

May 7, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 7, 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
Diane Ebert
Karen Homiak
Brian Doyle
Charlette Roman
ABSENT: Stan Chrzanowski

ALSO PRESENT:

Mike Bosi, Director of Planning and Zoning
Corby Schmidt, Principal Planner
Raymond V. Bellows, Planning Manager, Zoning
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. If you'll all please have your seats so that I can ask you to stand in a minute.

Welcome to the Thursday, May 7th meeting of the Collier County Planning Commission. If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

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

COMMISSIONER EBERT: Yes. Good morning.

Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER EBERT: Mr. Chrzanowski is absent.

Ms. Ebert is here.

Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: Mr. Doyle?

COMMISSIONER DOYLE: Here.

COMMISSIONER EBERT: And, Ms. Roman?

COMMISSIONER ROMAN: Here.

COMMISSIONER EBERT: Thank you.

CHAIRMAN STRAIN: Just so everybody knows, Stan contacted the office, and he has an excused absence for today. He's got some issues he has to deal with at home.

So with that, we'll move into the addenda to the agenda. And we have three cases on today's regular agenda, and then we have the discussion concerning the Collier County Land Development Code.

I also would like to talk about two other meetings. First of all, the next meeting this month is the 21st, I believe. Does anybody here know if they're not going to make it at that date?

(No response.)

CHAIRMAN STRAIN: Okay. Then the -- we are looking at a special meeting in the evening starting at 5:05, and I believe the date's been established for June 8th. Does anybody know if they're not going to make it to that meeting? And that's not on your -- it's not on the table that was sent out. It's a Monday evening. It's a special meeting to discuss Land Development Code actions that can't be discussed without having at least one evening meeting. It will be short; it shouldn't be too long, but there will be two items on that.

COMMISSIONER ROMAN: If that's the date that was originally proposed, I believe I have a conflict to that. If that has changed, I can't answer it right now. I have to look at my calendar. But if that was an original date, I believe I had a conflict with that date.

CHAIRMAN STRAIN: Okay. I don't recall if it is or not --

COMMISSIONER HOMIAK: It is.

CHAIRMAN STRAIN: -- but if it is, then we have, one, two -- everybody else okay? So we have at least four. So we still have a quorum, so we're good. If anybody can't make that, make sure you contact staff well ahead, and I'm sure maybe Ray prior to the -- well, we'll announce on the 21st that again, and so we'll make sure everybody's good with that date.

One item I wanted to discuss under addenda to the agenda is, how many people are here about an issue involving RaceTrac? If you'd just raise your hands. Okay. I want to make it real, real clear, because I've received probably two dozen emails, numbers of phone calls about the action on today's agenda, which is a Land Development Code review and a rewrite of the automobile service station section of the code.

It has absolutely nothing to do with the RaceTrac on Palm and 41. The RaceTrac on Palm and 41 is grandfathered in prior to that enactment of this particular language because they actually applied for their permits prior to the moratorium that's in place right now on gas stations.

So you're more than welcome to stay here today and talk to us about your concerns with the language

that is being proposed for everywhere else, but it will not impact the RaceTrac on U.S. 41 and Palm. That one is already under a grandfather clause. I don't know what they're going to do there. There haven't been any new plans submitted since the last ones were, I guess, stopped.

COMMISSIONER EBERT: Pulled.

CHAIRMAN STRAIN: So at this point, I just want to -- if you're going to wait all day to talk about RaceTrac, that's not the issue that's coming up for our agenda this afternoon or later today when we get through our regular items.

I wanted to make that clear to everybody so in case you were thinking you were in a RaceTrac. As the emails indicate, it's not RaceTrac.

So with that, we'll move straight into our -- well, we discussed absences.

Approval of minutes. We had a set of minutes electronically provided for April 2, 2015. Does anybody have any changes or corrections to those minutes?

COMMISSIONER HOMIAK: Yeah. On Page 3 and 28, there's -- I figure, I guess, it's a must be secret code for Rich Yovanovich because it says R2, but it doesn't say his name. I think it's supposed to be written out.

CHAIRMAN STRAIN: Oh.

COMMISSIONER HOMIAK: R2. It must be some secret code for court reporter or something.

CHAIRMAN STRAIN: It's like Star Wars.

COMMISSIONER HOMIAK: Yeah R2 D2.

MR. YOVANOVICH: Why isn't it R1?

CHAIRMAN STRAIN: Okay. So those --

COMMISSIONER HOMIAK: I don't know. The number 2.

CHAIRMAN STRAIN: So those two locations where it's R2, it needs to be corrected to Richard's name, right?

COMMISSIONER HOMIAK: Yeah. With that, I'll make a motion to approve.

CHAIRMAN STRAIN: Okay. Is there a second? Anybody want to second?

COMMISSIONER DOYLE: Second.

CHAIRMAN STRAIN: Brian, thank you.

All those in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

BCC report recaps, Ray?

MR. BELLOWS: Yes. On April 28th, the Board of County Commissioners heard the PUD rezone and companion Growth Management Plan amendment for the Vincentian Village project. That item was continued to May 12th, and it's my understanding that it will be continued again to allow for the last language. And I think Nancy --

MS. GUNDLACH: It has been continued to the 26th.

CHAIRMAN STRAIN: Okay. Thank you.

Chairman's report, I do have one item I want to discuss, the issue involving the service station language for the LDC. This has come back and forth to us a number of times, and each time we have some speakers. Well, the last couple of times, though, it hasn't been many. I think we've had two speakers. I'm glad to see a lot of people here who are interested, but we haven't had that much interaction prior to this.

But when we have speakers, they normally fill out speaker slips. I'm going to ask today that anybody speaking please do so for the following reason: At the end of today's meeting, I'm going to ask that the Planning Commission consider requesting staff to draft a policy providing that anybody that fills out a

speaker slip on an item that has come back or is continued is notified pursuant to that speaker slip, meaning if we can get an email address, that's great. If we got a phone number, we'll do it that way.

But as we have learned with the service station amendment, not everybody gets notified equally. I don't think too many of us read all that wasted money on advertising in the newspaper.

Unfortunately, that's required by statute, but I really don't -- I don't think I've met anybody but attorneys who read that and, therefore, if someone is interested and they show that by being here, filling out speaker slips, from now on I'm going to ask that if the Planning Commission agrees with what's presented down the road, that we establish a policy that anybody coming before this body who fills out one of those slips will be notified if the item is continued or it comes back again based on a continuance.

So with that, Ray, if nobody objects, I'd like to ask staff to consider that. And the next meeting or the meeting thereafter, or sometime over the summer we'll finish this up and see if we can get it written up in a manner that works for both staff and the Planning Commission. I'm not hearing any negatives, so we'll assume that's just guidance for now.

The consent-agenda items, No. 8, we don't have any today, so we'll move directly into our first advertised public hearing. And there are three public hearings prior to the discussion on the Land Development Code.

***The first one is PUDZ-PL20140000393, and it's for a project known as Lido Isles RPU located on the east of Collier Boulevard.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. (The speakers were duly sworn and indicated in the affirmative.)

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

MR. EASTMAN: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I have spoke with staff on this one.

CHAIRMAN STRAIN: Okay. And I have met with the applicant and their representatives. I have talked to staff. I have talked to representatives from the Kitson Corporation, who owns Willow Run, and I believe that's all.

Karen?

COMMISSIONER HOMIAK: I spoke with Mr. Yovanovich.

COMMISSIONER DOYLE: I've spoken with Rich Yovanovich and a slight communication with Bob Mulhere.

COMMISSIONER ROMAN: I spoke with Rich Yovanovich and Bob Mulhere.

CHAIRMAN STRAIN: Okay. Thank you.

With that, we'll move directly into the application. And, Bob, I guess you're making the presentation?

MR. MULHERE: Yes, thank you. For the record, my name is Bob Mulhere. I'm with the firm of Hole Montes. Here with me this morning representing -- as the applicant is David Torres and also Paul McMichael with Hole Montes, who works with me; Rich Yovanovich is the land use attorney; and also Norm Trebilcock who did the transportation analysis.

On the visualizer there's an aerial which shows the subject site. I'm sure you're all familiar with it. Just to the east you can see the label for Willow Run PUD. So, you know, to our north is the Willow Run PUD and its access, which we will share with them. We have now recorded a shared access agreement.

The project is 24.32 acres in size. It's located within the urban residential fringe which allows the base density of 1.5 units per acre and also allows for an increase of one unit per acre to a total of 2.5 units per acre with utilization of transferable development rights from sending lands. So with the TDRs, we can achieve 2.5 units per acre. That totals 61 units. So obviously it's a fairly small project. It is only for residential use.

This is the master plan. The project, like most of the projects in this area, is constrained with the large FP&L easement to the east. And we have a significant preserve, as you can see, along the frontage where the highest valued habitat was located.

There really were only a couple of issues. Staff was recommending approval subject to, I think, final

recording of the access easement and also interconnection to the parcel to the south, which I'd like to talk about a little bit.

Let me put a better exhibit on there that we can use to show the area. So this will be a gated residential community. You can see there's a five-acre parcel immediately to the south of the subject property right here.

To orient you, there was a restaurant, a nonconforming restaurant there for a long, long time. I believe that's closed right now.

There is a bridge, canal crossing, on that property. And below that is Hacienda Lakes. That's a residential tract within that PUD/DRI. And, again, to the north is basically, for the most part, the access piece to Willow Run Quarry, and then we would be sharing that access.

So, obviously, we really don't want to have traffic running through our residential gated community from the south. And there is already a bridge there.

The two provisions that deal with this in the Growth Management Plan are Policy 7.3 and Policy 9.3. Policy 7.3, which I think is in the Future Land Use Element, says all new and existing developments shall be encouraged to connect. So not required.

And Policy 9.3 says the county shall require -- and I think that's in the Transportation Element, but that says the county shall require wherever feasible interconnection of local streets between developments.

Then it goes on to say that the LDC shall identify circumstances and conditions that would require the interconnection of neighboring developments.

The only language in the LDC that I could find that would be applicable is, within the PUD design section, there is a section that is entitled "streets, drives, parking and service areas," and it reads, the interconnection of collector and local streets within the PUD to adjacent lands or developments shall be required except where the county manager or designee finds that the interconnection is not feasible or warranted due to -- and this is the -- I guess, would fall as the criteria -- development patterns, transportation network needs, or the like.

The interconnection should not adversely impact or shall be designed to discourage through traffic and not adversely impact local streets in neighboring residential areas.

I think more than that, there's really nothing to be gained here. Everyone -- we don't go far enough east to access some future Benfield Road connection; neither parcel does that.

And so any traffic in a future development on that five acres is going to have to access 951 either directly across their own bridge or potentially through our property to the north to access the joint access that we have; however, we don't control that joint access. We are being given an easement to use that to access our property.

For this property to use that access, they'll have to negotiate with the Willow Run Quarry RPUD folks. So, number one, we don't see any real need; number two, it's not feasible or practicable, and so we would ask that that condition be removed or that the Planning Commission recommend that that not be applied to this project.

That was really the only outstanding issue. I think there were a couple of questions, and I'm happy to respond to those. One was, there is -- on Page 4 of 10 of the PUD document, Exhibit B, which is the Development Standard Table, there was a -- I guess the second -- the second column read "platted residential or amenity center lots." And if you-all -- do you see where I'm talking about? I can put it on the visualizer if that's easier.

CHAIRMAN STRAIN: It would help so the public can see what you're talking about.

MR. MULHERE: No problem. So this is the -- this is the Exhibit B which sets forth the residential development standards. There's another table or another section of the PUD that sets forth standards for the amenity center. So this line was simply not necessary. Just -- we're suggesting that we just strike through it in its entirety, because it's obvious that it's development standards for the residential uses, and it doesn't apply to the amenity center uses.

The other question -- I believe Ms. Roman had a question about black bear management. That's a good question given the location and all the news that we see these days about the increase in the black bear population. And so I called Passarella, Cheryl. And on Page -- I can read this. You don't have to -- it's just

one paragraph, but on Page E9-5 of the environmental impact package, environmental statement, it's entitled "Florida Black Bear Management Plan," and I'll just -- it's very brief paragraph. With your indulgence, I'll just read it.

CHAIRMAN STRAIN: Go ahead.

MR. MULHERE: It says, the informational brochure created by the Florida Fish and Wildlife Conservation Commission, titled "A Guide to Living in Bear Country," provides background information on identification, habits, and protection of the Florida black bear.

This will be distributed to future homeowners and construction maintenance personnel. The brochure educates the public about the Florida black bear and how to discourage bears around homes. The brochure also provides the Fish and Wildlife Conservation Commission contact information for homeowners who may experience bear problems.

This project will utilize bear-proof dumpsters, and residents will be provided with information on how to secure their garbage containers and discourage bears from foraging in trash receptacles.

So we do have a black bear management plan that's consistent with the Florida Wildlife Conservation Commission guidelines.

COMMISSIONER ROMAN: Do we need to refer to that in the PUD? Because I was referring to Item No. 7 of Page 3 of 10 of the PUD. We can wait until we get to that, but --

MR. MULHERE: I'll take a look at it.

COMMISSIONER ROMAN: But it said conservation related and recreational activities. It was just a general, you know, sentence. And I know in previous PUDs we've mentioned management plans when they've been appropriate.

CHAIRMAN STRAIN: It would be appropriate to reference it in the PUD, certainly.

COMMISSIONER ROMAN: Okay, great. Thanks.

MR. MULHERE: Under environmental, under Exhibit F, developer commitments, under environmental we can simply state that the -- we can put a statement in there that indicates that there will be a black bear management plan, basically repeat what was already stated there.

COMMISSIONER ROMAN: Okay. Sounds good. Thank you.

CHAIRMAN STRAIN: Thank you.

Bob, did you have more presentation?

MR. MULHERE: That's it, Mr. Strain.

CHAIRMAN STRAIN: Okay. We'll start with questions from the Planning Commissioners. Anybody on the Planning Commission at this time want to ask any questions?

COMMISSIONER EBERT: No questions.

CHAIRMAN STRAIN: Well, Bob, you won't get away that easy.

MR. MULHERE: Okay. That's why I have Mr. Yovanovich behind me.

COMMISSIONER EBERT: R2?

CHAIRMAN STRAIN: R2 you mean? Yeah, that's a good point.

The interconnection. Hacienda Lakes is one of the projects to the south. That project is owned by people who have similar ownerships of the project in question, Lido.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: And other properties they've bought up, such as Lords Way, such as the Assembly of God church section that MDH used to own, and a commercial parcel out in front. So it's obvious that Hacienda's buying up more property in the area.

This holdout, this remaining five acres, it wouldn't surprise me if some day a deal was cut so Hacienda bought that. I can't see why there would be a disadvantage to have an interconnection along Florida Power and Light easement on your master plan to show -- to that area to the south so that if it ever is bought and if it ever comes in for a change, we can require their interconnection to Hacienda, and then we've got all the projects in that area focusing on one entry into 951 because, honestly, the entry into Cracklin' Jack's is dangerous. It's a no right -- no decel lane, no excel lane. And if you're going along 951 at 55 miles an hour or -- well, you never do the posted speed limit. So it would have to be 60 -- it's hard to stop and deal with that traffic.

So I'm not sure the idea of an interconnection is a bad thing. And normally you're right, we encourage them. And historically this board hasn't been receptive to forcing interconnections between residential and commercial because the privacy and security in a residential project is well warranted, and commercial could somewhat disrupt that.

In this case we're going from residential to what would potentially be commercial, because that nonconforming use isn't going to be able to expand much. And on a 5-acre tract, they're limited to the front building. And if they stay vacant for too long, they're going to lose that use anyway. So more than likely it will probably go to residential and be absorbed by another project.

But I think the idea of having that interconnection there is, at least shown, is not a bad thing.

MR. MULHERE: For a long time we've talked about using a portion -- potentially a portion of that FP&L easement to allow vehicular interconnection along -- along the rear of many of these properties, the east side of many of these properties. But I -- and I don't know, because I've never actually been a part of trying to negotiate that allowance within the easement. I did hear that someone recently tried to do that, and it was not accepted by FP&L because, really, they control the situation. I guess there's liability.

CHAIRMAN STRAIN: Brandanna, project up in North Naples, tried to get access to their parcels that Brandanna was blocking for access, and FP&L -- we were told by the attorneys representing one of the parties at the time that they -- they pursued it, and FP&L wouldn't agree to it. Doesn't surprise me. And then, thus, interconnection was supplied through Brandanna for those parcels.

MR. MULHERE: So I may have to talk with my client. So maybe we could just hold that question for a minute and -- in case there's any other questions, and then if we could just take a minute or two off.

CHAIRMAN STRAIN: Okay. Then let's move to your master plan. And it's Page 5 of the PUD. First of all, up in the upper right-hand side, you've got the density count and everything on the master plan. I don't believe we need to see that there. It's in the text of the PUD.

Second of all, No. 4, I'm a little concerned about the wording there. I did check the takings document that supplied the county with its well easement as well as the accesses to that well easement, and they're shown on this map on the right-hand side as 15-foot UEs, and that's within the 170-foot FP&L easement. Your Note 4 suggests that you want to put the landscape buffer in the FP&L easement and that your setbacks, then, would be able to go right up to that landscaped buffer, which is right there alongside the FP&L easement, which means you're saying put the buffer over the top of our access to the raw water production well. Is that what you're proposing?

MR. MULHERE: Well, two things. We are proposing to put the buffer in the FP&L easement, which we think we can get permission to do that. That's been granted historically. If we are unable to obtain approval from FP&L -- and it doesn't say this -- we'll have to add a note to it that we would then have to shift that 10-foot landscape buffer outside of the FP&L easement to the west.

That will cause us to, obviously, do some redesign. I think we'll potentially lose three lots. But, obviously, we have to have a 10-foot perimeter landscape buffer. And if we can't put it within the FP&L easement, I think we recognize that we have to shift it to the east.

Your question about whether or not the landscape buffer will conflict with access to the raw water easement, I have to check on that one.

CHAIRMAN STRAIN: Well, let's walk through this. If you look at the map in front of us, on the left-hand side of the FP&L easement, the line for the 170 feet goes to the outside western edge of that easement, and it also goes to the outside western edge of the 15-foot UE. That 15-foot UE is the access to that Collier County raw water production well. So if you fill that with landscaping, how are we going to get to the well?

MR. MULHERE: No, it's actually to the -- the 10-foot landscape buffer in the FP&L easement is immediately to the east of the 15-foot easement.

CHAIRMAN STRAIN: Okay. So then by that Note 4, the houses would then be built at the edge of the 15-foot UE, the western edge.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: Okay. So someone's got their house, their patio, their pool right there at that 15 edge (sic), and the county trucks, to service that production water, are going to be driving down in

their backyards between that house and the buffer, the 10-foot landscape buffer that these people probably think they own because it's right there in their backyards, and they probably think they own that 15-foot well easement because that's right there in their backyards, and they step out their door, they're on the well easement. But they step out their door, they're going to get hit by a county truck. Is that practical?

MR. MULHERE: Well, I don't know how often the county --

CHAIRMAN STRAIN: It doesn't matter. If it's once a year --

MR. MULHERE: Hopefully they're not running up and down there all day long.

CHAIRMAN STRAIN: Do you know we went through eminent domain to get that easement? We had to pay for it. So why would we let your developer benefit from it?

MR. MULHERE: I don't understand how the developer is benefiting from it. It's really --

CHAIRMAN STRAIN: Well, you're actually going to be letting -- it will be utilized by the people whose homes are up against it. They're not going to sit there and see all that grassed area and not step out on it.

MR. MULHERE: Well, honestly, I think you're suggesting something that might occur or might not occur --

CHAIRMAN STRAIN: I'm suggesting --

MR. MULHERE: -- however --

CHAIRMAN STRAIN: -- that you keep your buffer out of the entire FP&L easement. You start your buffer on the west side of the easement, and our easement stays alone, the FP&L easement stays alone, and we have access to the well head.

MR. MULHERE: The only thing I can say, Mr. Strain, there's many, many examples of people putting their landscape buffer within the FP&L easement and other easements as long as it's negotiated.

CHAIRMAN STRAIN: And how many examples do you have with a 15-foot UE that's been taken by eminent domain for access to the wellfield wellsite in those instances?

MR. MULHERE: But there may be other ways to remedy the concern about using that or safety. If that's -- if that's an actual --

CHAIRMAN STRAIN: I think your legal counsel wants to make an argument, so I'm sure he's anxious to.

MR. YOVANOVICH: I'm just --

CHAIRMAN STRAIN: You're standing there for moral support?

MR. YOVANOVICH: Yeah. For the record -- for the record, Rich Yovanovich, R2, whatever my name is.

First of all, it's a line on the paper, on a piece of paper. Wherever you put the line, the people are not going to know where that line is. They're going to think that the landscape buffer is part of their lot because that's what they're going to see.

CHAIRMAN STRAIN: Right.

MR. YOVANOVICH: And, candidly, there are many, many, many projects that were approved where you could have your landscape buffer be within an easement on a parcel of property. Policy has changed for that. I don't get a vote on policy, but I don't think it changes anything because it's just a line on a piece of paper.

People are going to look out their backyard, those three lots, and they're going to see a big, wide FP&L easement. I think they're going to understand that there are -- it's probably not the most desirable lots in the project. So I don't know how we are hurting that property owner by putting the landscape buffer easement on the east side of the county's drive. If you want us to disclose to them that there's a county easement, we'll do that. But it's not in any way hurting them by allowing us to have that landscape buffer in the FP&L easement if FP&L will allow us to do it.

CHAIRMAN STRAIN: I'm more concerned about access for the county.

MR. YOVANOVICH: We're not going to interfere with the county's access.

CHAIRMAN STRAIN: Well, no, but you're really going to tell the county, you want to get to that wellsite, you get to drive down that access easement that you've gotten by eminent domain, on the right side as you drive down, assuming you're going south, you'll have homes, and on the left side you'll be squeezed in

with a 10-foot landscape buffer, so you've only got the 15 feet.

MR. YOVANOVICH: You only bought 15. Why do you need more than that?

CHAIRMAN STRAIN: I understand, but that's going to put activity right up against those people in their backyards. I don't think a lot of people expect that when they buy a home.

MR. YOVANOVICH: We'll be happy to disclose that to them.

CHAIRMAN STRAIN: Okay. Rich, we can --

MR. MULHERE: Let me just show you this site plan here. Obviously, this hasn't been approved; we don't have an SDP approved, but we've been working through permitting. So this is pretty far along.

There's really only one lot that would affect -- or that would be affected by this, and that's that lot right here, because the well is down here. So it's only that lot right there.

There's only two lots that are adjacent to the FP&L easement, lot 1 and Lot 61. And, obviously, those will have potentially lesser value if someone perceives that as -- I'd kind of like it because there's not a home next to me, but other people may feel differently. The market will be what the market will be.

There certainly could be a hedge planted here by the homeowner if there was a need for some protection, or anybody can install a fence or wall.

It's really only those two. There's no other lot, because the way we designed this, this roadway comes through here, and then everything else is over here.

CHAIRMAN STRAIN: Just out of curiosity, you're just going to have two open space areas, then north and south of the squared off wellsite that's kind of the upper middle of this page?

MR. MULHERE: Yes.

CHAIRMAN STRAIN: It doesn't show up on your master plan as subdivided like it's shown here. And also, so the interconnection, if we were to utilize it, most likely would be through Lot 61 on the bottom?

MR. MULHERE: Well, I guess there's a couple of options for potential --

CHAIRMAN STRAIN: Well, I mean, it's -- I'm just --

MR. MULHERE: No. I think there's a couple.

CHAIRMAN STRAIN: I agree.

MR. MULHERE: One is some sort of a design here.

CHAIRMAN STRAIN: You're not getting on the -- maybe you need to pull this thing out a little bit.

MR. MULHERE: Oh, I'm sorry. I didn't realize that. I mean --

CHAIRMAN STRAIN: You can't do next -- to the left of 45 because that's another wellsite there.

MR. MULHERE: You could -- you would lose a lot to -- just lose a lot, but I mean, then people have to, from here, drive all the way around through here. But either way, that's the case. I mean, it's a little less. And once they get out here, they don't have any right to use that bridge or access easement.

CHAIRMAN STRAIN: Well, I'm glad you brought that up. In the Willow Run requirement for interconnection, it says the following: Potential vehicular interconnections have been shown on the conceptual master plan in locations that may be appropriate for shared access to the intersection driveway to Collier Boulevard. Shared access shall not be prohibited to any property that is immediately adjacent to Collier Boulevard intersecting drive and is willing to pay its pro rata fair share of the entry roadway, bridge, Collier Boulevard improvements, landscaping, et cetera.

Such shared access may be granted via executive shared access -- executed share access agreement but is based on a pro rata share, so I don't know why there would be a problem if the pro rata share was increased due to the interconnection. I've not seen evidence. If you've got something from Kitson, who actually owns Willow Run, that says they'd be pro -- not wanting that, that sure would help.

MR. MULHERE: So you have no connection to the north and no connection to the south. Everyone has suggested the FP&L easement might make a good location, but it's unlikely we'd be able to negotiate that for vehicular traffic.

I mean, one -- and obviously our position is that we don't want vehicular traffic moving through our gated, small, private residential development, which has always been kind of supported, at least that I'm aware of, historically.

I mean -- and so -- and this other lot to the south does have a bridge. I'm not suggesting it doesn't need some improvements, but it does have access.

So, you know, one option -- and I don't know whether there would be any support for it -- would be that we provide bicycle and pedestrian access rather than vehicular access. And if we did that, I can see there's some benefit to us as well because, if we did that somewhere in this neighborhood, there would be easy access to this -- there's a multi -- a multi-use pathway along 951, so --

CHAIRMAN STRAIN: Well, let's finish up with some of these others. Your position as far as that Note 4 on the master plan, you still believe that you can accomplish the buffer, leave the 15 feet vacant, and then build a house right up on the edge of that 15-foot, and you're satisfied with that?

MR. MULHERE: You're talking about Lot 1.

CHAIRMAN STRAIN: The two lots. There's one lot to the south, and there's one lot to the north.

MR. MULHERE: No. We do -- those are buildable lots. I mean, obviously, whether there's an impact associated with that easement -- I imagine there's very, very, very little utilization of that -- by vehicles of that. I don't know whether there's -- you know there's also some pipes or something. I know there's maintenance, but --

CHAIRMAN STRAIN: Kris is here. At some point, when we finish with the walk-through of the PUD, I'll ask him to see if he has any way to address this, if he's knowledgeable of what they've got out there and what they need it for.

I'm not --

MR. MULHERE: We do agree that we need to put a condition in that in the event that we can't put that landscape buffer in that location, we would have to relocate.

CHAIRMAN STRAIN: I mean, the county went to an effort to get a -- eminent domain proceedings to get that access, and it doesn't make a lot of sense to set it up so that every time we use it, we've got complaints from residents for our use of it and rolling over sod or whatever else is there, sprinkler heads, because you're going to have to get irrigation out to the buffer that's now beyond the 15 feet. So that means it's going to be run over and trampled upon, so --

MR. MULHERE: I mean, we have a right to laterally traverse that for those reasons.

CHAIRMAN STRAIN: I know. I'm just thinking of issues that could come up. And this is unique. I didn't even pick up on that note until last night when I reread everything.

MR. MULHERE: Well, I mean, this is a really simple one.

CHAIRMAN STRAIN: Well, unfortunately, nothing's simple anymore.

Let me move onto what remaining issues I may have with this one. And I'll have to -- in a few minutes -- I notice on your typical road cross-section --

MR. MULHERE: Yes, sir.

CHAIRMAN STRAIN: -- you show Circle D, concrete sidewalk where required. If I'm not mistaken, it's required everywhere but alongside the FP&L easement and the pump stations.

MR. MULHERE: Yes. We had originally asked for a deviation to have sidewalks on one side of the street, but I think we got worn down.

CHAIRMAN STRAIN: Okay. And, Nancy, don't we typically try to show a master plan with the indications on where the deviations apply on it so we can track them?

MS. GUNDLACH: Yes. Excuse me. For the record, Nancy Gundlach, Principal Planner with the Zoning Department. And typically we do show deviation locations on master plans.

CHAIRMAN STRAIN: Okay. Would you make sure, Bob, that that gets done?

MR. MULHERE: Yeah. That makes sense; thank you.

CHAIRMAN STRAIN: On that same plan, I'm going to -- when Kris comes up in a minute, I'm going to talk to him about the CUEs that you show there. They're modified for different purposes. I just want to make sure they're fine with the Utility Department.

The timing of the access agreement to Willow Run, first of all, I noticed on the access agreement you've got two accesses. You've got a straight rectangle coming in from 951 and a small one connecting it to your project to the south. In looking at those and then taking the Willow Run Master Plan and overlaying it, I realized it's inconsistent with Willow Run's Master Plan. Not only is it not the width or location of their main entry road, it also conflicts with their positioning on their concept plan of their gatehouse.

So I called the Kitson organization last night and talked to them about that. They see it as something

that is set up as a -- basically for you guys that utilize that will be modified to whatever their needs are when they do their main entry, and you will be outside their gatehouse, apparently down the road. I didn't see how that all fit together. But they seemed comfortable with it, so I'm fine with that.

MR. MULHERE: That was the intent.

CHAIRMAN STRAIN: But I know that the County Attorney's Office and you-all -- and we actually talked about the timing of your access. And I'd sure like to know from the County Attorney's Office if they've got a level of comfort or -- the language that's been recorded and presented. And we don't have the recorded document in our packet. We have the unsigned, unrecorded document, but I understand that there has been a recorded document for the easements in the package that was presented to us.

Heidi, are you still concerned about the language to time the use of these access easements?

MS. ASHTON-CICKO: Yes, I am. The easement that was provided and recorded in the public records has an effective date of the issuance of a certificate of occupancy to the Willow Run parcel to the north.

So while this property is adjacent to 951, their master plan is showing legal access over another parcel. And as of today, that legal access does not exist.

CHAIRMAN STRAIN: Okay. And from staff's perspective, Ray, if they don't have legal access, as opined by the County Attorney's Office, can they come in and get any permits at all for this Lido Isles without showing -- without an access shown?

MR. BELLOWS: For the record, Ray Bellows. No, they cannot. They need to have legal access.

CHAIRMAN STRAIN: Okay. So if they were to take those temporary easements that they have in the recorded instrument and perfect those by coming in and building them -- obviously, they'd be consistent with the easements they've been granted -- would that suffice for legal access then?

MS. ASHTON-CICKO: Excuse me, Mr. Chair, if I could comment. This access easement contemplates, if the owner of the Lido Isles parcel needs to come in earlier, a separate easement will be conveyed. So this document itself doesn't give them any temporary rights to go in and do the work. It would be done by another instrument.

CHAIRMAN STRAIN: Okay. So, Richard, I'm sure you've got something to say about this.

MR. YOVANOVICH: I do, because the PUD expressly discusses that we can't get an SDP or a plat approved until we prove we have legal access. It's on Page 9 of 10 of the PUD.

Our position is -- and let's talk from a practical perspective. The bridge that's going to be servicing the Willow Run project is probably an \$800,000 bridge, give or take a few dollars.

CHAIRMAN STRAIN: It will be more than that based on the size and the length that I've seen, yeah.

MR. YOVANOVICH: So we're 10 percent of the cost. We're not going to build -- I'll just use the \$800,000 bridge. We're not going to build an \$800,000 bridge for our project. We're going to wait. That's why the agreement was written that way. We fully expect that Willow Run will drive, literally, this project as to when we'll be able to get our site plan and our plat approved and recorded and start building units.

We have legal access. We have -- we front 951. We were very clearly told we don't want -- from the county, we don't want you to build a bridge to serve your project. So that's why our access to our project is located where it is. That's why we have negotiated in good faith with the Willow Run property owner to have an interconnection agreement. That's why the PUD says we can't go forward until we have access, legal access.

We know that in order for us to be able to develop our property, either Willow Run builds it or we go forward and we negotiate another easement agreement and we bring it to the county and show them that we have the right to build the bridge. I don't see any harm to the county, and I don't know why we can't go forward with our PUD today, because we have an agreement in place that when Willow Run builds it we can use it.

CHAIRMAN STRAIN: Okay. Heidi, in regards to the Exhibit F, 1B language, is that language not sufficient to prevent this project from moving forward until they have perfected those easements in some manner?

MS. ASHTON-CICKO: No. It's not acceptable because it says that they have to record a shared

access agreement, which they've done. So staff would look at that document and not know that the effective date is some date in the future. So the language they've proposed they've already complied with.

CHAIRMAN STRAIN: Okay. Is there any language we could add to 1B that would provide the opportunity to conceptually accept this project subject to the whatever the conditions are for the access? Do you want time to think about that and we'll --

MS. ASHTON-CICKO: No. I have language if it's the policy of the CCPC they want to go forward, and I could read it to you if you'd like.

CHAIRMAN STRAIN: Yes. I'd like to hear it.

MS. ASHTON-CICKO: So it would read "No Site Development Plan or other development order authorizing site," and I'd add "clearing or," then back to their text, "improvements shall be granted until evidence of legal access," parentheses "an executed shared access agreement for vehicle access," end paren -- well, no, not end paren. You'd insert, "through the Willow Run PUD to 951 as provided." Then it would state -- this is all new: "The effective date of the easements must be prior to the date of the earliest to occur of SDP approval or plat approval."

I don't really recommend that approach, but if you want to go forward, that would be what I would add.

CHAIRMAN STRAIN: From your perspective, did you see any objections to that?

MR. YOVANOVICH: No. And I think that was in one of our -- similar to one of the earlier drafts we provided, so that language sounds fine.

CHAIRMAN STRAIN: Okay. Well, it's something we'll consider as we go forward here. Thank you.

Thank you, Heidi.

MR. MULHERE: Mr. Chairman?

CHAIRMAN STRAIN: Yes.

MR. MULHERE: One or two additional comments related to the landscape buffer, the FP&L easement, and the county utility easement.

CHAIRMAN STRAIN: Okay. And, by the way, I have not had access to the actual easement language. I only have access to the taking document. So at some point if somebody has that, I'd sure like it sent to me so I could read it.

MR. MULHERE: As usually happens to me, I had a smaller aerial, and it's gone. It's disappeared. But this one will work.

This is the subject site, obviously. This is the FP&L easement and, actually, Norm had mentioned -- came up and mentioned to me that, practically speaking, the county, which has the right to do so, will actually use the existing dirt road through the FP&L easement rather than that 15-foot utility easement.

One other option would be we could at least attempt to negotiate with the county to relocate the easement, flip flop them; put the landscape buffer on the west side and the utility easement on the east side. There would have to be a cross access, you know, condition so they can get to the raw water well, but that would obviously be better for the homeowners, and it wouldn't affect the county. They would still have their access.

CHAIRMAN STRAIN: Okay. And I think that would be something to definitely consider. I want to hear what are Kris has got to say when we finish up with the questioning on the PUD, though, and then --

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: -- make sure we -- and, by the way, I did look at the aerial. That's why I realized we're using that wellfield. There's a facility there.

Let me run through real quick and see how much, if anything, is left of my discussion on this.

MR. MULHERE: So the one -- that might not be feasible because there may already be pipes in there. It would be too expensive to take those out. So we can look at it, but --

CHAIRMAN STRAIN: Okay. Kris, would you mind coming up and trying to answer a couple questions for us?

MR. VanLENGEN: Good morning, Kris VanLengen, Public Utilities Principal Planner.

CHAIRMAN STRAIN: Good morning, sir. You heard the discussion about the easements to that

wellfield site. Can you tell us how active the county needs those, uses those. I mean, we paid for them. We went through a court proceeding to get them, so I'm assuming we want them.

MR. VanLENGEN: Well, we sure do. And the actual amount of activity varies greatly as a matter of course. I would say that, you know, we get generally -- assume that we use it monthly or bimonthly basis typically, unless there is rehabilitation required, in which case there could be much more intensive activity at that point in time.

CHAIRMAN STRAIN: And you would use them with large equipment trucks, things like that, potentially.

MR. VanLENGEN: Sure, yeah. Potentially fairly large trucks.

CHAIRMAN STRAIN: And I imagine the well motors would have to come out with some truck-mounted crane or some light-duty back-bed crane or something to pull them out with? At least the ones I'm used to dealing with have not been light.

MR. VanLENGEN: Yeah. I'm no expert in that area, but there would certainly be some sizable equipment that would be required from time to time, not frequently.

CHAIRMAN STRAIN: Okay. You heard the discussion. I would expect that people having -- right up against that easement might think that they could stick their portable barbecue back there or their bicycles or their kids' pools and stuff like that. I don't know how we'd even prohibit it unless we drove down there and ran over all this stuff, and I don't think that's going to be to anybody's benefit.

MR. MULHERE: We'll move the 10-foot landscape buffer to the west side of the FP&L easement.

CHAIRMAN STRAIN: Great. Thank you.

MR. VanLENGEN: I assume that would also be the west side of the CUE easement for the raw water well.

CHAIRMAN STRAIN: Yes, because the CUE west side lines up with the FP&L west side.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: Okay. Then next, Kris, is the 4-foot additional CUE width they're adding to the right-of-way cross-section. They have a 42-foot minimum right-of-way, and I believe they've added four feet as a CUE on just one side, and that is the water main side. Is that acceptable to the county Utility's Department?

MR. MULHERE: I just wanted to show him.

MR. VanLENGEN: Yes. Yeah, we reviewed this right-of-way cross-section, and what it does is provide the minimum five feet combined right-of-way and CUE outside of the potable water main in that location through that thoroughfare. So that's acceptable to our utility.

CHAIRMAN STRAIN: Okay. That's good. Thank you. And that's the only two questions I had involving utilities. Thank you, Kris.

And that wraps up my questions. Does anybody from the Planning Commission have any additional questions before we go to staff report?

(No response.)

CHAIRMAN STRAIN: Looks like I got it all.

Okay. Do you have anything, Nancy?

MS. GUNDLACH: Good morning, Commissioners. Staff is recommending approval of this petition.

We did have a few stipulations. They may have been resolved this morning. And one of them is an interconnection to the ag parcel to the south, and the second one is pending the resolution of the shared-access agreement with Willow Run.

CHAIRMAN STRAIN: Okay. And about your staff report, can we turn to Page 7 of 17, the very bottom. I'm not -- it's in your staff report. It may not be you, but maybe you can answer the question. The last line, based on the above analysis, Comprehensive Planning staff finds the proposed rezone inconsistent with the Future Land Use Element and the GMP.

Although, I believe that's not accurate because the Future Land Use Element and the GMP say it will be encouraged, not required. Do you know if Comprehensive Planning is changing their position on this, or they are still insistent that it's inconsistent?

MS. GUNDLACH: They're on their way up to discuss that with you.

CHAIRMAN STRAIN: Okay.

MR. WEEKS: David Weeks, Comprehensive Planning staff.

And, Commissioners, staff has changed its position. Based on internal discussions, we will no longer find a project to be inconsistent with the Future Land Use Element if the outstanding issue pertains to a policy that states a certain action is encouraged. We will, however, continue to make comments as we deem appropriate as professional planners.

CHAIRMAN STRAIN: Okay. Thank you. The other question, the Transportation Element language on that page, Nancy, says transportation planning staff recommends the CCPC not approve the subject PUD as it is not consistent with Policy 9.3 of the Transportation Element. Does transportation still have that position?

MS. GUNDLACH: Let's invite transportation staff to discuss that with you.

CHAIRMAN STRAIN: And it goes on to say, which requires interconnection where feasible.

By the way, this is John Pod, 2. For those of you that's -- John Podczerwinsky used to be our transportation expert, and Trinity now is taking his place. And congratulations, Trinity.

MS. SCOTT: Actually, I'm taking Reed's place. I'm the new Reed.

CHAIRMAN STRAIN: Oh, are you? I'm sorry. I didn't know that. I wasn't sure how it got moved around.

COMMISSIONER HOMIAK: That must be R1.

MS. SCOTT: I'm above Rich Yovanovich, so I'm R1 now.

For the record, Trinity Scott, Transportation Planning Manager.

We still hold the position that we would like the interconnection shown on the master plan so that we have the option, if the parcel to the south develops in the future, to at least have the opportunity. If we don't show it, we never have that opportunity; we close the door.

CHAIRMAN STRAIN: Okay. My concern, then, falls back to what we started talking about earlier. In the Willow Run PUD, it seems to allude in the photograph for interconnection there that they will accept the traffic from the adjoining property to the extent of its traffic impact.

Well, the adjoining property is Lido Isles, not the piece we're talking about. So in due deference to the applicant, Willow Run may not need or be required to accept any further traffic except from the units that are within Lido Isles.

MS. SCOTT: They may not, but it would be at least a discussion point when the parcel to the south would come forward. If it never comes about, it never comes about, but it's good planning just to have it on a master plan. If not, we would be asking these folks to come in.

CHAIRMAN STRAIN: Okay. But your analysis right now has to be based on what we know to see if it's feasible. So do you still consider it feasible even though the Willow Run has no provisions which would allow it at this time? And we've not consulted with Willow Run to find that out.

MS. SCOTT: We haven't. And I'm going --

CHAIRMAN STRAIN: You have what?

MS. SCOTT: I'm sorry. We have not consulted with Willow Run. And I'm going off of prior notes, because I didn't review this document in the beginning, and --

CHAIRMAN STRAIN: I know. I'm sorry to put you on the spot, but you're the only one here.

MS. SCOTT: One week, you know. John P's note said it's not physically impossible, was what he said.

CHAIRMAN STRAIN: It's not physically impossible; therefore, it is feasible.

MS. SCOTT: In his opinion it was, so I'm looking --

CHAIRMAN STRAIN: Okay. Here's what --

MS. SCOTT: -- in a prior review.

CHAIRMAN STRAIN: This is going to come back on consent, and when it -- that's two weeks. Can you try to communicate with the Willow Run people? And if you need their numbers, I've got them. I can -- be glad to provide you with that information so you can give them a call and see what their temperament is in this regard.

MS. SCOTT: Absolutely.

CHAIRMAN STRAIN: The applicant could possibly do the same thing. But I'd like to get that input and have it ironed out by the time we finish up on consent with this particular item.

MS. SCOTT: Will do.

CHAIRMAN STRAIN: Thank you.

MS. SCOTT: Thank you.

CHAIRMAN STRAIN: Okay. Nancy, we left off trying to clean up any issues I had on staff report, and let me finish up and see if I have any more. Nope. That's it.

Thank you, Nancy.

MS. GUNDLACH: You're welcome.

CHAIRMAN STRAIN: Any member of the Planning Commission have any questions of staff at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Let's move on to registered public speakers first, and then we'll go to other public speakers afterwards. Do we any public speakers, Ray?

MR. BELLOWS: No one has registered on this item.

CHAIRMAN STRAIN: Does anybody in the audience wish to speak on the Lido Isle project?

COMMISSIONER EBERT: I have --

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER EBERT: I have a question, but it's for Mr. Eastman. In reading the staff report on Page 9, they have room, again, at the middle and high school. There is not sufficient capacity within the elementary school area.

I'm going to ask Tom, because we are doing so many projects in this area -- we just did San Marino, Willow Run, Lords Way, Hibiscus, Neal's properties on all this -- will you be building a school here shortly? I mean, because -- are you going to set something up? Because it's getting pretty full.

MR. EASTMAN: There's not a school planned in the five -- current five-year plan, but that's subject to change each year as we do the analysis. And, Commissioner Ebert, you're 100 percent correct, this area is rapidly developing, and there are a lot of units onboard. But I would just point out, generally speaking, the School District tracks developments. We create the capital plan to meet the demand for public school seats.

There is overall capacity when you look at it districtwide for elementary schools. And in this case there's also capacity in the adjacent service area.

Our ways of dealing with a particular school site that may not have capacity would be to provide portable units there. We could also do a rezone. As stated earlier, there is room and capacity in the adjacent service area. And then particular to this area, the county -- the School District has a developer commitment for an elementary school site from Hacienda Lakes, and we'll be working with Mr. Torres about acquiring that property in the near future.

COMMISSIONER EBERT: Very good. Thank you.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: Nope.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Did you -- I don't know if you have a reason to rebut, but you're more than welcome to.

MR. YOVANOVICH: I just want to clarify a few things, and I'm not rebutting anything.

On the master plan I think there was some confusion created by this reference to a pump station.

CHAIRMAN STRAIN: Well, it says pump station.

MR. YOVANOVICH: I understand, but I think you thought that was a county pump station; it's not. It was intended to serve this community. We'd like to -- you never get into that level of detail.

CHAIRMAN STRAIN: No. I don't know why -- that's why I never expected it. Why would you put that on a master plan?

MR. YOVANOVICH: I know. So I was just going to say, I think we would like to remove that

reference. We'll put our pump stations to our community wherever it makes sense. And there is the possibility of maybe tying in to utilities serving Willow Run. So we want to just make that clarification and take that off the master plan.

CHAIRMAN STRAIN: Okay. That's a good clarification. Thank you.

MR. YOVANOVICH: Second, I think it was the Brandon --

CHAIRMAN STRAIN: Your voice isn't picking up. There you go.

COMMISSIONER EBERT: No, none of them are from there.

MR. YOVANOVICH: I don't know what's wrong with this one, so I'll use this one, I guess.

CHAIRMAN STRAIN: No. Maybe we don't want to hear you.

MR. YOVANOVICH: Yeah. There's times I'm sure you don't.

The other -- in the Brandon PUD, there was a time frame by which the adjacent property owners had to reach an agreement for interconnection. If we come back and it somehow is, quote, feasible, which we don't think it will be in two weeks, but there should be a time frame by which the neighbor says to us, I'm going to commit to paying my fair share of all of the interconnections, because we will lose a lot if we have to do interconnection. So --

CHAIRMAN STRAIN: That's reasonable. I don't see an issue with it, but we'll see what you come back with.

MR. YOVANOVICH: Yeah. So just when you see language coming back where we put a time frame in there, I don't want that to be inconsistent with direction.

CHAIRMAN STRAIN: Make the time frame realistic, though. Don't pick a short time frame like -- so you know they can't respond within that time. Your project's going to sit there until you work out the easement. You're not going to pay for a bridge. So until you know those timing issues come up, you don't really have a -- you shouldn't have a lot of concern.

MR. YOVANOVICH: We do.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Because at some point -- I would think that at some point we want to be able to have our SDP finally approved. I think in Brandon we had a year or two after approval that we would -- we wrote them a letter saying, hey, come talk to us about access. I'm not talking about six weeks. I'm talking -- we had a time period.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We'll look at what we did in Brandon, because I think that was acceptable to everybody.

CHAIRMAN STRAIN: Well, I think it would be good for you to put something on the table to consider. Anything else you wanted to --

MR. YOVANOVICH: I think those are the only clarifications. That's, again, only if it becomes that it might be feasible to interconnect.

CHAIRMAN STRAIN: Okay. With that, we'll then close the public hearing. We'll have discussion first for the members of the Planning Commission. I'll have suggested the following -- I'll suggest the following: The easement language that has been presented -- and it's 1B on the particular page we're looking at -- we'll utilize Heidi's language to be added to that access easement language; the interconnection to the south will be utilized unless proven nonfeasible, and that will mean through contact by staff of Kitson and/or the applicant's concerns if they want to come back with some kind of position on that by the consent.

COMMISSIONER HOMIAK: Easement to the south?

CHAIRMAN STRAIN: Interconnection to the south.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN STRAIN: Go ahead.

COMMISSIONER HOMIAK: Where?

CHAIRMAN STRAIN: It doesn't matter where, as long as there's an interconnection to the property to the south. That's what staff's recommending. I was suggesting that, unless it's not -- I'm sorry. Go ahead.

COMMISSIONER HOMIAK: So -- you said Kitson.

CHAIRMAN STRAIN: No. What I -- okay. Let me clarify it, then. The access to the south will be

provided unless it's proven not to be feasible. The feasibility will be determined by the discussions with the Kitson group in allowing it to have the additional traffic that will be put on their entryway, because their PUD currently doesn't lend to include an unlimited amount of traffic. In fact, it's limited.

So that means even if we required the interconnection and Lido Isles only had access through Kitson's property, they still couldn't utilize it -- they couldn't utilize that interconnection.

COMMISSIONER HOMIAK: So you're talking about Willow Run?

CHAIRMAN STRAIN: Yes, yes.

COMMISSIONER HOMIAK: Okay. Well, I'm talking about the south.

CHAIRMAN STRAIN: I am, too. You can't put an interconnection to the south if the party to the north, who has access to 951, doesn't allow you to put that additional traffic through their access. So I'm trying to figure that out, because that would then show the interconnection is not feasible and, therefore, it would be inconsistent with the request -- with their request not to show it based on the LDC. Do you see?

COMMISSIONER HOMIAK: Uh-huh.

CHAIRMAN STRAIN: Okay. The table had a strikethrough on the top header; we'll incorporate that. We will reference the black bear management plan. We'll delete Note No. 4 in the master plan. We'll add deviation references to the master plan. And that's the only notes I have. Does anybody else have any others?

COMMISSIONER ROMAN: Does that include the removal of that pump station item in --

CHAIRMAN STRAIN: Oh, they'll do that.

COMMISSIONER ROMAN: They'll do that anyway, okay.

CHAIRMAN STRAIN: That, ironically -- I've never seen that on a master plan before, so it probably was there -- got there by mistake to begin with.

COMMISSIONER ROMAN: Okay. Not a problem.

CHAIRMAN STRAIN: Okay. Anybody else have any questions, concerns?

(No response.)

CHAIRMAN STRAIN: Okay. With that, is there a motion?

(No response.)

CHAIRMAN STRAIN: Anybody want to make a motion?

COMMISSIONER HOMIAK: I'll make a motion to approve with the stipulations you just read.

CHAIRMAN STRAIN: Thank you.

Is there a second?

COMMISSIONER HOMIAK: I'm still looking at the south there by the pump station.

CHAIRMAN STRAIN: Oh, it's going to come back for consent, and that one's going to get cleaned up. And if we don't like it at that point or we do --

COMMISSIONER HOMIAK: For an interconnection, vehicular or bike/pedestrian.

CHAIRMAN STRAIN: Right. It could -- they had offered to put a vehicular -- or a bicycle or pedestrian interconnection there. Staff has suggested through their recommendations, they want a full vehicle connection. One may be feasible, one may not, and that's something that we'll hopefully find out by consent. And about that time, it will either be on the plan or not based on this board's recommendation. Does that work with your motion?

COMMISSIONER HOMIAK: At consent.

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER HOMIAK: At consent we'll --

CHAIRMAN STRAIN: Right. We'll have to finish it at consent.

COMMISSIONER ROMAN: Because there's a bridge to 951 on that southern property.

CHAIRMAN STRAIN: Absolutely. It's one to Cracklin' Jack's.

COMMISSIONER ROMAN: That's where I think that we have to keep that in mind so if that interconnection is feasible, it does have access to 951 presently through the southern property. Is that --

CHAIRMAN STRAIN: Well, they don't have --

COMMISSIONER ROMAN: Is that what you're saying?

CHAIRMAN STRAIN: Lido Isles won't have access because they can't drive onto somebody else's

property.

COMMISSIONER ROMAN: I understand.

CHAIRMAN STRAIN: But that one architectural five-acre parcel always will have access because of that bridge until the bridge were to come out for some reason.

COMMISSIONER ROMAN: So that raises a question that Karen just raised. On the southern interconnect, could you clarify that, what you're asking them to look at?

CHAIRMAN STRAIN: What the LDC says and the staff has suggested, and that is if an interconnection is feasible, it will be utilized, and they have not shown to us it's not feasible. Feasibility will be based on -- if they can add that interconnection and the traffic from that parcel to the south were to flow through it, that would be greater traffic than what was allowed by the Willow Run PUD, which is owned by the Kitson group, to come through the Willow Run entrance.

COMMISSIONER ROMAN: Okay. I got you now. I got you.

CHAIRMAN STRAIN: So they may say, no, we don't want any more traffic. We agreed to that limited amount, and that's all we're going to want. And if they do say that, well, that happens then, then the interconnection becomes nonfeasible. Then, by the LDC, they don't have to install it.

COMMISSIONER ROMAN: You're just building in an option, and I understood that from the transportation person as well. Okay. Thank you.

CHAIRMAN STRAIN: Okay. So there's been a motion to recommend approval subject to the stipulations that we talked about. Is there now a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Okay. There's been a second.

Any further discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

We will -- and this one will be coming back for consent. Does anybody see differently on that? Then we will be here. We'll see you then.

Now, before we go on with the rest of our agenda, I need to ask a couple of questions of the people in the audience. I didn't realize when the agenda was set weeks ago that we'd have so many people here for the automobile service station item. And that's a -- the last couple times we heard it there were a few people to talk, but not as many as you are here today.

But I want to see, the rest of our agenda, how many people are here for the other items? On the Germain Honda item, how many people are here to talk about Germain Honda? Please raise your hands. Okay. So there's members of the public here for that.

And the Argo Manatee? Oh, okay. Then we will stay on our regular agenda, then.

That takes us to the next item up, which is the Germain Honda project. We have two -- we have a request to amend the Comprehensive Plan and a request for a PUD. We'll hear them -- we'll discuss them both concurrently; we'll vote on them separately. They are as follows: The Comprehensive Plan is PL20140001282/CPSS2014-4, and the PUD is Petition PUDZ-20140001326. Both of these are known as the Germain Honda CPUD or Germain Honda Comprehensive Plan amendment located at the northwest corner of the intersection of Pine Ridge Road and Livingston Road.

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

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission? Diane?

COMMISSIONER EBERT: I have spoke with Mr. Anderson, and I have spoke with staff.

CHAIRMAN STRAIN: I have had discussions with Mr. Anderson, the applicants, and staff, and I believe that's all.

COMMISSIONER HOMIAK: I've spoken with Mr. Anderson.

COMMISSIONER DOYLE: None.

COMMISSIONER ROMAN: None.

CHAIRMAN STRAIN: And I know Mr. Eastman got up and left. Does that mean you're not participating in this one?

MR. EASTMAN: I am participating.

CHAIRMAN STRAIN: Okay. Well, when you come back up, we'll ask you for your disclosures.

MR. EASTMAN: I have no disclosures.

CHAIRMAN STRAIN: It's a little irregular, Tom, but we'll work with it.

Okay. With that, Bruce, it's all yours.

MR. ANDERSON: Good morning, Commissioners. My name is Bruce Anderson from the law firm of Cheffy Passidomo, and I'm here representing JAZ Real Estate Holdings and Germain Honda. I want to introduce the other members of the project team. Dominic Amico, the Project Engineer from Agnoli, Barber, and Brundage; Jane Eichhorn, the Permitting Coordinator from Agnoli, Barber, and Brundage; and Norman Trebilcock, the Project Planner and Transportation Engineer.

As the chairman indicated, we have two applications pending, one to amend the Comprehensive Plan and the other for a new single-use PUD. To the greatest extent possible, I will discuss both applications together, although you will have to vote on each application separately.

This property is located at the intersection of two six-lane roads, and it is an approximately 10-acre corner parcel located in the northwest corner of the intersection of Livingston and Pine Ridge Roads.

The property is presently used as a retail plant nursery and for a pool cleaning company.

This property is in the Livingston/Pine Ridge commercial infill subdistrict which allows -- today allows 40,000 square feet of medical and general office uses. This amendment to the Growth Management Plan would allow only one additional use, that of a new and used car dealership.

I placed here on the overhead an exhibit of the property. You'll notice the heavy orange coloring on there. That is the Florida Power and Light easement on the property. It is approximately 225 feet in width, and it contains transmission lines and towers.

And as you might notice from that aerial photograph, that really limits the utility of the property for many uses because of the restrictions that FPL places on what may occur within its easement areas.

Mr. Amico has had preliminary discussions with FPL regarding this project. And although they have reserved final judgment until they see the construction plans, FPL has indicated that they have no objections, conceptually, to this project.

Mr. Amico told me that historically Florida Power and Light has allowed vehicle parking under their transmission towers unless the parking that is placed there is required parking by the Land Development Code. Our proposal would have vehicle display and storage within the FPL transmission line easements.

The uses immediately adjacent to the subject property are the Community School and more of the FPL easement on the north, to the east lays six-lane Livingston Road, the Cambridge Square Commercial PUD, and property zoned Estates.

To the south is six-lane Pine Ridge Road, a county drainage pond, and LaCosta Apartments, which is also known as the Related Group PUD. And to the west is a ballet studio, which is also available for rent for wedding receptions and similar gatherings. And there's also a portion of the Community School also along the western boundary of the subject property.

The Zoning Department recommends approval of this project, but the Comprehensive Planning Department does not because they want more information about why this property was selected instead of other commercial property.

We filed our first evaluation and commercial inventory analysis with the Comprehensive Planning Department on January 21st. We did not receive any comments back until two months later on March 23rd. At that time we received 25 different comments, and we scrambled and responded with an update and revised

report on April 8th.

This evaluation and report shows that we reviewed at least nine other properties in the Central Naples, East Naples, South Naples, and Golden Gate planning districts. The plain and simple fact is that the reason this site was chosen is because it's at the intersection of two six-lane arterial roads. It's already designated for commercial use, it's the right size, and it abuts only other nonresidential uses.

The property is also located centrally to Honda's customer base in Collier County, and the American Honda Motor Company, which limited the siting of the new Honda dealership to no farther north than Pine Ridge Road, has approved this location.

Although there are some operational restrictions in the PUD document that are in your agenda packet, we have added some additional restrictions, and I will review those restrictions for the record with you.

CHAIRMAN STRAIN: Is that something you have enough copies to pass out --

MR. ANDERSON: Yes, I do, sir.

CHAIRMAN STRAIN: -- to the Planning Commission and, of course, the court reporter and, of course, the county attorney, and staff.

Do you want a copy? I'm sorry. No, I'm sorry, ma'am, I thought you were asking for a copy. You'll just have to wait till your turn. You'll have to wait, ma'am, till we get to public speakers. Sorry.

MR. ANDERSON: The operational restrictions that will be applicable to the Germain Honda project are as follows: There will be no outdoor amplified sound; however, this does not apply to personal electronic devices so that if someone wants to listen to Pandora on the speakerphone on their phone while they're shopping, they will not be prohibited from doing so.

CHAIRMAN STRAIN: What's Pandora?

MR. ANDERSON: It's a streaming radio.

CHAIRMAN STRAIN: Oh, okay. I wasn't sure what you were trying to say.

COMMISSIONER EBERT: Do you notice the beard?

MR. ANDERSON: What's that?

COMMISSIONER EBERT: You noticed his beard. That's from a long time ago.

MR. ANDERSON: I don't want to open up Pandora's Box either.

If a car wash is to be an accessory use, each end of the car wash will have its bay doors that will remain closed during the entire wash cycle and will only be open and closed for entering and exiting vehicles.

The service areas must be enclosed and, again, the doors will only be opened and closed for entering or exiting vehicles.

The hours of operation will be limited to the following except for special events for which a temporary event or temporary use permit would be required. Those hours are 7 a.m. to 8 p.m. Monday through Friday for sales, 7 a.m. to 6 p.m. Monday through Friday for service, and 7 a.m. to 5 p.m. on Saturday and Sunday for both sales and service.

Now, on occasion customers can't pick up their cars or drop them off during normal business hours, and it is the custom of this dealership to try to accommodate their customers' needs, so there may be occasions which someone is there to accommodate a customer who can't come in during their normal business hours.

The landscape buffering will be as required by the Land Development Code. No gasoline storage or fueling tanks shall be located on the property. There will be no collision shop operations on site, there will be no rooftop parking, buildings will be limited to two stories, and the primary use is new cars, and used cars are an accessory use, and they are limited to no greater than 40 percent of the total inventory except, of course, those cars that are accepted as trade-ins by the dealership on new Hondas.

The locations for offloading of vehicles is entirely on site and not in the public right-of-way.

CHAIRMAN STRAIN: Will you add that language to this before this is all over?

MR. ANDERSON: Yes. And now the lighting. The lighting will be shielded and directional to avoid glare on neighboring properties. Illumination at all adjacent residential property lines shall not exceed 5 foot-candles -- .5 foot-candles. Display lighting will be limited and will be reduced in specific areas to a security level height after 11 p.m. Security level lighting will have a minimum lumens reduction of 50

percent.

All lighting will be flat panel fixtures. Lighting on the perimeter of the project will utilize full cutoff shields. All lighting will be limited to 20 feet, and display lighting will not exceed 1,000-watt metal halide intensity or its equivalent.

And these lighting standards mirror other lighting standards that the commission imposed, I believe, most recently on the Top Hat PUD.

To the best of our knowledge, none of our directly abutting neighbors object to this application. The property owner immediately abutting on the west side, who operates the dance studio, has signed a letter of support for the project.

And we have worked closely with them to coordinate and share access as requested by the county to reduce the number of curb cuts on Pine Ridge Road. There will be one entrance on Pine Ridge Road and one on Livingston Road.

In your agenda packet there's a Traffic Impact Statement, and it compares the trip generation rate for the currently allowed 40,000-square-foot office building to the proposed 60,000-square-foot auto dealership. The study shows that the auto dealership will generate 18 percent less trips than the office building.

A further reduction of auto dealership traffic can also be reasonably anticipated as the convenience and popularity of buying a car online continues to grow and less people feel the need to visit a dealership.

I do have a couple of housekeeping items. Up until through Monday, we were negotiating the business terms of an arrangement with the county Utilities Division for installation of a sewer force main along Livingston Road, and I have a strikethrough and highlight -- underline of the changes in those business terms. I have copies if anybody wants to see those.

COMMISSIONER ROMAN: Could we focus that a little bit, please?

MR. ANDERSON: Sure.

COMMISSIONER ROMAN: Or he can do it.

CHAIRMAN STRAIN: Yeah. Ray (sic), bring it up. There you go. That's great. No, the first one on top's cut off now. There, that's fine, Mike.

MR. ANDERSON: And the last housekeeping item is on the Development Standards Table. There is a reference to the building height of 35 feet or three stories. And since we're never going to go to three stories, we're removing that.

And that concludes my presentation. We respectfully request your recommendation of approval. And I and the other members of the project team will be happy to try to answer your questions either now or later.

CHAIRMAN STRAIN: Okay. It's about time for our break, so before we get into going through the questions we may have, let's just take a break for 15 minutes and resume at 10:40.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay. If everybody will please take their seats, we'll resume the meeting.

We left off with Mr. Anderson finishing up his presentation, and we'll move now to Planning Commission discussion.

Does anybody from the Planning Commission have any questions of Mr. Anderson at this time?

COMMISSIONER EBERT: Yes, I do.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Good morning, Bruce.

MR. ANDERSON: Good morning.

COMMISSIONER EBERT: I do have some questions. What happened to the Kraft property where Germain was going to build there?

MR. ANDERSON: That --

CHAIRMAN STRAIN: It was not supported by the Board of County Commissioners; wasn't that where it went?

MR. ANDERSON: Right. We withdrew that --

COMMISSIONER EBERT: Okay. Well, I --

MR. ANDERSON: -- based on --

COMMISSIONER EBERT: You just with -- you withdrew it because there was opposition?

MR. ANDERSON: I couldn't count to four, not with any certainty.

CHAIRMAN STRAIN: That's what -- I was trying to short-circuit it and just say the support wasn't there, so why would you go forward? So...

COMMISSIONER EBERT: Okay. I noticed on here to be with the Comprehensive Plan, the Comp Plan is 10 acres or less. You have 10 and a half acres. I was going to ask you what you're going to do with the half acre because -- and I noticed in the reading, you're going to just kind of make that --

MR. ANDERSON: Water management area.

COMMISSIONER EBERT: -- water, but it is still within --

MR. ANDERSON: The PUD and the --

COMMISSIONER EBERT: So you really have 10 and a half acres.

MR. ANDERSON: For the PUD, yes. We cut out that half acre so we could qualify for a small-scale plan amendment, which is supposed to be a quicker procedure, but --

COMMISSIONER EBERT: Ten acres or less?

MR. ANDERSON: Yeah.

COMMISSIONER EBERT: But you still really have that half acre. I noticed also that the requirements, according to Honda, is that you only really need 6 acres and 35,000 square foot. This particular piece of property is at 40,000 square feet, and I see that you've put it to -- not you -- that they have put it to 60-. Why can it not stay at 40- to be within the limits there, which is also helpful?

MR. ANDERSON: We want to have room for successful expansion.

COMMISSIONER EBERT: Successful expansion of what?

MR. ANDERSON: Of the automobile dealership.

COMMISSIONER EBERT: So you're not -- how much are you going to originally build? Don't you have your plans kind of already? I mean, you have to for FP&L.

MR. ANDERSON: We may be going to the full 60- right off the spot; I don't know.

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

The owner's architect is currently working with Honda's architect to figure out the details of the building.

From today's perspective, what is proposed is a roughly 44,000-square-foot footprint --
(Microphone feedback.)

CHAIRMAN STRAIN: You notice that only happened when you got up there, Dominic.

MR. AMICO: Negatively charged, I guess -- and a second floor mezzanine parts, which is going to get us pretty close to 60,000. The magic behind the 60,000 was transportation related. It was a balancing point with the office. But, no, the final plans, even detailed plans of the floor plan, aren't done yet.

COMMISSIONER EBERT: Okay, thank you.

Bruce, here we are, again, bumping up with FP&L, and this one is quite wide. This is 235 feet. It's a huge corridor.

You are restricted to somewhat in the front, but you mentioned in your original statements that you'd be maybe parking some cars underneath the FP&L. Would you cement that or put bituminous down? I mean, I'm sure you don't want the people walking back there on dirt.

MR. AMICO: The area under the FP&L lines will be used for inventory storage and display, not required parking. It will be built to county standards, which requires a hard surface such as concrete or asphalt. Neither of those two construction items are prohibited by FP&L.

As a matter of fact, you know, if they have a paved road to get to their poles, it's probably better than driving through the sugar sand, which is what they do now.

COMMISSIONER EBERT: Okay. Well, I was just wondering if -- you know, how it was going to be done. So you'll probably put blacktop down there?

MR. AMICO: That's correct, or concrete or some other approved pavement method.

COMMISSIONER EBERT: Car wash. You said "if." Don't you usually have a car wash there?

MR. AMICO: Currently, the plan, according to the owner, is to not have an automatic car wash. It may be needed in the future. His current demands don't require it. We just didn't want to preclude it.

COMMISSIONER EBERT: Okay. Well, because normally it's complementary to the people bringing their cars in, so that's why I asked, you know, because it was "if." Then I'm going, most of them have them.

MR. AMICO: Well, remember, this is Honda, not Lexus.

COMMISSIONER EBERT: I understand it's Honda. That's okay.

I am glad that you added that no collision shop would be there, because that was also in my notes to ask you. That's all for now.

MR. ANDERSON: Thank you.

CHAIRMAN STRAIN: Anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Well, I'll start out first. I appreciate the list of conditions and restrictions you've voluntarily added. Those are very much consistent with the other intense dealership use we had right up abutting residential. In your case, you don't abut residential, so by doing these, that's a real good improvement.

I wanted to ask you about the staff recommendations. There are five of them. Do you object to any of them?

MR. ANDERSON: No. We're in agreement with those except, of course, the recommendation for denial from --

CHAIRMAN STRAIN: No. The staff recommendations for the PUD. I'm sorry.

MR. ANDERSON: Okay, yes, yes.

CHAIRMAN STRAIN: There is no recommendation of denial there. In fact, it just says the petition shall only be approved and is subject to the companion GMP amendment approval and effectiveness, so...

MR. ANDERSON: Yes, we are in agreement with the Zoning Department stipulations for approval.

COMMISSIONER HOMIAK: I thought they were already in here. They're already in the list you handed out, right?

COMMISSIONER ROMAN: Uh-uh.

CHAIRMAN STRAIN: Well, the Type B landscape hedge will be provided along the buffer. I don't know how much these will rearticulate what's in the list, but the fact that they don't disagree with them is all I was trying to get on record.

COMMISSIONER ROMAN: But I have a question on that No. 2 from staff. We haven't gotten to staff's report yet. But that No. 2 is unclear to me. It's -- a Type B and a hedge is two different things.

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

We are recommending approval with the proviso that the companion GMPA gets approved and is effective.

As far as that second item, with the conditions that have been provided by the applicant, 1 through 12, that particular condition can go away, because I believe it is more than clear at this point.

COMMISSIONER ROMAN: Well, let's talk about that, if I could, Mr. Chair.

CHAIRMAN STRAIN: Sure, of course. That's what we're here for.

COMMISSIONER ROMAN: Walk me around the site plan, which is Exhibit C, and tell me what you envision in terms of those landscape buffers. Because when I read the text, I'm reading something different in the staff report versus what I'm seeing on the diagram, and I want to be sure that when Bruce says he agrees with everything, we know what we're agreeing with and what we're going to get in return for the community.

MR. SAWYER: Yeah, no problem.

The clarification with the Type B hedge, basically, was where the development is adjacent to the Estates direct on the other side of Pine Ridge, we wanted a bit more --

CHAIRMAN STRAIN: On the other side of Pine Ridge and Livingston?

MR. SAWYER: I'm sorry, I'm sorry. Livingston. I stand corrected. Livingston. And just making sure that we had the B-type hedge. The rest of the planting would be the trees required by a D.

COMMISSIONER ROMAN: Okay. Now, the D buffer should go along the right-of-way.

MR. SAWYER: Correct.

COMMISSIONER ROMAN: So that's all along Livingston Road you're showing a 15-foot Type D buffer, which is the trees and hedges.

MR. SAWYER: Correct.

COMMISSIONER ROMAN: Okay. So that extends up Livingston Road.

MR. SAWYER: Correct.

COMMISSIONER ROMAN: So where does -- the B is on the property line that faces -- the northern property line?

MR. SAWYER: The B would be located, again, basically where the development is adjacent to the Estates district on the other side of Livingston, and the exception would be, the trees would remain the same as a standard D buffer. The hedge would -- instead of being the double hedge row that's required with the D that's maintained at 3 foot, we're recommending that we actually get a B hedge in that area, which is a 5-foot hedge.

COMMISSIONER ROMAN: That's not clear to me.

CHAIRMAN STRAIN: I think where the confusion is -- look at what's on the overhead.

COMMISSIONER ROMAN: Could we orient that north and south?

CHAIRMAN STRAIN: In the location that --

COMMISSIONER ROMAN: Could we orient that north and south, please.

CHAIRMAN STRAIN: In the location that Charlette is -- did I say that right? I'm gun shy about saying your name.

COMMISSIONER ROMAN: The other way. That's -- the other way. As we're going up Livingston Road, if we could, from Pine Ridge.

CHAIRMAN STRAIN: Well, keep going. Go to your left. There you go.

COMMISSIONER ROMAN: There you go, and zoom out a little bit.

CHAIRMAN STRAIN: See the 15-foot reference? It says 15-foot Type D buffer. In that location I think you're saying it should be a B, because that is north of the southernmost edge of the Estates, which is across the street; is that correct?

COMMISSIONER ROMAN: Thanks, Ray.

MR. SAWYER: I'll actually show you where the extent is of the B hedge. Starting here.

CHAIRMAN STRAIN: That's what I said.

MR. SAWYER: Going to there.

CHAIRMAN STRAIN: Yeah.

COMMISSIONER ROMAN: So why is the Type D not good enough? The Type D is the highest form of buffer along the right-of-way. Why the Type B?

MR. SAWYER: Honestly, with respect, a B buffer actually has a much higher, larger hedge component. It's actually at 5 foot instead of being -- and maintained at 6 foot instead of the standard D buffer, which is maintained at 30-inches.

COMMISSIONER ROMAN: I'm looking at the -- it's two rows of hedges for a D buffer.

MR. SAWYER: Correct.

COMMISSIONER ROMAN: And you still have the trees 30-foot on center.

MR. SAWYER: Correct.

COMMISSIONER ROMAN: Wouldn't it be a minimum of a 3-foot hedge? It doesn't -- it's a minimum of 3 foot, isn't it?

MR. SAWYER: It's maintained at 3 foot. It's actually installed at 24 inches.

COMMISSIONER ROMAN: But it doesn't say a minimum of 3 foot?

MR. SAWYER: No. It actually is a minimum of 24 inches at installation, and it's maintained at 3 feet.

COMMISSIONER ROMAN: But the Type B buffer, you're saying, is not maintained at 3 feet?

MR. SAWYER: Correct. It actually comes in at 5 foot in height and is maintained at 6 feet.

COMMISSIONER ROMAN: That seems like an inconsistency in the code.

CHAIRMAN STRAIN: Well, there's something we want to clarify. The applicant agrees -- would agree with your recommendations, but we also have the Type D shown on the master plan. If your

recommendations were to prevail, the Type D would have to be a Type B, correct, in that location?

MR. SAWYER: Right. What we were attempting to do with the clarification in 2 is just to require, instead of the standard --

CHAIRMAN STRAIN: I know you want a 5-foot --

MR. SAWYER: -- hedge.

CHAIRMAN STRAIN: -- maintained hedge instead of a 3-foot. But let's go back at what the handout says. It says buffers. Landscape buffers shall be required as by the Land Development Code. Is that --

MR. SAWYER: Correct.

CHAIRMAN STRAIN: So in No. 2, are you asking something that is not required by the Land Development Code?

MR. SAWYER: It would be an additional requirement above minimum code standards.

CHAIRMAN STRAIN: And now you say that's really not necessary because of the handout, which matches the master plan?

MR. SAWYER: I stand corrected.

CHAIRMAN STRAIN: So basically you're retracting your request for No. 2. And I'm not saying that's not a good thing, because it's odd that in Collier County that we have all this landscaping to block out businesses that need people to know they're there. And if you could be behind a 5-foot hedge, it would sure be hard to see what this business is about.

So I'm not sure in the commercial locations along roadways all that 5-foot is necessary. But I think the 3-foot and leaving it as you have suggested, taking 2 out and leaving it strictly as the Land Development Code requires works fine.

MR. SAWYER: I apologize. I probably should have made it a bit more clear. Our concern is more with the storage of vehicles and not wanting to have a sea of cars being visible to the public, and especially the residential district that's adjacent on the other side. We want to try and soften that, and that's why I was requesting that B buffer.

Number 2 is probably a bit more than is necessary because I believe it's mostly covered by Condition 3.

CHAIRMAN STRAIN: Okay. And wouldn't the buildings block that sea of cars because they're going to be in the Florida Power and Light easement, right? And the buildings --

MR. SAWYER: Correct.

CHAIRMAN STRAIN: -- on here show just minimal space between them, so you're going to have a lot of blockage.

MR. SAWYER: But, honestly, we were looking at those as being possible building pads, not necessarily something that's going to be installed initially or if ever. They are basically optional areas. Those are not diagrams of specific buildings. Those are basically looked at -- at least from a staff standpoint, the way that we're looking at this master plan is that those are building pad areas.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: I think that the intent is to hide the headlights, I mean, to soften that view of the intensity of that type of development.

So a 3-foot -- based upon what I hear you saying, the 3-foot hedge doesn't quite get there. So the next intense bumper -- buffer would be the B buffer, which would give you the latitude to go up higher with the hedge, and that would soften the sea of cars that you're seeing from the actual roadway. Do I have it somewhat correct in what you're trying to say?

MR. SAWYER: You're actually stating it much better than I did. Thank you.

COMMISSIONER ROMAN: What do you want there?

MR. SAWYER: Nothing at all. I'm just pointing out a fact.

COMMISSIONER ROMAN: No. Thank you.

Now, the other question I have is on the western side of the FP&L easement, we have a 10-foot Type A buffer. What is adjacent? We have a school over there. We have the ballet studio. Does the school itself have something as a buffer there that's adjacent to that? Because they mentioned -- the petitioner mentioned

that they're going to be parking cars there. So we're going to have cars as one of the uses that they can do in the FP&L easement if approved. So we're going to have a sea of cars back there. Who's looking at them, and what's the separation?

MR. SAWYER: Correct. I believe -- I did look at an aerial of this particular area. I do know that there are some trees, some vegetation on the school portion of the development. I think it's a bit less intense on the ballet studio area.

Basically what the applicant is going to be able to do is to have their parking area go up to that buffer area. You can't, obviously, have the cars -- already development in that landscape buffer. But you're right, that's basically what we're going to be looking at.

COMMISSIONER ROMAN: And my feeling is is that since that FPL easement is not going to be a separation from the intensity of this commercial use, it's going to be used to park cars at some point as an option. I don't think a 10-foot Type A buffer is good enough because it's only trees. So you've just got trunks of trees spread out there, and it's not going to give you the masking that a hedge would in that area as well. So that's one of my thoughts.

CHAIRMAN STRAIN: Well, that's not a bad point. If there was anywhere needed to block the field of cars without any potential building being in the way -- and I know that the people in the ballet studio were concerned that they have special events, and they may not want to see a sea of cars, why wouldn't we suggest looking at putting a hedge along with that A buffer? Would that be a different kind of buffer?

COMMISSIONER ROMAN: We could make it a B just like we're -- you're proposing for the other side, or a B would be more appropriate there if the cars didn't want to be -- you know, that would actually shield the cars. That's just a thought.

MR. SAWYER: Staff certainly wouldn't object to that.

CHAIRMAN STRAIN: Okay. Let's move into any other questions. Do you have any more, Charlette?

COMMISSIONER ROMAN: No, that's it. Thank you.

MR. AMICO: If I could on that --

CHAIRMAN STRAIN: Yeah.

MR. AMICO: -- last particular item. The buffer width just grew by five feet. We would have a problem maintaining the 10-foot buffer and putting the vegetation required by the 15-foot buffer in it. If we could make that sort of idea work.

COMMISSIONER ROMAN: And I see that as workable. That's more --

CHAIRMAN STRAIN: Could you say that again, now.

MR. AMICO: Right now we're showing a 10-foot Type A buffer.

CHAIRMAN STRAIN: Are you saying you want to put the vegetation of a B buffer in a 10-foot A width?

MR. AMICO: Correct.

CHAIRMAN STRAIN: We've allowed that numerous times. That would be better.

COMMISSIONER ROMAN: That gives you the screening.

CHAIRMAN STRAIN: Okay. I'm making a note so we can read it back.

Okay. Anybody else have any questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: And I believe with the recommendations cleaned up and accepted with the exception of No. 2 being omitted, and we have new language for the Utility Department which I'll make sure Kris can put on record he's in agreement with and, other than that, I didn't have any questions more of the applicant at this time.

Kris, would you mind addressing the issue regarding the new language, just your acknowledgment that it works for you guys?

MR. VanLENGEN: Kris VanLengen, Principal Planner for Public Utilities.

Yeah, thank you. We are in agreement with it. We worked closely with the applicant to make sure that both sides were happy with the result of this particular situation, because we do have a force main, a new force main that's north/south, fairly major element in our CIP. And it's a unique piece of property. And given

the fact that we weren't 100 percent sure of the route that we needed to take for that particular transportation main, we worked closely with the applicant, developed some language that worked very well. At the very last minute, we just added a couple of more clarifications that we think are helpful for both sides so that we will not have any conflicts down the road.

So we're happy with the language as it worked out.

CHAIRMAN STRAIN: Okay. Thank you very much.

MR. VanLENGEN: Okay. Thank you.

CHAIRMAN STRAIN: And with that we'll go to staff report. Mike.

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

You've got staff report. We've already talked briefly about it. Last updated 4/22/15, and I'll answer any questions you might have.

CHAIRMAN STRAIN: Anybody have any questions of Mike?

COMMISSIONER ROMAN: Yeah. I have a question, Mike, regarding No. 3 on your staff recommendation. You've got the area that would be used as parking versus the area that would be outdoor storage.

MR. SAWYER: Yeah. Just for clarification, there is some confusion when we have car dealerships. The code does not recognize display areas as such. We don't have any definition for it, and we don't have any provisions in the code to accommodate it.

What I wanted to do with Condition 3 is to make sure that if a particular area on the site does not contain the landscape islands that we normally have for any vehicular use area, like we find in all parking areas, a tree island every 10 feet, that if that is not provided, then we revert back to outdoor storage requirements which have basically what amounts to a fence or opaque hedge that's required going around the outside of those areas so that they screen them basically from the outside instead of both on the outside and internally, which is what we normally find in most vehicular use areas.

We usually have the Type D hedge oftentimes with the parking areas, the vehicular use areas on the inside of those with the tree islands. It basically accomplishes the same thing. It just allows the applicant, if they are going to do a car storage area, to not have to deal with all of those landscape islands; basically all those trees go out to the edge.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: But that kind of begs the question, then, why is the master plan in front of us with a notation that there will be a Type A buffer on the west side when the Type A buffer doesn't include the hedge? And we had to request that by using a Type B in that location. Shouldn't that have been on the master plan as a different type of buffer than what's shown now, or is the A -- does A meet the requirement?

MR. SAWYER: A meets the requirement of the Land Development Code when it comes to a commercial use adjacent to the CF or the A district.

CHAIRMAN STRAIN: But you just said if it's outdoor vehicle storage, not parking, that you would require a buffer or a screen -- a screen fence or a hedge or something to block the view. Well, then why wouldn't the west side -- since we know that's the FP&L easement and they're using it only for vehicle storage, why wouldn't the master plan reflect what we've asked them to install now?

MR. SAWYER: I believe that the way that the code reads, actually, for an outdoor storage facility is if it is visible from the public. That would not be the case along the west. That would not be visible to the public.

CHAIRMAN STRAIN: What do you mean?

MR. SAWYER: It would be visible to the adjacent property owners, not the public.

CHAIRMAN STRAIN: No, not just the owners. The people that attend the school are not the owners of the school, and the people that attend the ballet studio are not the owners of the studio. So the public would be attending both those locations. So unless we had requested the hedge today, even with your No. 3, you still wouldn't have had the hedge required there.

MR. SAWYER: Right.

CHAIRMAN STRAIN: Okay. Because that contradicts what you -- seems to contradict what you verbally described to us a minute ago, and that's why I questioned it. You said there will be -- either a fence

or a hedge would be required. But actually in this case you're telling us now neither would have been required.

MR. SAWYER: Along that west property line, correct.

CHAIRMAN STRAIN: Okay.

MR. SAWYER: Because, again, we're looking at that as not being visible to the out -- the area, you know, available to general public.

CHAIRMAN STRAIN: Okay. That's been fixed, though, because they are going to put a hedge there now. So one way or another we've --

COMMISSIONER ROMAN: I have a question.

CHAIRMAN STRAIN: Yes, ma'am.

COMMISSIONER ROMAN: But you could also -- could you also have along the building -- buildings that are shown here in that large open area that will probably be paved -- out in front of the buildings you could have vehicle storage also for display possibly.

MR. SAWYER: Correct. And in that case, again, if they're not providing the landscape islands required with the vehicular use area, we would want those areas screened as vehicular use -- I'm sorry -- as outdoor storage areas.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Okay. Now, in that case, contrary to what -- the way you looked at the west side of the FP&L easement -- because those areas would front on a public road, there you would require the hedge or the fence to shield them; is that correct?

MR. SAWYER: Okay. I'm sorry. I think I just got lost.

CHAIRMAN STRAIN: Okay. In the FPL easement --

MR. SAWYER: Yes.

CHAIRMAN STRAIN: -- on the west side, it shows here a Type A buffer. During your discussion about outdoor storage, you said that when you do outdoor storage in lieu of islands, we require perimeter buffering that shields the storage, meaning -- and you said fence or hedge.

Well, the question I had was Type A is not either, fence or hedge. Why didn't that reflect that on the master plan? You said because it's not open -- not viewed by the public.

On the east side of the project, facing Livingston Road, if they were to use those parking spaces along Livingston as vehicle storage and not put the islands in, then they'd have to put a hedge or a fence along Livingston Road to block the view that you said would normally have been required for outdoor storage if it can be seen by the public; is that right?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. That was the question. Thank you.

COMMISSIONER ROMAN: The only other part of that, though, Mr. Chair, is the fact that display -- I think you said, Mike, that there's no definition for display. So in a car dealership, what's the difference whether they're parked stored or parked for display?

CHAIRMAN STRAIN: I think that's why he put in the recommendation in No. 3 is to clarify it. So they're either going to be one or the other. And if they're the other, they get different hedges.

Go ahead, Ray.

MR. BELLOWS: For the record, Ray Bellows.

I'd just like to point out there's the required parking as our Land Development Code requires for this type of use; that's for customers coming in the site. They have assigned parking spaces. Then the dealer will have their showroom -- or showroom area plus cars parked outside for viewing. Then there's additional storage that is not open to the customers of Germain, but they're just a storage area that we would want screened with a fence for like any typical outdoor storage. I think that's what we were getting at. There's three types of parking issues.

CHAIRMAN STRAIN: Okay. I think -- well, we've -- by putting the buffer in, we'll be asked -- I mean, putting the hedge in, that kind of fixes everything that we were worried about.

MR. BELLOWS: I think so.

CHAIRMAN STRAIN: Okay. Does anybody else have any more questions of Mike at this time?

(No response.)

CHAIRMAN STRAIN: Then I guess David's anxious to defend himself.

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

The preapplication meeting for this petition was held in June of 2014, and at that time staff, as is typical for a plan amendment requesting commercial uses, we asked the applicant to submit some type of commercial needs analysis and any other relevant data; most particularly we'd ask for if there's anything unique about this use.

This is a different type of Comprehensive Plan amendment in the sense that it's very specific; just one use is being asked -- requested here. And as you know, most of the time it's much more general, a whole array of commercial uses.

So because it's very specific, we had asked if there's anything about this use that you're proposing that has specific requirements or considerations, because that would be reasonable and appropriate to consider.

During the -- and the petition was also submitted in June of 2014, and neither of those items were included.

During the sufficiency reviews, staff, again, requested this information, and it was not submitted. We found the petition to be sufficient for substantive review in October of 2014, and then, as Mr. Anderson indicated, in January of 2015 they submitted the requested information, seven months after the original submittal.

He also commented about the time period, a general comment. And stepping aside from this petition specifically, a petition, in general, how long it takes to go through from submittal to public hearing is absolutely affected by a variety of things including the quality of the submittal itself, the timeliness and quality of resubmittals, public hearing schedules, workload, and perhaps other things.

For example, the County Commissioners don't meet during the month of August. They only meet once in July. And as of late, only once in November and December. All of that can affect the lifetime of an application.

My point is just that this petition is going to take about a year. It's scheduled to go before the Board next month, June, one year from the submittal, and it has been affected by some of these various things I've mentioned without being specific.

There is something unique about this. I'm not sure if it's the use, per se, but the contractual arrangements. You might have noticed that there is a settlement agreement of some sort between American Honda Corporation, if I said it correctly, and Germain, portions of which were included in your application.

And it does indicate that -- well, let me first mention the date of that agreement was December of 2013. And if I read it correctly, it's stating that if within a five-year period from the date of that agreement Germain Honda wants to relocate, that American Honda Motor Corporation would not object to that if Germain were to comply with certain conditions, one of which is locational criteria.

From the staff perspective, that is very relevant, and it's appropriate to consider because that confines the location of where this use can be. They can't go north of Pine Ridge Road, they can't go west of 41, they can't go east of I-75 beyond one-half mile, if I remember correctly. So that is very relevant.

When staff asked for -- so, again, that was submitted in January of 2015. We were not aware of that until that was submitted to us.

And then we had some back and forth on the commercial needs analysis that they did submit and, jumping to the conclusion, staff found that they had not demonstrated a need for additional commercial inventory.

We asked them to go further to look at some additional properties within some activity centers in particular that were within their defined acceptable geographic area, and they chose not to do so.

So the staff conclusion is you haven't exhausted the review of other possible locations. You've heard me say it before; I'll say it again. The comprehensive planning perspective is a matter of inventory. We are not suggesting that if the applicant builds at this location they won't be successful. That's not part of our consideration. They're asking to amend the Comprehensive Plan to establish a new subdistrict that will newly allow a commercial intensity that includes specifically an auto dealership.

The staff's perspective is, are there other locations out there either already zoned to accommodate this use or designated on the Future Land Use Map to allow the zoning that would accommodate this use, and that has not been completed.

The second reason for the staff recommendation of denial has to do with use intensity. Presently Livingston Road is the dividing line. If you look back to I-75 on the north side of Pine Ridge Road, you have a variety of retail and office commercial uses allowed. I think it's strictly retail developed.

And as you head west, once you get to the Gateway PUD, the intensity actually dips through part of that PUD limited to office use only. And then as you come back all the way to Livingston Road across from this site, retail uses are, again, allowed.

And then, once you cross over Livingston Road to the west, you have the subject site limited to office intensity only and institutional and residential uses further west.

On the south side of Livingston Road, the scenario is similar except that it's retail allowed all the way from I-75 to Livingston. There is no dipping of use intensity. And then once you get to Livingston Road, when you get to the west of it, residential uses only allowed.

So we have a natural dividing line of use intensity. That was an additional consideration and basis for a staff recommendation of denial.

And that's it.

CHAIRMAN STRAIN: Any questions of David?

COMMISSIONER EBERT: Yes.

David, did you look -- did staff look at other locations, being that American Honda put parameters on this? And I'm sure they did because of the lawsuit or whatever, because what is ever coming to, you know, within a certain district.

Is there something like towards I-75 that is available that is more commercial that they could use, or is there other areas within staff's parameters?

MR. WEEKS: First let me say, staff did not do the applicant's work for them. We did not do an exhaustive, detailed review. I did a cursory review, and in that cursory review, I did identify some parcels that are larger than the 10-acre site that they're requesting here and our -- part of our request of the applicant was, did you investigate those properties? Could those potentially be parceled off so that you could just get the 10 acres you need? And they chose not to perform that additional review.

We also asked the applicant to consider smaller parcels that could be aggravated -- excuse me -- aggregated. There's aggravation as well, but yes -- but aggregated to achieve the 10-acre size needed and, again, they elected not to do so.

So we asked for more, and we just didn't get it. Perhaps they would have been able to demonstrate or provide information that would show that the other sites that may have been out there would not have worked, in which case our recommendation might well be different, but we didn't get there.

COMMISSIONER EBERT: Okay. This question that I had, so in other words, they just said, no, this is what we're going to do. We're going to put it here because, you know -- I do see a problem with the dividing line a little bit, because if you -- I know it's right on the dividing line but, again, the developers are pushing it over. And what are they -- I will ask Bruce the other question on this.

CHAIRMAN STRAIN: Can we get done with David first?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Do you have any other questions of David?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Anybody else have any questions of David?

(No response.)

CHAIRMAN STRAIN: David, I've got several.

The applicant says they did provide the information. You're saying they didn't. Can you tell me why there's a difference in what your opinion is and theirs? They actually cited I don't know how many different sites they said they provided. I've seen those. Do you have a reason why those aren't provided?

MR. WEEKS: In an attempt to be helpful to the applicant, staff provided the commercial inventory from 2010 which at that time was the latest available. We provided that to the applicant in December of

2014. That data had not been scrubbed -- but can't blame the applicant for that -- but had not been scrubbed. And what I mean, it had not been reviewed in detail to remove any properties that, in fact, were not commercially zoned. It's a -- the commercial inventory I'm referring to is an inventory that staff prepares based on property appraiser land use codes, not necessary -- well, zoning is not a consideration because we're using property appraiser land use codes.

So we select what are identified as the commercial land use codes from the Property Appraiser's Office, and we identify all of the properties, and then -- specifically by folio number, section, township, range, number of acres, square feet of development, et cetera.

And we did not scrub it, which means go look at it in more detail, because one of those land use codes is No. 35, and 38 is another one. Both of those -- one of those is specific to golf courses or golf course driving ranges. The other is some general attraction use which potentially could include what we would consider a commercial use, or it might include something like a golf course clubhouse, which we don't view as a commercial use.

So those land use codes, those properties had not been removed from the inventory. The applicant reviewed all of the properties, I believe, of 10 acres or larger, and they included a review of some golf course properties, clubhouse properties, some developed commercial properties. And I think the way that they had phrased it when we asked for more review and why did you look at those, their response was, well, that's based on the inventory that you gave us.

From the staff perspective, we don't -- if there's a golf course there and the property's zoned golf course or it's part of a residential development, we don't consider that -- that would never be part of the analysis, never part of the consideration for the use.

I think the applicant's perspective was, you gave us a commercial inventory; therefore, we interpret that to mean that's all you wanted us to do, just look at that inventory of those commercial uses. And from a professional land use planner perspective, you have to consider future land use designation that would allow commercial zoning. This is not new. I mean, we've been doing this for, I don't know, probably as long as I've been in Comprehensive Planning, 25 years.

CHAIRMAN STRAIN: Okay. Let's go back to my question. The applicant says they provided the references that show the other uses, the other areas that are comparable uses. You don't agree with that; is that what the synopsis of the last 10 minutes was? I mean, just yes or no; do you agree with their submittal or not?

MR. WEEKS: We do not.

CHAIRMAN STRAIN: Okay. How many -- how many locations do they have to provide to justify what you're looking for, any applicant? So if an applicant is asked to provide other locations where they could possibly have this activity, do they come up with one, two, three, 10, 20?

MR. WEEKS: We ask for all of them. Ask for all --

CHAIRMAN STRAIN: So they've got to do a countywide search?

MR. WEEKS: No, within their defined market area or, in this case, their constrained area. So we're not looking at Immokalee, we're not looking at properties west of 41. You have just within their defined limited area.

CHAIRMAN STRAIN: Which is ironic, because you mention Immokalee. When the Walmart came in out there, the applicant came in with one potential location where a Walmart could go that was rather not really a real potential location. It was kind of silly to consider that. Yet we accepted that, and Walmart's going forward.

This applicant comes back with multiple locations, and that's not enough. And I was just wondering why. I think you've made your explanation. I don't necessarily agree with it, but I understand what you said.

Also, you said there's no commercial west of Livingston. Airport and Pine Ridge is one the biggest, most intense commercial areas in the county. That sure is west of Livingston. And anything between that and I-75 has been pretty well packed. This particular use, they've shown through application that it's less intense than what could go there before. So actually it will be reducing the traffic impacts on Pine Ridge Road, not increasing them.

Secondly, in past I know you've argued that when you use up commercial space for uses, it reduces

the amount of commercial space available. In this particular location, we've got a large dead space called Florida Power and Light easement. Now, normally you drive through the county, and you see those either left alone or filled with landscape companies. In this case, they're taking a field of cars and putting it in the Florida Power and Light easement; whereas, they could have put it on six acres of commercial property and used up all that property for just a field of cars that now are placed in a dead area that really doesn't hurt the commercial potential of the rest of the county.

So in a way that's an advantage, because we've kept the other areas more open to use other commercial uses that we couldn't have used had this area been taken up by all these cars, which is -- I mean, I think that's a very good use for FP&L easement, to put them there. It's dead space.

So I'm not sure why -- if your department looked at that aspect of this, because I've heard you worry about that in the past. And this would be a prime example of a solution to what you seem to be worried about.

David, I don't -- I don't necessarily see government's interaction into the marketplace as we're exemplifying here, and I certainly think this is a better use for a dead space of FP&L than using up prime commercial area for it.

So you can comment on that if you want; it's up to you.

MR. WEEKS: I'm not sure if I understand the last comment exactly. If another site is zoned or designated for commercial development, that presumably was deemed either to be an appropriate location, or it was I'll call it grandfathered, property that's zoned consistent by policy, not designated on the Future Land Use Map for commercial development but had preexisting commercial zoning.

If that's an available location already, then that is part of the inventory. Our perspective is, use up that inventory before we look towards other sites.

As far as less intensity, the TIS does show that this dealership use would generate less traffic than office use, but staff does not consider an auto dealership to be less intense than office development. Only from a transportation standpoint, I think, would we agree with that.

CHAIRMAN STRAIN: Okay. And on the surface -- back in 1989 I know you were here, and I was here. You worked with Charlie Gotye (phonetic), who was the primary person at the time who set up the Growth Management Plan; so did I.

Back in '89 we established the activity centers. Back then Livingston Road and Pine Ridge Road did not exist in the intersection they have today. That intersection is no different than the other activity centers along Pine Ridge that are on six-lane highways coming in both sides.

We have commercial on the other three sides. To suggest that this area for some reason shouldn't be considered for this use, I just don't see the logic behind that considering the intensity that already exists in that corridor, and this would theoretically reduce one of the concerning intensities, which is traffic.

So from that perspective, David, I wish you guys had looked at it differently. I know you have your reasons why you didn't. We'll just continue to disagree on that one, so...

MR. WEEKS: I think we will.

CHAIRMAN STRAIN: Anybody else have any questions of staff on this?

Thank you, David. Appreciate it.

Only one thing, and I'd like to make a note to Mike, and I could have said it to David; he'll hear it anyway. The Comprehensive Plan for Exhibit A shows the crosshatching in one direction on the plan, and then it tries to call out in white "auto dealership overlay, 10 acres" but, unfortunately, it doesn't reproduce like that, so we may want to reverse the crosshatching on the reference we're trying to make for the 10 acres. That's just a suggestion.

MR. WEEKS: If I could just comment. We've already -- you made that comment a few days ago, Mr. Chairman, and we've made that correction, or that map change has already occurred.

CHAIRMAN STRAIN: Excellent. Thank you.

MR. WEEKS: Certainly.

CHAIRMAN STRAIN: Okay. And that's all the questions I have. If there's no others, we'll go to public speakers.

Any registered public speakers?

MR. BELLOWS: Yes. One speaker, Doug Fee.

CHAIRMAN STRAIN: Okay. If you'll come up and identify yourself for the record.

MR. FEE: Good morning, Planning Commissioners. For the record, my name is Doug Fee. I live up in the Wiggins Pass area. I thank you for allowing me to speak this morning.

Obviously, I do not live in the neighborhood of this rezone nor this Growth Management Plan amendment; however, over the years I've taken the opportunity to talk about broad issues, and maybe some things that have occurred up at Wiggins Pass may have some relevance to this rezone.

I'm going to put on the visualizer a couple of pictures here. I don't know if you'll be able to see this, but this is the corner of Wiggins Pass and 41. It may be a little dark there. But what you have is in the middle of the roadway is a carrier with vehicles. And over the years, the dealership located at this corner, the truck carriers have unloaded vehicles in the middle of Wiggins Pass Road.

I came down here today to make sure that this consideration would not allow that for these people that live in that area. I'm happy to say I heard what Bruce Anderson said, which is the PUD itself will now have that language.

In the 2008-60 ordinance, which happens to be at this corner, they do have a statement under a list of developer commitments; No. 6 says all vehicle loading and offloading activities shall take place on site.

So I'm assuming at some point the PUD which you are considering today would include some type of statement like that so that this PUD --

CHAIRMAN STRAIN: Yes. They've already committed to it in two different locations.

MR. FEE: Okay. And so that will come back --

CHAIRMAN STRAIN: On consent.

MR. FEE: -- at a future meeting?

CHAIRMAN STRAIN: It will come back on consent, and it will be part of the written text of the PUD.

MR. FEE: Okay, okay.

So you understand where, at least in my neighborhood, this has been an ongoing problem. Most of it has to do with code enforcement. Even it can be a sheriff's issue. But I have had many cases, and they'll solve it, and they'll basically say, well, you're just going to have to deal with, you know, the situation.

So I'm happy to say that that's -- Germain itself is a very good neighbor. I'm happy that it's at our corner. And I have no idea if this is the same company, whether it's a sister company or whatever. But with it having the name Germain, you know, there may be some correlation or some same companies.

The next item I'd like to bring up -- I have a picture. And this has to do with dumpsters, trash. This is a picture, again, located up at Wiggins Pass and 41 along a wall -- and on the other side of the wall are residences. Now, I realize at this corner I don't think you have that issue where your neighbors are residences.

But I want to make sure that they are, in this location, made to put dumpsters and that those dumpsters are not in the sight and are not -- you know, for wildlife and for aesthetics reasons, if you could take that into account.

The next item is landscaping. Up at Wiggins Pass there is a service building on a C4 property that is probably about 30 feet off of Wiggins Pass Road. And I know that Mr. Anderson spoke about the entrance and exits to that service area having garages so that you could not see inside.

The experience up at Wiggins Pass is that the building is parallel to Wiggins Pass Road, and there are actually windows. There's probably -- the whole side is windows, and you can actually view in to the lifts that will have cars. The windows go down quite a distance on the building.

As you drive at night through that area, sometimes the lights are left on, and you can actually view the vehicles that are left on the lift. And so I would suggest that if they are putting windows along the edge of the buildings, that possibly they use some kind of a white tint, which I don't think allows you to view inside, but it will allow the light to come in, okay. So it's one thing to have garage doors, but if they have windows -- which I'm assuming they need light -- that that is shielded somehow.

If you consider landscaping in that area, what's important to remember is that that landscape can be trimmed, and a lot of times the landscape doesn't meet the height of the windows. It's nicely done in front,

but it's cut short enough that it doesn't actually cover up the windows.

Lighting. That's my fourth item. Up at our corner, Wiggins Pass and 41, the Toyota dealership has a huge sign that has Toyota and it has the emblem. That sign, which is lit, is basically the whole side of the building. Now, I have no idea what the signage is for Honda. Honda may only have a smaller sign. But at night when you go through, it's pretty well lit.

So the question I would have is, how large of a sign could they have on the outside of their building? Will it be lit? Will it be lit 24 hours? And are there hours to the lighting that you-all are approving in this PUD?

The next question I have is interconnect.

CHAIRMAN STRAIN: Mr. Fee, just to let you know, you've gone about six minutes.

MR. FEE: Okay. I'm almost done.

CHAIRMAN STRAIN: You can go longer. I'm just kind of keeping track of it.

MR. FEE: I am -- thirty seconds.

I know that there is a road to the north of this property. Is there any way to interconnect at least one of the entrances to this and come out on the road to the north? Okay. I know there's a dry detention area, so you may not be able to do that.

And then the last thing is sometimes when you have entrances, the dealerships will actually park cars and block off their entrance. They may have three or four entries, but they'll block off with cars that won't allow the public to come in. And so I know in this case there's only two, but I would think that wouldn't necessarily be a good thing.

Thank you very much.

CHAIRMAN STRAIN: Okay. Thank you.

Mike, some follow-up questions. The architectural code, would it allow roll-up -- unscreened roll-up doors facing the public right-of-ways as fronts of the buildings?

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

Yeah, whenever you've got roll-up doors and they are facing a right-of-way, they are required to have a hedge or other types of screening --

CHAIRMAN STRAIN: Okay.

MR. SAWYER: -- of those elements.

CHAIRMAN STRAIN: And that would be because of the new code. I know the Wiggins Pass dealership may not be up with the newest code, but they don't have -- we can't have roll-up doors in the front on front facades, can we?

MR. SAWYER: Honestly, Chairman, I would have to double-check that, but I do not believe so. I do not believe --

CHAIRMAN STRAIN: Well, we were in a preapp yesterday, and Madeline was there, and they were actually talking about that issue, and I thought she said they couldn't do it on a RaceTrac that wanted to go in, so...

MR. SAWYER: I believe that there have been some exceptions made for roll-up doors that are actually glass, and that might be the case here is that they actually did them as glass, but I also believe that the code also allows that same glass to be opaque.

CHAIRMAN STRAIN: Dominic?

MR. AMICO: Yeah, I can clarify the code on the roll-up doors on the primary facade. It's the architectural standards. The roll-up doors can be on the primary facade, but they have to meet the glazing standards, and that's usually the rub where people don't do it, because the glazing standards on a roll-up door are such that it ends up with a lot of glass on the door, and all that glass has to be hurricane-resistant glass, and it gets rather expensive.

So folks choose not to do the glazing. In order to get around the glazing, they don't put the doors on the front. The requirements are they have to meet the glazing standards, and they have to be screened if they're on the front facade.

CHAIRMAN STRAIN: Okay. As far as -- Mike, as far as signage goes, this dealership and any of the new dealerships have to meet whatever the new sign code is; is that correct?

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. And there's been no exceptions to that requested in this PUD that I can see.

MR. SAWYER: No. We don't have any deviations with this PUD.

CHAIRMAN STRAIN: Okay. Thank you, sir. Appreciate it.

MR. SAWYER: Also, I know that the dumpsters were brought up, and dumpsters are definitely required.

CHAIRMAN STRAIN: Yeah, I realize -- our new code requires the dumpsters, but they also require them to be in enclosures.

MR. SAWYER: Enclosures and gates.

CHAIRMAN STRAIN: And there's not going to be -- with gates and the whole nine -- yeah. They won't look like what the picture was shown.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. And I think it would be real interesting if they tried to unload cars in the street on one of these two roads. I don't know how -- maybe there's decel lanes or something that allow it to happen up there without -- but my God, the traffic would back up terribly in this location if something like that was attempted. So I'm sure once would be enough.

MR. SAWYER: Yeah. I know from previous discussions that we've had with other dealerships, part of the issue or the challenge that the dealerships have is that these are independent contractors. They are not -- they're not the dealership people nor are they the car manufacturer people. And so there is some challenge to them, but that's specifically why we added the condition in there in our recommendation that those loading and unloading areas are designated on the Site Development Plan.

CHAIRMAN STRAIN: Thank you.

Are there any other members of the public that wish to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. With that, are there any final comments, Mr. Anderson?

MR. ANDERSON: Just a couple, Mr. Chairman, if I may.

CHAIRMAN STRAIN: Sure.

MR. ANDERSON: I think David misspoke when he said that this was a new subdistrict. It's not a new subdistrict. It's an existing subdistrict. We're not seeking to expand the size of it, just to add one use.

And I would respectfully suggest that the real dividing line ought to be the 225-foot FPL easement that limits the utility of this property for many, many uses. I think that that's a more appropriate dividing line on intensity.

And we did try to answer Comprehensive Planning's questions. I mean, we did give them more information, just not as much as they thought that they needed. I mean, we filed two separate submissions to try to address those questions.

And I would point out that both the Comprehensive Planning Department and the Zoning Department both find that this is a compatible use at this location.

Again, this location, it's at the intersection of two six-lane roads; it already allows a commercial use; it doesn't allow any residential; and it's centrally located to serve more than 50 percent of the Honda customer base in Collier County.

We respectfully request your recommendation of approval on our applications. Thank you.

CHAIRMAN STRAIN: Thank you, sir. With that, we will close the public meeting and -- public hearing, and we'll entertain a motion.

Beforehand, I would like discussion. If the Commission would like, I'll read the -- I have four notes made on this one, only because one of the notes encompasses all of the new issues that they've presented for voluntary restrictions on the property.

So the first one is the auto dealership standards as provided by the applicant will be incorporated into the PUD, and that's the handout list they provided with 12 items of which there were numerous subitems;

Number two, the staff recommendation would be accepted, except No. 2;

Number three, we would accept the new utility language worked out between the Utility Department

and the applicant;

And No. 4, we would add a B buffer hedge to the west side of the FP&L easement, but it would be a 10-foot width.

And I don't have any other notes than that, and I think that summarizes it, unless there's something else.

Charlette?

COMMISSIONER ROMAN: Yeah. I think that needs to be just a Type B buffer in a 10-foot space, because we want the trees, too.

CHAIRMAN STRAIN: Okay. Gotcha. So it would be a Type B buffer -- the last one will be a Type B buffer in a 10-foot width along the west side of FP&L.

Okay. With that, if there's no other discussion, does anybody wish to make a motion?

COMMISSIONER ROMAN: I'd like to make a comment first. I think that there's two sides to this issue. And I think that staff brings up a good one in terms of the Future Land Use Map where they've laid out activity centers, and this moves beyond those parameters that have been in the planning for some time; however, I think the petitioner brings up a good point in the fact that there's limited utility to this property, especially with the large easement, the FPL easement that runs along the side of the property.

I think my biggest concern in this petition is it's on an incredibly visible corner in an area that has thousands of residents. I mean, the corner of Pine Ridge and Livingston is really prime real estate when you think about it.

And there are people traversing Livingston going to their homes each and every day along with the residences that exist between Livingston and Airport-Pulling.

So I'm having some challenges in thinking this through from a perspective that I think the business can be compatible for that corner. I think the intensity of the commercial use -- we talked about the traffic studies and things like that that can be compatible for that corner.

My concern is is that have we done enough or has our code done enough, I should say, to make that a beautiful corner and still host a dealership such is being requested today.

I mean, I would hate to see that we would have a large garish auto dealership on that corner that every one of these residents would see every day going to get coffee and everything else.

Now, that's beyond the Land Development Code, but it's still a concern of mine.

Can it fit? Yes. Can it work compatibly with that area? Yes. Can the commercial work in that corner with the FPL easement? Yes. But then there's those other factors I just wanted to put on the record because I think if there's a commitment by the petition to make this a beautiful dealership on that corner, then I think it's worth considering an exception and supporting the Growth Management Plan amendment to make that possible with that commitment. And that's all I have.

CHAIRMAN STRAIN: Charlette, one item, and I'm -- numerous items but, I mean, one item you made a point of was the glaring of the lighting, and the applicant has accepted some restricted lighting standards. But one thing that they're going to have to do and come back with on consent is -- and one of the lighting standards they passed out as acceptable is 12B, display lighting will be limited to the area shown on the master plan.

And they'll have to come back with a master plan that shows where the lighting locations are. And that might be something that we then can make sure is subject to the requirements that meet that intersection as you may opine at that time and as the Board as a whole may opine.

And based on that alone, as well as some of the way these others are going to be incorporated in, may be an opportunity to not make a -- take a vote on this today but continue it to the next meeting, combine the next meeting into both the consent and the final vote, based on the outcome of the applicant's submittal correcting the items that they've listed in discussion today.

That might make you feel more comfortable to try to get the votes we need so that when they do go to the Board, it's more of a uniform vote from this body instead of one that is still questioned about what happened.

COMMISSIONER ROMAN: Yeah. And remember I mentioned garish appearance, too, not just the lighting. But, yes, I'd be okay with that, Mr. Chairman.

CHAIRMAN STRAIN: Okay. Mr. Anderson, I think as a suggestion, if you just heard the discussion, it might be to your advantage to lay this out carefully on a plan, possibly come back with some renderings that are conceptual in what you're trying to show so we can have a level of comfort as to what we're going to see there.

It might help you get a more uniform vote from this board, which would certainly help in the final outcome of this, I'm sure. So does that work for you?

MR. ANDERSON: Yes. We have no objection to a continuance to the next meeting, and thank you.

CHAIRMAN STRAIN: Okay. Then what I'd be looking for then is a motion to continue to our next meeting, which is on May 21st and would be the first item up on that hearing.

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Made by Charlette. Seconded by?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: By Diane.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Thank you. Now, the next item up is supposed to be Argo -- I keep saying Margo -- Argo Manatee. That is another PUD and a rezone. There are some issues that are going to take a while to discuss on that. Then after that we're going to be talking about the automobile service station.

We normally take a break at noon. I would hate to start this after 10 minutes and then stop, because we're going to need an hour, hour and a half to get through this one. So I'm suggesting to the panel we take our lunch break from now and we resume at 12:45, or would you rather we say 1 o'clock?

COMMISSIONER EBERT: Yeah, 1 o'clock.

CHAIRMAN STRAIN: One o'clock?

COMMISSIONER ROMAN: I don't need an hour, but --

CHAIRMAN STRAIN: I don't either, but I know that others --

COMMISSIONER ROMAN: I could do a shorter lunch. I could do a 30-minute lunch. It just depends on --

COMMISSIONER EBERT: An hour today is what I need.

COMMISSIONER ROMAN: Okay, Diane.

CHAIRMAN STRAIN: We'll have to stick with the hour then. So if that's okay with everybody, would 12:45 work or not?

COMMISSIONER EBERT: Perfect.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Sounds good.

CHAIRMAN STRAIN: This meeting will adjourn till 12:45. We'll resume at that time, and Argo Manatee will be the first case up. Then we'll finish up with the automobile service station.

Thank you.

(A brief recess was had.)

CHAIRMAN STRAIN: Ray, good.

Okay, everybody. Welcome back from our lunch break. We left off by moving into our last regular hearing item before we go to the LDC issue. The last item is PUDZ-PL2013 -- excuse me. Would you mind, Richard and Jim? If you want to talk, go out in the hall, please.

We're going to resume with PUDZ-PL20130002588. 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: And disclosures, we'll start with Tom.

MR. EASTMAN: I spoke with Anita Jenkins several months ago, and I've spoken with the county staff recently.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Mine was county staff.

CHAIRMAN STRAIN: Okay. And I've had meetings with county staff, with the applicant, the applicant's representatives, and I think that's all.

Go ahead, Karen.

COMMISSIONER HOMIAK: Mr. Yovanovich.

CHAIRMAN STRAIN: Okay. Brian?

COMMISSIONER DOYLE: I had spoken with Rich Yovanovich myself.

CHAIRMAN STRAIN: And Charlette?

COMMISSIONER ROMAN: I spoke with Rich Yovanovich.

CHAIRMAN STRAIN: Okay. Thank you.

Richard, it's all yours.

MR. YOVANOVICH: Thank you.

Good afternoon. For the record, Rich Yovanovich on behalf of the petitioner. With me today are Anita Jenkins and Michael Herrera from JR Evans Engineering. Anita's the professional plan on the project, and Mike is the civil engineer.

Mike Myers with Passarella is here. He's our environmental consultant. And Jim Banks is here, who's our transportation consultant.

The project -- I put the location map on top of the -- I'm sorry, on the visualizer. It's the crosshatched area where it says "project location." It's approximately a 75-acre piece of property about a mile or so from the intersection of U.S. 41 and Collier Boulevard. It's on the south side of U.S. 41.

The property is currently zoned RSF3 on about 68 acres of it, and ag on approximately 7 acres of the property.

We're -- I'm going to put an aerial up.

I'm sure that's not oriented correctly, but I wasn't going to figure out how many turns I needed to go.

The property, as you can see, is outlined in yellow. It's the two parcels. The smaller parcel's to the right, the larger parcel's to the left.

I'll put the master plan up in a second, but as you can see the property is adjacent to, I think it's Manatee Elementary and I think Manatee Middle. I know they're both elementary and middle schools, but I wasn't sure what the middle school's name was.

And that road that provides access from 41 to the two schools, I believe, was constructed by the School District, and the School District is in the process of attempting to have the county take over ownership of that road. We haven't quite gotten there yet. In the meantime, we have an easement over the school board road to get access to and from our property from U.S. 41.

So that is, the access is there and, ultimately, this is intended to be a county owned and maintained road that would get you, basically, access from 41 all the way back to 951.

CHAIRMAN STRAIN: Richard, I don't mean to interrupt, but I'm going to anyway. I've got a quick question. A member of the audience had asked during break where is Henderson Creek Park in relationship to the project. She was notified by the required advertising mailer. And I can't find anything called Henderson Creek Park. Do you happen to know where that might be on this map here?

MR. YOVANOVICH: I have no idea.

CHAIRMAN STRAIN: Okay.

UNIDENTIFIED SPEAKER: I know where it is. To the left of that church parcel that is north of this lot, that church parcel that is triangular abuts 41. To the left of that is Henderson Creek Village to the north, yes, and to the south of that, sir, you see the wired lots, that's Henderson Creek Park.

CHAIRMAN STRAIN: Okay. Thank you. And sorry for the court reporter. I know that's out of the ordinary, but at least it gets the question answered.

So Henderson Creek Park is that area that's just a little bit -- could you put your right -- no, up higher, I think, is -- the bigger lots up higher is what she said.

MR. YOVANOVICH: Well, this says on the map, Mr. Strain.

COMMISSIONER ROMAN: It says Henderson.

CHAIRMAN STRAIN: Oh, good. So that is -- it's adjacent to this property, at least the western edge of the property.

MR. YOVANOVICH: And the western portion of the property, since we're talking about it, right there is -- that's an FP&L easement. Everything to the west of that FP&L easement is preserve.

CHAIRMAN STRAIN: Are you going to use that for cars?

MR. YOVANOVICH: Overflow for the previous petition.

CHAIRMAN STRAIN: That's good, because you get a break in your landscaping; call it storage.

MR. YOVANOVICH: It doesn't generate very many trips, and we're going to unload on 41, so...

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Now I'm totally out of order. Anyway, the project is -- we're trying to rezone the property to residential under the -- we're in the urban coastal fringe subdistrict, and because we're in the high hazard area, we're limited to a maximum density of three units per acre. We're asking for 225 units on the property, which is 2.99 units per acre, so we're consistent with the Comprehensive Plan.

I don't think it's the first time, as Ms. Ebert says, but let me put the master plan up.

CHAIRMAN STRAIN: That doesn't work.

MR. YOVANOVICH: Yeah, it does. I got my assistant. I just start it, you know.

CHAIRMAN STRAIN: Now, on this one, Ray, would you move a little bit to the left so I can show the lady in the audience where Henderson Creek Park is?

COMMISSIONER ROMAN: Maybe you can zoom out a little bit so we can see the site plan.

CHAIRMAN STRAIN: There we go. Could you put your finger, Ray -- or, I'm sorry, Fred, where Henderson Creek -- right there is Henderson Creek Park. And the area outlined with the "P" is the natural area that's going to be left and will remain in the development called Argo Manatee. The development of Argo Manatee is going to be far to the east where all the dotted lines and crosshatched lines are.

And one of the members of the audience was here and spent the morning waiting to see that answer, and I wanted to make sure she was able to see where it fits.

MR. YOVANOVICH: The requested uses are the -- you know, the litany of your standard residential uses, single-family, multifamily, townhomes. Those are all allowed uses under this PUD.

The only issue that I'm aware of, unless something came up since yesterday, from staff's perspective, is our deviation requesting that we have a sidewalk on one side of the road, six feet wide instead of two five-footers.

My understanding from what I heard earlier -- and I understand that that comment was based upon a comment from comprehensive planning staff, and my understanding is the comprehensive planning is no longer going to be recommending something that's not in compliance with the Comprehensive Plan when the code provision says "encourage" instead of "mandatory."

And they are citing a provision in the Comprehensive Plan in their staff report that says -- and I'm reading from Page 5. It says, the county shall encourage new developments to provide walkable communities with a blend of densities, common open spaces, civic facilities, and a range of housing prices and types.

I think they're trying to provide a provision that was intended to talk about much larger projects than a small subdivision neighborhood like this. I think they're talking about projects that were probably a few hundred acres where you would have a multifamily section, a single-family section. You might even have a little bit of commercial associated with the project.

I think that's what they were talking about when they were talking about communities so you can get from one place to another when they were talking about requiring civic facilities. I don't think they ever intended that we needed to have a civic facility in a project that we're talking about today, nor were we going to have a blend of densities. We're not.

We have, you know, three units per acre. It's primarily going to be single-family in one area and maybe a little bit of multifamily in another area. But I don't think that they were -- that Comprehensive Plan provision was intended to talk about a small-scale project like this. But even if it was intended to, we believe we are a walkable community because we have a sidewalk plan that will have a sidewalk six feet in width along the outer edge of the road, basically this side. That will be continuous, and it will connect to Manatee Road on both sides of the entrance.

So you can walk in from 41. If you're walking in from 41, come up Manatee Road, take an immediate right and get onto a sidewalk that will take you to the outer loop sidewalk, and you'll be able to walk all the way around the community, come back out onto a sidewalk. That's on, I think -- that would be the south side of the entrance gate, get onto Manatee Road sidewalk again, and walk to the school.

So this will be a walkable community with a continuous sidewalk that -- there will be no issues as to pedestrian safety related to this. So we think we are a walkable community, not only internally but externally as well through our sidewalk plan.

We simply don't believe there is a need to have a sidewalk on both sides of the street for a community to be walkable.

I've got developer clients that, simply, their clientele doesn't like the sidewalk side. You don't need a sidewalk for a community -- on your side of the street for your community to be walkable.

Probably -- you've heard me say this before. I live in a community that has no sidewalks. Anita Jenkins, who used to be the county's pathways person, lives in a community that has sidewalks. Anita wouldn't be recommending -- and I can pull her up here if you want me to -- a project that was not a walkable community based upon her history with being the county's pathway person. She's the one who insisted that we be six foot in width instead of the customary five feet in width.

And we've provided that justification as backup in our justification request. I was incorrect, Charlette -- I'm sorry, Ms. Roman, in what I said to you the other day. There are two reasons for this sidewalk deviation. One is customers don't like them; the second one is, is due to the configuration of the property putting more into preserve than we have to put into preserve, in order for there to be development on both sides of the street, there's not enough lot depth on the side of the street closest to the lakes to meet the 23-foot requirement for a vehicle from a sidewalk. So we have two reasons why we need this deviation.

In order to put the product type that we want to put there, we need it, one, because our customers don't want it and, two, out of functionality because of water management requirements and having to do more in preserve and the shape of the parcel. We need it because we can't keep the car off the sidewalk because of the 23-foot requirement from your garage door to the sidewalk. So there are two reasons for that.

And I apologize, I verified what I had told you on the phone with my engineer, and he corrected me that we did need it for functional reasons as well.

COMMISSIONER ROMAN: Okay. Thank you.

MR. YOVANOVICH: So I think that's the only thing we disagree on. We had a couple of comments, as I was going through doing my calls or meetings with planning commissioners, that will cause some changes to the PUD document. Nothing major, I don't think. Hopefully nothing that's going to trigger a need for a consent hearing.

But if we can go to Page 1 of 14 on the PUD document, under accessory uses, we are going to delete the request for guesthouses. We are -- we had talked -- Mr. Strain, you and I had talked about maybe changing some of the acreages in the table for project land uses. We're going to leave it like it is, because the water management system is on its way through the review process with the district, and they're expecting the 19 acres of preserve.

CHAIRMAN STRAIN: Yeah. I talked to staff, and I suggested they give you a call, because they had an issue with that.

MR. YOVANOVICH: We did. So I know you and I had talked about making those changes, but --

CHAIRMAN STRAIN: That's fine.

MR. YOVANOVICH: On Page 2 of 14 under the principal uses for the preserve, I don't know if we need to add the word under A "water management conveyances and structures." My gut tells me we ought to since we're going to be sheet-flowing through there, but I don't know if we really need to. I don't want to

create any problems with the agencies that are reviewing this. But the way the water management system will work is the offsite water flow will get to the property and then sheet-flow through the preserve area. I don't want to make any mess of that document.

CHAIRMAN STRAIN: But the possibility of being able to use that preserve for sheet flow was something that was positive to the Rookery Bay folks --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: -- because it would help purify the water and filter it. So I think we ought to add the provision just in case it's needed so that way we make that a better system, and we have the opportunity without putting it through as another PUDA or something.

MR. YOVANOVICH: That's why my gut said we should put it in there just to play it safe.

On Exhibit B, development standard table, I was asked about minimum unit sizes, and for single-family, we'll go to 1,200 square feet, and for multifamily, 1,000 square feet. So we would make those changes.

MR. REISCHL: Mr. Chairman, may I ask, does that include the complex and townhouse also?

MR. YOVANOVICH: Well, I think townhouse is considered multifamily, so that would be 1,000.

CHAIRMAN STRAIN: So all the multifamily uses will go to a minimum of 1,000, and all the single-family uses go to a minimum of 1,200?

MR. YOVANOVICH: Correct.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: We had talked about, on Page 12 of the 14, deleting the table on the environmental section and just going to a paragraph saying what the required native vegetation would be. We've done it both ways in PUDs. Whatever --

CHAIRMAN STRAIN: I don't have a problem leaving the table in. I took a second look at it last night.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: It really doesn't cause any problems, so...

MR. YOVANOVICH: So we'll leave the table in?

CHAIRMAN STRAIN: The problem is, the first 1A, I really don't care if you -- you shouldn't be acknowledging in a PUD that you've got alligators on site. I don't think it matters.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: It's in your --

MR. YOVANOVICH: I forgot.

CHAIRMAN STRAIN: -- environmental report. There's no reason to put it in a PUD.

MR. YOVANOVICH: Okay. I forgot to strike that. Thank you.

On Paragraph 3 -- I'm sorry. Page 13, Paragraph 3C, the last sentence would be revised to say the specific location of the pedestrian interconnection and crosswalk shall be determined during the platting, and I'm going to add "or Site Development Plan review process."

I think I caught everything that was discussed with the various members of the Planning Commission when I spoke to them as questions that were raised.

We believe we are 100 percent consistent with the Comprehensive Plan, and we would request that you recommend approval of our PUD as modified, including the deviation for a 6-foot sidewalk on one side of the road versus two 5-footers.

No, wait. It's not going to work. An 8-foot sidewalk in your front yard is not something that I think anybody really wants or would buy that lot.

CHAIRMAN STRAIN: Okay. Thank you.

MR. YOVANOVICH: Sorry.

CHAIRMAN STRAIN: Questions? Go ahead, Karen.

COMMISSIONER HOMIAK: One of the -- it's the ordinance.

MR. YOVANOVICH: Oh, does that --

MS. ASHTON-CICKO: That has a typo on there, which I was going to read into the record when you got to my turn. But the language under Section 1 in the ordinance that states "and a private boat launch

with boat parking facilities for 90 boats" is a typo from a prior draft of this PUD ordinance, so that is to be removed.

COMMISSIONER HOMIAK: Okay. Thank you.

COMMISSIONER ROMAN: Yeah, that's been dropped, right, Heidi?

MS. ASHTON-CICKO: Correct, that's been dropped.

MR. YOVANOVICH: Yes. And I wanted to tell you that we've spent a lot of times with the various environmental groups in town explaining the project, and that was one of the issues they raised early on, the docks, the boat and the boat ramp, and we agreed to remove that. So we have worked with both Rookery Bay, the Conservancy, Florida Wildlife, and Collier Audubon throughout this process. I think we have a good product in front of you.

COMMISSIONER ROMAN: I have one question.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: In looking at the site, there's a chain link fence on the south boundary of this property. East of Manatee Road there's chain link fence between that boundary and the school. Who owns that chain link fence? Is that your property, or is that the school's property? Because I noticed that you're putting a buffer there, and I'm just trying to determine which side of the fence is it on.

MR. YOVANOVICH: The only fences that we're aware of are related to the school, and they're in the school right-of-way. So subject to correction by Mr. Eastman, I believe they're the School District's fences.

MR. EASTMAN: Correct. The only fencing that I'm aware of, I agree with Richard, would be along Manatee Road. It would be on the south side of the street.

COMMISSIONER ROMAN: Yeah, on the south side closest to the school.

MR. EASTMAN: Yes.

COMMISSIONER ROMAN: Yeah. So when you're developing this piece of property, you're not going to put any kind of fencing whatsoever; you're just going to put the buffer on the other side of the chain link fence; is that --

MR. YOVANOVICH: I don't know that we've made a decision yet on whether or not to put any type of a wall or fence related to this, have we? Right now it's just the buffer.

COMMISSIONER ROMAN: Okay. Thank you.

MR. REISCHL: If I may interject. On the master plan it does say Type D buffer/wall, so the option is there.

COMMISSIONER ROMAN: I'm missing the wall part. I must be missing --

CHAIRMAN STRAIN: The wall's along 41.

COMMISSIONER ROMAN: Yeah. I'm talking about the south end, closest to the school. On one side of the parcel it says a 20-foot Type D buffer, and then on the other side it says 20-foot Type B buffer. The 20-foot Type B buffer is the side that's closest to the school.

MR. REISCHL: Understood. Thanks.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Are there any other questions of Richard? Go ahead, Diane.

COMMISSIONER EBERT: Richard, you and I will always disagree on these sidewalks, because -- but I have a little more clout in here now with someone coming back from pathways.

You know, it's been a deviation for so long that the developers take it for granted that they are automatically going to get it, and that is wrong.

Collier County is going back to some more strict rules than it used to be, and you're saying the people don't want it. It's not that they don't move in there because there's a sidewalk or not. It's what their lanai or rear of yard is facing. That's where they decide what side of the street they're on. And five foot is not very big at all.

You're right, more of these communities -- and you have 225 units. You're saying this small, little thing. Two hundred twenty-five units is not small. And you will have children in there, and so you have bikes.

I am happy -- I did notice that you have 24 foot for the road for bituminous, but I think -- where does

your property line start here? Does it start right at the road for these lots?

MR. YOVANOVICH: Where does it start for the road?

COMMISSIONER EBERT: Where does the property line start, or do you have a setback like 10 feet for utilities?

MR. YOVANOVICH: Mike, you're going to have to answer that. Come on up to the --

CHAIRMAN STRAIN: Use your Development Standards Table.

MR. YOVANOVICH: Yeah, but he wants to know -- I think she's asking me where the property line is on a platted lot.

CHAIRMAN STRAIN: Well, it would be outside the right-of-way.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: Yeah. That's always that way. You can't own the right-of-way.

MR. YOVANOVICH: But the front of your -- some of your front yard -- when you look at your front yard, some of that's the road right-of-way.

COMMISSIONER EBERT: I know that. I know that very well. We have 10 feet of utility easements before our property line starts.

MR. YOVANOVICH: Correct.

COMMISSIONER EBERT: And with the front-facing garage, you had to be 25 feet back, so I'm actually 37 feet back.

MR. YOVANOVICH: From the pavement.

COMMISSIONER EBERT: From the pavement, correct. But you're telling me these lots are not even deep enough, so you can't put a sidewalk on that side because the lots are too shallow.

MR. YOVANOVICH: That's exactly what I said.

And let me take a step back, because you're right, you and I will never agree --

COMMISSIONER EBERT: On sidewalks.

MR. YOVANOVICH: -- on sidewalks, and that's okay.

I never take anything for granted, so -- if you know one of the deviations we're always fighting about is the sidewalk deviation.

I disagree with you regarding the analysis as to why people are buying the lots in different communities. The developers that I represent -- and I represent quite a few of them -- have always told me that the most difficult lot to sell is the lot that has the sidewalk.

People -- some people buy in communities because there are sidewalks, some buy in communities because there aren't sidewalks. We're providing a sidewalk -- continuous sidewalk 6 feet in width instead of two five-footers.

Sidewalks are for people to walk on. They're not for bicyclists. They're supposed to be for the people walking. Six feet in width for people to walk is more than enough for people to walk.

We hope kids move into this neighborhood, and we believe that our continuous -- I'm sorry -- our continuous sidewalk path will be sufficient and safe for them to walk wherever they want to within the community and walk to the school, because it will be continuous.

Will some of them have to walk across their local street to get to the sidewalk? Absolutely. This is a private residential community designed with roads that are slow speed. The people who live there are going to know that there are kids in the neighborhood. You can shake your head, and I got that, Ms. Ebert, but we disagree with your conclusion.

COMMISSIONER EBERT: I've been in my community 14 years. We have all the slow down and everything. You don't slow the people down. And if you have small children, which I believe this community will have -- you have to think about the people that live there. These children will be riding their trikes in the street. You say it's only for walking on the sidewalk.

MR. YOVANOVICH: I'm not going to debate it with you, because I --

CHAIRMAN STRAIN: I think you're going -- you two are going to disagree continually on this, and we've heard it all before numerous times.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: Let's move on and get into other issues that we may have with this. We

understand your point, Ms. Ebert.

One thing I do like to correct, if there's a sidewalk there, the setback becomes measured from the inside edge of the sidewalk, which means you eat up an additional eight feet or more of the property. That was a point that Richard made earlier. I'm not saying it's good or bad. I'm just saying what his point was about, because you measure differently if there's a sidewalk than versus not. If there's not, you measure to the back end of the curb. So that's one of the differences.

COMMISSIONER DOYLE: May I chime in?

CHAIRMAN STRAIN: Sure, go ahead.

COMMISSIONER DOYLE: In regards to the sidewalk, the staff recommendation is okay with one side at six feet?

MR. YOVANOVICH: When I asked this question -- and I'll pose it to Fred. The recommendation to find us not in compliance with the Comp Plan came from Comprehensive Planning staff.

I then asked Fred, the deviation I'm requesting to go to six feet -- which I'm allowed to ask for a deviation as long as I'm not creating a safety hazard, paraphrasing -- I said -- I asked Fred yesterday, Fred, would you approve this deviation but for Comprehensive Planning staff's recommendation? And I believe his answer was, yes, he would support the deviation to go to six feet on one side as long as we had a sidewalk at the entrance that connected to Manatee Road on both sides of the entrance, correct?

MR. REISCHL: Fred Reischl, Zoning Division.

Yes, that's true. But, again, I just want to emphasize that Corby and I, Comprehensive Planning and Zoning are looking at it time from different -- the GMP is -- talks about walkable communities. The LDC doesn't define walkable communities. So we're looking at it from a slightly different perspective. But, yes, I agree with what Rich said.

CHAIRMAN STRAIN: Do you have a definition you could put on the overhead showing us that the definition of walkable communities in a Comprehensive Plan mean sidewalks on both sides of the street?

MR. REISCHL: No.

CHAIRMAN STRAIN: No.

MR. REISCHL: It's not a definition, but it uses the term "walkable communities"; in the GMP it does not.

CHAIRMAN STRAIN: Can you walk on asphalt?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Okay. Thank you.

MR. EASTMAN: Mr. Chairman.

CHAIRMAN STRAIN: Yes, sir.

MR. EASTMAN: Is it okay if I speak?

COMMISSIONER EBERT: Yes.

MR. EASTMAN: On the sidewalk issue, I think it's important for me to say I'd mentioned earlier in the disclosures I had met with Anita Jenkins, and the School District's primary concern with this project was outside -- how the outside of the project interacted with Manatee Road in getting the children to the school. And the School District requested a pedestrian interconnect, which is shown on the master plan, it's shown in the PUD. We also requested that there be a sidewalk along Manatee.

So the requests made by the School District initially are all reflected in this PUD, and that was the School District's primary concern.

That being said, this issue I became aware of about the internal sidewalks on both sides, yes or no, only as recently as yesterday. On the one hand, it's very much appreciated that the developer has cooperated in what is our initial and, I believe, paramount and primary request. On the other hand, I certainly do appreciate the staff from the county for taking into consideration student safety in trying to make the community more walkable.

In a perfect world it would be great to have sidewalks on both sides of the street. I'm hearing that the developer has constraints for that. They're economic. And you have to make these projects successful. And it's certainly an important consideration as well.

And I'd like to finish with, the developer has, in fact, complied with our initial request.

CHAIRMAN STRAIN: Thank you. Go ahead.

COMMISSIONER ROMAN: I have a question.

Do I understand that you're putting in the sidewalk along Manatee Road?

MR. YOVANOVICH: Yes.

COMMISSIONER ROMAN: And how wide is that sidewalk?

MR. YOVANOVICH: What is code, five or six feet? I can't remember.

MR. HERRERA: Six feet.

MR. YOVANOVICH: Six feet.

COMMISSIONER ROMAN: Okay. The other thing is on the master plan on the parcel that's east of Manatee Road, you've got an indication at the southern portion that it's 20 feet, Type B buffer, okay. Is that all around that parcel? Because on the parcel to the west of the road you have an indication that that's a 20-foot Type D buffer, and I'm just trying to figure out what kind of buffer you have on the east side parcel of Manatee Road. I don't see a designation. That is also adjacent to 41, so I'm just wondering if there should be another arrow.

MS. JENKINS: Anita Jenkins with JR Evans Engineering. We can add another arrow, yeah. That would be the intent, for that buffer to run the project length.

COMMISSIONER ROMAN: On 41?

MS. JENKINS: Yes, ma'am.

COMMISSIONER ROMAN: Okay. So if we could add that. Thank you.

CHAIRMAN STRAIN: Anybody have any other questions of the applicant at this time?

(No response.)

CHAIRMAN STRAIN: I've got a few. Let's start on Page 4 of 14.

Now that you've removed the guesthouses from the accessory use, No. 4 on your notes needs to be taken off the table --

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: -- and off the footnote.

The Footnote No. 7, are you asking for something that's not already allowed in the LDC?

MR. YOVANOVICH: I don't know the answer. I'll have to ask Anita.

CHAIRMAN STRAIN: Well, your answer on your last line of this page says nothing listed in Exhibit B shall be deemed a deviation unless it is listed in Exhibit E.

So I'm assuming that it can't, and if it can't be -- if it's already part of the LDC and it's not a deviation -- if it's not a deviation, you don't need here.

Fred?

MR. REISCHL: Correct. My review said that it was a redundancy.

CHAIRMAN STRAIN: Okay. Well, then we can take out Footnote No. 7.

I'm trying to get to the rest of it, Richard.

MR. YOVANOVICH: I understand.

CHAIRMAN STRAIN: A lot of it you've already resolved, so I'm -- oh, on the top of Page -- or Exhibit D --

MR. YOVANOVICH: D as in dog?

CHAIRMAN STRAIN: D as in dog, what's D'Agostino & Wood, Inc.?

MR. YOVANOVICH: That's the surveying company.

CHAIRMAN STRAIN: Can you take that off there? There's no need for it in the PUD.

MR. YOVANOVICH: Okay.

CHAIRMAN STRAIN: It's not an advertising scheme we've got going here.

MR. YOVANOVICH: You're going to let me keep my name on the PUD document, right?

CHAIRMAN STRAIN: It has to be, unfortunately; otherwise, we'd be striking it.

COMMISSIONER HOMIAK: Yeah, R2.

MR. YOVANOVICH: R2.

CHAIRMAN STRAIN: Yeah, R2.

The page prior to that, which is -- I'm trying to figure out what exhibit it is. It's two exhibits after the

master plan. It's the cross-section of the typical right-of-way. I'm going to ask Kris VanLengen when we're finished to verify this 1.5-foot CUE issue, and that's not -- if that's not an issue, but the note -- it says, notes, where an abutting preserve area fails to act as a buffer, the required landscape buffer must be provided.

Why'd you stick that on the cross-section of the road? I mean, why don't we put that in the text of the PUD? I don't know why it's lost on that page.

MR. YOVANOVICH: I think what you probably have is you have -- that was part of the master plan, and the master plan has been broken down into three pages. So that's a note on the master plan. Because Exhibit -- what you're reading from is Exhibit C, which is the master plan exhibit. So I think it just happened to be --

CHAIRMAN STRAIN: This is the one that's going to get recorded. That note will never be seen by someone looking to determine what to do with the preserves and the buffers. So let's just put it in the text of the PUD under either the preserve section or the buffer section.

MR. REISCHL: Or move it to Page 1 of 3 on Exhibit C.

COMMISSIONER ROMAN: Yeah, Page 1.

CHAIRMAN STRAIN: That's fine. Somewhere where it's -- I mean, you wouldn't think to look at it here.

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: On Deviation 1 on Exhibit E, we'll have discussions on that before we vote. It will -- these are going to be accepted as a deviation with the exception of the main entry where you've agreed to have two -- a sidewalk on each side, or it will be rejected. But if it is accepted, we've got to make sure we add the language to keep it at the front entry.

MR. REISCHL: At both front entries, right?

CHAIRMAN STRAIN: Both front entries?

MR. REISCHL: For the smaller and larger parcel.

COMMISSIONER ROMAN: Yeah, there's two sides.

CHAIRMAN STRAIN: How would you do that? I mean, that's a cul-de-sac. So you're suggesting that piece on that side will have to have sidewalks on both sides?

MR. REISCHL: Just for the entry.

MR. YOVANOVICH: Fred, how far would you go?

CHAIRMAN STRAIN: That's what I'm saying. What's the entry?

MR. YOVANOVICH: There's an entry on that side. I mean, it's --

MR. REISCHL: It depends -- first driveway is a good suggestion.

CHAIRMAN STRAIN: Okay. And we talked about striking the American alligator reference.

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: On Page 13 of 14, I couldn't figure out, when I met with your group yesterday, about my concerns over 3B, and here's what it is. 3B says the TIS was based on a development scenario of 100 single-family residences and 55 multifamily residents -- residents, not residences, residents.

The total estimated one-way adjusted trip, and it says then -- but you're not talking about residents, because if you're talking about residents, you've got to divide it by -- add them up and divide by 2.39 to get units, so you really mean to put units there, don't you?

MR. YOVANOVICH: Yeah. We need to put dwelling units there.

CHAIRMAN STRAIN: Okay. That works.

Let me see. We're getting close to the -- oh, did you get clarification for the owners? Basically you've given --

MR. YOVANOVICH: Oh, yes.

CHAIRMAN STRAIN: The buyers are more corporations. They don't give us people.

MR. YOVANOVICH: I do. And I'll get you this -- I'll type it up and send it in, but let me read into the record the names of the people you had asked me to --

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: Thank you for reminding me.

On Page 4 -- you know what, on the completed application under the section under "contract for

purchase," I have it as Page 4 of 198 in my book. I don't know how you guys have yours. But, anyway, the contract purchaser is Argo Manatee, LLC. It's owned by Cavian U.S. Holdings, Inc., and Buck U.S. Holdings, Inc.

The owners of Cavian U.S. Holdings, Inc., are two family trusts which the beneficiaries of the family trusts are Troy van -- it's my client, and he's got a worse name than Yovanovich -- I think it's Haastrecht is how he says his last name, and then his other family is Joanna Brooke, Tessa, and Ella are in that family trust.

The other family trust, the beneficiaries are Frank Cairo, Nisha Cairo, and Victoria Cairo. And then under Buck U.S. Holdings, the only owner of that is Gord Buck.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: So those are all the individual names of the owners of the entities listed in this application.

CHAIRMAN STRAIN: Would you send that to Fred when you can so it gets in the record.

MR. YOVANOVICH: I will.

CHAIRMAN STRAIN: Okay. That's the last of my questions at this time. Before we go to staff report, Kris, can you at least come up and tell us that the cross-section of the road that's there works? It's got 1.5 CUEs on each side of it.

MR. VanLENGEN: Kris VanLengen, Public Utilities Principal Planner.

Yes, it does work similarly to the last petition we looked at. There's enough clear area outside of the wastewater and water mains to accommodate a 5-foot clear area. So three-and-a-half feet remains within the right-of-way. An additional one-and-a-half feet was necessary as a CUE to add to that for that 5-foot clear area.

CHAIRMAN STRAIN: Great. That's what I needed to know.

MR. VanLENGEN: May I anticipate an additional question?

CHAIRMAN STRAIN: Sure.

MR. VanLENGEN: The commitment, 4A, Public Utilities, you might read that and say, isn't that redundant, to some extent, to current -- our current practices, and the answer is yes. This was drafted, I want to say, six months ago or a little bit more than that. And since that time, the Utilities Standards Manual has been updated to include language that requires looping in the same way that this would require looping on this particular property.

So in that regard, it's our opinion that 4A, under commitments, might be stricken with your consent.

CHAIRMAN STRAIN: Good. The less the better. That would be fine. Thank you.

Okay. Is there a staff report?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl, Zoning Division presenting the third petition with an FPL easement in it today.

And I had spoken to Mr. Yovanovich before the meeting, and he agreed to the sidewalks on both sides of the entry road. We wanted to make sure that was in, and I'm glad that discussion came up and you're going to discuss it in your -- weighing your decision.

Another thing we'd like to add is in Exhibit A for the preserve permitted uses, you change that to "water management conveyances and structures," and we would also like to add the phrase "as allowed by the LDC."

CHAIRMAN STRAIN: Okay. Lacking that phrase, what would happen? Go ahead.

MS. ARAQUE: Summer Araque, Environmental Planning.

I just want to make sure that it's clear that they still have to follow the requirements of the LDC, specifically 3.05.07(H)(1)(H), little two, or little ii.

CHAIRMAN STRAIN: That's okay. I just wanted to make sure that there was a reason for it, because we could say that everything in the whole PUD is subject to the -- as allowed by the LDC. This is usually not done, so I want to understand why you want it. You want to make sure those specific provisions are adhered to and nothing else is assumed. In this case --

MS. ARAQUE: Right.

CHAIRMAN STRAIN: -- as an add-on, that probably will work.

MS. ARAQUE: Like water quality is one issue; needs to be pretreated; discharge of stormwater into

preserves shall be controlled in a manner to prevent erosion.

CHAIRMAN STRAIN: Yeah, but --

MS. ARAQUE: So that's all specified here, but I just want to make sure that that's clear that they can't just divert it and not follow this -- these provisions.

CHAIRMAN STRAIN: But, see, when we're lacking specificity in the PUD documents, the reasoning, then -- or the way to accomplish something falls to the LDC.

So if a PUD is silent, you have to revert to the LDC. Well, without that language and without any other specifications on how to accomplish this, it would still fall back to the LDC.

MS. ARAQUE: Okay. Well, now that that's on the record, then I'll make sure when this comes in --

CHAIRMAN STRAIN: Oh, we have a problem. He's shaking his head no. So I'm glad you brought it up, Summer. Thank you.

MR. YOVANOVICH: Putting my engineer's hat on TV -- on because I stayed at a Holiday Inn last night.

We're not pretreating the water that's going to be flowing through the preserve, the offsite water. So she's talking about the water had to be pretreated before it goes through the preserve. I think that's a problem with what she's just asking us to do.

CHAIRMAN STRAIN: Okay.

MR. YOVANOVICH: And that's what we worked through with the Rookery Bay and the Water Management District is the offsite water will be going through the preserve, and it will not be pretreated before it gets there.

CHAIRMAN STRAIN: This is the 180 CFM coming from the north side of U.S. 41?

MR. REISCHL: This is offsite water passing through this site.

CHAIRMAN STRAIN: Right. And so it's already existing in this manner, isn't it?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: So we're not changing anything, Summer, in the way this water is being treated or untreated or pretreated before it's hitting this site. We're just saying that we're giving it the ability to be filtered by the conveyance through the preserve, which it's doing now anyway.

Does that still concern you?

MS. ARAQUE: Well, there's a difference between -- I mean, if you're -- if you have a pipe that's discharging water as opposed to sheet flow -- sheet flow is different -- that then -- then what we're referring to is something being pretreated.

CHAIRMAN STRAIN: Okay. But you understand their concern. They're doing this because it's an existing condition from the north side of U.S. 41. They're going to maintain the volume that historically has gone through this property.

We're just, at the request of Rookery Bay, who was participatory in the discussions yesterday -- they would like to see the opportunity to have this sheet flow. Are you telling us our code doesn't allow it?

MS. ARAQUE: Well, I wouldn't -- I wasn't involved in any of those discussions. I think what I would request is if they could look at this section of the code quickly. I mean, that word was just added in, and I'm just responding to what you're stating just in the last 10 or 20 minutes.

So if the client wants to look at the code and see if they will be able to meet that section of the code with what's being proposed -- because I don't know the full details of what's being proposed since I wasn't involved in the meeting. So that might be the best thing.

If Mr. Herrera can take a quick look at that and see if they're able to meet that, then that would kind of answer the question.

CHAIRMAN STRAIN: The second option would be to redefine the added language to mimic what we've -- what currently exists; that way we're not making it any worse than it currently exists, and we're allowing what currently exists, which is a preference to sheet flow versus digging out a swale and running culverts and channels all the way down to Henderson Creek --

MS. ARAQUE: Right.

CHAIRMAN STRAIN: -- which nobody wants, and Rookery Bay doesn't want. So we need to find a way to make this work, not a way to make it stop.

So with that in mind, if you're -- if Mike can take a look at it, that --

MS. ARAQUE: And it most likely does meet the code, but I don't know the details of what is going on. You're saying sheet flow. That's a difference between -- that's not a pipe.

So let's have him take a look at that section of the code, make sure that they're going to meet that, and then we shouldn't have any issues.

CHAIRMAN STRAIN: And if Mike could look at it while we're discussing the other parts of this application, that would accomplish the time frame.

MS. ARAQUE: Okay.

COMMISSIONER ROMAN: And, Summer, there's a reference here. I'm trying to put my finger on it, and I haven't been able to yet, reference to what you're talking about, in this packet that we got. I just haven't been able to put my finger on.

MS. ARAQUE: Okay. Let me know.

COMMISSIONER ROMAN: See if you can find it, yeah.

CHAIRMAN STRAIN: Okay. Let's move on. And we'll go to staff --

MR. REISCHL: Just to complete my staff report, I just wanted to put on the record, after the change in policy, that we are not saying that the -- this is not consistent with the GMP. So our stipulation would go away with the change that you have sidewalks on both sides at the entrances.

CHAIRMAN STRAIN: Right. And so Comprehensive Planning is going to change their position that this is not inconsistent with the GMP?

MR. REISCHL: Correct. We still want to encourage sidewalks on both sides of the street.

CHAIRMAN STRAIN: But it can't be required.

MR. REISCHL: It's an encouragement. We're not going to say that the deviation is not consistent.

CHAIRMAN STRAIN: Okay. So the recommendation of denial or the inconsistency from Comprehensive Plan is going to go away?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: So that means your recommendation to go forward is okay.

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Okay. We got that figured out.

Did you have any more report you wanted to add, Fred?

MR. REISCHL: That's what I wanted to put on the record. Thank you.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: Yes. In the staff report on recommendations, the sidewalk needs to be eight feet. So we're going to change your recommendations now at the last minute, too?

MR. REISCHL: Yeah. I -- I believe that was the bike path statement which Rich was talking about.

COMMISSIONER EBERT: Well, it is only on one side, but they have eight feet.

MR. REISCHL: Six.

COMMISSIONER EBERT: What I -- well, it says eight feet here.

MR. REISCHL: It says our recommendation is eight, you're right.

COMMISSIONER EBERT: And so we're going to cross out your recommendation and take his at this point?

CHAIRMAN STRAIN: Was your recommendation intended to be six or eight feet?

MR. BELLOWES: For the record, Ray Bellows. It's my understanding that when -- they go from six to eight -- when the deviation is requested for one side of the road, it goes to eight feet to accommodate bicycle/pedestrian as well.

COMMISSIONER EBERT: Yes, that's what I thought.

MR. YOVANOVICH: As you know, the code allows me to go to one side if I do a larger -- I think it's either eight or 10 feet. The code says you can have it on one side. We've asked for a deviation from that entire sidewalk provision to go to six feet on one side. I believe the 8-foot requirement was really a Comprehensive Planning staff recommendation, not a Fred Reischl recommendation.

So when I said to -- I asked specifically the question, is six foot safe? Because that's the standard for a deviation. My understanding was six foot was safe in Fred's opinion if we went to two sides. If we had it at

both entrances, is the question I asked Fred.

CHAIRMAN STRAIN: Okay. Diane, did you -- you're moving over there, but I can't hear you say anything, so...

COMMISSIONER EBERT: Well, I see the back of the room kind of standing. Trinity, would you like to come forward?

CHAIRMAN STRAIN: I'm a little puzzled. We've been dealing with sidewalks on one side of the street in just about every project that comes forward. What is the difference between all the last numbers of years we've been having and hearing these issues to today's project? I mean, why are we changing -- what's going on? I'm a little surprised at the vehemence of today's discussion compared to the historical operations and the consistency that we strive for for the number of years we've been doing it this way.

MR. REISCHL: And, again, I have to apologize, because I wrote this staff report, but Kay Deselem did all the reviews on it. But by going through all her notes and talking to Corby, I believe it was because of the proximity to Manatee Elementary and Middle School.

CHAIRMAN STRAIN: So you think if a project's close to a school, it's going to have more kids; is that the way you're coming down?

MR. BELLOWS: Yes.

MR. REISCHL: That was our consensus.

CHAIRMAN STRAIN: Do we have any statistics, Tom?

MR. REISCHL: Oh, I didn't do the research, but I was -- that's what I gathered by reading --

CHAIRMAN STRAIN: That would be good to know if that's a valid point.

MR. REISCHL: -- the case notes.

CHAIRMAN STRAIN: And I don't know.

COMMISSIONER HOMIAK: Most of the people in this area are a lot older than --

CHAIRMAN STRAIN: Are you saying anything about elderly people?

COMMISSIONER HOMIAK: Well, East Naples, yes, especially in this area, yeah, they are. Sorry, but they are.

CHAIRMAN STRAIN: Tom, do you want to --

MR. EASTMAN: Chairman Strain, I don't have any specific statistics or data related to whether residential neighborhoods close to schools have more kids but, anecdotally speaking, we're going to get some kids walking to school from this neighborhood, and a fair amount given the number of units.

And like I said earlier, the developer has been very gracious in providing us with a pedestrian interconnect. It's something they don't have to do. It's above and beyond.

And then again, I'd like to thank the county staff for considering safety of the pedestrian -- the students walking, and Commissioner Ebert's concerns as well. It's a balance here.

I would like to throw in the pot, though, that the developer has given the school district what it asked for initially as far as pedestrian safety goes, and that interconnect is extremely valuable to us, and it's done in the name of student pedestrian safety.

CHAIRMAN STRAIN: Okay. David?

MR. WEEKS: David Weeks, Comprehensive Planning staff.

And in response to your comment, Mr. Chairman, Comprehensive Planning staff has consistently, for years, now been, when we think appropriate, objecting to deviations to either not provide sidewalks at all or provide them on one side.

Sometimes we do agree with the applicant. Sometimes they ask for a sidewalk on one side of the street only for a single-loaded street, and typically we have supported that request. We believe it to be reasonable.

But as a general principle, the Comprehensive Planning staff has objected to deviations if we did not believe that adequate justification was provided.

I mean, I would ask you to remember the code requirement is sidewalks on both sides. That should be the norm. The exception is the justification -- excuse me -- is the deviation with appropriate justification. That's our general perspective.

Comprehensive Planning staff doesn't usually get into the details of saying it should be six feet wide

or eight feet wide. That level of detail usually is beyond our scope of review. It's more of a general, is it appropriate to not have a sidewalk as opposed to what is required by the code.

CHAIRMAN STRAIN: Before you leave, David, maybe you can refresh my memory. In the past, cases where this has been the only issue involved in the problems or objections or concerns by comprehensive staff in their review, have they, as a result of this, recommended denial in prior cases?

MR. WEEKS: I think we've been inconsistent. I think in some cases we've found it to be an inconsistency with the Comprehensive Plan, and I believe in other case we've not found it to be inconsistent. But in both cases, we would still make the comment that we would like to see, prefer to see the sidewalks provided per the code.

And what I've stated earlier today, and I'll repeat now, the policy -- the staff policy has changed after discussion yesterday. The Comprehensive Planning staff will no longer find a petition to be inconsistent with the Future Land Use Element if the sole issue is based upon a policy that encourages a certain action or activity or design.

CHAIRMAN STRAIN: So your position of denial is not -- is not the case in this particular one?

MR. WEEKS: We're no longer finding the petition inconsistent with the Comprehensive Plan, but our professional position is still that it is appropriate to have sidewalks per the code.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER EBERT: Tiffany?

CHAIRMAN STRAIN: No, not Tiffany.

COMMISSIONER EBERT: Tiffany. Trinity.

MS. SCOTT: If I could start, I was a little tardy and was not sworn in.

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

MS. SCOTT: Thank you. Once again, for the record, Trinity Scott, Transportation Planning Manager.

It is actually Transportation Planning stipulation that asked for the eight feet in width on one side. It was not Comprehensive Planning.

And I agree with what David just said about the -- asking for deviations. Typically, if there's the FPL easement on one side, we'll support that deviation.

In this particular instance -- once again, I'm assuming, because I wasn't the person here. Looking at the proximity to the school, you're within a 2-mile radius of the school. Those children will most -- will be walkers, 100 percent. That's what the school's going to say. They're not going to bus them. So that would be the justification as to why transportation planning would have asked for that wider sidewalk realizing that elementary kids walk together in packs. They don't walk one at a time. They all get together and walk as a group with mom, et cetera, so...

MR. YOVANOVICH: Mom.

MS. SCOTT: Mom, you're right.

CHAIRMAN STRAIN: Okay. I'm trying to think of where we left off. We left off -- did you finish up with all your staff report, Ray -- or Fred?

MR. REISCHL: I just wanted to say Trinity refreshed my memory. I took both Comprehensive Planning's comment and Transportation Planning's comment and put them into one recommendation since they both dealt with sidewalks. So she's correct that eight foot was Transportation Planning comment.

CHAIRMAN STRAIN: Okay. And while we're on sidewalks, Kay had gotten into the habit -- and I think you suggested this came from Kay -- that if an applicant wanted to reduce sidewalks to one side, then they would increase the number of street trees so that the sidewalks could be shaded. Do you know if this was done on this particular project? She has actually included such language in some of the others where they went to one side. I didn't know if this one -- I can't remember seeing that in this one.

MR. REISCHL: I didn't see it in her notes, no, or in her backup.

CHAIRMAN STRAIN: Okay. It's something that we need to consider as well if we go to one side, so we'll bring that up if we have to.

Fred, on Page 7 under findings of fact, I mentioned yesterday that seemed to be an error in the very first paragraph of that document.

MR. REISCHL: Yes.

CHAIRMAN STRAIN: You were going to fix that.

MR. REISCHL: Thank you. That was my typo.

CHAIRMAN STRAIN: Okay. And I think the rest of -- that's the only question I had of staff at this point, so thank you.

With that, anybody else have any questions of staff at this time?

(No response.)

CHAIRMAN STRAIN: Okay. Are there any registered public speakers, Ray?

MR. BELLOWS: Not for this item.

CHAIRMAN STRAIN: You've got a wad full next, huh?

MR. BELLOWS: Yeah.

CHAIRMAN STRAIN: Is there any members of the public that would like to speak on the Argo Manatee project?

(No response.)

CHAIRMAN STRAIN: Okay. Richard, I don't think you've got a lot of rebuttal from the citizen input, but do you have anything you want to say to wrap up?

MR. YOVANOVICH: Just quickly. The sidewalk one just puzzles me that there's a pack of people walking on our 8-foot sidewalk, but when they get to the school system's 6-foot sidewalk, all of a sudden they know how to behave and walk in a single family (sic) line, and they can fit in six feet when they're on Manatee Road, but six feet's too skinny when you get on the subdivision property that's gated, that's going to have slow speed road streets.

And, Mr. Strain, I'm getting a little scared; maybe we've worked together too much on these projects, because I also remembered the shade tree comment from Kay and saw that it wasn't in here and talked to my client that people probably would use the sidewalks more if there were more shade. So we had talked about adding the shade tree requirement as part of the deviation. So I think it would actually encourage the people to use the sidewalks more.

And another thing that -- what I -- one of my favorite comments you've said so far, Ms. Ebert, was when you called Trinity "Tiffany", because I used to call her that, too. And so she knows that's her name as far as what I call her.

She said when these elementary school kids are walking to school with their mother. These kids are walking to school with their parents. They are going to be safe in our community on our 6-foot sidewalk when they interconnect with the school system's 6-foot sidewalk. So it is not unsafe under any sense of the imagination to put a 6-foot sidewalk in this subdivision.

And with the addition of the trees, I think that we are consistent with the Land Development Code criteria that -- when you ask for a deviation, you have to have justification for it, and it has to be safe.

And we have site problems related to the preserve area, extra preserve we're putting in, with the canal on 41; it's skinny. We can't fit it, and we've proposed a safe alternative, and we ask that you recommend approval with a 6-foot sidewalk with the additional shade trees and as well as the two sidewalks at the entranceway for the sidewalks for this project.

CHAIRMAN STRAIN: Okay. And before we wrap up, we did leave one question unanswered. Your engineer was going to look at the conveyance issue that Summer had brought up.

MR. YOVANOVICH: Thank you.

CHAIRMAN STRAIN: And Corby's kind of waiting in the wings. And if he wants to talk, you're more than welcome to rebut what I expect he would say, so...

MR. YOVANOVICH: Well, Corby said he was going to help me on the sidewalk, so...

CHAIRMAN STRAIN: That would be unique.

MR. YOVANOVICH: He told me that. I know. That's what I said, but that's okay.

The language I think we want to include -- and I'm trying to find where I had that commitment where we added in conveyances. Page 2, thank you.

I think the right way to phrase it would be, say in accordance with the South Florida Water Management District permitting instead of LDC, because I think we should let the Water Management

District work through the nuances of what water can go into the preserve area.

CHAIRMAN STRAIN: Summer, what do you think of that?

MS. ARAQUE: I think that's fine. If it's okay with you, I think just to put on the record so that we make sure everybody understands what this situation is here, is if Mr. Herrera could just give a brief explanation of what's going on, because I don't think that's really been discussed yet. This is a little unique. And then that way when it comes in for permitting for the plat or SDP, it's already on the record and it's clear that this is something that's already allowed and allowed through the PUD; is that okay with you?

CHAIRMAN STRAIN: That's a great idea, Summer. Thank you. I'm glad you're pointing it out.

MS. ARAQUE: Okay, great. Thank you.

CHAIRMAN STRAIN: Michael?

MR. HERRERA: For the record, Michael Herrera with JR Evans Engineering. And I'm going to -- all right.

So we have on-site flow being generated from our project, and we also have offsite flow coming from the north side of U.S. 41 or the northeast side of U.S. 41 through the project underneath an existing culvert that is actually being expanded right now as part of the U.S. 41 widening project.

It will run -- that canal, it will be three-to-one slope or two-to-one slope with riprap. Canal on the north side of the property line. Once it gets to the FPL easement, we'll need to go into the same size box culverts, coincidentally, as the box culverts that go underneath U.S. 41, and then into a large spreader swale where the top of the spreader swale will match existing grades. And then -- so when water rises, it gets to existing grade, it will just sheet flow through the system.

The only on-site flow discharge that we're going to have from this project will be discharging directly into the canal. The on-site flow will be pretreated. The offsite flow was the responsibility of all the upstream properties.

CHAIRMAN STRAIN: Okay. Sounds good. Thank you very much, Mike.

Any questions?

(No response.)

CHAIRMAN STRAIN: Then we'll go to Corby.

MR. SCHMIDT: Good afternoon. For the record, Corby Schmidt with Comprehensive Planning.

With regard to the sidewalk deviation, the LDC is something I rarely dig into working in the Comprehensive Plan day to day, but when working through these considerations where we originally looked at consistency issues, I looked at the LDC, and the provision that allows for changes to sidewalks has some direction for you to take, and it allows for sidewalks on one side of the street of greater width as long as they're equally functional and of area.

And you have a combination of alternatives being proposed here with the access between lots for the students. You have this wider single sidewalk, and they are providing the double-sided sidewalk on the entry drive as part of their -- part of the request. And so I think you can find that it functions as much as sidewalks on both sides would have.

CHAIRMAN STRAIN: At what width, the one that would be on the one side?

MR. SCHMIDT: I think they're arguing --

CHAIRMAN STRAIN: Six.

MR. SCHMIDT: -- proposing six, and they've stated a case that could show you that it's as safe and as functional as on two fives, and that's for you to decide.

CHAIRMAN STRAIN: Okay. Well, Corby, that's a refreshing comment. Thank you.

COMMISSIONER EBERT: And Rich is shaking his head.

I do have one question for Rich. Richard, I have a question for you. In reading the PUD --

MR. YOVANOVICH: I may have to go see my doctor.

COMMISSIONER EBERT: Shocked with Corby.

In reading the PUD document, I see on B that it mentions clubhouse, okay -- it's in there, Page 3 -- but I don't see any developer commitment for a clubhouse with 225 residents. Are you going to give these people a clubhouse or some type of amenities?

MR. YOVANOVICH: The answer is we don't know, because we don't know what each individual

home will have and whether there will be a need to have a clubhouse for this community. If we elect to have one, we have the standards by which it will be built, but we certainly -- we may not elect to have that facility. It may not be necessary. It may not fit.

CHAIRMAN STRAIN: Before you go too far, can you put the aerial back on.

MR. YOVANOVICH: The aerial, yes.

CHAIRMAN STRAIN: There's a reason for that. I'm extremely familiar with this area. And south of Manatee school, can you see that on the aerial?

COMMISSIONER ROMAN: Just zoom out.

CHAIRMAN STRAIN: See that lake on the bottom of this page? Adjacent to that lake on the south in an area as big as Manatee school is a county park that is destined to be developed with a lot of amenities and other issues for the East Naples area. That may help offset the need, eventually, whenever this project gets built for an internal clubhouse. That will be something your marketing will probably dictate. But I would sure expect that park would be a handy amenity for your project to utilize.

And I know the school will be as well, the school fields. I mean, you see kids going to the different schools in neighborhoods all the time to play basketball, soccer. There's -- those are ready and available amenities for the community.

COMMISSIONER EBERT: Well, no. And that's fine. That's fine on this. I didn't realize the park and all the other things.

But I was told when I first got on, if it's not in the PUD, they don't have to do it. In here it shows a clubhouse, but it is under -- the first thing I was told to do is go to developer commitments. So in here this is no developer commitment for a clubhouse.

MR. YOVANOVICH: Correct. We have the ability to build one, but we don't have an obligation.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Is that all the questions from this panel of anybody at all at this point?

(No response.)

CHAIRMAN STRAIN: Okay. And we already found out there's no public speakers on this one. So with this, we will close the public hearing and open it up for discussion.

I can read off of a list of items that I have. In listening to the list, you need to also decide whether we want to hear this again on -- or see this on consent or wrap it up today.

The items that we have, first of all, we're going to remove the references to the boat launch and to the guesthouses. We're going to add a water management conveyance -- language for conveyance and structures and preserve in accordance with South Florida Water Management District permitting. The minimum single-family size will be 1,200 square feet, and the minimum multifamily size will be 1,000 square feet. Exhibit F, we'll strike Item 1A. That's a reference, I believe, to guesthouses or alligators, one of -- the alligators.

We're going to add a reference to the SDP under transportation 3C where it only references platting right now. We're going to -- on the east parcel, the one by the school, the buffer along 41 will be shown as a D buffer.

On the standards table we're going to remove Footnotes 4 and 7. On No. 9 we're going to move the buffer note that's on the PUD, third page to the first page. We're going to change the reference to residents to dwelling units in the transportation commitments.

We're going to strike Item 4A of the utility commitments, because utilities doesn't need that anymore.

And then we get into the sidewalks. If we approve the deviations for sidewalks on one side of the street, the request is for six feet, and in return, for mitigation, they're going to add the street trees that have been consistently utilized on some of the other projects that Kay has done, and staff will have to look that up and make sure it's added appropriately.

And those are the issues for discussion that I've made notes of. Charlette?

COMMISSIONER ROMAN: You had mentioned one earlier referenced the water sheet flow. I don't know if you wanted to capture --

CHAIRMAN STRAIN: That's what I was referring to when I said add the water management

conveyance and structures to the preserves. That's the conveyance that would allow the sheet flow to go across the preserves through a spreader swale that the engineer had just described.

COMMISSIONER ROMAN: Okay. You mentioned it different, but if -- that will work.

CHAIRMAN STRAIN: The discussion we had with Rookery Bay yesterday, that was something that seemed to work real well into what they were hoping to see.

COMMISSIONER ROMAN: Okay. Because earlier in our session here, you just said it differently.

CHAIRMAN STRAIN: I said -- you're right, I did.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: Okay. With that, is there any issues this board wants to talk about? Richard, you're jumping up for something.

MR. YOVANOVICH: Can I clarify something, Mr. Strain --

CHAIRMAN STRAIN: Yes.

MR. YOVANOVICH: -- regarding the buffers?

COMMISSIONER ROMAN: It was an arrow.

MR. YOVANOVICH: It was to add an arrow to -- that shows it's a D. We're not changing it. It always has been a D. We're just clarifying it with an arrow.

COMMISSIONER ROMAN: Adding another arrow to that east --

MR. YOVANOVICH: Right.

CHAIRMAN STRAIN: That's fine.

MR. YOVANOVICH: I just want to make sure -- when you said change it, I want to make sure we were clear.

CHAIRMAN STRAIN: Change in the sense it's got to be -- we don't have it there now. We want to show it there.

MR. YOVANOVICH: We'll show the arrow.

COMMISSIONER ROMAN: And if we approve this or -- the sidewalks on Manatee Road are 6-foot sidewalks. Do you want to indicate that on the site plan as well?

MR. YOVANOVICH: Those are -- I'm sorry. Those are actually off site, and that's already an LDC requirement, so we're going to be compliant with the code.

COMMISSIONER ROMAN: Okay. Because there's two arrows here with a sidewalk that had -- on your site plan. That's the one I'm talking about. If you can take a look at that real quick.

CHAIRMAN STRAIN: Fred, could you take the aerial back off. We might be able to see the site plan then.

COMMISSIONER ROMAN: Yeah. It's just those two -- yeah.

MR. YOVANOVICH: I see what -- you're saying since we refer to the sidewalk, you want us just to put six feet there?

COMMISSIONER ROMAN: Yes.

MR. YOVANOVICH: That's fine.

CHAIRMAN STRAIN: On Manatee Road?

MR. YOVANOVICH: Yes. That's fine.

COMMISSIONER ROMAN: Yes, along Manatee Road.

MR. YOVANOVICH: I see where you're saying. We did refer to it, so you just wanted it to be clear. That's fine.

CHAIRMAN STRAIN: Okay. Is there any other clarifications, Charlette?

COMMISSIONER ROMAN: No, I'm good.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I'm good.

COMMISSIONER ROMAN: I do have a comment, though.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Tom and I attended a session about building healthy communities, and it was about this walkable community concept that keeps coming up every time we talk about sidewalks in these presentations.

And I would just like to make the comment that it's more than how old you are or how young you are. A walkable community is supposed to be for everyone, and so that's bikes, that's the electric chairs that some of our seniors ride around, that's baby strollers, that's kids going to school. It's the whole spectrum of people that would walk in our community. So I just thought I'd throw that out.

CHAIRMAN STRAIN: Thank you.

Okay. I read off the changes, but when I got to the last one I said if we decide to go with -- support the deviation for sidewalks on one side, the applicant's asking for six feet, and they've added the street trees that we've started to use in some of the other projects.

So I posed that as a question because I wasn't sure the way this board wants to go. We've heard testimony from the applicant and from staff, and I need to know what the consensus of the board is so when we go to vote we have all the stipulations that we want to have there.

Does anybody -- anybody not comfortable now, after what we've heard today, with allowing the sidewalks on one side at six feet with the additional street trees, and there will be double sidewalks in the front entries?

COMMISSIONER EBERT: No. I'm fine with it for this one, Rich.

MR. YOVANOVICH: I'll hold you to that.

CHAIRMAN STRAIN: Okay. So with that, is there a motion to recommend approval for this item subject to the stipulations that we've just talked about?

COMMISSIONER HOMIAK: I make a motion to approve.

CHAIRMAN STRAIN: Made by Karen.

Seconded by?

COMMISSIONER DOYLE: Second.

CHAIRMAN STRAIN: Brian.

Discussion?

(No response.)

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

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0. Thank you.

COMMISSIONER EBERT: Come back for --

CHAIRMAN STRAIN: Oh, consent.

COMMISSIONER EBERT: Come back for consent.

COMMISSIONER HOMIAK: I don't think --

CHAIRMAN STRAIN: I'm not sure we need consent on this one. We've -- there are minor deletions and changes. So if that's okay with everybody, I think staff's -- you got it down good, Fred?

MR. REISCHL: Thank you, yes.

CHAIRMAN STRAIN: It seems pretty straightforward. And if there is, can I have a motion to waive consent?

COMMISSIONER HOMIAK: I'll make a motion to waive consent.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER DOYLE: (No verbal response.)

CHAIRMAN STRAIN: Brian.

All in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER DOYLE: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries. Okay.

MR. EASTMAN: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

MR. EASTMAN: I'd like to personally thank the county staff and the Transportation Planning Department for considering the school's interest and pedestrian safety and really bringing these points up for debate.

CHAIRMAN STRAIN: Thank you, Tom, and I appreciate your input today.

COMMISSIONER ROMAN: I have one thing, too. I'm wondering if maybe the staff couldn't present a short briefing to us on the various widths of multi-use paths, whether they're eight foot, seven foot, six foot, five foot, and their uses and kind of educate us as we look at these petitions going forward on what's accommodating to the community and what may fall short.

CHAIRMAN STRAIN: It's interesting your timing. I have a meeting with one of the pathways people on Monday afternoon specifically to get that figured out. And I will suggest that she contact whoever in the county -- this is from the state person. Maybe they can come and jointly provide a path presentation so we can get a better handle on this.

COMMISSIONER ROMAN: I think so, because, I mean, we just recommended six foot, but common width for a multi-use path is seven foot. So then I hear eight because it's two sides being four, then we make it eight. I don't know. But I think that it would be great if we could get consistency from this panel on what we're looking at.

CHAIRMAN STRAIN: It would solve a lot of discussion in the future. I'm all for that.

COMMISSIONER ROMAN: All right.

CHAIRMAN STRAIN: Okay. We are going to hear the last item up today, which is the Land Development Code. That's going to take a while. Rather than start it and quit in 10 minutes, we'll take a 10-minute break, or nine-minute break, resume at 2:10, and we'll go right in and finish that one right off. So nine minutes; break.

(A brief recess was had.)

CHAIRMAN STRAIN: Welcome back from the break, everyone.

***We are now moving into Item 9E. 9E is an add-on item for the Collier County Development -- Land Development Code involving, in one specific section, 5.05.08, which is the -- .05, I'm sorry, 5.05.05, and that is concerning automobile service station waiver standards.

This has come to this board a couple of times before. The last time we sent it back to the Board of County Commissioners as they had requested. They reviewed it, and they've sent it back to us for a third time in trying to make sure that we pay attention to what the Board was trying to seek.

I went and reviewed the minutes from the Board meeting twice. They're 66 pages. And the Board talked in a variety of concerns over this issue.

And the documents that were sent out as the first draft of this for us to review today -- and, by the way, it will be continued today to the June 8th meeting -- portrayed one aspect of what the Board asked for.

In discussions with staff, it's going to have to go beyond that. We're going to, today, outline some options that we want to send forward to the Board to include some items that weren't as obvious as they might want to be, such as the conditional use process and other things.

So I know members of the public have reacted to it. I have gotten a couple dozen emails on the issue. And we intend today to try to put this thing into a format where the Board has an array of options for them to review and take a look at. So hopefully some consensus can come out of it. And that's the objective.

And with that, I'll turn it over to Caroline so she can make the general presentation.

MS. CILEK: Sure. Thank you very much.

Good afternoon, Commissioners. Caroline Cilek, for the record.

Today you have an updated draft and, as Mr. Strain mentioned, we will be adding to it in the coming

weeks and be bringing it back to you at a nighttime hearing on June 8th. Just want to solidify that date so we're all here.

So taking a look at it, we did several things in this document. One was look at compatibility. And in doing so, we put together measures for gas stations in all zoning districts. That's the first component. And then the second component was to look at compatibility of gas stations adjacent to residential. And so they actually will have supplemental standards. So additional standards, more or less, to follow when they are adjacent to residential property, and that includes both zoned and developed residential areas.

In addition, we did follow the direction of the Board to look at vapor issues, as that has been one of the highlights of this conversation over the course of the couple months, and we reached out to several of the federal and local agencies and relayed that information in here as well.

I think, moving forward, we'll be looking at the compatibility issue, as that's being highlighted today and in the future dates.

Would you like to go through the actual text?

CHAIRMAN STRAIN: That would probably be the best way. I think the most discussion's going to occur when we get into the standards involving location.

MS. CILEK: Sure.

CHAIRMAN STRAIN: But, yeah, let's go right from the beginning, which is basically site design.

MS. CILEK: Right. So if you're on Page 5 of the amendment, looking at Section C, what we've done is --

CHAIRMAN STRAIN: Can you -- do we have an opportunity to put any of this on the overhead so that the public can see the sections we're talking about as we go forward?

MS. CILEK: Absolutely.

Jeremy, can you bring a draft copy.

CHAIRMAN STRAIN: And I think, from the Planning Commission's perspective, any questions we have, let's ask from each page.

And, Caroline, I know we got one letter from RaceTrac suggesting changes to the language. We need to weigh those in as we go along, too, if you don't mind.

MS. CILEK: That sounds good. I'll pull that out so I make sure we're tracking with those. And we actually have several staff members here that can weigh in on some of these more specific questions that are outside of my expertise for sure.

COMMISSIONER ROMAN: Yeah, their letterhead went on Page 3, and I know we're starting on Page 5. I don't know if that makes a difference.

MS. CILEK: Say that again.

COMMISSIONER ROMAN: In the letter that the Chairman referred to, the first comment was on Page 3 in that figure.

MS. CILEK: Yes. That may -- we could start there if you'd like. We could also address that during the conversation about the canopies, which is on Page 5.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: And that's good, because I don't have a Page 3.

MS. CILEK: It's the changes -- it's called the narrative.

COMMISSIONER ROMAN: It's Page 3, Figure 5.

CHAIRMAN STRAIN: Oh, it's the -- I thought you meant the page of the LDC amendment, the LDC amendments -- okay. Now I understand.

MS. CILEK: But it's right around the corner, so we'll get there.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: Because it was my Page 3 of the --

CHAIRMAN STRAIN: I understand. Gotcha. Thank you.

MS. CILEK: She's right.

Okay. So looking at C, what we've done is taken some of the standards that were in later parts of the section and moved them up so that all of the building architecture and site design and signage requirements are all in one section. That helps for the reader's ease of understanding what is required.

So we start off with canopy standards, which then goes to RaceTrac's question. And here we've moved up some of the requirements that were in 5.05.08, which is the architectural section, so that they are identified here.

And then we proposed several new items. One would be to address flat roof canopies. Staff has some additional language we'd like to propose rather than prohibiting them. Just so everyone knows, when we put "prohibited" in the LDC, it means that you can't ask for a deviation for it or an architectural waiver from it, more or less. So we'd like to propose different language here, and we'd like to bring that back to you at a later date.

From a compatibility standpoint, looking at the flat roofs is something we do want to address across the county and especially next to residential because it adds some texture to the roof line, and there's many gas stations that are already doing this across the county, and I have pictures to share with you if you would like. I can share them with you later, too.

So we do want to bring language back to address that, but it's something that would help with the compatibility.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Then the next one is the colors. So if you do look on Page 3 of the amendment, we've put some pictures together for you. And the top two, Figure 1 and 2, are -- and, actually -- do you want color? I guess those work.

If you look at Figure 1 and 2, those are canopies and gas stations that are in Collier County, and they are either a slight beige color or very, very white.

And if you look down, Figure 3 and 4 are gas stations outside of Collier County, and they have their corporate banding, backlighting them. Just imagine Shell with the bright red and yellow and the BP with the bright green.

And then in Figure 5 at the very bottom, we have one horizontal band that is a color that is consistent with the principal structure of this particular gas station. This one's under -- thank you so much. That's really helpful.

COMMISSIONER EBERT: Yeah. It's much better.

MS. CILEK: That is -- that was under construction at the time and has now been completed.

And what we are proposing for compatibility would be to allow for gas stations to add a little bit of architectural design, embellishments on their canopy facade, such as banding, horizontal banding, not 3 and 4, Figures 3 or 4, which is their corporate logos or their corporate colors, but more just the architectural feature.

And we did receive a specific question regarding this color, and that's from the RaceTrac that is on the corner of North Horseshoe and Airport. And the question that RaceTrac asked is on the first page of their memo to us about the color.

And I can have our architect, our county architect, come speak about that if you'd like. They provided a sample of that color.

CHAIRMAN STRAIN: No. I think they simply probably asked a question for their own purposes, do the colors that they asked you about meet the saturation points that are acceptable, and I think the answer was yes. Wasn't that --

MS. CILEK: Well, the color that they proposed there, 10y (sic), 3 dash -- or 3/2 -- and I'm not as familiar with how to read these -- that one, I believe, would. But I would really love to have our county architect answer this question, because she did receive a paint sample about it, and it would just be a yes-or-no question so that --

CHAIRMAN STRAIN: Okay. Because I don't want to get into a day-long discussion about paint saturation points. We did that before.

MS. CILEK: Let's make it a yes or no.

CHAIRMAN STRAIN: Okay. Thank you. Some people love to talk about paint colors, but that's not what we're here for today.

MS. CILEK: We'll make it a yes-or-no question.

MS. BUNSTER: Good afternoon. I'm Madelin Bunster, the Architectural Reviewer in Growth

Management Development Review Group.

I do the architectural review, and this is the sample that was submitted. It's a dark bronze color. Their memo calls it out as 10r 3/2, which is this color right here, as you can see. And it's hard to see, and you can have this to look at.

It is much darker than that. This color that they're proposing would be in the restricted or limited range of colors, so it would --

CHAIRMAN STRAIN: So it is not acceptable?

MS. BUNSTER: That is -- under current architectural standards, it would be acceptable only up to 10 percent of the roof or the walls.

CHAIRMAN STRAIN: Okay. Now -- and that's probably why they brought it up as an example. Why? That's just dark brown. I mean, everybody uses dark bronze on their window frames or their screen enclosures, everything. What is wrong with that?

MS. BUNSTER: The dark brown of the window frames does not add up to 10 percent of the facade, and we do take that into consideration when that is dark among other dark colors.

CHAIRMAN STRAIN: But what do we care if it's more than 10 percent?

MS. BUNSTER: That's what the code reads.

CHAIRMAN STRAIN: Why?

MS. BUNSTER: There's certain colors that are very dark that are limited when used on a commercial building.

MS. CILEK: And I can weigh in on the language in here.

CHAIRMAN STRAIN: Oh, I hate getting embroiled in this stuff for what we're here for today, because this probably isn't the most important issue. I just think it's relevant now, unfortunately, because we're attempting to modify the language. And -- what is the language that --

MS. CILEK: I'm going to weigh in at this point.

Thank you so much, Madelin.

So what they've asked is, would they be able to use this color, and this color is in the limited category. And the way we've written this code -- this code right here, the proposed language, would be that they would not be able to use it because it's in the same category of other colors that would be in their -- in corporate logos. That would be like a hot red or a hot yellow or a hot green, and those would be limited on a principal structure, but we weren't seeking to allow those, so we made them not allowable.

CHAIRMAN STRAIN: Okay. Now, I need to back up because I can see this is going to get into a long discussion about something that really isn't that important.

MS. CILEK: I hear you.

CHAIRMAN STRAIN: I thought we were going to be focusing on the issue of the distance, the number of pumps, and the things that affect residential. How did this get added to that process?

MS. CILEK: Compatibility was one of the main focuses of the board's direction, and so we're looking to provide some architectural design on the facades. If that's something the Planning Commission doesn't want to do, that is perfectly fine, but a lot of areas allow for some architectural on the facades.

If you look at Figure 1 and Figure 2, that's what we can continue with. We are just trying to write language that would allow for some architectural design on the facades of the canopies but not allow for the limited colors, because those limited colors include corporate colors.

CHAIRMAN STRAIN: But if a corporate color is a standard brown, who cares?

MS. CILEK: Well, that's the thing they provide.

CHAIRMAN STRAIN: Let me give you another example. We got into a big argument over Chili's. Chili's came in, and they're required to break up the front of their building with different architectural embellishments, so they chose one of them that's in the code. They put a trellis up. They said, well, we're going to put a trellis up, but instead of making a straight old regular trellis, let's make the center of the trellis have ironwork that is shaped like a chili. And when the plants grow over it, who knows what will come out. So they did that.

They got cited because that's considered a corporate logo. And I said -- which is crazy. The creativity that was there would have been a benefit, not a detriment. They could have put a banana, and it

wouldn't have been a problem. But it makes no sense.

And I'm looking at the same thing here. What do we care -- as long as it isn't bright yellow or red, what's wrong with a brown? I mean, how do we even get to a point where we disallowed it to begin with?

COMMISSIONER ROMAN: I have a suggestion, Mr. Chair. I have a suggestion that we capture this point and just keep it on our list and then move on to the other points that we might want to discuss, because I think that --

CHAIRMAN STRAIN: Get through today.

COMMISSIONER ROMAN: Well, I say that because I think you're talking about a much broader topic than just brown, and I think that that lends itself to entire design standards and architectural review and everything else. And I would like to just capture this and move on to maybe some of the other points.

CHAIRMAN STRAIN: And I have no problem with that, but if this is what goes forward and it becomes law, we're going to have to deal with it, and that's what I'm trying to do.

COMMISSIONER ROMAN: Sure.

CHAIRMAN STRAIN: So what I would suggest is on this one, after the first sentence of 6, just drop the rest of that and let it fall to whatever the architectural standards can be interpreted to be. Why put it here?

MS. CILEK: We will review that, because I do believe that, from a compatibility standpoint, we are not looking to allow for Figures 3 and 4 unless the Planning Commission feels otherwise.

COMMISSIONER EBERT: And I have --

CHAIRMAN STRAIN: Figures 3 and 4. Could you put those back up.

COMMISSIONER ROMAN: So the bright colored --

CHAIRMAN STRAIN: Yeah. I don't have a problem with that, but neither of those are dark brown.

MS. CILEK: Right. Within the parameters of the color chart, the dark brown and the hot green and hot yellow fall within the same spectrum, but I hear what you-all are saying, and the earth tone of the brown may be something you like. So let's have staff look at that and see what we can come back with.

CHAIRMAN STRAIN: Okay.

COMMISSIONER ROMAN: And we're talking saturation, not color, per se. It's not about brown.

COMMISSIONER EBERT: And, Commissioner Strain, you don't like -- you don't like bright yellow?

CHAIRMAN STRAIN: Except on you, young lady.

Okay. And one other question while we're on this one.

MS. CILEK: We'll work on that.

CHAIRMAN STRAIN: (C)(B)(4), ceilings shall have a flat finish. Do you mean a flat finished surface, or they've got to be painted with flat white paint?

MS. CILEK: Let me confirm, but I think this is an existing provision in the code that we just carried forward. So it would be whatever is required today. And we haven't had any opposition to it that I'm aware of.

CHAIRMAN STRAIN: Okay. Let's move on then.

Next one is on -- we're going to the next page now. Are we done with that page?

MS. CILEK: Yep. Site standards are -- we're going to -- those are existing provisions that we relocated, except that we did add 2B, pardon that. We did add 2B, which just requires trash cans.

Just to put a note out there, what we did to provide compatibility standards was look at, what would you say, standards from across the State of Florida and across the nation, and we looked at how other communities look at gas stations and what they provide, whether they're adjacent to residential or not, and that's how we came up with some of these standards.

We also looked at guide books, which communities put out when developers of gas stations come forward, and those are how we pulled these all together.

All right. We can go on to 3, lighting standards.

COMMISSIONER HOMIAK: Question.

MS. CILEK: Sure.

COMMISSIONER HOMIAK: I think in the RaceTrac letter there was a question about the

6-foot-high enclosed trash area.

MS. CILEK: Yes.

COMMISSIONER HOMIAK: Because they would want it higher at some point. They might want a higher enclosure.

MS. CILEK: You are correct. So what we would like to do, actually, is following their notice of this -- there's a section in the code which is related to specifically dumpsters, and what it provides for is that the screening covers the entirety of the actual trash receptacle or the recycling receptacle, right. We would actually like to sync it up with that.

The prior language did that as much, but we would like to bring that back and show you what that would look like. It's basically they just have to cover the actual dumpster regardless of the height.

CHAIRMAN STRAIN: Right. We don't need to rewrite that for the gas stations. We already have it covered in the code, so we just need to reference that section of the code.

MS. CILEK: Correct. We just want to clarify it.

COMMISSIONER EBERT: So, in other words, six foot would be the minimum?

MS. CILEK: The minimum would be whatever would be covering the trash, the inside trash receptacle.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Lighting standards?

COMMISSIONER EBERT: I have a question on the canopy. On here it says no flat canopy allowed. What does "flat" mean?

MS. CILEK: We actually have a picture which is one like Mark likes. A flat canopy is very common -- actually, show him. Let's put up the Figures 1 and 2.

Those are existing canopies in Collier County. Those are flat roofed. But we do have many pictures of canopies that are not flat roof, that have some slope or some pitch to them. And for compatibility, that is what we're suggesting we go towards.

COMMISSIONER EBERT: Okay.

MS. CILEK: We would like to remove the term "prohibited," which is one of the issues that RaceTrac brought up, because when we put the word "prohibited" in, it means you can't deviate from it anymore, and we want to allow for flexibility.

COMMISSIONER EBERT: Well, I was just wondering, because there's also drainage off from those roofs. And is it a quarter inch, a half inch, is it an inch? You know, is flat pure flat, or is it -- that's, I guess, what I'm asking.

MS. CILEK: I'm not as familiar with the drainage of flat roofs.

COMMISSIONER EBERT: They can be a problem, a big problem.

MS. CILEK: I know -- sure. I trust your knowledge on that.

COMMISSIONER ROMAN: I don't think we should use "encouraged" in light of our previous discussions.

CHAIRMAN STRAIN: Good point.

MS. CILEK: We will probably propose language that will require some type of pitch or some type of slope, but it won't explicitly prohibit flat roofs. But no "encourage."

CHAIRMAN STRAIN: Okay. We're onto Page -- the next page.

MS. CILEK: Lighting standards, if I may.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Looking at lighting standards, we worked with a professional lighting expert as well as looking at several other codes that have more explicit lighting standards in Florida. And we pulled these together based on the guidelines for Publix, because people are very familiar with walking under the canopy, going toward the sliding doors of Publix.

So under that canopy, calling a canopy maybe a walkway would be the better term for it. That's a well-lit area, and that's what we're proposing for the actual under-canopy lights for the gas station.

Many of the other provisions are continued from elsewhere in the section, including the height of the light fixtures, directing the light fixtures -- directing light away from adjacent properties. That's already in

existence in the section. But the foot-candles have been added just so that we're specific about making sure that these are well-lit areas but that they're not so bright that people, you know, have glare or can't see.

These are different than the ones we're going to find on the next page related to when you're adjacent to residential. They were modified to take that into account.

Okay. Page 6. These are what we're proposing as supplemental standards for compatibility for gas stations located adjacent to residential.

D(1) and D(1)(A) look at the location of the principal structure as well as a little bit of flexibility when you have some distance between the gas station and residential properties. We took this list of lakes, marshes, non-developable wetlands, et cetera, from another section in 5.05.05 on Page 4. So that's where we came up with that list.

We looked at the distance of at least 50 feet from a perspective of adding that to the setbacks that are required on the site as well, but there is some room for movement within that distance. We're proposing that, but the Planning Commission could relay that they want something that is greater or perhaps less than that.

CHAIRMAN STRAIN: You want to -- why don't we get the comments on D(1)(A) before we go to D(2). And I know you and I have talked about this since it was published.

MS. CILEK: Sure.

CHAIRMAN STRAIN: And I think it's under D(1) that we need to make some modifications so that it isn't the building that's in question that becomes the separation criteria between the residential, number one; number two, if a gas station does not meet the separation based on a geographic element, and they have to fall back -- or they don't have -- and they're within a certain distance from residential, then they still fall back on the conditional use process. I don't think that was intended to be eliminated completely by everybody.

And what I'm suggesting is we rewrite Section D(1) to include other options both in distance and for conditional use criteria so that the Board could have those as options to consider. Because it's going to take a supermajority vote of the Board to pass this. And from the minutes that I read, I can't tell where the supermajority's going to be.

So I think this board ought to send as much forward that they could pick and choose from to find a solution than just one avenue.

So I definitely think we need a little more language in here. We need to expand it on the possibility of a conditional use if none of the above criteria are met. We need to make sure we're not using the structure that's concerning as the element of separation between itself and the residential.

And I would surely think that the 50 foot is half of what is the minimum width of a road right-of-way that would be substantial enough to be considered a distraction for a gas station.

And the 7-Eleven, for example, on Palm and 41, I think it was 283 feet from residential, but it's separated by a road of about 100-feet-plus. I don't think anybody seems concerned about that 7-Eleven because it's on the opposite side of the street, but it's wider than a 50-foot street. So I think those kind of distances and all that have to be meshed out a little bit better, and that's a suggestion at least I have on D(1).

MS. CILEK: We can definitely work on that.

CHAIRMAN STRAIN: Okay. Anybody else on that one before we go forward?

(No response.)

CHAIRMAN STRAIN: Okay. D(2)?

MS. CILEK: D(2) is the landscaping and masonry wall.

Jeremy, I have -- I have a sketch of the landscaping standards. We'll start at the very top, Jeremy, which is the bird's-eye view or the plan view. In here what we really wanted to do was provide a very tall and more or less thick screening between the residential property and the gas station. And so this would be the property line that separates the two. The other landscape buffers would be required on the other sides, and the existing right-of-way buffer would remain as it is.

On the residential side, we're looking to provide landscaping as well as on the gas station side, and the gas station side we'd provide some height, and that is where the tall trees or the royal palms would come into play.

So I can walk through this with you if you'd like.

CHAIRMAN STRAIN: Well, I think you just did, and we've probably read it ourselves. It isn't that

much.

MS. CILEK: Perfect.

CHAIRMAN STRAIN: And anybody have any specifics on any of this they'd like to comment on? Charlette?

COMMISSIONER ROMAN: The only thing that I'd like to comment on is the 25 feet. When you're property line to property line and it's residential zoning -- and I'm just taking into account that this is straight residential zoning --

MS. CILEK: Sure.

COMMISSIONER ROMAN: -- that there's nothing between the property owners and that property line other than maybe some bushes and trees. Twenty-five feet even with a wall and, you know -- did you say trees on both sides?

MS. CILEK: Yes.

COMMISSIONER ROMAN: Are you showing trees on both sides?

MS. CILEK: Yes.

COMMISSIONER ROMAN: I don't know if 25 feet is the right distance. I don't have another one to propose, but I'd ask you to take a look at that.

MS. CILEK: I can do that.

CHAIRMAN STRAIN: And that isn't the setback. That's just the width of the buffer. That's what you're referring to.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Because the setbacks are set by another page, and the distances from residential are set by the prior paragraph.

MS. CILEK: Right. And we are looking for the wall to be in the center of the landscaping on either side, so I can --

COMMISSIONER ROMAN: Yeah. And it may be, but just take a look at that when you put everything together.

MS. CILEK: Sure. I've worked with our landscape architects on this, and I'll go back to them and just confirm that 25 would be sufficient. But they can always go above that, too, if the 25's not going to work for the applicant, because that's a minimum standard. So they could go to 30 if they needed to or, you know, something in between.

CHAIRMAN STRAIN: Anything else on 2? Diane?

COMMISSIONER EBERT: Did you -- Caroline, did you work with Nancy Gundlach on this?

MS. CILEK: I actually worked with Mike Sawyer.

COMMISSIONER EBERT: Okay. Because I called Nancy because she's the landscape person, and she said she didn't work on this at all, because there was some questions on landscaping.

CHAIRMAN STRAIN: I believe Mike is, too, isn't he?

MS. CILEK: Yes. Mike is, too.

COMMISSIONER EBERT: Well --

CHAIRMAN STRAIN: Yeah. Mike's been there just as long, if not longer than Nancy.

MS. CILEK: Nancy has been super helpful on another LDC amendment that we're working on, so --

COMMISSIONER EBERT: So you give her some time off.

MS. CILEK: I understand that she probably can't split her time between all the amendments.

CHAIRMAN STRAIN: On 2(B), how do we get to a point where we stuck a royal palm in at every 30 feet? I mean, you know, those don't give you much coverage. They just sit up there with a few stocks on top.

MS. CILEK: It's about height.

CHAIRMAN STRAIN: Then they drop on cars and dent the cars, so...

MS. CILEK: Well, hopefully there won't be a lot of cars parked up against the -- on the residential side, for sure, but -- because they'll be on the other side, but they're intended to provide height. We wanted to provide both a larger distance of the buffer, excuse me, and then also layers of height like a wedding cake.

CHAIRMAN STRAIN: Okay. Well, why don't we do the layer with canopy trees?

MS. CILEK: Well, there's already canopy trees on that side.

CHAIRMAN STRAIN: Then you're almost saying we don't need it. So if you want the height but you don't have the canopy trees to the right height, then require the canopy trees, which would give you better coverage and better blockage than a royal palm.

MS. CILEK: Well, the intent was also visual for compatibility, and we are looking for the wedding cake tiered look.

I will work with staff and see if they recommend any other type of tree to go in between the canopy trees that are proposed. We do need to provide something else on that side, and because we -- because the visual impact is from the residential side, putting anything lower than the canopy trees wouldn't really be helpful. So we wanted something taller so it will be seen --

CHAIRMAN STRAIN: They've got a big tree up at Animal Kingdom.

MS. CILEK: It will be seen by the residential.

CHAIRMAN STRAIN: Okay. I'm not -- I don't think a royal palm does much, and for the cost of those, we could put some higher canopy trees in if needed. So that's something to consider.

Three is the music. I think there was a comment on that one.

MS. CILEK: There was. And we are happy to amend that.

What we would like to do with the -- to change it to the standards of when a car wash is open, and I believe that's 7 a.m. till 10 p.m., and that would be when they would be able to play music within the fuel pump area.

CHAIRMAN STRAIN: How about the decibel level? And the reason I'm --

COMMISSIONER ROMAN: Yeah.

MS. CILEK: Sure.

CHAIRMAN STRAIN: -- asking is I go -- I use the RaceTrac in front of the office down on Radio Road -- I mean Airport Road all the time.

MS. CILEK: Horseshoe.

CHAIRMAN STRAIN: And I can pull in there sometimes, and the music's just kind of semi quiet in the background; you hardly notice it. But I've pulled in there some other times and somebody just cranks that up, and it's really loud, and you can't even carry on a conversation it's so loud.

At some point if there's a way to regulate that by putting something in this it might be helpful because we don't have control over the way the managers inside the building may want to play with their volumes. And maybe they liked the song I was there for on that day, but I did not. It was rap of some kind.

MS. CILEK: I can't regulate the type of music.

CHAIRMAN STRAIN: I know.

COMMISSIONER ROMAN: Yeah, that's kind of like brown, but I won't go there.

But I was thinking the same thing, maybe a provision for amplified sound or some way of putting that decibel on that or --

MS. CILEK: Right. I'll look into this. One, you have the noise ordinance, which does regulate decibels for commercial uses, but that would be probably louder than you guys are looking to allow for, and I recognize that, but that is there. And the second would be if you do have -- wow, I can't say that word -- amplified sound, I think there's a permit required, but I can look into this. What I do need direction on is, do you want me to amend it to allow for the 7 to 10 p.m.?

CHAIRMAN STRAIN: I don't see it being bad during the day if it's controlled.

MS. CILEK: Okay.

CHAIRMAN STRAIN: I mean, I don't have a problem.

COMMISSIONER ROMAN: The key is how loud it is.

CHAIRMAN STRAIN: Correct, I agree.

MS. CILEK: Good.

COMMISSIONER EBERT: Because if it's going to be too loud, I prefer no music, no amplified sound at all.

MS. CILEK: Okay.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Looking at the next one, we have the lighting standards. And what I'm going to do here is highlight the ones that are specific to being located next to -- or adjacent to residential.

So previously for those gas stations that are located in all zoning districts, they are allowed to have the light fixtures at 20 feet high above finished grade, and here we're asking that they reduce them to 15 feet in height above grade when they are within 50 feet of the property line so that when you're adjacent to a gas station in a residential dwelling unit, you're not looking at a super tall light fixture. It's more of a pedestrian scale light fixture.

CHAIRMAN STRAIN: Okay. And the way that this is referenced, No. 4 is a sub number to D, and D is for standards for automobile service stations adjacent to residentially zoned or residentially developed property.

MS. CILEK: Correct.

CHAIRMAN STRAIN: And adjacent means you can be separated by a street, a canal, something else --

MS. CILEK: Adjacent.

CHAIRMAN STRAIN: -- but you're still considered adjacent. But it's usually a right-of-way or an easement.

MS. CILEK: Correct.

CHAIRMAN STRAIN: I'm wondering if we just don't put the distance there instead of using the word "adjacent." Standards for automobile service stations within 250, 300 feet of residentially zoned property, then these kick in, and that clarifies it, because adjacent only, I think, refers to right-of-ways and easements. I don't think the other elements mean they're adjacent. We've got to be a little careful how that rolls out.

MS. CILEK: Sure. The only thing with -- the only consideration that I can think of right now that would be the difference if you put in a strict distance at, like, 250 or 350 or something would be that there could be properties in between, like actual properties, commercial properties or something that are very small and narrow. So that's why we did adjacent, even though it could include roads and easements in between.

CHAIRMAN STRAIN: Okay. So the -- and, again, I want to use the 7-Eleven on 41 because it does fit this kind of nicely, the 7-Eleven on 41 and Palm.

So because they're not adjacent to the residential in that case -- they're separated by a road, but they also have a commercial strip between the road and the residential -- they wouldn't come under this condition then.

MS. CILEK: Correct. You would need to be adjacent, as this is written, which would mean that that shopping center is the one that is adjacent to the residential.

CHAIRMAN STRAIN: But if the shopping center doesn't have an automobile service station, it wouldn't -- yeah, okay. I know what you mean. I'm not sure that fits. I'll have to do -- we've got another --

COMMISSIONER ROMAN: Maybe it's not strong enough.

CHAIRMAN STRAIN: That's what I'm worried about. You know, I think if you had monopoles going up high where the 7-Eleven is, those residences would still be impacted by it, so I'm not sure simply "adjacent" works. It may be distance that has to be combined with it or something. But it's something to think about, but let's move on.

MS. CILEK: So looking at Page 7, the next one is the 4(B)(iii). All light fixtures shall be full cutoff with flat lenses. What this means is that the dark-sky type of criteria is being achieved here. We looked at several recent PUDs that went through. And when -- at that time the goal was, because they were adjacent to residential, was to prevent any of the light going into the residential neighborhood. We used very similar language to that, and this is the dark-sky standard, more or less.

CHAIRMAN STRAIN: Okay.

MS. CILEK: Number (iv) simply provides an average foot-candles for the areas around the canopy on the gas station site, and No. (v) provides that at the property line areas they need to be a little bit lower so that it's not so bright to those property lines.

CHAIRMAN STRAIN: Okay.

MS. CILEK: And that the little -- or No. 2 under that same provision, again, just achieves not

requiring, or basically preventing light going into -- like a strong light going into the residential properties.

And then little c, under canopy lighting, I believe, is the same as is provided for for gas stations in all zoning districts, because there will be a setback for the canopy from the property lines so it won't be more than 40 or 50 feet to any adjoining property.

We pulled No. 5 and No. 6 from other community standards. We looked at that; that was common. Providing so that sound doesn't get carried ordering a Happy Meal, and also recognizing that car washes and vacuums can provide noise as well. Just trying to be sensitive to the neighbors, and that's it for 7.

CHAIRMAN STRAIN: Okay. Eight? You've got some strikethroughs, which we moved in other parts, where applicable, and then you've changed the restrooms and ATMs. Instead of on the side or rear, they'll be all located inside the principal structure. That's a good move.

MS. CILEK: Yes, please.

CHAIRMAN STRAIN: Page 9, there's a minor -- there's just a strikethrough and a move with exception of a reference to the LDC. Then we get to Page 10.

COMMISSIONER EBERT: Can we go back to 9 for a second?

CHAIRMAN STRAIN: Sure.

COMMISSIONER EBERT: Caroline, could you be so kind -- could you be so kind as to explain No. 8 for me?

MS. CILEK: On page?

COMMISSIONER EBERT: On Page 9, the sales of cold drinks, candies.

MS. CILEK: All right. So No. 8 reads, sales of cold drinks, candies, tobacco, and similar convenience goods for service station customers but strictly and only as an accessory incidental to the principal business operation.

What I believe this means is that they can sell them but that it's a gas station or an auto service station, and so they're to be sold in the convenience store but not as the -- like not the principal use. They're accessory to the gas station.

COMMISSIONER EBERT: Okay. Because I was looking at this, and I'm going, wait a minute, how are they saying incidental to the principal business operation? And the principal business operation will be -- is it going to be the automobile service station, or is it going to be the convenience store?

MS. CILEK: As this reads, I believe it's saying it's the automobile service station or the gas station.

COMMISSIONER EBERT: Okay, okay. Thank you.

CHAIRMAN STRAIN: Let's move on to the next page. You've got an LDC section referenced there. That seems to be what -- and then you added vacuum stations under 5.05.11(E) --

MS. CILEK: Yep.

CHAIRMAN STRAIN: -- as far as locational criteria goes, and then that's the end of it. And then the last few pages are the air pollution and health frequently asked questions.

Caroline, this is a lot different than the previous one that was sent out. In the previous one we actually looked at a broader definition so we encompassed more facilities. Because the automobile station is kind of a wrong kind of a reference.

RaceTracs are not automobile service stations. They're convenience stores with gas pumps. And we've tried to clean it up. And I thought last time we created this new definition called facilities with fuel pumps or fuel pump facilities or something like that. Was that kind of tossed out for some reason?

MS. CILEK: It didn't catch a lot of movement, so we've just focused on the issues that were directed by the board, but we can certainly bring that back.

CHAIRMAN STRAIN: I was going to say, if it doesn't catch a lot of movement, that might be the only positive thing that was in the whole thing that went forward.

MS. CILEK: As you can see, I call them gas stations, so...

CHAIRMAN STRAIN: If you go into the SIC Code or the NAICS, the codes that we use, the convenience stores with fuel pumps are a different animal than a gas station, and I -- that kind of is misleading. So if we clean the definition up and it's not too much effort, we at least ought to suggest that.

MS. CILEK: Sure.

COMMISSIONER EBERT: You don't like automobile service stations.

CHAIRMAN STRAIN: No. I'd like to understand it accurately, and that throws me for a loop every time I read it, but...

Okay. And before we go into other comments, I'd like to hear what the people that have been waiting all day have to say.

COMMISSIONER EBERT: Can I ask just one question? I notice one thing on here is delivery times. It's not in here at all. Are you going to restrict delivery times as to when they can make deliveries to the convenience stores? Because there's nothing about it in there.

MS. CILEK: If it pleases the Planning Commission.

CHAIRMAN STRAIN: I'm not sure. Take a look at it and see if it's something that should be included.

MS. CILEK: Okay.

COMMISSIONER ROMAN: And maybe that's just particularly important to the adjacent to residential.

COMMISSIONER EBERT: Yes, it is.

MS. CILEK: I did want to just touch base real quick on the rest of RaceTrac's inquiries.

CHAIRMAN STRAIN: Sure.

MS. CILEK: Looking on their second page, they brought up the foot-candle issue. It appears that they provide a little bit stronger of a foot-candle in the -- I believe it's under the canopy, but I'm not sure.

We can do a little bit more research, but we understand that the 20 foot-candles is bright, and we don't want to make it too bright because then it has detrimental impact on anyone adjacent as well.

So we can look into it more, but right now staff would recommend staying with the 20 foot-candles.

CHAIRMAN STRAIN: And I would think we want to be -- that was one of the most prominent, more concerning elements that we hear about when we talk about these things. So being more conservative is a better way to start.

MS. CILEK: Okay. Okay. One of their other inquiries was regarding the sign that is on the canopy. And I -- just from the perspective of looking at compatibility and signage, I think today would be better focused on the standards that we've been bringing forward rather than reaching out and addressing other ones for the signage.

CHAIRMAN STRAIN: I agree with you. We don't need to open up any more doors right now. We've got enough. We've got enough to deal with just as it's rewritten. The signage code is being rewritten anyway as we speak, so...

MS. CILEK: The last page they note that the shrubs being installed at 60 inches is going to limit the species available. What we'd like to propose is that we drop it down a little bit to be consistent with the existing provisions in this section and provide them planting at 48 inches. So we'll give a little balance there.

CHAIRMAN STRAIN: And I -- yeah, talking with Mike, and I think that's a good thing to do, yeah.

MS. CILEK: I think that they'll reach maturity, you know, their shrubs within a couple years and obtain that 60 inches.

CHAIRMAN STRAIN: Okay.

MS. CILEK: We discussed the music standards, and their last comment is repetitive to the one regarding the foot-candles I brought up just a bit ago, so...

CHAIRMAN STRAIN: Anybody have any questions before we go to the public?

COMMISSIONER EBERT: Yeah. Caroline, I have -- Mark's going to kill me.

How many fuel pumps per island? Didn't we normally -- didn't we normally see at least two? I'm looking at the RaceTrac on -- and, I mean, this canopy is, like, going forever and ever, and there's one pump per plate. Every one that I go to or see is at least two pumps per island.

MS. CILEK: I think it just depends on what they propose.

COMMISSIONER EBERT: Well, I know that one is in the city, so I don't know what their definition, but -- that's architectural again.

MS. CILEK: It's not something that's regulated, and we saw variation as we drove around, too.

COMMISSIONER EBERT: Well, I was wondering if it was maybe turn radius. I didn't know --

MS. CILEK: Sure. I think it could depend.

COMMISSIONER EBERT: Okay. It should be discussed.

CHAIRMAN STRAIN: One of the elements that I'm hoping is going to come back on our next meeting when we finalize this includes the reference to the number of pumps relative to the distance in some of these options. And when they don't meet those, they still fall back into the conditional use process, so that was part of what was supposed to be hopefully relooked at. This came out last week, and I think I got it when I was up north.

COMMISSIONER EBERT: Out of town.

CHAIRMAN STRAIN: Yeah. And then since then we've tried to consider some of the things that weren't here.

With that, if anybody doesn't have any others, I'll ask for public speakers. Mike, if you could call out the registered speakers, then we'll go to unregistered speakers.

MR. BOSI: Sure, Chair. We have three registered speakers. The first would be Eric Donihoo.

COMMISSIONER EBERT: You woke Eric up.

CHAIRMAN STRAIN: Either one.

MR. DONIHOO: Let me get a little organized here, and I promise you I won't talk about paint colors.

CHAIRMAN STRAIN: Well, that will be nice.

MR. DONIHOO: That's a guarantee from me.

CHAIRMAN STRAIN: Okay. Don't you own the 7-Eleven that I've been using as an example?

MR. DONIHOO: My wife owns the 7-Eleven.

CHAIRMAN STRAIN: Okay.

MR. DONIHOO: I've actually got one up in Fort Myers and one in Cape Coral. My wife has one in Naples.

CHAIRMAN STRAIN: Gotcha.

MR. DONIHOO: Again, my name is Eric Donihoo. And I'm speaking to you in regards to the matter that's at hand here in regards to 5.05.05.

You know, the last time the county commissioners got together, there was a discussion on what they were looking for there, and I think when you take a look at what was put forward here recently, it says on March 10th, examine whether the policy should be proposed to address a vapor management --

CHAIRMAN STRAIN: You'll have to talk a little slower. She's got to type as fast as you talk.

MR. DONIHOO: Sorry, I apologize to you.

CHAIRMAN STRAIN: You're worse than I am, so...

MR. DONIHOO: On March 10th they asked to take a look or examine the policies that should be proposed to address vapor management at fuel pumps and, if so, provide options.

That's a difficult ask of anyone because, quite frankly, that's generally managed by EPA, and it's managed by government regulations and everything of that nature. And about all they do is -- and I am an expert on the matter. I spent many, many years in the fuel industry, many years as a corporate executive of 7-Eleven as a regional over 100 and something sites, so I know the industry. I know it very well.

You know, they have you put a little boot on there, you know, the same little boot that's supposed to match up to your car when you put fuel in your car. If you put it up against it, it hinders or minimizes the amount of benzine emissions that can get out into the air that are extremely harmful.

No one puts it all the way up against the car because then it restricts airflow, and you can't get the pump at full speed. And everyone wants to pump in a hurry and get out of there, so they kind of back it out just a little bit, which then maximizes the amount of emissions you can get from benzine and makes it that much more harmful.

There's nothing you could do as a group or as a board to minimize benzine emissions at a pump. That's more of a government regulatory-type deal, and they do what they can.

The only thing you can do is take a hard look at how close a gas station is to an actual residential property and the amount of pumps they would have that would dictate how much gas is actually being pumped at that time; therefore, how much benzine is being put into the air.

So, of course, when you tried to do your job on this, you immediately found out there was no one

that gave you anything in respect to that. And what you were able to find, which talked to No. 2, which was provide criteria to minimize the impact of the presence of the service station on adjacent residential neighbors. All you could really find there -- because, again, you couldn't find anything from the health concern or the benzine or the emissions from it. All you really were able to reference was a study from the EPA on cars driving by, okay, which basically talked about cars driving down roads.

Well, that's got nothing to do and no relevance at all to the safety of the residents that live close by for the benzine emissions from people pumping gas.

And the complaint that has come from many of the people that were here earlier today and the meetings that they've asked me to attend as a subject matter expert and to speak on their behalf was their concern with these -- the health benefits or the health detriments. There are many studies out there that state, quite frankly, if you're close to a gas station, your risk of leukemia goes from 3 percent to 21 percent.

CHAIRMAN STRAIN: Can you send us some of those, because that's been a problem we've had finding. And anything you have like that would really be helpful to our understanding of it, if you could.

MR. DONIHOO: I thought you might.

CHAIRMAN STRAIN: You need to get that walkaround -- you can just hand that out and then go back to the mike.

Luckily that was empty.

And see the lady with the glasses over there; it's most important that she gets it along with the young lady behind you.

Well, someone can have my copy, because I'll get an electronic version here soon. I'll give you mine when the meeting's over, okay.

MR. DONIHOO: The document I handed out to you was presented to the County Commissioners at one of the chances we had to sit down with them and visit, and it was also given to them.

This is written by an expert, a doctor -- if I could pronounce his last name I'd be doing good -- Dr. Breysse, okay.

One of the things we were asked as we met with some of the County Commissioners is, well, who is he, and what makes him an expert, and what is his qualifications? And you'll see in there that he references through there what some of his qualifications are, a professor at Johns Hopkins Bloomberg School of Health. But what we find more important and more relevant -- because he speaks directly on point of the safety and welfare of residents living next to gas stations -- is his current position, is he's a director of the CDC for the National Center for Environmental Health Agency for Toxic Substances. That's his current position. It's kind of hard to argue with the director of CDC for toxic substances, you know.

And he speaks on many of his papers in respect to benzine in the air and the impact of it. There aren't a lot of studies published out there in the United States currently, so you'll see he references studies from Greece, from Spain. He references a study from CARB, which I believe is the California Air -- they've got some nice acronym in there, but they reference some stuff.

And CARB, which is a California agency, does have an intense formula that talks about how close you should live to this type of deal or how close you should put a school.

And they mention schools in several counties in the United States and states and cities have guidelines on where you put schools. And in one of your documents your county staff put together, they reference that, and they even stated one of the agencies specified you shouldn't have a school within 1,000 feet from a large gas station based on air pollution and vapor intrusion into structures. That was on Page 2 of your document that was put out back in October. And that's disappeared from the new one altogether.

Now, the reason they look so hard at the schools is because benzine impacts two classes of citizens by far the most. It's the very young, and it's the elderly.

Now, if we are a retirement community, and we want to tell everyone that Naples is a great place to come retire, then we might need to take a hard look at saying we're going to put major mega-gas stations that are producing this level of benzines out there a hundred and something feet from your backyard.

You know, if you go through and you read his study, he clearly states in there, and several of the agencies state, you should not have any gas station within 300 feet of residential.

Now, if you're a mega-gas station -- and they qualify that as anyone that pumps 3.6 million gallons of

gas a year or more. Now, to put that in relevance terms, I think your staff did some nice research on one of the prior papers they did where they came out and stated, if you were going to be eight pumps or more -- and I would believe where they got that from is a pump itself can fuel on two positions, a left and a right side, so you have two pumping stations.

The pump itself generally has an optimal efficiency rating of 1 million gallons per year. So if you have two pumping positions on the pump, each is worthy of about 500,000 gallons based off normal usage. That's about the peak expected you can find from it, all right.

So if you've got seven fueling positions, you shouldn't be pumping more than 3.5 million gallons. When you hit eight, you have an ability to pump 4 million gallons or more.

When you've got a RaceTrac wanting to put 24 in, well, I'll let you do the math. That's 48 fueling positions, and that's a capacity of 24 million gallons a year.

When you go through and you read through Dr. Breyse's information -- and he states in there CARB gave a really nice formula, but they capped out at 100 meters.

If you were to go and sit there and say, all right, well, if you put a mega-gas station in there and they're pumping 12 million gallons, you're going to find that even if you're 100 meters away, your risk of cancer or brain tumors could be five to six times higher than the norm.

So what I would ask you all to take a hard look at is you made some really great progress on one of your documents you put out back in October that you sent up. There was a few, I thought, mistakes made that were honest mistakes. They started off in there talking about less than eight pumps, but we had expected, from our conversation with the commissioners, it was going to be less than eight pumps should be a minimal (sic) of 300 feet. And if you're going to be more than eight pumps, qualifying using mega, then it would come under review on how close you should or shouldn't be based off how many pumps you were really looking at.

And if you think about it, it's a matter of math. If you're wanting 24 pumps, obviously you should be farther away than somebody wanting nine. And if you're wanting six, then maybe you shouldn't have to be as far away.

But our position on this -- and if you look at the director of the CDC's position in his letters, he basically comes out and says, there shouldn't be a fuel station in today's standards within 100 meters or 300 feet, roughly, of a residential.

Now, if you're going to be a mega, then, okay, we can't say you should be at 300 feet or 301 feet because you're pumping possibly up to 20 million gallons versus we allotted up to seven fueling positions, which would be up to 3.5 million.

So I think you need to take a hard look at do you allow any gas station to be within a certain distance? The experts that we've looked at and the information that's available out there says, no, there shouldn't be one within 100 meters.

Now, we all know they exist today. We know there's gas stations out there all over the place within 100 meters. Well, you know, many, many years ago we didn't know smoking was dangerous either, you know. And then you've got to start putting provisions in there. And then it was the secondhand smoke and everything else.

As more and more information becomes available to us as a general public, we've got to adapt, and we've got to ask you to adapt and put practices out there that continue to provide for the safety and the welfare of the residents while, at the same time, we respect developers want to develop, and landowners buy stuff and they want to use it, and they want their rights of usage, or they might come back and say they want to sue if they don't get their rights of usage.

I get that. But, you know what, at one time tobacco companies thought they should be able to do whatever they wanted, too. And at some point, as we got more and more information and we got smarter as a society, we had to come back and say, no, our number one priority is -- and if you read on the county's website, the number one deal of the county is protect the health and welfare. And you're shaking your head, so I know you've read it, and it's about doing exactly that.

It's not about protecting the rights of who bought, you know, a land to develop, if information has come to light that that's no longer safe and in the best interest of the constituents that are out there.

So I would ask that we go back and say, you know what, there should be a minimal distance for any gas station. But once they get to an ability, based off number of pumps, as Mr. Strain said earlier, once they get to a number of pumps, we should take a hard look at what should that do to their distance and how close should they or shouldn't they be at that point, and move forward from there.

I thought the last paper you had back in October was very well done. I thought you had some great points in there. I do agree that we've gone backwards heavily. We've went from citing studies out there that talked about the safety of being close by, we talked about how close some place should or shouldn't be, to now we're talking about cars passing by my property. And, you know, that's totally different there.

And while you can't be expected to see how you can limit benzine coming off a gas pump, you can when you look at Point No. 2 of what the commissioners asked for, which is looking at how they should fit adjacent to residential neighborhoods. You can take the health impact of that into that request and say, okay -- because everything you spoke to on No. 2, which was the adjacency part, talked about lights and sound and --

CHAIRMAN STRAIN: I have to ask that you start to wrap it up, because it's --

MR. DONIHOO: Will do -- and landscaping. Nowhere did we reference the health and safety of the individuals, and we would ask that we go back and take a look at that if you don't mind.

CHAIRMAN STRAIN: No. We're here to look at everything again.

MR. DONIHOO: Appreciate that.

CHAIRMAN STRAIN: The problem that you have to understand -- and it's something that you may want to consider for the next board meeting. The Board pointed out very clearly that they had -- some of the board members -- that's part of the problem. Not all the Board was on the same page.

MR. DONIHOO: You're right.

CHAIRMAN STRAIN: They pointed out very clearly that some of them had concerns over how the vapor really was impacted in the Florida atmosphere. The Florida area, because of the heavy moisturization in the air and other things like that -- I'm not a scientist, and none of us on this panel are -- maybe Charlette is, I don't know. You've got some unique background.

But I think that's going to be one of the big factors that needs to be addressed. And what we've found is nothing that is directed specifically to Florida's conditions. If you had answers to that, that would go a long way to supporting the health, safety, and welfare issue that this program started out on.

And the other factor I want to tell you is this board is an advisory board to the Board of County Commissioners. They, by a supermajority vote -- that means four of them -- have to agree. If they don't agree, then the best you can hope for -- and compared to what you may have started with is some kind of compromise that works for at least four of them. That's what's got to happen. So our job is to put as much to them as they can consider so hopefully they can get to a compromise that most -- the majority of them -- the supermajority of them can agree to. So that's what we're trying to do here today.

So I wanted you to understand that, and for the rest of the members of the audience, that's what we have to put forth at the end of June 8th.

MR. DONIHOO: Yep.

COMMISSIONER EBERT: If you're available June 8th at the 5:05 meeting, it would be nice if you could be here, because we will have new information.

MR. DONIHOO: No problem at all.

One point, if you don't mind, real quick, on a totally different note of the health aspect of it. You mention in 5.05.05 things like natural barriers and dividers and things of that nature. And part of the 5.05.05 does talk to, like -- such as my wife's business there and how, if you have these natural barriers and everything, it's conditioned for an exception, whether it be her particular site or one elsewhere.

I would ask you to take a look at these natural barriers when we're referring to an arterial roadway. Just how much of a barrier is it? When you look at the one you referenced, which is the one my wife does own, you have a red light there. You have a clear cut across that's no problem whatsoever. It's easy for people to get back and forth there. There is no median.

If you're traveling down Tamiami Trail and the light is right there at that corner, you can turn left very, very easy to go into the 7-Eleven property, or you could turn to go to the other property. There is no

barrier if there is a controlled intersection there and no median at that point.

If this was a property where the median continued and there was no traffic signal and you had to go an extra mile and then do a U-ey and then come back and then go down another who knows how far before you can do a U-ey again to go back along the way you wanted to go, that's a barrier, and that would, then, not hinder the ability or affect the ability of an existing business.

I will tell you, as a former regional in that industry, I have access to all the information. And I've looked at three mega gas stations that have opened up directly across the street from other gas stations where there is a natural barrier, they have about a 10 percent impact on their business, and everybody can still move forward. It's all about prosper and growth.

CHAIRMAN STRAIN: Move on, too.

MR. DONIHOO: Okay. When you have a controlled intersection like that and it doesn't create the barrier, we see anywhere from a 35 to a 45 hit to your business, and it will just about bury you and put you out of business, and you would have a blight on the community at that point.

So I would ask you to take a hard look at what we consider that barrier when it comes to roadways and whether or not there's truly a median that blocks you off or not.

Thank you.

CHAIRMAN STRAIN: Thank you, sir.

Mike, will you call the next speaker.

MR. BOSI: The next speaker is Jim Laughlin.

MR. LAUGHLIN: Good afternoon. Jim Laughlin, Collier County resident.

Darn, he was good, wasn't he?

I wanted to talk about benzine. Benzine is very bad. It's a carcinogen. It started a long time ago. He talked a little bit about cigarettes. We all remember cigarettes. They used to be around quite a bit. The government said cigarettes are not harmful. For decades they put that out there. Guess what, they're wrong.

We have to be aware of the benzine that's out there. It does happen when you fill your gas tank up. I don't think by putting leaves between the gas tank and another residence is going to stop the airflow from getting through from one to the other. We need a substantial distance between the two.

I can't come up with it. Eric said 300 feet from his study he found. That sounds pretty good. But benzine is deadly. It will -- it can really rip you up bad.

Next, you hear a lot about the good in the industry, the gas industry. Have you heard of anything bad about the industry? Have they brought forward any of their lawsuits that have been filed against them saying what are these lawsuits for? They've had former employees sue them for damages, for benzine, for poisoning.

One of the -- one of the oil companies said, you know, you're probably right. We're going to join you in a lawsuit, and we're going to sue our own insurance company just so big business didn't lose any money. They lost.

They've been sued by other areas where their gas tanks have leaked, okay. The gas tanks aren't leaking underneath residential property. That's a hard thing to clean up.

Once again, let's get some distance out there. And how close are you going to put some of this into the watershed area? Allow them to build residences next to little rivers that go into Gordon River, and it goes on up in Naples Bay. Please be cognizant of that.

I had a little bit more to say. Eric did just a great study.

I want to talk about buffers, too. You've got a single-family residence. And here in Collier County we have single-family residences that go up two, three stories. Is an 8-foot fence going to stop the light coming through, or are you going to start losing the back of your whole house because you've got these big lights coming through?

Be cognizant of the two-story buildings out there, please. Maybe it should be a little bit higher.

I'd also suggest, you know, it's for residential depending on, you know, how big the lot is. Let's control some of the number of the pumps that are out there. We don't need just gigantic things.

That's about all I have to say. I'm -- you know, we need to work on this. Let's -- the last report that came out, everybody seemed to agree with a lot of that in there with little twerks.

But good luck. I will not be here on the 8th. I should be on my way to Tennessee by then. But thank

you for all you're all doing. Thank you.

CHAIRMAN STRAIN: Thank you, sir. Appreciate it.

Mike?

MR. BOSI: And the final speaker slip that we have it Vern Hammett.

MR. HAMMETT: Well, I started out with "good morning," but we're well past that.

My name is Vern Hammett. For the record, I'm just a resident of Collier County. And I think we've all hit it again, but I think it's important to recall precisely why this service station amendment was brought forth to begin with.

The existing service station LDC was never designed to consider the construction of truck-stop-size mega gas stations when located adjacent to sensitive land uses, including residential areas. And the task at hand then was to draft code language that rectifies this limitation.

With this in mind and reflecting on the current draft, I find the language associated with fuel vapor mitigation disturbing, and I guess the reason is, is because the supporting studies used are vague and nonspecific.

By our staff's own admission, the supporting documentation is not specific to the mitigation of the service station fueling vapors but for reducing air pollution and concentration and exposures near major roadways. Those are two different things.

The justification for using this information, it was indicated by the Florida Department of Environmental Protection that similar mitigation standards might -- and that's the keyword -- "might" apply to fuel vapors from gas stations.

First, I'd like to know who from the Florida Department of Environmental Protection provided this statement to staff. Was it a researcher? Was it a scientist? Was it an intern?

How was this information provided? Was it a phone call? Was it an email? Was it an official letter from the agency on the agency letterhead? Is the Florida Department of Environmental Protection going to back up our county if this code is adopted based on these studies and it's ever questioned in the future?

Secondly, this unknown entity of the Florida Department of Environmental Protection specifically stated similar mitigation standards might apply to fuel vapors. In my mind, that is not a conclusive statement and effectively nullifies the supporting documentation.

So what we're left with is this fuel vapor mitigation code standing on its own without any supporting documentation. As a citizen of Collier County and a taxpayer, I can't accept that.

You know, sometimes we're tasked with something that's not possible. And based on the fact that the staff could not find specific research to support the direction of our commissioners, I believe these are the circumstances we're under here. I believe the only appropriate action is for staff to go back to the commissioners and explain that the direction with regard to fuel vapor mitigation can't be accommodated.

I'd also reiterate that this staff gave the commissioners code language in previous drafts that not only met the intent of the original action item put forth by the commissioners, but it was also well supported by research produced by the State of California.

I appreciate your time. Thank you.

CHAIRMAN STRAIN: Thank you, Vern. No other registered speakers?

MR. BOSI: No, sir.

CHAIRMAN STRAIN: Is there anybody else that would like to speak on this matter?

(No response.)

CHAIRMAN STRAIN: Okay. One thing I'd like to suggest from staff is -- and I'm going to ask that the staff watching this, Ray and even -- and Heidi, and anybody, I've had it added to the agenda, but I might as well bring it up now, because it's part and parcel to what we're talking about.

You have some speaker slips. From now on, when the Planning Commission has speaker slips and there's an item that's continued or carried over to another date, those people on those speaker slips need to be notified, either -- whatever information's on the speaker slip, we need to contact them and let them be copied with the documentation or know that the date's changing.

MR. BOSI: Maybe we can do that. If they provided addresses, so it's -- the most inefficient means of communication will be through -- or the slowest form of communication will be through mail. Maybe we

need to start addressing our speaker slips to add an option for email.

CHAIRMAN STRAIN: Or at least for the Planning Commission. I can't speak for the Board, because they may want it the way they have it. But on the Planning Commission speaker slips, we need to add email addresses. That was something that we need to initiate going forward. I obviously know you can't do it now, but at least -- I got Vern's email address, and as I get documentation, I will forward it on to him. I have equally -- out of fairness, I forward it on to the representative from RaceTrac as well so that both parties have it, and that's what I did with this document. I'll continue to do that until we get our situation here at this board worked out.

MS. CILEK: Yeah. And if anyone would like to provide their email address, I have a distribution list that we send out the materials to once they're prepared and have been provided to the Planning Commission. I'd be happy to include them. I know that at least one of the speakers is on that distribution list.

CHAIRMAN STRAIN: Okay. That would be helpful. Thank you.

Does this board have anything else they want to see at this time? Because this is all going to come back for a rereview based on the comments that we've made, and we'll hear from there.

COMMISSIONER EBERT: I just want to let the public know that we are concerned about the health, safety, and welfare. And I can -- no. I can tell you from myself, I'm a 16-year survivor of lung cancer, so -- and I now have asthma and COPD, so I understand more than you will ever know how important this is.

It's not only gas stations. It's many other things. But, really, we do care about the county, and so do the commissioners because each one has their own district. But it's very important that we continue with this.

I also -- this morning coming in, one of the people said to me, they live in the area of 951 and 41, and he said to me, do you know that there are 10 gas stations within a half mile of that area?

And so when you put the combination of all those gas stations in one area, that is -- to me is overkill. It's something -- so to make this a conditional use where they have to come in so that the commission can see where these are going to go is very important. You're right, we don't need 10 within a half-mile area. That's it.

CHAIRMAN STRAIN: Anybody else have any comments? Charlette?

COMMISSIONER ROMAN: I had one comment, and maybe I just need to know if you think that we're limited here in incorporating some of our former parameters that we had in our last document. This document had left out some of the things that we worked hard on before and that staff certainly had presented to us on a couple of occasions, and I was just wondering if that's open to discussion or if that is a closed door.

CHAIRMAN STRAIN: I don't think we're limited by anything. The Board's direction was to continue the -- to continue the action that was brought forward. They didn't withdraw it. They said continue it. They specifically said, continue the 300-foot and the conditional use.

So I don't think we're limited. I just think that we ought to pose things as options for the Board to consider, which they all are anyway. But in this particular case, we're probably going to put -- we may want to highlight things that are more options to try to find a consensus.

For example, the 300 feet, we've worked with 300 feet since this began, but that's really an option. Maybe it will take 250 feet to make this pass. Maybe instead of eight pumps, they want six or they want 10. But those all have got to be looked at as broader options so that we can find a way to get something through the system.

COMMISSIONER ROMAN: And I appreciate that, because that's the direction I was headed, and -- because I think at least staff gave us some factual information and data from the California information to at least support some of those parameters where, when I look at some of the items that we're looking at now, you know, one I mentioned was -- just happened to be because we were going through there on the 25-foot landscape buffer. I mean, that's more subjective than being able to gauge it with any kind of fact that might impact on it, and that's why I mention that.

CHAIRMAN STRAIN: Well -- and I've got to caution you, too. I did read the minutes a couple times trying to understand the direction, and there were differences of opinion.

COMMISSIONER ROMAN: Okay.

CHAIRMAN STRAIN: One strong opinion that came out of that -- and it seemed to be

acknowledged for more research, but we don't seem to be able to find additional research, and that is the vapor issue. Because the vapor issue was so focused on a dry climate with the way -- and I've lived in California for 35 years. I know there's a big difference than Florida.

The big concern was, how do we justify that vapor distance and that travel on the atmospheric conditions found in Florida. They're not anything like California. I can honestly say these conditions here -- you go to California, your skin starts to crack and dry out because it's so different there.

We've got to be aware of that, because that was a big issue with the commission, and I don't want -- I don't want to not be able to answer that or to put things in place that they're just going to say, well, that isn't reasonable because we don't have something to support it. And so we've got to look more at it factually.

And I understand the issue. I'm very concerned about it. I've got to figure out a way to get there. That's why my first question concerning this was, where's the -- and the gentleman supplied this paper. But, again, I don't know if this paper -- and I haven't had time to read it -- is relative to Florida. It may be relative to all these other studies but maybe not Florida.

COMMISSIONER ROMAN: But maybe there's not information of a scientific nature that's been completed on Florida's climate and the impact of vapors, so that might be a piece that we won't get. We still have to do our best to assess the situation.

CHAIRMAN STRAIN: Well, see, that's the trigger. If we don't have something that we can find that provides information relative to Florida, then we don't know if the health/safety factor based on the California study is as relevant, and we don't have a reason to take away somebody's property rights based on health, safety, and welfare if we can't prove it. I'm very concerned about that, and that's why I like to deal in facts, and the facts are we may not have what we need. We need to still look for it.

If anybody in the audience knows it, please, bring it forward, send it to staff between now and the next time the packet comes out. That's the best thing that we can have.

COMMISSIONER ROMAN: But we do have a trend on what other communities have experienced. Now, the climate might not be exactly the same, but the fact that they've taken precautions to protect the health and safety of their communities, I think, is out there. I don't know if we're going to get that study; that's my concern.

CHAIRMAN STRAIN: And that's mine, too, but did those other communities set themselves up based on compatibility standards or health, safety, and welfare standards in relationship to vapor? That's the big difference. And if you look at some of these, you'll find it's all about compatibility. It's peaked roofs, colors, and all the other stuff that isn't quite as important as health/safety. If we can find something on health/safety, that will be a big plus. And that's been my concern about how we move forward and send it to the Board, so...

COMMISSIONER ROMAN: Yeah. Because the real key is the residential component of this, the adjacency to the residentially zoned property. And we -- I think we intuitively feel it, but that's not good enough. You have to have the facts to support it.

CHAIRMAN STRAIN: I agree, so...

Anybody else?

COMMISSIONER HOMIAK: So next time we get this back, we're only getting this language and not the language that we worked on before?

CHAIRMAN STRAIN: No. I think Charlette asked that we have some of the language we worked on before reincorporated into this. I'm suggesting we give the Board as many options as they possibly need to discuss this all over again and give them the best research we can find on the way they -- on the questions they raised.

MS. CILEK: The Board's direction was to look at research within the State of Florida. And I'd be happy to provide Vern the names of the contacts that we talked to at the state. I have that, so...

CHAIRMAN STRAIN: Please copy us with that, too. And, by the way, PDF this and send it to me. I don't read --

MS. CILEK: Sure.

CHAIRMAN STRAIN: -- trees. I read electronically now.

MS. CILEK: I will say that this actually does reference at least one or maybe both of the studies that

we used that we had previously bought for the land use handbook, if you recall that. That is No. 7 on the last page. So I'm very familiar with that and, actually, so are you.

We will be looking at compatibility and looking at how that can assist with the vapors and probably looking at how to base it on the compatibility. As Charlette mentioned, lots of communities have done it through that means, I believe.

COMMISSIONER ROMAN: Do you think that we'll get anything, Caroline, from the state? I mean, even an email or anything about any type of information that may be available statewide?

MS. CILEK: I'm just going to relay to you that we spoke with gas station operators who do the environmental management. We spoke to RaceTrac, 7-Eleven, and Handy Food Stores. They were not able to relay to anything -- relay anything to us about vapors.

We did have some nice conversations about underground storage tanks and how the state is looking to improve regulation on those, so that is a good thing. We also talked to Florida Department of Environmental Protection, the EPA, and the CDC, and this is what we provided you.

CHAIRMAN STRAIN: Okay. Just pass the contact information on to us --

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: -- and Vern and anybody else, and then we'll go from there.

MR. DONIHOO: Hey, Mark, can we have the staff reach out to Davie, Florida?

CHAIRMAN STRAIN: Sir, I really can't -- if you -- you can suggest something to the staff by yourself after the meeting. That would be the best way. They're going to track down anything that you can help us find. And if RaceTrac was here or Wawa or if 7-Eleven's representatives were here, we'd be doing the same thing for them. Anybody that can help us with information, please provide it. That's all we're asking.

MS. CILEK: Absolutely.

CHAIRMAN STRAIN: That's about the best we can do. And at this point, Caroline, do you have enough direction to put something together for the June 8th meeting?

MS. CILEK: I do, thank you.

CHAIRMAN STRAIN: Okay. With that, is there anything else this board wants to discuss on that matter?

(No response.)

CHAIRMAN STRAIN: Then we will move on. Old business, there is none.

New business, I'm not -- I've said all I need to say about noticing people. We'll discuss it further in the future.

And are there any other public comments --

COMMISSIONER HOMIAK: Is it something we can -- or it has to be on an agenda to vote on to make it happen or --

CHAIRMAN STRAIN: I wanted staff to respond --

COMMISSIONER ROMAN: I didn't hear that.

CHAIRMAN STRAIN: Earlier today I suggested that we put together something as a policy from this board so that notifications to people who are here interested --

COMMISSIONER ROMAN: I heard that.

CHAIRMAN STRAIN: -- in an item that's been continued -- yeah, that's what she's talking about.

COMMISSIONER ROMAN: I didn't hear what Karen asked.

CHAIRMAN STRAIN: Staff takes a look at that and see how it can be accomplished.

COMMISSIONER ROMAN: I didn't hear what Karen said. That's what I --

CHAIRMAN STRAIN: And then what they'll do is come back, and we will consider it after we get that information, because I don't want us to make a motion on something that's impossible to do.

COMMISSIONER ROMAN: Gotcha. Thank you, Karen.

CHAIRMAN STRAIN: And with that, is there any other -- any other public comments?

(No response.)

CHAIRMAN NANCE: Okay. With that, is there a motion to adjourn?

COMMISSIONER EBERT: Make a motion to adjourn.

CHAIRMAN STRAIN: Seconded by?
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: Karen.
All in favor, signify by saying aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER DOYLE: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 5-0.
COMMISSIONER EBERT: Mark is out of here.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 3:33 p.m.

COLLIER COUNTY PLANNING COMMISSION



MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6-4-15, as presented or as corrected _____.

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