

April 16, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, April 16, 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:

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

ALSO PRESENT:

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

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, April 16th meeting of the Collier County Planning Commission.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Thank you.

Would the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And Ms. Roman is absent today.

CHAIRMAN STRAIN: And Ms. Roman's absence is an excused absence. She let us know at our last meeting.

So with that, we'll move on to the next agenda item, and it's the addenda to the agenda. We have one consent item and two advertised public hearings. 9A is an advertised public hearing for the Wilson Professional Center, Planned Unit Development. And it's the one involving the communications tower, cell tower, up off Airport Road.

There's been a need for more information on that particular project. And they have -- and it's not really continued. I was trying to figure out how to phrase this. It's going to have to be readvertised, because they couldn't be continued again. So it's going to be readvertised for a new date and time sometime in late May maybe.

Ray, do you know?

MR. BELLOWS: Fred Reischl's here, and I'll have him give the latest.

CHAIRMAN STRAIN: Okay.

MR. REISCHL: Fred Reischl, Zoning Services. Right now we have it working on the advertising for May 21st.

CHAIRMAN STRAIN: Okay. So it's not going to be continued. It will be readvertised. And tentatively right now the date that we're looking at is the last meeting in May, which is May 21st.

So with that, I don't think there's a need for a motion to continue. It's not --

Heidi, have you got any -- do we need to do anything with this one, 9A, since it's --

MS. ASHTON-CICKO: No, since it's being readvertised.

CHAIRMAN STRAIN: Just announcement, okay.

MR. BELLOWS: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

MR. BELLOWS: We do have someone who did register to speak on this item.

CHAIRMAN STRAIN: Well, we're not going to hear it until May, so we can either entertain that during public comment at the end of the meeting, or they can come back in May, I guess, at this point. I'm not sure if that works. I don't know why that --

MR. ESTES: I'll waive.

CHAIRMAN STRAIN: Okay. Thank you.

Also, you may have been called -- Planning Commission absences. May 7th is our next regular meeting. Does anybody here know if they're not going to make it?

(No response.)

CHAIRMAN STRAIN: Okay. We should have a quorum. We have two LDC meetings that are going to be needed in the month of May. Staff should be calling all of you. They may have already done that. So we'll have a 5 o'clock meeting or 5:05 meeting one evening, and then we're probably going to tack the rest on to the end of one of our regular meetings.

I don't know if all the dates have been set yet. I know they're being circulated, so you'll hear about that.

That takes us to the next item, approval of the minutes for the March 19, 2015, meeting. Does anybody have any corrections or changes needed? If not, is there a motion?

COMMISSIONER HOMIAK: Motion.

CHAIRMAN STRAIN: Motion made by Karen. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: By Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: (Abstains.)

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0? You were not here?

MR. CHRZANOWSKI: I wasn't here.

CHAIRMAN STRAIN: Four-zero, one abstention.

Then we'll go to our next -- well, the BCC report and recaps, Ray.

MR. BELLOWS: Yes. On April 14th, the Board of County Commissioners heard the rezone for the Hibiscus residential PUD, and that was approved on their summary agenda.

CHAIRMAN STRAIN: Okay, good. Thank you.

Chairman's report. I don't have anything new to bring up today.

We'll move right into consent agenda. The first -- the only item on consent is PUDA-PL20140000100. It's the San Marino Planned Unit Development located on the east side of 951.

I will be needing some clarification, at least from my own review of this. So on that basis, I'll swear everybody in. All those wishing to testify on behalf of this item, please be sworn in -- please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Okay. Disclosures on my part, I spoke with Mr. Yovanovich about some questions I had. I tried to contact staff, but it's been a busy week, and I wasn't able to resolve everything before today's meeting, at least as far as discussions go.

So with that, I don't know who wants -- who's best to answer this. And I know David Weeks is here, so maybe he can help confuse us.

Stan, this is the one where you banged your head on the counter last time because we talked numbers so much, and that's why I was warning you, we're going to do that again today because I'm still not comfortable with the way this is expressed, not because I don't understand what they're doing. I'm worried that someone down the line who gets this application to deal with in regards to the development of the project doesn't understand it because of the way it's written.

And my first point of concern is under the statement of compliance on Page 4. And it says, No. 7, the 650 residential units on 235.3 acres will yield a project density of 3.02 dwelling units per acre. Well, anybody can calculate that. And 650 divided by 235.3 comes out to 2.76.

I know what the intent was because it's spelled out in the breakout below, but if we're going to go to

that kind of extent to explain this, why aren't we putting Parcel A in there as well? Because Parcel A, when you figure out the number of units on Parcel A, is going to be around nine units per acre.

We went carefully and tried to explain that -- how Parcel B fits and how it fits to the overall project, but I'm not sure I think it's -- I mean, I don't believe it's clear enough, especially based on the simple calculation, on how we got there.

Again, I'm not debating that it's the wrong thing to do in regards to the approval or recommendation of this project, but I don't believe it's clear enough.

MR. WEEKS: David Weeks, Comprehensive Planning Section.

CHAIRMAN STRAIN: And you're smiling, so that means I must be wrong. Okay.

MR. WEEKS: I'm not sure. Here's the math I just did on a calculator: 650 dwelling units divided by 235.3 acres equals 2.76 DU per acre.

CHAIRMAN STRAIN: Right.

MR. WEEKS: I think that's what you stated.

CHAIRMAN STRAIN: Right. And that's what I've been trying to reason as to -- I think that's where No. 7 should go, because it's a statement of compliance. And then I'm not sure, if you're going to go into this breakdown down below, why you would -- why we would need that in the statement of compliance. And if we are going to go to that trouble to break it down, why wouldn't we include Parcel A in the same manner so everybody knows how we got to the numbers we're getting to?

MR. WEEKS: Are you reading from the staff report, Commissioner?

CHAIRMAN STRAIN: I'm reading from Page 4 of Agenda Item 8A. It's the statement of compliance of the PUD.

MR. WEEKS: Thank you.

CHAIRMAN STRAIN: Number 7.

MR. WEEKS: That should be changed to 2.76 DU per acre. The 3.02 would only be applicable to the 196.4 acres that are the subject of the companion Comprehensive Plan amendment.

CHAIRMAN STRAIN: Okay. So No. 7 should be changed to 2.76. And what -- David, as far as -- you see the breakdown below No. 7?

MR. WEEKS: Yes, sir.

CHAIRMAN STRAIN: Wouldn't you think for clarity we should break down Parcel A there so everybody can know how the densities divide up and -- I mean, the assumption is we've got 235 acres, B is 196, something is something else. And of the 235, there's 352 base units, but we're using 298 in Parcel B. Shouldn't we clarify that we're putting 350 on Parcel A?

MR. WEEKS: I think that would definitely make it more clear.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: Not knowing what your question was beforehand, I'll --

CHAIRMAN STRAIN: And that's -- I meant to --

MR. WEEKS: That's fine. But I wrote out the calculations again. I recall also at transmittal we had a lot of discussion about the density.

CHAIRMAN STRAIN: Yes.

MR. WEEKS: And so I was writing it down exactly how the density is accumulated. And I agree that this No. 7 should be modified for clarity.

CHAIRMAN STRAIN: Okay. And I trust that you know how -- you guys can do that, so I'm comfortable we don't need to delay the approval on a consent, but I think that needs to get done in the same manner. What that will show is -- I mean, the project was eligible for 588 units, including TDRs. What this board recommends is allowing them to have 62 more units in the manner in which they lay the project out. That will make it clear where everything goes and comes if we break it down the way I'm suggesting.

Then, David, on Page 13, under -- in the PUD under Section 3, 3.2, it talks about maximum dwelling units.

MR. WEEKS: Yes, I see that.

CHAIRMAN STRAIN: Okay. And that's where I was -- Parcel A and Parcel B have different densities but, collectively, this is just one PUD. And so we can't really divide out the two in separate PUDs,

but we can -- I understand what we're doing here. So my original question on this one stemmed from the previous No. 7, but since we now are okay on No. 7, I don't need to belabor that particular one.

MR. WEEKS: And I can tell you, Commissioner, this is not uncommon to, within a PUD, have a certain density assigned -- or number of units assigned to certain tracts.

CHAIRMAN STRAIN: I understand. I just wanted to -- I wanted to make sure everybody could see how we get there, so...

MR. WEEKS: Okay.

CHAIRMAN STRAIN: Okay. If we can make those corrections to that, that's the only issues I had on that particular matter. I'll be comfortable with that, that it can be done clearly outside of -- after consent.

Then the last question I had was a change that may have already been initiated, on a revised document that I received after the packet was sent out. And it's concerning the additional preservation along the eastern side up against the other project, the Willow Run project.

COMMISSIONER EBERT: Can we put that up there?

CHAIRMAN STRAIN: Yeah. Alexis, could you put the master plan up, the recent one, the one that's part of the new.

Okay. The little part that's added -- and remember, Commissioner Roman said -- asked to have that added to the eastern side along the Willow Run project where their preserve. It was a 50-foot-wide swath.

MS. CRESPO: Correct.

CHAIRMAN STRAIN: Okay. That didn't change the totals on the table or in the general notes. It was 57.71, and it still is 57.71. How do you -- how do you add that 50-foot strip and not increase the totals?

MS. CRESPO: Our understanding was we could trim in other locations to main the minimum preserve requirement while achieving the preserve along that boundary.

CHAIRMAN STRAIN: And that's what I figured. I just wanted to make sure that was -- for the record, that was what was going to happen, because the numbers stayed the same between an old plan and the new plan. The new plan obviously reflected an additional area. But that's the clarification I needed. I'm fine with that.

Okay. Does anybody else have any other questions or any questions at all on the consent item?

(No response.)

CHAIRMAN STRAIN: Okay. With that, then we'll entertain a motion. I would suggest if the motion maker could make it consistent with the discussion we just had with staff about getting the language corrected under the Statement of Compliance No. 7.

COMMISSIONER HOMIAK: And this is the copy that we were sent by email, right, because this language that's --

CHAIRMAN STRAIN: Yes. This is the copy that came out after the staff package was distributed, which is something else we'll discuss before the day's over.

Anybody want to make a motion?

COMMISSIONER HOMIAK: Yeah, I'll make a motion to approve with all the changes discussed this morning.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made and seconded.

Any further discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Thank you.

***The next item up is -- we'll go right into our advertised public hearings, and it's 9B. It's a continuation from the April 2nd CCPC meeting for PUDZ-PL20140001179. It's the Avalon of Naples RPUD on the southeast quadrant of the intersection of Davis Boulevard and County Barn Road.

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

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

CHAIRMAN STRAIN: Thank you.

Disclosures on the part of the Planning Commission? Anybody? Stan?

COMMISSIONER CHRZANOWSKI: Nothing.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Mr. Anderson.

CHAIRMAN STRAIN: As did I, and Patrick Vanasse.

Karen?

COMMISSIONER HOMIAK: Nothing since last time, just Mr. Anderson.

CHAIRMAN STRAIN: Brian?

COMMISSIONER DOYLE: No.

CHAIRMAN STRAIN: Okay. Thank you.

Bruce?

MR. ANDERSON: Thank you, Mr. Chairman, Commissioners. My name is Bruce Anderson from the law firm of Cheffy Passidomo.

And I'm here to tell you that my client, in consultation with Neal Communities, has reconfigured the PUD master plan to provide an egress-only access point through the church -- next-door-neighbor church driveway onto County Barn Road.

We believe that limiting the access on County Barn Road to one-way only exiting traffic will address the concerns of Napoli residents about County Barn Road access. All entering vehicles will be limited to access from Davis Boulevard.

We also believe that this change addresses the transportation concerns of other residents in the surrounding area.

As a result of this master plan reconfiguration for the access point, we need to modify one of the development standards in order to maintain the size of the water management lake, and that change would be to allow a zero-foot setback from landscape maintenance easements.

We would ask that you approve this modification as part of the approval for the new exit drive onto County Barn Road.

The one important issue that remains for my client and Neal Communities is the amount of time that they can place a sign for home sales during the busy winter season.

We strongly feel that 90 days of signage, as the cars zip by on Davis Boulevard during the season, is essential to successfully market this new community. We respectfully request that you approve this reasonable request.

There are two housekeeping items requested by Chairman Strain. One is to remove the reference to density that is on the PUD master plan. We have done that, as shown on the one displayed here.

And we have also clarified in the development standards table that the recreation community building will be set back 100 feet from the closest travel lane on Davis Boulevard, which is the same setback as all the other buildings.

Thank you for your time and attention. And we respectfully request your recommendation of approval. I and the other members of the project team are available to answer any questions that you might have.

CHAIRMAN STRAIN: Okay. We'll start with questions of the applicant before we go into any others. Anybody have any further questions from last time? Diane?

COMMISSIONER EBERT: Bruce, you talked about 90 days for the sign?

MR. ANDERSON: Yes, ma'am.

COMMISSIONER EBERT: In here, where it's to revise staff recommendations to 60 days per calendar year, could you not do it November December and then January, February? That would be -- if it's 60 per calendar year, that would give you four months.

MR. ANDERSON: So, in other words, we'd have 120 days during a --

COMMISSIONER EBERT: Well, on here it talked about a recommendation to 60 days per calendar year. Yes, it would give you 120 days, the four busiest months.

CHAIRMAN STRAIN: So you want them -- you want to give them more time with a banner than less? Because the staff was recommending 28. You're recommending 120. They only wanted 90.

COMMISSIONER EBERT: This is to allow a sign permit on the wall, but the recommendation was 60 days per calendar year, and I understand that would be limited per year.

So if we take 2014 -- or 2015 and just do November and December, that's your 60 days, and then if they do just January and February and take the sign down, that would be their 60 days for --

CHAIRMAN STRAIN: Well, what if they do November and December of 20 -- the next year? Then it's 120 days. I mean, you've got November and December in every year, so they'd have to do -- it would have to apply to November and December and January and February of every year, so you actually want them to go from 90 to 120 days for these banners? That's not like you. I just want to make sure I understand what you're doing.

COMMISSIONER EBERT: Well, I was just going by this -- you split years up. You get 120 if you do two months this year and two months the following year.

CHAIRMAN STRAIN: Well, this would be -- they could do that, though, every single year. So they'd be into four months a year instead of three, like they're asking, and two like we suggested at our last meeting, and that's one like the -- I mean, that's quite a leap. I want to make sure you understand what you're suggesting.

COMMISSIONER EBERT: I don't think the sign is going to be up there year after year.

CHAIRMAN STRAIN: But it would allow it to be. I mean, that means you're banking on the fact that they just might not use that.

COMMISSIONER EBERT: No. Then they could not do it anymore. If they did it January and February of 2016, that's it for that year.

CHAIRMAN STRAIN: Well, then you want it limited to the 60 days recommended previously?

COMMISSIONER EBERT: Correct.

CHAIRMAN STRAIN: Okay. Then we're back to where we started. Strike all that. I think we're back to where we started. Sixty days is what you're thinking they should be able to do?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: But on here it says per calendar year.

CHAIRMAN STRAIN: Right. So the calendar starts in January and ends in December. So if you give them November, December, you've got 60 days, and if you give them January, February, you've got 60 days of the same year. So that's 120, right?

COMMISSIONER HOMIAK: Not the same year, but --

CHAIRMAN STRAIN: No? I'm lost. I'm not good at math.

MR. ANDERSON: And if I was, I wouldn't be here; I'd be a tax lawyer.

We would -- we would prefer to stick with the 90 days; that allows us -- I mean, we're not going to -- we may not have it up consecutively for a three-month -- same three-month period. It may be, you know, scattered and done maybe just on weekends or, you know, something of that nature. But the total is a cap of 90 days, however they dice it up, through those months that are specified in the PUD.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: Okay. And, Bruce, I just -- what you just said, you might slice and dice it up different times, you might put it on a couple days here, a couple days here. How do you propose that's going to be kept track of? I mean, you're going to send the county staff down there every time they just happen to drive by and count it that day, or if they don't drive by, it doesn't get counted, or you assume -- I

assume, then, you're going to be going in for a sign permit every -- a temporary sign permit every single time you want to put this thing up.

MR. ANDERSON: Whatever's required by code, you know, in frequency of applying.

CHAIRMAN STRAIN: Okay.

MR. ANDERSON: I just threw that out there as an explanation of why we may not necessarily go 90 days consecutively.

CHAIRMAN STRAIN: I understand.

MR. ANDERSON: Yeah.

CHAIRMAN STRAIN: That just makes it harder to count, but there's got to be some methodology in order to make sure the 90 days is not exceeded if that's what's recommended.

From staff, is there a process that the county has that would be able to keep track of this if it's put in the PUD the way that it's being suggested?

MR. SAWYER: Yes. For the record, Mike Sawyer, project manager for the petition.

There are temporary use permits that are required for the signs, and just as -- from staff's perspective, the simpler that we can make this, the easier it is, because we are coming up with a lot of different standards for these particular signs with a lot of the PUDs and, because of that, it's more difficult for staff to track those.

So, honestly, the simpler we can make this, the easier it's going to be to administrate it. But there are temporary use permits that are required for the signs, and they're limited to the number of days in the PUD.

CHAIRMAN STRAIN: And I don't believe it was ever the intention of this commission to bypass the requirements of temporary permits. So the fact they can get a -- they have to come in whether it's for a two-day weekend or whatever, they've still got to come in for a temporary permit to put that sign up at any particular day they need it; is that correct?

MR. BELLOWS: It depends on what -- the purpose and intent of this PUD language. If they want to have signs up for a specific time frame, they need to list those months and when the signs will be up; that way there's no need to apply for a temporary use permit. But if they're saying they want to be subject to the temporary use permit but want to be able to do it for more than the 28 days currently allowed, then they would -- we could track it that way. We have the ability to track the number of days through the temporary use permit process. So they're always going to get a temporary use permit, if that's the intent.

CHAIRMAN STRAIN: Okay. And the intent from what Mr. Anderson was saying, you want it randomly, so that means you'd need temporary use permits; is that correct? Or do you want to lock in a 90-day time frame right now?

MR. ANDERSON: We'll come in and get our temporary permits as often as need be.

CHAIRMAN STRAIN: Good. Often as need -- there's that language that attorneys use all the time. Often as need be. Bruce, tell me what the need be is.

MR. ANDERSON: To need to comply with the code.

CHAIRMAN STRAIN: So you'll come in as often as the code requires; is that a fair statement?

MR. ANDERSON: That is a fair statement.

CHAIRMAN STRAIN: Okay. I knew we'd get there sooner or later.

Okay. Anybody else have any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: I need to ask a couple. This easement that is going to the church next door, Patrick, you and I met about this easement before the Planning Commission meeting last time to talk about things I would want clarification on at the meeting so you'd be prepared. And your concern at the time was that you didn't know about this easement, and it would cause your buildings -- you'd have to go right through the middle of a building with it. That, obviously, isn't the case.

What made you think it was in the beginning when we talked prior to this?

MR. VANASSE: We did some site planning, looked at different product, looked at different layouts. Our preferred site plans all contained buildings in that area, and what we were able to do is rework the site plans by changing some water management areas, some dry detention areas, and we were able to move that building that was in that location.

CHAIRMAN STRAIN: Did you know about this easement?

MR. VANASSE: I was aware of an easement, but that was a legal issue that I wasn't involved in. I know our survey folks had dealt with that, and the attorneys for Mr. Perry had dealt with it. But other than that, I wasn't familiar with it.

CHAIRMAN STRAIN: Because staff, obviously, didn't know about it. They wrote a report saying it was impractical to connect because they weren't told about it. And what surprised me was, is that this second go-around prior to today's meeting Michael Sawyer asked for backup on the easement, and he got not only the original easement that I already had found, but he found a new easement that was done in February of this year, which means it should have been real relevant to your planning exercises that occurred on this project.

And I think you guys would have been better off to be forthright with that easement to the staff and to the panel, this commission, to try to deal with it in a manner that was better for all parties rather than not show it and not talk about it. I'm disappointed that it occurred that way. I wish it hadn't.

But as a result of the easement, you're now asking for a zero setback to LMEs. Can you show me how that easement affected the LMEs on this site?

MR. VANASSE: Yes, I can. Just to address your point, I don't think we were trying to hide anything, per se. We met with staff at our preapp. We had discussion with staff at the preapp of the easement. And my client had some dealings with the church with regards to the easement. But, again, that was a private-party agreement that I wasn't aware of. And we never -- other than when we came to hearing and we talked about the challenges of trying to fit a point of egress, we never used that as a justification for not providing it. We've always indicated that an access point, ingress/egress along Davis was our preference.

CHAIRMAN STRAIN: Okay. Mike, since you're the planner, have you -- before this was brought up at the Planning Commission, do you recall having it brought up and questioned in regards to the ability -- because the staff report didn't -- indicated this was impractical to think that an easement could be here, and I'm surprised, if you knew about it, that you'd say that.

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

Keep in mind, too, I was not the planner that worked on this particular petition. That was Kay Deselem in our office.

CHAIRMAN STRAIN: Okay. Ah.

MR. SAWYER: My conversations with her is that she does not recall knowing that there was an actual easement in place. She remembers that there was an access shown on the previous version of this petition when it originally came through.

I also checked with Michele Mosca who did the original -- the first go-round for Comprehensive Planning, and she also was not aware that the actual easement existed.

CHAIRMAN STRAIN: And I talked to her, too, because her comprehensive planning report said it was not practical to expect an easement, or something to that effect.

MR. SAWYER: Correct, that's also why we -- I felt it --

CHAIRMAN STRAIN: I just wanted to emphasize --

MR. SAWYER: -- prudent to put the memorandum together that I did just to demonstrate that if we knew that it was there, our findings would have been slightly different.

CHAIRMAN STRAIN: Well, if everything is put on the table in the very beginning, it's much easier for this board to try to find solutions to concerns. And how this one didn't get clearly identified, maybe that's a lesson to be learned for all of us, and from here on out we can be more clear on how we explain these things.

Now, back to the LME zero setback issue that you're asking for.

MR. VanLNGEN: Can you hear me?

I'll give you the layman's explanation here. We've got our engineer if we need to go into more detail.

But, essentially, by putting the roadway over here, we had to squeeze these buildings down. We had some dry detention areas here that we had to eliminate in order to make our site plan work.

One of the things that we were looking at was to try to recoup that dry detention, and one of the areas we were looking at recouping was putting a small strip of dry detention in this area, which was -- would have squeezed down our lake. By allowing us to have the zero-foot setback for the homes, we can adjust our lots

and keep the lake as it is.

CHAIRMAN STRAIN: Okay. Thank you. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay. Well, with that, we'll go to a staff report. Mike?

MR. SAWYER: Again, Mike Sawyer with the Planning Services.

You do have the memorandum that we provided for this meeting as well as the original staff report. We do not have any further changes. We tried to note also in the memorandum the changes that the Planning Commission was requesting at the last hearing.

Other than that, I'm here to answer questions.

CHAIRMAN STRAIN: Okay. Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll go to public speakers. Anybody from the public registered, Ray?

MR. BELLOWS: Yes. We have one speaker, Marlene Sherman.

CHAIRMAN STRAIN: Ms. Sherman, if you'd like to come up and use one of the microphones.

MS. SHERMAN: Marlene Sherman representing myself, and I live in Countryside.

And I spoke at the last meeting regarding this change, this PUD, and -- from estates to residential and at that time requested an access onto County Barn -- County Barn Road.

And I want to thank you and the developers for reconsideration of the project. I also want to -- I think the people that are going to be moving in, it will be a selling point for them, that they'll be able to get into Naples safely with a left turn on -- light on County Barn, and I wish them well in the project, and I'm very pleased. Thank you.

CHAIRMAN STRAIN: Appreciate your saying that. Thank you.

Anybody else from the public like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. I'm assuming, Mr. Anderson, you don't want a rebuttal. So with that, we'll close the public hearing, and we can entertain a motion.

Does anybody on the -- and the notes that I've made, basically, they've made all the modifications to the request that we had from last time. There were two changes, or one in particular today, and maybe two.

Bruce, I know we had that 100-foot setback to be modified on the standards table and remove the language on the master plan.

MR. ANDERSON: Yes.

CHAIRMAN STRAIN: So those are the two changes added today. And then the only other issue that's up for any further discussion is what do we want to do on the 28, 60, or 90 days for the deviation. Staff had recommended 28. Last time we suggested 60. The applicant would like 90. And from staff's perspective, is that -- on other projects, Mike, how have we've ranged from time frames like this? What's our consistency?

MR. SAWYER: Quite honestly, at this point, Chairman, we don't have consistency. We have got it pretty much all over the map. Some are still at 28 days. The signs are larger than was -- the 28 that's allowed by code. We do have several, I believe, that are at 60 and others that are at 90 or even more possibly.

CHAIRMAN STRAIN: Is this sign needed to what -- for sales; is that correct?

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: Okay. At what level of sales would you no longer need the sign?

MR. ANDERSON: Probably 100 percent. No.

CHAIRMAN STRAIN: So the developer holds one model for life, and you need a sign up there every year for 90 days; is that the way we're reading this?

Why don't we -- what I'm suggesting or trying to get to is if we go along with the 90 days, can we put a limitation on it? When you're 85 percent sold or something like that, or 90 percent sold, some number, or do you need it for 100 days (sic)?

COMMISSIONER HOMIAK: A hundred days?

CHAIRMAN STRAIN: I mean 100 percent. Oh, no. I'm not going to change it. Diane's good at

that.

Bruce?

MR. ANDERSON: Yes. If you-all are insistent on having a percentage of sales that we no longer can have the 90 days, then perhaps we could live with a 90/90; 90 percent sold, 90 days. We -- I want to make -- I want to be clear and understand, though, if we have sold the 90 percent and we no longer have the 90-day period that we can operate within, would we still be able to come in and do a 28-day?

CHAIRMAN STRAIN: Ray is shaking his head yes. I can hear it over here.

MR. BELLOWS: Correct. You are still subject to the current LDC.

MR. ANDERSON: Okay. That works.

CHAIRMAN STRAIN: Okay. Well, that helps. So the only other outstanding item that would be clarified on this, if the board agrees with it, is that the 90-day signage would be limited. They would -- it would cease after 90 percent of the units are sold to outside parties.

Any other comments? Do you-all have any suggestions, changes?

(No response.)

CHAIRMAN STRAIN: Okay. Then we'll close the public hearing. And with that item as discussion, is there any motion to be made? Oh, Bruce?

MR. ANDERSON: The setback from the landscape maintenance easement.

CHAIRMAN STRAIN: It's in your Development Standards Table.

MR. ANDERSON: Yeah, okay, okay.

CHAIRMAN STRAIN: Yeah. I mean, unless we take it out, it stays there.

MR. ANDERSON: Okay. All right. Forget I said anything.

CHAIRMAN STRAIN: Landscape or LB -- yeah, landscape buffer easement. I think it's an LBE or an LME, you said. Not LBE.

MR. ANDERSON: Yeah.

CHAIRMAN STRAIN: Lake, right? That's what I thought, okay.

Is there a motion?

COMMISSIONER EBERT: I'll make a motion to approve PUDZ-PL20140001179, Avalon of Naples, with the final agreements that we reached today.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER DOYLE: I'll second.

CHAIRMAN STRAIN: Okay. Second.

Discussion? The agreements we reached today were what the marked-up version was submitted to us and the correction to the standards table for the setback of a minimum of 100 feet for the recreation facilities and the removal from the master plan to the density count.

All the other items that were discussed, with the exception of the 90-day sign, will be limited to up until when 90 percent of the units are sold. After that, that paragraph -- that deviation ceases.

COMMISSIONER HOMIAK: So it's 90 days and 90 percent?

CHAIRMAN STRAIN: Ninety days and 90 percent. Now, if that works for everybody, that's the motion that was -- when Diane said relevant to the discussion today. That is the discussion. If anybody has anything different, speak. And if not, is there -- we'll call for the vote.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you all very much for coming today.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: We appreciate it.

COMMISSIONER HOMIAK: And we don't need consent.

CHAIRMAN STRAIN: I was going to suggest that next. Waive consent. Is there a motion to waive consent?

COMMISSIONER HOMIAK: I make a motion to waive consent.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made and seconded.

Discussion?

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. So this will be the hearing and the consent. We're done with that particular item.

And that brings us back to our regular finish-up of the agenda. Old business. I don't know of any on the agenda.

New business? I have one item I'd like to mention. We are starting to get documents after the staff report is distributed. Somehow we need to stop that. I mean, I don't know what it's going to take, but the staff report should come out as a whole package so that the public who is interested has a right to see it. They don't get the emails we get. The emails just come to us. So people come here not seeing the final document.

Most of the time they're not substantial changes, but it'd still be a better practice if we could just put it up in one package. And if the applicant has problems with that, we'll just have to deal with it at the meeting. If it's too voluminous to do at the meeting, it's got to be continued. And that might be a better way to do it so the public gets to see everything that's coming forward.

MR. BELLOWS: For the record, Ray Bellows. I agree. And we do have rules and procedures for the CCPC that specify a cutoff date for the submittal of new information. And I believe it's a week before the meeting.

CHAIRMAN STRAIN: Right.

MR. BELLOWS: So we can adhere to that more and tell the applicant if they have a lot of information, they're risking a continuance.

CHAIRMAN STRAIN: Well, and I know that staff is pressured to push things through faster to accommodate applicants. That's well and good, but we also have to adequately protect the public. And if the applicant is so necessary -- so needing to have something pushed through but it's incomplete, it's easier just to tell the applicant to wait till complete and then put it through to this board and not create the staff report until we have ample time -- till you guys have ample time to get everything in formal format.

MR. BELLOWS: No, I agree, and that was direction from our director, Mike Bosi, at our last meeting that we were going to make sure our packets are complete. And if -- it's better to tell the applicant they're going -- not to be scheduled if it's not complete than risk dealing with a continuance all the time.

CHAIRMAN STRAIN: Right. And that's what happened here today, and that's why I'd rather avoid that if we can.

COMMISSIONER EBERT: And you're right, Mark, we have been handed stuff minutes before they're -- or handed stuff while they're up there ready to speak. We do not have time to read it.

MR. BELLOWS: And the applicants typically have been told that they're proceeding at their own risk if they are handing out information during the meeting.

CHAIRMAN STRAIN: Right. And this board -- Diane, we should, if we get a lot of information at a meeting and it's more than we can analyze sitting here from the dias, if we can't review it during a break or if it's too much, then we should just continue those meetings. And I think that's something we need to start

April 16, 2015

being a little stricter on, because too much can get slipped through the cracks if it's not done aboveboard right in front of everybody.

COMMISSIONER EBERT: I agree, I agree, absolutely.

CHAIRMAN STRAIN: Okay. I just wanted to pass that on as a new comment to staff.

And with that, we'll go into public comments. There's nobody here, so I guess there won't be any.

Is there a motion to adjourn?

COMMISSIONER HOMIAK: Motion to adjourn.

CHAIRMAN STRAIN: Made by Karen. Seconded by Diane?

COMMISSIONER EBERT: Uh-huh.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

CHAIRMAN STRAIN: We're out of here. Thank you all.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 9:43 a.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 5-21-15, as presented or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.