

October 15, 2015

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, October 15, 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
Charlette Roman
Andrew Solis
ABSENT: Stan Chrzanowski

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Fred Reischl, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney
Tom Eastman, School District Representative

PROCEEDINGS

CHAIRMAN STRAIN: Good morning, everyone. Welcome to the Thursday, October 15th 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.

Mr. Solis?

COMMISSIONER SOLIS: Here.

COMMISSIONER EBERT: Ms. Ebert is here.

Chairman Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER EBERT: Ms. Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER EBERT: And, Ms. Roman?

COMMISSIONER ROMAN: Here. Thank you.

CHAIRMAN STRAIN: And Mr. Chrzanowski does have an excused absence. He notified us ahead of time, or me ahead of time on the matter.

And with that we'll move to our addenda to the agenda. We have an interesting series of requests this morning, an odd one, which I've got to admit is the first time in all the years we've been doing this I've heard this. The applicant has asked for a continuance of the consent agenda Item 8A, which is the East Gateway mixed use planned unit development.

They've asked for a continuance into next month. I just got off the phone with one of their representatives and told them that it might be the second meeting instead of the first. They didn't seem to have a problem with that.

I kind of wanted to discuss this with the Board. I don't know if all of you have read the consent item -- I'm assuming you have -- that came through. It isn't consistent with the recommendations that this board had asked for. In fact, it's inconsistent in quite a number of pages.

Staff realized this in a discussion we had on Monday or Tuesday. And I know you've all seen a corrected paper that went out with some clarification. That only is a piece of it; not nearly enough of it.

So I think we've always tried to cooperate when a continuance is asked for, so I think it would be the best to allow the continuance to go forward, and I would suggest November 19th in lieu of the 5th, but I also would suggest that staff take control of the document and submit a document consistent with what this Planning Commission's recommendations are going forward so the Board can see a document in front of them that we recommended, not one the applicant is insisting on that we did not approve.

And I think that just -- that just needs to be done -- we need to be in the front seat, not the back seat. And I would like staff then, the amount of time we're going to have between now and the 19th, to clean the document up pursuant to the directions the Planning Commission had.

And besides what you had come up with on the flier you sent out, there were some other areas that needed to be changed; for example, the master plan. The master plan had references to the deviations that we asked not to have approved.

There was also something in the lower -- in the top of the master plan that was still inconsistent with the code in regards to the buffers and the setbacks from I-75 for the width of the buffer. If you're within 400 feet of I-75, you have to have a 25-foot-high buffer with other criteria. It's in a separate section of our code.

They still didn't acknowledge that in the master plan. They had one little piece, and that wasn't the point. It wasn't consistent with the code.

Likewise, in the lower right-hand corner of the master plan, there was a series of numbers there that showed they wanted to have Tract C/R 20 acres, 200,000 square feet/598DU. And they said the same thing

for the IBR tract. Well, that's not what we're talking about. We're talking 250 for the whole project.

And also where they reference 250 in the document and made the change, the language can be cleaned up a little bit. The County Attorney's Office had some suggestions, which will give us time to incorporate those.

And then also the graphics for the street cuts. The graphics -- we are insisting on sidewalks on both sides of the street, not just one. So the graphic won't work.

There's a lot of little cleanup items like that that I think staff needs to go through and take command of the document and produce what the Planning Commission asked for.

And as far as what the applicant wants to argue, they have that opportunity in front of the Board just like they had the opportunity here with their version of the document.

So I would recommend a continuance conditioned upon that being part of the reasoning.

Heidi?

MS. ASHTON-CICKO: I don't think we --

CHAIRMAN STRAIN: Your speaker's not working.

MS. ASHTON-CICKO: I don't know that we have the ability to amend the master plan. If we don't, do you want to still hold up the item until they make the master plan consistent with the direction today?

CHAIRMAN STRAIN: Well, I don't think they can make all of the changes in the master plan consistent. I think their option's going to have to be to locate that portion of the preserve on site that still needs to be there with the exception of what they legally can take off site consistent with all of the other PUDs we allow in the county, and the retention of the 2.5 acres in the South Florida Water Management District preserve.

They can go 75 percent -- they can show 75 percent of it now and hold 25 percent off until the -- until they go for SDP. Of that 75 percent, a good portion of it is in that South Florida preserve, and it's already located. So they only have a small fraction to additionally locate.

If they don't want to do that, I just think that we ought to clean the plan up and note on the plan to the Board of County Commissioners that that needs to be shown and hopefully, through their process, it will be shown.

I don't know how to take hold of the master plan unless, you know, one of you guys have got an idea. Do you have any access or way to do that?

MR. REISCHL: Fred Reischl, Zoning Division.

I don't know in our department who would have the ability to, for example, redraw that road cross-section. I can investigate, and hopefully we can find another department that will be able to do that.

CHAIRMAN STRAIN: I think we ought to look at it.

Heidi?

MS. ASHTON-CICKO: I mean, we can tell the applicant that it won't go forward until the plans are amended consistent with the CCPC, and we can take control of the text of the PUD document. We can certainly do that, if that works.

CHAIRMAN STRAIN: And I think -- I'm not trying to not have a project go forward. Their basis for the project, I think, is still sound. What they're asking to do there is not negative. It's positive, except for the deviations, which this board weighed in on.

I don't know if we -- let's just see how far we can get with them. And on the 19th, if we're not satisfied, we can always vote not to accept it on consent. I think that would be the best. Maybe there'll be a better avenue of cooperation between the applicant and this board in regards to how they clean the document up.

I think a fair portrayal going to the BCC for both items would be a better way to proceed than to just show what they disagree with as something that we didn't approve. I don't see that as the right way to go, so...

Does anybody else have any different thoughts on that?

COMMISSIONER ROMAN: I'm happy to hear that, because it was a totally different document than what we had approved at our last meeting. Do you need a motion, Mr. Chairman?

CHAIRMAN STRAIN: Oh, I'd like to have a motion to have this continued until the 19th of

November, and that's all we would need, and a second. Do you wish to make --

COMMISSIONER ROMAN: Okay. I'll move that the East Gateway consent-agenda item be moved to the November 19th meeting.

COMMISSIONER EBERT: And I'll second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Second by Karen.

Discussion? Andy, are you --

COMMISSIONER SOLIS: And I'm abstaining from voting due to a conflict.

CHAIRMAN STRAIN: Okay. Thank you.

Okay. That's a motion made and seconded.

All those in favor, signify by saying aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 4-0 with one abstention. Thank you. That gets us past the first one.

Next item up -- oh, the next item on the agenda is the Planning Commission absences. Our next meeting is November 5th. Does anybody know if they're not going to make it on the November 5th meeting?

MR. BELLOWS: Mr. Chairman?

CHAIRMAN STRAIN: Yes, sir.

MR. BELLOWS: Pardon for the interruption, but I just wanted to make sure we're on Item 9A; that's been also continued?

CHAIRMAN STRAIN: Well, I haven't got that far yet. I'm sorry. I was going to take those back when we get them in order only -- and I guess we could do all of them at one time. And I'll have to see from the audience, then, right now.

Thank you for pointing that out, Ray.

***Let me back up then. We'll go back to the addenda to the agenda. We had two other requests for continuance. Both of these items had been brought up at a previous meeting. The first one was the Summit Church, and it's CU-PL20140000543. It's a conditional use request on the south side of Pine Ridge Road next to, I believe, Napa Way. That we originally heard on September 17th. It was continued to today, and the request is to continue it to the November 5th meeting. Does anybody have any discussion on that item?

(No response.)

CHAIRMAN STRAIN: If not --

MR. REISCHL: Mr. Chairman, I can add some information to that. There's going to be a second neighborhood information meeting next week, and we still -- staff still hasn't received a new copy or a revised copy of the plan. So chances are it's not going to be November 5th either. It's probably going to be the 19th or later.

CHAIRMAN STRAIN: Well, actually, that would work out real well.

MR. REISCHL: Right.

CHAIRMAN STRAIN: So keep us informed on that, if you don't mind, or -- I mean, you'll have to do it by email, because if that particular item gets canceled on the 5th, we probably won't have a meeting. So at least we'll have that ahead of time.

And I'm glad to hear they're doing another neighborhood information meeting. I also heard they've reduced the size of the building substantially, maybe; I hope to see it. At least that would be another positive move.

MR. REISCHL: I haven't seen that yet. I just heard about the NIM.

CHAIRMAN STRAIN: Okay. Well, is there a motion to continue Item CU-PL20140000543 to the November 5th meeting?

COMMISSIONER EBERT: I make a motion to continue.

COMMISSIONER ROMAN: I'll second it.

CHAIRMAN STRAIN: Made by Diane, seconded by Charlette.

MS. ASHTON-CICKO: Mr. Chair?

CHAIRMAN STRAIN: Yes, Heidi.

MS. ASHTON-CICKO: May I also ask that if the meeting is canceled on November 5th, that it automatically be continued to the 19th?

CHAIRMAN STRAIN: That's a good idea.

MS. ASHTON-CICKO: Thank you.

CHAIRMAN STRAIN: Thank you. Would the motion maker like to add that to their motion?

COMMISSIONER EBERT: Yes, I will, with the --

COMMISSIONER ROMAN: And the second stands.

CHAIRMAN STRAIN: And the second.

Okay. Discussion?

(No response.)

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

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

***The next item up for continuance is PUDA-PL20150000178. This is the Briarwood PUD. It was continued from the August 20th CCPC meeting. It's being asked to be continued to the November 19th meeting.

Anybody have any --

COMMISSIONER EBERT: We're going to be busy.

CHAIRMAN STRAIN: Well, they're having -- they're having another NIM or they had another NIM, and they need some time between the NIM and the -- to react, so --

COMMISSIONER EBERT: Sure.

CHAIRMAN STRAIN: -- I think all these things are good. People are trying to hopefully find solutions.

So with that --

COMMISSIONER HOMIAK: I'll make a motion to continue to --

COMMISSIONER EBERT: And I'll second.

CHAIRMAN STRAIN: Made by Karen to continue to the 19th, seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

For those of you in the audience, if you're here for Summit Church or if you're here for Briarwood PUD, they've been continued to the November meetings.

That takes us back to our agenda where I was talking about Planning Commission absences. Just in case we do have a meeting on the 5th, I believe there was nobody saying they couldn't be here. So that takes us to the 19th. If we miss the 5th, how do we look for the 19th? Okay.

And I know I -- Stan had emailed. He had issues with today's meeting but intended to be here on those other dates, so I'm sure we can count on him as well.

And then the next item is approval of minutes. The September 17th minutes were distributed to us electronically. Anybody have any changes or corrections?

(No response.)

CHAIRMAN STRAIN: Hearing none, is there a motion?

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN STRAIN: Seconded by?

COMMISSIONER ROMAN: Second.

CHAIRMAN STRAIN: Charlette.

Discussion?

(No response.)

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

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Ray, I know you have a BCC report this time.

MR. BELLOWS: Yes. Last Tuesday the Board of County Commissioners heard the PUD amendment for the Wilson Center that had the communication tower. That was approved by the Board of County Commissioners by a vote of 4-1 subject to the Planning Commission recommendations.

They also heard the amendment to the First Assembly PUD, and that was also approved subject to the Planning Commission recommendations.

Then the appeal for the Henderson Creek boat dock extension was continued to November 10th.

CHAIRMAN STRAIN: I had a meeting with the Affordable Housing Committee yesterday, and they had said that the time frames on the First Assembly were modified. Do you recall that?

MR. BELLOWS: I didn't catch that part of it, and --

CHAIRMAN STRAIN: I thought they were modified at the board meeting. I tried to catch the board meeting, but I had so many meetings I didn't see all of, so -- here's Mike. He might have -- I know Mike was there.

MR. BOSI: Mike Bosi, Zoning Director.

Yeah, the time frames for -- the initial offering, the applicant was looking for 14 days. The Board of County Commissioners increased that to 45 days that they would initially offer the essential service personnel.

CHAIRMAN STRAIN: What about on potential re-rentals afterwards; was there any time frame change on that?

MR. BOSI: They put a condition that there would be a requirement that each tenant would have to provide notification 60 days if they intended to not renew their lease, and that would give them 30 days to market to the essential service personnel before that unit became vacant.

CHAIRMAN STRAIN: Okay. So the 14 days, basically, was removed from the picture?

MR. BOSI: Absolutely.

CHAIRMAN STRAIN: Good, because I think that was a good move, and I'm glad the Board was able to get that accomplished with the applicant.

Thank you.

MR. BOSI: Okay.

CHAIRMAN STRAIN: Okay. That -- I don't have a chairman's report. We have enough issues to talk about when we get into the two remaining items.

We've already discussed the consent 8A. It's been continued. 9A and 9B have been continued, which takes us directly to 9C.

***9C is PUDA-PL2015000249. It's the Pine Ridge Center West planned unit development on Pine Ridge Road south of Livingston -- or east of 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: Okay. Disclosures on the part of the Planning Commission? We'll start down with Tom.

MR. EASTMAN: None.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: Yes. I did speak with Mr. Mulhere.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: And I just spoke with staff on this one.

CHAIRMAN STRAIN: Okay. And I had various meetings with staff, meetings with the representative, Mr. Mulhere; one of the other gentlemen involved; their attorney, Mr. Richard Grant; and a few others at the meeting; mostly staff.

And with that Diane -- Karen?

COMMISSIONER HOMIAK: Karen. I spoke to Mr. Mulhere.

CHAIRMAN STRAIN: Thank you.

Charlette?

COMMISSIONER ROMAN: I spoke with Bob Mulhere.

CHAIRMAN STRAIN: Okay. Thank you.

Bob?

MR. MULHERE: Thank you. Good morning. For the record, Bob Mulhere with Hole Montes here on behalf of the applicant.

And with me this morning is Richard Grant, who is the attorney on this project; Alex Pezeshkan. Fred Pezeshkan, unfortunately, is out of town. He wished he could be here, but Alex is here; and Ron Reitz from Schenkle Shultz, who is the architect on the job; Norm Trebilcock. You all know our fantastic transportation consultant; Paul McMichael, who works with me. Also fantastic, by the way; and --

COMMISSIONER EBERT: He has to be to work with you.

MR. MULHERE: And Amir -- let's try this -- Shirvan -- Shirvanipour. Hey, I got that right, okay, who works with Summit Management Group, which, amongst other things, manages the property. I don't think I forgot anybody.

To start out, there was a -- there were a couple of documents handed out to you, but the first one was a revised front page of the staff report. And just for the record, because I did commit to addressing this, John Garbo, who is a representative with Germain, called me and was concerned because there was an error on the staff report that showed Germain as being an applicant, a co-applicant. They are not a co-applicant to this project, and we didn't indicate they were.

For whatever reason -- they do own property and have owned property over there -- somehow they made it on the staff report. So this revises that. For the record, they are not involved as an applicant on this project. And I'll show you where they do own property when I go over to the visualizer.

So let's maybe talk a little bit about the location. If you look at the visualizer, of course, Pine Ridge Road and Livingston Road. This is the Baldrige PUD right here on the corner. You can see there's connectivity that allows folks to avoid the intersection, to head east on Pine Ridge or north on Livingston or, actually, at the present moment they can actually go south on Livingston, so...

There is a residential development just over here. And this area in here is all preserve. Of course, this -- there's a fire station here. This Brynwood Center PUD is undeveloped at the present moment, but this requires interconnection to Baldrige, and Pine Ridge West -- Pine Ridge Center West also requires

interconnection to Brynwood, which requires interconnection to Baldrige. So there will be connectivity.

Those are -- there are two PUDs here. They're sort of sister PUDs. They're mirror PUDs in terms of size and dimensions. And this is the retail bank. Integrity Bank -- Community Bank of Naples -- First Integrity Community Bank of Naples, I believe. I bank there; I should know.

And then this here is an office building. This is the Kraft building. And that building and this building were approved to be built over the lot lines, as you can see.

And this is a garage. Kraft office building. And this is a warehouse, a small warehouse in the back.

This is a preserve back here, and there's a preserve right here. And so this PUD has some vacant land, as you can see, and the subject parcel we're talking about is right here. This is platted Tract B. This parcel right here is under construction. If you've driven by there lately, you'll see that there is a building going up, and that is a car-care building, and that parcel is owned by Germain -- I'm not sure the exact legal entity. I have it written down here, but Germain, et al.

It looked a little fuzzy to me, but hopefully you can see that.

Anyway, this is the PUD master plan. You can see the preserve I indicated here, and you can see that this is platted Tract B here. And we have a couple of amendments to the PUD master plan which I'll discuss, but I just wanted to show you that master plan and this interconnectivity here to the parcel to the west and, of course, your access here through this Kraft Road right here.

There are, essentially, three components to this request. We are requesting to add a parking garage, maximum two stories not to exceed 30 feet in actual height, and that parking garage, as we have restricted it in the PUD -- and I'll go over those changes in just a minute -- but I'll point this out to you -- could be located anywhere on platted Tract B.

One thought is to maybe locate it between the proposed office building and the Germain new construction. We also have the option in the PUD, if we can mitigate off site for a portion of this preserve, we could locate it here. Of course, the benefit of that is it could be co-utilized by the other office buildings.

The second request is to add 40,000 square feet. Originally our request was of commercial uses, the full list of commercial uses. We have subsequently restricted that to 40,000 square feet of office use.

And also to increase the maximum building height to four stories not to exceed 50 feet. There is an architectural rendering up here. Over the last, I'd say, maybe seven to 10 days, some issues arose, and I want to go over the changes that have been made in this document. And, Mr. Chairman, I'm thinking the easiest way is for me to use the visualizer to do this.

CHAIRMAN STRAIN: I agree, Bob. And we can walk through the pages as you throw them on the visualizer.

MR. MULHERE: And let me just explain that this -- many of these changes were necessitated by the fact that now, just a few weeks ago, you have reviewed the 2015 Annual Update and Inventory Report, and although the Board hasn't approved that yet, with that knowledge, as we met with several of the planning board commission members, this issue came up, and staff raised the issue as well.

And so we worked over the last, I'd say, you know, 10 days with Trinity Scott and Michael Sawyer and Mike Bosi and Fred Reischl to try to -- to address these issues.

And so we believe we've done that, and we believe that staff -- there was a supplemental staff report, I'm sure you saw, that addressed the transportation issues.

That really is the genesis for most of these changes. There were a few other minor issues that came up, and I'll go over those as well.

So the first change occurs on Page 10 of the revised document that I provided to you. You'll see that it is highlighted in yellow.

Under accessory uses, D4, parking structures, we clarified exactly -- and I already indicated this to you, but we clarified where the parking structures may be located -- the parking structure may be located.

I struck out that reference to height because it's located in another section. I'll show you where that's located. And then on --

CHAIRMAN STRAIN: Before you go past 4 -- and I know you just said you were going to do that, could you -- let's finish with that paragraph first. It says, adjacent to platted Tract B to the south. It will be either within B or adjacent to Tract B to the south.

What map shows Tract B to the south?

MR. MULHERE: Well, the master plan does so --

CHAIRMAN STRAIN: Well, isn't that the master plan?

MR. MULHERE: Yeah. That's what's on there.

CHAIRMAN STRAIN: Well, it shows platted Tract B.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: But then it says an "or" parenthetical B, adjacent to platted Tract B to the south. How far south were you intending to go? I mean, the concern I had expressed was that that rear preserve buffers Avow Hospice, and we shouldn't be messing with that.

MR. MULHERE: Well, it's limited to Tract P4, and that's also shown on the master plan.

CHAIRMAN STRAIN: Then -- okay. Gotcha. Thank you.

MR. MULHERE: And that was -- we thought about that and tried to be very restrictive in the language, so that would -- it most likely, if it went there, would only be a portion of that preserve, too, but at least that gives the comfort that that other preserve will not be touched.

On Paragraph E of that page --

CHAIRMAN STRAIN: Boy, I hate to keep interrupting you.

MR. MULHERE: That's all right. No problem.

CHAIRMAN STRAIN: But I didn't want you to pass a page if we had other questions on it. So why don't I ask the Planning Commission, to start, do we have any questions prior to this page in the document?

(No response.)

CHAIRMAN STRAIN: On this change you're making on 4, under accessory uses, you previously had a reference in there about the height of the parking structure not to exceed 30 feet in actual height. Did you move that to another section?

MR. MULHERE: Yes, I believe it is. Well, it's still there. Parking structure's limited to two stories not to exceed 30 feet in actual.

CHAIRMAN STRAIN: Oh, it's in the front. Okay. You moved it from the bottom to the top.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: Thank you, Bob. Appreciate it.

MR. MULHERE: No problem.

Paragraph E, as I indicated, as a result of the new AUIR and the failing segment on Pine Ridge Road, we have agreed to a number of conditions, but one of which is limit the additional 40,000 square feet to office which, as you know, is a significantly lower traffic generator than the whole list of 15 or 20 uses that could otherwise go in there. And that was -- our original request was just to add the 40,000. Now it's limited to office. And that's the intent, so...

The next change is on Page 12 of 18, and that deals with lighting. That's existing language, and what we've added is that lighting within the parking structure is limited to 12 feet above -- it says above the parapet wall. We probably should say the top of the parapet wall -- if you don't disagree -- for clarify. Because the lighting may go on top of the parapet wall.

CHAIRMAN STRAIN: But it will be 12 feet from the deck, or 12 feet then from the top of the parapet?

MR. MULHERE: From the top. So 30 feet is the top that we're allowed; 12 feet from that.

CHAIRMAN STRAIN: Okay.

MR. MULHERE: And that's the maximum.

CHAIRMAN STRAIN: So it wouldn't be going on the -- it could go on the parapet wall, but then you're going to cut it down to the height of 12 feet above the deck?

MR. MULHERE: No. We're saying -- we're asking for 12 feet. We discussed it. We started at 15 feet. We actually lowered it to 12 because the lighting may actually be placed on top of the parapet wall. So maximum height would be with -- from the ground to the top of the pole, 42 feet; 30 feet for structure.

CHAIRMAN STRAIN: Gotcha. Well, then you're 12 feet above deck. Well, no. The structure would be --

MR. MULHERE: No, it could be.

CHAIRMAN STRAIN: Yeah. It would be 30 feet for the top of the parapet, because that's actual height.

MR. MULHERE: Correct.

CHAIRMAN STRAIN: And then your pole will be 12 feet on top of the actual.

MR. MULHERE: Correct, maximum.

CHAIRMAN STRAIN: No more than 12 feet.

MR. MULHERE: Maximum, yes.

CHAIRMAN STRAIN: Okay. I understand.

MR. MULHERE: The next change occurs on Page 17. And this, of course, is a significant change. We had previously, based on the TIS, limited the maximum unadjusted two-way traffic count P.M. peak hour to 599. And with our commitment to limit that 40,000 square feet to office, we've met with staff and agreed to limit that to 340. So there's a significant reduction there to address that deficiency and, obviously, there may be -- between now and the time we come in for Site Development Plan, there could be some correction to that. The deficiency may no longer exist. But for now we have to address it, and we've agreed to do that.

That, I think, is the extent of the changes. Did you have a copy of the master plan, too?

I just wanted to go over -- I just wanted to go over this note here just to put on the record that we also provided that same limitation of office on that note as was suggested by one of the Planning Commission members to, you know, be sure that we limited to -- that the additional 40,000 square feet is office only.

CHAIRMAN STRAIN: That's on the bottom right-hand corner of the page that you've got.

MR. MULHERE: Yes.

CHAIRMAN STRAIN: It doesn't show up that way on the overhead. You might need to zoom out, is what I was suggesting.

MR. MULHERE: Oh, sorry. Oh, yeah. I wasn't looking at that. Excuse me.

CHAIRMAN STRAIN: Okay. That.

MR. MULHERE: That first note, Number 1, reads, the additional 40,000 square feet of office use, thereby providing additional clarification. I don't know -- you may know that there is the Collier County -- I don't know if I get the exact name correct, but I think it's economic incubator is located presently in the Kraft building. And there is -- part of the reason that we came in for this request for increased square footage is there is a lot of interest, and we feel this is a very good location.

And Mr. Pezeshkan is very involved in that and working to grow our economy with the kind of uses that we'd like to see working with the county. And so this location makes a lot of sense, and that was the nexus or the genesis of our request to increase the square footage.

That concludes my presentation. If I've missed anything, somebody will let me know; otherwise, we're open for questions.

CHAIRMAN STRAIN: Okay. Charlette?

COMMISSIONER ROMAN: Yes. Bob, I just need clarification again on this parking structure. And could you point to where exactly you're looking at the south end of that platted tract?

MR. MULHERE: Absolutely. So if you look at the visualizer, we identified plat -- and this was confusing because the plat uses different references than the PUD master plan, which is why we put this language on there as we did so it would be clear; platted Tract B, which is shown in the hatching.

So anywhere on platted Tract B that parking structure could go. So if we located the office building here, we could put it here. If we located the office building here, we could put it here.

And there was -- after seeing the new building go up, some thought was to put it between that building and our office building, which will be very nicely done, and so it would have a little buffer to that kind of retail. There's going to be some truck bays and stuff like that on the new building here.

So the other option that we always looked at was a location just -- it could be partially on Tract B and partially within this preserve. The PUD allows us to mitigate off site. The county is fine with that, but that conservation easement is also dedicated to the South Florida Water Management District, and we have not gotten a vacation from them yet, from the preserve component of that easement.

We're looking at that. We're in process. We may or may not succeed with that. If we don't succeed, we can't do it. If we do, one option would be a portion of this preserve.

COMMISSIONER ROMAN: But the preserve remains at a minimum of one acre on site; is that correct?

MR. MULHERE: On site, correct, correct. And that would be retained back in here.

COMMISSIONER ROMAN: Okay. Thank you very much.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Bob, just a couple clarifications. On your master plan that you had on, I think it was --

MR. MULHERE: Yes.

CHAIRMAN STRAIN: -- on a previous one of the pages. There it is, Page 19. That's the page. Your note in your upper right-hand corner, are you seeking a deviation, the native vegetation?

MR. MULHERE: For the native? Yeah, we did ask for that as part --

CHAIRMAN STRAIN: Well, I thought you did, but this isn't stated in the same way that the deviation's stated in the PUD. Remember we asked about mimicking those?

MR. MULHERE: I think that's because the code actually allows for you to request this off-site mitigation. So technically I don't know that it's a deviation. Code actually allows for it.

CHAIRMAN STRAIN: Well, the staff report -- and I was going to get into this when we get to the staff -- says there are no deviations in the staff report. But I know that you're asking for this to be off site, but I also noticed that if you go three pages back, I think it's Page 15 --

MR. MULHERE: Of the PUD or the staff report?

CHAIRMAN STRAIN: Of the PUD.

MR. MULHERE: Fifteen?

CHAIRMAN STRAIN: I'm trying to find it now. There was a reference to on-site preserves.

MR. MULHERE: That's under the environmental, Page 17 on the bottom.

CHAIRMAN STRAIN: That's it. If that's in your intention and it's going to be consistent with the LDC, you don't need it as a deviation.

MR. MULHERE: That is the way I understood it, yep.

CHAIRMAN STRAIN: And the concern I had with the statement on the master plan, it's different in text than the statement on 4.10(A). And I was suggesting you probably don't need it on the master plan, or if you want it there, I mean, it clutters it up, but why don't we just use the same text?

MR. MULHERE: I thought -- I thought we changed it on the -- on this -- I thought it was --

CHAIRMAN STRAIN: On the master plan that's on there right now, that's not the same language identical to the language that's in the PUD.

MR. MULHERE: Let me look.

CHAIRMAN STRAIN: All I'm suggesting is let's just make them the same.

MR. MULHERE: I gotcha.

COMMISSIONER ROMAN: Well, the first sentence is the same.

CHAIRMAN STRAIN: Oh.

MR. MULHERE: Pretty close.

CHAIRMAN STRAIN: Yeah, you're right. I --

COMMISSIONER ROMAN: Are you in a different spot?

CHAIRMAN STRAIN: Yeah, I am.

MR. MULHERE: We did change it.

CHAIRMAN STRAIN: Oh, you did change it. You added -- there's two words -- okay. It got added. Then we're good.

Then the only other question I had, Bob, is you located the parking structure -- would you mind including a reference to the preserves, P2 and P3 will not be located off site.

MR. MULHERE: I think --

CHAIRMAN STRAIN: That's the two to the rear.

MR. MULHERE: Yeah, I think that's no problem. Let me just look at the master plan real quick. I'm sure that's no problem, but before I put something on the record, let me at least take a peek. P2 and P3.

CHAIRMAN STRAIN: It's in the plat, I think, where I found the reference to them, I believe.

MR. MULHERE: So I think -- so this is P4.

CHAIRMAN STRAIN: Right.

MR. MULHERE: I imagine P2 and P3 are here.

CHAIRMAN STRAIN: That's what I believe by the plat. And, you know, that is the buffer between the Avow project to the south. And I know you told me you didn't intend to remove that one. I want to make sure it's documented properly.

MR. MULHERE: We don't. We've actually limited the mitigation to platted tract P4.

CHAIRMAN STRAIN: Right. I just --

MR. MULHERE: So, yeah. That's no problem.

CHAIRMAN STRAIN: Okay. Well, actually -- yeah, P4 is where you're also going to potentially put the parking structure.

MR. MULHERE: Correct, and that's limited. So we've already limited that in there, so what you're asking for is sort of like extra language, extra protection. No problem.

CHAIRMAN STRAIN: And would you put that master plan back on there for just a second. The interconnection between your property and the property next door, part of which is on Germain Auto and part of which is on your Tract B.

MR. MULHERE: Yes, half.

CHAIRMAN STRAIN: What was the timing in which that's going to be built? Since it's not owned by the -- I mean, whose responsibility is it to build it? I'm assuming the developer's?

MR. MULHERE: Yeah. It will have to be built -- if it isn't built -- it may not be built when the Germain project -- I didn't look at their SDP to see if that was included. I don't know that it is. We will build -- we will have to build it.

CHAIRMAN STRAIN: Okay. You have a right, then, to build it on their property because the easement exists, and it's part of the PUD.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: I would like to suggest that by the time you get a CO on whatever you're going to build on Tract B, that that connection is built.

MR. MULHERE: Yeah.

CHAIRMAN STRAIN: And I know it's contingent on the property next door, but rather get it in sooner rather than later so when the property next door develops, it's already there to tie into it.

MR. MULHERE: Oh, it can be stubbed out; yeah, no problem.

CHAIRMAN STRAIN: Right. Okay. So we would need to add a reference that that connection will be built prior to CO on Tract B.

MR. MULHERE: That would be a transportation condition, I think. We'll put it under transportation.

CHAIRMAN STRAIN: Okay. And then I believe that's the questions I have at this time of the applicant.

Does anybody else have anything of the applicant right now?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Thank you, Bob.

MR. MULHERE: My pleasure.

CHAIRMAN STRAIN: And, Fred, let's move into a staff report.

MR. REISCHL: Good morning, Commissioners. Fred Reischl, Zoning Division.

As Bob stated, this is basically the addition of a new accessory use parking garage limited to two stories and an addition of square footage of 40,000 square feet, which is an intensification for an eight-plus/minus-acre site; however, during staff's analysis, this is within an interstate activity center. If we're going to have an intensification of use, this is where the Comp Plan says we should do it.

And I also wanted to clarify on the preserve question that it's not a deviation, because the LDC does allow it, so they're not deviating from a provision of the Land Development Code.

CHAIRMAN STRAIN: Thank you, Fred.

Any questions of staff at this point?

(No response.)

CHAIRMAN STRAIN: I have a few.

Fred, first of all, just for clarification, the title on the ordinance said a parking structure up to 50 feet in height. We now know that's 30 feet; is that correct?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Let me get to -- in your findings -- I think you and I had talked about it -- there's -- a couple of the findings were written in the manner in which I wasn't used to seeing, and I definitely question how they were written.

And the first one is -- Fred, you might have to help me. It's the one on -- that says it's a good thing to have noncontiguous preserves.

MR. REISCHL: That's the next item, I believe.

CHAIRMAN STRAIN: The next item?

MR. REISCHL: The next petition.

CHAIRMAN STRAIN: Oh, that's right.

COMMISSIONER EBERT: The next petition.

CHAIRMAN STRAIN: You're right, it is. Boy, these two are close.

On Page 10 of your staff report, No. 8, the PUD will be required to meet South Florida Water Management District standards and, therefore, will not create a drainage issue. I agree with that statement, but I did notice in this PUD -- and it's kind of odd -- they actually quote a section of South Florida Water Management District as how they're going to design their project.

Does that mean that any current standards they don't have to meet or they will -- or they're just tied to whatever that reference is in the PUD?

MR. REISCHL: We -- as far as I know, we have no jurisdiction over the Water Management District standards, so their standards as written today would apply.

CHAIRMAN STRAIN: Okay. That's good news. That's all I have of you.

I certainly have some questions of transportation, though. Well, don't rush up, either one of you. Amy looks at Mike, and Mike looks at her; okay, who's going to go up there?

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning. I'm available for questions.

CHAIRMAN STRAIN: Yes. And I brought a question up to you well ahead of time so you could be prepared to explain it to the Planning Commission. I had expected -- and I'm sure that all these Planning Commission members knew the AUIR review showed that this particular section of Pine Ridge Road had a Level of Service F, and it had a negative 170 trip count.

And you and I had gone back and looked at the history of the traffic counts in this area and found them to be irregular, to say the least. It went from C, D, E, F, to 1,000 excess units, down to a negative 170; up and down. There really wasn't an explanation for it based on the way we talked.

So even though it's got a concurrency issue, they will have to go and submit their SDP and address the concurrency at the SDP level. And because this is a TCMA, they will have to provide mitigation to address the concurrency issue in order to get this SDP approved. Is that the way it works?

MR. SAWYER: Correct, yeah; most definitely.

And just real briefly, when we're looking at time of zoning on any zoning petition, we're looking at consistency. We check to see what the current adopted AUIR is, and that's what we did here.

At the time of review, we were looking at the 2014 because that's the adopted AUIR. It still is, because the 2015 hasn't been adopted yet. Unfortunately, the timing on this particular petition works out where it is scheduled to go to the Board currently on the same date that the Board is being requested to adopt the 2015.

Now, normal practice is that we normally, you know, start looking at using the new -- it's going to be the 2015 AUIR basically around the first of the year. Basically that gives us some catch-up time with all of the applicants coming in.

Certainly, this particular road segment has had a rather significant change year to year. We have since gone back again -- and just to let you know, transportation staff looks at the AUIR, and any time there's

a 5 percent variance year to year, we always go back and try and find why that occurs. Is it the traffic counts? Has something changed around that particular area? Is there something in error?

We're confident in this particular section that the 2015 is correct. We've confirmed that by looking at adjacent segments within the area. We've also gone -- and staff also looked at what FDOT has as far as their counts, and those are all trending the same way. We even went back and looked at what the first two quarters of this year is showing for next year's AUIR, and they are continuing to trend the same way 2015 is. So we're confident that the 2015 numbers are correct.

Based on what was presented with the 2014, with this petition, we determined that it was, in fact, consistent. We would still do that even if we did look at it from 2015 because of the TCMA area that this is located in. That allows us to have mitigation.

The difference in this PUD, if we were to look at it with the 2015, would simply be to add in some developer commitments regarding those mitigations. We would look at them a little bit closer.

But that's, again, just for consistency for the zoning petition itself. We don't know when that project is coming in and, for consistency, we always look at the highest, greatest use. In other words, how -- what's the greatest number of trips that could possibly come onto the system, and can the system accommodate those?

When we're looking at the time of SDP or plat, that's when we actually look at concurrency. That's when, as those projects are approved -- as those actual trips are calculated, that's when we start putting the trips actually on the system, and that's -- if you will, that's the second bite of the apple that transportation has.

And so when this project does come in for the SDP, be it next year or the year after or the year after that, they will be reviewed to the AUIR that's adopted at that point, and that's when the TCMA mitigation is going to come in. That's when staff's going to get that second bite. And we will be looking at what those mitigation factors are.

We are currently looking at a couple of things in this particular segment. We're currently -- we currently have a study as far as Whippoorwill and Pine Ridge intersection. We've got that study that's going forward. We're also -- because this is an evacuation route and it is an F-rated road system, we're now going to be looking at a study to see what can be done to make improvements on that road segment.

Again, we're still looking at this petition as being consistent.

CHAIRMAN STRAIN: Thank you, Mike. Are there any projects that have immediate access to this road segment that have not been built? Are we looking at other, kind of, density hanging out there? Because this project had the ability to provide 599 trips based on the intensity of development that could have occurred. They've reduced their intensity from the higher traffic count uses down to moderate ones like offices and then, in turn, they agreed to reduce the allowable trips from 599 down to, what is it, I think --

COMMISSIONER EBERT: Three forty.

CHAIRMAN STRAIN: -- 390 or 340, whatever we talked about today. Those are all positive things. But I'm trying to figure out if there's a better fix for that segment of Pine Ridge Road. I know they can make some changes to the TCMA. Those tend to be able to help anywhere in the TCMA.

So if you lower trips on another road over here, it still doesn't change much on this Pine Ridge Road leg. Are there any plans to figure out a way to improve that segment? Are there any new on-ramps, off-ramps of I-75 planned? Is there any new lanes or anything like that being looked at?

MR. SAWYER: Again, we've got those studies that I mentioned, and the new study that we're going to be, you know, entering into.

Honestly, at this point we don't have enough information or enough options to really determine what is going to help that particular segment.

There's been a number of things in the past that might, you know, come to fruition. Certainly the interconnection to the west, when that PUD develops, will give us some relief to all of the uses within that area, basically going all the way from Whippoorwill all the way over to Livingston. That interconnection system that was -- always been envisioned when that comes online with that next PUD, that will give us some relief and will at least give us something that would be running parallel to Pine Ridge.

As far as other things, at this point we need to get those studies moving forward.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: Yeah. I think that that should be an area of concern because there's some large parcels there that are still undeveloped that would be limited by this segment of the road, it appears. You know, we need to start looking at that.

CHAIRMAN STRAIN: Yeah. I'm -- you just said the internal connections over to Livingston. Wasn't there another connection to Livingston in that area?

MR. SAWYER: Yes, there was. There is a connection from Whippoorwill over directly to Livingston further to the south from this project, and that was proposed to be done, and the Board decided that at that time it was not going to move forward, at that time.

CHAIRMAN STRAIN: Okay. If that had been done, would we still be looking at possibly this negative 170, or would there have been enough relief there to offset that, do you think?

MR. SAWYER: Commissioner, there's no way for me to really give you a good number or a good confirmation of that. Certainly there would be some relief that would be experienced with Pine Ridge.

It would certainly give you another alternative, for instance, if you had accidents and that sort of thing, that would put a limitation on Pine Ridge. It would give you some relief for that. It certainly would give -- the various developments that are located along Whippoorwill, it would certainly give them options as far as getting to Livingston as opposed to always having to go out onto Pine Ridge.

CHAIRMAN STRAIN: Okay. So the two probably more likely reliefs to this project, one of either of the two would help, whether it would be Whippoorwill over to Livingston or Whippoorwill through their project to Livingston. And they have -- so either one of those two will provide some relief to this particular project, but neither one of those are proceeding through no fault of the applicant's.

MR. SAWYER: Correct.

CHAIRMAN STRAIN: Okay. That's what I needed to understand. Thank you.

COMMISSIONER EBERT: I have one question for you. In doing this AUIR, did it jump? Because it was significant, because they -- because the design came in, and they are now building on the north side with that whole new shopping center in there. Is that where a lot of this came on between Livingston and I-75 on the north side?

MR. SAWYER: That's a very good question. Those trips certainly have been coming online. And as those SDPs get approved, plats get approved, those trips do come online, and they're put on the system. There's certainly that being the case. Certainly the economy has improved. And when you've got -- when you've got people in an area that gets busy, it tends to be on those corridors, and especially on our east/west corridors. You're going to experience larger fluctuations, and we've seen that in this particular area, specifically on Pine Ridge.

Going all the way back to 2004, the numbers have been up and down. It had failed in 2008. It was basically the same failure rate. It was about, I think, 150 as opposed to, I think we're at 170--some right now. And at that point that was why it was put on the TCMA program. There's probably a number of things that are leading to this.

You will find that the AUIR numbers vary because of the calculations that we use coming from FDOT. FDOT gives us the formulation by which we determine what rating or level of service we've got on our road systems, and that's based on what, overall, the transportation trends are within all of Florida. It depends on the number of lanes that you've got, the conflict points that you've got, and the number of intersections. That all goes into a formula that FDOT provides us, and that's what goes into our AUIR.

It shows us what our particular road segments can -- you know, what their capacity is. And when that changes, you will see that our AUIR numbers significantly change for that same reason. And those are done, basically, I believe, every about five to 10 years. Those numbers change. So our capacity changes because of that.

COMMISSIONER EBERT: Okay. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Well, thanks, John Pod, I mean, Mike Sawyer. For those that don't know, Mike took John's place, and you've done a good job today explaining things. Appreciate it very much.

MR. SAWYER: I appreciate that. Thank you.

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

(No response.)

CHAIRMAN STRAIN: If not, are there any public speaker, register public speakers, Fred?

MR. REISCHL: No registered speakers on this item.

CHAIRMAN STRAIN: Okay. Is there anybody in the audience that would like to speak on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Hearing none, I will ask if the applicant has any final comments or rebuttal.

MR. MULHERE: (Shakes head.)

CHAIRMAN STRAIN: No by shake of a head.

COMMISSIONER EBERT: They are going to accept the TCMA conditions?

CHAIRMAN STRAIN: Yes, they have to. They have no choice.

COMMISSIONER EBERT: I know. I just --

CHAIRMAN STRAIN: Diane asked if they were going to accept the TCMA conditions. There's no choice in that. When you come through for SDP, you will trigger those conditions that are triggered and have to abide by them before you can get a permit so that the road is adequately addressed that way.

Bob?

MR. MULHERE: Yes, sir, we do understand that.

CHAIRMAN STRAIN: Okay. Well, then we will close the public meeting -- or the hearing, and we will move into discussion and then stipulations and motion.

I had made several notes. We've got a handout that has a series of highlighted corrections, and we also have a cover page where -- which changed the owner and applicant names.

All those should be part of a motion if we're so inclined.

The applicant has agreed to locate the parking structure in the two different areas. Those will be certainly -- they're articulated in the document and to whatever extent they need to be refined, that will happen.

They will add a restriction that the rear preserves -- I believe they're P3 and P2, but I'm sure the applicant will check that out -- will not be portions of the preserves that will be susceptible to off-site mitigation; and that the connection to the -- interconnection between Kraft Road, I think it is, and the Brynwood PUD to the west, that interconnection between platted Tract B and the front tract will be completed before a CO is issued on any building that goes in the platted Tract B.

With that, I don't have any other notes. I think that summarizes it. I'd like the motion maker to consider those notes if they so are inclined and maybe at the same time consider that we don't need to have a consent hearing on this item.

Is there a motion?

COMMISSIONER SOLIS: I'll make that motion, that it be approved subject to the notes that you've read into the record.

CHAIRMAN STRAIN: All right. Is there a second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Motion made by Andy, seconded by Diane.

Discussion?

(No response.)

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

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: Thank you, all. Appreciate it.

Well, with everybody sitting in the audience not speaking on this one, I can only assume you're here for the next one, so --

***The next item up and our last item on today's agenda is PUDA-PL20150000303. It's the Berkshire Lakes planned unit development, and they're adding a 2.17-acre recreation area in a preserve location. It's located north of Davis Boulevard in the Countryside portion of the Berkshire Lakes project.

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

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

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

MR. EASTMAN: None.

CHAIRMAN STRAIN: Andy?

COMMISSIONER SOLIS: None.

CHAIRMAN STRAIN: Diane?

COMMISSIONER EBERT: I spoke with Nicole Johnson, and I spoke with staff.

CHAIRMAN STRAIN: Okay. And I, too, spoke with Nicole Johnson. I've had numerous meetings with staff. I've talked to the applicant on the phone, and I did a lot of file research. This is an old, long project. Very complicated.

Karen?

COMMISSIONER CARON: Nothing.

CHAIRMAN STRAIN: Charlette?

COMMISSIONER ROMAN: In addition to staff, I spoke with Nicole Johnson from the Conservancy.

CHAIRMAN STRAIN: Okay. Fred, it's all yours.

MR. HOOD: Thank you, Mr. Chairman, Commissioners, good morning. For the record, Fred Hood with Davidson Engineering. I'm here this morning representing the applicant, Countryside Golf and Country Club, for PUD amendment application of the Berkshire Lakes PUD.

The Berkshire Lakes PUD consists of 1,093 acres in several separate residential and commercial developments. The subject of this amendment concentrates on the Countryside Golf and Country Club portion and its land uses.

Countryside is here on the aerial outlined for you. Countryside makes up 333 acres of the Berkshire Lakes PUD. It is situated between Radio Road to the north, Davis Boulevard to the south; Santa Barbara Boulevard forms the eastern boundary of the development, and the Breton Park PUD, more commonly known as Glen Eagle, is to the west.

Our PUD amendment application seeks to identify native preservation areas within the Countryside community on the conceptual master plan. These areas will satisfy Countryside's original acreage set aside as conservation and water management areas.

Also, the identification of an additional recreation area as permitted within the recreation and open-space area of the PUD ordinance, Section 7.02.A, is being requested.

Among other permitted uses, Section 7 of the Berkshire Lakes PUD allows parks, playgrounds, game courts, and fields and nature preserves.

Inside Countryside two separate conservation and water management areas were originally set aside. On the visualizer you'll see those two areas outlined in a red cloud. One is closer to the north side, and the other is abutting the Davis Boulevard right-of-way to the south in the southwest corner.

The acreage of those areas amounted to 18.71 acres. These areas, through coordination with county staff, county review staff, have been identified as part of the open-space portion of the PUD.

We are seeking to impact the most southern of the two conservation areas and to provide additional recreational areas in conjunction with the redevelopment of the existing clubhouse opposite on the north side

of Countryside Drive. If you look at this aerial, you'll see the impact area highlighted in yellow. On the northern side of that is where the original -- or the existing clubhouse facility is.

CHAIRMAN STRAIN: Fred, while you're on that colored overhead, why are those two little wings on the top of the impact area going off in an east and west direction in the narrow strips?

MR. HOOD: Those are for -- we have the areas of disturbance for sloping. So those areas along the road are a portion of those -- the impact area. It's also where the utilities will be connected to the site.

CHAIRMAN STRAIN: Why wouldn't they just connect in the front of the site and not have to use those two legs?

MR. HOOD: I can let Josh answer that question.

CHAIRMAN STRAIN: Okay. I didn't mean to interrupt your presentation --

MR. HOOD: That's okay.

CHAIRMAN STRAIN: -- but I happened to -- I didn't want to forget to ask that question.

MR. HOOD: That's fine.

CHAIRMAN STRAIN: I'll let you get back into that.

MR. HOOD: We'll address that.

Let's see here. As mentioned previously, the conservation water management area set aside on the original master plan are within the open space, recreation, and park section of the PUD. Because these areas were never placed in conservation easements and also because the proposed recreational -- recreation area uses are permitted by the PUD, Countryside is seeking to locate tennis and bocce courts and limited accessory uses such as a restroom, viewing pavilion, and a storage shed in that impact area.

At the closest point of impact to the existing conservation area that we're looking at here on the visualizer, there is over 100 feet between the proposed courts and associated accessory uses and the nearest home along Country Walk Court. That's not including that little winged area, but to the actual courts and facilities that will be in that area.

The native vegetation area being impacted has been proposed to be set aside and identified within existing native vegetation areas on the golf course.

Nine areas have been selected in coordination with county environmental review staff to collectively achieve the original 18.71 acres that were set aside within Countryside.

Through further coordination with county environmental staff, we have proposed a deviation that requires developers to consolidate preserve areas into contiguous areas to meet our preservation requirement. Instead, we are asking that these allow -- these nine separate areas be allowed to meet that requirement. Usually we have to do them in a contiguous area. We have several areas that are within the golf course, and it's just not feasible in this situation.

Native preservation areas must be sufficiently protected from improved areas and structures. To achieve this, the code requires a 25-foot setback from preserve areas for structures and a 10-foot setback for improvements such as parking lots, drive aisles, and roadways.

Where there is existing or proposed development in near proximity to these proposed preservation areas, we have provided the required setbacks and buffers per the LDC.

On the subject of existing external access points and water management areas within Countryside, no new connections or areas for water management are being sought at this time.

As just a brief overview of the proposed changes to the Berkshire Lakes PUD amendment, the proposed changes to Berkshire Lakes are limited to Countryside Golf and Country Club. The uses that have been proposed for the newly created recreation area opposite the existing clubhouse are currently permitted within the PUD, and we are not seeking any new uses.

The purpose of this amendment is to identify -- the other purpose of this amendment is to identify preservation areas as required by the LDC to identify -- and to identify an additional recreation area.

To provide the preservation areas as shown on the proposed master plan, a deviation to the LDC was also requested. That's for the non-contiguous nature of these preserve areas. Each preserve area will be sufficiently buffered from existing and proposed development as required by the PUD and the LDC, and all proposed development shall be consistent with the development standards of the PUD and the LDC as required.

And that will conclude my presentation. I will answer any questions that you have.

CHAIRMAN STRAIN: Okay. Questions from the Planning Commission? Charlette?

COMMISSIONER ROMAN: I have one question now, Fred. On your map here that you're showing, you have a preserve located right adjacent to Radio Road.

MR. HOOD: Yes, ma'am.

COMMISSIONER ROMAN: That one that's, I guess, furthest north. That's the one I'm speaking about. What's -- what's the purpose of that?

MR. HOOD: The purpose of the preserve itself?

COMMISSIONER ROMAN: In that location.

MR. HOOD: It's an existing native vegetation area that we went out and looked at just to make sure it would meet the requirements of the LDC for preservation requirements. That's just one of the nine that we chose. It's also one of the larger ones.

COMMISSIONER ROMAN: Because I was looking at -- with you -- you have fox squirrel habitat on the golf course itself, and that seems to be a preserve that's right adjacent to a very busy road -- maybe considering moving that to the golf course area, but we can talk about that later.

MR. HOOD: Okay.

COMMISSIONER ROMAN: Thank you.

CHAIRMAN STRAIN: Okay. Does anybody else have any questions?

(No response.)

CHAIRMAN STRAIN: Well, Fred, let's move through the various pieces.

You're intending to put these islands or these new preserve areas in conservation easements, correct?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Did you articulate that anywhere in the PUD?

MR. HOOD: No. But it is a requirement of the LDC that we have to put these within conservation easements. We didn't want to put them in conservation easements right now without having our zoning in place. But that's the intent, yes.

CHAIRMAN STRAIN: Okay. I would want -- that would end up having to be a stipulation then.

MR. HOOD: That's fine.

CHAIRMAN STRAIN: Okay. I'm going to try to get past my questions of staff.

On your master plan, this was attempted to come through as a limited scope of change to the PUD, and I don't blame you. That's a massive PUD. But I think there are some things that are going to have to be addressed. I mentioned some of them to you on the phone, and we'll walk through those.

On your master plan, Note 3, it says, areas identified as rec -- recreation shall be subject to development standards of the golf course area in accordance with Section 6.03 of the PUD document.

As you started out, you really mean Section 7 -- Section 7, not 6; is that correct?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. So we need to make that change.

MR. HOOD: Actually, Mr. Chairman, now that I'm looking at this, we actually did mean Section 6. Section 6 is the golf course area. There is a note on the master plan -- it's the last note on the right side -- that I believe the county attorney representative and Fred Reischl, with the review staff, when we started looking at what development standards we should place on this new rec area, we landed on looking at the golf course area instead of Section 7 for those development areas. So that's why we were looking at Section 6, 6.03, instead of Section 7.

CHAIRMAN STRAIN: Oh, I under- -- I realize what you were trying to do.

MR. HOOD: Yes.

CHAIRMAN STRAIN: You want to put it under Section 6.

MR. HOOD: Yes.

CHAIRMAN STRAIN: Golf course, GC.

MR. HOOD: Correct.

CHAIRMAN STRAIN: But it's really -- you have a section in your PUD called Section 7, recreation and open space/park O. And under the recreational open space, you have parks, playgrounds, and game

courts and fields. This certainly fits that real well. And I'm just wondering why you're picking the golf course. And I noticed that -- I don't know if the golf course is owned by the same entity that's going to operate the rec center.

MR. HOOD: It is.

CHAIRMAN STRAIN: It is.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: But why would you pick the golf course GC area over the rec open-space area?

MR. HOOD: That was the recommendation. It wasn't my choice. Originally it was the 7.03 section, and then we --

CHAIRMAN STRAIN: Okay.

MR. HOOD: We looked at the 6.03 section, and that fit better for all involved that were in the room. So I can change it back. I don't have a problem with changing it.

CHAIRMAN STRAIN: Okay. I just need someone, then, to explain, whoever directed you to do that, why.

MS. ASHTON-CICKO: Well, when he made his submittal, he didn't have any development standards.

CHAIRMAN STRAIN: I think your mike needs --

MS. ASHTON-CICKO: There weren't any development standards applicable to the site. Still not on? There were not any development standards applicable to site, and Section 6 had setback as well as the height restriction. That's why we recommended that if he was not going to go with the text change.

CHAIRMAN STRAIN: Okay. But why didn't you think the next section, which was made for recreation courts and things like that, was the applicable section?

MS. ASHTON-CICKO: Well, when we made the recommendation, my recollection is there weren't any development standards. I think I've been corrected that there's a setback, but I don't believe there was a height restriction in the section we were looking at.

MR. HOOD: That's correct. There was no height for Section 7, but there was a height for Section 6. So Section 6 was more applicable when we were looking at the structures that would be in that area.

CHAIRMAN STRAIN: Okay. What is in the rec area that's being produced in the preserve area? What is your setback from the rec facilities that are being added to that site to the preserve area?

MR. HOOD: Well, it's not so much that we're adding it, but any --

CHAIRMAN STRAIN: Well, there's preserve there now, right?

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. So what you're building there, what is the -- what is the setback to what your use is on that property to the preserve that surround it?

MR. HOOD: So the preserves, they go to the LDC, so it would be the 25-foot for structures and 10-foot for improvements. For buildings that are adjacent to residential areas, it's 50 feet from the residential property lines. That's within --

CHAIRMAN STRAIN: Well, I'm not -- first of all, I'm not necessarily agreeing with everything you're saying. I'm just trying to understand what you're saying. And I think you said that you'd be 25 feet or pursuant to the LDC.

Fred and Ray, as an accessory use, what's an accessory use setback in the LDC for preserves?

MR. REISCHL: Accessory would be 15? Ten.

CHAIRMAN STRAIN: Right. He just said 25. But it's accessory if you go to golf court standards. It's 25 if you get to the principal use. And it's the principal use under the recreation standards.

So I would suggest we want to stay with the recreation standards especially because it's a principal use on that property, not an accessory use, because that would have an impact to the preserve setback. So that is a --

MR. HOOD: I happen to agree with you.

CHAIRMAN STRAIN: -- significant issue.

MR. HOOD: Yes.

CHAIRMAN STRAIN: Okay. So based on that, I would suggest we go to the recreation open-space conditions, you become a principal use, your setback is already what it's supposed to be for that principal use, and you're going to be consistent with the LDC then at 25 feet.

The only piece missing, and County Attorney was right, the difference between the two seems to be the lack of a height commitment. Why don't we just add that as a stipulation.

MR. HOOD: That is a stipulation.

CHAIRMAN STRAIN: And that takes care of that. So what is the height that you're looking at trying to work with on this site?

MR. HOOD: We're not going above 35 feet, so I would say 35 feet zoned height.

CHAIRMAN STRAIN: Well, that's the standard that's in the golf course, right? So you're -- so at 35 feet, you've got what facilities? You're going to have a restaurant -- or restroom 35 feet high?

MR. HOOD: There'll be -- no. There'll be a viewing pavilion. So if we have, like, a little gazebo or pavilion that's kind of, I believe, open air, that might reach the 35 feet or 30 feet, maybe 28 feet. We haven't looked at doing the design for it yet, but we just wanted to look at the less impactful height restriction in the area. So 35 feet would get us there, I believe.

CHAIRMAN STRAIN: Okay. So if we add a stipulation for 35 feet height for this use, then that's covered.

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: We would add the stipulation that the preserve setbacks would be consistent with the LDC, because you don't have any preserve setbacks in the PUD.

MR. HOOD: Correct.

CHAIRMAN STRAIN: So that can't work.

During the neighborhood information meeting, there was a statement made that the minimum distance to any home will be no less 100 feet. You had said 50 here a minute ago. But from home to this activity, no will be no less than 100 feet.

MR. HOOD: That's what we have planned in our plans for the SDP for this area. The golf course section that we were just discussing, that's where that 50-foot setback is. But, yes, we'll be no closer than 100 feet where we have it planned, so we can make that a stip as well.

CHAIRMAN STRAIN: Okay. Fire safe. There was a statement made that this -- there was a lot of concerns from the golfers, and I'm going to have environmental staff in a moment testify to the amount of clearing and cleaning or pruning or whatever can be done in these now dedicated preserve areas versus what they are today.

But one of the conditions that was noted in the staff report as beneficial to the ability to go in there and still use this as the golfers, I believe, think it's going to be used, that you're going to have a fire wise or fire-safe community? That was in the staff report. Are you going to do that?

MR. HOOD: Yes, sir.

CHAIRMAN STRAIN: We'll be stipulating that then.

MR. HOOD: That's fine.

CHAIRMAN STRAIN: Okay. And how much time do you think it's going to be for that to happen? I worked with one community, and it's a rather involved process.

MR. HOOD: I'm going to let Jeremy Sterk talk to you about that, if you will be so --

CHAIRMAN STRAIN: Sure, that's fine.

MR. STERK: For the record, Jeremy Sterk, Earth Tech Environmental.

When you say fire wise, Mr. Strain, are you just speaking -- we added language to our management plans to allow the option of management within those areas for utilization of mechanical fire, or hand removal with reference to, you know, making the habitat suitable for fox squirrels.

CHAIRMAN STRAIN: Well, let me tell you what the staff report said, which was the basis for this board's -- part of the basis for this board's review. Under neighborhood information meeting, the NIM, a NIM was held on August 24th at the Countryside clubhouse. Several questions were asked. A recurrent theme regarding the playability of the golf course roughs after they become preserve areas.

The response was that the roughs would remain playable since the applicant will submit a Fire Safe

Preserve Management Plan with the Site Development Plan amendment which will allow maintenance of ground cover as well as trimming.

Now, the Vanderbilt Beach Country Club, I don't know if you're involved in there. They're one of the -- if not first, one of the earliest communities in Collier to institute the fire-safe preserve program. I worked with them on that through the different phases it took to accomplish that. It wasn't something that happened quickly. It took a lot of professional assistance, a lot of mapping, a lot of communications with the fire department.

They did a great job. They got their fire-safe program. They have a situation similar to yours where there's preserves throughout the project. They wanted to be able to maintain them in a way.

I need to understand when you would put that fire-safe program in since it seemed to be something contingent on the approval from parts of the community that were concerned about the roughs of the golf course.

MR. STERK: Yeah. I don't think we're intending -- or I don't think Countryside has the intention to burn these preserves. I mean, if -- we wanted it in the management as an option so that in the future if it ever was desired, that you wouldn't have to do an amendment to add it. I mean, I see these preserves; these are not huge preserves, and they're very disjointed in the golf course. So I would envision these preserves being typically done hand or mechanical with, like, a roller chop device that would mimic fire but not have the -- you know, the concerns that residents have based on fire.

CHAIRMAN STRAIN: Well, I'm not sure fire safe means you've always got to start a fire to accomplish the goal.

MR. STERK: No, correct, correct. But fire safe, you know, you're going to do your management for the fox squirrels mechanically or hand, and you're going to achieve fire-safe conditions by doing that not using fire. But what I'm saying is that we went back and forth with staff and with the applicant about whether or not to even include the option of fire.

Whether it's in there or not, I guess we don't really care. I've seen situations in the past. Like Autumn Woods, for instance. I was involved in the burn that was done on Autumn Woods. We had to do a pretty extensive -- like you said, amendments and mapping, and a lot of consulting was involved just to get the option for them to burn that preserve prior to it happening.

So I think staff's position since then has been if we can have that in there as an option it's better than not having it in there and wishing we had it later.

CHAIRMAN STRAIN: Okay. The problem that I have as a board member here is we highly follow the commitments made at the neighborhood information meetings, the NIMs. The way the staff report reads, that the response to the concerns from the golfers, in order to alleviate their issues with the untreated or unmaintained brush, was that the applicant will submit a Fire Safe Preserve Management Plan.

And I guess I'll turn to Fred. Were you at that NIM, Fred?

MR. REISCHL: Yes.

CHAIRMAN STRAIN: Okay. How -- let's see. How defining was that statement? I mean, was it a commitment or just an option?

MR. REISCHL: At the time of the NIM, I wasn't familiar with the term "fire safe." I learned that after I got back from the NIM. But the principles involved in fire safe were discussed by Josh and Fred at the NIM.

The being able to -- I don't know if I'm using the right term -- prune certain vegetation in there so that someone could still swing a club and not hit and destroy the vegetation that way.

So the principles were involved. And when I got back and talked to Steve Lenberger, I learned all about the fire-safe principles.

CHAIRMAN STRAIN: Okay.

MR. STERK: I guess that was my point that that is compatible with the management that we have proposed for fox squirrels, which is, you know, open midstory and --

CHAIRMAN STRAIN: You need to get a little closer to your speaker, too. I'm sorry.

MR. STERK: -- the maintenance of ground cover. So midstory and ground cover pruning and maintenance is compatible with fire wise.

CHAIRMAN STRAIN: Okay. That's a different approach than I had thought the intention was by what I've read, and we'll probably need some testimony from environmental staff eventually to clean that up a little bit and then find out, as we get input from the public, if there is any concerns going from a "will do" to "an option."

MR. STERK: Sure.

CHAIRMAN STRAIN: So -- do you have any -- Charlette?

COMMISSIONER ROMAN: Yeah. I was going to say, that's also a concern of mine, because one of the questions that I had is how would the preserve areas be managed differently than just regular maintenance of the golf course.

MR. STERK: Correct, yeah. We've let the applicant know that those particular preserves will have to be an overall change in how they're managed. I mean, right now golf course staff is going in there and spraying any little weed that pops up. So there is going to be a change in operations to allow for native ground cover to accrue (sic).

MR. REISCHL: And to further on that question, there will be a Preserve Management Plan submitted, but because there's an SDP associated with this or an SDP amendment, that that will be associated with the Site Development Plan amendment.

CHAIRMAN STRAIN: Okay. Thank you, Jeremy. We may need you to come back after we hear from environmental.

Fred, some of the other issues I wanted to ask you about. Hours of operation.

MR. HOOD: Before we get into that, if you'll permit me, I've got Mike Bradfield here. He's a representative of Countryside, and we just wanted to continue on the issue with the fire wise, if you wouldn't mind.

CHAIRMAN STRAIN: Sure. Absolutely.

Good morning.

MR. BRADFIELD: Good morning, Chairman.

Yes, on behalf -- first of all, for the record, my name is Michael Bradfield. I'm the general manager and chief operating officer at Countryside Golf and Country Club and Countryside Master Association.

And just for the record, I wanted to just make a brief statement that it wasn't desirable by the association for any sort of fire protection plan at the time of consideration of this PUD amendment.

CHAIRMAN STRAIN: Yeah. It's not fire -- fire wise program is not a fire protection plan as much as it is a way of maintaining the understory and the dead debris and things like that within preserves. And they do it by burning, by chopping, by various methods of cleanup.

And I think the intent wasn't necessarily considered as fire protection but as a means to explain to the golfers that there's going to be some allowed process where they'll be able to clean these preserves up enough so they can be as playable as they are today.

I think that was the intent. I just don't know if that's going to be the outcome, and that's what I'm trying to find out. That's why a fire wise program is a little different than fire protection.

MR. STERK: Mr. Chairman, whenever we first saw the Preserve Management Plan and some comments made about a potential fire, that raised our eyebrows and was a concern of ours and so not language that we felt was desirable in our Preserve Management Plan.

CHAIRMAN STRAIN: Okay.

MR. STERK: Thank you, Chairman.

CHAIRMAN STRAIN: I appreciate it. Thank you.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Okay. Hours of operation of on your new rec area.

MR. HOOD: Yes.

CHAIRMAN STRAIN: For the sake of those neighbors that are over to the west a bit and anywhere else that they may hear whatever's going to go on there, have you looked at hours of operation?

MR. HOOD: Yeah. We decided that an ending hour of operation could be 10 p.m. I think at the earliest we could do 6 a.m. Six a.m. would be earliest.

CHAIRMAN STRAIN: Okay. Amplified sound. Do you intend to use any amplified sound?

MR. HOOD: We don't at this time, but we can make a stipulation that we will have amplified sound being directed inward and not outward.

CHAIRMAN STRAIN: That doesn't work too well. If that worked well, we'd have a lot of easy things to fix if that happened.

MR. HOOD: We'll just stip that we won't have any.

CHAIRMAN STRAIN: Okay. And your lighting, maximum height of your lighting. Would you consider Dark Skies?

MR. HOOD: Yes, sir, we would.

CHAIRMAN STRAIN: And what maximum height?

MR. HOOD: Let's do 25 feet.

CHAIRMAN STRAIN: How many?

MR. HOOD: Twenty-five feet.

CHAIRMAN STRAIN: Twenty-five feet.

MR. HOOD: Twenty-five feet. It's a tennis course -- a tennis court.

CHAIRMAN STRAIN: They're going to be -- well, if it's Dark Skies, it will be shielded, so...

MR. HOOD: Yes.

CHAIRMAN STRAIN: The maximum height of all structures, you already said 35. Setback from preserves in right-of-way. We know that's going to be -- principal structure's going to be consistent with the LDC, so that's been resolved.

And let me see where else I've got to go. I'm trying to see if I've caught all my questions so far, and so far we're looking pretty good.

Oh, there was a question about the vote by the people in the community. Was there a formal vote for what's being requested today from the property owners; do you know?

MR. HOOD: Yes, there was. There was a vote for the utility of the rec area that we're looking at. They put that to a vote of who -- of who in the community wanted it versus who didn't, and it was overwhelming that most of the community members wanted the new rec area.

CHAIRMAN STRAIN: Okay. You said it was 68 percent in the NIM; is that correct?

MR. HOOD: We'll have --

CHAIRMAN STRAIN: Go ahead. I just want to make sure that you're representing a group that gave you authorization to be here today, and you do have -- I've read all of your condominium -- your HOA docs and your voting requirements. I want to make sure you've met them, that's all.

MR. BRADFIELD: Yes, sir. On September the 11th, we did have an amendment to our HOA docs. This amendment was specific to allowing for recreation purpose or use of the preserve area, and that vote passed with a count of 852 to 224 opposed, or a 79 percent in favor.

CHAIRMAN STRAIN: Okay.

MR. BRADFIELD: A second vote was held on March the 2nd, and this vote was specific to the project itself. Of course, when you tie in an assessment, the approval rating goes down slightly, and that was at 69 percent.

CHAIRMAN STRAIN: That's consistent with what you needed. Thank you.

MR. BRADFIELD: Thank you, sir.

CHAIRMAN STRAIN: Okay. That's all the questions I have of the applicant at this time. Does anybody else have any?

COMMISSIONER EBERT: We're just hearing this because of the --

CHAIRMAN STRAIN: You need your mike.

COMMISSIONER EBERT: We're just hearing this because of the EAC, just the preserve, that's --

CHAIRMAN STRAIN: No. We're hearing it as both the EAC and the Planning Commission.

COMMISSIONER EBERT: Correct, but the -- the PUD amendment is being heard by us mainly for the EAC, the preserve area.

CHAIRMAN STRAIN: No. We're hearing it both as the EAC and the Planning Commission. The Planning -- the EAC wouldn't get involved in all the same issues we're getting involved in of not -- regarding standards and things like that. So we're hearing it equally as both. There's no preferential for one or the

other.

Okay. Fred, thank you.

MR. HOOD: Thank you.

CHAIRMAN STRAIN: And other the Fred, do you have a staff report?

MR. REISCHL: Thank you, Mr. Chairman. Fred Reischl, Zoning Division.

First I wanted to thank Stephen Lenberger for doing the lion's share of the work on this project, since it is mostly environmental.

And I did want to -- as Commissioner Ebert said, there's going to be two votes on this item, one as the EAC and one as the Planning Commission.

CHAIRMAN STRAIN: Correct. That's it?

MR. REISCHL: Thank you, yes.

CHAIRMAN STRAIN: Getting shorter every time, Fred.

Anybody have any questions of staff?

(No response.)

CHAIRMAN STRAIN: Well, I'm going to keep asking mine then.

Number one, under PUD findings, your staff has reviewed -- this is the staff response, and it's a finding that the Planning Commission would have to agree with, and I don't agree with it. Staff has reviewed the proposed PUD amendment and believes that the expansion of the recreational parcel and the creation of noncontiguous preserves is a good use of a PUD.

Well, you know that our LDC requires contiguous preserves, in fact, to the point that this application's asking for a deviation from that to do what they're trying to do. So I would suggest that that language is improper for a finding.

MR. REISCHL: I agree. Thank you for pointing out the poor choice of words in there. Basically, what Steve and I discussed during the review of this is that they are now creating preserve easements, so they will be legal preserves as opposed to more informal preserves from the '80s.

CHAIRMAN STRAIN: And that is a good thing. I agree with you there. I just -- we might want to clean that up.

MR. REISCHL: I apologize for the poor wording.

CHAIRMAN STRAIN: Number 13, the subject property could be developed within the parameters of the existing land uses; however, the petitioner wishes to expand the recreational facilities by adding sport courts. That one I don't have as much of a concern with because now that the applicant's agreed to move to the RO section instead of the GC section, that works much better.

THE COURT REPORTER: Can you slow down next time you read?

CHAIRMAN STRAIN: Not for you.

And the County Attorney's Office review, this says the County Attorney's Office reviewed this staff report on October 2, 2015. More often than not in the future I'm going to be asking for some clarification as to what the County Attorney's Office reviewed. And the reason is, when this got to us, they had not reviewed the PUD or written the ordinance. They did review the staff report. Is that the one -- go ahead, Heidi.

MS. ASHTON-CICKO: It was the prior one that I had not approved the PUD document that was attached.

CHAIRMAN STRAIN: Okay. So on this one, instead of just the staff report, have you reviewed all the documents you would normally review on this one?

MS. ASHTON-CICKO: Yes, I have.

CHAIRMAN STRAIN: Thank you.

And that's -- oh, with the -- we're going to take a break for 15 minutes so the court reporter, whose fingers I've worn out already, can have a break, and then we will resume with the environmental staff discussing the preserve issues with us.

Thank you. We'll take a break for 15 minutes and resume at 10:45.

(A brief recess was had.)

CHAIRMAN STRAIN: Okay, everybody. Welcome back from lunch -- from lunch -- from break.

COMMISSIONER HOMIAK: From lunch? You ate lunch?

CHAIRMAN STRAIN: It's been a long morning already.

We left off hearing from staff. And the next staff member that I was hoping would be able to talk to us about what the items are that can and cannot be done in these preserves, it would be Steve Lenberger. And I see Steve's been patiently waiting to have an opportunity to speak.

Good morning, Steve.

MR. LENBERGER: Good morning. For the record, Stephen Lenberger, Engineering and Natural Resources Department.

I should probably just back up here a minute. We had a lot of discussion here about preserves. When you have preserves that are maintained by fire, they naturally are an open area. The understory is fairly clear of shrubs, ground cover is usually pretty, and the trees, mostly pines, because they're in a forest, are -- naturally have a very high canopy.

And the reason that happens is when fire burns through the midstory of a pine forest, it sears the lower branches of the pine trees and eventually -- they eventually decline, then die. So you only have very upper branches of the pine trees surviving.

In the absence of fire, you'll get your pine trees starting at -- your lower limbs starting to droop down. You'll also get thickening of the midstory. And because you get so much pine needle duff and midstory vegetation, you lose your ground covers; basically get a layer of pine needles. And that's what happens in an overgrown system.

What you have at Berkshire -- and I did go out there after the request came in to kind of evaluate these preserves. They're mature systems. They have large pine trees, cypress trees. The golf course is quite beautiful. It's a very nice community, and I applaud them for that.

But the understory of these areas is basically pine needle duff, and it is shrubs which are periodically trimmed back; mostly cabbage palms and saw palmetto.

When we have a management plan for fire and we incorporate those in the Site Development Plan for the project, we include basically all the tools in the toolbox. We allow for fire. If that extreme were to occur and someone wants to maintain it with fire, we also allow trimming or roller chopping of midstory vegetation to simulate the effects of fire, okay.

So I was asked several questions regarding the play of golf balls in there and how this preserve's got to be maintained. And I researched it. I went to our plan review staff and, basically, the midstory vegetation would be allowed to be trimmed. Also, removal of dead vegetation within that area. I also would suggest that if the canopy were to start creeping down, that they also be limbed up to simulate the natural effects of fire.

So I kind of wrote a little narrative here what happened in a preserve, and basically what I wrote is midstory vegetation, shrubs, limbs of trees, et cetera, within the preserve in the golf course may be periodically thinned, cut back, to promote the growth of ground cover vegetation and use of the preserves by fox squirrels.

This also would keep the golf course open and the preserves open. And if a golf ball should land in there, it would be fairly easy for a golfer to play it out. So I added another condition here. I said, golf balls landing in the preserves within the golf course may be played from the preserve.

And I think if the management of the preserves kept the preserve fairly open, it could coexist with the golfers if they should hit a ball in the preserve and need to play it out.

CHAIRMAN STRAIN: Excellent. So then the -- all the aspects that you just talked about will be reviewed, and when it finally gets approved, it will have those elements in it through the Preserve Management Plan review by your office; is that right?

MR. LENBERGER: I have discussed the project with David Anthony, our plan review person, and I will make sure I relay that information and your desires to him.

CHAIRMAN STRAIN: Well, I just want to make sure that the golfers who expressed their concern at the neighborhood information meeting, that the issue's addressed like it was told to be at that meeting so everybody's on the same page, and it sounds like it is.

Overall, even though they're using a contiguous preserve area, the fact that they're putting the balance of the property in conservation easements, I believe, is a better situation than we've had before; is that what your department would look at this as?

MR. LENBERGER: Well, they are -- they're splitting the preserve. They have to request a deviation because the code requires that they be contiguous.

The existing preserves are in a conservation easement, although I could not find a conservation easement. It may be to Water Management District. The preserves, the new preserves, proposed preserves within the golf course potentially are utilized by fox squirrels, and the selection of habitat for the county's preserve, number one, is listed species habitat. So there's pros and cons. A con is that they're taking the preserve and making it into smaller pieces, but the good thing is that there's listed species, fox squirrels utilizing, potentially utilizing those areas. So there's pros and cons associated, and also the fact that all these preserves will now be placed in a conservation easement to the county.

CHAIRMAN STRAIN: Okay, great. Thank you. Anybody else -- Charlette?

COMMISSIONER ROMAN: Yes. I have a question.

Did you have a chance to think about the question that I asked Fred earlier about that preserve location at the furthest point north on this visual where it's adjacent to Radio Road -- I think it's a little over an acre there -- as being the best location for preserve as opposed to on the golf course where there's more fox squirrel habitat?

MR. LENBERGER: Yeah. I did think about it when you were saying that, and I know the golf -- the fox squirrels that were observed were further down in the golf course, and whether they utilize that northern one, I don't know. It's an open pine flatwood/cypress mix community, so it's similar to the ones on the golf course. Maybe a little bit more overgrown with native vegetation because it's not as maintained, but I really don't see a personal preference. I guess if you wanted to have more habitat saved in the vicinity where the fox squirrels were observed, that would be a recommendation you could make.

COMMISSIONER ROMAN: I was just looking at the stars and, from the species from the environmental report, the observations for the fox squirrels. And I'm sure you had a chance to look at that as well.

The other question I had from the NIM. I heard what you said about the golfers playing from those preserve areas, but during the NIM there was sort of mixed signals given to the golfers. And what I'm reading from is the notes from the NIM, and it said that enjoyment of these areas would not be hindered so long as the native vegetation growing there is not disturbed. If a golfer is playing a ball as it lies in a preserve area, it's obviously going to be disturbed.

So that still is unclear for me on what were -- what parameters we're putting on these preserve areas because one -- on one side we're saying that they could play the balls, and then the other side, at least in these NIM notes, we're saying that the area can't be disturbed. So my question would be, which is it?

MR. LENBERGER: I think you have to look at a harmony between use of the preserve and just leaving a preserve untouched. When you have a lot of foot traffic through preserves, it does impact it, and when you have that situation you usually have a trail system to control traffic. When you have more infrequent use, like a golf ball going in it, you have a lot less impact, and it's a lot less of a concern.

Also, too, you have to look at preserves in a natural area where there's lots of diversity in the ground cover versus a more urban preserve where you're going to have a lot less ground cover and a lot more pine needle duff where you're going to have less to disturb at the ground level.

So I'm not as concerned about it from an environmental perspective giving what's out there right now and what's going on.

COMMISSIONER ROMAN: Yeah. The other --

MR. REISCHL: If I could add to that, too.

COMMISSIONER ROMAN: Go ahead.

MR. REISCHL: I can't remember which member of the applicant team said this, but when they were looking at the choices for the preserve adjacent to the golf course, they said they looked at areas that probably would not get frequent golf ball play.

So that was stated. I mean, I know Steve walked the site -- I did not -- but I think that was one of the criteria they used to select these areas.

COMMISSIONER ROMAN: Okay. The other thing is, you know, just for the record, allowing reconfiguration of preserves under a conservation easement would be -- would set a dangerous precedent in

my view. And I understand -- understood from the packet and earlier that these -- this preserve that we're looking at possibly reconfiguring was not on a conservation easement or under a conservation easement.

I thought I just heard you say that it was under a conservation easement.

MR. LENBERGER: I'm not sure it is. It is listed as a -- identified, I believe, as a conservation easement in the plat, and I have a copy of it in the back there. I could take a look at it for you. But whether it's actually platted with protected covenants or not, that I'm not sure of.

A lot of these old plats don't have the details we do have today regarding conservation easements and things of that nature.

COMMISSIONER ROMAN: So that would be different for me, because that would then be a special situation, and we'd be looking at then the ability to, you know, break up this preserve and then put the conservation easement on it. So that's a point that I'd like you to take a look at and come back to us.

MR. LENBERGER: I'll go right back and get it.

COMMISSIONER ROMAN: Thank you; thank you. Appreciate it.

CHAIRMAN STRAIN: You'll come back with that answer?

MR. LENBERGER: (Nods head.)

CHAIRMAN STRAIN: Okay. And while you're doing that, Fred can entertain us with a response to my wing -- Fred Hood -- with a response to those wing walls -- or wing areas coming out of the new location.

MR. HOOD: I'll just put the graphic back up so we can take a look at it, but I have an answer for you. Let's see here.

Okay. So those wings, those are the locations, as I was discussing earlier, where we're connecting to existing utilities. If we just came across the street, like in the center of the property, we would be disturbing Countryside Drive, so we'd have to rip that up and then, you know, repave over it and do our connections while we were doing that.

Those areas on the east and west side are where -- the locations that we can hook into utilities that are currently existing, so --

CHAIRMAN STRAIN: Now, when -- you say "utilities that are currently existing." So you're saying that they go to the properties to the east and west of those yellow points and they stop there? They're capped? Because that -- usually we try to loop our systems and they would be contiguous and you can put a T into them anywhere along the property frontage. So how are you -- I'm trying to figure out why these are critical.

MR. FRUTH: For the record, Josh Fruth, Davidson Engineering.

Yes, you are correct on that statement. But what Fred did not identify is that those wings are there because the existing utility runs -- we will be impacting them when we dig up the roadway. The area that we have to dig up on those wings, it's where the existing utilities lie.

CHAIRMAN STRAIN: Right.

MR. FRUTH: We will impact that area into the south as those impact areas are shown.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: It's not where the tie-in occurs. It's because it's going to be impacted by the excavation.

CHAIRMAN STRAIN: Okay. Well, why are you excavating out the utilities if you don't need any more than a tie-in? Because you can tie in anywhere along that frontage.

MR. FRUTH: Correct. On the north side, the smaller wing, as you go towards the residential, correct, as the pen points out there, that is where the water is.

CHAIRMAN STRAIN: Right.

MR. FRUTH: The existing potable water.

CHAIRMAN STRAIN: And it runs across the front of the impact area to the south, is that correct, or does it stub out?

MR. FRUTH: No. It's actually on the other side of the roadway. That's the problem.

CHAIRMAN STRAIN: So you're going to jack and bore?

MR. FRUTH: Yes, that's correct.

CHAIRMAN STRAIN: Why don't you just jack and bore in the middle of the impact area and not

on the wings?

MR. FRUTH: Because it doesn't come over to the other side of the parking lot straight across. It's not perpendicular. It stops there. That's where the water meter is. And it goes into the golf shop right there.

CHAIRMAN STRAIN: Okay. And then -- so you don't have a loop water or sewer system on this project around those road sides?

MR. FRUTH: Not on this side of the property, no.

CHAIRMAN STRAIN: No. I know you don't have it on this side of the property, but if you have it on the other side and you're going to jack and bore underneath from a T on the other side, why wouldn't you just do that anywhere along the frontage and not need those wings?

MR. FRUTH: Water --

CHAIRMAN STRAIN: I mean, that one wing going to the west, for example, that one's going to change the -- you're going to knock down trees and everything else there where that house is going to have a more open view to the roadway. And I'm just trying to understand why it's necessary.

MR. FRUTH: The water is connected right here, and it goes this way.

CHAIRMAN STRAIN: Okay.

MR. FRUTH: It does not go this way.

CHAIRMAN STRAIN: So it's not looped and connected?

MR. FRUTH: Yeah. There's nowhere to connect it. I agree with you. If it was right here, I would just come straight across, but it goes this way towards the golf course.

The sanitary sewer on Province Way stops right here and then goes down Province Way. Because this is the main entrance here, and it loops around this way. So right here is where the tie-in is. So when we excavate the road to tie in here, we're going to impact the shoulder of the roadway.

CHAIRMAN STRAIN: Wow. For the community's betterment, that -- if those two sections were looped on the side of the street that they're on, they'd be better off, but --

MR. FRUTH: Yeah. It's the way it was installed in the '80s. It's --

CHAIRMAN STRAIN: Yeah.

MR. FRUTH: -- existing conditions. We're doing it in an abundance of caution to -- I don't know if we'll necessarily impact this, but I believe that there is potential for impact when we excavate the shoulder of the roadway.

CHAIRMAN STRAIN: Okay. Are you then going to be looping it through your side of the street completely? So you're going to come in on the east, you're going to come in on the west. You're going to connect them in the middle?

MR. FRUTH: No, because we are just providing service runs to the impact area. So, for instance, we only need water for the restrooms and sewer for the restrooms, so it's just a service run, not a main. We don't have to -- we're not providing a main. We're just providing 6-inch sanitary service for that collection, and then the water will be like a one-inch run over there.

CHAIRMAN STRAIN: So that's going to be a dead-end main?

MR. FRUTH: Not -- it's not a main. It's just a service run.

CHAIRMAN STRAIN: Okay. There's going to be a dead-end service run then, right?

MR. FRUTH: Yes, which is typical.

CHAIRMAN STRAIN: And fine. So if you were to come from the east -- the east is water as well? You've got water from both east and west sides across the street?

MR. FRUTH: We have water from this location only.

CHAIRMAN STRAIN: What's the location you talked about by Province Way?

MR. FRUTH: That's the sanitary sewer.

CHAIRMAN STRAIN: Oh, what a mess. Holy cow. That's a shame.

MR. FRUTH: Yes, I agree.

CHAIRMAN STRAIN: That's a shame. Okay. I understand. Thank you. That makes sense; now it's clear.

MR. FRUTH: Thank you.

CHAIRMAN STRAIN: Interesting.

Steve, you want to come back and respond to Charlette?

MR. LENBERGER: For the record, Stephen Lenberger. I did look -- I have the legal description, and I had wrote from the plat book, Plat Book 14, Page 50.

Out Lot A, which is -- yeah, do you have a map? Out Lot A is the southernmost preserve where the rec center's going to go. It's listed on the plat as Out Lot A, conservation area water management system drainage easement, but I don't believe there was any platted protective covenants. And I just spoke with Jeremy, and there's no conservation easement with the district over it. There's certainly not one with the county now.

Now, Out Lot B, the other existing preserve, on the west side of the property, it's identified on the plat, Plat Book 14, Page 78, as Out Lot B, water management system drainage easement. It doesn't say conservation area.

CHAIRMAN STRAIN: Okay. So you don't have conservation easements, then, over any of it?

MR. LENBERGER: Correct.

COMMISSIONER ROMAN: That clarifies it.

CHAIRMAN STRAIN: Does that help?

COMMISSIONER ROMAN: Yes.

CHAIRMAN STRAIN: Okay. Anybody else?

COMMISSIONER EBERT: Now they will.

CHAIRMAN STRAIN: Yeah. Now they will, that's correct.

Anybody else have any questions of staff or the applicant before we go to public speakers?

(No response.)

CHAIRMAN STRAIN: Okay. We'll start with the registered public speakers. After those, if anybody else would like to speak, we'll ask you to come up. You want to call our registered speakers?

And as the gentleman calls you, you can use either mike, and you'll need to state your name for the record, and spell it if it's a complicated name.

MR. REISCHL: First speaker is Ben Pletsch, followed by Robert Land.

CHAIRMAN STRAIN: Mr. Pletsch, are you here? Would you mind coming up. Either one, sir.

MR. PLETSCHE: Good morning.

CHAIRMAN STRAIN: Good morning.

MR. PLETSCHE: Mr. Chairman and commission members, my name is Ben Pletsch, and I live at 609 Country Walk Court, and I have been a resident of Collier County since 1990 and in Countryside since 1990.

My residence is the closest one to the new tennis courts and parking lot, and both my wife and I are very pleased with all of the improvements that are in the planning stages of Countryside, and we'll be very happy to see it all start.

Now, I have had an active real estate license in Collier County since 1990 -- excuse me -- and I feel the improvements to Countryside are very important, will keep Countryside competitive with other developments and will also keep and improve the values of Countryside. Without the improvements to your home or to your community, it will not stay in -- you know, competitive with other areas.

So my wife and I are very happy to be part of Countryside, looking forward to the completion of this project, along with two-thirds of the majority of the Countryside residents. Thank you.

CHAIRMAN STRAIN: That's correct, sir.

Next speaker, please.

MR. REISCHL: Next speaker, Robert Land, followed by Ken Laycock.

MR. LAND: Mr. Chairman, committee members, good morning. My name is Robert Land, a year-round resident of Countryside for 23 years and a citizen familiar with Naples since 1973. I do remember this when it was a little fishing village, almost.

Many of the projects brought before you consist of new developments. Today we are looking to you for approval of something a little different, the renovation of a community in place for almost 30 years and, in many ways, a correction of errors and omissions in design made so long ago, updating these to those of this millennium.

Perhaps, therefore, a little history will help to understand the motivation behind this project. Countryside is a unique community of 1,133 members organized into seven separate areas that are blessed with a total of 34 individual homeowners' associations, each with its own direction and management under the umbrella of a master association. The structure organized by the developer ensures that all areas of the community are well represented.

Before handing the community over to owners, the developer organized a body designating this the president's council, a group consisting of the presidents of each individual owners' association, chaired by one of their own, to meet and discuss matters of interest to the community. The developer used this as a sounding board for their own board of directors of the master association. The relationship with the master association is ongoing today. It has been my privilege to occupy the chair of this group at Countryside for the past 12 years.

Thirty years ago Radio Road was a two-lane side street; Davis, though State Road 84, not that much better; Santa Barbara, between Radio and Davis, was barely completed; and Countryside Drive, our private road, was the main thoroughfare between Radio and Davis. Despite this, Countryside was a sellout with members from all parts of the country, people looking for facilities of their choice and era.

A quarter of a century has passed and, as is the passage of life, so many -- have so many of our original members. Newcomers are purchasing properties, many outdated, and are spending measurable sums to upgrade interiors to the taste of this generation.

Eighty-two condominiums and single-family homes have changed hands in Countryside this past year. The preferences of yesteryear are fading, and it's become clear from the mood of the membership that the facilities need upgrading, particularly in the areas of fitness, space for social activities, such as yoga, card-playing games and so on, bocce, pickle ball; additional parking was also an obligation.

A committee was formed to explore what might be done and opinions sought throughout the community as to their preference. Regular informational meetings were held to ensure that members were well informed as to progress.

Three years of investigation and study with engineers and authorities resulted in a plan that was put to vote in April of this year, as you know, to the entire membership, resulting in a 68 percent count in favor of the project.

Dissonance are to be expected in any process. Those who are satisfied with the existing facilities may not want to invest in new ones, but the membership, by majority, clearly seeks to keep up with the times, including Radio Road, Davis, and Santa Barbara that are vastly improved from the pioneer days of a quarter century ago.

Our membership has spoken, and we ask you for your support and approval for the project that will not only benefit Countryside, but also Naples.

Thank you.

CHAIRMAN STRAIN: Thank you, sir. Very well stated. Appreciate it.

Next speaker?

MR. REISCHL: Next speaker is Ken Laycock, followed by Ronald Kunow.

MR. LAYCOCK: Mr. Chairman, members of the committee, my name is Ken Laycock, for the record, and I am a resident of Countryside Golf and Country Club. I have been a taxpayer in Collier County since 2007. In addition, I am the immediate past president of the Countryside Master Association after serving as president for three years.

I have been personally involved in the master facilities plan for the past five years, from the development of the vision and mission statement of Countryside, through many focus groups, brainstorming sessions, and development of the detailed plan resulting in the request for this PUD amendment that is before you today.

Early in the process, approximately two years ago, it was pointed out by our architect that our current parking facilities are inadequate to support any improvements to our amenities. In fact, according to our architect, any proposed future work at Countryside that requires a building expansion would face the requirement to increase our parking areas to bring them in compliance with current code. Countryside is essentially landlocked.

The amendment to the PUD to allow recreation and parking in the proposed area would solve this issue in the most practical way. The planned recreational facilities do comply with our current PUD. I can state with confidence that this plan represents the wishes and desires of Countryside membership as reflected in not one but two votes over the past 12 months, each of which passed by a large margin.

In addition, subsequent to the membership vote, the Countryside Master Association unanimously voted in favor of proceeding with the project.

Countryside membership have made their wishes clear. Master boards have listened to the members and have fashioned a plan that reflects these wishes. The plan is sound. Countryside has the funding to implement the plan.

We understand also that this is a one-time opportunity for Countryside and for the county to prepare Countryside for the future. The implementation of this plan will be good for Countryside and good for the county. It represents an investment in the future, an investment that will not only result in Countryside staying abreast of the needs of today's and tomorrow's membership, but will preserve and enhance the value of the properties of the taxpayers that reside in Countryside.

Thank you.

CHAIRMAN STRAIN: Sir, one thing that might help in the future -- and some of the architects may not even know to the extent Collier County has gone to accommodate existing developments in the county. We have many new programs in place where we recognize that mature communities don't have the flexibility that the new codes require, and we put provisions in place that will allow some additional flexibility.

So that as you guys further mature in your community and you see a need to expand or something, you might want to get with county staff and talk about the opportunities available to you, because they're a lot different than they were a mere five or more years ago, so --

MR. LAYCOCK: Thank you.

CHAIRMAN STRAIN: Thank you, sir.

MR. REISCHL: Next speaker is Ronald Kunow, followed by Wayne Shammer (sic).

MR. KUNOW: Mr. Chairman and commission members, my name is Ron Kunow. I am currently a member of the Countryside Master Board of Directors.

My wife and I have lived in Countryside for over 20 years and are currently in favor of the amendment for the planned unit development application, the Land Development Code requirements, and the Countryside master plan, which we have been working on for three full years.

Countryside is proposing to identify 2.17 acres within a parcel of 18.7 acres within Countryside property that would be used to locate tennis courts, bocce courts, and limited access uses such as a restroom, viewing pavilion, and a storage shed. To do this, Countryside has identified nine areas in and around the golf course that have been selected with county environmental staff and LDC to collectively achieve the 2.17 acres that would be set aside within Countryside.

Some of our owners have shown a concern that our golf course requirement will negatively impact the PUD -- pardon me. I'll start over. Some of our owners have shown a concern that our golf course playing area will be negatively impacted because of the PUD application and the LDC requirements. These areas identified and used to meet the reserve requirements, which has been discussed, of the PUD and LDC will not alter the play of the golf course.

Countryside has hired Earth Tech Environmental, LLC, to support this conclusion and to satisfy the members' concerns. All areas of the golf course will remain as play as it lies.

Thank you for your time.

CHAIRMAN STRAIN: Thank you, sir.

MR. REISCHL: Next speaker is Wayne Shanmer (sic).

MR. SHERMAN: Sherman.

MR. REISCHL: Sherman, followed by Mr. Michael Bradfield.

MR. SHERMAN: My name is Wayne Sherman.

CHAIRMAN STRAIN: Oh, wait till you get to the mike, sir. Thank you.

MR. SHERMAN: Okay. My name is Wayne Sherman.

Commissioner Strain and the -- Strain and the members of the Collier County Planning Commission,

thank you for this opportunity for us to talk to you today.

I am the District 4 representative on the Collier County MPO Citizens' Advisory Council and a resident of Countryside, and I came before you to speak in favor of the proposed amendment to the Berkshire PUD for the perspective of how it could help reduce the cost of adding utilities and infrastructure in other parts of Collier County and help increase Collier County real estate tax base. In other words, things outside of our community. Most everybody so far has talked about what it will do for us. But inside, it will actually help all of Collier County.

This amendment and a result in permission to add the clubhouse and complex parking at a relocation of an expansion of our tennis complex has already been explained; a critical part of our plan is needed for the modernization. It is quite critical.

Countryside was originally built in the 1980s. And area along -- it was a jewel of the upscaling of the area along Collier Boulevard to improve the first impression of the entry into the Naples area and has excellent attractions for the coming here for homeownership, retirement, and recreation.

Countryside is sound financially as an institution. The homeowners and club management continue to keep their properties in good repair and attractive. Unfortunately, the improvement in amenities offered to our members have not kept pace with those offered by newer clubs along the Davis Boulevard corridor and, thus, our competitive draw for new buyers in our community.

This modernization effort designed to correct this deficiency is sorely needed to improve the attractiveness of new buyers and to protect and improve property values in our community.

But I wish to talk specifically about the benefits planned to Collier County as a whole. We believe plan improvements will draw more solid citizen homebuyers into Collier County into the very nice area along Davis Boulevard corridor that is already served well by roads and utilities that otherwise must be built in other parts of Collier County to support new construction.

Also, we have a 10 percent per year turnover in our residential properties. The planned improvements to our club and community cannot help but substantially raise the tax value and assessments of our property sold to newcomers toward improvement of Collier County tax base overall.

I hope you will see the desired change in the Berkshire PUD will benefit not only our club but also Collier County as a whole. This well-planned and thought-out set of improvements hinging specifically on the PUD change will offer multiple benefits for our whole county.

Thank you again for my thought -- for listening to my thoughts, and I hope you will help make a positive decision to permit Countryside to go ahead with this improvement plan.

By the way, we have a lot of fox squirrels in Countryside, and this can't help but improve their living conditions. And they're -- we like them. We enjoy watching them scurry around, along with ducks and everything else we have in the community.

CHAIRMAN STRAIN: Thank you, sir.

MR. REISCHL: Next speaker, Michael Bradfield followed by Larry Franzen.

MR. BRADFIELD: Once again, good morning, Planning Commission members, and thank you very much for your service and allowing me to speak with you today.

Again, my name is Michael Bradfield, and I have been the general manager and chief operating officer at Countryside for seven years.

As several others have already done, I wish to express our enthusiastic support for the PUD amendment under consideration today.

I would like to share with you a few facts which I hope to be helpful in your deliberation. Some of these I shared earlier. On September the 11th of 2014, Countryside had a membership vote to amend its bylaws to allow for use of native vegetation or native vegetative space for the purposes of future growth and expansion, and this vote passed 852 to 224, or 79 percent in favor.

On March the 2nd, Countryside offered a second vote for its members. This vote was to move forward with the proposed project with a -- 69 percent in favor.

In August of this year, a neighborhood information meeting was also conducted, which owners did have an opportunity to attend. The member concerns and comments from three or four people related specifically with converting a handful of clusters on the golf course into preserve areas. These clusters were

deliberately selected in out-of-play areas as we've mentioned earlier.

However, working with our engineering team, we have also been able to satisfy those members' concerns by building language into the Preserve Management Plan which allows for play of a golf shot out of those preserve clusters.

In addition, the continual -- and I say "continual." I emphasize continual healthy pruning of vegetation. In fact, those existing proposed preserve clusters on the golf course will be maintained very similar to what are currently being maintained very similar to what the PMP calls for today; therefore, this plan does address those owners' concerns.

The small clusters on the golf course and at Radio Road offset the 2.17 acres of native vegetation utilized for the proposed recreation space. We request consideration and approval of a deviation of the noncontiguous preserve areas that were selected.

The Berkshire master PUD also allows for passive recreational use of those native vegetation areas, which is in your existing PUD, for open-space and parklike amenities. Without the PUD amendment approval, as mentioned earlier, Countryside is potentially landlocked for future expansion and improvements. And thank you for your comments earlier. I was not aware of that, Mr. Strain. Thank you.

CHAIRMAN STRAIN: You're welcome.

MR. BRADFIELD: We do feel that the one-acre cluster, as discussed earlier near Radio Road, is more desirable than several clusters, broken clusters throughout the golf course with regards to wildlife habitat. Our solutions presented a common-sense approach to satisfying Countryside owners' wishes, along with Collier County code, LDC, and the PUD requirements.

Based on this information, we asked the Planning Commission to recommend approval of the board -- to the Board of County Commissioners to approve our PUD amendment and the deviation to allow for clusters of preserve space rather than a continuous preserve area.

We have broad member support for our request and look forward to the enhancements within our community, which so many people support.

Thank you.

CHAIRMAN STRAIN: Thank you. Next speaker?

MR. REISCHL: Your final registered speaker is Larry Franzen.

MR. FRANZEN: Good morning, Mr. Chairman and Planning Commission members.

My name is Larry Franzen, and I have a -- I have been a condo owner and taxpayer in Countryside for 27 years, virtually from the beginning of Countryside Golf and Country Club development.

I would have to say over the years I've seen a lot of great repair and maintenance activities at Countryside but virtually no upgrades to our amenities since U.S. Homes completed development of Countryside.

About five years ago, as been mentioned, we did an extensive survey looking for our owners' level of satisfaction with our current amenities and facilities and their interest in upgrading or adding improvements to Countryside. From that information sprang a master plan for improvements that we are currently pursuing.

As you have heard, we have 1,133 units with very limited common amenities beyond our golf course. We recognize how limited our common spaces are and have reviewed what our options might be to provide improvements.

A major step in this review surfaced the need to change our bylaws for the sole purpose of allowing us to pursue the currently proposed amendment to the PUD documents we live under.

While not unanimous, that bylaw change was approved, as has been mentioned, by 79 percent of our owners, certainly a very strong majority who recognize the need to have options available to us.

As we have proceeded with our planning for the future, the requested amendment being discussed today has become a key element for us. I urge your support and approval of this amendment so that Countryside can remain a very desirable and valuable part of Collier County and the Davis Boulevard/Radio Road corridor.

Thank you for your consideration.

CHAIRMAN STRAIN: Thank you, sir.

Okay. That's our last registered speaker. Is there anybody else that would like to address the Board?

(No response.)

CHAIRMAN STRAIN: Okay. With that, we'll turn to the applicant for any rebuttal statement that they'd like to make.

MR. HOOD: No rebuttals at this time.

CHAIRMAN STRAIN: Okay. Fred, I made some notes as we've gone through, and if a motion maker wants to incorporate them, I'd like to make sure that they're understood by your side.

MR. HOOD: Yeah. I'd like to go through those just so we can get them correct.

CHAIRMAN STRAIN: You usually do, so I figured I'd beat you to the punch on that one.

MR. HOOD: All righty.

CHAIRMAN STRAIN: You'll be required to do a Preserve Management Plan and record conservation easements with fire wise or fire safe, whatever it's referred to, as an option.

MR. HOOD: The only thing I'll add to that is can we stipulate that the PMP and the fire wise language be done at the first CO of any new building?

CHAIRMAN STRAIN: They're done usually when you submit SDP, so I'm not going to -- that's a deviation you didn't request.

MR. HOOD: That's okay. We'll do SDP.

CHAIRMAN STRAIN: Okay. Minimum distance to a residence will be no less than 100 feet.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Require the LDC standards for preserve setbacks for this -- by the way, these only -- all these issues apply to this location when we talk about standards.

MR. HOOD: Okay.

CHAIRMAN STRAIN: Change the master plan to reflect the rec area standards, not the golf course standards.

The hours of operation will be 10 p.m. to -- I mean 6 a.m. to 10 p.m. There will be no amplified sound. You're going to incorporate the Dark Sky's into your lighting program with lights no higher than 25 feet, and the maximum building height will be the same as the golf course side, which is 35 feet.

MR. HOOD: That's it.

CHAIRMAN STRAIN: Okay.

MR. REISCHL: Can I clarify that on the Dark Sky, that it's consistent with Dark Sky and not compliant.

CHAIRMAN STRAIN: Yes, I'm sorry. That's a good point, Fred. Thank you.

Charlette?

COMMISSIONER ROMAN: Also, in all these areas, it goes without saying, but I just want to make sure it's clear for the record that they all fall under the Preserve Management Plan and also the Protected Species Management Plan?

CHAIRMAN STRAIN: Absolutely. And that's how -- that's the intent.

MR. HOOD: That's correct.

CHAIRMAN STRAIN: Okay. Thank you.

With that, we will close the public hearing. And I can read these off again if need be, if the motion maker wants, or if the motion maker wants to go in whatever direction they'd like. Is someone willing to make a motion?

COMMISSIONER HOMIAK: And you said the 35-foot height.

CHAIRMAN STRAIN: Yep.

COMMISSIONER HOMIAK: And the 7 -- in Section 7.

COMMISSIONER ROMAN: You need to use the mike.

CHAIRMAN STRAIN: You've got to use the mike.

COMMISSIONER HOMIAK: And you said the 35-foot height --

CHAIRMAN STRAIN: Will be added to this location, yes.

COMMISSIONER HOMIAK: -- that's in Section 7?

CHAIRMAN STRAIN: It's in -- I said it would be the recreational section, which is the Section 7.

COMMISSIONER HOMIAK: Okay.

CHAIRMAN STRAIN: Anybody willing to make a motion?

COMMISSIONER HOMIAK: I'll make a motion to approve with those stipulations that you listed.

CHAIRMAN STRAIN: Okay. And would you also make the motion as the EAC?

COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: And I would suggest this should come back on consent because of the amount of changes, and we've got to see how it's going to be incorporated. So would you mind including that?

COMMISSIONER HOMIAK: Okay. And it will come back on consent.

CHAIRMAN STRAIN: Perfect.

Anybody second?

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Is there any further discussion?

(No response.)

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

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 5-0.

Fred, thank you.

And, ladies and gentlemen, thank you very much for your input today and time to be here. We sure appreciate it.

MR. HOOD: Thank you.

(Applause.)

CHAIRMAN STRAIN: Okay. We have a -- finish up our meeting.

Old business. I got to thinking that every October I usually ask this board if they want to see any changes in the officer positions on this board. I've been chairman, Karen is vice-chairman, and Diane is secretary. Does anybody wish any changes to that or have any suggestions they'd like to see changed?

(No response.)

CHAIRMAN STRAIN: Tom?

MR. EASTMAN: I don't wish any changes.

CHAIRMAN STRAIN: Is there a motion to leave the positions as so indicated?

COMMISSIONER ROMAN: So moved.

CHAIRMAN STRAIN: Seconded?

COMMISSIONER SOLIS: Second.

CHAIRMAN STRAIN: Andy.

All those in favor, signify by saying aye.

COMMISSIONER SOLIS: Aye.

COMMISSIONER EBERT: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER ROMAN: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Thank you.

There's no other old business.

New business, we have nothing scheduled.

Is there any members of the public that would like to comment on anything today? Since we're

mostly vacated, I don't think that's going to be needed.
Is there a motion to adjourn?
COMMISSIONER HOMIAK: Motion to adjourn.
CHAIRMAN STRAIN: By Karen. Second by Diane?
COMMISSIONER EBERT: Yes.
CHAIRMAN STRAIN: All in favor, signify by saying aye.
COMMISSIONER SOLIS: Aye.
COMMISSIONER EBERT: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER ROMAN: Aye.
CHAIRMAN STRAIN: We're out of here. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:33 a.m.

COLLIER COUNTY PLANNING COMMISSION


MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 11-19-15, as presented or as corrected _____.

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