from Mr. Clark at FDOT, we have had a meeting with FDOT to preliminarily discuss the access. It will be a directional median opening that basically will align with the project that's going in across the street, the Terracina Grand project. They've already been in and permitted their driveway. They are building a bridge over the canal. And they will have a left in as you're heading eastbound on Davis to be able to turn left in to that project.

And then we will mirror that on the flipside and have them heading westbound to be able to turn left in to this project.

Exiting the project, you will have to turn right and then complete a U-turn to be able to travel back west on Davis. Which is not uncommon on major highways such as Davis Boulevard. In fact, there are many studies out there that FDOT actually references in their access management studies that a right turn U-turn movement is a safer movement than a direct left turn across a multilane higher speed roadway. Davis Boulevard has a posted speed limit of 50 miles an hour, so a right turn and then completing a U-turn downstream has been shown in many studies across the country to be a safer movement than someone trying to turn directly left.

DOT monitors the roadways. So if there's an accident pattern that develops along their roadway, they will make changes to the access, whether that be at our location or at other locations upstream or downstream from our driveway location. So, you know, we're subject to their rules and we have to abide by the permits that are issued by them for accessing our property.

I think that answers those questions, and I'd be more than happy to answer anymore.

CHAIRMAN STRAIN: Anybody have any questions of this gentleman?

COMMISSIONER ROMAN: I've --

CHAIRMAN STRAIN: I've got -- go ahead, Charlette.

COMMISSIONER ROMAN: I just have a question. Did you consider the impact of an opening out of the development onto County Barn?

MR. TREESH: I did not. Because I studied the site plan and do my traffic analysis based on the site plan that's provided to me by the applicant.

CHAIRMAN STRAIN: I've got a couple questions. You said that the U-turn is safer from the DOT's viewpoint in regards to a full intersection left turn.

If you have an intersection left turn on a green arrow, that's not -- and a green arrow means the other side's stopped, you're telling me that's not as safe as a U-turn where there's no arrows and no lights?

MR. TREESH: I left out one word. Unsignalized.

CHAIRMAN STRAIN: Ah, so we -- do we have a signalized intersection at County Barn Road.

MR. TREESH: Unsignalized median opening. If we were to have a full median opening at this location at our site access, it probably would never meet the signal warrants, so it would be an unsignalized full median opening. So I'm sorry I didn't clarify that further. The right turn U-turn is safer than a direct left at an unsignalized location.

CHAIRMAN STRAIN: Okay. Now let's go back to County Barn Road and Davis. We have a signalized location that's being improved with multiple turn lanes, different actions. I've seen some drafts of it. And there's going to be a light there that will probably be -- certainly have a left turn green arrow; I'll get John to confirm.

If that's the case, is that safer than a U-turn? Or do you know of a study that would have looked at those? A left turn green arrow means the opposing side has stopped.

MR. TREESH: Right.

CHAIRMAN STRAIN: So I'm not sure how that could be as -- not be as safe or even safer than a U-turn with no signalization at all.

MR. TREESH: You're comparing apples and oranges. Yes, signalized intersection controls traffic and allows a protected movement for those left turners, yes.

CHAIRMAN STRAIN: That's what I wanted clarification on.

Second thing, a gentleman earlier mentioned the number density. You guys went from 82 units that he discussed to -- one type to 160 of another. How did you choose the 160? Did it have anything to do with traffic?

MR. TREESH: Well, I think Patrick can further clarify from a planning standpoint, but traffic did have an influence in that.

We utilize the Institute of Transportation Engineers Trip Generation Report to analyze the trip generation of the projects. And based on the data in ITE, a single-family unit generates roughly about twice the number of trips that a multi-family unit generates. So roughly the computation would be about twice the number of single-family units would be the equivalent multi-family unit in terms of trip generations. So 82 to 160 were roughly equivalent to the trip generation of the project as developed as a single-family project.

CHAIRMAN STRAIN: So when you did your traffic analysis, I don't recall, but you used the 82 or the 160?

MR. TREESH: The 160, because it generated a little higher trips than the 82. It was only a few -- just a few trips, but --

CHAIRMAN STRAIN: Okay. I don't have anymore, thank you.

MR. TREESH: Thank you.

CHAIRMAN STRAIN: I do need John to come on up and talk with us now.

Good morning, John.

MR. PODCZERWINSKY: Good morning. John Podczerwinsky for the record, Transportation Planning. And I have not been sworn in yet.

(Mr. Podczerwinsky was duly sworn.)

CHAIRMAN STRAIN: Now, see, if you were here early and to be sworn in, it was rare, but Cherie' was actually on time today.

There's a story behind that from last Thursday when she was late. That's okay, it wasn't her fault. I told you it was going to happen, Cherie'.

MEMBER FROM THE AUDIENCE: Traffic on Davis.

(Laughter.)

CHAIRMAN STRAIN: John, I would like to get into this traffic issue a little bit more. And my memory of five years ago may not have been exact in regards to the number of units that Evan had quoted, but I did have a memory of access points. So could you review the possibility or potentials that we have in regards to some of the concerns that you've heard from the people here today?

MR. PODCZERWINSKY: Yes. Actually, there was a -- as I recall from the last submittal, there were two access points that we had considered back then. There was an access point to County Barn, but it was via the church parcel to the south of this site, and it was via intersection. And I don't know the current

status of that interconnection, if there was ever an agreement made between the two parties. It was not proposed as part of this application so it wasn't evaluated as part of this application.

CHAIRMAN STRAIN: It is recorded. I have --

MR. PODCZERWINSKY: Okay.

CHAIRMAN STRAIN: -- found copies of it. It's a recorded access easement with terms for the applicant to participate with the church to get access onto County Barn Road.

MR. PODCZERWINSKY: In relation to that access point, if it were to be in use, I think related to some of the comments and complaints that have come up, it might make a difference there with the U-turn movements that would be experienced on Davis Boulevard.

CHAIRMAN STRAIN: How familiar are you with the reconfiguration of the intersection of County Barn Road and Davis?

MR. PODCZERWINSKY: I have to admit, not terribly familiar with it. It's an FDOT project, so we've been kind of second chair on that one.

CHAIRMAN STRAIN: But the county's doing County Barn Road, right?

MR. PODCZERWINSKY: Right. County Barn, yes.

CHAIRMAN STRAIN: That's the one I'm asking about. I'm sorry.

MR. PODCZERWINSKY: County Barn is --

CHAIRMAN STRAIN: The intersection in regards to what we're doing for the traffic moving north. Do you know how that configuration --

MR. PODCZERWINSKY: No, I'm not terribly familiar with the intersection configuration on that. That's currently in construction management, so it's --

CHAIRMAN STRAIN: Would that light be expected to have a green turn arrow going left, going west?

MR. PODCZERWINSKY: It would. Typically that's what we install is the, you know, left green arrow.

CHAIRMAN STRAIN: That's a protected left turn.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Diane, did you have anything you want to add?

COMMISSIONER EBERT: Good morning, John.

MR. PODCZERWINSKY: Good morning.

COMMISSIONER EBERT: I'm going to give you a hard time, today is your last day here.

With the developer out there and with what people are saying about County Barn, and I know it was supposed to be widened, they are not doing it because of Santa Barbara, I understand?

MR. PODCZERWINSKY: That's correct.

COMMISSIONER EBERT: We have -- there are traffic problems I'm -- in that area, because of Rattlesnake Hammock, because of Davis, County Barn.

Would it be beneficial for these -- this new developer to maybe check with the church and maybe get that second access point onto County Barn?

MR. PODCZERWINSKY: County staff wouldn't have an objection to it. I think that's up to the developer and the church to make sure that they want to work that out.

COMMISSIONER EBERT: Okay.

MR. PODCZERWINSKY: It's an agreement between two third parties.

COMMISSIONER EBERT: So it could be an option that they could do some checking on?

MR. PODCZERWINSKY: Yes.

COMMISSIONER EBERT: How long is the project going to be on County Barn? Because I understand it's also water for LASIP?

MR. PODCZERWINSKY: It's LASIP, Lely Area Stormwater Improvement Plan, process. And also there's -- I think we're working on the sidewalk project on County Barn at this time as well. I don't know the current schedule for that, though, I have to apologize for that.

COMMISSIONER EBERT: All right, thank you.

CHAIRMAN STRAIN: The changes on County Barn Road, they're going to retain one left and one

right as it approaches Davis. The church parcel will have a full median opening with a left turn lane in going south. Which means it could take -- I have the plans here, I just didn't -- took me a minute to --

MR. PODCZERWINSKY: You're more prepared than I am.

CHAIRMAN STRAIN: There was an East Naples Town Hall presentation and this was part of it.

Anyway, the improvements look like that entrance would be more than adequate to help that project issue with the U-turns, so --

Okay, anybody else?

(No response.)

CHAIRMAN STRAIN: John, the density issue. Converting 82 single-family to multi-family. Is that -- is that number that we're looking at fairly consistent, from your understanding?

MR. PODCZERWINSKY: It is. From what Mr. Treesh had said is really consistent with what staff's view has been.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of John?

(No response.)

MR. PODCZERWINSKY: Thank you.

CHAIRMAN STRAIN: Just a moment, sir. Thank you, John, appreciate it.

We had ended public speaking, but since we have some new information, if someone wants to address just the traffic issue, please come on up, we'll be glad to hear from you.

(Mr. Domaszewicz was duly sworn.)

MR. DOMASZEWICZ: My name is Mark Domaszewicz, and I'm a resident of Falling Waters on Davis.

And I have not heard anybody address in the traffic issues about pedestrians and bicycles. I think that's something that has been left out of the traffic studies, from what I'm hearing.

It's one thing about the difficulties of cars going left or right, crossing the cut on Davis, and I appreciate those issues and problems, but an additional issue would be if I'm bicycling or walking on Davis and now there's this huge amount of traffic going in and out of Avalon on Davis. So I think that's one of the issues that should be addressed as well. Thank you.

CHAIRMAN STRAIN: Thank you. We'll get some input on that.
John?

MR. PODCZERWINSKY: Sure. Typically part of the LDC requirements, the Land Development Code requirements require sidewalks to be installed on roadway frontages for the development. Also requires the sidewalks to be installed internal to the development per the LDC. There's some special requirements there. I think there was a deviation on this project as well that applied to that? Was that on this one or maybe the next one?

CHAIRMAN STRAIN: The next one.

MR. PODCZERWINSKY: I apologize, I got my projects confused.

So no deviations on that, so it should be sidewalks on both sides within the community.

Also, FDOT should be presenting bike lanes along State Road 84, Davis. That's their typical plan set. Should be a bike lane on that, if I'm not mistaken.

CHAIRMAN STRAIN: Okay. And I can't tell by the schematic drawings I have on County Barn what the intention of the county is on -- but I know that we've got a lot of extra land to the east on that County Barn improvement because of the LASIP project that's going on there now.

MR. PODCZERWINSKY: Right.

CHAIRMAN STRAIN: So hopefully --

MR. PODCZERWINSKY: Should be a multi-use pathway on County Barn.

CHAIRMAN STRAIN: It looks like that, but I really can't tell by these schematics, John. But thank you.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, does the applicant wish to make a rebuttal -- well, hold on a second. We're here to listen to you, so please try to keep your comments to new information that was

provided on the traffic. Thank you.

MR. NEWMAN: I'll be very short.

CHAIRMAN STRAIN: That's okay.

MR. NEWMAN: I made a statement before that we would be opposed unless there was a direct exit to County Barn.

Just to clarify that, we -- if the developer could come to an agreement with the church and have an exit through the church property, that would suffice as far as Falling Waters master.

CHAIRMAN STRAIN: I figured it would.

MR. NEWMAN: Well, I didn't want to make the objection to appear that only County Barn exit from there.

CHAIRMAN STRAIN: And this easement that is there was something that was worked out on the previous submittal back five or six years ago and has been sitting on the books, so thank you.

MR. NEWMAN: You're welcome.

CHAIRMAN STRAIN: Ma'am, you'll need to -- were you sworn in?

MS. BERKLEY: No.

CHAIRMAN STRAIN: So you'll need to be sworn in.

(Ms. Berkley was duly sworn.)

MS. BERKLEY: I am Mary Ann Berkley, B-E-R-K-L-E-Y, at Falling Waters.

Last fall there was a traffic control study vehicle parked at the entrance to Falling Waters in the morning, around 8:00 a.m. anyway, for several days running in a row. And they witnessed what happens there, which can be pretty breathtaking between Falling Waters and Countryside at that U space.

I'm wondering what the results of that were and if that would provide additional information for what already exists in a bad traffic situation.

CHAIRMAN STRAIN: That would have been done by the FDOT, and we don't have -- they're not us, unfortunately. Well, I guess that's really good for us.

Now, with that we'll move on to the applicant's rebuttal, if the applicant has one.

MR. ANDERSON: Yes, sir. I want to address the access on County Barn Road.

At the neighborhood information meeting, which I was not at, I am told that the residents of Napoli, which are on the other side of County Barn Road, opposed access to County Barn Road. And we've heard today that residents in the surrounding area disagree about access to County Barn Road.

The applicant does not want access to County Barn Road. They want to have a secure, gated community. And requiring them to have another access where it would probably not be manned. I mean, 160 dwelling units really can't afford, you know, ongoing with two guardhouses. And it would be, you know, some kind of actuated bar to get in. And we simply don't want any access onto County Barn Road and would ask you to approve the master plan as we submitted it.

Ted, did you want to comment about -- we've got one follow-up comment on the transportation.

MR. TREESH: Ted Treesh, with TR Transportation.

I just wanted to reiterate, the trip generation for this project is relatively small. I was involved in the last zoning for this project and there wasn't, as John indicated, an access onto County Barn. That was a much more intense project. They had 80,000 square feet of commercial uses, which is a very large trip generator.

So in terms of trip generation, this is a very low trip generating project. Just for numbers purposes, generating less than 90 trips in the p.m. peak hour. And that's in and out of this project. So in comparison to other projects that are along Davis, this is a very low trip-generating development that's proposed.

CHAIRMAN STRAIN: Well, that also corresponds to the common sense that then if it's low trip-generating and you have one exit, they all go out one. If you have two exits, you're even lower out of each individual exit then.

MR. TREESH: As is three and four.

CHAIRMAN STRAIN: That's what I'm saying. Right, the impact on County Barn Road to make that connection may not be that substantial. As far as an armed gate, I myself have worked on development projects where those gates worked perfectly fine and they certainly aren't that expensive.

MR. VANASSE: I'd also like to add that we had a pre-app with staff and we discussed the access

issue. It wasn't required, it wasn't recommended, it wasn't requested of us. We designed the project accordingly. It's consistent with the code. Our intent has always been to have one access point.

I'd like to further explain that when we went to the NIM, we did have a few folks from Falling Waters express their concern, and I believe Mrs. Sherman is the lady that had talked to us. But when she made her point about having an access point onto County Barn Road, we also had multiple residents from Glen Eagle and also from the Napoli project say that they didn't want that access point either.

So from a code standpoint, we're consistent with the code. It becomes a preference. And we're not going to make everybody happy. So keeping that in mind, we designed according to, again, discussions with staff and with the code requirements.

CHAIRMAN STRAIN: I understand about the code requirements and I don't take exception to what you said in that regard.

But beyond the code requirements, if we have an opportunity to have a safer situation, shouldn't we look at that? I mean, your own transportation engineer acknowledged that the left out with a green arrow would be safer than the potential U-turn. So are you saying we shouldn't consider that?

MR. VANASSE: I do agree that it is a consideration. However, there are also other considerations. One of them being that we want a gated community and we believe that one access point provides a much safer and provides much more security for the residents of this project.

CHAIRMAN STRAIN: Except for the fact that this easement is already in place, and from the documentation I've read it actually presumably has been paid for and -- as far as bought and the right to use it -- I would have agreed with you. I think every project in this county has a right to be secure and safe.

This project's had that accessway, though, earmarked and, you know, documented and paid for five or more years, most likely. I can't remember the dates on it right now.

So I'm not seeing why this is so difficult in this case it couldn't have been planned for by your development. I understand your layout of the buildings, but when this started we were talking single-family, so --

MR. VANASSE: Understood. One of the reasons why that access point was worked out with the adjacent neighbor was that the traffic generation for the previous project was much, much more significant. Density was much higher, plus it was a mixed use project with commercial, with many, many, many more trips. That's why it was worked out. The easement was recorded at that time. We have a new developer, a new project. The easement was in existence when Mr. Perry took over this project.

CHAIRMAN STRAIN: Okay. One more, Patrick, I'd like to talk to you about and that is the -- I guess the amenities that you're going to put in that "RA" area. And obviously this is going to be a community. Neal Communities, they do nice projects. They're not noted for bad projects. I'm sure that they would want this to be something they have a good amenity package to sell off of.

I'd like to be able to list some of those in any kind of decisions that's provided so that we know the quality standards of the project will be as high as expected and as -- more like as discussed in the NIM and places like that. So do you have -- we're going to take a break before you have to answer this. Do you have an amenity package that you could provide to us before this hearing is over so that we can include some of those items as stipulations?

MR. VANASSE: At this point I do not. I can discuss it with my client. What would be important to us is if we consider including anything like this where there is flexibility that we provide maybe examples, other types of amenities but that we're not locked in.

CHAIRMAN STRAIN: Well, all I'm saying is if you're going to put a swimming pool in, I'd like to put on here as a stipulation a swimming pool be provided. If you're going to put in a community facility, I'd like to put on here community facility is going to be provided. If you know you're going to do cement or slate tower roofs or some positive high end or higher end product style that would provide credibility for the consistency or the character of this project, I think that would be helpful to understand, since this project has gone through some very questionable times in the past.

MR. VANASSE: Understood. We'll discuss that.

CHAIRMAN STRAIN: And we'll have a break here in a few minutes. I want to ask John a couple questions and we'll move forward.

MR. VANASSE: Thank you.

CHAIRMAN STRAIN: Thank you.

John, it was said that -- I can't remember the exact word, but something to the effect that Transportation Department really didn't have any concerns over this second entrance onto County Barn Road. What's your thoughts on that?

MR. PODCZERWINSKY: The reason why we don't have any concerns about it is basically because it's already an access point that's in existence. It doesn't create any new conflict points, therefore it doesn't really -- you know, it's not a new access as far as the county is concerned. It's additional use of an existing access point, so it doesn't really disrupt the existing traffic flow, other than make it a little bit more intense on County Barn, if they were to use that.

Again, when we looked at it in the past in the previous version of this development, we had looked at it with -- you know, as a necessary access point with the amount of traffic that was going to be produced by that site. This additional access point was necessary on County Barn. The reason why we required it to be a shared access point was because of the distance from the intersection at County Barn and Davis. At County Barn and Davis, they really can't fit another access point along this property frontage, so we have to make sure we keep appropriate spacing so the intersection itself can function properly without people making weaving movements to get across to left turn lanes, for example. So that's why we try and space those driveways out. And that's why in that case we required the two sites to use the common driveway.

So in this case with the lower trip generation, would we have forced that? Probably not. That's why we didn't ask for it at the pre-app. The existing single driveway with the right in, right out, left in and then the U-turn movement on Davis that they're proposing, that would be sufficient to handle their site traffic.

CHAIRMAN STRAIN: Is it as safe as having people who want to go west on Davis being able to use that green arrow on County Barn Road and Davis?

MR. PODCZERWINSKY: It's actually subjective at that point. The way that FDOT makes their recommendations, they actually prefer the right in, right out with the U-turn further down. They prefer not to put more traffic through intersections as the county doesn't as well. The county likes to keep the traffic flowing through an intersection rather than causing additional delays. Which in this case County Barn being the more minor of the two roads would cause additional left turn delay if there was more traffic loading on that signal, on that turning movement.

CHAIRMAN STRAIN: Okay, and that's interesting, because we've been trying -- I shouldn't say we've been, myself, I don't see the necessity for a lot of interconnections for privacy. But many other times cases have come before us where interconnections have been requested by staff based on the language in the GMP or the LDC under the premise that it helps people move to a signalized intersection. Well, now you're saying that's not a good thing, they shouldn't be moving to signalized intersections, we should move into more U-turns.

MR. PODCZERWINSKY: In this case I'll tell you, it's really not much of a tradeoff one way or the other with the low trip generator that's proposed.

CHAIRMAN STRAIN: Well, but you've got to consider incrementally. Just like this isn't -- you're almost saying it's de minimis. Well, when you get to a U-turn and you've got people already utilizing it -- and the intersection these people are talking about is a pain in the neck in the morning. Especially with trying to get -- everybody's coming off of Santa Barbara, making a quick getting to the left lane, stack up to try to get into Seagate, and then you've got to slow down and try to get around them because you didn't expect that. I can just imagine the U-turns at that getting worse than they are today. And I have to go to the government center quite frequently.

I'm just trying to understand the philosophy that that's safer than a signalized intersection with a green arrow. I can't there, John.

MR. PODCZERWINSKY: And that's exactly why we wouldn't stand opposed to their connection to County Barn. But at this point it's really between the two adjacent developments, you know, the church and this developer, to make sure that they have that agreement in place and that it's basically at the developer's discretion if they want to pursue that or not.

The reason that we didn't pursue this through the code through the Growth Management Plan

requirements, the transportation element requirements, is because they're two dissimilar uses.

When it used to be a commercial use that was proposed in here, the commercial use in conjunction with the church, that kind of lent themselves to the same sort of use at the driveway. Now when you had a gated -- what could have been a gated residential access at this point, you cause additional stacking, that sort of thing, uses that are dissimilar to the church, so there's really no push for those two to interconnect.

CHAIRMAN STRAIN: You've caused additional stacking with a 160-unit residential project versus 288 units and 200-- whatever hundred thousand square feet there was there before, you think that wouldn't have created additional stacking?

MR. PODCZERWINSKY: Before it would have caused additional stacking, but there were provisions on that. There were throat length provisions that are much greater than what's required for a residential community, and there was no gate.

CHAIRMAN STRAIN: And do you -- have you reviewed the potential access easement that's on the books?

MR. PODCZERWINSKY: Not for many years.

CHAIRMAN STRAIN: You don't know if the stacking created for that one, which was for the previous project, if that's the accessway it's still locked into a section of land that they probably can't change. So I imagine whatever stacking is there is going to be more than sufficient from anything created from a much lesser project.

MR. PODCZERWINSKY: I can understand that, yeah. I think at the time the distance that we required from Davis Boulev-- or I'm sorry, for County Barn Boulevard, the total length of that easement was enough to accommodate the intersection internal to the site. So when somebody was to enter off of County Barn, they would have sufficient enough time to make a decision what direction they were going to turn.

Again, when you put a gate at that location, it takes away that decision moment. It makes people stop instead of having an opportunity to make a decision and stop inside the site. So it's slightly different in how they operate, but it's --

CHAIRMAN STRAIN: So people make -- going into this project using County Barn Road, you think they'd frequent that back door over the front door, which is an easy right off of Davis. Because most of them will be traveling Davis.

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: Okay.

MR. PODCZERWINSKY: I also wanted to make one very quick clarification about the sidewalk provisions that I discussed before with the LDC requirements.

LDC requirements require a sidewalk on both sides when it's a platted right-of-way. If they are to pursue an SDP process for the multi-family units that they were discussing, we wouldn't necessarily require a sidewalk on both sides because they're not platted right-of-ways then. So I just wanted to make sure I clarified that on the record.

CHAIRMAN STRAIN: Okay, but they're not asking for any deviation, so whatever the code says, the code says that's what they're doing.

MR. PODCZERWINSKY: Whatever the code says, yeah.

CHAIRMAN STRAIN: Right. No problem.

MR. PODCZERWINSKY: I just didn't want to imply that there'd be sidewalks on both sides if they actually have platted roadways within the site.

CHAIRMAN STRAIN: Okay.

Anybody have any questions before we break?

(No response.)

CHAIRMAN STRAIN: Okay, let's take a 15-minute break and come ba-- well, 16 minutes. One extra minute for Cherie'.

Come back at 10:45.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, if you'll please take your seats we can resume the meeting.

Okay, there are some additional information that was hopefully resolved during the break. By the way, I did talk to a couple of residents in the area who were concerned about the project who had some suggestions and discussions at the break. I can't remember everybody's name. I'll certainly bring up one or two of the comments that we had.

Mr. Anderson, or Patrick, whoever wants to address. When we left there was one outstanding question in regards to the quality of the amenities that you were installing.

That's upside down to us, but that's probably good for you.

MR. VANASSE: Okay. The development team got together and discussed your request, and we've identified some amenities we can commit to. We have swimming pool and spa. We have a community building with bathrooms.

CHAIRMAN STRAIN: Is that in lieu of a Port-a-John or something? I'm not seeing anybody put that on there.

MR. VANASSE: And please note that we said community building, because at this point we don't know exactly how that will be defined.

With bathrooms and a concrete tiled rooftop. Mail kiosk. And we're going to have an access controlled gate for the project.

CHAIRMAN STRAIN: Okay, thank you, that helps with some information we didn't have previously. Appreciate it.

MR. VANASSE: Also, pursuant to the discussion with regards to deviation number three with the banner sign, it has come to our attention because of the staff's request for the 10-foot setback, we have gone back and we have looked at our current design and plans for how we're -- a wall for the community. And it sets back about five feet from the property line.

As such we couldn't put our banner sign on there on the wall. We discussed that with staff. We would like to request a deviation to allow the banner sign to be on the wall. Staff has indicated that they have no objection to that, and we would like to make that part of our request.

CHAIRMAN STRAIN: From a perspective of staff, how would that be added -- I'm assuming then it would be just a line added to an existing deviation for clarification?

MR. SAWYER: Again for the record, Mike Sawyer, Project Manager.

Yes, it would be just an additional item on there. So instead of as we've agreed to take out the 10-foot setback, possible language would be something to the effect that if the sign is mounted on a -- on the perimeter wall, that it could be mounted on that at a lesser setback possibly. Or just simply say that the sign can be mounted on the perimeter wall? Keep it simple, maybe?

MR. VANASSE: We can certainly come back with some language for consent associated with that.

CHAIRMAN STRAIN: Okay, yeah.

MR. VANASSE: Also, I would like to reiterate that we are still requesting the 90 days, which is a little different than what staff is recommending. We believe it's consistent with many other projects in this county where they've asked for this deviation and they have obtained a longer duration than 28 days.

CHAIRMAN STRAIN: If I'm not mistaken, you're asking -- okay, so you're now looking at an increase in size, up to 32 square feet. So it would be the size of one sheet of plywood. And you want to go 90 days over a period of time in between November 1st and April 30th.

MR. VANASSE: Right.

CHAIRMAN STRAIN: And instead of a -- instead of the setback the code required, because you have a wall, you want to be able to go as close to the wall as to wherever the right-of-way is.

MR. VANASSE: Correct.

CHAIRMAN STRAIN: Okay.

MR. VANASSE: Thank you.

CHAIRMAN STRAIN: Thank you.

Mike, do you have any comments on that?

MR. SAWYER: Only from the number of dates -- or days that you are allowed to have these types of signs. Quite honestly, I know that there has not been necessarily that much consistency, even on the size of these types of signs.

CHAIRMAN STRAIN: What do you mean consistency?

MR. SAWYER: From PUD to PUD. We at times have allowed 90 days, at other times we've restricted them to 28.

Size-wise, I believe we've gone all the way up to 100 or even 200 square feet on some of these types of signs. Which quite honestly staff does not recommend.

CHAIRMAN STRAIN: How did you decide on 28 days and not maybe 29 and a half or something like that?

MR. SAWYER: 28 days is consistent with what the minimum code requirements allow.

CHAIRMAN STRAIN: Okay, thank you.

Are there any other questions or comments from the Planning Commission?

(No response.)

CHAIRMAN STRAIN: Okay, with that we will close the public hearing and then -- oh, there is one. I'm sorry, John, and then -- or probably the applicant, so maybe it will save you a trip, John.

As an alternative to the accessway to the church being a full accessway to your project, one of the residents in the area suggested to me on break could it be possible to have an exit only. Now that's actually a very logical way to look at it and I wish I had realized that during the discussion, because if it's exit only it narrows down your accessway. Your gate then is only operated from the inside, doesn't have to be operated from the outside. It reduces the traffic on County Barn Road, and most likely people wanting to use the road would only use it in lieu of a U-turn, which is the biggest concern I've heard from a safety perspective from most of the people speaking today. So there may be an advantage to consider that.

It certainly would be subject to the provisions of the easement to the extent they can be enforced, but it might be something to consider by this board in our deliberations.

So with that, Bruce, did you have something you wanted to add?

MR. ANDERSON: Just to reiterate about the access. We don't want to be running our residents through the church parking lot. If you are insistent, and we ask that you not be, on an access to County Barn Road, we would ask that the county waive the minimum distance requirements and allow us to have the access directly from our property onto County Barn and not be running it through a church parking lot. But we'd rather not have any access at all.

CHAIRMAN STRAIN: Thank you.

Okay, with that we'll close the public hearing and have a discussion amongst this board.

Anybody have any concerns, feelings any certain way on this in regards to the issues that we've discussed today?

COMMISSIONER ROMAN: I think I need a little bit of clarification on deviation three. Do I understand that the staff is recommending 28 days but the petitioner is requesting 90 days? Is that correct?

CHAIRMAN STRAIN: Well, there's several issues involving three now. The petitioner's asking for a 32 square foot sign for 90 days and having it being able to be placed on the perimeter wall that's going to go around this project that fronts Davis Boulevard.

Staff is saying we agree with the 32, we agree with the placement on the wall, but we don't agree with the 90 days, we're looking at 28 days. That's the differences.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

Diane, you usually have things to say after I say is everybody done, so do you have anything ahead of time?

COMMISSIONER EBERT: No, I think that when they come back for consent that -- I can see both points of view on this project for County Barn Road. Although we have traffic problems all around this area, and this isn't the only area, I do see both sides of the argument on that. And as long as there is going to be no commercial in there, that it is just all homes.

And Bruce, I think if you -- you're saying that if the county demanded you just want to go right through, which is too close to the stoplight, I believe.

CHAIRMAN STRAIN: Yes.

COMMISSIONER EBERT: Which would not be good. So I took that into account.

COMMISSIONER HOMIAK: I have to agree with that, about being too close to the stop and pulling out onto County Barn Road. I think that is unsafe.

CHAIRMAN STRAIN: Okay, as far as an interconnection, let's say exit only to the church, with using the existing easement, if it's legally usable, did you have any issues?

COMMISSIONER HOMIAK: That would have to be in agreement between those two parties, not --

CHAIRMAN STRAIN: It's already in place. They have a recorded easement they paid \$50,000 for.

COMMISSIONER HOMIAK: Who paid \$50,000 --

MR. ANDERSON: Just to remind everyone --

CHAIRMAN STRAIN: The prior developer.

MR. ANDERSON: -- that was the prior applicant --

CHAIRMAN STRAIN: Right.

MR. ANDERSON: -- on a mixed use project. Much more intense.

CHAIRMAN STRAIN: Right.

Here's the considerations for this board so we can wrap it up and we can get a motion, depending on what way on the various issues this board wants to go.

To assure a quality project, the applicant has offered, and I don't think anybody is concerned about this as far as debating it, offered to include the reference that they'll have a swimming pool and spa, a club and community center with a bathroom and concrete with tile roof. The roofs will be concrete tile, I'm sorry. They'll have an access controlled gated entry and they'll have a mail kiosk. Not male/female, mail, M-A-I-L, kiosk. So everybody can go to it.

The landscape, they're going to add to the landscape, a note for the landscape buffer easement under note six to the development standards table. They're going to modify the word driveway to vehicle access under note number three to develop standards table.

Deviation number three will be modified to allow a sign on the perimeter wall. I think the question was how many days. Staff has suggested 28, the applicant wants 90. Compromise is always fun, right in the middle is 60. So it's something for this board to consider.

They're going to modify deviation number four to make sure it's clear to the internal right-of-way boundaries.

They're going to modify deviation six to reference the diagram that's attached showing what the intent as far as off-street parking goes using the right-of-way.

They're going to add language to show that the building setbacks -- buildings will be set back at least 100 feet minimum from the nearest travel lane on Davis Boulevard.

They're going to add a sentence or language to the transportation section that the sidewalk payment in lieu of will be to the extent not covered by impact fees.

And then the last thing that comes into place is what we want to do with the interconnection on the church. There is a suggestion that it could be for exit only from the residential project, which would limit it to just those wanting to make probably a -- avoid a U-turn on Davis. That might cure some of the concerns we heard here today.

So with that in mind, I'm looking for a motion. Bruce, you --

MR. ANDERSON: Yes, sir, there was one change that you I think inadvertently left out on the development table about measuring from the bulkhead, the landscape easement or the lake maintenance.

CHAIRMAN STRAIN: Right. And I -- you're right, I did leave it out. Only because I thought because the way it was presented on that question we would be accepting it, since you put it on the table.

So it does include the changes that the applicant went through early on in the meeting showing the changes they already had made as a result of input from this board on an individual board. So those were already on record; Bruce had already walked through those. One of those being the LME, LBE and bulkhead setback.

I'll make a note of it so when staff reviews all this we have it all.

Okay, is there a direction any board member is willing to express to get a motion on the table? And any of the items that I've read, if you don't feel they're adequate or they need to be changed, just so state, or state that you want to go forward with them as written.

COMMISSIONER ROMAN: I think that I could support your proposal for the compromise on the sign for 60 days.

The interconnection is what I'd like to hear some other comments from the other board members on, the easement that's in place.

CHAIRMAN STRAIN: Okay. Karen? I mean, as far as -- I have said earlier in the meeting that I don't normally support interconnections because I believe every project has a right to its privacy and security.

But in this case we have an interconnection that's on the books, it's a recorded easement, it appears that it's been worked out and paid for. If we limit it to exit only, it means the people who are going out on Davis that would make a -- to go west who would go down to Countryside and Falling Waters and by Seagate School or wherever that interchange is and make a U-turn, they'd have a safer opportunity to make a left on a green arrow on County Barn and Davis. And for that reason, I will support that interconnection, subject to it being verified between now and the Board of County Commissioners meeting. I'm sure the applicant's going to look at it hard.

If there's a legal reason it can't be done or the documents aren't as complete as they appear, well, that takes it off the table. But right now I don't see a reason why that couldn't easily be done. But that's why I am in support of that interconnection, and that's how I'm going to vote accordingly. So I guess that's my input.

COMMISSIONER ROMAN: Yeah, and, you know, I heard what the petitioner said in terms of the intersection was by the previous owner and also when it was a commercial development that that was one of the considerations.

And that whole road, Davis and those U-turns is very, very problematic if you're trying to move around. And it seems like on paper at least it's desirable to have that exit only so folks can get a signal if they want to go west on Davis.

But, you know, as I sit here, I'm not sure if that's, you know, the best option. But I just don't like single entries into the whole development without another way.

CHAIRMAN STRAIN: Okay. Anybody else want to comment on it?

COMMISSIONER EBERT: I agree. I mean, I agree with the second access, just even if it's exit only at the -- because you're right, the U-turns are not good.

CHAIRMAN STRAIN: Do you want to weigh in, Karen, or you'd rather not? It's up to you.

COMMISSIONER HOMIAK: Well, I'm not so sure it's all that safe, any safer to get onto County Barn Road to make a left at the light.

COMMISSIONER EBERT: But this -- well, Bruce said that if they --

COMMISSIONER HOMIAK: It's a lot of traffic on County Barn Road that they have to wait to pull out on. And I think the development across the street didn't want that before and I don't know that they want it now. Napoli is across the street.

COMMISSIONER ROMAN: The other part of this is I hadn't had a chance to look at the church parking lot on-site, but how much of a drive is through that parking lot getting to County Barn? Maybe that's where the real safety issue becomes. I haven't walked the ground, I don't know what it actually looks like. I don't know how far we're talking about cutting through the parking lot or making an easement or driveway or whatever the case may be. So I --

CHAIRMAN STRAIN: Well, this project's got to come back for consent, but we've got to wrap up these bigger issues before consent.

Now, since you've got to come back anyway, we could continue to consent -- to finalize any details in regards to the feasibility of this interconnection, if you guys would like to.

What that also means, though, the public may end up having to come back and attend another meeting to resolve the issue. But it does give us an opportunity to take a closer look at that easement and refresh our memory from what and how it happened a few years back.

I would acknowledge to you that with the other issues on here that we don't seem to be in disagreement with, that all that could be cleaned up by the next meeting so we could wrap everything up at the next meeting, which is light on our schedule anyway, so we could do it first thing in the morning at 9:00 and be done with it. And you can do consent and everything at the same time. So I don't think you've lost anything on your schedule that way.

MR. VANASSE: We're fine with that, coming back.

And one of the things we're going to look into is we are very concerned about putting through traffic in a parking lot. Right now, if my memory serves me correctly, because I've been on the site, we're looking at a parking lot with striping with no landscape islands, so no dividers really from a security standpoint.

So it is a very important concern that you're going to have through traffic in an existing parking lot.

CHAIRMAN STRAIN: Okay, and I would like the opportunity to take a longer look at the history. I know how controversial the project was five years ago. The issues that made it that way have basically gone away. But there was discussion and -- a lot of discussion on that easement. And the mere fact that it got recorded and most likely, according to the document, paid for, there's some history there that I would certainly like time to review carefully before the next meeting.

So in order to be as most productive as we can at the next meeting, all the other elements that I read about, are we resolved on those?

COMMISSIONER EBERT: Yes.

COMMISSIONER ROMAN: I am.

CHAIRMAN STRAIN: Okay, so from that perspective --

COMMISSIONER HOMIAK: 60 days.

COMMISSIONER ROMAN: 60 days, yeah.

CHAIRMAN STRAIN: So from the perspective of everything else but the interconnection, the applicant can modify the documents, get them to us before the next hearing, we can review them and not have a consent. And the only outstanding item is to finalize the discussion on this interconnection. And we will look at it from both a practical aspect of how that easement fits together and where the legal problems may be to the extent whether they are or not.

COMMISSIONER ROMAN: And I feel comfortable with that.

CHAIRMAN STRAIN: Okay. Well, with that in mind, is there a -- the applicant has agreed to the continuance. I see the heads nodding.

Is there a motion from this board for a day certain, April 16th at 9:00 in these chambers?

COMMISSIONER EBERT: I make that motion.

COMMISSIONER HOMIAK: I'll second.

CHAIRMAN STRAIN: Is there a second? Seconded by Karen.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

For the members of the public, that means when you come back -- on April 16th at 9:00, we will discuss one item on this project and that will be the interconnection that may or may not happen between the church and this project. So if you're interested and can come back, that would be the time to come back.

Sorry for the inconvenience of asking you to come back twice, but we can do some thorough research and make sure that what we recommend is feasible. Thank you all.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: Thank you, sir.

***Okay, we have two items up for the next discussion. We'll hear them -- one as GMP amendment and the other is a PUD, both for the same piece of property. The GMP amendment is the adoption hearing. It already came to us and went to the Board of County Commissioners on transmittal. The PUD is our first review. Those two projects are -- the GMP portion is PL-20140000113/CP-2014-2, the San Marino Residential Planned Unit Development, located east of Collier Boulevard, approximately a mile and a half

north of Rattlesnake Hammock Road.

The second item is PUDA-PL20140000100. It's again the San Marino project in the same location.

These items will be discussed concurrently and voted on separately.

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

(All speakers were duly sworn.)

CHAIRMAN STRAIN: Disclosures from the Planning Commission.

Diane?

COMMISSIONER EBERT: None. I just talked with Corby briefly this morning and with David.

CHAIRMAN STRAIN: Okay, I have had discussions with the applicant's attorney, various staff members. I think that's all. Of course I read the file and the marketing guy is here but I didn't talk to him.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: No contact.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER HOMIAK: I'm surprised you said her name right.

CHAIRMAN STRAIN: I'm being very careful. It's Cherie' the one that I'm going to get mixed up on.

COMMISSIONER ROMAN: You got it.

CHAIRMAN STRAIN: Okay, with that we can talk about either -- we can ask questions about either one of the documents concurrently.

So Richard, you want to go forward with your presentation?

MR. YOVANOVICH: Sure. Good morning. For the record, R2, on behalf of the property owner and applicant.

With me today are Brian Stock and Keith Gelder from Stock Development, they're both the applicant and petitioner; and Joe Boff, who is the owner's representatives; Alexis Crespo and Jeremy Arnold with Waldrop Engineering, they're the planning engineering firm on this project; Shane Johnson with Passarella & Associates is the environmental consultant on this project; and Jim Banks, who's already been introduced for part of why he's here, but mainly he's here for our transportation consultant, if you have any questions regarding transportation.

Before you today are two petitions, as the Chairman has pointed out: The adoption hearing for the Growth Management Plan Amendment, as well as the PUD for the San Marino PUD Amendment for the San Marino PUD.

I'm not going to really focus on the Growth Management Plan Amendment unless you need me to. We had a pretty detailed discussion the last time and you all voted to transmit unanimously what we were requesting. Staff has not changed their position, they are still opposed to the increase in density from 2.5 units per acre to 3.02 units per acre.

On the visualizer is a kind of -- I'm trying to show the outline of the 196 acres that the GMP amendment applies to, as well as the (sic) predominantly the PUD amendment applies to. You can see the San Marino apartments to the south of the red outline. That is still in the PUD, so that is not part of the Growth Management Plan Amendment but part of the PUD that is being considered by you all today.

The PUD is structured so that it has two parcels. I'm going to walk you through some changes to the PUD that have resulted from conversations that we've had. But I want to put on the visualizer the proposed master plan.

Essentially the PUD has two parcels, a parcel A and a parcel B.

COMMISSIONER ROMAN: It's upside down.

MR. YOVANOVICH: Now I know what it looks like when I do it.

CHAIRMAN STRAIN: Well, you have an excuse. I'm not sure why Nancy's doing it today.

MS. GUNDLACH: I can't see today.

MR. YOVANOVICH: Here you go, if you need some bifocals.

Parcel A is the existing apartment complex. And parcel B is what formerly was a golf course that

we're removing and replacing with 300 single-family or duplex units on that 196 acres. We're not doing multi-family, but we can do two villas; that's an option that we're allowed to do on the property for a maximum of 300 units on parcel B. Parcel B already has two units assigned to it, so we're adding 298 units to that parcel B, all of which will come from the acquisition of TDRs.

Staff is fine with the acquisition of TDRs from any sending lands, so that part of the GMP amendment they are supporting.

Your transportation staff, your utility staff, all of your staff except for your Comprehensive Planning staff is recommending approval of both petitions. Your comprehensive planning staff is recommending approval of the PUD if the GMP amendment is approved, with some requested or suggested changes to the PUD basically regarding sidewalks and interconnection. And I'll walk you through the changes we have on this project basically.

CHAIRMAN STRAIN: Rich, before you do that, can I ask for one point of clarification?

MR. YOVANOVICH: Sure.

CHAIRMAN STRAIN: I just want to make sure our understanding is consistent. And for the residents and people here, this project started out with a density that was utilized by base density for the way the current San Marino is done, which is the apartment complex on the southwest corner of the project.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: The piece that's in question now was going to be a golf course. It was purchased by some others who were going to turn it into residential, possibly utilizing affordable housing bonuses to get to the density they needed. It's being sold to a new company, which is Stock Development, who is going to do what's considered market rate housing. And instead of going to a higher density for any use like affordable housing or any other bonuses, they're going to take the remaining TDR values that were left, which is --

MR. YOVANOVICH: 196.

CHAIRMAN STRAIN: Pardon me?

MR. YOVANOVICH: 196 units.

CHAIRMAN STRAIN: No, 196 acre area, which would be yes, 196 units. They're going to add to that a request to get TDRs for 64 more units to give you a -- well, that's why I'm asking --

MR. YOVANOVICH: My math's off.

CHAIRMAN STRAIN: I know. You had one density unit left. But originally it was one, right?

MR. YOVANOVICH: Always had two. We had two base units left.

CHAIRMAN STRAIN: Right. Yeah, two base units left. But I mean as far as what you could gain from TDRs, it was a total of 1.5?

MR. YOVANOVICH: The base density is 1.5 on the property.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: We could go to 2.5 --

CHAIRMAN STRAIN: So you'd get one more unit through a TDR.

MR. YOVANOVICH: We would get one more unit per acre, which would mean that the project today, if none of this is approved could go to 198 units.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: And then we ask for basically another 102 units to get to the 300, which is the size project that Stock Development or someone like Stock Development would need to have for it to go forward with a market rate unit.

If you remember, market rate, single-family or duplex, remember we came in asking for a higher density?

CHAIRMAN STRAIN: I remember. That's driving my confusion right now.

MR. YOVANOVICH: And we had scaled it down to 300 so we could assure that it would be a properly amenitized higher end, market rate single-family or villa project on the property. Instead of what was originally going to go there when it was acquired by a previous developer to do affordable housing on the property. And I don't remember what the number of units was on that piece for the 196, but it was far north of 300.

CHAIRMAN STRAIN: I know. But let me go back to where I was -- I want to get the density question behind us before we get into the changes.

I believe you're consistent with what we did on transmittal. I just want to understand how we got to transmittal.

I remember at the time, if you remember, it was so frustrating Stan pounded his head on the top of the dais. So it wasn't an easy item to overcome, but I believe we did.

You wanted a density of 300 units on the 196 acres. Some of which you were entitled to through TDRs, two of which you're entitled to for base, and you want to make the rest up with an increase in the amount of TDRs you could purchase to put units on there.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Okay. Current allowed density would be 588 units if you didn't ask for this density increase through TDRs.

New density with the existing would be 652. Added density then would be the difference between 588 and 652, which I think is 64.

MR. YOVANOVICH: Mr. Strain, it's 650, not 652.

CHAIRMAN STRAIN: Okay, 650.

MR. YOVANOVICH: I want to make sure we're --

CHAIRMAN STRAIN: That's fine. I'm fine. I'm trying to understand, if we go from 588 to 650, that's 62 more units than you're allowed to do by right by TDRs and base. Is that correct?

COMMISSIONER EBERT: He didn't bring his machine with him.

MR. YOVANOVICH: I got the math totally. The answer is sort of.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Because if you remember I don't own or control the apartment complex.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: So I couldn't take those 35 acres and take their one unit per acre to count towards our project. Remember, the question came up, could the apartment guy come in some day in the future and also ask to go above the one unit per acre they can now have. Because remember, TDRs were not in existence when we first came through this process.

So we all agreed let's not look at an overall project gross density and include that 35 acres, let's just look at the 196. And that's why we're at on our property 3.02 units per acre versus I think an overall project density of less than 2.8, if you could count the 35 acres.

CHAIRMAN STRAIN: Right. Now, that's what I wanted to make sure we all understood has happened.

So the increase in the overall project's density is something like 62 units as a result of the exercise we're doing here today. The increase is proportionately larger on the piece that remains to be built.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: That's clarification I needed. Thank you. And I probably confused everybody else, but at least I understand it better.

So could you now move forward with what you were going to do? And sorry for the interruption.

MR. YOVANOVICH: That's okay.

I'm only going to show you -- you already have a strike-through and underlined version of the project. I'm only going to take you to certain pages that we're making some changes to.

CHAIRMAN STRAIN: What I'd like to do too, if you don't mind, Richard, as any member of the board has a question as we pass the pages, just to bring it up at that point, we can accomplish both reviews at one time then.

MR. YOVANOVICH: Okay. Well, I don't have anything to show you until I get to the development standards table on Page 16 of 32.

CHAIRMAN STRAIN: Does any --

COMMISSIONER EBERT: So he's going to the new PUD, huh?

CHAIRMAN STRAIN: Well, actually, he's going to the strike-out that he has provided. I have a question on 2.7 on Page 11.

MR. YOVANOVICH: Never mind, I made a mistake.

CHAIRMAN STRAIN: You have yellow highlights far before that; is that what you just noticed?

MR. YOVANOVICH: It's Page 14.

CHAIRMAN STRAIN: That's what I thought.

MR. YOVANOVICH: We had made some further changes to the document.

CHAIRMAN STRAIN: So before we do 14, does anybody have any changes prior to 14?

COMMISSIONER EBERT: Well.

CHAIRMAN STRAIN: Do you have any --

COMMISSIONER EBERT: No -- well, I didn't have a chance to go through -- I have all kinds in the PUD on the original. But --

CHAIRMAN STRAIN: Well, but in your original, the document that he passed out doesn't have a change on it until Page 14. So do you on your original have any questions between Page 1 and 13? Because 14 he's going to address.

While she's looking through that, I had one suggestion by staff and that is 2.7 has some modifications to it. Is there any reason we just don't drop 2.7? Provisions for off-site removal of earth and material is already covered by the code, it doesn't need to be in a document. Does staff have any problems with that?

MR. BELLOWS: For the record, Ray Bellows.

It is redundant to an LDC provision, so I don't object to it being removed.

MR. YOVANOVICH: We're going to show that as an entire strike-through?

CHAIRMAN STRAIN: I would, yeah.

Okay, I don't have anything else through Page 13.

Diane, do you have anything?

COMMISSIONER EBERT: Yeah, how many -- on the very first deviation, Rich, you were asking --

CHAIRMAN STRAIN: This is in the PUD.

COMMISSIONER EBERT: I know, I know. Well, my question was, and it's -- this is in the PUD. The TDRs.

MR. YOVANOVICH: Okay.

COMMISSIONER EBERT: Let's go back over those.

You're saying after two units you're going to start paying for --

COMMISSIONER HOMIAK: Wait a minute.

MR. YOVANOVICH: I'll tell you what, let's just do this, let's take the deviation out. I'll tell you why it went in.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: I've been on other projects where we were starting from scratch and I didn't want to do the proportional use of TDRs for each plat that came through. And we had that big, long discussion. I'm sure I told Alexis make sure we don't make that same mistake ever again, so we probably put that provision in this PUD, not remembering we only had two units anyway.

So bottom line is the first plat that comes in is going to -- basically everything over two units is going to be by TDRs, so we don't need the deviation.

COMMISSIONER EBERT: Okay. All right, very good. So we're going to eliminate that.

MR. YOVANOVICH: That's fine.

COMMISSIONER EBERT: Okay, fine. Thank you. That clears up a lot in this, thank you.

CHAIRMAN STRAIN: But the only thing deviation one did was said that you can build those two units without showing you have a TDR first. Just two units, right?

MR. YOVANOVICH: Correct. I'm pretty sure we weren't coming in for a plat.

CHAIRMAN STRAIN: The project that was just approved for you guys -- for another client of yours that got the permission to use certain number of units without the TDRs was how many units?

MR. YOVANOVICH: It was like 160 base I think was the number.

CHAIRMAN STRAIN: Right. So you got to use 160 base on that project without having to buy TDRs first, but here you're not going to be allowed to --

MR. YOVANOVICH: I could use two.

CHAIRMAN STRAIN: -- use two. And that was your request.

What was so wrong about the request?

COMMISSIONER EBERT: Because this is more of a critical area than Olde Florida, okay.

CHAIRMAN STRAIN: No, it isn't.

COMMISSIONER EBERT: Well --

CHAIRMAN STRAIN: Olde Florida is not even in the residential fringe. This is in the residential fringe.

COMMISSIONER EBERT: Yeah, I know, I know it --

CHAIRMAN STRAIN: Well, urban residential fringe is not as critical --

COMMISSIONER EBERT: Mark, I know where this is located. It was that -- when you came in for the GMP only on this, it was for many more homes in the area. And all of a sudden it was GMP. We did not have the foresight like Mark did to know about the PUD that was coming up because that was not before us, we did not see that.

And all of a sudden just before it went out you went out and you say Mark asked you, how many units could you go down to still make this project viable. And I believe you went from 490 down to 300. And in there it was going to be all single-family homes, if I remember right.

MR. YOVANOVICH: Correct. And your code recognizes villas, duplexes and single-family. Three or more is what makes it multi-family. That's why you see standards for both standalone single-family and attached to unit buildings.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: But you're right, but the PUD was in the process as we were applying for the GMP amendment. They were both concurrent.

And I know I talked about the PUD was coming in and the PUD would have -- you know, would address all those concerns. But you're right, the actual number went down.

CHAIRMAN STRAIN: And I still have no idea what you're talking about.

But let's get back to what we were talking about which was deviation one. Deviation one was not opposed by the comprehensive planning staff, it was not opposed by our planners. It is only for two units. It was consistent with the policy the Board established when they approved 160 units to go in the same manner for Olde Florida. This is an area that is not considered as essential as the RFMUD area was that was established by the Governor. This is in the residential urban fringe of Collier County.

Just on principle alone, there's no reason to remove deviation one. It's innocuous. So what are we going -- why are we having -- what's the big issue about it? Why would you even bring it up?

You don't have to answer that. Never mind. I just -- I don't see the problem with it.

COMMISSIONER EBERT: It's just the two units, correct?

MR. YOVANOVICH: Yes, ma'am.

COMMISSIONER EBERT: Okay. And that's what I said, it's fine with these two units.

CHAIRMAN STRAIN: Okay. Now let's move on. Does anybody have any questions up through Page 13?

(No response.)

CHAIRMAN STRAIN: If not, let's go to the changes that Richard's going to articulate on Page 14.

MR. YOVANOVICH: If you look at the document we submitted originally, there could have been some confusion with regard to accessory uses that can go on individual lots. And now I think Willow Run is probably the first project that started articulating separately under your general allowed uses in a PUD. You set basically the clubhouse tract out as having its own development standards within the PUD, separate and apart from accessory uses you would typically find on a house, like a pool or, you know, if you have a big enough lot I'm sure you could have a tennis court and other things.

So what we've done is we've basically made revisions on Pages 14 and again on 15 to establish the development standards for a community-wide clubhouse within this portion of the San Marino development. So that's what we're doing on Pages 14 and 15.

So they should be consistent with what you've seen in other projects, including Willow Run and other projects since Willow Run.

COMMISSIONER EBERT: Rich, I have a question.

MR. YOVANOVICH: Okay.

COMMISSIONER EBERT: And I know it's parcel B, permitted accessory uses. But are you really going to allow utility buildings on the property and carports?

MR. YOVANOVICH: Utility buildings and carports? On parcel B?

COMMISSIONER EBERT: Uh-huh. Normally he does not do that in his -- it's on Page 14.

MR. YOVANOVICH: The reason I couldn't find it is it was on the page I just covered up. I don't know, do you want to leave that in or take it out? Do you care? We can take those out.

COMMISSIONER EBERT: Okay. All right, thank you.

MR. YOVANOVICH: I don't have anything on Page 16.

Page 17, a comment came up that we really didn't have any setbacks from the PUD boundaries for really any of the uses, so we've added a setback for the PUD boundaries for those types of uses. We've addressed it for the clubhouse in the previous section I just went through, and that was 100 foot from the PUD boundary.

We also on the next page --

CHAIRMAN STRAIN: What page are you on; 16, did you say?

MR. YOVANOVICH: Now we're on 18.

Nancy, if you could help me here.

We added a footnote that's become pretty customary, it's footnote number six where we make it very clear that our landscape buffer easements and our lake maintenance easements and lakes will be all separately platted open, open space tracks instead of with individual lots. So that's what footnote number six accomplishes.

And it continues on to the next page, which is 18. So you'll see it should be a pretty customary setback that you've all seen before -- or a footnote that you've all seen before. Sorry.

And then footnote number seven also is a customary footnote that you're used to.

What ended up coming up, and I think you brought it up in the last public hearing, is how do we make sure that this is not going to be a non-market rate project. So we have added certain commitments to what amenities will be with this project, as well as types of construction. So we've added that into the list of required standards for parcel B. Obviously I can't do anything about parcel A, but we've made some changes to assure that it would be a higher end market rate project.

CHAIRMAN STRAIN: Rich, I need to go back to one other thing, since you're on the development standards table, or beyond it. I notice the development standards table in the document that was included in our packet included a column for recreational and clubhouse. Now you've replaced that with the new yellow highlighted language on Pages 14 and 15; is that correct?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Where on those pages are the standards for the accessory structures that might be part of the recreational and clubhouse?

MR. YOVANOVICH: Well, the development standards apply to both. It applies to any improvements on the rec. track.

CHAIRMAN STRAIN: Okay. Because you had -- so you're going to have a 50 or 60-foot high -- that would be for the other structures. The clubhouse would be 50, 65. And the other structure would be 45, 55. You had a separate listing in your table, and the setbacks for accessory structures on the table were different than the setbacks for the principal structure, but now you're saying they can be the same.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. Sorry for that.

MR. YOVANOVICH: That's okay.

COMMISSIONER EBERT: I have another question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: Is there going to be any two stories?

MR. YOVANOVICH: Houses?

COMMISSIONER EBERT: Uh-huh.

MR. YOVANOVICH: I would imagine that that's a possibility.

COMMISSIONER EBERT: Well, if there is, I would prefer a six-foot side setback. Because when you have just 10 feet in between the two and you have two stories, that is really close.

Our Land Development Code, Ray, did that not used to be seven and a half feet all the time between the home and your property line? And then as property became more expensive for the developers, they kept lowering it?

MR. BELLOWS: For the record, Ray Bellows.

The standard zoning districts R-1 through 6 basically had on the smaller lots a seven and a half foot setback. PUDs that incorporate a single-family dwelling type can deviate from that.

The standard that the Planning Commission historically adhered to was seven and a half feet. In some case they allowed six, but there are PUDs with less, though.

CHAIRMAN STRAIN: Do you have any -- I mean, most of the PUDs that come through now are five feet and 10 feet.

MR. BELLOWS: Yeah, they're deviating from them. But for a while when Commissioner Abernathy was here you --

CHAIRMAN STRAIN: Right. But for the last number of years, because the Building Code and the Fire Code allow 10 feet we've been going with those codes.

MR. BELLOWS: Yes.

CHAIRMAN STRAIN: And these are actions inside --

MR. BELLOWS: They're still standard in the code. In other words, through a PUD process you can have less of a setback.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Or more, right?

MR. BELLOWS: Or more.

MR. YOVANOVICH: But I would say that the standard has been for PUDs for the last many years of five foot, whether it's a one-story or a two-story home. So we don't really -- I mean, we don't know why a different standard needs to be applied to this project than any other project that's gone through the process.

COMMISSIONER EBERT: Well, you went from 490 down to 300, there should be a lot of room on this property for the homes.

MR. YOVANOVICH: We went from an opportunity to do multi-family houses to doing all single-family houses with appropriate -- with an appropriate level of home and appropriate level of amenities to serve those homes. It's not proven to be a problem that I'm aware of where people have said, you know, I've got a two-story house next to me, I don't like that.

COMMISSIONER EBERT: Well, we'll just stop the conversation here, because there is with people that move in. Once they are in the community. They're getting too close again. But that's a Land Development Code thing.

MR. YOVANOVICH: Yep.

CHAIRMAN STRAIN: Okay, what page did we leave off on, 2?

MR. YOVANOVICH: I'm going to keep going. I don't have anything until Page 25.

Am I right, Alexis?

MS. CRESPO: Yes.

MR. YOVANOVICH: Okay. We have provided an opportunity for discussions with the agricultural parcel to our north to talk to them about the potential of interconnection. Same language that was in the Willow Run PUD has been incorporated here. It's my understanding that it's owned by the Diocese of Venice, the ag. property to the north. I'm not sure we want interconnection necessarily with a church, so we'll reach out to them, see what their plans are and if we can reach an agreement for interconnection we will. If not, we'll go forward with our project without interconnection to the north.

They have access to 951. The Willow Run interconnection requirement I think was to address a property that did not have access to 951. So we'll reach out to see if we can work out something to share access.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Deviations, Page 27. We have the opportunity for roads that are single-loaded with residences to go down to one sidewalk. Your review staff, pathway review staff had actually agreed to just a five-foot sidewalk with the planting of additional trees. We've asked -- where we only have one sidewalk.

We were asked recently to increase that to six feet in width where we have single-loaded sidewalks and we have agreed to do that in a deviation.

COMMISSIONER EBERT: Rich, do you have a picture of the plan?

MR. YOVANOVICH: Picture of which plan, the master plan?

COMMISSIONER EBERT: The master plan.

MR. YOVANOVICH: I do.

COMMISSIONER EBERT: Okay.

COMMISSIONER ROMAN: That's sideways.

MR. YOVANOVICH: Oh, man, I thought I was doing so well.

COMMISSIONER EBERT: Is there not residential on both sides of the road?

MR. YOVANOVICH: Except for on this conceptual plan, I think they're all double-loaded. The entry road is not double-loaded.

COMMISSIONER EBERT: No, okay. It looks like one big loop road but that you have residents (sic) on both sides of that road; is that correct?

MR. YOVANOVICH: On this conceptual plan, yes, ma'am. Now, I don't know, there's the opportunity where that could change and it becomes single-loaded on sides. And if that's the case, we would go down to a sidewalk on one side.

COMMISSIONER EBERT: Mr. Podczerwinsky, here we go. If there is homes on both sides -- if Stacy were here we would be putting five feet on both sides of the road, because that is really what the county wants; is that correct, Mr. Podczerwinsky?

MR. YOVANOVICH: That's what the Land Development Code requires.

COMMISSIONER EBERT: And so if there is residential on both sides, will you put a sidewalk on both sides?

MR. YOVANOVICH: I'm only asking for the deviation where it is single-loaded.

COMMISSIONER EBERT: I don't see single -- well, in this one I don't see it, so --

MR. YOVANOVICH: Well, let me look.

Isn't that correct?

MS. CRESPO: Correct.

MR. YOVANOVICH: Now, what page number? You took me out of order on the deviation list. Page 27?

Yeah, it says right there in the deviation, if you read it. It says -- and I can put it back up there. It says: Deviation number two, which is on Page 27, to allow a six-foot wide sidewalk on one side of the street only for streets with homes on one side of the street. And where that happens, we have to plant some extra canopy trees.

So the deviation is only for the circumstance -- and I'll put it back up.

COMMISSIONER EBERT: I understand the reading, but I did not see it in the plan. I see "R" all the way around, so that --

MR. YOVANOVICH: There could be a circumstance where -- and we do know on the entrance road it's only lined up on one side right now.

COMMISSIONER EBERT: Yeah, that's fine.

MR. YOVANOVICH: So that would definitely be an instance where there would be one. If you modify the plan because it will run through the permitting process, we end up with a road that only has houses on one side of it, we would put a sidewalk only on one side.

COMMISSIONER EBERT: That's fine. Okay, very good.

CHAIRMAN STRAIN: Okay, Rich, where did we leave off?

COMMISSIONER EBERT: Deviation two.

MR. YOVANOVICH: That was the one we just talked about was deviation two. Other than that, I

just put the master plan up.

Now, you'll see there's a little arrow that I put on the entry road. The reality is it will probably move further to -- or closer to Collier Boulevard because it makes no -- we would want that interconnection to happen prior to our gate. So what we gave you has the arrow too far to the east, but it does show the interconnection or potential interconnection with the agriculturally zoned property to the north.

And I think that's everything that were revised based on comments and feedback -- oh, I take that back. We eliminated a deviation for one of the signs.

Give me Page 28 again real quick.

MS. CRESPO: It's 27, actually.

MR. YOVANOVICH: Where did that go? Deviation seven.

We eliminated deviation number seven, which was the sign that staff was objecting to.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: So that should be everything, based on either staff comments that we agreed to or comments we received from individuals we spoke to about the project.

So we're available to answer any questions you may have.

COMMISSIONER EBERT: Rich, how about number four, your walls? Where do you -- do you plan on putting walls all around on this development?

MR. YOVANOVICH: I don't know that we've made a final decision on that. I do know that where we've asked for the deviation to go higher along Collier Boulevard, we would like to keep that. But I don't know if the entire community is going to be walled in.

CHAIRMAN STRAIN: You wouldn't want to wall in the preserves.

COMMISSIONER ROMAN: Yeah, that's what I was going to --

CHAIRMAN STRAIN: You wouldn't want to wall in the area next to the project to the north because you're not near it within anything that you're -- because they're internal and they're far from your boundaries.

The only potential wall you may want to do is one to the south to Willow Run. Other than that, I don't know why you would want to spend the money on walls, it wouldn't be useful.

MR. YOVANOVICH: Right. And permitting-wise, we may be required to put some fences in related to I think panther or other animals. But from a wall standpoint we don't have the intentions of walling in the community.

COMMISSIONER EBERT: And you're right, there is environmental on this property right now. I don't know if you have the tortoise or anything. I know Willow Run does. I'll just leave that up to Charlette.

COMMISSIONER ROMAN: I had a question. I was just waiting for you to finish, Diane.

COMMISSIONER EBERT: I'll give it to you on the environmental.

COMMISSIONER ROMAN: At the last hearing, Rich, I talked with you and the environmental staff when this came back to us, to take a look and evaluate that preserve location on your previous proposal to us to make sure it capitalized on the interconnection with Willow Run, particularly their preserve there.

I'm seeing in the reading of the staff report they're saying all the right things, but I just wanted to kind of go over it because it hasn't changed that much from the first location you proposed. If you'd like to comment on that.

MR. JOHNSON: For the record, Shane Johnson with Passarella & Associates.

I don't know if we have a copy of what Willow Run is currently proposing.

Thank you, Rich.

MR. YOVANOVICH: Thank you, Alexis.

COMMISSIONER ROMAN: So you see -- the question that I asked is you can see the preserve on Willow Run's property there that goes adjacent to your easternmost boundary. And when the first proposal came at the first hearing, I should say, the preserve was located closest to Forest Glen.

So I asked Rich and also the environmental staff to see if there weren't some benefits to, you know, running closer to Willow Run's preserve boundary to get, you know, more open preserve area.

And I know you've got some words in here in the report, I've read them and everything from the staff as well, but I just would like to talk about that a little bit more. Obviously you didn't think that there was

much benefit coming down and linking it further, and I just would like to know why.

MR. JOHNSON: Well, I will say that -- let me pull out my listed species map here that will hopefully help illustrate this.

COMMISSIONER ROMAN: But the words are right in the staff report. Talks about the corridors with the interconnection and everything else regarding that. But the location of the preserve on the San Marino property moves further west rather than south, you know, along the Willow Run. That's what I'm asking.

MR. JOHNSON: Sure. The exhibit I'm about to post here is appendix B from our listed species survey report included in the environmental data report for the PUD. That is specifically Exhibit No. 11 is the listed species survey report and environmental data report.

MR. JOHNSON: I got that on the first time, Rich.

But if you look at this exhibit, this basically shows the locations of the various listed species that we -- we meaning Passarella & Associates -- observed on the property.

And we did take a look at possibly, you know, extending the preserve down a little further.

COMMISSIONER ROMAN: Yeah, that was my question last hearing.

MR. JOHNSON: Well, we met the county's preserve requirement standard as far as the size.

Now, I think the concern was if we tried to extend the preserve down the eastern boundary any further, that might -- we would potentially want to reduce it in other places. And according to the county's preserve selection criteria, the presence of listed species is up there in the number one criteria. So that is the number one criteria for determining where your preserve is located.

So if we potentially had to reduce a preserve that's shown here in purple that's currently proposed and run preserve along the eastern boundary, well, there's no listed species identified over here. The habitat isn't quite as good. It's thicker with more melaleuca trees that are definitely not environmentally friendly, they're exotic invasive. So I think that was the thought process behind that.

COMMISSIONER ROMAN: And what -- I don't recall, what was the date on that listed species survey?

MR. JOHNSON: The field survey was conducted in February, 2014.

COMMISSIONER ROMAN: Okay. So over a year ago.

MR. JOHNSON: There was also, you know, follow-up site visits with county staff. And I believe that's noticed here in the species report.

COMMISSIONER ROMAN: Because I had one for September.

MR. JOHNSON: Yeah, let me verify that for you.

Okay, we were also on-site with county environmental services staff in July, 2014. So there were additional listed plant species noted and documented on this map here from that site visit in July.

COMMISSIONER ROMAN: So that's coming up on a year in terms of what was documented.

I say that because in the Willow Run when that came before us, that's some pristine habitat along there. And I understand what you're presenting today. But you saw no benefit to adjusting that preserve area, is that what I'm hearing?

MR. JOHNSON: Not currently. I think we were pretty happy with what was proposed, given the fact that we were meeting the county's preserve selection criteria. Again, the presence of listed species was at the top. And as you can see on this map, there's several accounts of listed species within that preserve area.

COMMISSIONER ROMAN: Well, there's several counts outside the preserve area too. So I'm just -- you know, I just thought that there was some benefits to be gained by adjusting that preserve to link in with Willow Run's preserve.

You know, to the northern boundary where you have the preserve located, it's already disturbed with the development up there of Forest Glen. And if you lower that just a little bit or show another map, you can see that the development basically almost goes to that corner of the preserve. I'm not saying that, you know, the preserve's not still valuable. I just -- I was just hoping to get more of that contiguous preserve with the Willow Run.

I know that you meet all of the code requirements, but I just asked you to take a look at it and it came back basically the same. And if Rich and I would have had time to talk, I would have surfaced it then. Rich,

I'm sorry I didn't have time to talk with you this week. And I'm not sure there's some benefits to be gained by that.

Also, what type of fencing are you proposing? I see on your master plan you have this fence all around the preserve boundary both on your site and then down that eastern boundary with Willow Run.

MR. JOHNSON: To my knowledge, it's a chain link fence, a six-foot high chain link fence that's proposed at this time. Unless I'm --

CHAIRMAN STRAIN: Did you have more, Charlette?

COMMISSIONER ROMAN: No, not -- if that's the kind of fence. It is that what you're -- chain link fence?

MR. JOHNSON: Yes, chain link.

COMMISSIONER ROMAN: All right, I'm good now.

CHAIRMAN STRAIN: The rear lots of those houses are going to be looking at a chain link fence? I mean, that's not usually done for developments because they've got to sell the lot.

MR. JOHNSON: Well, no, that's a good question and, you know, I think we thought about that as a project team. And we're currently in the environmental resource permitting process with the South Florida Water Management District and we're currently working up a design where we're going to provide a native planting buffer between the back of the lot and the chain link fence.

CHAIRMAN STRAIN: So the chain link fence won't be on the preserve boundary?

MR. JOHNSON: It will -- it will not be on the preserve boundary. It will be offset six feet from the preserve boundary. Only because when we met with Florida Fish and Wildlife Conservation Commission staff back in October, they're the agency that recommending providing fencing at that location to minimize human/wildlife conflicts to deter panther and other large mammals from coming into the development.

But they also recommended that we maintain a six -- well, they didn't specify distance, but maintain some sort of maintenance buffer to allow us to get in there and mow for maintenance of that fence, because they've seen a lot of situations where trees and other vegetation from the preserve will fall and, you know, damage will happen to the fence and not be maintained properly.

CHAIRMAN STRAIN: I just wanted to get clarification to make sure that Charlette had the information accurately. Because the boundary of the preserve as it's shown is -- six feet is off. That's -- I mean, I don't see a problem with it, I just wanted to make sure we understood it.

COMMISSIONER ROMAN: Uh-huh, yeah. Because there is need for a fence.

CHAIRMAN STRAIN: At this time we are going to end up breaking for lunch. But before we do, I'd like to ask any members of the public that would wish to speak now and not wait for lunch to be over with, we'll certainly be glad to take your input now and we'll still continue the debate after lunch.

So with that, let's go with first registered speakers, if there are any.

Ray, do we have any registered speakers?

MR. BELLOWS: We have one speaker, Clare Barnett.

CHAIRMAN STRAIN: Ms. Barnett, if you'd like to come up and tell us your concerns, we're going to continue -- after you finish or after all the speakers finish, we'll continue after lunch.

MS. BARNETT: Thank you. It's been a fascinating morning, really. I'm so impressed with it at all really, frankly.

My husband and I live at Cedar Hammock. Our back gate is out on Collier Boulevard and, you know, we have been owners here, this is our sixth year. And before that we rented down at Lely. So we've had a little experience of the raceway on Collier Boulevard. I know there's a posted speed limit but I hazard to guess a lot of people haven't seen it because zoom, I mean.

At any rate, we come out our back gate and of course you can just go right and then cross over the lanes at your own parallel and make a left-hand turn to come back to 75.

In the time that we've been there, we've seen tremendous growth and increased density of population and buildings, and they're really on both sides of Collier. From, say, Rattlesnake up on the right-hand side all the way to 41. And then from 41 all the way down to Forest Glen on the left-hand side. And some very major -- at least it appears to us, they're not built out yet, I know, but major developments, like Hacienda Lakes and -- I mean, again, we appreciate the fact that these would be single-family market value

construction. That's -- we're happy with that.

But in density in general, it does concern us, because it is a six-lane highway. And there's tremendous traffic now but there's construction and stuff we understand going on.

But I guess, and we're no experts in any way, but water, when you add the number of people that we at least in our rough estimate think are going to be out there on either side of Collier Boulevard, it does seem to -- I think exponentially really require a tremendous more use of water. I'm no, as I said, expert in what the water table is. I know we're not in California or any place that's got really those kind of water issues. But this is a major I think transformation of the volume of people that need to be served by whatever water is out there.

So I just -- I don't know the answer, I don't even know what question to pose, I just need to say that we are concerned and we hope that you are as well and that you're doing something to look into the future as these one after the other after the other communities are built out, that there is going to be, you know, sufficient freshwater.

And secondly, traffic. As you look at every one of these developments, I'm not -- I don't know what is behind them. I know that Beck Road goes all the way down through the back end of Forest Glen, and I think there's some other proposals I think that are also going on to develop or whatever what's there.

But it does seem to me that most of these developments have to come out onto Collier Boulevard. I'm not aware of another way out. Like the previous group, they were -- they might have an avenue where people might be able to have another gate. And I hope that that's something that you're giving consideration to as well. Because that could become a very, very difficult roadway to get out in. And it's the major connection to everything: To Marco, to 41, to 75. You're only a stone's throw from Davis and Rattlesnake. These are major, major connecting roads.

So I know it's not a gripe session, I'm just here to say that density concerns us in two ways and one is water and the second really is what we perceive to be really impending traffic issues on Collier.

CHAIRMAN STRAIN: Thank you. And every issue you talked about is what government is doing here, believe it or not.

The water issue, for example, Collier has a comprehensive plan that basically planned in 1989 a build-out of the entire county. And it gets more refined each year that we go forward.

And way ahead of that we have what's called a capital improvements plan, which makes sure that all the water facilities, sewer facilities and everything else are in place before the development occurs. Otherwise the development can't be approved.

Utilities people are here today, but they'll tell you that they have sufficient water capacity for not only this project but all the other planned projects that are within their horizon.

Roads are the same way. You're right, though, 951's going to have a problem. But we are already planning. In fact, yesterday I saw some new plans for the roadway that is going a couple miles to the east of 951; it's going to be called the Benfield corridor. It's going to go up over I-75 and loop around and continue on north through other areas.

MS. BARNETT: It would be behind these.

CHAIRMAN STRAIN: Yes.

And if you were to look at Hacienda Lakes, for example, you'll see their master plan has reservations for the Benfield corridor, just as Willow Run had to do some.

So as the projects get further to the east of 951, those corridors are being obtained. And eventually the permitting process will start. Now, it's not in my lifetime, but at some point that has been planned.

And that's the best I can -- we are looking ahead, we are trying to plan for all those, and right now Collier County's probably in a lot better shape than most counties in the state. 80 percent of the land in Collier County has been set aside for preservation and will never be built upon. The remaining 20 percent is where you'll see the density consolidated. And these are parts of that area where the consolidation occurs.

As these fill up, we'll move a little bit further to the east. More to the north; it's not south of I-75 but well north of I-75. Then we'll get out into some of the farmlands where there's a proportionate share of farmlands being saved, preservation being saved and urbanized development will eventually be allowed. But that's way into the future, but that's how the growth pattern in Collier County is working out.

There was a Town Hall meeting not too long ago in East Naples. When you see those come up, if you were to attend one of those, Commissioner Fiala holds them on a regular basis, and in those meetings she lays out all the planning that Collier County's gone into and the effort they've gone into to address just the very issues you're talking about.

So we are thinking of them. We may not get them done as timely as everybody hopes, but they have been thought of, they've been well thought out. So just wanted to let you know that is in the works.

MS. BARNETT: No, thank you. I spoke to Nancy at the break and I did not attend the NIM, the information session, but we're not contiguous properties. Cedar Hammock is. And so we would not have been notified anyway.

The only thing I had really was the notice in the paper. There's always one posted out on Collier Boulevard but, I mean, you clearly can't stop and read it because --

COMMISSIONER EBERT: You'd get killed.

MS. BARNETT: -- at 73 miles an hour boy, you'd really have to get a close look at that.

CHAIRMAN STRAIN: Well, thank you for your input today, it's very appreciated.

MS. BARNETT: Thank you.

CHAIRMAN STRAIN: Any other members of the public wish to speak at this time?

(No response.)

CHAIRMAN STRAIN: Okay, with that we're going to take a --

COMMISSIONER HOMIAK: Can we take a break and finish instead of going to lunch?

CHAIRMAN STRAIN: Sure, we don't have to go to lunch. I don't eat lunch anyway, I just sit here and wait for lunch to get over.

So in prior times when I've suggested that I've gotten -- not by this board.

COMMISSIONER HOMIAK: Not from me.

CHAIRMAN STRAIN: -- by others that we should have taken lunch. If you all are in favor of that, we can take a 15-minute break and come back and wrap up.

Okay, we'll come back at 12:15. Is that okay with you, Cherie'? Cherie' actually runs things around here, I just want you to know.

MR. YOVANOVICH: Sherry hasn't been working here for years. Cherie' has been working here for years.

CHAIRMAN STRAIN: Don't get me going on names. We'll return at 12:15.

(Recess.)

CHAIRMAN STRAIN: Okay, everybody, if you'd please have your seats we'd like to resume with the meeting.

We left off talking about questions of the applicant in his presentation, and I wanted to make sure the board has had the opportunity to ask all the questions of the applicant they want before we go to the staff report.

So with that in mind, does anybody have any questions from either the documents that we've been given or what's been passed out of the applicant at this time? We'll have more opportunity later on after we hear some more, but at this time does anybody?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Richard, let's move back to the handout that you provided. And Page 15, all the yellow highlight.

Up on top under your development standards, you have PUD boundary setback 100 feet for any recreational buildings exceeding 35 feet in height, 30 feet for any building 35 feet in height.

So what you're saying there is your recreation center, if you were to keep it two stories, you're not going to have it in the location shown on the site, you could put it up against Willow Run or up against San Marino or wherever you'd like, is that what you're trying to tell us? That's a leading question, in case you asked.

MR. YOVANOVICH: I would have objected to that if we had been in court.

CHAIRMAN STRAIN: Yeah, I know you would have. That's --

MR. YOVANOVICH: Since I understand you're not bound by those rules.

CHAIRMAN STRAIN: Why aren't we just saying 100 feet? Why are we messing with this differential? What's the issue?

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: Okay. So we're going to say PUD boundary setback 100 feet?

MR. YOVANOVICH: We'll fix it to where it's 100 feet.

CHAIRMAN STRAIN: Okay. On the bottom, we were on the same problem under two where it says: Setbacks, PUD boundary 10 feet. Why would you want the setbacks -- how do the two differentiate? So you're -- are you going to be putting a guardhouse -- this is actually for fences and walls, so that's what you're saying?

MR. YOVANOVICH: Yes. That's different than the clubhouse.

CHAIRMAN STRAIN: Okay, agreed. I'll work with that.

But that brings me to the question on the new development standards table on Page 17. The last line that you added PUD boundary setback -- and all this is new today, so give me a minute. Okay, that matches. You've got 10 feet. You need to change that to 15.

COMMISSIONER EBERT: What page?

CHAIRMAN STRAIN: Page 17, the last line of the handed out development standard table.

Now, the reason I'm asking you to go to 15 is that you should at least match Willow Run which is next door, and I just looked theirs up, they're at 15.

MR. YOVANOVICH: So for principal structures you're saying 15 feet. All right? I'm just making sure I understand.

CHAIRMAN STRAIN: No, I don't know why -- why would we want just principal? Accessory is actually more disturbing to residences than principals are, because accessories are the ones that create the noise like a pool, pool cage and whatever. So why would you want to be -- well, let's put it this way, you're putting a wall in between Willow Run and yourself?

MR. YOVANOVICH: I don't know.

CHAIRMAN STRAIN: What's the width of the buffer easement that goes between the two? You have a buffer requirement, and I was going to ask you that next, what is the buffer that's required between the PUD for Willow Run and the PUD for your project? That may resolve the issue.

MR. YOVANOVICH: Nancy will know. Nancy, what's the --

CHAIRMAN STRAIN: Nancy will know? Offhand, yeah, Nancy, out of the blue, can you remember Willow Run?

MR. YOVANOVICH: No, but she knows what the required buffer would be under the PUD for residential to residential PUD.

MS. GUNDLACH: It would either be between 10 to 15 feet, depending on the type of residence that is developed.

COMMISSIONER EBERT: I think that's where you're going to put a wall, it's on the southern end?

MR. YOVANOVICH: I don't know if we're definitely putting a wall there or not. I need to --

CHAIRMAN STRAIN: Okay. Then what is the -- okay, if your minimum width for your buffer is 10 feet and you're going to be platting all those, correct?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Then you're five feet off the rear yard, so you are 15 feet from the PUD boundary, are you not?

MR. YOVANOVICH: I don't like math questions.

CHAIRMAN STRAIN: Well, then let Alexis answer the question, since she's the planner. I hate attorneys pretending they're planners.

COMMISSIONER ROMAN: There's a fence there too.

MS. CRESPO: Alexis Crespo with Waldrop Engineering.

The footnote regarding landscape buffer easements does allow for zero foot setback from the buffer easement. That's footnote six on Page 18. So that's --

CHAIRMAN STRAIN: That's the one you added today by the handout.

MS. CRESPO: Correct. So that would allow a condition where the accessory could be zero foot

from the landscape buffer easement which would result in a 10-foot setback from the PUD boundary.

CHAIRMAN STRAIN: So what did we do on Willow Run? And the answer's going to be nobody knows because I have it here and I'm pulling it up.

Minimum PUD boundary for principal structures was 15 feet or half the building height. And minimum PUD boundary for accessory structures was 15 feet or half the building height. So that is then it would be 15 feet for single-family, half the building height for townhouses and multi-family in the Willow Run project. So at a minimum you should be matching that project. So your PUD boundary will be 15 feet.

As far as making that fit into your project, you've got lakes that are wider. For example, that second lake in you could just narrow the lake by five feet and make the difference up that you were missing from your LBE.

MR. YOVANOVICH: Well, can I propose something different?

CHAIRMAN STRAIN: I would have been surprised if you hadn't.

MR. YOVANOVICH: I don't want to surprise you. What I would rather do, because if I'm going to kind of borrow from the lake or make some changes based upon the lakes is extend the preserve on the eastern boundary along -- to better match up with the preserve at Willow Run. Because we think we could get a better bang for the buck that way than having to deal with the setback from our southern boundary line, if I have the right directions.

CHAIRMAN STRAIN: Well, how does that -- so you want to do a more preserve and a 15-foot setback.

MR. YOVANOVICH: No, I did not say that. I said in lieu of. I would like to do --

CHAIRMAN STRAIN: Okay --

MR. YOVANOVICH: Nobody's raised an issue regarding the setback along the southern boundary from a staff review or any standpoint. So we like the 10 foot that we have. And we would prefer, because Ms. Roman has said all along she had a concern about the preserve area adjacent to the Willow Run preserve to our east. We spent -- she spent quite a bit of time discussing that the last time as well as this time.

We can do the code minimum required width of a preserve on our eastern boundary to address the environmental concern that has been raised. Setback from the preserve boundary of 10 feet has not -- we don't see that as a major issue. And just because Willow Run has it doesn't necessarily mean we should have it. I don't know what their product type was planned to be along that boundary. If it was multi-family it would have been 15 feet anyway, correct? If it was single-family --

CHAIRMAN STRAIN: I'll tell you what their product type was. Single-family detached, secondary and principal, 15 feet along the minimum PUD boundary setback. 15 feet for townhouse, 15 feet for two-family and duplex, 15 feet for zero lot line and single-family, 15 feet for multi-family, and then they have a variable lot line which is 15 -- every one of their products is 15 feet.

Now, I appreciate you wanting to address the preserve and this, and that's great, I think we can make a note to that if you want to stipulate both, but I don't know any reason why we shouldn't be consistent with what we've required Willow Run to put in their PUD versus yours. So I'm -- I don't necessarily agree with you, 2.

MR. YOVANOVICH: Well, I know you don't, and that's okay. But, you know, we have not looked at specifically can we do the 15 feet. We're hopeful we can, so we'll consent to it.

CHAIRMAN STRAIN: Well, sure doesn't take much to figure it out, so --

MR. YOVANOVICH: Well, it takes, as you know, engineers got to go back and look at it, but we think we can make it work.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And we're still willing to do the preserve.

CHAIRMAN STRAIN: I'm trying to get open to where I was, so -- okay.

In your document that was included in our packet, and this one is on Page 18, section four of the preserve area's plan. I'm not sure what number it is on the new document.

COMMISSIONER ROMAN: Page 20.

CHAIRMAN STRAIN: Page 20?

You've crossed out the number five. This applies to parcel A which is not the parcel that you're

dealing with. Why did you cross that particular one out for parcel A?

MR. YOVANOVICH: My understanding is that really came from staff. They believe it was duplicative to other provisions already in the PUD. I think that was a comment from Steve.

CHAIRMAN STRAIN: The only question I would have is based on the age of this original PUD, was that something that was in the code as it's written today back at the time this PUD was originally put through, or is this then the -- is this going to end up changing this -- potentially changing this PUD? It was put there for a reason originally. And if the section A is not supposed to have been touched by this change, would they still be required, based on the timing, to still do what that number five says? Because then they would go back, you know, at the time they were --

MR. YOVANOVICH: Mr. Strain, we don't have any objection to leaving it in. We didn't ask for the deletion. So it's up to your staff on that one.

COMMISSIONER EBERT: Because the amended PUD says to more or less leave that.

CHAIRMAN STRAIN: It's 4.285.

MR. LENBERGER: 4.285 is supplemental landscape planting?

CHAIRMAN STRAIN: Right.

MR. LENBERGER: We don't have landscaping within preserves. And the code would allow you to add plant material in a preserve. But we don't want to have it as supplemental landscape planning. You can enhance the vegetation in the preserve, but we don't want it to be spelled out as landscaping.

CHAIRMAN STRAIN: Okay, this provision was put in this PUD when San Marino was first came up and was approved back in whatever year the original PUD was in. And unfortunately I thought it would be on the cover page, but it doesn't seem to be. 1999. So --

MR. LENBERGER: And may I speak to this, how this is interpreted? Okay, when these conditions were added to PUDs, they were meant supplemental planting within preserves. They weren't meant to spell out as landscaping. They were interpreted as supplemental plantings within preserves, which are allowed by the current code.

CHAIRMAN STRAIN: Okay. Is there a difference between -- and I know there is, but I want you to explain it. Is there a difference between supplemental plantings and supplemental landscape plantings?

MR. LENBERGER: Well, it's how it could be interpreted. So supplemental plantings within preserves is fine and it is allowed by the current code.

CHAIRMAN STRAIN: You seem against --

MR. LENBERGER: If you want to cross out the word landscaping, there might be a solution, if you wish to keep that in there. It's allowed by the code, you don't need it in here.

CHAIRMAN STRAIN: So supplemental landscape plantings are allowed by code?

MR. LENBERGER: Supplemental plantings within preserves.

COMMISSIONER ROMAN: I think the second sentence is what's addressing your comment more than the first.

CHAIRMAN STRAIN: Whose comment, mine or Steve's?

COMMISSIONER ROMAN: In the crossed-out language there's two sentences. The second sentence talks about supplemental plantings within the preserves, that's what I hear you saying, where the first sentence uses the word landscape.

MR. LENBERGER: Landscape, right. And that's the issue. You need to take the word landscape out. Although this condition is not needed, it's allowed by the code.

CHAIRMAN STRAIN: Was it allowed by the code as it's written in 1999? That was my question.

MR. LENBERGER: Yes, it was allowed by the code.

CHAIRMAN STRAIN: So by taking out -- it was added in 1999 and it obviously then wasn't needed?

MR. LENBERGER: It was a standard provision that was added to a lot of PUDs that were allowed by code, and we've had issues with other redundant stipulations that are standard code provisions that would take them out of PUDs, and I would consider this one of those, a standard code provision. You're allowed to enhance the preserve area with native vegetation. We don't want to cull that out as landscape.

CHAIRMAN STRAIN: Okay, and I think you and I are -- I think I understand what you're saying,

but I don't think we see the value of it in the same way. You're looking at taking the word landscaping out because it makes it more restrictive to what they can plant there; is that true? Because some interpretation of this may be landscape plantings may be not the plantings that you believe are right for a preserve.

All I'm suggesting is number five probably provides or may provide some property right based on the 1999 approval for parcel A that shouldn't be taken away from them because of parcel B's needed improvements. And so rather than risk that, why don't we just leave it in? I don't want to get into trying to disturb what parcel A had a right to do based on this language that you don't like. The fact that you don't like it means they probably had something -- they had an ability that was different than what the current code provides.

MR. LENBERGER: It was in here because this is a standard provision that you see in a lot of old PUDs.

If you look at the preserves on the current developed portion of the site on parcel A, I believe it is, it's an intact preserve. It's already permitted, it's already done. You don't need this provision. If you wish to keep it, and I'll leave that up to you, okay, but I'm telling you as staff, you don't need that provision.

CHAIRMAN STRAIN: Thank you, Steve, I appreciate it.

On Page 22 of the one that's in our packet, it was 5.7, now it's 5.4, utilities. A, B and C have been crossed out and they've been replaced with A, B, C and D.

I have a question I guess then of Chris, because I understand he originated this language. So Chris, if you wouldn't mind.

MR. VANLENGEN: Good afternoon. Chris VanLengen, Public Utilities, Principal Planner.

CHAIRMAN STRAIN: Thank you, Chris.

Let's start with A, B or C. D I understand it's not a standard language in the code, therefore it's there. A, B and C, aren't those requirements, whether they were written here or not?

MR. VANLENGEN: They are. And we debated back and forth whether these were appropriate or not in this particular instance. In the normal course of things we would probably not include these, because they're redundant in terms of what's normally required.

The reason why we specifically left them in there -- they were in and then they were out and we put them in at one point -- was partly because provision D, which requires a stub-out to Willow Run, it's a possible stub-out. But it really depends on what Willow Run determines they do. Because under their PUD they're allowed to go in either direction to interconnect. So if they don't interconnect, the question is where are the connections going to be, first of all, for water, which is the main thing. We need two independent connection points. That now, since I think January of this year, is incorporated in our Utility Standards Manual. When we developed this language, it was not.

In a larger sense there are a lot of potential conflicts based on the geography and the infrastructure involved in this project.

There are two north-south raw water utility easements that run through the project, one of them close to the entrance. And so we just want to make sure that when this gets engineered there's a lot of close cooperation. And this is more to put them on notice. Is it 100 percent necessary for A, B and C? Probably not. So at your discretion we can take them out. But I think it doesn't hurt to leave them in.

CHAIRMAN STRAIN: The only concern I have is if -- you seem to feel these people need to be put on notice more than others. If this language stays here we have to put it in every single one to be consistent and fair. If you think that's necessary, then you know better about utilities than I certainly do and I'll go with your lead, but --

MR. VANLENGEN: Well, it was an internal debate and we -- it was fairly even. And I think if the principle of consistency among PUDs is a primary concern, then I say we take them out.

CHAIRMAN STRAIN: Okay. And I -- this board has tried to instill consistency for many years now, so I'd just as soon we continue with that philosophy.

MR. VANLENGEN: We keep D, however, correct?

CHAIRMAN STRAIN: Yes, D is unique to this project. So it would be 5.4, A, B and C.

Okay, the last question I have before we go to -- well, maybe the last. Yeah, the last question I have before we go to staff report, on the master plan we have language around the perimeter of the project that

says: Buffer per LDC, buffer per LDC. I'm used to seeing the buffers on the master plan. They show a dotted line, a width and a cull out. Why did we differ on this particular plan?

MS. GUNDLACH: We're differing on some of the plans in the PUDs because we don't know what the final residential development product is going to be. And for example let's suppose that you had a single-family development, then you had a multi-family product that was developed next to it. Then that would be a Type B buffer. So we're trying to leave some flexibility to apply the minimum code at the time of development.

CHAIRMAN STRAIN: Okay, I'm more concerned about responsibility of this project to its perimeter buffer. So if this project was building multiple -- let's say the south side up against Willow Run. They were building -- they were building single-family detached there. You're saying if Willow Run built a different product, this PUD would have to have a different buffer?

MS. GUNDLACH: Correct. But single-family to single-family, each would provide a 10-foot wide Type A.

CHAIRMAN STRAIN: Okay. So the multi-family side puts in whatever buffer they want. I'm curious, Nancy.

MS. GUNDLACH: Depends on who comes in first.

CHAIRMAN STRAIN: Yeah, so how -- so the multi-family goes in first in Willow Run, they get to put in up against let's say ag. What kind of buffer do they put there, nothing?

MS. GUNDLACH: Well, don't we know that -- actually, no, because we know that this is a residential development.

CHAIRMAN STRAIN: Okay, so do we -- this is a residential development with single-family detach, zero lot line and two-family and duplex. All those three have all the same buffer requirements, or would they have each one a different buffer requirement for that PUD?

MS. GUNDLACH: You said it would be duplex, zero lot line or single-family?

CHAIRMAN STRAIN: Right.

MS. GUNDLACH: That would be a Type A buffer.

CHAIRMAN STRAIN: Okay. So they have to put Type A buffers in, which are basically 10 feet with certain plantings on the perimeter where they say required PUD buffer. But if Willow Run puts in a multi-family, which isn't their responsibility, it's Willow Run's multi-family, they have to go to what size buffer then?

MS. GUNDLACH: They would have to go to a Type B buffer, which has the hedge in it, to provide a more appropriate buffer between single-family and multi-family.

MR. BELLOWS: Or they could request a deviation for less.

CHAIRMAN STRAIN: So we don't base the buffer on the product of the PUD, we base the buffer on the product that's on somebody else's property.

MS. GUNDLACH: Both.

CHAIRMAN STRAIN: That's kind of odd.

Okay. Interesting way to look at it. We'll leave it like it is.

And that's the last question I have at this time.

MR. YOVANOVICH: Hold on a second. I'm just looking at the San Marino PUD.

CHAIRMAN STRAIN: Good luck. We just found out you can't.

MR. YOVANOVICH: Well, I'm looking at it right now and they've got a deviation that says regardless of what product type they put on that boundary, they only have to do a 10-foot wide Type B buffer.

CHAIRMAN STRAIN: That's one of the deviations on San Marino PUD?

MR. YOVANOVICH: Yeah -- Willow Run. I'm sorry, Willow Run. So I'm looking at Willow Run's PUD.

And it says if they put single-family or multi-family along their western residential tract adjacent to the FPL easement and also adjacent to San Marino, they do a 10-foot wide Type B buffer. Don't they have to be 15 feet under the code?

COMMISSIONER ROMAN: Yeah, Type B.

MS. GUNDLACH: Based on what you just read me, you said it's a 10-foot wide Type B?

MR. YOVANOVICH: What would be required if they were to put multi -- if I have single-family on my side, which is all I can have, what would their required buffer be? Forget what their deviation is, but if they were to come in today without a deviation, what would they put single-family to multi-family on their side?

MS. GUNDLACH: Okay, I'm not sure which is on what side anymore. I'm sorry.

MR. YOVANOVICH: Single-family on my side.

MS. GUNDLACH: Yeah.

MR. YOVANOVICH: That's all I'm --

CHAIRMAN STRAIN: You have single-family on your side we already know is a Type A.

MR. YOVANOVICH: And what would they have to put on their side if they come in with multi-family?

MS. GUNDLACH: Okay. If they come in with multi-family, it would be a Type B.

MR. YOVANOVICH: What width?

MS. GUNDLACH: Well, didn't you just tell me that they had -- oh, 15 foot. No deviation, 15 feet.

MR. YOVANOVICH: So they have a deviation, they can get closer to my single-family.

CHAIRMAN STRAIN: No, they can't, because they have a 15-foot PUD boundary limitation.

MR. YOVANOVICH: For -- no, that's for setbacks --

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: That's not landscaping.

CHAIRMAN STRAIN: Okay, I'm fine, you're right, setbacks.

So what are you trying to say?

MR. YOVANOVICH: What I'm saying is, is that I certainly --

CHAIRMAN STRAIN: This has got to go somewhere.

MR. YOVANOVICH: I certainly shouldn't have to put a 15-foot buffer in -- landscape buffer on my side if they put multi-family on their side.

CHAIRMAN STRAIN: That's what I'm trying to say. That's why I'm surprised that we look at it that way. Because you should be based on what you're doing, not what you can't control on somebody else's property. But in essence that's what's happening.

MR. BELLOWS: For the record, he wouldn't have to request a deviation like they did to have a less than -- if the adjoining development is multi-family. He's also proposing zero foot setback from the preserve for accessory structures. I don't believe that's the case on the Willow.

MR. YOVANOVICH: I just got a hit for 15 feet. So what I requested and what I'm getting through the Chairman is a 15-foot setback for structures from the PUD boundary, correct?

CHAIRMAN STRAIN: Correct. The buffer that's there can be whatever it has to be pursuant to the LDC.

MR. YOVANOVICH: But if they put multi -- what I'm saying, Commissioner Strain, is if they put multi-family in there, right?

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: I now have a 15-foot landscape buffer requirement on my side, which now has to be in an open -- it has to be in a tract. Can't be on my property anymore. So then I've got my setback from my new tract line because you gave someone else a deviation. So I should have no more than a 10-foot wide landscape buffer requirement on my boundary adjacent to --

CHAIRMAN STRAIN: What do you think I've been trying to say for the last half hour?

MR. YOVANOVICH: But it hasn't got --

CHAIRMAN STRAIN: I don't believe it's fair that we judge your buffer requirements by the property next door. Doesn't make a lot of sense.

MR. YOVANOVICH: I understand. So what I'm hearing is basically now that I'm standing up here, I need to get a deviation as well for that buffer requirement where I don't have to do more than a 10-foot wide --

MR. BELLOWS: We have a little bit of clarification. When Willow Run was approved, it was a

golf course on San Marino's side, so it was easier to approve a reduced buffer.

I thank David Weeks for pointing that out.

CHAIRMAN STRAIN: Well, here's what I was trying to get to --

MR. YOVANOVICH: Come on, guys. I was in the process. I already knew what was happening with Willow Run.

CHAIRMAN STRAIN: But most of the PUDs that come through show perimeter buffers.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: This one doesn't. I think it would be to everybody's advantage to show a perimeter buffer. That's what I was suggesting happen --

MR. YOVANOVICH: I would like it to be 10 foot wide and it would be a Type A if there's single-family next to me and Type B if there's multi-family.

CHAIRMAN STRAIN: I don't have a problem with that. I think it needs to be written up accordingly and that will take care of it. And that's the whole point.

Okay, so you're going to come back, we're going to have to have the buffers delineated, or at least show them on the -- if you show them on the master plan that's a big help, because it's easier to locate them and it's less prone to mistakes.

MR. YOVANOVICH: My guess is I also need to add a deviation so I make sure I preserve the ability to do either a 10-foot wide A or a 10 foot wide B.

MR. BELLOWS: Correct.

CHAIRMAN STRAIN: Correct. And I think you could --

MR. YOVANOVICH: We can do that. We can use similar language to Willow Run.

CHAIRMAN STRAIN: Okay, that gets us through the questions that I had.

And if nobody else has any questions of the applicant, let's move on to a staff report.

MR. BELLOWS: Do you want Comprehensive Planning to go first?

CHAIRMAN STRAIN: I don't think we have any --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- questions, but --

COMMISSIONER EBERT: Yes, I do. With Corby. I'm sorry.

CHAIRMAN STRAIN: It's up to you.

COMMISSIONER EBERT: Well, it's only because there's a piece of paper in there.

CHAIRMAN STRAIN: It's only because there's a piece of paper in there that we have to have a presentation. Okay. I thought it was because we weren't clear on what Comprehensive Planning was saying. But I am, so --

COMMISSIONER EBERT: Go ahead, Corby.

MR. SCHMIDT: Good afternoon. For the record, Corby Schmidt, Principal Planner with the Comprehensive Planning Section for the county.

We have looked at the changes that were handed out to you and to us today, and there are still some concerns. And I'll go through our original recommendations. There were three items that we mentioned. You saw them in your review from Comprehensive Planning. The first one being simply identifying those interconnections on the master plan with double-ended arrow symbols between the property that's adjacent to this site and between the internal components of the San Marino development.

Secondary to that was to modify the language in the developer or development commitments section to indicate how and when those interconnections would be treated.

That language is also part of what they had highlighted for you today as a change. And that's a partial change to still recommend at our end that they provide staff all correspondence between the parties to document efforts to interconnect. In their change or their amendment from the last version, they did not follow that direction.

Thirdly --

CHAIRMAN STRAIN: Well, back up, if you don't mind, Corby. What is it you're trying to say is the issue now? That they need -- what more would -- they've acknowledged that they're going to attempt an interconnect with the potential church property. But if that's not covering everything you want it to cover,

what is it that needs to be added?

MR. SCHMIDT: What are those attempts? Documentation to do so. It's now routine to ask for that, we just don't see it here.

CHAIRMAN STRAIN: Okay. So -- okay.

MR. SCHMIDT: The third item, part of the deviation section had to do with sidewalks on their single-loaded streets. They asked for single-sided sidewalks as well. That would have been okay if the sidewalks at not all single-loaded locations were on one side only. And staff had recommended that sidewalks be on both sides of that major entry drive. People leave and come to it from both sides.

There should be safety issues considered in asking them to cross the street instead of use sidewalks to get to different directions or the other side. So there we still stand for at that, what may be a single-loaded street to have sidewalks on both sides.

The increased width to six feet from five where they are single-loaded or single-sided sidewalks is acceptable. That's it.

CHAIRMAN STRAIN: Okay, thank you. We'll run by some of your suggestions with the applicant. Appreciate it.

As far as that goes, who -- is Rich hiding out over there behind the podium or did he take off? Oh, there he is, he's way in the back.

MR. YOVANOVICH: Usually you go to public next.

CHAIRMAN STRAIN: Well, we've got so many different reports I want to make sure we get them all finalized as they occur, because we still haven't had Nancy's report yet.

Following up with Corby's concerns, we need to look at adding some documentation to show that you made the attempt to interconnect with the property to the north. As an example, Brandon, if you recall the problems we ran into there because of the documentation issue involving who asked what, when and where.

MR. YOVANOVICH: I'll tell you what, I'll send a certified letter to the owner of the property asking him to meet with me to discuss interconnection.

CHAIRMAN STRAIN: I was just going to say, we're going to add some language to show documentation that it was requested.

MR. YOVANOVICH: If that really needs to be in the PUD, we'll put that in the PUD.

CHAIRMAN STRAIN: Well, I don't know how else to get it -- it wasn't in the Brandon PUD and we ran into trouble there. We had to come back and -- remember all that -- I think you were the attorney on that one.

MR. YOVANOVICH: I remember it very well.

CHAIRMAN STRAIN: Okay. Well, if you have a simpler way of stating it, that it can go in the PUD, that's fine. But one way or another, we get something in there to reference there's going to be documentation --

MR. YOVANOVICH: Okay, we will send within a -- how about within a year of the PUD adoption we'll send a letter asking for a meeting with the neighbor to the west to see if we can reach an agreement on interconnection.

CHAIRMAN STRAIN: And I think you need to produce some language to that effect by the time consent -- probably later -- we'll either keep this open and do the consent at the same time, or we'll come to a solution today and just look at this on consent. But that's when we need to have it, next meeting. We're definitely not going to be able to get out of consent.

The major entry drives, sidewalks on both sides?

MR. YOVANOVICH: No.

CHAIRMAN STRAIN: Why not?

MR. YOVANOVICH: Only if it's double-loaded. There's no reason to have a sidewalk on two sides if there's only one set of homes accessing it.

CHAIRMAN STRAIN: I'm trying to think of a project that has come in that hasn't agreed to that. I mean, the last one was G.L. Homes on their project between Livingston and Airport. They asked for some exceptions, but their entry road, they had them on both sides and there was a reason for that --

MR. YOVANOVICH: We had a discussion with Corby out in the hallway and Corby said he was fine with it as far as the double -- if it was a double-loaded road we had to have a sidewalk on both sides. If it was a single-loaded, the only one on our master plan that is single-loaded right now conceptually is the entry road.

CHAIRMAN STRAIN: But you've got the entryway feeding from both sides from the east. So you've got loop roads coming around to the entry so people are walking through those loop roads. They get to the entry, they've got to cross over. Is that what --

MR. YOVANOVICH: And I know I feel like I'm a broken record, which is okay. What I'm saying, Mr. Strain, is, and I've said this historically, if you can't walk across 24 feet of pavement to get to a sidewalk, you're not getting on the sidewalk anyway. So why would I believe a second sidewalk on a single-loaded entryway for people to walk down to 951, Collier Boulevard, wherever it is, who they're probably not going to walk down there anyway because there's nowhere to go, to walk to get to on 951?

So we've always said -- and maybe I misunderstood our conversation out in the hallway, but why would we build that second sidewalk when you don't have residents really walking their way to it or need really to have access to it in the first place?

COMMISSIONER HOMIAK: Well, there's a pathway there along 951.

MR. YOVANOVICH: Right, and it's a multi-use pathway. And I'm willing to bet -- and we had a nice little internal bet -- where did my marketing guy go? We had a nice talk about how many people are really going to use that multi-use pathway that live in this community. We think that -- we were going to provide the development access to that multi-use pathway with the sidewalk along the entrance road. And we think that that is sufficient pedestrian interconnection.

CHAIRMAN STRAIN: Okay. So your deviation number two, in essence what you're asking, based on your master plan, the only place on this plan you're proposing to put one sidewalk is on your main entry.

MR. YOVANOVICH: And if it modifies to where we end up having -- because we go through the permitting process, we have an internal street, that it's only front loaded, we'll have it on one. And if the main entrance road shifts to where we have it loaded on both sides, we'll have two.

CHAIRMAN STRAIN: So the "R" that is to the south of the main entry road, you make -- it's on the master plan.

MR. YOVANOVICH: I know.

CHAIRMAN STRAIN: You make that project a village within your parcel, you bring in an entry off of the entry road, you put a loop road there and put your buildings around that loop road, you don't need any sidewalk along the main entry then. Because your deviation says you only have one sidewalk if you're single-loaded. Doesn't say what happens if you have no load at all.

MR. YOVANOVICH: I'll tell you what, we'll -- that was not the intent. We will commit down on the entry road there will be at least a sidewalk on one side of the entry road.

CHAIRMAN STRAIN: So no matter what happens, that language in that deviation will have to be amended to make sure that it says at least one, if that's the outcome of today's discussion.

Anybody else have any questions of anybody at this time?

COMMISSIONER EBERT: I have a question, Rich, on a wall. And it's only because parcel A and B. Do you plan on putting a wall between parcel A and B?

MR. YOVANOVICH: No, ma'am.

COMMISSIONER EBERT: So they can walk into this community?

MR. YOVANOVICH: I don't have what they have out there, to be honest with you. I know -- she was here, I don't know where she went to. The manager was here. So I don't know if there's already a fence surrounding that apartment complex or not. I don't know. We may. We may put a wall there, I don't know.

COMMISSIONER EBERT: Well, that's part of Corby's -- you know, are you going to put -- so they can get to par-- I mean, this is part of Corby's recommendation, to do so.

MR. YOVANOVICH: We have a fundamental philosophical disagreement with Comprehensive Plan's analysis and review of what the Comp. Plan requires. The Comp. Plan does not require interconnection. It encourages interconnection. If you wanted a requirement, it would have said it's required. You would have used the word shall instead of encourage. David and I have had this debate on many

occasions.

We don't think it makes any sense to interconnect that apartment complex with our single-family community either pedestrian-wise or car-wise or bicycle-wise. So we have said we will not agree to that interconnection. My understanding is the apartment doesn't want to connect with us either, okay.

We really didn't want to connect with the property to the north, the property with the Archdiocese. But we said, you know what, we'll try. Because we could control that early on, but it makes no sense for there to be interconnection between the apartment complex pedestrian, car-wise or bicycle-wise.

COMMISSIONER EBERT: Okay. And to be honest with you, I agree. This is going to be a gated community, as far as I see. But then let's put a wall there so that we know there can be no interconnection.

MR. YOVANOVICH: Well, I will tell you there are probably many gated communities that don't have walls around them.

COMMISSIONER EBERT: Yeah, and then there's one that they put a wall in and they weren't supposed to, so --

MR. YOVANOVICH: So just because you have a gated entryway to keep cars in and out, they don't all become walled. We will -- we're not that far along to know whether we're going to have a wall there or not.

Right? I don't want it to be a requirement in the PUD. We may ultimately do it, but I don't want it to be a requirement.

COMMISSIONER EBERT: Okay. I would just kind of like to see you consistent with the FLUE, so --

MR. YOVANOVICH: We are consistent with the FLUE. It says encouraged.

COMMISSIONER EBERT: We're going word by word, all right.

Corby, are you satisfied with that answer?

MR. SCHMIDT: The last part of the conversation?

COMMISSIONER EBERT: Yes.

MR. SCHMIDT: No, ma'am.

There's a number of reasons why interconnections are requested. And encouraged may not be a requirement, but there's every reason here to do so, especially if it's just for non-vehicular traffic. I can understand why it's an old owner/new owner arrangement, I can understand why it's being viewed as two different developments. There's a lot of reasons why you're being told you shouldn't, but there's a lot of reasons why you should as well. So we're not going to discount it just because they don't want to.

Now, when it comes to the sidewalks, whether it's non-loaded or single-sided, transportation people have spoken in my ear and said as long as the single sidewalk on the entry drive is eight-foot in width, they'd be agreeable to that.

COMMISSIONER EBERT: That should be noted, thank you.

MR. YOVANOVICH: Let me just say something here. Look at your staff report and your pathways people who signed off on this. They signed off on it with a five-foot sidewalk with extra trees on the front loading. Your pathways people only wanted five feet. We came and said we would go to six. Where eight foot came from, I have no idea. But that is not what your pathways people signed off on.

Second of all, regarding what's the benefit of pedestrian interconnection, where are the people in the apartment complex going to go in my community? Where are we going to go in their community if we're pedestrian interconnected? You're going nowhere. It makes no sense to interconnect them pedestrian-wise.

CHAIRMAN STRAIN: Okay, are there any more questions on the Comprehensive Planning issues before we go to staff report from regular planning?

Go ahead, Nancy -- hold up. Diane?

COMMISSIONER EBERT: Just a minute. John, did you have something to say on this? Because I saw you walking forward.

MR. PODCZERWINSKY: Just trying to take a quick moment to reference the Land Development Code, which is where the eight feet came from. I think it's 6.06.02. It allows -- if you don't do five feet both sides of the roadway, it allows an eight-foot pathway on one side.

COMMISSIONER EBERT: So that way they can get to the multi-use path right outside on 951.

MR. YOVANOVICH: And I wouldn't have had to ask for a deviation. The reason we asked for the deviation is we don't want the eight-foot sidewalk. Okay? That's why we asked for the deviation. I could do one sidewalk throughout the entire project if I want to go -- I thought it was 10 feet. But if it's only eight feet, I could do that without a deviation.

Correct?

MR. PODCZERWINSKY: I believe so.

MR. YOVANOVICH: Yeah, so we asked for the deviation intentionally because we don't want an eight-foot multi-use pathway in this project. It makes no sense, it detracts from the attractiveness of the project.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Any other questions of Comprehensive Planning?

(No response.)

CHAIRMAN STRAIN: Nancy?

MS. GUNDLACH: Good afternoon, Commissioners. For the record, I'm Nancy Gundlach, Principal Planner with the Zoning Division.

And staff is recommending approval of the planned unit development amendment today. And it appears that you have addressed all of our recommendations.

And I do have one that I would like to add, based on our discussions today. We talked a lot about the deviation for the signage, and just wanted to ensure that within the actual PUD document itself that we reference along Collier Boulevard for the sign deviations that remain. In other words, it's written in the justification but not in the actual deviation language that makes it into the PUD.

CHAIRMAN STRAIN: Well, while you're adding, can you discuss your denial on deviation number seven?

MR. YOVANOVICH: We've agreed to it.

MS. GUNDLACH: Well, they've agreed to it and they have removed old deviation number seven from the document.

CHAIRMAN STRAIN: Okay. Because it's in there, they didn't strike it out.

MS. GUNDLACH: Oh, I'm sorry. As of the document that was provided to us this morning.

CHAIRMAN STRAIN: No, there's a deviation number seven --

MS. GUNDLACH: Oh, deviation seven is -- new deviation number seven is old deviation number six, I believe. Or something like that. Okay, thank you, eight.

CHAIRMAN STRAIN: So that means staff recommendation to delete deviation number seven is moot if we accept the applicant's modified language to the extent it hasn't -- we discussed it today?

MR. BELLOWS: I think that's right.

MS. GUNDLACH: Okay, Ray says yes.

MR. BELLOWS: Because it's already --

CHAIRMAN STRAIN: I'm trying to avoid bringing stuff in that's already been fixed. That's what I'm getting at.

MS. GUNDLACH: It's already fixed.

COMMISSIONER ROMAN: Here's the list.

MR. YOVANOVICH: I just want to, since we're going to be consistent, pull up the Willow Run deviation for sidewalks. We'll just take what's in there.

CHAIRMAN STRAIN: Well, Rich, you've already posed a problem today by handing out a document with the amount of changes that you've handed out today. You want to bring in the Willow Run as a comparison overall, I'm glad to do that, I don't have a problem with that. And if that helps consistency, I'm all for it.

Then I would suggest that you request a continuance until the next meeting so we can have time to review this adequately and then vote on it after we've reviewed all those documents.

I can only bring so much into the meeting and still try to keep a handle on it. That's why I'm asking questions about your handout that were fixed and different than the document we have in our -- that was sent to us by staff. So -- I mean, normally we would have a strikeout, not a complete deletion. But now I'm told

that this document that we've got isn't a strikeout. For example, that deviation is gone, it's not here anymore, right?

MS. GUNDLACH: Correct.

CHAIRMAN STRAIN: Okay, I didn't realize that, so -- because I haven't had time to compare all the documents back and forth. If you want to get into the Willow Run and make sure we're compared, I don't mind, it's not a bad --

MR. YOVANOVICH: Mr. Strain, I didn't bring Willow Run up in the first place. What I said is we had our project that was coming before you all and others have said to me, well, Willow Run has this, Willow Run has that, we need to be consistent.

So if Willow Run asks for a deviation for sidewalks, and it is exactly what I originally asked for, my five feet, why is it okay in Willow Run for that deviation versus us and we went to six feet?

Staff didn't object to the Willow Run deviation. It's in there. I'm just responding to what's been pushed our way. We tried to address up front comments we got from not only commissioners but from staff. It will probably be worth -- to avoid having to continue next time, I'll just wait and we'll discuss them and we'll make sure we get them right at consent. I tried to do it up front to avoid a consent hearing in response to comments from Planning Commissioners as well as from staff, like staff objected to the deviation. We agreed to it so we took it out of the document.

CHAIRMAN STRAIN: Richard, I'm fine to go either way. I'm simply trying to make sure, if you're pointing out consistency, because we've tried to piecemeal the argument, I did, at least, because I haven't had time to review them against it because the document was just handed to us today with some new language in it. I don't have a problem holding off and having to vote in two weeks --

MR. YOVANOVICH: We're fine --

CHAIRMAN STRAIN: -- we'll do continuance and the vote together. I'm just offering it as a solution. Then you can be assured we've had time to look at the consistency issue.

MR. YOVANOVICH: I am fine to have the vote today. I'm just pointing out that Willow Run had a five-foot single-sided, single-loaded deviation for sidewalks. That's exactly what we had asked for. Since it was a project that has been brought up during the discussions, I'm okay with it. Or leave it with the six feet we offered up. I'm okay. I just find it hard to understand why I would have to have a different eight-foot requirement from your staff. I'm responding to your staff.

CHAIRMAN STRAIN: Well, we haven't determined that we're going to agree or disagree with staff.

MR. YOVANOVICH: I understand that. I'm just trying to do my rebuttal in advance. Sorry.

CHAIRMAN STRAIN: And Nancy, did you have anymore you wanted to add to your --

MS. GUNDLACH: I do not.

CHAIRMAN STRAIN: Okay. With that, I think we've -- I got all my -- oh, this project does not require an EAC review?

MS. GUNDLACH: That's correct.

CHAIRMAN STRAIN: I've seen a project with a little tree on one corner of it and all of a sudden that has to have an EAC review, but this project that's got -- went from 103 preserve acres down to 57 doesn't require an EAC review. How did -- I'm not -- it's fine, I just thought -- I want to make sure we vote on this correctly. It's just amazing the way that can happen.

MS. GUNDLACH: We have our expert coming up to the podium.

MR. LENBERGER: For the record, Stephen Lenberger, Engineering and Natural Resources Department.

The acreage is now under the threshold for review by the EAC, so it does not require a hearing before the EAC.

CHAIRMAN STRAIN: Didn't Hibiscus Pointe for example need EAC review? I mean, some of the --

MR. LENBERGER: Because that was a deviation to an environmental standard. That was soil testing, which is why it was required. When you ask for a deviation from an environmental standard, you're required to have an EAC vote on it. This is a project that doesn't have a deviation from the environmental

standard and its native vegetation is below the threshold for a hearing required by the EAC.

CHAIRMAN STRAIN: Amazing.

COMMISSIONER EBERT: It's a new learning every day.

CHAIRMAN STRAIN: Amazing.

Okay, with that then we've had staff review and now the Comprehensive Planning and the applicant's presentation.

Are there any members -- there's no members of the public here, except for the applicant.

Unless our media guy wants to talk to us today, and I don't think he does.

Any members from the public wish to speak, you're more than welcome to come up at this time.

(No response.)

CHAIRMAN STRAIN: Okay, Richard, do you have any further comments you want to make in closing?

MR. YOVANOVICH: Other than what we offered up is the revisions that we think are responsive to the staff comments. And the other re -- and no, I think we're fine. But I don't know what's going to come up when you all discuss, so I hesitate to --

CHAIRMAN STRAIN: We'll talk about it as we go through it.

MR. YOVANOVICH: I appreciate that.

CHAIRMAN STRAIN: Okay. I've made about a dozen notes. Some of them still need discussion by this panel. I'll read them off. If anyone wants to discuss it, speak up.

First thing is the supplemental highlighted yellow document that was handed to us today. We would accept the modified changes within the document, subject to the comments that we made as we reviewed them. Some of them I made notes on, others are minor.

Number two: Document -- oh, they'll produce some language to indicate there's a documentation requirement to contact the interconnection to the property to the north.

Number three: The major entry drive will have a sidewalk on one side at six feet in width.

Number four: We will not be -- staff recommendations, we'll not be accepting staff recommendations, some of which have been deleted anyway. Deviation seven was one of them. Others involved specifically the sidewalks and the entry locations, the interconnection locations.

Number five: The amenity site will be a central portion of the property but no closer to within 100 feet of the PUD boundary.

Number six: We'll delete Section 2.7, it's redundant language.

Number seven: We're going to drop the reference to carports and utility buildings on parcel B accessories.

Number eight: The setback from the PUD boundary, it was included in the handout today at 10 feet, it will be increased to 15 feet.

We're going to leave in Section 4.2.A.5. That was the reference to the landscaping of the -- or enhancement of the preserve area in parcel A. Because parcel A is not supposed to be necessarily part of any changes.

Number 11: We're going to delete 5.4, A, B and C. That's the redundant utility language.

And the last one would be there would be a clarification as to the buffers in the form of a deviation based on the discussion we had here today and consistent with the project next door.

That's all the notes that I made. Does anybody have anything they want to talk about or they want to add any concerns or issues?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: You mentioned that we are not going to accept staff's recommendations?

CHAIRMAN STRAIN: Right.

COMMISSIONER EBERT: I have a little problem with that. Why do we have staff if we're not going to -- I mean --

CHAIRMAN STRAIN: Well, which recommendation are you concerned about? I mean, did your --

COMMISSIONER EBERT: Maybe it's the way it was said. But I mean, I rely on staff for a lot of these things. And because they go through the Comprehensive Plan and the FLUE and everything.

And I understand where you don't want, you know, this -- the interconnections between A and B and the other one, you're going to send a notice. I do understand that. But just to say we're not going to accept staff's -- and it was Corby's. It was Corby's three items that he had. So we're going to disregard that?

CHAIRMAN STRAIN: Diane, go to the staff recommendations in your packet and tell me which ones you're concerned about. I just read off a list of suggestions for stipulations.

COMMISSIONER EBERT: And it was Corby's from Comprehensive Planning.

CHAIRMAN STRAIN: Well, I think his were incorporated into the planning staff's recommendations, were they not, Nancy?

MS. GUNDLACH: Yes, they were.

CHAIRMAN STRAIN: Right. So there's four of them. So which are bothering you? I mean, let's just talk about them, that's what we're here for.

They're on Page 25 of the staff report.

COMMISSIONER EBERT: Just a minute here.

CHAIRMAN STRAIN: I can read each one of them.

COMMISSIONER EBERT: All right.

CHAIRMAN STRAIN: Okay, the first staff recommendation: Exhibit B, parcel D, PUD master plan, add arrow symbols to the boundary between adjoining sites with labeling to indicate potential future vehicular and non-vehicular interconnection/interconnection points and to the internal boundary between the two components with labeling to indicate potential future of vehicular and non-vehicular interconnection points.

Now, the applicant has said they will show the arrow, and they did on the handout, the one to the north and they'll document their contact with that party. I don't know what else we could do unless we got the other party to agree.

The interconnection between the San Marino apartments and this project really makes no sense. Because why would someone from those apartments want to walk over to the single-family or whatever units are going in in this project? They're separate projects, for all intents and purposes. Do you feel -- you were even asking them to put a wall up. So do you feel they should have --

COMMISSIONER EBERT: Well, and I understand. But as far as people walking, they do walk between the two. They could go and walk around their road, you know.

CHAIRMAN STRAIN: Well, couldn't they go out to the walkway out front which is a multi-use path that's miles long that was put in just for that purpose?

COMMISSIONER EBERT: Yes, they can.

CHAIRMAN STRAIN: Okay. That's why I don't think we need to worry about --

COMMISSIONER EBERT: So we're -- okay.

CHAIRMAN STRAIN: Let's go to number two. Development commitments, subsection V55C. Modify language to involve county personnel -- example, at time of first development plan -- for providing to the maximum extent feasible vehicular and non-vehicular interconnectivity between adjoining sites and between the two internal components. This commitment will indicate that the developer shall provide to staff all correspondence between the parties so as to document efforts to interconnect.

COMMISSIONER EBERT: And he's going to do that.

CHAIRMAN STRAIN: He's going to do it to the extent that we've modified and discussed with him today. So we don't need to support that because we're going to add it as a stipulation.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Number three, deviations from the LDC Section VI 12, modify language to ensure sidewalks are constructed on both sides of the entry drive that provides the connection between Collier Boulevard and the internal loop street and to provide for widening sidewalks where constructed on one side of the single-loaded street.

What I listed in those stipulations, subject to all the discussion, is that we require one sidewalk at six feet wide along that main entry road. Is --

COMMISSIONER EBERT: No, that's not a problem. That's fine.

CHAIRMAN STRAIN: Okay. The last one, denial of deviation seven which requests an additional real estate sign. That's been deleted.

COMMISSIONER EBERT: That was deleted.

CHAIRMAN STRAIN: So no one's disagreeing on that. So there's nothing in the staff recommendations that we haven't stipulated, which is actually modifications to those, so why would we -- how can we accept our stipulations and staff modifications? We can't. So we've got to say no to staff recommendations and use our stipulations. That's what I was suggesting.

COMMISSIONER EBERT: That's fine.

CHAIRMAN STRAIN: Okay.

Now, anybody else have any issues -- I mean, any suggestions?

Charlette, is there anything you wanted to add?

COMMISSIONER ROMAN: Well, there was just the one thing that came up in the hearing that Rich said that he would take a look at, so --

CHAIRMAN STRAIN: Which is?

COMMISSIONER ROMAN: The preserve. To see if there could be a better connection with the Willow Run, or to take a look at that.

MR. YOVANOVICH: I was -- actually to point out, that was not in your list.

CHAIRMAN STRAIN: Right, because I didn't -- I hadn't heard Charlette respond to you on that. And I wanted to make sure she had an opportunity to bring it up and we can add it. That's all.

COMMISSIONER ROMAN: Yeah, it was right before the break when we had that discussion.

CHAIRMAN STRAIN: Okay. Well, what should I add?

COMMISSIONER ROMAN: Well, Rich had indicated that he'd take a look to see if they could match up their preserve a little better with the Willow Run.

We discussed it the first hearing, and I didn't know if the environmental technician had a chance to look at it since the first hearing. I don't remember if that got passed to him. But I remember talking with you and staff.

Now there's some critical upland habitat there that's very important to the site. And I see that that's in your preserve area. And I showed you a little sketch too also after the first hearing to kind of take a look at with the environmental staff and your environmentalist. So I don't know if you had a time to look at it.

MR. YOVANOVICH: We committed, and it was in response to -- the answer to your question is we agree that we would extend the preserve along the east boundary, and we -- to where the preserve as a whole, including the little flag pole, if you let me use that term, I don't know of a better way to do it, will meet the minimum preserve requirements.

So we will extend it along the eastern boundary. I don't want to put dimensions on the master plan yet, but I will say we will extend it to where that preserve goes along the eastern boundary as well.

COMMISSIONER ROMAN: To match preserve to preserve?

MR. YOVANOVICH: Yeah, it will be adjacent to the preserve with Willow Run along the eastern boundary.

COMMISSIONER ROMAN: The thing is, in going through the environment report on the break, again, I notice the points that you had pointed out. But there seems to be that edge of that western boundary of the current preserve that you presented. It seems to me that that edge of that western -- that western edge of the current preserve could be moved to get the acreage. And there was just a bite tree that was in there as one. But you're the expert on this -- your environmental technician is the expert, along with the staff. But it's not to lose any of that upland habitat that's in there.

MR. YOVANOVICH: I don't know if you can see that. I basically drew a line to where the preserve would extend along this boundary --

COMMISSIONER ROMAN: That almost looks like a landscape buffer.

MR. YOVANOVICH: I was trying to make sure I was showing you what we talked about was exten-- that's what you're talking about, extending the preserve along that boundary, correct?

COMMISSIONER ROMAN: Yes, if it's viable and if that's the way to go, yeah.

MR. YOVANOVICH: We have committed to looking at and doing that if it's --

COMMISSIONER ROMAN: If it's feasible. Okay, thank you. Because that's what was sort of missed from our first hearing. Thanks for picking up on that.

CHAIRMAN STRAIN: Okay, but how do we qualify something that we're committed to looking and doing that if it's feasible? So do we need a little more definitive language on that? I'm not questioning that, we do need more definitive language from that.

So how do we get there, Charlette?

COMMISSIONER ROMAN: Well, you know, this was what I asked in the first hearing, it just got missed or, you know, whatever. So what I'm trying to look at is adjusting -- looking at the preserve area and matching it up with the Willow Run preserve to gain the best -- I don't know.

CHAIRMAN STRAIN: Well, see, if we leave it to whatever's feasible, that means that's subject --

COMMISSIONER ROMAN: Yeah, it can't be feasible, but at the same point, I don't think the environmentalist technician has had a chance to look at it. See, I think it was something that was missed from the first hearing when I brought it up.

MR. YOVANOVICH: How about we do this: We will add a preserve. The minimum width for the county is 50 feet. So we will show that, a 50-foot width of a preserve along that -- where I just hand drew that area on the master plan. We'll put the word "P" there. So it will be 50 feet wide along the eastern boundary, and obviously it will be part of the preserve. So it's committed to; there's no ambiguity.

CHAIRMAN STRAIN: So it would read: Extend the preserve along the eastern boundary to meet the 50-foot wide width.

MR. YOVANOVICH: Correct. Does that work?

CHAIRMAN STRAIN: As clear as I -- it's understandable that way.

Does that work for you, Charlette?

COMMISSIONER ROMAN: Well, when I saw your diagram you took the eastern boundary all the way down to the point. Here, Steve's coming up.

CHAIRMAN STRAIN: Cherie, you doing okay?

MR. YOVANOVICH: What did you call her?

CHAIRMAN STRAIN: Don't go there. I'm getting hammered on names. Ricky, how's that?

MR. YOVANOVICH: She's going to like that.

COMMISSIONER ROMAN: See, on this when we talked last time on this place with the yellow area there that said pristine Willow Run preserve that we talked about in a previous hearing, Rich and I and Steve talked about aligning the preserve a little further on that eastern edge that goes where the northern boundary of I guess that's a lake or cleared area. Not all the way down through the cleared area, just to that top.

CHAIRMAN STRAIN: Right.

COMMISSIONER ROMAN: So to keep it within the pristine area, Rich, not all the way down through that cleared area and that point, if you -- to the lake. To the lake. If you could point to that.

MR. YOVANOVICH: I understand what you're talking about.

We'll cut it off. And it's not to scale again.

COMMISSIONER ROMAN: Right.

MR. YOVANOVICH: So you're basically saying it will be 50 feet until I get to wherever this area is -- meets up with this lake.

COMMISSIONER ROMAN: Yeah, because that's a disturbed area.

CHAIRMAN STRAIN: And what to do is just show it on the master plan, that will keep it simple.

MR. YOVANOVICH: We'll do that. We'll --

CHAIRMAN STRAIN: You modify the master plan, you show that 50 feet, you go down to the lake, match it up and we're done.

MR. YOVANOVICH: We'll do that.

CHAIRMAN STRAIN: Okay. How does that work for, Charlette?

COMMISSIONER ROMAN: That's a plus in the right direction. Thank you.

CHAIRMAN STRAIN: Okay. So with that, are there any more questions or issues or points at all?

(No response.)

CHAIRMAN STRAIN: And if not, then Richard can sit down, because I'll close the public hearing, unless you want to get into more issues.

MR. YOVANOVICH: No, I just wanted to make sure in case anything else comes up.

CHAIRMAN STRAIN: Okay. We did read in some elements. I'll read them again if you want for clarification. Because we should make motions for either one, subject to those stipulations as they apply. And not all will apply to the GMP, and most all of them apply to the LDC.

First one was subject to the comments except -- applicant's modified language subject to the comments made at this meeting.

Document the interconnection to the north and how that will be requested.

The major entry drive will have a sidewalk on one side at six feet.

We will not be supporting staff's recommendations.

Would delete Item 2.7.

Going to drop the reference to carports and utility buildings under parcel B accessory structures.

We're going to have a minimum setback from the PUD boundary at 15 feet.

The rec centers will be no closer than 100 feet from the PUD boundary.

We'll leave in Section 4.2.8.5.

Delete Section 5.4 A, B and C.

There will be a deviation submitted for buffer clarification similar if not exact to the Willow Run deviation.

We'll extend the preserve along the eastern boundary to meet the minimum 50-foot width as shown on the new master plan.

I think that gets us everything, unless Richard, did we -- you've got something else you want to --

MR. YOVANOVICH: On the buffer with Willow Run what we said was, and I just want to make sure we're clear, we'll do either a 10-foot wide Type A buffer --

CHAIRMAN STRAIN: Or a 10-foot wide Type B buffer.

MR. YOVANOVICH: Right. I just -- but there's not a Type A or Type B choice in Willow Run. So I didn't want the record to reflect if I came back with a Type A, 10 feet, or a Type B I wasn't following your direction.

CHAIRMAN STRAIN: Understand your correction, thank you.

Does any member of the Planning Commission have anything they want to add, subtract, delete, comment on?

COMMISSIONER HOMIAK: The preserve you said was to the Willow Run lake?

CHAIRMAN STRAIN: Well, it's going to be shown on the master plan and it'll be a reference how far down it goes. That's why I suggested --

COMMISSIONER HOMIAK: All right.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Okay, we need to start with a motion on the Comprehensive Plan, which is -- I'll read it off. It's PL-20140000113/CP-2014-2.

Does anybody want to make a motion on that?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Subject to those stipulations that apply?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

The next item is PUDA-PL20140000100. That's the PUD. Does anybody wish to make a motion subject to the stipulations that were discussed?

COMMISSIONER EBERT: I will make the motion to approve.

CHAIRMAN STRAIN: Subject to the stipulations?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen. Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0.

***That takes us to old business and there is none.

COMMISSIONER EBERT: Do they have to come back?

CHAIRMAN STRAIN: Oh, yes.

COMMISSIONER EBERT: On consent?

CHAIRMAN STRAIN: Well, they automatically come back unless we say no.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN STRAIN: So they're coming back.

***There is no old business, there is no new business.

Is there public comment?

(No response.)

CHAIRMAN STRAIN: There's nobody here from the public, so that will end this meeting. And is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: Seconded by? Karen.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

CHAIRMAN STRAIN: We're out 4-0. Thank you.

April 2, 2015

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 12:27 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, Chairman

These minutes approved by the board on 5-7-15 as presented or as corrected ✓.

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