

May 21, 2015

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY PLANNING COMMISSION  
Naples, Florida, May 21, 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  
Charlette Roman  
ABSENT: Brian Doyle

ALSO PRESENT:

Mike Bosi, Director of Planning and Zoning  
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, May 21st 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: Will the secretary please do the roll call.

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski?

COMMISSIONER CHRZANOWSKI: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle is absent.

And, Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Okay. And Mr. Doyle's absence is excused. He had a matter to take care of.

That will take us to the addenda to the agenda. For the benefit of the public, we have a series of issues today. I'm just going to announce them all because I notice there's a lot of people here.

The first item is called a consent item. It's for Lido Isles, which is out in -- off 951. It was heard at our last meeting. And today's consent item is just to make sure that the direction supplied at last meeting was incorporated into the document.

But the first advertised public hearing, 9A, is a continuation from last time and has to do with a car dealership at the corner of Livingston Road and Pine Ridge. That will be up first thing this morning.

The next one after that is a similar petition to that one; one amends the Growth Management Plan and another amends the PUD or does the zoning. So those two are the same.

The third petition is for the Lely Resort Planned Unit Development. It will be up after we get done talking about the car dealership.

And then after that, the last petition today is for the Collier County Land Development Code changes. Now, if you're here for any of those, we'll probably get to them late this morning at the earliest, but I can't give you a guaranteed time at this point. We just have to see how these others go first.

And there are no change to the agenda. We'll proceed as I just announced. The Planning Commission absences -- well, first of all, I expect today's meeting could go all day. I know there's some time concerns for a couple of members.

Charlette, you have to leave at what time?

COMMISSIONER ROMAN: No, later than 3:15.

CHAIRMAN STRAIN: Okay. And Stan?

COMMISSIONER CHRZANOWSKI: About 2:45.

CHAIRMAN STRAIN: Okay. So the latest this meeting will run today is 3:15.

And the next regular meeting is June 4th. Does anybody know if they're not going to make it at the June 4th meeting?

(No response.)

CHAIRMAN STRAIN: Okay. We will have a quorum then.

The next meeting is June 8th. Now, that will be the meeting in which this afternoon's Land Development Code amendments will be continued to. I don't think we'll finish them today. In fact, I know we will not finish them today. There will be some changes possibly recommended by this board.

Any of those kind of items will be continued to June 8th and heard after the first item we have scheduled already on June 8th, and that is for the automobile service station waiver. That's not going to -- that section of the code. That won't be heard until June 8th. That will start at 5:05 in the evening in this room.

Does anybody here today know if they're not going to be at that meeting? Charlette, I think you had a conflict that evening.

COMMISSIONER ROMAN: Yes, I do.

CHAIRMAN STRAIN: Okay. The rest of us are good so far. And Brian, I know, knows about it, so we should have a quorum then.

That gets us to the next item on the agenda, which is the approval of the minutes. We were all electronically supplied with the April 16th minutes. Any there any changes or corrections to those minutes?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion to approve made by Karen. Second by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: By Diane.

All those in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Mr. Chairman, I was not at that meeting, so I'll abstain from that vote.

CHAIRMAN STRAIN: Okay. Charlette will be abstaining, and there will be a vote of 4-0 in favor. BCC report and recaps, Ray?

MR. BELLOWS: Yes. On May 12th, the Board of County Commissioners heard the PUD amendment for San Marino. That was approved by the Board 4-1 on their regular agenda with Commissioner Taylor opposed, and the approval was subject to the Planning Commission recommendations.

They also heard the rezone for the Avalon of Naples RPUD. That was also approved 4-1 with Commissioner Henning opposed.

CHAIRMAN STRAIN: Okay. Thank you, Ray.

Chairman's report. I'm going to talk about something I'd like to suggest staff pursue just as long as this board has a consensus on it. I don't necessarily need a vote.

We have, at various times -- in fact, a lot lately -- been approached with requests to deviate from the Land Development Code for sidewalks, and basically the request has been to limit sidewalks to one side of the street for different reasons.

We've argued with that at these meetings with the applicant, with members of the public, with various people, and because it was started as an issue quite a while ago, we've tried to be very consistent in how we've approached it.

But in some of the discussions I've had with people since these questions of sidewalks have come up, there might be -- we might want to look at it a little more closely to see if the path that we're following -- isn't that -- the path for the sidewalk that we're following is the right path.

And I would rather put this to bed through factual supplied information, create a policy by this board that we move forward with unless it's changed by the BCC, because we do follow the BCC direction in regards to how policies are set.

So what I'd like to suggest to staff is that during the summer when it theoretically is quieter, this room is more available, that one of the meetings that the planning has where we're not booked for a full day or maybe a long day, we could have as a starting-out subject a discussion on sidewalks with some research done by several parties that I've already spoken to. One is Beth Brainard from the Naples Pathway Coalition. The other is Deborah Chesna with the Florida Healthy Communities. Another name that was suggested to me was Dan Burden with the Blue Zone, and the various members of county staff, including Michelle Arnold and Trinity Scott.

And then, lastly, if the staff had time to find someone from the development industry who would

want to address -- I mean, obviously it will be open to public discussion after the various presentations are made by the people I just mentioned, if they're willing to attend. But I'd certainly entertain having both sides express their concerns so we have a balance, and then this board can come to some conclusion on how we'd like to see it move forward.

There may be times when it works well, and there may be times when it doesn't, but I'd rather air it out so that when applicants come here, they know what to expect, there's some certainty in the process instead of this arguing every time a project comes through. And I, for one, am getting tired of having to cross that bridge each and every single time.

We have some new dimensions that are coming into play when it comes to sidewalks. We have health issues that are coming into play. We know that. We have new concepts in how we do urbanization. It's new towns and walkability. All those terms aren't defined, necessarily, in our code, and I'd like to understand how they fit with the either removal or the retention of sidewalks.

So if nobody on this board has an objection to that or thinks it's nonproductive, I'd like to see staff start setting this up.

Charlette?

COMMISSIONER ROMAN: Yeah. Mr. Chairman, I'm glad you brought that topic up because I took it upon myself to drive through some of the new communities that have come through this board in the last couple of years to see on the ground what it looks like in terms of sidewalks on one side of the street or both sides of the street and some of those decisions. And I think you're absolutely right; it works sometimes, and it doesn't work in other times. And I think the livability of the community is directly impacted by those decisions.

So I support your recommendation wholeheartedly.

CHAIRMAN STRAIN: Thank you. As long as no one else has a negative concern, Ray, would you try to start looking to see when that can happen and advise us possibly at the next Planning Commission meeting some details to it?

MR. BELLOWS: That's an excellent idea to have this workshop or presentation, and we will work with those individuals you named, and we'll get something put together for you.

CHAIRMAN STRAIN: Great. Thank you very much, Ray.

\*\*\*Okay. With that, we'll move directly into the consent-agenda item. The first item up, or the only item up for consent is 8A. It's PUDZ-PL20140000393.

This is a consent, so I don't believe anybody -- does anybody have any disclosures they'd like to make at this point? I don't believe I've had any additional discussion on this other than members of staff. I don't know if any of you have.

So with that, I did notice there were potentially some -- a couple things that didn't seem to be addressed as clearly as we had asked, so I'll run those by the applicant to see what they think.

We were handed a new master plan or a master plan, and it's in front of us today.

Richard, I notice that we did get the deviation numbers added to the master plan. I'm looking for the handout that was supplied to us that indicates -- okay. It's Note No. 4 that tells you they're the deviations and refer to Exhibit E, so that works.

Where is the interconnect that was suggested? We had discussion last time, and one of the outcomes of that was stipulated to that there would be an interconnection if determined feasible, and that was based on numbers of things brought up at the last meeting.

MR. YOVANOVICH: Do I need to be sworn in to talk?

CHAIRMAN STRAIN: I'm sorry. Well, you're -- would you swear him in? Generally -- I don't know if attorneys need to be sworn in, but we'll go that route.

COMMISSIONER EBERT: Definitely, they do.

(The speaker was duly sworn and indicated in the affirmative.)

MR. YOVANOVICH: Yeah, you're correct, Mr. Strain. It would be -- the question became whether or not the property owner to the north of our project would allow for traffic from, I'll call it, the Cracklin' Jack's parcel to go through our property, which ultimately had to have an agreement to interconnect where that property owner, the Willow Run property --

CHAIRMAN STRAIN: Okay. But isn't Cracklin' to the south?

MR. YOVANOVICH: South, correct. But our property owner to the north, we had to get -- they said we had to talk to the property owner to the north to see if they would agree to allow additional traffic to go through our property, and that property being the Cracklin' property.

We did contact the representative of the property owner to the north, and they declined to allow additional traffic to come through our project onto their property.

CHAIRMAN STRAIN: For the record, who was the individual.

MR. YOVANOVICH: Terry Hollohan (phonetic).

CHAIRMAN STRAIN: You talked to Terry?

MR. YOVANOVICH: Yes. And I have an email that I can print out if need be, but I'm sure that Trinity will confirm that he has declined to provide additional traffic through that property.

CHAIRMAN STRAIN: Was Trinity provided with the email?

MR. YOVANOVICH: She was emailed by Mr. Hollohan, as far as I know.

CHAIRMAN STRAIN: She's shaking her said, no. Would you -- I'm going to take you for your word, but I would like you to follow up with staff to either Trinity or somebody so a record of that email is noted so that in case the question comes up, we can honestly say we have the email and that's the representative from -- I know Terry is the representative of Kitson, so that works.

The other thing that I had is an issue --

COMMISSIONER EBERT: Can I --

CHAIRMAN STRAIN: Sure. Go right ahead.

COMMISSIONER EBERT: I don't know if you read yesterday's paper, but how do the people get to Cracklin' Jack's right now?

MR. YOVANOVICH: They have a bridge.

COMMISSIONER EBERT: Okay. It's going to be a new restaurant that's opening very soon in June. It's going to be called Saltwater Blues restaurant. So I don't see any reason where you would even have to give them access to their property, because if they already have a bridge -- there's a brand new restaurant going in there. So that should be really taken care of.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: Under 1B in the Transportation Element of Exhibit F, there was some new language added, and I wanted to check with staff and the county attorney to see if we might want to consider something on the last sentence. The last sentence that was added says, the effective date of the easements shall be prior to the date of the earliest to occur of plat approval or SDP approval.

Ray, does it make a difference whether that's a plat approval? Because I -- somebody might read that as final plat approval would take it through the Board of County Commissioners, and they can sometimes hold that final up for quite a long time while they do preliminary work on the site. Wouldn't it be better to do a PSP?

MR. BELLOWS: For the record, Ray Bellows. A PSP definitely is a time where you'd take into account all the planning-related issues. If there's no real issues, people generally go right to platting and final plat. But I think you're right, this should probably be addressed at PSP.

MR. YOVANOVICH: May I respond to that?

MS. ASHTON-CICKO: Actually --

CHAIRMAN STRAIN: Go ahead.

MS. ASHTON-CICKO: -- I'd rather not -- you're saying preliminary subdivision plat approval?

CHAIRMAN STRAIN: The intention was to catch the project before they started any development work in order to make sure the easements were all put in place and everything was set up. I'm just -- I want to make sure that the references here catch it at its earliest possible time, and we say plat approval or SDP.

I know plats take a long time depending on when and how the developer wants to record those, so that's the only piece I was concerned about.

MS. ASHTON-CICKO: A PSP is optional.

CHAIRMAN STRAIN: I know it is, but I didn't know if that's the way to get it done earlier if they were to choose that route to go. Are you comfortable with plat approval, though? Because plat approval is a

process that takes quite a while. It has to go before the Board.

For example, if someone came in for a plat approval in July, they wouldn't get their approval until October. There is some work that could go on before the plat's approved. Is that not true?

MR. BELLOWS: There is some more clearing that could be done.

MS. ASHTON-CICKO: I'm okay with subdivision plat approval. They can't sell a lot until the plat's recorded.

CHAIRMAN STRAIN: Okay. Then that's fine. As long as you're fine with it; you're the one that generated the language. I just wanted to check.

Okay. Then I don't have any other comments on the consent item. Does anybody else?

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: We have a master plan sheet that was put on our place this morning. If there changes to --

MR. YOVANOVICH: I was asked by -- we were asked to give you a plan that had a larger font.

COMMISSIONER ROMAN: Oh, a larger font. So it's just a change in that?

MR. YOVANOVICH: For those of us who can't read without assistance.

CHAIRMAN STRAIN: Well, no. Now, tell the truth. The reason we have a larger font is when you go to record these, it gets blurred, and the font that they previously supplied, as soon as it's reproduced and someone goes to recording, the public, to see what this property's supposed to have, they can't read it. And to dig this out of files is a time-consuming effort. So that's why.

MR. YOVANOVICH: It's more fun to pick on Mr. Strain and Heidi because they can't read the smaller font, but I understand.

CHAIRMAN STRAIN: But, see, the record doesn't record you're smiling knowing it's a -- so --

COMMISSIONER EBERT: That's okay. I know somebody from the BCC meeting that had to borrow a pair of glasses.

MR. YOVANOVICH: That would be me.

COMMISSIONER HOMIAK: They look pretty on you, too.

CHAIRMAN STRAIN: Is there a motion to -- is there any more questions on this consent item?

COMMISSIONER ROMAN: No. I appreciate the improvement, and I'll make a motion to approve.

COMMISSIONER HOMIAK: Second.

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

All those in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

COMMISSIONER CHRZANOWSKI: I wasn't here, but I've got no problem with this item.

CHAIRMAN STRAIN: Okay. Well --

COMMISSIONER CHRZANOWSKI: I don't know if it's legal for me to vote on it.

CHAIRMAN STRAIN: Well, you've read the consent.

COMMISSIONER CHRZANOWSKI: Yeah. I wasn't here for the discussion.

MS. ASHTON-CICKO: Yeah. I mean, we already had the public hearing on it, and it was approved by vote, so this vote now is just to confirm that the changes that, you know, were directed to be made were made, so...

CHAIRMAN STRAIN: Do you have a problem with him voting on it at all? Should he not vote, or is it okay if he votes?

MS. ASHTON-CICKO: Well, it's okay if you don't vote because you weren't at the meeting.

COMMISSIONER CHRZANOWSKI: I could abstain, but why bother? I mean, I'll vote.

MS. ASHTON-CICKO: That's fine.

CHAIRMAN STRAIN: That's what he's getting at. Okay. Then we'll accept your vote, and it's --

MS. ASHTON-CICKO: Whatever your preference is.

CHAIRMAN STRAIN: It's 5-0. Thank you.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: \*\*\*Next item up is our first advertised public hearing. It's a continuation from the May 7th Planning Commission meeting. It's -- we'll hear these -- by the way, this one -- 9A and 9B will be heard together, and they'll be voted on separately. One is for the small scale Growth Management Plan amendment, and it's 9A. It's PL20140001282/CPSS2014-2, and the second part of this is 9B. It's Petition PUDZ-PL20140001326. That is the rezoning part of this application.

So with that, Mr. Anderson, if you want to move forward.

THE COURT REPORTER: Do I need to swear him in?

CHAIRMAN STRAIN: I'm sorry. These continuations, I forget. Everybody wishing to speak on this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Are there disclosures on the part of the Planning Commission? Stan?

COMMISSIONER CHRZANOWSKI: Yeah. I met with -- I met with the project engineer on this.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: And I've had some communications back and forth with some of the corrections, talked to either Bruce or the engineer or -- the engineering firm, and staff.

Karen?

COMMISSIONER HOMIAK: Nothing since last time, just Bruce.

CHAIRMAN STRAIN: Okay. Charlette?

COMMISSIONER ROMAN: I've had communication with Bruce.

CHAIRMAN STRAIN: Okay. Well, Bruce, since everybody's talked to you, we're dying to hear what you've got to say.

MR. ANDERSON: Nothing. For the record, my name is Bruce Anderson from the law firm of Cheffy Passidomo.

Everything in your agenda packet, I believe, has addressed the issues and questions that came up at your last meeting. The only difference from what you have in your packet is this highlighted note on the master plan dealing with the pathways issue. It's put on there to clarify the measurements and make sure that there's going to be plenty of room.

And with that, I'll be happy to try to answer any questions or to sit down.

CHAIRMAN STRAIN: Well, one of the reasons we continued it was I wanted to make sure that any questions on this panel could be answered sufficiently by a continuation instead of taking a chance that the vote may not be as --

MR. ANDERSON: Absolutely.

CHAIRMAN STRAIN: -- consistent as it could be after today's hearing.

Charlette had asked a question that was critical to her concerns, or at least it seemed to be, and that was, what is this going to look like? How can you make her comfortable that the product that will be provided there is going to be something that she feels is -- gives her a little more comfort than what you supplied last time? Do you have any new information in that regard?

MR. ANDERSON: I can show you a draft elevation. I can't make it part of the record. I can't commit -- well, I guess I can make it part of the record, but I can't commit to it because the building itself has not been designed, and after it does get designed, American Honda Motor Company still has to approve it.

But this is what we have now. And, of course, whatever gets built, it's going to have to comply with the county's strict architectural -- commercial architectural requirements.

CHAIRMAN STRAIN: Okay. I'll see if there's any other questions while we leave that on the screen, and Charlette can take a look at it.

Does anybody have any questions on the GMP part of this? Now, remember, we heard a lot of this last time, so this is just a review of the final pieces that need to be put together.

If nobody else has any question, I have something I caught in my second read of it.

Bruce --

MR. ANDERSON: Yes, sir.

CHAIRMAN STRAIN: -- according to the zoning, you're asking for SIC Code 5511, which is strictly new cars with the accessory being 5521, used cars. That means the principal is 5511. But in the GMP the language says that you'd be able to do new or used car sales, capital used car sales, and that reads as a principal item. That's not my understanding of what you're trying to do here today, right?

MR. ANDERSON: That's correct.

CHAIRMAN STRAIN: Okay. So I'm going to suggest, unless comprehensive staff, when they come up for their staff report, have an objection that we strike the used car because accessory -- used accessory under new is part of new cars. So we're -- I think we can make sure that door doesn't open wider than it needs to be.

MR. ANDERSON: I think -- thank you. You've made that clear on the record that used car sales are permitted under the comprehensive planning language as an accessory use, not as its own principal use.

CHAIRMAN STRAIN: Right. And I wouldn't want it to be construed by the way the Comp Plan language is that it was intended to be a principal use, because then you could have all used cars, and nobody has looked at it that way, and that wasn't your argument, so...

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: On Page 2 of 2 of the GMP, the same issue that we had before, I'll just -- so when staff comes up they're aware of what I'm going to ask them. There was an area that's boxed in in white. It says, auto dealership overlay, 10 acres, but there is no boxed in white area on the plan that's part of the GMP overlay, so that still needs to be corrected.

So that's all I had on the GMP, and I'll hear staff's report when we finish with our discussion on the zoning document.

The PUD -- does anybody on the Planning Commission have any questions on the PUD? And, Charlette, I guess we'll -- we left off kind of last time with you and your concerns.

COMMISSIONER ROMAN: Right. And that was what our communications were about. Bruce and I discussed the landscape plan in detail. And I don't know if you have it, Bruce, to share with the other board members. I mean, I asked him a little more specifics than the requirement, you know, and how he was going to address county code.

MR. ANDERSON: This is a rendering of code compliance as modified by our commitments that I believe were a little different along the west boundary, as I recall.

CHAIRMAN STRAIN: That's correct.

MR. ANDERSON: But this is intended to represent what will -- what will occur. Of course, it's all subject to compliance with the county's landscape requirements anyway as far as plantings and where they have to go and what kind they have to be and what's available at the time of construction.

CHAIRMAN STRAIN: What's the diagonal hatching mean compared to the white area?

MR. ANDERSON: Oh, that's display.

CHAIRMAN STRAIN: So you're actually going to use part of the Florida Power & Light easement for display? Because I didn't know that they had granted that. So your agreement with them provided both display and storage? It's not a problem. I just want to understand.

MR. AMICO: Hi. For the record, Dominic Amico, Agnoli, Barber & Brundage.

The only prohibition on -- in the FPL is for required parking.

CHAIRMAN STRAIN: Okay.

MR. AMICO: You cannot put required parking in the FPL lines. They haven't objected as of yet to display area. We just wanted to make the display area on the graphic large enough because it's more restrictive that way.

CHAIRMAN STRAIN: I understand. Just curious because of the agreements that you had.

Does anybody have any questions about the graphics or the PUD language at this point before we move on?

COMMISSIONER EBERT: I just want to congratulate you for putting in a pathways. I will save



this and give it to Mr. Yovanovich. I think that is really going to help this pathways go through to Lee County. And it was nice to see. It was very nice to see.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: And speaking of that pathway, Mike, during staff report -- and, again, I want to put you off a little bit, but I want to just get you to acknowledge, the condition that staff has in their modified or their accessory report that we have, Page 1, you say the recommendation of approval's going to be contingent on their construction of this 10-foot pathway. Is that acknowledged; that's what you're looking for?

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

Yes, that is our understanding that the applicant would be providing that along -- as part of a right-of-way permit that they would get concurrent with the Site Development Plan for the development.

CHAIRMAN STRAIN: And the reference to the 2-foot minimum clear area between the back of curb and the beginning of the pathway, I notice it's highlighted in the yellow plan that was passed out to us. How does that get articulated in the recommendation?

MR. SAWYER: Certainly staff does not object to that. We would endorse that as part of that condition.

CHAIRMAN STRAIN: Okay. Would you be able to modify the No. 3 on Page 8 of the -- well, it's after No. 3 of transportation, and on my electronic version it's on Page 8 of the PUD. I just suggest that -- and we don't need to have it come back for this, but staff work with the applicant to make sure that the 2-foot clear area is referenced in that paragraph as well since they've agreed to it.

MR. SAWYER: We'll make sure that happens.

CHAIRMAN STRAIN: And in the master plan, the highlighted area, it says, existing 6-foot sidewalk to be widened to 10-foot pathway within right-of-way, 2-foot offset from back of curb, then it says back of pathway may be on right-of-way.

What does that mean?

MR. SAWYER: Chairman, I'm not sure what may be in the right-of-way. Our understanding is that that pathway will, in fact, be within the right-of-way.

CHAIRMAN STRAIN: Okay. Dominic, what'd you mean by that?

MR. AMICO: We currently have between 12 and 14 feet from back of curb to the property line. When we're at 12 feet, the back of the pathway will be on the right-of-way line.

CHAIRMAN STRAIN: I don't -- okay. I mean, that's what you meant by it?

Does staff see any issue with that?

MR. SAWYER: If that's the clarification, we have no problem.

CHAIRMAN STRAIN: Okay. Thank you.

Then staff had some recommendations the first time around. Any of those recommendations needed to be addressed or changed as a result of this final review?

MR. SAWYER: Chairman, I believe we took No. 2 off, but we were retaining the others.

CHAIRMAN STRAIN: Okay. Okay. So with that, I would suggest that we'll get a staff report from both Comprehensive Planning and county staff, and then we'll see if there's any public speakers, and we can wrap this one up.

Is there anybody else that has any questions of the applicant?

(No response.)

CHAIRMAN STRAIN: Okay. David, if you wouldn't mind addressing the questions I raised in the beginning.

MR. WEEKS: Good morning, Commissioners. David Weeks of the Comprehensive Planning staff.

Mr. Chairman, I first have a question on the change. Am I correct that the change to the Comprehensive Plan language would be to strike two words, and that would be "and used"?

CHAIRMAN STRAIN: Yes, because the word "car" can stay in there, and they don't need used cars. Do you see, in hearing the testimony you've heard in the last two meetings, a need for that used car -- used portion to be there based on the acknowledgment from staff that they're doing new car sales with used cars as an accessory?

MR. WEEKS: I do not. Typically the Comprehensive Plan does not address accessory uses, so I see no concern by not referencing the accessory uses.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: Okay. And, Mr. Chairman, the second item had to do with the inset Future Land Use Map for the subdistrict. I failed to bring it with me, but staff has already revised the map to show a crosshatch to represent the overlay area, and then we've modified the legend, of course, to also reflect that crosshatch and added the phrase "portion of subdistrict" so that in its entirety for this overlay it would read in the legend, auto dealership overlay portion of subdistrict and, parenthetically, 10 acres.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: And I have nothing further. I made a presentation at the last meeting. Staff's recommendation is for denial for the Comprehensive Plan amendment for the reasons in the staff report and stated at the last meeting.

CHAIRMAN STRAIN: Does anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Okay. Thank you, David.

Mike?

MR. SAWYER: Again, Mike Sawyer for zoning division.

We're still -- you still have our staff report from the previous meeting. We did provide a supplemental staff report basically as a follow-up to the Greenway issue, and certainly here for any questions that you might have on that or anything else.

CHAIRMAN STRAIN: Anybody have any questions of staff?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. I've got -- I just want some reassurance that we're in the -- that we've got everything we need.

Last time we talked about some standards that the applicant accepted that we called the auto dealership standards typical to what we've used in other dealerships, they've all been incorporated, as best I could tell on the document. Did you have any issues that need to be addressed regarding those?

MR. SAWYER: No. We're agreeing to those.

CHAIRMAN STRAIN: The reason is I want to take these off the stipulations because I believe some of them got resolved. Your staff recommendations, I would suggest, would be accepted with the exception of No. 2.

The new utility language -- and I failed to check that. Did that get in -- did that get instituted?

MR. SAWYER: I believe that will -- yes.

CHAIRMAN STRAIN: Okay. We got the new B buffer at 10-foot width, which that got done. We added the pathway language, which we just finished this morning.

So that boils it down to basically three suggestions -- stipulations. One would be staff recommendations would be accepted except No. 2. The used car provision in the GMP reference would be removed. That would say "and used." Those two words would be removed. And the overlay will be corrected with a clearer crosshatching method to show what section it's referring to. And that's the only other changes I can recall that haven't been already fixed.

So with that, is there any members of the public here that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. I'm sure Bruce doesn't want a rebuttal. There's nothing to rebut.

With that, is there -- I've read -- the three stipulations, I think, are still applicable.

Yes, Heidi.

MS. ASHTON-CICKO: I just ask that on the exhibit that the abbreviations be written out for the new language that's highlighted on the master plan, and the word "line" be inserted at the end so it will say "may be on the right-of-way line."

CHAIRMAN STRAIN: Okay. So it would read, existing 6-foot sidewalk to be widened to 10-foot pathway within -- and the words, "right-of-way," period. Two feet offset from -- instead of BOC, it would be back of curb, period. Then back of pathway may be on the right-of-way line. Is that --

MS. ASHTON-CICKO: And just write out the abbreviations.

CHAIRMAN STRAIN: Okay. I have no problem making that clarification. I think that can be done between staff and the applicant.

So with that in mind and the three remaining clarifications that we read into the record, is there a motion from the Planning Commission?

COMMISSIONER EBERT: I'll make a --

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made by Karen, seconded by Diane. Both are subject to the stipulations as noted.

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 ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Okay. Thank you.

MR. ANDERSON: Oh. We need to vote on both, I guess.

CHAIRMAN STRAIN: Yes, I'm sorry. That was for the -- well, yeah, for the PUD. As far as the GMP, is there a similar motion for the GMP?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Diane.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

And at the last meeting we said that this vote would be for both consent and final, so we will not need another motion on consent. This is the consent.

So thank you all. Appreciate your clarifications today.

MR. ANDERSON: Thank you very much.

CHAIRMAN STRAIN: \*\*\*The next item up is Item 9C. It's PUDA-PL20140002040. It's amendments to the Lely Resort Community Planned Unit Development.

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

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

CHAIRMAN STRAIN: Disclosures from the Planning Commission.

COMMISSIONER EBERT: No, just --

CHAIRMAN STRAIN: Stan?

COMMISSIONER CHRZANOWSKI: No. I have nothing to disclose on this one.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: No, just with staff.

CHAIRMAN STRAIN: Okay. And I have spoke with staff, and I spoke with the applicant's representatives yesterday.

Karen?

COMMISSIONER HOMIAK: I spoke to Mr. Yovanovich.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: I spoke with Mr. Yovanovich.

CHAIRMAN STRAIN: Okay. With that, we'll move directly into the presentation.

COMMISSIONER CHRZANOWSKI: Mark, if I could make a correction. I did speak with Mr. Yovanovich on this one, yeah.

MR. YOVANOVICH: I was going to correct Mr. Chrzanowski.

COMMISSIONER CHRZANOWSKI: It was a while ago.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: This morning.

MR. YOVANOVICH: Good morning. For the record, Rich Yovanovich on behalf of the petitioner.

With me today I have Brian Stock and Keith Gelder with Stock Development, the owners of the two properties we'll be discussing and the changes to the PUD that we'll be discussing today; Alexis Crespo with Waldrop is the professional planner on this project; and Jim Banks is our traffic consultant on this project.

On the visualizer is -- in yellow is the outline of the Lely Resort PUD and DRI. It's on -- it's basically on 951 and U.S. 41. I'm sure everybody in the room is familiar with Lely Resort.

What we're here today to discuss specifically, though, are only two parcels within Lely Resort, which we are highlighting in the green today. And we're also making some minor changes to the approved density for the DRI to reflect 1,000 units that had been previously transferred over to what's now Treviso Bay, if I have that right, because at that time it was owned -- also owned by the same company, Lely Development Corporation -- as well as a reduction of 204 units related to the recently approved San Marino PUD amendment.

So the overall PUD density is going down from 10,150 units down to 8,946 units within the PUD, so that's one of the strikethroughs and underline changes you will see in front of you.

The other change is to that parcel down there, which is currently identified as a C2 parcel, so you go to the Lely Resort list of uses of what you're allowed to do in this C2 parcel.

We came through years ago to do what we thought would be kind of a little boutique-type retail/residential development on that parcel. That type of development really has not seen favor in the market. And we had at that time a limitation of no user can be greater than 20,000 square feet other than for a food store.

What you have in front you have today is a revision to that section to eliminate the limitation of 20,000 square feet. The 100,000-square-foot limitation on that parcel remains. We just no longer have a requirement that no user can be greater than 20,000 square feet.

Yesterday there was a preapp for that parcel for Hobby Lobby, who is interested in locating on that site. Hobby Lobby is greater than 20,000 square feet.

So Hobby Lobby is who -- or a Hobby Lobby type store or a Kohl's or anything like that we were talking about could be a candidate for that parcel. So that's the first change we're talking about doing.

The next change is up here, and that parcel is currently designated for C3 uses in the PUD, and you would look to what's allowed on C3 within the PUD. And what we're adding to that is the ability to put residential as an allowed use on that property, again, within the density that's already approved for the PUD. So we're not seeking to increase any density on that parcel. We're just looking to put residential units on it where residential units can't currently go.

So, in a nutshell, that is all we're doing here today as far as changes to the PUD. There are some commitments that are in the PUD or being added to the PUD related to the parcel on the south. That parcel fronts Triangle Boulevard.

We committed to building a dedicated southbound turn lane onto U.S. 41 as part of the PUD. I know staff has added a new commitment that was not discussed with us until we saw the staff report. We have some issues with that new commitment. One, we think it's overly broad and vague and is asking us to cure problems caused by other property owners along Triangle Boulevard.

We have agreed to pay our pro rata share of any necessary improvements caused by our project related to Triangle Boulevard. You would do that anyway through the SDP process.

We just object to the language basically putting the burden on us to study not only our property but everybody else who fronts Triangle Boulevard. And if it -- if there's improvements that need to be made to Triangle Boulevard that are not caused by us, the language that's written still makes me pay for it. So we have a little hard time agreeing to fix other people's problems on this particular commitment.

So that's the only, I think, objection that we have with the staff report. In there, there's one change to the ordinance that I think we discussed with Mr. Strain yesterday when we met with him.

It would be on Page 3 of 4 of the ordinance, and that would be under Section 5, which is a revision to Section 3.02 of the existing PUD. It talks about the number of dwelling units. I told you we went from 10,150 to 8,946. And it says, may be constructed on lands designated as R. Well, actually, that's not correct. It can be designated as R or C because we previously had the right to put residential units on the south C parcel, and now we're adding the ability to put residential units on the north C parcel.

CHAIRMAN STRAIN: Well, you may think you had the right, but since it wasn't there, I certainly would have wondered how you would have got there. But that's good. This is a good thing to correct.

MR. YOVANOVICH: We're just clarifying. You know, there was an inconsistency within the document, but that parcel was expressly allowed to have residential. So we're clarifying that change.

And then we have an objection to, later on on that page, that -- actually we're okay with No. 10. It's the new thing that was in the staff report.

Other than that, I don't think there are any other changes that we discussed. I'm sure I've missed something, but that's the overall proposal change to the PUD.

CHAIRMAN STRAIN: Okay. I've got some questions, but I'm sure other members of the Planning Commission may have, so let's start with your questions first.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Anybody have any?

COMMISSIONER EBERT: You go ahead first.

CHAIRMAN STRAIN: That's your thought, but anybody else have any questions at this time?  
(No response.)

CHAIRMAN STRAIN: If not, I will move ahead.

Yesterday when I spoke with you, there was a -- there was an issue in the staff report that talked about providing specific additional regulations for restaurants, and I understood that's to be struck; is that true?

MR. YOVANOVICH: Yeah. That was -- I think -- well, I'll let staff -- that's their report.

CHAIRMAN STRAIN: Okay. Well, I think I got the information from you; that's why I was bringing it up, yeah.

Michael?

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

There's actually -- if I could, there's actually three clarifications I would like to make for the staff report.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: You do have the staff report dated 5/13/15 as last revised. First, on Page 3, I believe, Chairman, this is what you were talking about.

On the first bullet under proposed change, basically there should be a period at the end of PUD, and the rest of that section should be struck. And that's specific as far as the regulations on restaurant locations. I believe that was a transfer from an old staff report, and I apologize for that.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: And if you can turn to Page 5, this portion is the GMP portion of the staff report.

About mid page there's a paragraph in there or a sentence, rather, that needs, this PUD amendment is to allow -- or allocate up to 175 of the total approved dwelling units to be developed at a not before allowed location, et cetera. That sentence should actually be struck. That was also, in error, added from a previous staff report.

CHAIRMAN STRAIN: You said three. That's two.

MR. SAWYER: Yes, that's two.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: The third one is on Page 8. Apparently this was not one of my better staff reports. I apologize.

On Deviation 2, it actually lists 890 square feet per sign. It should be 80.

COMMISSIONER EBERT: That's good, because I had a "no" there.

MR. SAWYER: I would appreciate a "no" on that; I would agree.

CHAIRMAN STRAIN: Michael, for the amount of work you're handling right now, I think you've done a great job. So I think staff is -- all of you in that planning section are overwhelmed right now with the amount that's being pushed through at more expedited time frames than we've been used to. So I think those few changes aren't a big issue. We'll work them out when these meetings come up. So thank you for pointing them out to us.

MR. SAWYER: I appreciate the understanding.

CHAIRMAN STRAIN: Okay. I move on to where -- past those. And I think -- and we're going to need to get into that transportation issue that's Recommendation No. 1, but we'll do that last, because I haven't -- I know there's new language floating around out there, and hopefully there's a consensus on something, because the language that's in the Staff Recommendation No. 1 really won't work.

I mean, to suggest an after-the-fact review that becomes somehow binding, I would rather we flesh that out here at these meetings than have it come in later on. But we'll hold that off for a little bit.

I want to go through the changes that we have not discussed, if I can --

Richard, the 175 units on the C2 parcel to the south, are those remaining?

MR. YOVANOVICH: (Indicating.)

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: That option still remains.

CHAIRMAN STRAIN: Okay. But you want to use that same kind of option on the C3 parcel to the north?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. The sizing change on the parcel on the south, I remember -- I was sitting on this panel when we did all that, and there was concern about noise and other aspects that could be created by big box retailers, and I think at your NIM meeting you were asked specifically, is a Target going to go there, and the answer was, not a Super Target.

So -- and I mentioned to you, that's kind of evasive. And I think -- well, the gentleman that represents the owner said they don't have any plans for any Target to go there; is that true?

MR. YOVANOVICH: That's correct. I'm not sure it was with regard to that specific parcel anyway in the questions but, anyway, no.

CHAIRMAN STRAIN: I just read the question from the NIM.

What size does Hobby Lobby or these others need to be on that parcel?

MR. YOVANOVICH: Hobby Lobby is 55,000 square feet.

CHAIRMAN STRAIN: Okay. Because in some instances where it's been considered -- where we've addressed -- where we've addressed some of the sizes -- go ahead.

MR. YOVANOVICH: No, I'm with you.

CHAIRMAN STRAIN: Okay -- we've addressed some of these sizes, and I think that one up on Airport Road that just came in yesterday for a third redo, Berkeley or Bentley?

MR. SAWYER: I believe, Chairman, that was Buckley.

CHAIRMAN STRAIN: Buckley, that's it. We have in the past limited the sizing to one building of X size and the rest have to be under 20-. I'm suggesting that might be another element way to look at this one, 60- versus no more than 20- for any others. That would still make sure there's only one big box, and

there's not a big box outside the realm of what you're asking for.

MR. YOVANOVICH: And that's fine, because if you're not familiar, that site already has on it a restaurant and a bank. So unless there was -- that restaurant and bank go away, we wouldn't be able to fit it anyway. But we would be fine with saying only one can be greater than the 20,000 square feet. Does that make sense?

CHAIRMAN STRAIN: Sort of. We'll talk about it.

MR. YOVANOVICH: And not to exceed 60,000.

CHAIRMAN STRAIN: Okay. Now you're getting better.

Okay. In the NIM, some of the questions that were asked I'd like to get clarified here. It says Question 27, I would like the sign-in sheet so I can keep in contact with all these people. The response, the sign-in sheet is typically used to disseminate information to the community. It is not used for attendees to communicate between parties.

And so you declined to give it to them, which I thought was kind of ironic since it's a public record, and it's part of the packet that's part of the public record today.

Why didn't you want to give that to them?

MR. YOVANOVICH: There was -- there were actually people in the audience who said I don't want to receive correspondence from the person who's asking for the information. They -- I don't think they understood that it was a public record anyway.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And -- but they just didn't want to be communicated with without saying yes, I want you to communicate with me for the person who was asking for the information.

COMMISSIONER CHRZANOWSKI: Could we pursue that a little further?

CHAIRMAN STRAIN: Absolutely.

COMMISSIONER CHRZANOWSKI: I'm kind of with him. You know, if I sign in somewhere, I don't mind the government people that ran the meeting knowing my -- you know, that I'm there and my information and all that, but just to give it to my neighbors so that they can get my email address and all ain't a great idea.

CHAIRMAN STRAIN: Well, I think we had -- I think it has to be public record. Unless the county attorney tells me that a sign-in sheet included in our packet is not public record, I don't know how we avoid that.

MS. ASHTON-CICKO: It's a public record.

CHAIRMAN STRAIN: Right. Yeah, I mean --

COMMISSIONER CHRZANOWSKI: So anytime you attend a meeting and sign in and give a phone number and an email address, anybody can access that?

MS. ASHTON-CICKO: Yes. It's a public record if somebody asks for it.

COMMISSIONER CHRZANOWSKI: Okay. I think it's a bad idea, but okay.

CHAIRMAN STRAIN: Richard, I know your marketing guy is here. Do you have your traffic engineer here as well, or are they one in the same today?

MR. YOVANOVICH: He is only here for traffic.

CHAIRMAN STRAIN: Oh, okay.

MR. YOVANOVICH: He is not providing any marketing advice. So I'm going to limit his testimony to that.

CHAIRMAN STRAIN: I do have a question for him, and it concerns another question in the NIM, and it basically was about the traffic. And your statement in response was -- not necessarily yours, Jim, but somebody's -- that we are not proposing to add more trips.

Now, I asked this question yesterday suggesting -- because you weren't at the meeting yesterday that we talked about some of my questions, so I wanted your team prepared to answer properly.

I suggested that they understand the magnitude of trips that would be introduced by adding single-family or the multifamily product you're talking about to that parcel in addition to the commercial or a conversion that would -- for every unit you put in, it drops so much commercial footage off so you do not go -- you do not add more trips.

Can you address that, or it looks like he's walking away. So you didn't fill him in, did you?

MR. YOVANOVICH: We did. And, Mr. Strain, the issue, in fairness to Mr. Banks, is we have a vested DRI that was vested for X number of residential units, Y number of square feet of retail, Z number of square feet of office. We're not changing those parameters. All those numbers are staying the same.

So at the time we talk about specific impacts is at the Site Development Plan so those -- whatever turn lanes addressing the specific development of that parcel will be addressed at that time.

We never -- we never did a before analysis as to what we can maximize as far as office or retail on that site to compare it to what would be a maximum number of residential units, because we were already under the DRI threshold, and that was the analysis that staff asked us to do.

Jim couldn't do it quick enough to come up with these development parameters as to if we did X number of residential units versus Y number of retail. It would be a wash. So that's -- in fairness to Jim, he knew about it but he couldn't get it done by today.

CHAIRMAN STRAIN: Okay. But the point of my question -- and since I asked it of you yesterday, I thought you may have gotten the answer, which is why I brought it up today. You were asking for a new entry onto Rattlesnake Hammock.

MR. YOVANOVICH: And staff looked at that.

CHAIRMAN STRAIN: I know they did. They couldn't have gotten this far unless they had. But that new entry means you need it for a reason that generates the need for that entry. That means -- I thought you actually show a reduction in trips internal to the project, which seemed to be a concern of the people at the meeting, because with a new entry off Rattlesnake and exit -- is that a two-way entry or just entry?

MR. YOVANOVICH: You mean right-in, right-out.

CHAIRMAN STRAIN: Okay. That would actually take traffic off the project roads because they'd be going in and out directly on Rattlesnake not having to come in the project. Those are positive things; I thought if you could help display, it would help this board understand what you're trying to do better.

MR. YOVANOVICH: And we -- well, we did not do that specific analysis, but I think Mr. Podczerwinsky, as we were going through this process, agreed that that entrance was a positive attribute to what we were requesting. But I don't have -- I don't know that I have a specific study to show that.

CHAIRMAN STRAIN: Intuitively, it is. I was just wanting to see some data if you had it. That's the only reason I asked the question.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: If you don't have it, it's something that, if I was you, I would have prepared it.

Question 41, I have a C2 question -- this is the neighborhood information meeting. Someone in the audience is asking, I have a C2 question. If you were going to have smaller stores, I wasn't concerned. Now with a Kohl's I am concerned about noise traveling over the water, too.

And the response, we'll address walls, loading dock area, hours of operation for deliveries, and outdoor music and incorporate it into PUD. We will incorporate those conditions into the PUD.

Can you tell me how you've incorporated those into the PUD?

MR. YOVANOVICH: Well, we talked yesterday about including the wall component which we will add to the PUD. It's not there today. We will add a requirement to build a wall.

CHAIRMAN STRAIN: But it doesn't say -- walls is one of one, two, three, four items that you've said you will incorporate; you told the public you will incorporate to the PUD. We will address walls, loading dock area, hours of operation for deliveries, and outdoor music. That's what it says in the NIM. That's what you --

MR. YOVANOVICH: Outdoor music is already addressed on the south piece. We were talking about -- our understanding when we spoke yesterday, we were talking about the north piece.

CHAIRMAN STRAIN: No. When you're asking (sic) about the C2 question, you just said Kohl's was something you were looking at for the south piece, right? That's where you want the expansion to go to a size -- so this reference was in response to the south piece. So just show me where those four things are in the PUD.

MR. YOVANOVICH: They're not there, Mr. Strain, other than --



CHAIRMAN STRAIN: Okay. Then show me where you're going to put them.

MR. YOVANOVICH: We will -- again, I misspoke about the wall. The wall we spoke about yesterday was we were committing to do a wall on the north piece.

On the south piece -- I'm looking real quick to see, because I know restaurants came up -- noise for restaurants came up the last time. If you look on Page 5-2 in the ordinance -- are you with me? I can put it on the visualizer if I need to.

CHAIRMAN STRAIN: Please put it on the visualizer. I have 382 pages, so it would be easier if you just put it on the visualizer. I think we all have 382 pages.

COMMISSIONER ROMAN: They give you extra.

COMMISSIONER EBERT: Is it the PUD he's talking about?

CHAIRMAN STRAIN: Yeah, it's the PUD.

MR. YOVANOVICH: If you look at -- whoops, I'll try one more time. I'm zero for three.

If you look at Item No. 9, that's the C2/C3 piece that we're talking about on the south. We specifically addressed the last go-round how restaurants and amplified music -- where it would be located and how it would be addressed.

And it continues on on the next page talking about no live entertainment shall be permitted in outdoor seating areas after 10 p.m., and all windows and doors shall be closed after 10 p.m. So we addressed the noise concerns originally --

CHAIRMAN STRAIN: Would you go -- yeah. Okay.

MR. YOVANOVICH: -- for restaurants.

CHAIRMAN STRAIN: Right. That wasn't the question, though, you were responding to, so I need you to respond to the question that the neighborhood information meeting minutes reflect.

It says, I have a C2 question. When you were going to have smaller stores, I wasn't concerned. Now with a Kohl's, I am concerned about noise traveling over the water, too.

Well, before the people were concerned about restaurants. Those standards were put in to alleviate that concern, and they were restricted. You don't have any such restrictions to anything but a restaurant. The question was about Kohl's. And you've acknowledged to us today that you're going to have possibly a Hobby Lobby or Kohl's there.

So how have you addressed that response that you made to the public at the NIM in regards to other than restaurants in the PUD?

MR. YOVANOVICH: And, Mr. Strain, I said we didn't.

CHAIRMAN STRAIN: Okay. But you've used this as an example of what you did do, but it doesn't apply to the question that was asked.

MR. YOVANOVICH: One of your questions you said was restaurants when you asked me questions --

CHAIRMAN STRAIN: That was early in the strikethrough and the staff report; right, I did. But that has nothing to do with the question I'm posing now about what the neighborhood asked at the NIM, so...

MR. YOVANOVICH: Right, and --

CHAIRMAN STRAIN: Well, that's fine, but I think it needs to be addressed is what I'm saying.

MR. YOVANOVICH: I understand that. I understand that, and we will -- if you'll -- I'm assuming we're going to take a break here before we finish. If you can give me a few minutes to talk to my client about --

CHAIRMAN STRAIN: Sure.

MR. YOVANOVICH: -- buffering, you know, where they do the dropoff and stuff like that, where the loading dock is, we can talk about things like that that are already in the code to address noise issues. We can make sure that they're properly addressed.

CHAIRMAN STRAIN: Well -- and if you're far enough along to even have talks with people like Hobby Lobby or Kohl's to know that you have to go through this effort to get the size increased, you may have a conceptual site plan --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- in which you could indicate to us where some of these would be

addressed so we have that level of comfort to add to the language.

MR. YOVANOVICH: I agree.

CHAIRMAN STRAIN: Okay. And Question 55, for the C3 parcel, what kind of efforts will be made to mitigate residential of C3 residents -- residential from accessing Lakoya by foot?

MR. YOVANOVICH: That's the wall comment; we would build a wall on that piece. I forgot that's where we were discussing the wall in context yesterday regarding foot traffic.

CHAIRMAN STRAIN: Now, you'd build a wall -- and help me understand, because I don't have -- I've got a better map than you're using here. In fact, if you could slide this on the overhead, it might help everybody to see what it is that we're dealing with by neighborhoods. Your applicant's engineering firm produced it.

So where is it on this map that I -- I couldn't figure out where this Lakoya project was. So where's the map -- or the wall that you were talking about or they'd be suggesting or asking about?

MR. GELDER: Sorry. For the record, Keith Gelder at Stock Development.

This visual, actually, is inaccurate. An aerial may give a better perspective. But for the --

CHAIRMAN STRAIN: Okay. If you have one. I think we had one to begin with.

MR. GELDER: Okay.

CHAIRMAN STRAIN: I just need to know where you're proposing the wall so we just get that as a stipulation.

MR. GELDER: This is more accurate here.

For the abutting properties was our intent for the location of the wall so -- whereas the 20-acre vacant commercial piece, where that abuts the neighboring Lakoya residential community along the southern boundary, which I'll point out.

CHAIRMAN STRAIN: Yeah, please do.

So you've got a residential parcel on the north side of that roadway between the commercial -- that's in that little corner?

MR. GELDER: Let me clarify here.

COMMISSIONER CHRZANOWSKI: Can you zoom that in?

COMMISSIONER EBERT: Yeah, I mean, it's --

MR. GELDER: That area that I was circling encompasses the Lakoya residential community. It consists of 365 single-family units.

CHAIRMAN STRAIN: Okay. Circle that again.

COMMISSIONER ROMAN: Yeah. You were off screen.

CHAIRMAN STRAIN: You can draw on that. That's your diagram. You can draw on that if you want.

Ah, now I understand. So that whole area is one big project called Lakoya.

MR. GELDER: Correct.

CHAIRMAN STRAIN: Okay. So where is the wall that you indicated would be supplied in relationship to that project?

MR. GELDER: (Indicating.)

CHAIRMAN STRAIN: So around the south side of the commercial project, you're proposing a wall?

MR. GELDER: The southern boundary, correct.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Would that go all the way out to the road or just be like that half moon shape that you drew there? It going to go out to the road? Yeah, when he drew it -- if I'm seeing it, yes, that little edge.

MR. GELDER: The question is, are we willing to extend -- in addition to the southern boundary, would you continue the wall to wrap around the lake; is that --

COMMISSIONER CHRZANOWSKI: No, to Grand Lely Drive.

COMMISSIONER ROMAN: To the road, to the road.

MR. GELDER: The wall wouldn't be able to continue all the way to Lely Drive. There's an existing

access. I'll point to it on the screen here.

COMMISSIONER ROMAN: Oh, I see it now.

CHAIRMAN STRAIN: I mean, once they get to the lake, that would be -- the lake's got some depth to it, so maybe -- I mean, I'm not sure if a wall would do any good there.

COMMISSIONER ROMAN: I just was asking. I couldn't see what he was doing.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Yeah. Underneath some of the blue is the actual access drive to the property.

CHAIRMAN STRAIN: So the wall would be between the two lakes --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- on the south side of the commercial project that's on the north side of the project? Okay.

COMMISSIONER EBERT: So can I ask, you will have two entrances and exits to this property?

MR. YOVANOVICH: There's the entrance we just talked about with the wall and then the proposed entrance onto Rattlesnake Hammock.

COMMISSIONER EBERT: That's what you would like is two?

MR. YOVANOVICH: Yes, ma'am.

CHAIRMAN STRAIN: They definitely would want an internal accessway so the residents haven't got to go out on the main street, so that's how the -- that's what the southern one would be for, I would assume.

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: Grand Lely Drive goes all the way through. I mean, this is not a gated community.

CHAIRMAN STRAIN: Yeah, but that's more reason why that internal accessway would be beneficial --

COMMISSIONER EBERT: It is, it is.

CHAIRMAN STRAIN: -- because -- okay, yeah.

Question 56, for the C3 parcel, everything around is one or two stories tall. It is proposed to be a one-story strip mall. Now you're asking for six stories. It will be out of place. That's the question.

The response, the current maximum zoned height of 50 feet and all types of uses that can go on that property, it's capped at four stories, 50 feet for any residential. And I didn't find that cap. Did you have that inserted into the PUD?

MR. YOVANOVICH: I think we need to clarify it. We thought the 50-foot cap applied.

CHAIRMAN STRAIN: Well, I think it does, but I think you've also volunteered --

MR. YOVANOVICH: We did.

CHAIRMAN STRAIN: -- that it be no higher -- no greater than four stories within that -- but no higher than 50 feet.

MR. YOVANOVICH: Correct. We can add that to -- I think it's Page 6-2 under the height for the C3 piece.

CHAIRMAN STRAIN: Okay. I'm going through any other questions you have that haven't been answered. Just give me here a quick second.

That's it. That's all I've got at this time.

Anybody else on the Planning Commission have any questions?

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Regarding the 175 units option -- excuse me -- 175 units option, is that an option that you want for either parcel or for both parcels? How are you addressing that?

MR. YOVANOVICH: The number only applies -- the amount of residential only applies to the southern parcel. The northern parcel, we just want the ability to put residential. We didn't cap the number of units on that parcel.

COMMISSIONER ROMAN: Thank you.

COMMISSIONER EBERT: So with -- what you're saying is the parcel to the south where there is

already a bank and something else there and you plan on putting a Hobby Lobby, you would also put residents there?

MR. YOVANOVICH: There's the option to do that. There's -- and you talk about -- remember, Hobby Lobby is not a done deal yet.

COMMISSIONER EBERT: I know.

MR. YOVANOVICH: So we want to keep those options in the mix. As the site develops, obviously some of those options drop off the table.

COMMISSIONER EBERT: Okay. I do have another question for you. I know this is a very old DRI/PUD, and I also know that Stock bought this later on. But your single-family and multifamily I'm having a problem with because it's upside-down. You were allowed many, many more multifamily, which is not being used, and you're -- he's doing more single-family, which is fine.

But going back and reading the old PUD, the 92 point -- 92.5, in there it says that you shall not have more than 20 percent over the amount of 1,850, I believe, and you are already at 2,060. So you really only have 160 single-family homes to be built.

I also noticed in reading the old PUD that -- which you added in the new PUD, Exhibit B, you added the last sentence, and it says, the project may exceed the variation of 20 percent of the unit types, and you would be willing to give up 1.667 units. That is not in the old PUD. That's a new sentence you added there.

MR. YOVANOVICH: No. In 2007, Ordinance No. 72 amended the original PUD in which we added the C2 use where we were allowed to do the 175 residential.

Here's what we added regarding that very specific issue in 2007. You will see that we also recognize that there was a change in the development plan.

That's got to go down.

We specifically got into that section in 2007, so that, in fact, is --

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: The sentence you read was previously added.

COMMISSIONER EBERT: Okay. I did not see that ordinance in here. There was a lot of paperwork, but I did not see that ordinance, but it was going back and forth when you're referring to these different sections.

CHAIRMAN STRAIN: You know, Diane, that brings up a good point. Some of these PUDs have been around for decades, and we keep amending specific sections. So we have a new document of anywhere from a few pages to multiple pages amending a previous document that was 75 or 80 pages or whatever it was, and we keep doing that.

So in order to read the original document and know what it changed, you have to read nine or 10 renditions of the amendments as they go through.

Why can't we, when developers come in to make amendments to these projects, bring forward all of the changes to the most current project status so we can see it in its comprehensive view instead of having to read, like Diane has discovered, 10 versions of the same project as it changed over the years?

Lely is a good example. There are plenty of other ones out there. I mean, we know what happened to Pelican Bay. But a lot of stuff can get missed because we only get the bits and pieces they want to change. We can't see how it fits in, and you can't go to the original document because it's been changed by a whole slough of other documents in between. And Diane just ran into that prime example.

Is there a reason we can't insist on bringing these forward complete when they are happening?

MR. BELLOWS: Yeah. For the record, Ray Bellows.

We do have several types of amendment processes. The reason we have this minor amendment process is because staff would not have to review the entire document over again. If they go through and basically provide a brand new PUD document, we're going to have to check every single page. That triggers the more expensive, longer time frame for amending a PUD.

CHAIRMAN STRAIN: So you didn't -- so you're saying staff didn't review the whole document in relationship to this addition?

MR. BELLOWS: If the amendment is minor and they're doing a strikethrough and underline of just certain pages of the PUD, we're only reviewing those pages.

CHAIRMAN STRAIN: I'm really --

MR. BELLOWS: That's why it qualifies as the less-time-consuming process. We don't charge as much.

CHAIRMAN STRAIN: Okay. So the review that this board does becomes sidetracked to expedite the changes wanted on some of these projects.

MR. BELLOWS: To accommodate minor changes, especially when the project is owned by multiple ownership interests not controlled by the applicant.

CHAIRMAN STRAIN: And I'm not asking them to make any changes beyond what they want to make. I'm just saying, show us the whole document at some point so that we've got the whole thing to reflect against when they make changes. And I'm --

MR. BELLOWS: Yeah. And, like I said, we've tried it before, and they -- it ends up, they inadvertently make changes elsewhere as the things go back and forth. And that's why our staff has to review every single page even if they're just really modifying one or two pages.

CHAIRMAN STRAIN: Well, I'll --

MR. BELLOWS: We can do it. We're just charging more money then.

CHAIRMAN STRAIN: No, I just -- I'll have to think about it myself, and we'll see where it goes, but --

COMMISSIONER ROMAN: Yeah. There might be an opportunity to do something in between where the staff hits the high points of those changes over the years if you know that or have captured that so at least it comes to our attention at the same time that the minor changes are being made. I don't know if that's doable or not.

MR. BELLOWS: We can look into it a little bit more. The concern is if the applicant is submitting a brand new recodified of all the previous amendments, that is a full review just like a brand new PUD rezoning action, and we have to check every single page to make sure they're not inadvertently changing anything. That's when we charge the full fee for that.

CHAIRMAN STRAIN: No, I understand your problem, Ray. I just --

COMMISSIONER EBERT: There's just a lot of going back and forth.

CHAIRMAN STRAIN: It makes it -- we're prone to make more mistakes the way it's set up right now, and that's -- and it's done for expediency. I'm not sure that's the right reason, but we'll have to see what we do with it.

MR. BELLOWS: Yeah. And we discuss this over the years with staff, and one of the options we had considered was only allowing a certain number of these strikethrough and underlines and at some point, the next amendment comes in has to be a full review, and we would charge them the full. So we'd end up not having 10 minor changes, that after, let's say, the second or third, any future amendments, you're going to have to come in and recodify it, so to speak, into a brand new single ordinance.

CHAIRMAN STRAIN: And I also think for -- in the interim while we -- if we have to think more about this, but right now when you have a PUD that has as many changes as this one has and they do reflect on questions that we may ask, if it's reasonable to put them into the document that you give us -- I get mine electronically, so it doesn't cost anything for me to get it, but the rest of you get it all hard copy. So the Lely PUD is so huge, and some of the changes have been -- have been big. You could be -- you could be killing a lot of trees.

So maybe what we ought to do in some cases like that where you normally wouldn't include all those additional changes, at least electronically send them through the email accounts so if they want to review them, they're there --

COMMISSIONER ROMAN: As background.

CHAIRMAN STRAIN: -- and they haven't got to search them. There's almost -- yeah, there's almost no way that someone off campus can get easy access to all these ordinances without a lot of research.

MR. BELLOWS: No, I appreciate that. We -- staff has the same issue. We were looking through a lot of different documents, and we're trying to make sure we capture everything that's in there. And that's where I think we were really seriously contemplating a maximum amount of minor amendments that could be done of strikethrough and underline.

COMMISSIONER EBERT: And that's good.

MR. BELLOWS: And then whoever amends it the fourth time, let's say, then they're automatically forced into amending the entire PUD, and then staff would take the time to review it and make sure they're not inadvertently changing it elsewhere.

CHAIRMAN STRAIN: Okay. Well, we may have --

COMMISSIONER CHRZANOWSKI: I have a question.

CHAIRMAN STRAIN: -- more discussions.

Go ahead, Stan.

COMMISSIONER CHRZANOWSKI: When I worked at the county, you had all 330 then -- I don't know how many now -- PUDs. All the PUD documents were in one file, and I could access any one I wanted at any time. Is it possible that we could get access to that folder?

MR. BELLOWS: It's in our "I" drive, I believe.

MR. SAWYER: CTS.

MR. BELLOWS: Yeah. You should be able to.

COMMISSIONER CHRZANOWSKI: Should be able to?

MR. BELLOWS: We'll verify that. I'm not an IT expert.

COMMISSIONER CHRZANOWSKI: Yeah. Because we all have county accounts.

CHAIRMAN STRAIN: I think you could get -- once you get on the Internet, then you're there. You've just got to get a Cisco secure connection to get on the Internet. That's how we used to do it. So someone probably just needs to sit with you and show you how to tie in.

COMMISSIONER CHRZANOWSKI: Well, I just need to know if I can do it from my house. Can I get into your "I" drive from my house?

MR. BELLOWS: For the record, again, Ray Bellows.

I believe it is -- CTS is the process that incorporates all the PUD amendments and all the other related documents that have been scanned. I believe that's on the web page that can be accessed. It's under CTS.

COMMISSIONER CHRZANOWSKI: And if it's not, you could put it on a website that can be accessed so that anybody could access all the PUD documents.

MR. BELLOWS: I can check now, as a matter of fact.

MR. YOVANOVICH: While you're on that topic, just for convenience for the rest of us who don't have the ability to go intranet, is there a reason why this can't be on the county's website so we can also --

CHAIRMAN STRAIN: That's what they're talking about. You're too far from the mike. You're not picking up. I understand your question. You want -- wonder why everybody can't access it. That's what Ray's going to look at.

MR. YOVANOVICH: I think he was talking about everybody in the universe of Planning Commission, not everybody in the universe of the general public.

CHAIRMAN STRAIN: No, but you're an attorney. We generally don't want you to access too much.

COMMISSIONER CHRZANOWSKI: My point was, if I can access it from my house, I'm pretty sure anybody can access it from their house.

CHAIRMAN STRAIN: Well, honestly, that may not be true because you -- because you have an email account with the county, you might have a different door than --

COMMISSIONER EBERT: That's right. We do.

CHAIRMAN STRAIN: -- some of the others, at least that's the way it was set up.

COMMISSIONER CHRZANOWSKI: Okay.

CHAIRMAN STRAIN: But anyway, we'll let Ray check into it, and we'll get back to the Planning Commission on it, Ray, at some point in the future.

COMMISSIONER EBERT: I have a question, quick question for you. Where is the Arlington within Lely?

MR. YOVANOVICH: Off of Lely Cultural Boulevard. I always get mixed up on the east/west roads.

COMMISSIONER ROMAN: Right there by the -- to the east there.

MR. YOVANOVICH: Right in the area here (indicating).

COMMISSIONER ROMAN: Right closer to Collier, isn't it?

MR. YOVANOVICH: Yep.

COMMISSIONER EBERT: Okay. And are those units that are going in there, that is also going against your count?

MR. YOVANOVICH: It has already -- yes, it goes against our count.

COMMISSIONER EBERT: Okay. It's a good thing you aren't doing a TDR in here, isn't it, Rich?

MR. YOVANOVICH: Not doing a TDR?

COMMISSIONER EBERT: Well, I said, it's a good thing that you are not because the county would -- I mean, you're taking quite a few units out.

CHAIRMAN STRAIN: Let's go now to that transportation question that we have. I'd like to get that resolved.

Mike, I mean, it's in your recommendations as one. I doubt if you wrote it. So do you know the responsible party, or is he no longer with the county and over working for a private sector?

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

We do have transportation staff here, and I believe that they have been communicating with the applicant trying to come up with a potential solution.

CHAIRMAN STRAIN: And has it been reviewed by the County Attorney's Office, too, I hope?

MS. ASHTON-CICKO: No.

CHAIRMAN STRAIN: Oh, boy. Okay. Trinity?

MS. SCOTT: For the record, Trinity Scott, Transportation Planning Manager.

I had some prior discussion this morning with the applicant, and it's apparent that we're not coming to an agreement. So what I have suggested to the applicant is that we get together this week, including the County Attorney's Office, and hash out some language that hopefully we can all come back at the next Planning Commission and agree to.

CHAIRMAN STRAIN: Can you tell us the gist of -- and show us on the map the issues that surround this controversy?

MS. SCOTT: Can you hear me?

COMMISSIONER EBERT: No, it's not working.

CHAIRMAN STRAIN: Well, it was working a little while ago.

Mike, the other map that's there might show that area clearer, the map with the red circle on it, but it's up to you guys.

MS. SCOTT: Okay. Can you guys hear me?

CHAIRMAN STRAIN: Yeah.

MS. SCOTT: Okay. This section -- the area in question is Triangle Boulevard from the U.S. 41 limits all the way over to 951. And the need to look at this from a comprehensive standpoint of all of the commercial development that's proposed and come up with some sort of phasing plan for those improvements -- so as those developments come online, that we can address these issues, not that one particular developer would pay more. They would all pay their fair share towards those improvements, but that we would address Triangle Boulevard as a comprehensive area.

CHAIRMAN STRAIN: I'm lost a little bit. You said not one particular developer. Isn't Triangle Boulevard all within the Lely PUD?

MS. SCOTT: Yes. Well -- and I shouldn't say developer. One particular SDP wouldn't pay more than their overall fair share of the improvements. So what we're asking them is to get together -- because you're right, it's all within one PUD -- do a traffic analysis of Triangle Boulevard, identify those improvements so that way, as those developments come online, those improvements are phased in appropriately.

CHAIRMAN STRAIN: Isn't Lely a vested DRI/PUD?

MS. SCOTT: It is vested, yes.

CHAIRMAN STRAIN: And how can we hold them up?

MS. SCOTT: Local roadway --

CHAIRMAN STRAIN: Let me finish my question before you interrupt.

MS. SCOTT: Sorry.

CHAIRMAN STRAIN: How can we hold them up on a vested PUD for a traffic condition that would have been applied or looked at when they did their DRI/PUD? I'm just curious.

MS. SCOTT: The direction that I have received is to have this in there as a stipulation and that we would address these items as the SDPs are coming in. So the first SDP coming in would be doing the traffic analysis.

CHAIRMAN STRAIN: Do you have any language in any of the ordinances that gave you that direction?

MS. SCOTT: The prior --

CHAIRMAN STRAIN: No. The direction that we will look at Triangle Boulevard under the way that you're now looking at it, and we will recognize that as a part and parcel to their zoning if they're a vested DRI/PUD.

MS. SCOTT: To my knowledge it is not in the prior PUD language, no.

CHAIRMAN STRAIN: Okay. So then I have to turn to the County Attorney's Office and ask them, how do we -- how are we doing this and find it consistent with our ordinances in regards to this being a vested project?

MS. ASHTON-CICKO: I'm not sure what they're talking about because I don't know what improvements to Triangle Boulevard they're even contemplating.

CHAIRMAN STRAIN: Well, I'm a little concerned about acknowledging your issue without finding a rational nexus to the project that's been vested, and it's a DRI, and it's been sitting there since 1982.

And now a developer -- I mean, what we'd have to do on this board is make sure we're consistent with our ordinances and our interpretations are fair and consistent pursuant to the ordinances.

Can you show me anything that provides that latitude to look at this particular project in the way you're looking at it?

MS. SCOTT: At this point in time I personally cannot, and that is why I would like to get with the applicant, like I said, over the next couple days. By the time it comes back, I'm hoping that we can hash out these issues with all the parties involved.

CHAIRMAN STRAIN: Okay. But I think that part of hashing out the issues is making sure you address the issues from a position that allows you to --

MS. SCOTT: Absolutely.

CHAIRMAN STRAIN: -- not just because we decide we want to make an exaction that isn't consistent with what's in place.

MS. SCOTT: I agree with that assessment, and we'll make sure that we include the county attorney in any meetings.

COMMISSIONER EBERT: I have a question.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: When was this vested? 1982, '85 is when it originally came up with the DRI?

MS. SCOTT: I honestly don't know off the top of my head, but I know it's been vested for quite some time, and I can make sure that we get that date for you.

CHAIRMAN STRAIN: I mean, I know that project pretty well, and it's been there since the '80s, just like many others, and they have vesting status in the county, so...

MS. SCOTT: It's been vested for quite some time, but I will get the date.

COMMISSIONER EBERT: Okay. Because most of what I'm seeing in this is traffic, traffic, and traffic. It might be vested, but I also notice -- which I had not seen before and -- until the last thing when you're taking so many properties off from here and giving them to San Marino. You can --

MR. YOVANOVICH: We didn't give anything to San Marino. We didn't give anything to San Marino. We did a Comp Plan amendment for San Marino. We were buying additional units for San Marino. Someone raised the concern about increasing density on 951, and staff said to us, well, since the developer of



San Marino is also the developer of Lely, would the developer of Lely be willing to give up 204 units? So there would be a reduction -- an equal reduction on 951. So we didn't give anything over there, trust me. We bought those TDRs.

COMMISSIONER EBERT: No, no, that's not what I'm -- but normally because it's the same developer, what you're trying to do is saying, you're already vested for 951, so forget the 300 units you're putting over here; is that what you're --

MR. YOVANOVICH: It was 102 units. We were only increasing --

COMMISSIONER EBERT: Hundred and two units difference. But you're giving up two hundred and --

MR. YOVANOVICH: Four; two to one.

COMMISSIONER EBERT: Two to one.

MR. YOVANOVICH: Pretty nice deal for the county.

COMMISSIONER EBERT: Well, I just -- I had not seen that before, and I understand with the Wentworth project now, that originally it was the same developer. So he gave them a thousand units, which is Treviso Bay now, I believe.

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: One of my problems is, in fact, yesterday's paper -- and I do not know this person. He said -- and it has nothing probably to do with this particular developer, but he's saying the traffic hazard -- there's -- poor engineering's created several potential heavy traffic hazards at the intersection of Collier Boulevard and U.S. 41.

The single and short U.S. 41 turn lane to the northbound Collier Boulevard may back traffic up into the eastbound U.S. 41 lanes, and the single extremely short westbound merge lane off from southbound Collier combined with the abrupt right turn arrows and access to Burger King and so on may create sudden stops and collisions. And it says, design revisions are necessary.

I understand, but it was just interesting that this was in yesterday's paper. That's how I told you the new restaurant was coming, too, Rich.

CHAIRMAN STRAIN: See, we need to work with factual and relevant testimony. Letters to the editor don't rise to that level.

COMMISSIONER EBERT: But everybody else that lives in Lely or around here -- we're having problems with --

CHAIRMAN STRAIN: You don't live -- by the way, "we." You mean Lely's people? This project is internal to Lely, not at that intersection, Diane. I'm not sure what all the relevance is to the whole triad you just read to us.

COMMISSIONER EBERT: Well, it's the same -- you have to understand --

CHAIRMAN STRAIN: U.S. 41 and 951 have been under construction for a year or so. They're not going to be complete on the north/south link until the fall of this year and on the east/west link until the end of 2016. No matter what's written to the newspaper about it, it's an issue involving -- the traffic repairs on that road have nothing to do with the application in front of us here today.

COMMISSIONER EBERT: I know, but it is the state -- it's creating -- well, he wants an entrance on Rattlesnake Hammock.

CHAIRMAN STRAIN: Look how many miles it is from the area you're talking about.

COMMISSIONER EBERT: Wait a minute, Mark. I'm just talking traffic in that area. As far as Rattlesnake Hammock, I mean, we just did Hibiscus, and John Podczerwinsky held up a white flag. We're over on traffic on --

CHAIRMAN STRAIN: On a four-lane section at 41, not a six-lane section near Collier Boulevard. It's completely different ends of the spectrum.

COMMISSIONER EBERT: That's fine. But it's just traffic on these roadways there.

CHAIRMAN STRAIN: Well, there's traffic all over Collier County. I mean, we can't -- you've got to stay to the subject at hand, and that's -- you're --

COMMISSIONER EBERT: Okay. Then we'll go to the C3 parcel up on Rattlesnake Hammock for traffic.

CHAIRMAN STRAIN: We're going to take a break for 15 minutes and come back at 10:45. While we're on break, would you confer with your applicant on those issues that came up on the NIM meeting.

We'll resume at 10:45.

MR. YOVANOVICH: Regarding the hours of operation, et cetera?

CHAIRMAN STRAIN: All -- the wall, the hours of operation, the loading docks and stuff like that. (A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody, if you'll please take your seats, we'll resume the meeting. We had left off with a discussion concerning Recommendation 1 by staff, and it's a traffic issue.

Diane, after going through everything, do you have any more comments on that issue?

COMMISSIONER EBERT: No. I understand they're vested. It's just that everything that the people in Lely were asking has to do with traffic. And I know the road situations, too, so...

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: The county's hands are tied for vested, so...

CHAIRMAN STRAIN: Mike, do you have any staff report?

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

Above and beyond the recommendations, we are also proposing a stipulation on Deviation 1 and also on Deviation 4. We can go through those if you wish.

CHAIRMAN STRAIN: And that's a good point. I meant when we -- before we got sidetracked on the first one, I was going to ask the applicant if they had any objections to Staff Recommendations 2 and 3.

Richard, would you mind addressing that?

MR. YOVANOVICH: We do not.

CHAIRMAN STRAIN: Okay. Thank you.

MR. YOVANOVICH: Do you want me to address the wall issue now or --

CHAIRMAN STRAIN: No. Let's finish with the staff report. We'll come back after I hear -- thank you.

MR. SAWYER: Chairman, if I could --

CHAIRMAN STRAIN: Yes, sir.

MR. SAWYER: That second recommendation for Deviation 1, I basically copied that portion out of Avalon, and as a suggestion, trying to get some consistency with these deviations until the sign code is rewritten, it would be helpful to both, you know, our staff as well as the staff that actually implements the permits for these type of temporary signs to have a little bit of consistency.

So if this is acceptable, if we could possibly start using this as kind of a -- I hate saying boilerplate -- when we get this type of deviation.

CHAIRMAN STRAIN: That's fine. I mean, we look at everything on a case-by-case basis. But I'm sure if you insert it into the future ones and explain to us it's consistent with the previous, we may not have a concern. But if there's a nuance to whatever project it's going on or there's concerns from the public that are more warranted than other issues, we may consider it differently.

MR. SAWYER: We're always into nuances, sir.

CHAIRMAN STRAIN: Okay. That's fine, Mike. Thank you. Did you have anything else you wanted to add to your staff report?

MR. SAWYER: Not at this time. We're ready for answers -- or questions of the --

CHAIRMAN STRAIN: Well, we're going to go back to the applicant in a minute, but I want to make sure that the Board has -- if they have any questions of you for staff. Does anybody have any questions of staff?

COMMISSIONER ROMAN: I have one question --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER ROMAN: -- regarding the northern parcel where the applicant is asking for either commercial or multifamily. Does that impact Rattlesnake Hammock Road in a negative way for one versus the other, or both of them work out fine?

MR. SAWYER: We can certainly have transportation staff come up and answer that as well. But, again, the PUD and DRI itself, all of the trips have already been vested; in other words, they're already out on

the system and accounted for.

COMMISSIONER ROMAN: For either type of development at that northern parcel?

MR. SAWYER: Correct.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Trinity, would you come up and address that? I think part of the question was, does the right-in/right-out add any more problems to the traffic situation? Does it help it? Hinder it? Does it do anything?

MS. SCOTT: We don't feel that it hurts the situation on Rattlesnake Hammock and, depending upon what comes forward -- because right now you're looking at commercial as what's allowable, and we're looking at potential multifamily.

Not knowing exactly what will be developed on the site, it has the potential to be actually a net reduction in trips. We won't know until the actual site development plans come in. But Mike is correct that the development is vested, so --

CHAIRMAN STRAIN: I hate to ask you a follow-up question, but you said something I'm not understanding. This is -- if they were to take the maximum allowed commercial and residential to be built on that site -- because assume the worst-case scenario because they have a right to that scenario -- then would this entrance be a help or a hindrance to accessibility or the other entrance? Wouldn't it reduce, possibly, the trips utilized by the other entrance, which is -- I don't even know the name of it now.

MS. SCOTT: It would distribute the people accessing the site over multiple entrances, so it could reduce other areas, yes.

CHAIRMAN STRAIN: Is that a good or a bad thing from a transportation perspective?

MS. SCOTT: When you're looking at this level of development, it's not necessarily bad.

CHAIRMAN STRAIN: Okay. Thank you, Trinity.

Anybody else have any questions of staff or anybody?

(No response.)

CHAIRMAN STRAIN: Richard, we need to talk about the issues that you had hopefully discussed with your client on the break.

The first one was we're talking about the Parcel C2 off of Triangle Boulevard and 41 where you want an increase in size of one building on that parcel. And the minutes from the NIM reflected that you would address a wall, a loading dock location, hours, and music for that change.

So what have you got -- what have you worked out?

MR. YOVANOVICH: Well, we think what will address all of those issues is to construct the typical 6-foot-high wall with landscaping on the outside of that wall along the length of whatever that building is. And we -- and I know you probably can't see it on the aerial, but we attempted to draw the wall going to approximately from here to here because we do have room for a restaurant to go in this area right here, and we would like to have the restaurant have the view of the water.

So -- and we already have the noise-related issues addressed in the PUD already for our restaurant. So we don't want to build a wall that wraps the entirety of the property, just enough to cover up what would be the back, side, and loading area of the user.

So we would propose -- it's the typical 6-foot-high wall with landscaping on the -- I will call it the residential side of the wall, which is already a code requirement.

CHAIRMAN STRAIN: The hours of operation and music standards will be the same as for the restaurant?

MR. YOVANOVICH: I didn't say that.

CHAIRMAN STRAIN: Well, I know you didn't say it. I'm trying to find out what you're going to say.

MR. YOVANOVICH: Well, what we think is, first of all, there's no music related to Hobby Lobby, so --

CHAIRMAN STRAIN: So then you're not going to have any music.

MR. YOVANOVICH: For Hobby Lobby, I don't think --

CHAIRMAN STRAIN: No. For any of the commercial in the nature in which you're asking the

change for, the larger size, big boxes, you're not --

MR. YOVANOVICH: For a big box, we won't have any music outside. How about that?

CHAIRMAN STRAIN: What about the hours of operation?

MR. YOVANOVICH: We didn't plan on making any changes to that, because retail hours are retail hours. I mean, I don't know --

CHAIRMAN STRAIN: I wouldn't have asked, but you guys volunteered it, so now I'm trying to understand what you're getting at.

MR. YOVANOVICH: And I'm saying we're going to address it through -- the concern came up about noise, okay, and we think putting the wall there we're addressing what the concern was, which was noise, okay. So I -- I think the wall addresses all of those topics.

CHAIRMAN STRAIN: You know, you've been doing this for a long time. I'm surprised that you said some of these things at a NIM.

MR. YOVANOVICH: Mr. Strain, my team said them. I'll say that.

CHAIRMAN STRAIN: It wasn't you?

MR. YOVANOVICH: No, sir.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: But that's okay.

CHAIRMAN STRAIN: Okay. I've written that down. We'll see where it goes before the day's over. Do you have anything else that you wanted to -- I think that was the -- I think that's the last issue we had outstanding.

The four-story, 50-foot issue, you're going to make that change. And the county attorney had pointed out a couple locations where the height issue occurs.

MR. YOVANOVICH: Just so we're on the same page, that's for this parcel right here.

COMMISSIONER ROMAN: We can't see that.

MR. YOVANOVICH: I know. For that parcel is the 50-foot height.

CHAIRMAN STRAIN: That's the one you're adding the residential. The other one already has residential, yes.

MR. YOVANOVICH: I also want to make sure, by putting the wall up and preventing interconnection of the two projects, I'm not running afoul of previous comments we've heard from Comprehensive Planning about interconnectivity for pedestrians and things like that. So I just want to make sure we're okay.

CHAIRMAN STRAIN: And what interconnection do you think would be warranted on this parcel --

MR. YOVANOVICH: I never --

CHAIRMAN STRAIN: -- that would be in conflict with the wall?

MR. YOVANOVICH: I think -- I've never argued for interconnectivity. It's always been from the other side. I just want to make sure that I'm not creating a problem by agreeing to that.

CHAIRMAN STRAIN: Okay. With that, we will move -- go ahead, Diane.

COMMISSIONER EBERT: Rich, I have a couple questions on deviations that you asked for. All seven happen to be signs. It's like it's taking the sign code and throwing it out the window. But some of them -- we've been doing a lot of these.

But No. 6 where you're asking to go down from 1,000 feet to only 400 feet for the sign -- and, of course, wouldn't you know, this is Triangle Boulevard. We will be bringing up this sign code a little later. It's too bad this didn't come.

MR. YOVANOVICH: It's not just me.

COMMISSIONER HOMIAK: It's almost there.

COMMISSIONER ROMAN: You've had it everywhere but.

CHAIRMAN STRAIN: Well, now that we're all dizzy.

COMMISSIONER ROMAN: There you go.

MS. CRESPO: This mike doesn't work. For the record, Alexis Crespo with Waldrop Engineering.

CHAIRMAN STRAIN: That's not working.

COMMISSIONER EBERT: That's not working.

COMMISSIONER ROMAN: It's working. She's just got to talk into it.

MS. CRESPO: Hello. Can you hear me? Is that working? Oh, great.

CHAIRMAN STRAIN: Not, it's not, I don't believe.

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Oh, she hears it. She's more important than we are, so...

MS. CRESPO: For the record, Alexis Crespo with Waldrop Engineering representing the applicant.

This deviation was requested based upon existing signage for the other commercial outparcels within the general C3 and C2 area and C1 area, actually, in the Freedom Square Plaza. We did not meet the thousand-foot separation for existing signage along U.S. 41 in order to accommodate the future tenants of the C2 parcel. Subject to the amendment request we are seeking that deviation.

And I understand Diana with signs did review and approve the request as presented.

COMMISSIONER ROMAN: Were you showing us something on this map?

MS. CRESPO: Just generally show signage approximately where my hand is here, which did not -- which prevented --

CHAIRMAN STRAIN: You're not -- unfortunately, without a mike, it can't be -- we can't get our recording to pick it up.

COMMISSIONER ROMAN: I think that one is working.

MS. CRESPO: Can you hear me now? Yes.

COMMISSIONER ROMAN: Talk loud, if you will, please.

MS. CRESPO: There are existing signage for the McDonald's and the other outparcels along U.S. 41 as well as Outback. In order to accommodate the future tenants at this location, we would need to have that separation relief to accommodate their signage.

COMMISSIONER ROMAN: Out on 41?

COMMISSIONER EBERT: Out on 41.

MS. CRESPO: Correct, and Triangle Boulevard, I believe, is how it's written.

The second sign would be located on Triangle Boulevard, and we would accommodate a minimum of 400 feet spacing to avoid a situation of signage proliferation.

COMMISSIONER EBERT: Okay.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Do you have any others?

COMMISSIONER ROMAN: I have a question for Rich.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: On this drawing that you have here -- and I drive by there all the time, and I just can't put my head around it seeing it here with that big square where the future tenant may be located. It seems to be some distance off Triangle Boulevard. Is there -- is there a reason for that?

MR. YOVANOVICH: There's parking that will be in front and to the sides of the building creating that distance.

COMMISSIONER ROMAN: And then the loading dock was going to be oriented where, towards the Triangle; is that what --

MR. YOVANOVICH: Towards the lake, right? It would be behind the building towards the lake, and that's why the wall would go up there. The wall would go there to block landscaping.

COMMISSIONER ROMAN: But noise travels a long way over water.

MR. YOVANOVICH: And that's why the wall would make sense to be up close to where the activity is occurring to make sure it doesn't go over the wall and keep going.

COMMISSIONER ROMAN: Maybe there's a consideration for limiting the hours of deliveries or putting those deliveries at a certain point in time. That's the only thing.

CHAIRMAN STRAIN: Well, then I think that part of what's going to come out of this meeting today is we'll probably look for a continuance to the next meeting, but in the meantime --

COMMISSIONER EBERT: Good idea.

CHAIRMAN STRAIN: I'll wait for the applicant to pay attention. In the meantime, the applicant can come back with a -- some kind of site plan that gives it a little more -- not one that we necessarily are

suggesting as an SDP level. But you take Parcel 2, give us some idea of what these things are you're suggesting to mitigate the issues that we're concerned with. It might help us understand it better. So that may help --

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: -- resolve some of the concerns you have.

Okay. With that, I would like to talk -- to see if members of the public would like to speak, unless somebody from the Planning Commission has any other questions of staff or the applicant.

Okay. Ray, we'll start with registered public speaks. Do we have any?

MR. BELLOWS: No one has registered.

CHAIRMAN STRAIN: Okay. Then I'll ask for members of the public who wish to speak, please raise your hand, and we'll start with the ladies first. Use either mike, and you'll have to identify yourself for the record, and then we'd sure like to hear what you have to say.

MS. REITZES: Good morning. My name is Linda Reitzes. I live in Moorgate Pointe. Can we move that map to the --

CHAIRMAN STRAIN: Well, that map with the red circles on it may have the location of her --

MS. REITSIS: The aerial view is by the C3 parcel, the north parcel.

CHAIRMAN STRAIN: Okay. That will work.

MS. REITSIS: Aerial view, please.

CHAIRMAN STRAIN: Back to the aerial.

MS. REITSIS: Okay. First off, our question was, I've heard that they're planning on possibly building a four-story building at -- on that parcel?

CHAIRMAN STRAIN: They currently have the right to build 50 feet. Usually you can put five stories in 50 feet. They said they were limiting it to four stories but not to exceed 50 feet.

MS. REITSIS: One concern is the proximity to Wing South, the landing strip. Isn't that relatively close at a hundred feet across the street?

CHAIRMAN STRAIN: Well, that was -- that's a vested -- that's an issue they've had all along. That's been on -- it's nothing new to that location. They have 50 feet whether they -- they're asking for another use to be added, and the question in relationship to the use was, well, how high is that use potentially going to go? It's going to go the same as the others, but instead of potentially more stories than 50 feet, they'll limit it to four.

MS. REITSIS: Okay. My other question is -- let's see.

CHAIRMAN STRAIN: Unfortunately, our microphone -- see if that microphone behind you -- if you want to talk from away from the other mike, we have to keep you on mike.

MS. REITSIS: Okay. I'm in Moorgate Pointe. This is the commercial parcel that's going to be built upon.

CHAIRMAN STRAIN: Yes, ma'am.

MS. REITSIS: And this is Moorgate Pointe.

CHAIRMAN STRAIN: Okay.

MS. REITSIS: The entrance to Lakoya is right here. When we were -- we purchased in 2009. It was never disclosed to us. Initially there was a construction entrance to Lakoya directly behind our unit.

We had come to the county, and Collier County put in -- they had Stock move their construction entrance out to Rattlesnake Hammock and alleviated a lot of the problems, and they also -- the county changed the median to accommodate a turn into the construction entrance.

We're back now to another construction entrance going into Lakoya again right behind our homes. The trucks come in and out daily and go onto that parcel dumping dirt, sifting the dirt, and coming and going.

I don't know if they're allowed to do that, because that construction entrance was purposely moved to Rattlesnake Hammock to alleviate all the trouble for the residents around there.

Also, we're concerned about the noise factor with the entrance coming into Lakoya and then making the right into that parcel. Wouldn't it make more sense to have an entrance from Grand Lely directly onto that instead of impeding on the residents coming into their community?

CHAIRMAN STRAIN: Okay. Well, we'll be asking those questions before the meeting's over, so

thank you.

Okay. The next public speaker. Sir, if you'd like to come up and identify yourself for the record.

MR. EIDISON: My name's Scott Eidison (phonetic). I'm a homeowner in Lakoya and a Florida resident. Currently serve as president of the Lakoya 1 Neighborhood Subassociation.

Appreciate the opportunity to address the council today. I'm not an attorney, nor am I conversant with the code ordinances, but I do have a few questions. And I'd like to begin by saying that we moved here in 2013, but we've been coming by the horses for the last 20 years and really love Lely and the Lakoya community.

I did want to say that I was disappointed that a notice of this meeting that was promised to all of the Lakoya residents at the last Lakoya neighborhood board meeting was never received. I got this actually through our management company but would appreciate it if those promises could be kept, because I think it's important to all of us that live there to have opportunity to hear and speak.

I'd like to address my questions to the north parcel. As stated in the agenda, I have a question about what C3 parcel will be moved to the east of Grand Lely Drive. I don't see that there's space there.

CHAIRMAN STRAIN: Well, they're not creating a new parcel. It's the existing one that's on the top of this map in that area.

MR. EIDISON: That's to the west of Grand Lely Drive.

CHAIRMAN STRAIN: Yep, it sure is. Do you know of anyone -- there's no other parcel being proposed for C3, is there?

MS. ASHTON-CICKO: Mr. Chair, the road was rerouted.

MR. EIDISON: It says, amending Exhibit H to the PUD master plan to move a C3 parcel to the east of Grand -- of Lely Grand Drive and adjust acreages to decrease residential uses and increase commercial uses by plus-or-minus six acres.

CHAIRMAN STRAIN: Mike, do you want to -- where are you reading that from, sir?

MS. ASHTON-CICKO: Actually, that language came from me in the ordinance.

MR. EIDISON: From your agenda.

CHAIRMAN STRAIN: Hold on just a minute.

MS. ASHTON-CICKO: That came from me in the ordinance, and what they did is they changed the master plan to reflect how this thing got built. So the prior master plan had the C3 on the other side of the road, and they just moved it there. Well, actually, the road kind of curved, and the road ended up going straight instead, so that's what they did. Do you understand what I'm saying?

CHAIRMAN STRAIN: What you're saying is the road -- Grand Lely, where it hits and intersects Radio -- Rattlesnake Hommock used to be on the west side of the C3 parcel, but when it got built, which was years ago, it ended up being on the east side of the C3 parcel, so the C3 parcel is now on the west side of Grand --

MR. EIDISON: Right.

CHAIRMAN STRAIN: I mean, I know it's confusing --

MR. EIDISON: It is.

CHAIRMAN STRAIN: -- but that's -- so they're not adding another parcel. It's the existing parcel.

MR. EIDISON: I thought maybe they're going to move the commercial strip on the other side.

CHAIRMAN STRAIN: No, they're not doing anything like that.

MR. EIDISON: It would be helpful to know what's going to be built on that site if the variance is approved, and that's been subject to "we don't know" and "that will depend," but those of us that live there and paid a lot of money to live in a community where we thought that was going to be a small commercial strip are now envisioning a very large apartment building with all of the issues that that may bring, particularly for those that live -- I live at the other end of Lakoya, so I'm not as impacted, but I know there are a lot of people that are concerned about the impact on the property values, on traffic, on security.

And I -- that makes me -- takes me to my next question is the proposed wall still would allow access to Lakoya by foot around that lake property. And the question is, how is that security issue going to be mitigated if the wall stops at the lake rather than going all the way along to Rattlesnake?

The last question is similar to the prior speaker, access into that parcel now is through the main

entrance into Lakoya. And Lakoya residents, once the property's fully turned over by the developer, the maintenance of that road will be our responsibility, and yet it will be used by others that don't have any responsibility for its maintenance or use, and I would also suggest that access onto Grand Lely rather than through the Lakoya entrance would be more appropriate.

CHAIRMAN STRAIN: Okay. We'll ask your questions and see what kind of answers we get, sir.

MR. EIDISON: Thank you.

CHAIRMAN STRAIN: Thank you very much. Just -- by the way, you do know they're only -- they're adding -- you said something about what you-all expected when you moved in Lakoya. None of that's changed except they want to add residential as a use, so that's the only piece that's changing.

MR. EIDISON: Right.

CHAIRMAN STRAIN: Okay. So with that, is there -- any other members of the public like to speak on the Lely issue?

(No response.)

CHAIRMAN STRAIN: Okay. I don't know who's most appropriate from the applicant's team, but there are about five issues we need to get some input on. I'd like to understand this construction entrance.

MR. YOVANOVICH: Okay. I'm ready. Fire away.

CHAIRMAN STRAIN: Construction entrance. This issue had come up, I understand, a while back. It was resolved. Access was off of, apparently, Rattlesnake Hammock or somewhere else, and now it's back to where it was supposedly moved from in the first place. Can you explain that?

I guess we're going through a third-party interpreter here. Why doesn't he just come up and answer the question?

MR. YOVANOVICH: Because he spoke at the NIM, and I'm not letting him talk anymore. I'm kidding about that. I just wanted to make sure he understands the question before he speaks.

CHAIRMAN STRAIN: Oh. So I'm not clear enough, is that what you're --

COMMISSIONER EBERT: That's where it said no response at the NIM.

MR. YOVANOVICH: Okay. All right. Construction. On the commercial piece we will attempt to get a construction entrance directly from Grand Lely for construction traffic. That is up to county staff to agree or not for construction. We understand they're concerned, but I don't control the ability to get that access.

CHAIRMAN STRAIN: We're probably going to continue for two weeks. You can have that conversation and get back to us with a primary outcome of that --

MR. YOVANOVICH: Sure.

CHAIRMAN STRAIN: -- at the next meeting.

MR. YOVANOVICH: Absolutely, a primary outcome. Because you know the rubber doesn't meet the road till the SDP comes in, but we can see if, conceptually, it can occur.

CHAIRMAN STRAIN: I agree, and I think that staff can easily understand what you're trying to ask them in two weeks.

MR. YOVANOVICH: I guess the concept is make sure -- if we could find an alternative direct construction access either on Rattlesnake or Grand Lely, that's what we'll attempt to do.

CHAIRMAN STRAIN: Right. And failing that attempt, apparently you were using the location you currently are now using again. That's why -- I think the testimony was saying that that's why you went to Rattlesnake Hammock. I'm not sure why or how you got to where you're back to the location that seems to be the problem, but we might want to look and see if that is a legitimate location to have, so...

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: The Grand Lely entry. Both public speakers suggested that you might have a better entry off of Grand Lely instead of off of, apparently, the side road that also is used for the residential entries. Is that -- I'm not familiar with the entry situation there. Are you?

MR. YOVANOVICH: Enough to say that we're not in a position to give up the entrance that we currently have off of Lakoya Boulevard, or whatever the right name of the street is.

CHAIRMAN STRAIN: Okay. Is there -- now, so you'd have an entry off of Rattlesnake Hammock.

MR. YOVANOVICH: Right-in, right-out.



CHAIRMAN STRAIN: Right-in and out. And then you'd have an entry off Lakoya.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay. There's no other entry?

MR. YOVANOVICH: Remember, the issue is getting people back into the community.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: All right. So the closer we get, I'm sure, to Rattlesnake Hammock -- we might get a right-in, right-out for Grand Lely, but we wouldn't be able to circulate people --

CHAIRMAN STRAIN: That's right. You couldn't get your left -- you couldn't get people to come out and be able to make a left or --

MR. YOVANOVICH: Or right -- yes.

CHAIRMAN STRAIN: I know what you mean now, yeah. We have some -- from my most gentle way of saying it, we have some archaic ways of looking at road planning.

So they would force you to go into a right to go down and make a dangerous U-turn to go left again, and I certainly can understand that. That makes sense.

But what about the issue involving the maintenance obligations for the roadway that is Lakoya? The gentleman said that they're going to be turned over and that when they do they've got to take care of the maintenance. Are you involved or is your parcel included within that turnover of maintenance responsibility?

MR. YOVANOVICH: The answer is, we will look at that and we will address it in the HOA documents. Those are not PUD level.

CHAIRMAN STRAIN: They're public's concern.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: They're a compatibility issue in regards to the entrance itself. It would be to your benefit to assure us that's going to be taken care of somehow by the time you come back in two weeks. So I would suggest you look at that and get back to us. That would be helpful.

Notices to Lakoya residents. Do you know how that was noticed?

MR. YOVANOVICH: I don't -- I don't. I think the county takes care of the notices at this stage.

CHAIRMAN STRAIN: Okay. So by next time, staff can let us know how those notices went out and how many people in Lakoya were legally required to be noticed by mailers?

MR. SAWYER: For the record, Mike Sawyer. Again, there were well over 4,000 letters that went out for this petition.

CHAIRMAN STRAIN: Okay.

MR. EIDISON: For this meeting?

CHAIRMAN STRAIN: No. Sir, you can't interrupt from the audience during the -- sorry.

Would you just verify those notices, not all 4,000, but let us know that there are approximately that number for the -- and the radius in which they're notified and what those notices said, specifically.

MR. SAWYER: I've got that in my files at the office.

CHAIRMAN STRAIN: Okay. I have it on my notes, so next meeting I'll ask for that to be refreshed, and you can explain that to us.

The security of access to the project. I know we talked about the wall. There seems to be some concern about commercial overspill into the residential. I'm not sure that's something that -- I'm not sure how to address that. But the wall is going to go solid from lake to lake in the back except for where it can't go into the lake maintenance easement; is that a fair statement?

MR. YOVANOVICH: That's fair.

CHAIRMAN STRAIN: Okay. Because, I mean, once you go that far, it would be -- I mean, someone could always get around a wall. I don't care if they made it on three sides. They could still walk around some end of it, so -- but if you're going from edge of maintenance easement to edge of maintenance easement, that's about as tight as you can get to keep people locked in.

MR. YOVANOVICH: I thought the concern about the wall was residential to residential, because we already have commercial on this piece. So we would have met whatever the code requirement is for commercial adjacent to residential.

CHAIRMAN STRAIN: I think the -- I heard the expression was from the commercial parcel. So if

you're going to utilize the change to the parcel you're asking for, then the wall would be warranted from lake to lake.

MR. YOVANOVICH: And that -- because the change was to add residential. And they wanted --

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Because remember, the code requires a wall basically anyway commercial to residential.

CHAIRMAN STRAIN: Right. So you'd still have a wall is what we're saying.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Okay. I just wanted to reaffirm.

Go ahead, Diane.

COMMISSIONER EBERT: Richard, could -- next time could you please bring larger aerials so we can really see the areas of these two particular --

MR. YOVANOVICH: Sure.

COMMISSIONER EBERT: Okay. That would help.

CHAIRMAN STRAIN: Okay. We've had public testimony, we've had staff report, and we've had the applicant's presentation. Is there anything else anybody has any questions of at this time?

(No response.)

CHAIRMAN STRAIN: Richard, do you have anything else you want to add?

MR. YOVANOVICH: Well, I would just like to know what the outstanding issues are to make sure

--

CHAIRMAN STRAIN: I'm going to read those, but I wanted to make sure you didn't have anything else you wanted to throw in.

MR. YOVANOVICH: Not until I know what the issues are.

CHAIRMAN STRAIN: Okay. First of all, we're going to accept staff recommendations to -- well, I'm suggesting -- and this isn't going to be for vote today. I'm going to suggest strongly to this commission we continue this meeting and the vote till the next hearing at which time these issues will be addressed, the additional conditions or suggestions we had for aerials and other things to look at will be brought forward, and we'll combine the next meeting as a final and a consent at the same time like we just did for the prior one.

But at the next meeting the things that we should acknowledge is that the Staff Recommendations 2 and 3 are acceptable. And you might want to just incorporate those into language; then we haven't got to separately get into it.

Deviation 2 should be 80 feet instead of 890 feet.

MR. YOVANOVICH: It is -- in the PUD it is 80 feet; the staff report was 890.

CHAIRMAN STRAIN: I know. We just make sure that correction stays with everything.

The PUD will be modified to reflect that the residential density can be used in R as well as the particular C tracts that we're talking about.

You're going to be adding details for a 6-foot wall with landscaping along the north parcel to the extent of the building length for the C2 parcel in the back, and then the loading dock will be behind the wall, and your hours will be mitigated and so will the sound by the fact that the wall and the landscaping are going in.

You're going to add a wall to the southern boundary of the north commercial project that we just talked about, water to water -- or maintenance easement to maintenance easement if you do residential. Even though you may not have to, you have to do it anyway with the commercial.

Residential on commercial will be four stories not to exceed 50 feet.

On the south parcel, you're going to have -- one building will be allowed to exceed the 60,000 square feet, and it wouldn't have to be a food store, because right now the only way you get to exceed 20,000 square feet is with a food store, but you can have -- you're asking for one that would not exceed 60,000.

The transportation issue will be readdressed, and I'm going to strongly suggest to staff that we look at the Transportation Element piece in relationship to the status of this project's written vested status and what they have in their PUD and DRI, not something that isn't related to that, because I don't know how this board could weigh in on that.

And that the -- you'll look at the construction entry from Lely. You're going to research that and let us know by next meeting.

And that's most of everything that we've talked about. Those are the summations that I've got. Anybody else have anything else?

COMMISSIONER EBERT: No, other than he's not going to let Keith talk at any NIM meetings.

CHAIRMAN STRAIN: Yeah. Well, now, Richard, you understands all those? You're going to be coming back for final hearing in two weeks.

MR. YOVANOVICH: Two weeks, right?

CHAIRMAN STRAIN: Right. You'll be first up in two weeks for final hearing.

MR. YOVANOVICH: So I just -- I emphasized the two-week part because transportation staff needs to get to us right away because they have agenda-loading issues for revisions to the PUD.

CHAIRMAN STRAIN: If the transportation staff doesn't get to you in time to meet the needs for the planning staff to have their documents done, we will manage that at the next meeting.

MR. YOVANOVICH: I appreciate that.

COMMISSIONER ROMAN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: Did your list -- I might have missed it. Did your list include that concern from Question 41 that you referred to from the NIM that referred to noise traveling across the lake as one of those items that was --

CHAIRMAN STRAIN: Yes. They're going to respond to that with the wall and the buffer detail that they're going to bring back.

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

CHAIRMAN STRAIN: Okay. With that, I think that those are the issues that need to be looked at and something brought back to us for the next hearing. The next hearing on this one will combine the two, both consent and regular hearing.

So is there a motion from this panel to continue this matter?

COMMISSIONER ROMAN: I move to continue.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER EBERT: I second.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you. We will see you in two weeks.

Okay. We have a couple ways to go on this. We can -- we have the --

COMMISSIONER EBERT: Lunch now.

CHAIRMAN STRAIN: Well, there's three different ways to go on this. We can take an early lunch and then jump into the private SRA amendment at 12:30, we could try to start it and certainly not finish it by noon, or we can go into some of the other amendments for the next 30 minutes, take a normal lunch from 12 to 1 and start the SRA at 1 o'clock, because it's going to be longer than any of the others.

What's the feelings of this panel? Anybody care? Stan?

COMMISSIONER CHRZANOWSKI: I don't care.

CHAIRMAN STRAIN: Okay. With you two leaving at 3, my suggestion would be let's take an 11:30 to 12:30 lunch and then hit the SRA one, because that's probably going to be the most long one to get through, and that way you're both here for that. And then whatever we have left as cleanup, we can go into that, because a lot of that's going to be reheard on the 8th of June anyway.

So if that works for all of you, we can break for lunch now and come back at 12:30.

COMMISSIONER EBERT: Perfect.

CHAIRMAN STRAIN: Okay. This will be a lunch break. We'll come back at 12:30.

(A luncheon recess was had, and Tom Eastman is absent for the remainder of the meeting.)

CHAIRMAN STRAIN: Okay. Are we on mike? There we go.

Everybody, welcome back from the lunch break. We're a little bit early back from our lunch, but I want to get right into the LDC amendments that are next up on the agenda, and that is Item 9D, Collier County Land Development Code.

We have quite a long series of Land Development Code changes. One is a private initiative, and the others are staff driven.

I was reminded that on our June 4th meeting we will continue these to that meeting first and then, again, any leftovers after that meeting, we still have the opportunity on the 8th to clean them up at that point.

So from that, we'll move right into the Land Development Code suggestions or changes that are coming up. And the first one that we will hear will be the private amendment for the Stewardship Receiving Area under the RLSA.

And, Caroline, can you explain this a little bit, and especially how the -- how it fits in as a private amendment versus the staff amendments, meaning how it was written, who produced it, and all that stuff, and then we'll let the applicant come up and address it.

MS. CILEK: Sure. I'd be happy to. Caroline Cilek, for the record. This is a privately initiated amendment. And when the Board approved the 2015 Cycle 1 amendments, they authorized that privately initiated amendments could come forward.

And this one is submitted by Ave Maria Development with Rich Yovanovich representing his firm, and that should be the first page, the application page of the LDC amendment, which is available for everyone to review.

And the process is that they submit this amendment. Staff did review it and work with the applicant a bit, but it is their responsibility to walk this amendment through. They provide the language and such. Staff comments are also there.

Staff put together a consideration memo of something of that like in the back, which we can walk through at the end, things that are important to staff to recognize today.

CHAIRMAN STRAIN: Okay. And it will be important for us to get a comprehensive understanding of everybody's position on this.

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: And I do notice that the applicant is here, his attorney is here, and his land planner is here, but I'm not sure the three of them are capable of taking proper notes. So I'm not sure how that's going to occur, but hopefully when we get done here today, you can help them to make any corrections needed.

MS. CILEK: Sure. Staff would be happy to help with taking notes, making sure we cover the issues when we come back, and also with any language that is needed to be prepared for next time as well.

CHAIRMAN STRAIN: Okay. With that, we'll ask the -- whoever's going to do the presentation on behalf of this private amendment.

COMMISSIONER EBERT: You're not going to make him wait till the end because -- even though his is at the end. That's so nice of you, Mark.

MR. YOVANOVICH: Good afternoon. For the record, Rich Yovanovich on behalf of the applicant.

Wayne Arnold is here as the professional planner, and Dave Genson is here as also a representative of the applicant.

The purpose of these amendments is to address processing glitches we experienced the last go-round in amending the Ave Maria SRA and also to make sure that Barron Collier Companies, who owns a lot of lands out east that are also eligible to be SRAs, doesn't run into the same processing issues for other projects that they may develop in the Rural Land Stewardship Area.

If you'll recall, the Land Development Code allows the SRA document to be amended and request

deviations through the public hearing process for certain things at any time in the process and for other things, like a root barrier change, we wanted to make that was supported by staff in the SRA amendment. That had to be requested before the very first development order was issued for the town.

So most of the amendments that are before you deal with the ability to request through the public hearing process deviations to the Land Development Code through either an insubstantial change to the SRA document or a substantial change to the SRA document. Both processes require -- will now require, because we added a neighborhood information meeting requirement -- will require a neighborhood information meeting and either a hearing before the hearing examiner or a hearing before the Planning Commission and the Board of County Commissioners depending on whether we would qualify for an insubstantial change or a substantial change. So that's what most of the amendments deal with.

We've also added -- because we agreed we would do this when we went through the last time -- and we told you we were going to come back with the private sector amendment to the Land Development Code to deal with the deviations. We also added a requirement that there be a neighborhood information meeting before we made any changes to the SRA document because that became an area of concern the last time, and we said we will add that to the Land Development Code.

So that is another one of the provisions that we're addressing.

We're also addressing the five-year rereview of the, you know, fiscal neutrality requirement that's in the Land Development Code but not in the Comprehensive Plan.

There is -- I know the Board said they're not crazy about the FIAM model and they're not crazy about a five-year rereview, so we submitted language to address both the methodology of how you would determine fiscal neutrality, and we worked with Mr. Bosi on that language, and we also submitted a deletion of the five-year rereview.

I don't think there's any issues regarding getting rid of the five-year rereview, but there may be issues with the new format of determining fiscal neutrality when you're first analyzing an SRA. So that's probably the last amendment in the sequence of pages.

And then, finally, we added a road cross-section that would allow for an option for local roads to have a sidewalk on one side of the street, and that's going through this -- being included as part of this process.

I wanted to be very clear because I think some people are under the impression that we are somehow modifying the Ave Maria SRA document by doing these Land Development Code revisions. We are not.

This would just let us come in and ask for deviations, would allow us to come in and ask for the sidewalk on one side of the street. We would still have to go through the amendment process of the SRA document to implement these changes.

We fully -- if we decide to make any -- or do any deviations or change any road cross-sections, we fully intend to go out to the residents of Ave Maria at a noticed neighborhood information meeting and discuss those changes and get their input into whether or not those changes will be made to the SRA document.

So these are purely procedural changes to the Land Development Code. They do not implement any deviations or any changes to the road cross-sections that is being proposed to be added to the Land Development Code.

I think -- I think staff agrees with all of our proposed changes to the Land Development Code except for one, unless something's changed since the last time we talked, and the one change was, we had suggested that revisions to the -- I think there are 19 road cross-sections that are in the Land Development Code, a revision to those road cross-sections can be considered an administrative level decision because those cross-sections are so detailed right now we would be talking about minor modifications, not wholesale changes to those cross-sections.

We have included that in a staff level administrative review, not in an insubstantial change process or a substantial change process. One thing I forgot to mention was, the Land Development Code doesn't distinguish between a substantial change to an SRA document and an insubstantial change to an SRA document.

So we introduced those concepts of a substantial change versus an insubstantial change to the SRA

document, and it's patterned after how you would determine what was a substantial change to a PUD versus an insubstantial change to a PUD. So we've included those as private sector amendments.

CHAIRMAN STRAIN: Just to clarify that point, if you don't mind me interrupting you for a second.

MR. YOVANOVICH: Sure.

CHAIRMAN STRAIN: I went last night late and pulled the records from the amendment that came through back in the fall of 2014 in which the public was here, and I found the direction that this board had provided to you, to staff at least, to include some changes to the LDC.

And my read of that and the intention at the time was anytime that you had changes to the SRA that were substantial or insubstantial, you would go do so through a public process and a NIM.

So the inclusion of that in this record to me is consistent with what was directed then. The part that was missing was the reference to the NIM for those conditions which you acknowledged yesterday when we met --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- that you would so stipulate that those issues would come through.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: So while I understand that you are suggesting you're adding it because you need to have that flexibility, I think we recognized that last fall, and that was part of the direction.

So that part seems consistent. It just needs some tweaking to make sure that it meets the intent of that meeting. I just wanted that clarification.

MR. YOVANOVICH: Right. And one of the other things we talked about yesterday was, sometimes for an insubstantial change for a PUD, there is not a need to have a NIM. We were never intending to not have a NIM even for an insubstantial change. So to the extent that we need to tweak this to where we have a NIM for both unsubstantial changes and substantial changes to the SRA, that was always our intent to have a NIM.

CHAIRMAN STRAIN: And it would be your intent, likewise, to include -- because a deviation, just like it is in a PUD, a deviation would be a change to an SRA, just like a deviation is a change to a PUD. So that would trigger a NIM as well.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Right. I just wanted to make sure we're on the same page because it's not that plain in reading it, and it wasn't until we talked yesterday that you-all confirmed that we're looking at it that way. That is as the direction this board previously did in last September, I think it was, and I'm comfortable with that.

I just wanted to make sure we're on the same page, because it doesn't read as clearly as it should. And until we met yesterday, I didn't know where you stood on some of this.

MR. YOVANOVICH: No, you're correct, Mr. Strain.

CHAIRMAN STRAIN: Well, we do that now for PUDs. You were going to mirror the PUD system, and that's exactly what we're trying to get that piece of it to consider.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And that's what our intent was and to make sure we can -- and anytime along the process we can say we would like to ask for this deviation, not have to do it up front before we've even experienced development out there.

CHAIRMAN STRAIN: Right. And I think that we all understood that from last time. If not, then we'll certainly voice our concerns today, or if --

MR. YOVANOVICH: Sure.

CHAIRMAN STRAIN: -- to the extent they exist.

MR. YOVANOVICH: I don't know how you want to --

CHAIRMAN STRAIN: Page at a time.

MR. YOVANOVICH: A page at a time.

CHAIRMAN STRAIN: Well, page of change at a time. We'll move to the first change, then go to the next, go to the next, because a lot of these 50 pages are not changed.

COMMISSIONER CHRZANOWSKI: Mark?

CHAIRMAN STRAIN: Yes, sir.

COMMISSIONER CHRZANOWSKI: Could I ask something about NIMs?

CHAIRMAN STRAIN: Absolutely. Go right ahead.

COMMISSIONER CHRZANOWSKI: I know the rules for NIMs in the PUD -- in the LDC for PUDs have an area that's based on distance, but these SRAs, a lot of times, you only have one neighbor --

MR. YOVANOVICH: Okay.

COMMISSIONER CHRZANOWSKI: -- you know, because it's, you know, Estate on one side and the next guy owns a square mile.

I assume that these distances are going to be the same as they are for PUDs?

MR. YOVANOVICH: I'm assuming so as well, other than I think out in the Estates you do a 1,000 feet versus 500 feet. But you still do a --

CHAIRMAN STRAIN: Right. Well, you've got a lot of small clustered lots. It's usually, what, the smaller distance, 500 feet, is it?

MR. YOVANOVICH: Right.

MS. CILEK: (Nods head.)

CHAIRMAN STRAIN: And, Caroline and Mike, if you guys have got anything to add that will help, jump in. I mean, we're here to get this resolved today.

MR. BOSI: And what we -- we had spoken -- Mike Bosi, Zoning Director.

We had spoke about this about four or five weeks ago. When it first came in, Caroline had brought the subject up, and we had said that the notification was going to be at the thousand feet notification just because of the large lots and the size of the surrounding property of these individual -- these individual SRAs.

And then internally we were -- I was just having the conversation -- because if you're making a change to the SRA, your notification requirements are for parcels adjoining that SRA.

CHAIRMAN STRAIN: Okay.

MR. BOSI: And I guess the question to me that I should have identified before is, how is it internally that the --

CHAIRMAN STRAIN: Could you move your mike a little closer, Mike. Mike?

MR. BOSI: How is it internally that we would provide the notification? Because the SRA -- the boundary of the SRA is the exterior of that entire SRA.

CHAIRMAN STRAIN: And that's a good point, because the applicant has pointed out these are unique because of their size. And do you have a solution that you'd like to --

MR. YOVANOVICH: We had intended, just like if you had a large PUD, everybody within the PUD gets a letter. We didn't think that would be any different than --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: -- you know, if we had --

CHAIRMAN STRAIN: But I want staff to make sure that the commitments made are somehow checked.

MS. CILEK: We recognize this issue. And so I'm going to check 10.03.06 to see if the PUD language identifies that and, if not, we can explicitly put that in the SRA section of 10.03.06, which is the public notice and public hearing requirements. It would be easy to include it in there.

CHAIRMAN STRAIN: Okay. That's the point that I think we're trying to understand. Good.

Well, I think, Richard, if I'm not -- and Stan, did that get you where you need to be?

COMMISSIONER CHRZANOWSKI: Yeah. I think if you're much father away than that, you know, if the neighbor owns a square mile and you're a mile away and you think you're the second neighbor, you're so far away it doesn't matter. So I'm -- I think the thousand feet is good.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Beyond the SRA -- beyond the boundary?

COMMISSIONER CHRZANOWSKI: Yeah, yep.

CHAIRMAN STRAIN: Okay. From what I can tell, Richard, the first changes are on Page 12. Is that --

MR. YOVANOVICH: I have eleven.

CHAIRMAN STRAIN: Eleven?

MS. CILEK: The top.

CHAIRMAN STRAIN: Oh, yes, top of Page 11, No. 7. So if all of you will turn there. That's the reference to the NIM.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: I certainly think that's a good thing. Any tweaking to the way the reference is to be supplied, that would probably be a good place to put it.

And I would want to make sure that that NIM covers the SRA amendments, substantial, insubstantial, and deviation -- the whole item that they've suggested they'll abide by.

So they come in for a NIM to change something that's an insubstantial change, that notification still gets made. The people in Ave Maria will know about it.

MS. CILEK: Absolutely. 10.03.06 is very formulaic, and we're going to model it off the PUD amendment section. So we'll split it up, and it will be for PUD amendments and then for both substantial and insubstantial changes, and it will identify both of those.

MR. YOVANOVICH: One change I think we should make there, Mr. Strain, it should say "prior to any required public hearing" instead of "the first."

CHAIRMAN STRAIN: I agree. But let's see. That's under the application review process.

MR. YOVANOVICH: But then I think there's also a -- when you do an amendment, you follow the same process.

CHAIRMAN STRAIN: But, see, you've got also the approval process, which also --

MR. YOVANOVICH: I'll work with Caroline to make sure we have it right. I just want to make sure --

CHAIRMAN STRAIN: Yeah, I agree.

MS. CILEK: This is probably going to become more broad and just send you to 10.03.06(m), which will outline all of the requirements for all of the different amendment types.

CHAIRMAN STRAIN: Okay. I just want to make sure we've got that NIM as thorough as the people out there expect it, and that is a good purpose for what we're doing here today, so...

MS. CILEK: Yes.

COMMISSIONER CHRZANOWSKI: If you put "prior to any public meeting," then you have to have one prior to Planning Commission, one prior to Board of County Commissioners, one prior to this. I don't think you want that.

MR. YOVANOVICH: Well, again, maybe that's a good -- maybe that's why we did put it there.

MS. CILEK: We can work together.

MR. YOVANOVICH: Yeah, we'll fix that.

CHAIRMAN STRAIN: But I think you know that there's an issue there. We need to get it resolved by the rehearing of this.

MR. YOVANOVICH: Next is Page 12, and that's where -- Page 12 and then again onto 13 we introduced the substantial changes and insubstantial changes concepts, which are similar to the same provisions for PUDs.

CHAIRMAN STRAIN: And why don't we start with the Page 12. I mean, there are some little things that need to be checked in regards to the language. I'll start off, unless some other -- the Planning Commission, I always defer to you guys first if you want.

COMMISSIONER EBERT: No. Go ahead, Mark.

CHAIRMAN STRAIN: Okay. Up on No. 3, that percentage for changes to preservation conservation or recreation also had the following few words at the end of the sentence. It said "or five acres in area," meaning if you exceed 5 percent of the total acreage that's been set aside as preserve or up to 5 acres, more than -- 5.1 acres, then you trigger a substantial change. You've dropped out those last four or five words.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Why?



MR. YOVANOVICH: We thought that that was too limiting for the scale of development that happens in a town. We'd still be going through a public hearing process. We would be going through the insubstantial change process, which requires a public hearing. It's not eliminating a public hearing process. It's just is -- we would still go through the required NIM where we would be explaining to everybody what we were doing.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And -- so it's not like -- and if it became something that the community was concerned about, the way I understand the hearing examiner process works, we would get kicked up to the dual review.

CHAIRMAN STRAIN: Right. So -- okay. And that does work, because what you've done is your trigger for the substantial is still 5 percent, but if you get to 6 acres and it's less than 5 percent, you've still got to go through a NIM notification and do another -- you've still got to have a public hearing.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: So one way or another that's addressed.

In that project, you've got, what, 314 acres of preserve out of a 5,000-acre project or something like that, so -- because most your preserve is in SSAs that you've already put up, so...

MR. YOVANOVICH: But I don't want to get so focused on this being an Ave Maria thing. It's for every future SRA that goes through.

CHAIRMAN STRAIN: And for most of it, I agree with you. There's a few points we'll get to before the day's over that I think are focused on Ave Maria.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: Item 9 -- well, there was a different Item 10, and you and I talked about this, so I'd like you to explain it for the record. And in the PUD language, it's referenced as Item J, and it involves the threshold for the DRI issue.

Can you explain for the record why that isn't necessary?

MR. YOVANOVICH: Because SRAs, statutorily, are no longer DRIs.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: That's why I took that one out.

CHAIRMAN STRAIN: And so unlike a PUD, it still -- it won't apply to an SRA even though it does through a PUD, so...

MR. YOVANOVICH: That's why we deleted that provision.

CHAIRMAN STRAIN: Okay. Paragraph C. And, Caroline, this is something -- it's just a question. I know you didn't write this, but maybe you can help me. See the fifth line down on C, it starts 4.08.07.F.4.c., document -- master plan should be based upon an evaluation of LDC section -- it seems like it's referring to another section, but it's this section itself. It's referring back to itself. It seemed kind of odd.

MS. CILEK: You know, it probably should have been based on "B," because the way that these work is that if you don't trigger the substantial change, you are an insubstantial change, and it probably should be a little "b."

CHAIRMAN STRAIN: Okay. Well, that's another note that we'll just have to --

MS. CILEK: I will check that.

CHAIRMAN STRAIN: Now, at the end of that same sentence it says, "and approval of the hearing examiner." We need to add or CCPC as appropriate or as warranted or whatever, because if there is opposition and there's public concern, it will be kicked to a higher level, and that always needs to be added to make sure it could go either way.

MS. CILEK: Sure.

CHAIRMAN STRAIN: Okay. And that's my comments on Page 12.

Does anybody on the Planning Commission have any others? And, by the way, when we finish with our walk-through, we'll be hearing -- we'll ask members of the public to speak, and then we'll move on from there.

MR. YOVANOVICH: Page 13 there's changes.

CHAIRMAN STRAIN: Yeah. The only part I got to change -- I have to agree with staff on D. That

needs to be moved up into the insubstantial change column. Too much can happen in those modifications, and that burden should not be on staff, especially when it involves so many members of the public, and that way it would have a NIM, and the public would be able to respond, and we'd be able to deal with it.

COMMISSIONER EBERT: Which is No. D, did you say?

CHAIRMAN STRAIN: It's 3D on Page 13.

COMMISSIONER EBERT: Okay.

MR. YOVANOVICH: Well, Mr. Strain, normally I would agree with you.

CHAIRMAN STRAIN: No, you don't. You hardly ever agree with me. What are you talking about?

MR. YOVANOVICH: That's not true. I agree with you -- when I'm not objecting, I'm agreeing with you.

On this particular one, the SRAs are unique. I mean, there are literally 19 different cross-sections. So we're talking about minor tweaks to those cross-sections, not wholesale changes.

For instance, all of the cross-sections, except for the one we're adding, require a sidewalk on both sides of the street. I would agree with you, if we didn't have a cross-section that showed a sidewalk on one side of the street, that would not -- to go to one sidewalk, that would not be a modification, but moving a tree, spacing here and there a little bit, I would think, would be a minor modification. And is that something that we need to go through a public hearing and amendment process for?

And that's why we had modifications recognizing that these are unique street cross-sections that are very detailed.

MS. CILEK: If I may add something.

CHAIRMAN STRAIN: Go ahead.

MS. CILEK: Previously, the section allowed for just simply modifications to cross-street sections, period. And at a prior advisory meeting with the applicant, they had identified that they would be okay with connecting the modifications to the street cross-sections with existing provisions in the LDC that allow for administrative review of street cross-sections, and so we included those cross-references.

So these are existing -- existing administrative abilities to look at street cross-sections on a case-by-case basis. I just want to make that clear.

CHAIRMAN STRAIN: Okay. So that -- what I think I confused with -- because later on they bring up a reference to a new cross-section called 6A.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. How does 6A factor into this Item D?

MS. CILEK: I actually see them differently. I think that this would allow for -- for modifications to any of the street cross -- cross-sections, excuse me, whereas 6A is just a new code minimum.

CHAIRMAN STRAIN: Okay. But the modifications -- and I don't have 6.06.01.N or 10.02.04.A.5 available readily. Do you have it handy or do you --

MS. CILEK: I can get them for you.

CHAIRMAN STRAIN: By the next meeting is probably what --

MS. CILEK: I can get them today, actually, if you want me to have them printed off for you.

CHAIRMAN STRAIN: I would think we need to see what that involved, because what I don't want to do is evaluate 6A as a cross-section at this time. 6A should be something that happens through an insubstantial change process.

MR. YOVANOVICH: We agree.

CHAIRMAN STRAIN: Oh, well, then okay.

MR. YOVANOVICH: We said that. And just so you know, 6A, although it's getting added to the LDC, will still require us --

CHAIRMAN STRAIN: No, I'm not saying it goes -- it gets added to the LDC, because then it's a given. You will fight that way.

MR. YOVANOVICH: No, it's not. I'm telling you on the record and based upon the way our SRA document is. We would have to go in and amend our SRA document to take advantage of that cross-section, because our SRA document is very detailed --

CHAIRMAN STRAIN: Correct.

MR. YOVANOVICH: -- and incorporated everything in. It didn't default to the LDC.

CHAIRMAN STRAIN: Are you the attorney for Collier Enterprises for their Big Cypress project that's going to come in next month?

MR. YOVANOVICH: That's outside of -- Mr. Strain --

CHAIRMAN STRAIN: You are. So you've got inside information on that particular project that they may be benefiting from this that I'd rather wait and see how it comes up when they come in for review. They'll have the opportunity to ask for changes. Let's see what they come back with, rather than you saying, well, it's a given because we've accepted it as a cross-section. I'm not there. And I'm concerned about that because it takes out sidewalks on one side of the street.

MR. YOVANOVICH: For local streets.

CHAIRMAN STRAIN: You heard this morning the discussion that we want to have a little more detail in understanding where sidewalks should and should not go. And if you still have the ability to make insubstantial changes, those cross-sections should still open to that. So I'm not sure why it's so necessary to lock one in now unless it's for your other client who hasn't come in yet.

MR. YOVANOVICH: First of all, it's not for my other client, okay. It's for my current client and for future projects that they may do in the SRA. Because they already know for Ave Maria they're going to have to amend the SRA document for letting the residents know that they're now adding this cross-section. It's for a different -- whatever project it may be, new SRA, for lands that they already own, they want to know that one of the 19 cross-sections includes an opportunity to go to one sidewalk on one side of the street for local neighborhood general streets.

CHAIRMAN STRAIN: Mr. Bosi, as the zoning manager, wouldn't they be able to seek deviations in the SRA process from any of those cross-sections as they came through?

MR. BOSI: When you -- Mike Bosi, again, Zoning Director.

When you say "came through," I mean --

CHAIRMAN STRAIN: When the SRA for Ave Maria came through and they proposed a bunch of cross-sections to their roads, did they -- could they have gotten -- at the time they applied and got reviewed for their SRA application, could they have recommended -- looked at deviations to all parts of the LDC, not -- after this new language would be inserted to amend those cross-sections?

I mean, right now we allow PUDs to come in and ask for a deviation from sidewalk requirements on both sides of the road down to one. The suggestion is that these get treated the same way, but they still have to come through the public process to do it, not through an LDC amendment.

MR. BOSI: Yes.

CHAIRMAN STRAIN: So how would that 6A be problematic if it wasn't there? Because that's something they could go through through a proper vetting process rather than do it through an LDC amendment.

MR. BOSI: The -- if Ave Maria wanted to seek 6A, they would have to go through a public hearing process to seek that -- seek that cross-section to be incorporated within the existing SRA.

CHAIRMAN STRAIN: Right.

MR. BOSI: If a future SRA came in during the public hearing process and they said on certain local roads they wanted that 6A, that 19th cross-section to be applied to that local area, that public hearing process would serve as the contemplation in the evaluation as to whether we felt as a board, from the Planning Commission, from a staff's perspective, and the Board of County Commissioners as to whether that was an appropriate allocation of the cross-section for the specific areas that they would want to apply.

CHAIRMAN STRAIN: Mike, you missed my question.

MR. BOSI: Okay.

CHAIRMAN STRAIN: Let's say 6A does not exist. You've got 19 cross-sections. During the SRA initiation application review process, can they deviate from those cross-sections?

MR. BOSI: Yes.

CHAIRMAN STRAIN: That's where I'm getting that.

MR. BOSI: Yes, they could. If that cross-section without the sidewalk on one side of the street is

not adopted, then each SRA could seek a deviation through the public hearing process for that.

CHAIRMAN STRAIN: Right. So you're not at a loss unless there's something you're not telling us.

MR. YOVANOVICH: I don't like when you do that, so please don't --

CHAIRMAN STRAIN: Well, I don't like getting these things sprung --

MR. YOVANOVICH: Mr. Strain?

CHAIRMAN STRAIN: -- at us without full explanation. You heard the discussion this morning --

MR. YOVANOVICH: Please --

CHAIRMAN STRAIN: -- that we need more input on these sidewalk issues in Collier County. I'm not about to break the mold now, or at least I don't think it's a good idea for us to do that at this stage.

MR. YOVANOVICH: Mr. Strain, if you may, if I can, I submitted this application months ago. Today, for the first time, you said we're going to do a workshop and, ironically, as I sit here today, I haven't heard a peep out of transportation staff saying this is a bad idea.

CHAIRMAN STRAIN: Well, you --

MR. YOVANOVICH: Okay. I haven't heard a peep from transportation staff saying that the cross-section we're proposing in the review shouldn't have a sidewalk on one side of the street. The way everybody's looking at me right now, I'm sure I'm going to get a surprise, okay. I'm fairly certain that now at the last moment someone's going to come in and say we object.

But you brought the workshop up today. How am I -- as much as I would love to read your mind, I can't.

CHAIRMAN STRAIN: I know, but you know why this is such a sensitive issue. We are in the same argument we have every time a PUD comes through, and that's exactly why I brought the workshop up. The sidewalk issue is sensitive until we get a better handle on it. In Ave Maria the RLSA particularly. This whole program out there in 2005 or 20 -- whatever year it was now. My, time goes too fast -- it was put up as a new town, a walkable town. We don't even know what those really mean yet, and that's some of the clarification I need. Because if it's so different than what we've always done as standard PUDs in the county, why do we have the RLSA program?

Because right now what I'm seeing, it's just mass production and more density. I don't see the uniqueness that was called out for when the town's first philosophy was told to us.

I don't want to see that deviate any further. I don't want to see things taken away that were the basis under which we assumed this new concept was going to be, and I'm worried that we're going astray here.

You can make the argument with each town that comes up on a case-by-case basis, and we can decide on it as needed, but I think it's -- to put it in the whole 200,000-acre application right now when we know other ones are coming forward, I think, is a mistake, so...

COMMISSIONER EBERT: I also have a question. And I don't know -- I might have to go to Terri on this. But at the very beginning, you said you want to clarify this for all the SRAs coming aboard, and that's --

MR. YOVANOVICH: Absolutely. Because as much as I enjoy coming up here and saying I want a deviation for a sidewalk in every neighborhood, I'm getting a little tired of making the same argument as well. So let's just put it in the Land Development Code and put an end to it.

We're not saying we're not going to have a walkable community. And I don't want to rehash the same arguments I make every time. But just because you only have a sidewalk on one side of the street doesn't make the community not walkable. What makes it walkable is where you can go from one part of the community to the town core.

COMMISSIONER EBERT: It's not only the sidewalk, Rich. It's not only the sidewalk. You mentioned at the beginning you want this for every SRA coming forward.

MR. YOVANOVICH: Right.

COMMISSIONER EBERT: And that's -- and I believe that's what he said at the beginning. Maybe I caught it wrong.

MR. YOVANOVICH: Correct, I did.

MR. BOSI: Excuse me, Chair. And I think the Chair has clarified it, and the applicant has clarified it. Maybe the point hasn't been appreciated.

This changes the regulations for any development within the SRA. This is not site specific to Ave Maria. This would be the entire Rural Land Stewardship Area.

CHAIRMAN STRAIN: Right.

MR. BOSI: These amendments would be applicable to any development moving forward. So that, I think, is what that statement meant. It meant for all SRA -- all SRA development. All development in the Rural Land Stewardship Area would be subject to these proposed changes within the LDC.

CHAIRMAN STRAIN: Correct. Charlette?

COMMISSIONER ROMAN: I was going to say -- I happen to agree with some of the comments that were just made regarding the SRA and the Rural Land Stewardship Area. I mean, this was a vehicle by which we could provide for a new town, and the standards are such for an SRA that they shouldn't be, in my view, similar to a PUD.

If that's the case, then why didn't we just do a PUD out there? And I think that we have to be careful that in looking at this -- not that some of it isn't worth taking a look at and adjusting, but are we, in fact, you know, making an SRA so similar to a PUD that the vision of an SRA is lost? And the fact that the people who have a unique town that they can live in -- and I'm not trying to say Ave Maria or any other town. But if we're talking about taking rural lands and building a brand new town with a new vision, that, to me, is different than a planned unit development on some acreage.

MR. YOVANOVICH: The intent was to have a City of Naples out east, correct, where it would be self-sustaining, it would have its commercial office and other amenities or typical town/city stuff within the Town of Ave Maria. Let's just use that.

I got to believe that the City of Naples is a walkable community. I think we would all agree the City of Naples is a walkable community. I think we'll also agree that not every street in the City of Naples has a sidewalk on both sides of the street, and in many they don't have any sidewalks on their streets.

But the City of Naples, by the nature of the design of local streets, low speed, is still walkable. That's what we're trying to do -- it's still walkable with one sidewalk on a single -- on one side of the street on local, slow speed streets, and that's what this deviation does.

The town was supposed to be, we'll bring the City of Naples out east. We do that.

CHAIRMAN STRAIN: Mike, you seem anxious to say something.

MR. BOSI: I did. And I wanted to kind of build upon the statement that Mr. Yovanovich has made related to the impetus behind the Rural Land Stewardship Area. And it was a recognition that one to five units per acre was not an efficient means for allocating residential density without the supporting land uses, and it really is the relationship between residential land uses and the support land uses that is the key behind the town concept bringing the retail, the commercial, the job creation type of land uses that are needed to support, the institutional land uses that are needed to support residential land uses and that proximity and that relationship and tightening that relationship between the two, and that's where they are mixed use town concepts.

And the pedestrian aspect is interrelated to that concept meaning that we wanted to create modes of transportation to be able to have ease of use between those individual land uses; your residential, your institutional, your park, your recreational, your employment centers.

So the walkability is only to further enhance the relationships that, inevitably, are between your residential land uses and your support land uses.

And so I think there are varying degrees of walkability, and we do look forward to that -- the workshop that we're going to have. But the concept was to tighten those relationships between residential and nonresidential, and the sidewalk component is one of the modes that we utilize to connect those various land uses together. And that -- and those -- and that's the overall view of what -- the concept behind the towns and villages of the rural lands were supposed to be and are supposed to be.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Well, let me -- could I ask a question?

CHAIRMAN STRAIN: Yes, go ahead, ma'am.

COMMISSIONER ROMAN: Then, you know, how do you accommodate -- and I'm not focusing just on the sidewalks and walkability. But how do you accommodate the fact that there's provisions to

establish a new town, there was a vision of our first new town, which was Ave Maria, that vision was packaged and presented, and members of the community who chose to participate in that new town actually moved there or bought property there, and what we're looking at is just not one but several ways where that vision can be tweaked to the point that at some point it's no longer going to meet that vision.

So how do we balance that? And I think that's an important consideration because, you know, when PUD amendments come before this board, we're looking at deviations or various things, and we're tweaking them all the time depending on what the market will support and different changes in what type of investors or businesses want to come to those parcels. I can see that going back and forth.

But this, I thought, was supposed to be a program where it was supposed to be self-sustaining, and it was supposed to be its own town, and it's supposed to have its own character and something a little different than the average PUD.

MR. YOVANOVICH: And if I can, since I'm the proponent of this on behalf of my client, none of that changes by adding -- this is a neighborhood level street, not the main boulevards that lead you to the town. You'll still have a sidewalk on both sides of the street. And that small little subdivision neighborhood, that sidewalk will connect to the main boulevard street and get you all the way to town like we're currently required to do.

It is just an -- it doesn't apply to every street. It only applies to neighborhood general street. It doesn't apply to the town core, the town center, the main boulevard. So we're still walkable. We're just saying we have a subdivision that comes off the main road, that it will have a sidewalk that will still get you to the sidewalk on the main street. You're still walkable.

COMMISSIONER ROMAN: But, Rich, my comments aren't strictly to the item about the sidewalk.

MR. YOVANOVICH: But we're not changing bike path requirements. We're not changing any of the other stuff.

COMMISSIONER ROMAN: But the ease of these deviations, in order to tweak this SRA, it's similar to a PUD. You've said it in your documentation that -- you know, I thought an SRA was supposed to be different. I thought it was supposed to be something that had a higher level threshold in order to be changed. Maybe I'm mistaken. Maybe I've got to study it more.

MR. YOVANOVICH: It does. I do have to do a deviation to change the LDC requirements. I'm just saying we want to add another cross-section.

CHAIRMAN STRAIN: Yeah. But by adding that cross-section, you're going to utilize that as an ability by right because it's an accepted cross-section. I'm saying that we have not accepted as a standard a permanent deviation from the sidewalk on each side of the streets.

In fact, if you would turn to Page 22 -- this is a section under the neighborhood general. It's the same similar section under town center and neighborhood edge. And it says under I, streets shall adhere to J.1.b and Figures 5, 6, 7, 8, or 10. At a minimum all proposed streets must include sidewalks on both sides of the street parallel to the right-of-way.

Now, you're not changing that language. So your intention is not to utilize 6A or to create a confusion? I'm not sure what, but that's in every single one of the descriptive areas of the SRA.

So if that's what the intent was, that's how the town was supposed to have been set up, it seems a little bit problematic just to delete a sidewalk on a graphic and to modify some of those other street issues and be contradicting what's in the text.

MR. YOVANOVICH: All right. Well, if we missed a reference in the neighborhood general to the two sidewalks on each street, we'll fix that. We'll delete that reference.

CHAIRMAN STRAIN: Okay. Mike, would you put this on the overhead for me. That's the master plan for Ave Maria. It's a good plan; no complaints about it from my end, but everything in yellow is neighborhood general; well, everything but the town core. You can see where it says neighborhood general is in the yellow.

So that means that cross-section, you could come in and ask for a deviation for that to apply to Ave Maria for all those areas shown in yellow there. Does that not mean that if that's what you're --

MR. YOVANOVICH: And every one of those areas connects to the main boulevard that takes you to the town. So we will have sidewalks connecting to sidewalks to get you to the main town.

I'm not asking for the ability to come in and rip out sidewalks that already exist for people who bought into the town.

CHAIRMAN STRAIN: I know you're not.

MR. YOVANOVICH: Okay. But there are people out there who think that's what we're going to do. What we're talking about is new neighborhoods within Ave Maria will have the ability, as we go through the deviation process, to have a sidewalk on one side.

Now, let's just pretend we're coming here today with that master plan. You are correct, Mr. Strain -- subject to fixing the one typo or the miss you pointed out -- we could, in the yellow, have neighborhoods that have one sidewalk that connect to the major sidewalks in the big boulevards.

CHAIRMAN STRAIN: Right. And I'm --

MR. YOVANOVICH: That's it. I'm not hiding it.

CHAIRMAN STRAIN: -- not saying that's bad or good, but I think that it ought to be reviewed on a case-by-case basis when they come in. You still have the right to make that change through the deviation process at the SRA application for a new SRA and for an insubstantial change for the deviation process for an existing SRA. So I'm not sure why you're making an issue out of actually needing that cross-section submitted.

MR. YOVANOVICH: Mr. Strain, let's go back to the very beginning of today's meeting where you said we needed to have a workshop to resolve the sidewalk issue because you're tired of me bringing in PUDs with a deviation to the required Land Development Code provision that requires a sidewalk on both sides of the street.

We, likewise, are tired of asking you for the deviation, so we'd like to make the code change. We obviously disagree, some of us, on that.

So we're just trying to get certainty so we can quit asking for the deviation like I'd like to quit asking for the deviation in PUDs. That's why we put it in, short and simple.

CHAIRMAN STRAIN: Let's move on, and we'll reserve this one to another chance later today.

MR. YOVANOVICH: Okay. I forgot what page we left off on.

CHAIRMAN STRAIN: We left off on Page 13.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: And if there's no other questions, we have a change on Page 14, which picks up the very issue that we've talked about. It opens your ability to -- instead of having deviations just when you apply for the very first SDP -- which I don't even know why your original people wrote that in, because it seems a little problematic right from the get-go -- to correcting this so that you can get deviations as needs dictate --

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: -- throughout the project. So that is similar to the changes, insubstantial, substantial, and the need to have those changes in this document.

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: I don't have a problem with it. I don't know if anybody else on the Board does.

(No response.)

CHAIRMAN STRAIN: Then the next changes are on Page 15. And you admitted a chart, but that's not permanent. That just happens to be noted. And then here's where you introduce 6A, which is going to be an issue of contention, I think, before the -- as we go through the day, so I don't know --

COMMISSIONER EBERT: Which number?

CHAIRMAN STRAIN: That's Page 15.

Now on Page 16, can you explain to us what those are doing?

MR. YOVANOVICH: Again, we're getting to the ability to make changes to the SRA document at any time. But the problem we --

CHAIRMAN STRAIN: But any of those changes would be through a public process and a NIM.

MR. YOVANOVICH: Correct. I mean, everything we're saying requires a public process and a NIM. Where we got caught up the last time, specifically, was making the change that involved 4.06.00, that

was the old root barrier issue. Staff agreed we should change the root barrier, but we couldn't because we didn't ask for that before the first development order. And the other -- 5.05.08, I think, is the architectural standards.

CHAIRMAN STRAIN: Okay. One of the considerations -- I know that no matter what -- if you were coming in with a new SRA and this paragraph -- these two paragraphs were not changed, you'd have to probably talk about it at the time you came in with your SRA or prior to the first SDP. But if it's a deviation, you'd probably want to do it as an SRA amendment early on.

MR. YOVANOVICH: Or any time. It could be now. I mean, we could come in and say, you know, hey, we found a glitch. We want to fix it.

CHAIRMAN STRAIN: Okay. The only part that I'm concerned about at this stage in an existing PUD is the word "whole." Once you start a PUD --

MR. YOVANOVICH: We're not in a PUD.

CHAIRMAN STRAIN: Okay. I'm sorry. An SRA. Is the word "whole." Once you start an SRA, you've already accepted some standards. So I'm not sure that the whole should apply once an SRA gets past its first SDP. But I think deviations should apply. And the only reason I'm suggesting it is if you've got a grand plan like you did for the Walmart in north Immokalee, you came in and said, these aren't going to work out there. Here's a broad sweeping change we need on signage and we need on architecture. We looked at it and we agreed with you. Everybody -- that worked out. But that was before the project started, not midstream.

MR. YOVANOVICH: I'm still going through a public hearing process. I'm halfway through the project, and I come to you and I say, look, I want to change these architectural standards for everything that remains, I'm still going through a public hearing process, correct? You're going to say to me, you know, no.

CHAIRMAN STRAIN: That would be a -- okay. Yeah, that's fine. I understand. You're right.

And then a lot of that's -- my review of this has changed a bit, because yesterday when you guys acknowledged you would do NIMs for everything --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- that changes a lot of the context of the concerns. And that should help with the people in Ave Maria as well.

I'm trying to get to the next page.

MR. YOVANOVICH: Other than typos that are being fixed.

CHAIRMAN STRAIN: Yeah. I don't -- that doesn't mean anything.

Page 26, the bottom. I think I tried to get this answer out of you yesterday, and I'm not sure we answered it.

MR. YOVANOVICH: Twenty-six, or you're talking about 27?

CHAIRMAN STRAIN: Page 26, the very bottom, requests for deviations in the LDC. The SRA development document --

THE COURT REPORTER: Can you slow down? Sorry.

CHAIRMAN STRAIN: Oh, I'm sorry -- you added the words, "or any amendments to the SRA development document." Well, I know the rest of it already existed, but I was just curious, what's a nonprocedural deviation? What does that mean? How do you not have a process for a deviation?

MR. YOVANOVICH: Well, the thing is, we can't ask to eliminate a process through requesting a deviation. Like, I can't say I don't want to have to get a variance for the following things. That's a process deviation.

MS. CILEK: Correct, or like a public notice requirement, something that is procedural in nature.

CHAIRMAN STRAIN: Okay. I understand. Thank you.

Now we're on Page 27. And that's the removal of the FIAM. And I --

MR. YOVANOVICH: You don't have any questions on anything above L? Because L deals with more of the deviation stuff. I just wanted to --

CHAIRMAN STRAIN: Yeah, no. I'm -- that's Line 10, which is L. I think everybody that is familiar with the FIAM has realized it's a pretty useless document. I can't see the need to keep requesting that your company or your applicant's company keep having to produce a five-year report on a document that is



meaningless in the end.

So I'm certainly in agreement with suggesting that the five-year review get removed subject to whatever comes out of the restudy that's going to -- that's been authorized by the Board of County Commissioners that will occur sometime in the future.

But I can't see how it hurts your applicant to leave everything else as-is because there are others coming through. We have not perfected the alternative financial neutrality study that you allude to here. Your language is close but may not be there.

There are some elements that we may need to tweak. There's some conditions we may need to look at like time frames, performance standards, and things like that. It's premature now to substitute in another fiscal neutrality analysis in place of the FIAM. The FIAM's better than nothing at this time for those that have got to come through the system. We get a look at what they're trying to say. It's not something I think we can wage a major position on, but at least it gives us some familiarity of how they're going to lay the town out, where we haven't perfected the alternative enough to know what to expect from that.

Charlette?

COMMISSIONER ROMAN: Yes, I agree with you, Mr. Chair. It gives us an element of accountability, because I think we need to have some type of measurement to understand that, you know, how we know that this town is not a drain on the county and that the taxpayers in the greater Collier County aren't subsidizing this town.

I also have a question about what exactly is meant by a public facilities impacts assessment.

MR. YOVANOVICH: Let's just cut the meeting short, okay, because as long as the five-year rereview is out, we're -- what we did -- and I worked with staff. This isn't Rich Yovanovich language. The public facilities statement was to look at all infrastructure: Road, schools, water/sewer. All that you analyze, and you look at the buildout, and you say, you need X number of million gallons a day water treatment plant to satisfy you at buildout. If it's not there, you have to phase your development concurrent with the improvements that occurred. No different than you would do with a major project in the urban area.

So we had substituted with it an analysis of all the infrastructure because the FIAM -- everybody says the FIAM doesn't really work. So we went to something that everybody was familiar with where we're measuring impact on infrastructure.

But if we're going to go with the five-year rereview, obviously subject to whatever in the Comprehensive Plan is going to come out of the LDC, we can accept that.

CHAIRMAN STRAIN: And I support that only because I've spent so much time trying to understand the FIAM, and no matter where you go with that document, there's a twist somewhere else buried deep into cells that you don't even know are there.

So, Mike?

MR. BOSI: Chair, just -- the Board of County Commissioners has directed us not to utilize the FIAM. So whatever five-year review, whatever the next application is going to come up, we're going to have to find some alternative to the FIAM. The Board has said we are not to utilize FIAM.

CHAIRMAN STRAIN: Good for the Board. I'm glad they did that. Good.

MR. BOSI: But that begs the question, we haven't identified an alternative to the FIAM.

CHAIRMAN STRAIN: Well, we will, but I don't like doing it on the fly with a private amendment right now. That's my concern. So I'd just as soon leave it like it is until staff wants to initiate a constructive language that we've all vetted, not just on the fly.

And what stakeholders have weighed in on that language besides here?

MR. BOSI: Other than the administration, there's been no other outside stakeholders that have provided any comments related to a developer's contribution agreement approach to public facilities impact.

CHAIRMAN STRAIN: My point exactly.

MR. BOSI: What I would -- I would suggest that it's best that we have, because if we give you another FIAM, you're gaining nothing.

With a DCA approach, at least you're going to evaluate and be able to see and understand the phasing, the benchmark, the improvements that we are saying from a county that we are going to provide; from a cost proportionate share, what their obligation will be, when that's going to be out, tie those

benchmarks moving forward. If those benchmarks aren't attained, then expenditures aren't provided.

It's also been -- was the issue with the Oil Well Road related to Ave Maria in that first Developer Contribution Agreement. If we -- if we utilize this approach, then maybe we can perfect a better approach.

What we do know is what we have, the FIAM, doesn't work. But what we would say is we're left with a process that we've all recognized that doesn't provide value. It provides a tremendous amount of consternation wrangling in debate that ultimately, at the end of the day, leads to a conclusion that it's okay to move forward.

And the Board of County Commissioners has told us not to utilize it. So I'm not sure if it is the best interest to move forward and try to figure out what to do with the absence and with the direction that the Board has provided us to find an alternative to fiscal neutrality rather than utilizing the FIAM.

CHAIRMAN STRAIN: Mike, on that same page, 1B gives you an ability to look at an alternative. I don't think an alternative ought to be attempted to be defined in this manner in this haste without the proper input, and that hasn't had it.

I absolutely agree with you; the FIAM should be taken out. We have the ability to put something else in, 1B. That can be done without trying to articulate it here without it being thought out by the many stakeholders that need to be involved in that.

And, to be honest with you, there are some components that are not in the AUIR that are going to be missed, and we need to consider items like that. And I'm not comfortable saying, oh, well, we thought this would work, and we'll throw it in here now to make it convenient for this process today. That's not the way it should be approached.

MR. BOSI: The one point that I would note to you is we've looked at other fiscal models, and the same issue that's with the FIAM is going to be with whatever fiscal model that you're going to want to identify, that there's so many unknowns that you go out so far that the numbers that are -- that you try to project can't really be verified beyond a certain specific out-year.

And fiscal modeling was the issue that the Board of County Commissioners had, not the FIAM. They had an issue with fiscal modeling. From the discussion points, they really had no confidence in our ability to look out 25 to 30 years and make a real determination, so --

CHAIRMAN STRAIN: Mike, who looked at those models in staff?

MR. BOSI: When it was first adopted?

CHAIRMAN STRAIN: No, in regards to how we've generated out this idea to use the AUIR. Who was involved in researching those models?

MR. BOSI: That's not a model. That's --

CHAIRMAN STRAIN: Who was involved in the research to the alternative to the FIAM?

MR. BOSI: Michele Mosca.

CHAIRMAN STRAIN: With who? Mark Strain.

MR. BOSI: Yes.

CHAIRMAN STRAIN: Okay. Everything you just said I don't disagree with. I'm going away from that. I understand it. We came up with the idea of utilizing the AUIR and the elements of A and B. It wasn't refined. It was just thrown on the table as an alternative. It started circulating. Everybody said, that will work. That could be a really good idea. We never ran it and vetted it with people yet, and that's the process that we're trying to get to.

All I'm suggesting is it isn't refined enough to be put into the LDC at this time, Mike. And, I mean, if this board feels differently, that's fine. I'll -- you know, we will have a split vote. But at this point, I know enough about this to know that it's not ready for prime time the way it's written, so...

COMMISSIONER EBERT: I have a question for you, Mike. When is the next five-year? When is the next review for this?

MR. BOSI: This year.

CHAIRMAN STRAIN: This year. It's already going on.

COMMISSIONER EBERT: Okay. Well, maybe they need an extension, but --

MR. BOSI: The applicant has been provided that.

COMMISSIONER EBERT: Okay.

CHAIRMAN STRAIN: No. I think what we're saying here today, out of all this addition and the cross-out, none of this sticks except for the fact that the five-year review will go away, and the review will be subject to whatever comes out of the restudy when the restudy is finished. That's it.

Then the rest of this gets added during the restudy phase, or if the Board looks at, on a case-by-case basis, a way to exercise 1B, that's the way it happens.

We did that for another project in the community called Hacienda Lakes. It wasn't in the RLSA, but we tried to apply a fiscal neutrality to them. We ended up doing it through DCAs. It worked.

All I'm suggesting is we wait till this -- we've got an alternative we can use, and when the restudy gets done and the stakeholders vet it and everybody researches it thoroughly, that's when this gets changed. That's my suggestion.

MR. BOSI: And I guess, maybe I need some clarification as to what would be -- what you're proposing to allow with the strikethrough and what to stay. The demonstration of fiscal neutrality is still going to be a requirement.

Because I'm trying to think of Big Cypress moving forward. Big Cypress has indicated this summer to have a preapplication meeting, therefore, would suggest an application would soon be leading from that.

What would I -- would I let Big Cypress know what component of this would be required; the fiscal neutrality approach?

CHAIRMAN STRAIN: I think L.2 would be the paragraph that we're dealing with as far as striking with a modification as we discussed.

MR. BOSI: Okay.

CHAIRMAN STRAIN: The rest of it would remain the same with the exception that 1.B, which allows the alternative when the county doesn't have 1.A -- 1.A says, Collier County fiscal impact model -- the fiscal impact model officially adopted and maintained by Collier County. It sounds like we don't have one now because the Board told you to withdraw. In that case, you revert to 1.B. So when Big Cypress comes in, they have to address their fiscal neutrality based on 1.B.

MR. BOSI: The alternative fiscal model as provided by 1.B.

CHAIRMAN STRAIN: Right. And then as this -- as our year or two, or whatever it takes to get this restudy done, this will all be restructured and rewritten, and then from there forward we know how to go. That's how I would suggest we approach it.

MR. YOVANOVICH: You also need to strike in L.1 the sentence that says "at the end of each phase or every five years."

CHAIRMAN STRAIN: I agree.

MR. YOVANOVICH: The bigger picture issue is when an SRA comes in and we have a preapplication meeting with staff, and staff says we want you to look at A, B, and C to determine fiscal neutrality, and we go produce whatever tells us to do, I don't want to get all the way through the process and then get to either the Planning Commission or the Board level where they say we don't agree with staff's methodology.

So I want to -- I want to know what -- we need some certainty to know that when we have a methodology we agree to with staff, that is what we'll be measuring. Fair?

CHAIRMAN STRAIN: I don't know what methodology is agreed to right now.

MR. YOVANOVICH: I'm just saying, whatever it is.

CHAIRMAN STRAIN: I know we're talking about it -- I have no problem.

But, Richard, if your applicant spends money and time and resources to produce something they're told to produce, we should stick by our word, just like -- the private sector should stick by it, so should the government.

Now, how that gels up, how Mike or Nick or somebody gets the answer that's affirmative at the time frame you need it, that's not anything I have control over here sitting here today. But it's something I understand, and I think that definitely what you're told is the way it should be.

MR. YOVANOVICH: I just don't want staff to be second guessed when we get to this level and then we get sent back to come up with a new analysis.

CHAIRMAN STRAIN: Did you get second guessed at Hacienda Lakes?

MR. YOVANOVICH: Well, first of all, Hacienda Lakes, we didn't do a FIAM.

CHAIRMAN STRAIN: No, because you went to an alternative. Fiscal neutrality came up for that. You proved through -- we've got the documents. You proved through tax revenue and sales -- a series of revenues -- documents that you submitted along with the impact fees you'd paid in the DCAs, that that project wasn't going to have a negative impact. It worked.

MR. YOVANOVICH: There was no requirement for us to do that analysis. We did it.

CHAIRMAN STRAIN: But we asked for it.

MR. YOVANOVICH: There was no requirement for it.

CHAIRMAN STRAIN: But we asked for it.

MR. YOVANOVICH: I understand that, Mr. Strain. I'm just saying, I don't want to get into a situation, and I don't think staff wants to be in that situation either.

COMMISSIONER ROMAN: I have a question --

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: -- just so I understand where we are in this discussion on L.1. When we struck the five-year or that line at the end of each phase or every five years, when we struck the five years or the recommendation is to strike, did we determine another interval, or is it just at the beginning? How is that being approached?

CHAIRMAN STRAIN: Five years won't come up until the restudy is basically done. The restudy's been approved by the Board. It's been budgeted, and actually the planner's been hired, and he's sitting in the back of the room in the blue shirt. He used to work for the Utility Department. Now he's working for Comprehensive Planning, and he has extensive planning and various backgrounds that will serve well to do those restudies. He's got four restudy areas. The RLSA is the third of the four. The plan that I went through that one day --

COMMISSIONER ROMAN: I get it.

CHAIRMAN STRAIN: -- they're now stacked up to start going in order. And Kris is so efficient, he'll probably have them all done in a month or two.

COMMISSIONER ROMAN: That's what he told us.

CHAIRMAN STRAIN: But just in case, we've got a couple of years at least, so...

COMMISSIONER ROMAN: Well, I thought I understood --

COMMISSIONER EBERT: It's multifaceted.

COMMISSIONER ROMAN: I thought I understood you saying that this five-year review is not necessary.

CHAIRMAN STRAIN: At this time, no, because there's no --

COMMISSIONER ROMAN: Oh, at this time.

CHAIRMAN STRAIN: At this time, but there may be a review that comes out of the restudy, and whatever that period of review time is, that will be substituted in for this language.

COMMISSIONER ROMAN: Okay. I got it now. So there will be a review at some point?

CHAIRMAN STRAIN: There's going to be a review when Kris finishes his restudy group, his restudy process, and that review will address this language, and I'm sure we'll have something in here that will all be abided by from there forward.

COMMISSIONER ROMAN: Okay, thank you.

CHAIRMAN STRAIN: So that takes us to -- I'm trying to think --

MR. YOVANOVICH: The only thing left is 6A.

CHAIRMAN STRAIN: Well, 6A is the cross-section that we had a very long conversation on, and I want to hear public speakers and people like that. And we've got -- also got staff report.

MR. BOSI: To be overly redundant, just so I understand, would that also -- I mean, 2, L.2, that would be struck through as well? That would remain? You're suggesting that should remain struck through?

MR. YOVANOVICH: Yes.

CHAIRMAN STRAIN: Let me go back to it. L.2 is the five-year review.

MR. BOSI: Monitoring requirement, yes.

CHAIRMAN STRAIN: Yeah. That parts (sic) of the document need -- are where the problem --

when they're tied to a redo of the FIAM, it's a useless exercise. I can't see the applicant having to pay for it or us to spend time trying to pretend to review it. It doesn't work.

MR. YOVANOVICH: So are we leaving 3 in?

COMMISSIONER ROMAN: Yeah, I would think so.

CHAIRMAN STRAIN: I mean, it's not going to hurt anything, because without the reviews it's not going to be proven until a new system comes into play, and how it affects existing SRAs is going to be the question.

MR. YOVANOVICH: Well, no. Mr. Strain, this talks about the initial setup, too.

MR. BOSI: I think this provides allowance for the DCAs to be established.

CHAIRMAN STRAIN: Yeah. I mean, if there's a -- if there's some kind of acknowledged shortfall, DCA would fix it. I don't think it hurts, Richard.

MR. YOVANOVICH: I'm just asking.

CHAIRMAN STRAIN: I don't see why we would strike it. I don't want to -- I don't think we ought to be striking any more than we have to to accommodate the -- not to have the five-year review. I honestly think that's not a fair imposition to put on anybody at this point.

MR. BOSI: That's why I had asked.

CHAIRMAN STRAIN: Yeah, that's --

MS. CILEK: And can I just confirm that under L.1, that we're removing the language "at the end of each phase, or every five years, whichever occurs first, and in the horizon year build out"?

CHAIRMAN STRAIN: Yes.

MS. CILEK: Okay, perfect.

CHAIRMAN STRAIN: Okay.

MR. BOSI: Thank you.

CHAIRMAN STRAIN: Is that okay with the rest of the board members?

COMMISSIONER EBERT: Pretty much put on hold, which is good. Yeah, I agree.

CHAIRMAN STRAIN: And I think that takes us through most of the text on this amendment. Well, wait a minute. We've got -- oh, then we come to the end of the amendment where we've got staff concerns. I'd like to walk through those.

MR. YOVANOVICH: Mr. Strain --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- I hate to go backwards.

CHAIRMAN STRAIN: No, you don't. You love to go backwards.

MR. YOVANOVICH: I wish I had an exhibit to put on the aerial -- on the visualizer just to spin it around a little bit.

But Paragraph 3, I think -- I mean Paragraph 2 and 3 need to come out because it refers to the report that comes about at the five-year review. So I think 2 and 3 come out. We'll have to demonstrate fiscal neutrality. And if we need to do a DCA, we always have the ability to do a DCA.

MS. CILEK: Could that section be amended? I think it doesn't work as written, but I think that it still provides an option if there is negative fiscal impact.

MR. YOVANOVICH: Well, we have to address it. I mean, if there is negative fiscal neutrality, we have to address it.

CHAIRMAN STRAIN: Well, then, if you have to address it, then if she can write it in a manner that doesn't change anything you already have to do, then there's not a problem.

MR. YOVANOVICH: I agree, I agree.

CHAIRMAN STRAIN: So that's maybe the attempt that you take by the next meeting.

MR. BOSI: We'll strike through the parens where it says "or five-year interval." That's where it basically -- that's the issue.

MS. CILEK: We'll do a comprehensive review of this section to make sure that there's no connection to the five-year review.

CHAIRMAN STRAIN: That's all -- that's what we're looking for.

MR. YOVANOVICH: So I'm absolved of any responsibility for this section. Staff's taking over,

correct?

CHAIRMAN STRAIN: I feel a lot more comfortable with staff writing things than you.

MR. YOVANOVICH: Well, they wrote this.

CHAIRMAN STRAIN: Huh?

MR. YOVANOVICH: I said they wrote this. Just so you know, this Section L is theirs.

CHAIRMAN STRAIN: They wrote that because you were trying to change something, and they were trying to accommodate.

MR. YOVANOVICH: Let's go.

MS. CILEK: It was completely deleted before.

MR. YOVANOVICH: And I still like that better.

COMMISSIONER ROMAN: Deleted.

MR. YOVANOVICH: It did get a little aggressive on the -- I didn't mean to go that far, but --

CHAIRMAN STRAIN: Michael and Caroline, on Page 50 of this package, it starts with -- the first section, it seems to be a staff analysis. Are there items in there that you still need to walk through based on what you've heard today, or are you --

MS. CILEK: Right.

CHAIRMAN STRAIN: I don't want to waste time if we don't need to.

MS. CILEK: I'm not going to. So the document that says "staff comments for privately initiated LDC amendment," this is just here for your reference. This was my feedback to Rich through the process of what we needed more information on, other little corrections, stuff like that. We've accomplished this.

What I would like to walk through very quickly would be the considerations that are in the memo that directly follows the document you're looking at.

And we've spoken about several of them. I just want to make sure that we touch on all of them.

So are you there?

CHAIRMAN STRAIN: Yep.

MS. CILEK: Perfect.

CHAIRMAN STRAIN: I'm just -- I'm looking at the ones that you have commented on to see if we haven't touched on any of them. Looks like we have, but take a look yourself and let us know.

MS. CILEK: Yes. I'm comfortable that we've addressed the things that were in the initial staff comments. And the memo that I prepared was just considerations for you.

CHAIRMAN STRAIN: Okay. And you will refresh your memo by the time it comes back to us so we know if you still have any outlying concerns?

MS. CILEK: Sure. I'd be happy to.

CHAIRMAN STRAIN: Okay. With that, if there's no other comments from the Planning Commission, I'll ask for public speakers. Anybody wishing to speak, please just raise your hand so I know.

MR. BOSI: Chair, we have two registered speakers.

CHAIRMAN STRAIN: Okay. We're going to hear everybody whether you registered or not.

We'll take the registered speakers first. If you'll call them, come up to one of the mikes and identify yourself.

MR. BOSI: The first is Nicole Johnson, who will be followed up by Michael Ramsey.

CHAIRMAN STRAIN: Someone who doesn't need an introduction.

MS. JOHNSON: Good afternoon. Nicole Johnson here on behalf of the Conservancy of Southwest Florida.

And the Conservancy is supportive of the direction that the Planning Commission is going with this amendment.

There are a lot of changes in here that, quite frankly, I think would be appropriate as part of this RLSA review. I appreciate the discussion about the PUD versus SRA, and they are different. Why are they different, how do they function differently, and do we somehow lose some of the intent of an SRA if we model it too much after a PUD?

So I think that delving into those types of issues during that RLSA review is going to be important, but I don't see, with the modifications that you have recommended, that I think you're going to recommend,

that there are going to be really any critical changes that would be extremely detrimental. So we're comfortable with that.

The economic assessment section was the one that we had really focused on, and we were concerned about substituting something else for the FIAM and making sure that we get that right, that the county gets that right before changes are made.

And we're comfortable with moving forward, removing the five-year requirement with the understanding that something better is going to come out of that review. Certainly the FIAM is probably not the best vehicle for doing the fiscal neutrality analysis and economic assessment, so we want to find something better.

So I think we're more comfortable with the direction that you're going. Certainly we do support keeping in the ability to impose the special assessments and just modify that so it doesn't tie back to a five-year review that is no longer going to be required.

And I just -- because I have gotten the questions today and have had questions in the past, just with your indulgence, there have been questions of why is the Conservancy involved in this? How does this tie to environmental issues? So I just wanted to clarify for the record, the Conservancy's --

CHAIRMAN STRAIN: Well, I don't -- anybody here asking that? I mean, your involvement is welcomed. So I don't have a problem with -- you don't need to explain yourself to me, but --

MS. JOHNSON: Well, I just want to clarify for the record why we are involved in this part of the RLSA review.

Our mission is to protect Southwest Florida's unique natural environment and quality of life now and forever, and our vision, in part, is we envision a region where land, water, and wildlife are protected, our citizens are informed, and our leaders make decisions with the health, wellness, and sustainability of our region in mind.

So we do work on land use planning, growth management. That's my background. My master's degree is in environmental studies with land use planning focus. So it's something that we are involved in and we will stay involved in, and I just wanted that out there and on the record because, for these RLSA issues especially, we want to be part of the process, and we think that we do have valuable input as part of that process.

So we like the direction that the Planning Commission is going, and we are comfortable with the recommendations that you have formulated so far on this amendment.

CHAIRMAN STRAIN: Thank you, Nicole.

MS. JOHNSON: Thank you.

CHAIRMAN STRAIN: Okay. Next speaker?

MR. BOSI: Mike Ramsey.

COMMISSIONER EBERT: Where'd he go? He was just here.

CHAIRMAN STRAIN: Well, he must have liked everything he heard, because he took off.

MR. BOSI: He was smiling last time I saw him.

CHAIRMAN STRAIN: Oh, okay. Then there's any -- I know that there's -- Beth, come on up, and then we'll hear the next speaker.

MS. BRAINARD: I'm Beth Brainard. I'm the executive director of Naples Pathways Coalition.

We also like the direction that you're going. Our issues are primarily around connectivity, walkability, bike-ability, healthy lifestyles. And right now, frankly, Collier County is a patchwork of sidewalks and lanes, things that don't connect. And it continues to be a problem.

And after having seen the Growth Management Plans for the county and conceivably how many new cities, little towns can be created, the idea of connectivity has to be taken into consideration. And every time there's an -- the ability to come in and change it, you know, give a vision, sell it to people and change the vision, we lose something.

And we also, as a community changes, once you allow the -- ones wants that have changed (sic) this to happen, often connectivity becomes the last consideration when you do other things in an area, and it's lost.

So, you know, technically, Davis Boulevard is walkable. It's got sidewalks, right? But they end at different places on the road, and eventually you're going to have to take your life in your hands in this

instance to get across the road to get somewhere else. And I know they're talking right now about residential areas, but it can shift so quickly.

So we also like the direction that you're going right now. Thank you very much.

CHAIRMAN STRAIN: I have a question, Beth, if you don't mind.

Naples Coalition -- and I don't know a lot about your group. I just met you, what, earlier this week.

MS. BRAINARD: Right.

CHAIRMAN STRAIN: The comments made about the City of Naples being walkable or whatever, they don't -- I didn't -- I've never paid much attention, and I don't go into the city too often. Do they not have sidewalks down those residential streets?

MS. BRAINARD: Could I pass that on to Jane Cheffy, who would like to address that, but --

CHAIRMAN STRAIN: That's Jane.

MS. BRAINARD: The question of walkability.

CHAIRMAN STRAIN: You know, I kept looking at you. I haven't seen you for years. It's good to see you again, Jane. Your hair was longer last time I saw you.

MS. CHEFFY: Little bit.

CHAIRMAN STRAIN: Okay. Yes, that's fine.

MS. CHEFFY: Okay. Thank you.

CHAIRMAN STRAIN: Thank you.

MS. CHEFFY: Hi. I'm Jane Cheffy. Lived here in Collier County 31 years. I'm an attorney practicing here for 31 years. Live in the city. And I do want to speak to what Mr. Yovanovich said about Naples being walkable, because one thing you kind of have to understand about Naples Pathways Coalition, of which I am the president -- Beth is our able executive director. We need her so badly -- Naples Pathways Coalition got started because of the walkability issue in Naples, in the City of Naples, because, literally, you can be on any of the residential streets that lead right to the beach, and you can be going one block on a sidewalk and then stop, and then you have to be in the street, possibly cross the street, or just walk in the street, and then all of a sudden there's another block that does have a sidewalk, and it's really very random.

And part of that was because, under their zoning code, residential areas did not have to have sidewalks yet the commercial areas did. They were required.

So 10 years ago Naples Pathways Coalition got together a group of people who were interested in walkability, bike-ability, and one of the key problems was the lack of walkability and the lack of consistent sidewalks in the City of Naples.

So that's why I wanted to speak just very briefly, because you-all have hashed this through, and -- but I want to also point out that while you're talking about a sidewalk down one side of the street, you are still creating, every time you do that on one side of the street, a conflict zone for children, for the handicapped, for adults, older people, have to cross the street every time if they're not lucky enough to be located on the side of the street that has the sidewalk.

CHAIRMAN STRAIN: Richard, this isn't a chance for you to rebut.

MR. YOVANOVICH: I'm not going to.

CHAIRMAN STRAIN: You don't need to be coming to the mike.

MS. CHEFFY: Oh, it looked like it.

CHAIRMAN STRAIN: The conversation is between you and us, not you and him.

MR. YOVANOVICH: She's looking at me the whole time.

CHAIRMAN STRAIN: Well, I don't blame her. You're the thorn in the side, so just --

MS. CHEFFY: So anyway, that was my point that I wanted to make about walkability in the City of Naples. And, in fact, we -- I'm a member of the PAC to the MPO, and one of the main things we keep calling for pathways is the missing links in the sidewalks in the City of Naples. And, in fact, we're getting a couple of our missing links done. You know, every five years we've got more things in the works, but that is a lot of the work of the PAC to the MPO is getting these things put back in there that needed to be in to begin with.

CHAIRMAN STRAIN: Well, I welcome your input. And I've actually mentioned your organization to join us in a workshop or a discussion we want to have that staff's going to set up sometime during the summer to get a better handle on things like what is supposed to happen in a new town, what is supposed to



happen in a town that's walkable, what is supposed to happen in residential neighborhoods for the best of the people there, because we're getting conflicting input from applicants.

We certainly are going to have some applicants there who -- some developers we've -- at least I've asked staff to invite someone from the development community to join us, and we'll have public input. But all these things need to be factored in into a policy that this board can somewhat go by so we don't have this conflict every time we have a project come through, because it's gotten more difficult and more time-consuming, and it needs to be resolved. So your input is well welcomed. Thank you.

COMMISSIONER EBERT: May I --

MS. CHEFFY: Thank you. We'd love to be --

COMMISSIONER EBERT: I want to let you know this morning we got part of your pathway started from Honda, and I will give that excess material to Mr. Yovanovich so he may put that on his desk, too, so we are -- it is a big thing with the Planning Commission.

MS. CHEFFY: Well, that's wonderful, and we'd love to be one of your stakeholders, if you could call us that. We'd like to be part of the stakeholder coalition of people who weigh in with their opinions and advice.

CHAIRMAN STRAIN: Well, we're trying to figure out a way to do it right and avoid all this confusion or contradictions that we have. And once we set a policy -- the development community likes surety. We're going to try to give them some surety in that issue. So thank you.

MS. CHEFFY: Thank you.

CHAIRMAN STRAIN: Appreciate it.

Are there any other members of the public who would like to speak?

(No response.)

CHAIRMAN STRAIN: Okay. Anything else the staff wants to add -- or the Planning Commission wants to add on this issue?

(No response.)

CHAIRMAN STRAIN: With that, I think we've provided the direction we need.

COMMISSIONER CHRZANOWSKI: Yeah, one thing.

I'd feel a lot more comfortable if I saw a lot more people walking on sidewalks in this town. Used to bike to work seven, 10 years, and in the early morning you see bikers, but they're mostly people that are going to menial jobs, without lights and whatever, but I don't see people -- the distances are so great.

Like Naples, I think Rich says it's walkable because you can walk places, there's destinations, but you -- I'm -- Livingston Road, I used to bike there all the way up to Corkscrew, and you never see anybody walking. Maybe around, what, Carlton Lakes there's people that actually walk that sidewalk, but there's other places to walk. You may build a nice network, but unless you get people to use it, good luck.

CHAIRMAN STRAIN: And, yeah. Come on up. I know an obvious answer, and you may have the same, so...

MS. BRAINARD: Oh --

COMMISSIONER CHRZANOWSKI: If you build it, they will come?

MS. BRAINARD: Beth Brainard. Smart Growth America, a group that is studying this and studying complete streets and how it is communities are put together and so on, put together some interesting statistics about just that, and it gets down to the fact that -- and especially talking about older Americans, that over 50 percent of older Americans would walk if they could, 56, 58 percent, but they feel that they have to drive their cars even though most of the places they go, 90 percent of the places that they go, are within three miles, many are within one mile, but they don't feel safe because what they end up on are these huge intersections, like I was talking about Davis Boulevard, you know.

And you can walk on the sidewalk. You can leave my development and walk on the sidewalk, but eventually you hit a massive intersection, and you better be fast to get across. And it's daunting to people, and they're afraid.

And so right now what we're finding statistically is that this demographic, there are more people biking and walking now in this boomer -- last phase of the boomers coming up than there are playing golf.

So they're there, but if they feel scared and if they have nowhere to go, they're not going. So that's

part of the connectivity.

CHAIRMAN STRAIN: And, Stan, we can get into that more when we have our workshop on this issue, if that's okay.

COMMISSIONER CHRZANOWSKI: Even a person with good reflexes is going to be intimidated by Pine Ridge and Airport.

MS. BRAINARD: Absolutely. I wouldn't do it in a heartbeat, yeah. I agree. You have to drive your car.

CHAIRMAN STRAIN: Thank you. And before we wrap up this particular item -- Richard, do you have something you wanted to add?

MR. YOVANOVICH: I'm just waiting my turn.

CHAIRMAN STRAIN: You had your turn. What would you like to say now?

MR. YOVANOVICH: Nothing. I'm just waiting for questions.

CHAIRMAN STRAIN: Oh, I don't have any. I think we're done with all the questions. That's what I'm trying -- I thought you may have something you wanted to add to the --

MR. YOVANOVICH: Because I don't really want to get back into the sidewalk debate. I mean --

CHAIRMAN STRAIN: I don't think you need to. I think we've --

MR. YOVANOVICH: I see how it's going.

CHAIRMAN STRAIN: And there's only one thing I want to say to wrap this one up. When I first read this, I think I called Caroline, because I didn't realize that it was not written by her, although it wasn't written as good as she would write.

And I said, Caroline, can you tell me the stakeholders that were notified on this, you know? I haven't seen any input. You don't have any letters; you don't have anything.

And I would assume because of the SRA amendment last fall that the idea of adding a cross-section that takes out a sidewalk would have stirred some concerns or questions, at least, from the residents of Ave Maria.

And she said that it wasn't hers. It was a private amendment, and she doesn't know what kind of stakeholder involvement was had.

Well, I read it on the weekend, and on Monday morning I called -- I tried to figure out how I could find out if the community out there had heard about it.

So I remember the guy that was the attorney, Klucik -- I think his name, his last name is -- Rob Klucik, and I remembered the name. I looked him up, gave him a call, and then he said he hadn't heard about it. He said, could I send it to him, and I did.

Well, so you've got the letters that I received yesterday. Several of the people now have acknowledged that they hadn't heard about it.

I understand the applicant's position on this. They -- because this is LDC changes, these changes would still have to be amended into the SRA. But in the future, it would have been probably more productive or useful just to go out to the community with a notice so that everybody felt they were part of this. I know there's not an obligation to on an LDC amendment. In fact, it's stuck in a long paragraph that just says Section 4.08.07 SRA designation or SRA amendment, and that isn't much of a notice when it's in a paper on a page and people live as far as they do from the center of the urban area.

So, anyway, in the future, I would hope that if these LDC amendments come up for towns that are remote and may not get the same notification or have the ability that all of us -- that we may have, other people may have just to get the newspaper, somehow we reach out to the stakeholders. I mean, that would be -- that would have been a good thing to do.

MS. CILEK: Yes. And following our conversation, staff has already started networking with groups out there, so we hope to be able to do that -- a better job next time.

CHAIRMAN STRAIN: And, you know, routinely we ask staff that when we have focused LDC amendments, I have asked you at many meetings, have the stakeholders been notified, did you bring any stakeholders in? Same thing here, and it's a question that needed to be answered. It got answered. I was surprised at the answer, but that's -- we're moving forward, and we will finish this up hopefully on the 4th and see where it goes at that point.

So with that, we'll move on to the -- we'll move back into the regular discussion of the land development --

MR. YOVANOVICH: How does -- I'm just -- I have a process question. So what do we do -- are we coming back June 8th?

CHAIRMAN STRAIN: No, it's June 4th. They're going to -- you, with staff, are going to make some modifications to the strikethroughs in the language based on what we discussed today.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: We'll finalize it on the 4th, make sure it's all consistent with what we talked about, and then it's done until it goes to the Board.

MR. YOVANOVICH: So I'm not coming back -- I was confused when you talked earlier about when -- there was a night meeting, June 8th.

CHAIRMAN STRAIN: Well, and Caroline reminded me we had an opportunity on the 4th to clean them up, so we wouldn't have to be here so late on the 8th.

MR. YOVANOVICH: Okay. That's what I wanted to know.

CHAIRMAN STRAIN: So it is the 4th that we're going to come back. June 4th in this room. We'll -- I don't know what other agenda items we'll have, but we'll make sure it's heard that day.

MR. YOVANOVICH: So when you say it's going to be cleaned up, what -- I mean, I know what we're doing in Section L at the end about the five-year review. What other things are you expecting to be cleaned up, or are we continuing to go forward with what we're proposing?

CHAIRMAN STRAIN: You're going to make sure that the NIM procedure is listed everywhere that we talked about. You talked about how you were going to notice the people within the SRA; that's got to be included. You're going to move -- the item on 3D, Page 13, Item 3D, Caroline's going to provide us with the sections of the LDC that that's referencing so we can either find a comfort level that's staying there or not.

Page 14L, that item will be subject to a NIM as well. That's part of deviations. Page 27, we're going to clean up all the references to the five-year review. And then the 6A, as far as I'm concerned, isn't part of this LDC amendment. It's to be --

MR. YOVANOVICH: Well, since it's ours, we get to continue with it.

CHAIRMAN STRAIN: Right. Do what you want in front of the Board, but --

MR. YOVANOVICH: You can vote no -- you can recommend a "no" to adding 6A.

CHAIRMAN STRAIN: That's correct.

MR. YOVANOVICH: That's all I'm asking from a process standpoint.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: Okay. Thank you.

CHAIRMAN STRAIN: And anything that you disagree with the direction we're heading, you obviously don't have to change, but then that will affect the way we vote on it.

MR. YOVANOVICH: Well, I'm assuming you're going to go page by page and make a recommendation.

CHAIRMAN STRAIN: No. We'll read the whole thing, and then if we can't -- if we all can't come to the same page on any differences, well, then yeah, we'll have to take them one at a time, but usually we talk out our differences and we come to a conclusion, so...

MR. YOVANOVICH: I understand, I understand. I think right now we're only talking about Item 6A, Cross-section 6A may be the only disagreement between us and Planning Commission.

CHAIRMAN STRAIN: And that's a -- and 6A is bigger than just your RLSA, because if that's accepted for the RLSA as a street on one -- sidewalks on one side of the street, I can assure you that's a policy that will end up probably working its way into everything that comes through the county from now on, so that one needs to be carefully considered.

MR. YOVANOVICH: I just want to make sure how the process worked. Thank you.

CHAIRMAN STRAIN: Okay. And that's all on this issue.

Stan, what time did you say you had to leave?

COMMISSIONER CHRZANOWSKI: Quarter to three.

CHAIRMAN STRAIN: Okay. And you're at --

COMMISSIONER ROMAN: 3:15.

CHAIRMAN STRAIN: 3:15. Well, let's just take a 10-minute break and come back at 2:10, and we'll keep going till people drop off.

Thank you.

(A brief recess was had.)

MR. BOSI: Chair, you have a live mike.

CHAIRMAN STRAIN: Okay, everybody. Welcome back from the break. Caroline's not here, so Jeremy's going to fill in. And Jeremy says we should start with 2.03.07, the Immokalee amendments. These are a staff-initiated group of amendments that were -- some of them were initiated by the Board, others by this board.

And, Caroline, you're back. Would you like to take over?

MS. CILEK: Could I for just a moment?

CHAIRMAN STRAIN: Yeah, you can go right ahead.

MS. CILEK: Patty was just too fun to talk to.

CHAIRMAN STRAIN: Did you want to start in order numerically, or how'd you want to do it?

MS. CILEK: I would actually love to start with the environmental amendments, which are on the agenda, and they're next up.

CHAIRMAN STRAIN: Okay. You'll have to tell me the numbers, because I'm doing everything --

MS. CILEK: I would love to.

CHAIRMAN STRAIN: Okay.

MS. CILEK: So the next one is LDC Section 3.05.07.

MR. BOSI: It's Tab 3 in the books.

MS. CILEK: Preserve setbacks.

CHAIRMAN STRAIN: 3.05.07, preserve setbacks. Okay. Anybody have any -- I mean, this was -- I don't have any -- I didn't have any marks-ups on this one. If I'd known it was Steve, I would have put a lot of mark-ups on it and questions, but -- I don't have anything. It's just a cross-out of a sentence that wasn't needed in the first place.

MS. CILEK: Great.

CHAIRMAN STRAIN: Okay?

COMMISSIONER EBERT: Yeah. Well, okay. I didn't have the chance to go through these as thoroughly as I wanted to, so I'll bring it up at the next one then.

CHAIRMAN STRAIN: Well, no. We're going to -- if we're done with this one, there's nothing else to bring up.

COMMISSIONER HOMIAK: Do we vote on approving this?

CHAIRMAN STRAIN: Yeah, we vote on approving this today.

Diane, we can't not vote on it because you --

COMMISSIONER EBERT: I thought we were also going to have a meeting on the 8th, which is public meeting.

CHAIRMAN STRAIN: That's for the automobile service station one that we continued from two weeks ago.

COMMISSIONER EBERT: I thought we were also going to do this one.

CHAIRMAN STRAIN: We're going to finish them if there's leftover by then.

COMMISSIONER EBERT: Oh, okay.

CHAIRMAN STRAIN: This was sent out to us, and it was on today's agenda. We have to review it.

COMMISSIONER EBERT: I know. I didn't get this till --

CHAIRMAN STRAIN: Well, I mean, this one is only one sentence. There's not too much to it.

COMMISSIONER ROMAN: I'll make a motion, if we're ready for that.

CHAIRMAN STRAIN: Please do.

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

COMMISSIONER CHRZANOWSKI: I'll second.

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

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Steve, that was a tough one.

MR. LENBERGER: I'll try to do better.

CHAIRMAN STRAIN: What's next, Caroline?

MS. CILEK: The next one is 3.05.02 and 3.05.08, and it is Tab 4, exemptions and exotic vegetation.

MR. LENBERGER: This amendment -- for the record, Stephen Lenberger, Engineering and Natural Resources Department.

This amendment was board directed for staff to look at prohibited exotics and removal of it to do some history with some private residences that wanted to keep Java plum on their property.

So, anyway, staff produced -- I produced the analysis, made a recommendation. And how do you want to handle it? Do you want to go through the amendment, or do you have questions?

CHAIRMAN STRAIN: Well, I think, we'll just -- it's only a couple pages or a few questions. Let's just ask questions. I mean, does anybody have any questions?

I mean, Steve, it looks like, based on Page 6, Item D, exceptions, then you say prohibited exotic vegetation may remain on the property when the county manager or designee receives a request from the property owner to retain the vegetation. Why did you make it so broad if the only issue is Java plum? Why didn't you just say Java plum may remain on the property? I mean, this could be Brazilian pepper, Melaleuca, anything, right? Wrong?

COMMISSIONER ROMAN: Where are you reading, excuse me, Mr. Strain?

CHAIRMAN STRAIN: Page 6, Item D.

COMMISSIONER CHRZANOWSKI: Bottom of the page.

MR. LENBERGER: First line, exceptions, prohibited exotic vegetation, we used the general term because it applies to all three criteria. One being where there's a bald eagle nest on the property, one being the Java plum on single-family, and the other one being vegetation previously planted to meet landscape requirements for the county.

CHAIRMAN STRAIN: Okay. But that would have, though -- this is -- is this new language?

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: Okay. What it would mean is if you have a Brazilian pepper on your property or a Melaleuca tree and it's got a bald eagle's nest in it, you can keep it; is that what you're saying?

MR. LENBERGER: The amendment says that it would have to be removed in accordance with the guidelines by the Florida Game and Freshwater Fish Commission. If it actually has a nest in the tree itself -- and we did have a bald eagle nest on an Australian pine off Bayshore Drive, just recently we found it -- the tree would remain until the eagle nest was considered lost, that would be abandoned and not utilized anymore.

But this amendment allows for -- the trees are removed as permitted by the agencies. Obviously there's issues if the vegetation contains the nest itself or if it's buffering the nest tree from, let's say, a residential use. The sequence of which that vegetation may be removed is going to be up to the -- up to the wildlife agencies according to their guidelines and management plan.

CHAIRMAN STRAIN: Then other than No. 2, though, that one is restricted to the Java plum.

MR. LENBERGER: Correct, the single-family, yes.

CHAIRMAN STRAIN: And I don't know anything -- I don't know a Java plum from an oak tree, so

it doesn't --

COMMISSIONER CHRZANOWSKI: Why are Java plum on the list to start with?

MR. LENBERGER: Invasive species. They --

COMMISSIONER CHRZANOWSKI: Are they invasive, or are they just planted there?

MR. LENBERGER: Well, they are planted historically, but you'll see them in natural areas. You'll even see them around CREW watershed areas out in that region as well.

COMMISSIONER CHRZANOWSKI: Yeah, I've seen them. You've got a whole row of them along North Horseshoe Drive.

MR. LENBERGER: Correct.

COMMISSIONER CHRZANOWSKI: Over the force main on the right side near the canal.

MR. LENBERGER: Correct. They're planted as a buffer along North Horseshoe Drive.

COMMISSIONER CHRZANOWSKI: Yeah, very pretty. And I've seen massive ones, but they're an exotic. Why would you -- I mean, who owns this Java plum that we're going to save it all of a sudden?

MR. LENBERGER: We've had requests from homeowners who had individual large Java plum trees which wanted to retain them on their property when they either built a new house or were doing improvements to the property.

COMMISSIONER CHRZANOWSKI: So if you had a specimen Melaleuca tree, you could actually save it?

MR. LENBERGER: Well, no. I produced an analysis, and based on my analysis, I only recommended the Java plum, which is the only exotic species, prohibited exotics, which has been requested by homeowners to be retained on property.

COMMISSIONER CHRZANOWSKI: Okay. So all these carrotwoods I see on people's properties, they're --

COMMISSIONER EBERT: Stan knows his plants.

COMMISSIONER CHRZANOWSKI: No. I put up with this stuff for a long time. I'm just -- I'm fascinated, that's all. I'm busting his chops. I'm -- I don't care.

CHAIRMAN STRAIN: Okay. Well, if you don't care and --

COMMISSIONER CHRZANOWSKI: No. The exotics are taking over, you know. That's it.

CHAIRMAN STRAIN: Is there a motion?

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

CHAIRMAN STRAIN: Second?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: By Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Where we going next, Caroline?

MS. CILEK: Okay. We're going to skip the fourth item on the agenda and jump down to LDC Section 10.02.06, which is dealing with the CCSL permit. It's No. 12 in your tab -- in your tabs.

CHAIRMAN STRAIN: Does anybody have any questions on the CCSL? It's a very short -- not even a full page of changed text.

COMMISSIONER ROMAN: I have a question. Just to confirm, the recommended change is due to the fact that it's covered other places and this is duplication; is that what I understand?

MR. LENBERGER: No. This is to create exemptions for environmental restoration. Also we've included the removal of exotic vegetation as well, because that's a beneficial activity for areas seaward of the CCSL.

When you do activities seaward of the Coastal Construction Setback Line for the county, it's very restrictive. You have to get a variance from the Board of County Commissioners to do land alteration activities, development in those areas.

And several years back, quite a number of years back, this section was created for creation and restoration of dunes and also allowance for dune walkovers, which are two beneficial activities which we really didn't want to have to go through the variance procedure which is a quite lengthy process. We made a simpler process, and that was included here.

And also there was a provision included for issuance of permits for beach nourishment. The beach nourishment didn't have any criteria with it. It's already approved by the Board through the various processes, so we included that in the exemptions section here as well.

COMMISSIONER ROMAN: I think what I was asking is, these are being -- you're recommending these changes because these things are covered in other areas of the code?

MR. LENBERGER: No, no. They're exemptions. We have environmental restoration activities, for example, on Keewaydin Island. There's a -- Rookery Bay Natural Estuarine Research Reserve has a management plan for Rookery Bay which includes Keewaydin Island. And on Keewaydin Island, they do activities such as controlled burns. They've done a massive exotic vegetation removal effort quite a number of years ago, and we want to make sure that these type of activities we're not putting up a block where you have to get a separate permit to do that. We want the agencies, whether it be under Rookery Bay, the state plan, Wiggins Pass Park, or whether it be Barefoot Beach Park, which has a management plan as well, we want them to be able to manage these lands to restore them and to keep them natural. We don't want to have to create a separate permit process with no criteria to review them by.

COMMISSIONER ROMAN: Okay. I got it.

MR. LENBERGER: So we're encouraging this activity.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Is there any other questions for this item?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER ROMAN: I'll move to approve.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER CHRZANOWSKI: I'll second.

CHAIRMAN STRAIN: Stan.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Where to next, Caroline?

MS. CILEK: Great. No. 6 on the agenda, which is 10.02.07. I'm looking at the Certificate of Public Facility Adequacy provisions.

MR. FRANTZ: Good afternoon. Jeremy Frantz, for the record.

So this amendment has two changes. The first is removing the one-year limitation on COA requirements -- excuse me -- on exemptions from COA requirements for temporary construction and development permits and for temporary use permits.

Here temporary structures, like model homes and sales centers, they may exist for longer than one

year, and they can actually be permitted for longer than one year, and generally they'll be replaced by a permanent structure that would, themselves, be required to obtain a COA.

The second change it to allow for the transfer of transportation impact fees when the applicant holds a balance in excess of current rates.

Due to recent rate changes, there's a handful of cases in which impact fees have been paid in excess of 100 percent of estimated fees at current rates for the entire development. And this amendment would allow for the transfer of those remaining balances to other projects within the same or adjacent impact fee districts.

If you have any questions.

CHAIRMAN STRAIN: Any questions from the Planning Commission? Just one, Jeremy. If they transfer their fees, their excess fees to somewhere else, how do they make up the difference when the fees go up, like they're -- currently things are changing?

I mean, I thought Paula -- ah, there. She already knows the answer, so I thought I'd just let you tell us for the record.

MS. FLEISHMAN: Paula Fleischman.

Yes, that will be tried at building permit when they pay their final impact fees. All COA fees or final calculation are at building permit, CO.

CHAIRMAN STRAIN: Okay. I just wanted to make sure.

Is there a motion from anyone, if there's no further questions?

COMMISSIONER ROMAN: I'll move to approve.

COMMISSIONER HOMIAK: Second.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Second by Karen.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Motion carries 5-0.

Next one up, Caroline.

MS. CILEK: It's No. 7 on the agenda, 2.03.07, and it is Tab 1.

MR. FRANTZ: Jeremy Frantz again.

So this amendment is removing the duration provision related to the interim deviations in the Immokalee Urban Area Overlay.

Currently, this section establishes an effective date of 24 months after June 11, 2010, and that date has been extended twice now. This amendment would allow for those interim deviations to just remain in place until more comprehensive amendments could be adopted.

And the interim deviations have been used in the past, and so we do feel like they'll be helpful until those comprehensive amendments are adopted.

CHAIRMAN STRAIN: That's a good idea. I have to deal with those, so I'm glad to see them extended.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Motion made by Karen.

COMMISSIONER ROMAN: I'll second.

CHAIRMAN STRAIN: Seconded by Charlette.

Discussion?

(No response.)

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



COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next?

MS. CILEK: Great. Next one is No. 8 on the agenda, LDC Section 2.03.09, which is Tab 2, and I just want to make a note that this one is changing the list of permitted accessory conditional and prohibit uses and, therefore, will be reheard at the nighttime hearing on June 8th.

Thanks.

MR. HENDERLONG: Good afternoon. Rich Henderlong for the record.

This amendment is an LDC recodification back prior to 2004 in previous Ordinance 91-103. There's a 50-foot setback requirement for golf maintenance buildings for permitted accessory uses adjacent to residential districts.

The amendment addresses a recent concern brought up by the Planning Commission, and it seeks to introduce the golf maintenance building as an accessory use and also establish that both golf clubs and maintenance buildings will be providing a 50-foot setback.

The setback shall apply only to the external boundaries of the golf district, including platted buffer tracts. It does not apply to the internal boundaries of the golf maintenance. And the amendment further corrects minor scrivener errors and footnotes in the text.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Stan.

Discussion?

(No response.)

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MS. CILEK: Great. The next one is No. 9 on the agenda, LDC Section 4.02.04, and that is Tab 5.

CHAIRMAN STRAIN: You ever spent a lot of time -- well, my wife, in particular, spends a lot of time preparing a meal, and we eat it in 15 minutes.

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: That's kind of what this seems like today. You guys --

MS. CILEK: It might be that way.

CHAIRMAN STRAIN: -- have spent hours and days preparing these, and --

MS. CILEK: We want to make it look easy; that is our goal. We want to make it look easy.

CHAIRMAN STRAIN: Well, you did a good job with these. They're cleaning up nice, so...

MR. HENDERLONG: This amendment allows windows and a wall to be designed on zero lot line portions of a dwelling unit, provided there's a minimum separation of 10 feet between dwelling units.

For the actual text, look at Page 4, Line 29. The amendment also will recognize that cluster development is a design technique, and it adds a cross-reference to clustered standards for rural fringe mixed use receiving land districts, which has its own set of standards.

CHAIRMAN STRAIN: Anybody have questions? Charlette?

COMMISSIONER ROMAN: Yeah, I had a question. On the photos, I know a picture's worth a thousand words, but --

MR. HENDERLONG: Which page?

COMMISSIONER ROMAN: Well, I'm on Page 2 --

MR. HENDERLONG: Okay.

COMMISSIONER ROMAN: -- and Page 3, the color photos.

MR. HENDERLONG: Yes.

COMMISSIONER ROMAN: What are the photos trying to show, that there's windows on the side facing the other house in cluster housing? It says the distance and it tells me where it is, but I'm trying to understand how it advances my understanding.

MR. HENDERLONG: Okay. Good question.

Two reasons. One, the first upper photo on the left shows where you have a door on the side. It's a 15-foot setback where zero lot lines are going ahead, but they've got a 15-foot setback, and that's because they have priv -- they have their own walk path with the windows, okay, and that was to show that some of the PUDs are doing this.

The second series below it, as you move forward, are all 10-foot setbacks for the most part, and they do show that they're currently 3 feet or they're 7 feet or they're 5 feet, or 5 feet off, and they meet the fire code requirement, and windows are allowed.

What's changed is the ability for the wall actually to go onto the zero lot line portion and still maintain that 10-foot setback firewall separation. So we're not reinventing the wheel; we're just codifying what development practices have been occurring.

COMMISSIONER ROMAN: Well, the first two photos, if I understand you correctly, the difference -- that's a 15-foot setback.

MR. HENDERLONG: Right, and you see there's more landscaping between the structures.

COMMISSIONER ROMAN: Yeah, I see that.

So these are good examples? Are these code-compliant examples?

MR. HENDERLONG: This was an example to give you an education about how some of the development is occurring at 15 versus 10 feet on zero lot lines.

COMMISSIONER ROMAN: Well, the sentence that precedes the photos -- and I think photos are always good -- the following photos of cluster housing in the county.

MR. HENDERLONG: Okay. And I think maybe the confusion could be what cluster housing is.

COMMISSIONER ROMAN: No, that's not my question. My question is, are these photos a part of the change that you want to put to this -- in the code?

MR. HENDERLONG: With the exception of the 15-foot setbacks, the others are, to the extent that if the lot were on a zero lot line, they would be conforming. These photos are taken where they're showing the lots are 3-foot with a separation of 7-foot or a 5-foot between the two structures, okay.

So what it's providing -- currently what's happening, Commissioner, is that in PUDs, most of the developers are seeking a deviation from this because they want to be able to put the walls in. And checking with fire officials, they're all in agreement. Concrete block and stuccos have a one-hour fire rating, and they don't have a problem with this.

CHAIRMAN STRAIN: This has only occurred because new staff was hired a couple years ago, and a change in interpretation of how the zero lot line applies within a PUD was initiated. Prior to this, PUDs, because they are clustered housing, were always allowed to have what you see. And when that new interpretation came down that zero lot lines can't have windows because of an obscure section of the code, and even though the prior interpretations allowed it, the new interpretation said no. So we had to come back

through and fix it. That's kind of what happened.

COMMISSIONER ROMAN: Well, and I remember this coming up in a couple of our --

CHAIRMAN STRAIN: Oh, yeah. I've been advising everybody just to ask for it because of the confusion over the different interpretations. This cleans that up.

COMMISSIONER ROMAN: So are the photos going to be a part of the code change, or that's just for us?

MR. HENDERLONG: No, that's just --

COMMISSIONER ROMAN: Okay. I've got it then.

MR. HENDERLONG: -- for narrative information.

CHAIRMAN STRAIN: Photos, in retrospect, probably were more confusing to be in than out.

COMMISSIONER ROMAN: Because I was concerned about how they were labeled, because they were confusing to me. Okay, got it.

MR. HENDERLONG: Thank you.

COMMISSIONER EBERT: I do have a question on that, because I live on a zero lot line. I mean, my house is not -- we have five foot to the lot line, and so does the neighbor, so there's supposed to be 10 feet. But by the time the developer makes you put in your shrubbery, by the time your air conditioners are there, your overhang for the roof is there, your pool heater or your regular equipment, you have no space. And I'm sorry I don't have the photo with me today but, you know, I live right on a preserve. If there is a fire, they cannot -- I don't know how they're going to get back there because they -- they have to be able to get back to the preserve fire.

That -- we used to have, like, seven-and-a-half feet, and they're just making it smaller and smaller. I understand land has gotten more expensive, but it's --

CHAIRMAN STRAIN: This isn't about the setback, you know?

COMMISSIONER EBERT: Well, he's saying that it's -- this is windows.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Right. It says, the setback -- the issue of the width between the buildings doesn't have -- has no impact on what this is about. This is purely about the fact that even if you have 10 feet between houses, you can still have a window there because the code allows.

COMMISSIONER EBERT: Absolutely.

CHAIRMAN STRAIN: That's all that -- yeah, that's what that was getting at.

COMMISSIONER EBERT: Okay.

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

COMMISSIONER ROMAN: I'll second it.

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

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next?

MS. CILEK: Great. Next one is No. 10 on the agenda, LDC Section 4.06.05.

CHAIRMAN STRAIN: Riprap or slopes.

MS. CILEK: It is slopes, No. 7. No, I lie. It is No. 6.

COMMISSIONER ROMAN: Six.

MS. CILEK: Ha.

MR. FRANTZ: Jeremy Frantz, once again.

So we're looking at the first amendment dealing with the slope treatment table dealing with riprap. Currently the slope -- this section limits riprap and other forms of scour protection to rapid flow water

management areas or sloped areas with less than 200 square feet and a maximum height of 30 inches. It's thought that that limitation is unnecessarily restrictive. And riprap can be less expensive and easier to maintain for property owners than a seawall.

So this limitation would still apply for riprap that's used for a water management system within a required buffer, but elsewhere it would not apply.

CHAIRMAN STRAIN: Anybody have any questions?

(No response.)

CHAIRMAN STRAIN: Motion?

COMMISSIONER HOMIAK: Motion to approve.

COMMISSIONER EBERT: Second.

CHAIRMAN STRAIN: Second? Motion made and seconded.

All those in favor, signify by saying.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries.

MS. CILEK: Next one is --

CHAIRMAN STRAIN: Next.

MS. CILEK: -- No. 11 on the agenda, LDC Section 4.06.05, Tab 7, slope treatments.

MR. FRANTZ: So, again, we're looking at the slope treatment table, and here we're looking more generally at the applicability of the table.

This amendment eliminates the slope treatment requirements for single-family lots or slopes that are two feet in height or lower, and really this amendment is just correcting an error that was adopted when the slope treatment table was introduced.

Previously, this section didn't apply to slopes that were two feet in height and lower. And all of these standards were really developed for nonresidential developments or large residential developments that would be required to come in for a site plan. When the table was adopted, it was just incorrectly applied to all slopes.

One more change in the table on this amendment was introduced by the DSAC LDR subcommittee and okayed by staff, which adds grass or sod as one of the allowable slope treatments for slopes that are no steeper than 3-1. You see that change in the text, and there's also a set of new figures at the end of this amendment.

Any questions?

CHAIRMAN STRAIN: Anybody have any questions?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER CHRZANOWSKI: Second.

CHAIRMAN STRAIN: Stan.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. FRANTZ: Thank you.

MS. CILEK: Great. The next one is No. 12 on the agenda, LDC Section 4.08.07, and it is Tab 8.

MR. HENDERLONG: Rich Henderlong.

Section 4.08.07.J.1.a contains the Collier County Steward (sic) Receiving Area Characteristic Chart. In the footnotes of the chart, reference made to underlying land uses that are not required land uses; however, there are no underlying uses shown on the chart.

This amendment clarifies that -- the uses that are not required within an SRA designation, and it reformats the chart into four separable (sic) tables that are better to illustrate the requirements for a town, village, hamlet or rural -- compact rural development form of SRA development.

Staff made additional clarifications by moving the footnotes to the actual respective form of the development table and by stating that Policy 4.7 refers to the Future Land Use Element and by clarifying the term "workforce" relates to affordable workforce housing density bonus.

Attachment 1, which is at the end of tab, represents the prior ordinance for the SRA characteristic chart. And Comprehensive Planning staff has reviewed and approved the changes to the new table so the changes are clearer and easier to read and use for future SRA developments.

CHAIRMAN STRAIN: Rich, the only question I had is on the overhead. The two on the left where the arrows are have an underline under that small portion and the others don't. How did that get addressed in your revision to the document?

MR. HENDERLONG: Mr. Strain, are you on Attachment 1?

MR. BOSI: On the overhead.

COMMISSIONER ROSEN: Attachment C.

MR. HENDERLONG: Oh, okay.

CHAIRMAN STRAIN: See those two little underlines? I just want to make sure that got picked up somehow.

MR. HENDERLONG: Where your arrows are at?

CHAIRMAN STRAIN: Yeah.

MR. HENDERLONG: Okay. The arrows are five stars. That's actually a scrivener error. I talked to David Weeks about it, and we had him research all the minutes to make sure that in previous codes there wasn't something that was intended for a footnote to be there with those five stars. So we don't know how it got there.

CHAIRMAN STRAIN: Okay. Because that's the only difference I could find that you hadn't seemed to address in the two tables.

MR. HENDERLONG: That's correct.

CHAIRMAN STRAIN: He just turned it all off because I guess he doesn't want us to look at it anymore.

COMMISSIONER ROMAN: Why'd you turn it off?

CHAIRMAN STRAIN: Why'd you turn it off, Mike?

So you did the research. That was -- so you did the research. There was no -- you can't figure out why the five stars were there and, as a result, there was no way to address it.

MR. HENDERLONG: Yes.

CHAIRMAN STRAIN: Okay. Now that I know that, I have -- I was here during that period of time -- I may have some notes that you didn't have. I'll take a look and see if there's anything different. If there is, by the time of the next meeting, I'll let you know.

MS. CILEK: That would be great. Thank you.

CHAIRMAN STRAIN: That answers the concern -- or the question I had about it, so...

COMMISSIONER EBERT: So this will be coming back on the 8th?

CHAIRMAN STRAIN: I would like to hold off and just acknowledge that no new information could be found on this one so it stands as Rich corrected it.

MS. CILEK: Perfect.

CHAIRMAN STRAIN: Is that okay?

MS. CILEK: Yes.

CHAIRMAN STRAIN: Okay. What's the next one?

MS. CILEK: Next one is No. 12 on the -- nope, just did that one.

The next one is relating to the sign section and landscape section. I'd like to hold off and put that one at the end so we can get the most done before Stan leaves, if that's okay.

CHAIRMAN STRAIN: Yeah, that's a good idea.

MS. CILEK: Okay. So we're going to jump down to No. 14 on the agenda, which is LDC Section 10.02.04, and that is Tab 10.

MR. FRANTZ: Jeremy Frantz, once again.

This amendment is implementing a staff clarification from 2014 that indicated one of the current criteria for minor subdivision plats was inadvertently inserted during the last revision to the LDC.

Historically, the counties process these minor subdivision plats in any zoning district, including PUDs. So this amendment is just removing that portion.

CHAIRMAN STRAIN: Thank you. Anybody have any questions?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Made by Karen. Seconded by?

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Charlette.

All in favor, signify by saying aye.

COMMISSIONER CHRZANOWSKI: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Next one?

MS. CILEK: Next one, LDC Section 10.03.06, Tab 14. And I'm to add something to this after Rich presents it.

MR. HENDERLONG: This particular amendment is --

CHAIRMAN STRAIN: You said Rich, and I was worried the wrong Rich would get up again. You said SRA. I said, oh, no, he's back.

MS. CILEK: It is related to that issue, though.

CHAIRMAN STRAIN: I know.

MR. HENDERLONG: This amendment is before you directed by the Planning Commission from September 9, 2014, during the public hearing for Ave Maria SRA town plan and master plan review. The SRA process is only a process in which the county involves modifications to land use that does not require a neighborhood information meeting.

So this change removes it as an optional element and makes it a requirement consistent with PUD amendments and other rezone petitions.

CHAIRMAN STRAIN: Now, the only question is as a result of discussion previously, you need to make a change to this to be consistent with the previous commitments made.

MS. CILEK: Exactly. This is the LDC amendment that we're going to modify to reflect the discussion with the other Rich.

CHAIRMAN STRAIN: So this one's going to have to be --

MS. CILEK: Don't -- yeah, you can wait on it.

CHAIRMAN STRAIN: Just hold off on anything. So that will just have to sit until we have our next meeting.

MS. CILEK: Yep.

CHAIRMAN STRAIN: Okay.

MS. CILEK: The next one is No. 16 on the agenda, appendices, and that is Tab 15.

MR. HENDERLONG: Okay. This is the Appendix A, the standard performance security documents for the required improvements to the LDC code. Three additional performance security instruments are being incorporated. They are for excavation permit, early work authorization, and site development.

The current irrevocable standby letter of credit is modified to be more specific to the required improvements, be it a subdivision excavation, early work authorization or a Site Development Plan.

So the appendix has been reformatted into four sections for ease of use and its application. It's been also approved for legal sufficiency.

CHAIRMAN STRAIN: But I believe there's going to be some more changes.

Heidi, did you have something you wanted --

MS. ASHTON-CICKO: Yeah, we're going to add a draft -- or appendix agreements for the early work authorization, the SDP, and the excavation. So we will have those for the next meeting, and we'll give you a revised package.

CHAIRMAN STRAIN: Okay. Does anybody have any questions on this portion of the package at this time? Stan?

COMMISSIONER CHRZANOWSKI: Just a comment. We were going to change that excavation bond about five years ago. I'm glad to see you finally did that. And I think -- I think it's appendices and not appendixes.

MR. HENDERLONG: Gotcha.

COMMISSIONER CHRZANOWSKI: Latin.

MR. HENDERLONG: Got it. Thank you.

COMMISSIONER CHRZANOWSKI: Remember your Latin.

CHAIRMAN STRAIN: Remember your Latin.

Okay. Well, that one will have to come back on the 4th.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. Where are we going next?

MS. CILEK: Okay. The last one for today is Tab 9, and that is addressing signage and landscaping. I'm going to walk through one.

I was hoping that we would have a presentation by Jeff Wright with Code Enforcement today. It looks like that may be continued or maybe it's not needed anymore.

But this amendment follows board direction to provide some flexibility and some changes to the LDC to allow for commercial sign visibility. And the discussion occurred alongside their discussion of hand-held signs. And so the goal was to continue to enforce the hand-held sign -- the hand-held sign provisions in the Code of Laws in exchange for some flexibility and changing the LDC to allow for commercial sign visibility. So that is where this amendment originates.

CHAIRMAN STRAIN: I have a twist on this one I've got to ask. I've watched enough of the board meetings to see a fellow stand up at practically every board meeting and try to speak on behalf of sign holders.

MS. CILEK: Okay.

CHAIRMAN STRAIN: And he's trying to get sign holders legalized in some manner.

COMMISSIONER EBERT: That's correct.

CHAIRMAN STRAIN: But this is going in the opposite direction. This is suggesting that we're doing this to eliminate sign holders. Is the Board -- did the Board do this purposely, or was -- anybody point that out? Because I think he's standing up there saying there's a lot of veterans and other people who normally wouldn't be able to hold jobs doing these sign holding.

(Stan Chrzanowski left the boardroom for the remainder of the meeting.)

CHAIRMAN STRAIN: And, I mean, I'm not -- I've never checked out the validity. I don't know anything about the sign holders, but I remember seeing that or listening to that repeatedly at numerous board meetings, and then I saw this, and it said -- in the intro it said, commercial signs/sign holders. And I thought, oh, they must be addressing that issue the fellow always gets up and talks about. But then when I read it, it's just the opposite. It's eliminating -- it says it's being done to eliminate sign holders.

MS. CILEK: And that was the Board's direction --

CHAIRMAN STRAIN: Okay.

MS. CILEK: -- on October 14th. And so we walked through their minutes, and we put bullet points together about their discussion. And it really was so they're going to continue to enforce the rules on the books and the Code of Laws, but in exchange they were going to allow for more visibility of commercial signage so that there would be a little bit of a balance there.

CHAIRMAN STRAIN: When did you say that was done, this board made this direction?

MS. CILEK: If you look on Page 2 under the reason --

CHAIRMAN STRAIN: Just tell me.

MS. CILEK: Oh, October 14th last year.

CHAIRMAN STRAIN: Well, he's been standing up numerous times since then. Why don't they just tell him they've already -- that they've got language to resolve it? I mean, I'm just wondering has anybody told the fellow that this is happening?

COMMISSIONER EBERT: It's because of his location within the center he's at. And you're right, he keeps fighting it all the time.

CHAIRMAN STRAIN: Well, I'm not saying he's fighting it. I'm just saying he's got an issue.

COMMISSIONER EBERT: Yep.

CHAIRMAN STRAIN: I just thought this was addressing the issue, and I found out it is but in a different way, so I just thought it was kind of unique.

COMMISSIONER EBERT: They're taking it away.

CHAIRMAN STRAIN: I don't have anything against your language.

MS. CILEK: Sure.

CHAIRMAN STRAIN: I mean, you're fine what you're writing up.

MS. CILEK: If you were to address the sign-holder issue, it would be through the Code of Laws provisions, because that's where the regulations are for no commercial use of the right-of-way.

CHAIRMAN STRAIN: Okay. Well, I don't have any issues. Anybody else?

COMMISSIONER ROMAN: Well, I have -- for some reason when I read this, although I support its purpose, I envision all these trees being cut down around signs in the county, and I'm just wondering --

MS. CILEK: Do you want to look at that provision?

CHAIRMAN STRAIN: Oh, yeah. There was -- yeah, there was some issues I forgot. In fact, Heidi's got an issue that --

MS. CILEK: Do you want to walk page by page?

CHAIRMAN STRAIN: No. Just point out -- I don't think we need to. Point out where your questions are from.

MS. CILEK: Where are your questions?

COMMISSIONER ROMAN: Well, my question was just in the entire intent of the code change in achieving sign visibility. We've got some mature trees that obviously are blocking because the wrong type of tree was selected for the wrong place. I mean, that's usually what contributes to this.

And I could see some mature trees just being cut down because they're blocking a sign, and I don't know if --

MS. CILEK: Okay.

COMMISSIONER ROMAN: -- there needs to be something more about relocating them or what.

MS. CILEK: On Page 15 there's an introduction of an alternative in the Type D buffer which would need to be at least 20 feet in width, and that allows in the last sentence of the provision for one required canopy tree to either not be planted or to be removed, okay. So it only allows for one tree to be removed.

COMMISSIONER ROMAN: And what line was that?

MS. CILEK: It is Line 19. It starts off, so within the visibility triangle, no more than one required canopy tree may be exempted from the Type D buffer requirements. So it's intended to be directly related to the sign in the proposed visibility triangle.

COMMISSIONER EBERT: I know this was a problem because what they did on Immokalee and 41 -- it was huge what they did, the Colliers. People were very angry. They stopped it at King's Lake, I



believe.

Can we come back to this one? Because there are a couple other people that I did not get a chance that returned my calls. Could we bring this one --

MS. CILEK: Absolutely.

COMMISSIONER EBERT: Okay. Thank you.

MS. CILEK: And we did work with staff on this to look at how to address the concerns related to signage in the required canopy trees, and the suggestion of removing one required canopy tree came from staff in our discussions.

CHAIRMAN STRAIN: Did you have anything you wanted to clarify, Heidi?

MS. ASHTON-CICKO: I can just get with Caroline --

CHAIRMAN STRAIN: Okay.

MS. ASHTON-CICKO: -- because I've not made her aware of the --

CHAIRMAN STRAIN: Since it's coming back.

MS. ASHTON-CICKO: I had one language change and then one question, so...

COMMISSIONER ROMAN: It would be nice if they could relocate it, but I know that's not always possible for -- some of these trees have been there for a long time.

MS. CILEK: It's true.

COMMISSIONER HOMIAK: Part of it's the maintenance.

CHAIRMAN STRAIN: And, you know --

COMMISSIONER ROMAN: Yeah. Part of --

CHAIRMAN STRAIN: Yeah, and I had thought the same thing in a lot of those trees they bulldozed down. Why don't we just relocate them, and the answer was it costs more to relocate them, and the survivability rate is so low that they can go out and buy a new one cheaper and assured -- and give a warranty with it.

COMMISSIONER ROMAN: Right. But this is just one tree, you know, versus a whole land. But the other thing is, I think you raise a good point, Karen. It's the maintenance of these trees. If they were maintained properly, they wouldn't --

COMMISSIONER HOMIAK: There's a lot of visibility issues out there.

COMMISSIONER ROMAN: Because of maintenance.

MS. CILEK: I'm so glad you brought that up. Maintenance --

COMMISSIONER ROMAN: I think that needs to be a part of this.

MS. CILEK: -- is key. And, actually, we included the maintenance provisions within the LDC to try to highlight and bring it to the forefront that it is a maintenance issue in many cases.

We -- from an LDC standpoint, it's already there. It's really enforcement and knowledge also that there is a maintenance requirement when you put in a landscape buffer.

COMMISSIONER ROMAN: And I'm wondering if that code enforcement briefing that was planned for today might not still be worthwhile.

MS. CILEK: Okay. And that one is in relation to the sign holders, and I will ask Jeff to come back next time.

CHAIRMAN STRAIN: Okay. So out of the package, we've got four things coming back, plus the SRA private.

MS. CILEK: Anything else on this landscape one that you want me to look into so that I'm more prepared on the 4th? Any other suggestions?

CHAIRMAN STRAIN: No.

MS. CILEK: Okay, perfect. I'll work with Heidi.

CHAIRMAN STRAIN: Okay. Well, actually, that takes us to the end then, does it not?

MS. CILEK: Yes, that's the last amendment for today.

CHAIRMAN STRAIN: It's amazing. See, Charlette, you made it the whole day, and we got out of here on time.

COMMISSIONER ROMAN: Well, I know. It's because the chair runs such an efficient meeting. I was going to say that -- I just had a thought regarding this -- this tree item. Maybe that's something,

when we look at the landscape buffers from some of our PUD language, that that might be something -- is it a given that they're supposed to maintain them and everything on these commercial centers?

MS. CILEK: Yes, it's a requirement.

COMMISSIONER ROMAN: It is? It is a requirement, but it's just not being done?

CHAIRMAN STRAIN: It's a code enforcement action if they don't.

COMMISSIONER ROMAN: So it's just not being done.

CHAIRMAN STRAIN: That's correct.

COMMISSIONER ROMAN: Ah, okay.

COMMISSIONER EBERT: But you don't want to call code enforcement all the time.

COMMISSIONER HOMIAK: Well, that's what it's about. That's what they're there for.

CHAIRMAN STRAIN: Okay. Well, we're in good shape then. That turned out real quick and easy. So there's no old business, there's no new business.

Any public comment?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion to adjourn?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Second by?

COMMISSIONER EBERT: (Nods head.)

CHAIRMAN STRAIN: Diane.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

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

MS. CILEK: Thank you.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:51 p.m.

COLLIER COUNTY PLANNING COMMISSION

*for* Mark Strain  
MARK STRAIN, CHAIRMAN

ATTEST  
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on           ✓          , as presented            or as corrected           .

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